

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

- - - - - X

IN THE MATTER OF: :

INTERVIEW OF : Docket No. 1-2003-045

KYMN HARVIN :

(Closed) :

- - - - - X

Tuesday, June 15, 2004

Nuclear Regulatory Commission

475 Allendale Road

King of Prussia, PA 19406

The above-entitled interview was conducted

at 1:30 p.m.

BEFORE:

Special Agent Jeff Teator

EXHIBIT 8

PAGE 1 OF 41 PAGE(S)

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 7C

FOIA- 2005-194

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

1:30 p.m.

SPECIAL AGENT TEATOR: Today's date is June 15th. The year is 2004. My name's Jeffrey Teator. I'm a Senior Special Agent with the United States Nuclear Regulatory Commission, Office of Investigations. It's approximately 1:30 in the afternoon.

This afternoon I am conducting a re-interview or a follow-up interview of Kymn Harvin. This interview is taking place in a Human Resources conference room on the first floor of the U.S. NRC Region 1 Offices at 475 Allendale Road, King of Prussia, Pennsylvania.

MS. HARVIN: Ms. Harvin, this is a voluntary interview. Knowing it's voluntary, do you wish to go forward?

MS. HARVIN: Yes, I do.

SPECIAL AGENT TEATOR: Okay. And you and I have been in discussions the last, I guess, couple of months and this interview is being done -- I need to do it, but it's being done in part at your request.

MS. HARVIN: It is at my request, correct.

SPECIAL AGENT TEATOR: Okay. Do you have any objection to providing sworn testimony this

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1       afternoon?

2                       MS. HARVIN:  None whatsoever.

3                       SPECIAL AGENT TEATOR:  Okay.  Raise your  
4       right hand for me please.  Kymn Harvin, do you swear  
5       that the information that you are about to provide to  
6       me is the truth, the whole truth and nothing but the  
7       truth?

8                       MS. HARVIN:  So help me God, yes.

9                       SPECIAL AGENT TEATOR:  Okay.

10                      MS. HARVIN:  Thanks.

11                      SPECIAL AGENT TEATOR:  Again, this is a  
12       follow-up interview and I know I participated in an  
13       interview of you back in September of 2003.  Eileen  
14       Neff was originally working the discrimination  
15       investigation.  You and her I'm going to say numerous  
16       conversations, discussions, e-mails, interviews.

17                      MS. HARVIN:  Correct.

18                      SPECIAL AGENT TEATOR:  And I'm going to  
19       get whatever else you have that you believe is going  
20       to support your view of what happened to you and why  
21       it happened to you.

22                      I did get a copy of an e-mail from you  
23       dated June 8, 2004 where you indicate that two  
24       individuals were hired to perform work similar to that  
25       which you were performing when you left and the

1 gentlemen's names, one of them is ~~Mr. Pedersen~~ the  
2 next is ~~Mr. Pedersen~~. I'm following up on that.  
3 I don't have any more questions for you on those two  
4 gentlemen at this point, but I am following up on that  
5 with the company.

6 MS. HARVIN: Okay.

7 SPECIAL AGENT TEATOR: Prior to going on  
8 the record today you provided me with a little  
9 brochure. And what's the significance of that? Maybe  
10 if you could just go over that a little bit?

11 MS. HARVIN: This is advertising. Mr.  
12 Pedersen's company called Corporate Effects,  
13 "Leadership and Management Consulting: Changing  
14 Behavior instead of Managers. Observable Culture  
15 Change." So this just reemphasizes what I told you on  
16 the phone and in my e-mail, that this is very similar  
17 work. We use similar language, etcetera, to describe  
18 what it is that we do. So this is just more  
19 information for you.

20 SPECIAL AGENT TEATOR: Okay. And the work  
21 described in here is similar to the work you were  
22 performing for PSEG.

23 MS. HARVIN: Correct. Exactly.

24 SPECIAL AGENT TEATOR: When you left?

25 MS. HARVIN: Yes.

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1 SPECIAL AGENT TEATOR: Okay. All right.  
2 Thanks. I guess at this point, you have some  
3 documents.

4 MS. HARVIN: Yes, I do.

5 SPECIAL AGENT TEATOR: You've brought me  
6 some things you want to bring to my attention and we  
7 can discuss those.

8 MS. HARVIN: Jeff, the first document I'm  
9 going to share with you is a document related to my  
10 hiring in 1998. And what's specifically noteworthy on  
11 this is it has two employee status codes.

12 SPECIAL AGENT TEATOR: Right.

13 MS. HARVIN: Active permanent employee and  
14 active temporary employee.

15 SPECIAL AGENT TEATOR: Okay.

16 MS. HARVIN: And the code assigned to my  
17 position is active permanent employee.

18 SPECIAL AGENT TEATOR: Looking on the  
19 middle of the page on the left hand side, "Employee  
20 status. See below for codes." It has code 10. And  
21 a code 10, if I'm reading this right, and as you  
22 described, is active permanent employee.

23 All right. And why are you bringing that  
24 to my attention?

25 MS. HARVIN: I bringing this to your

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1 attention because the company's allegation is that I  
2 was a temporary employee and therefore my position was  
3 eliminated because I was a temporary employee.

4 SPECIAL AGENT TEATOR: Okay.

5 MS. HARVIN: And this -- this status code  
6 states that I was a permanent employee. I never  
7 received anything to the contrary from the company  
8 stating that my employee status had changed. So, I  
9 think it definitely refutes what the company said.

10 SPECIAL AGENT TEATOR: Okay. This is a  
11 document titled, "Personnel and Payroll Change  
12 Authorization. Employee Hire Information." And it's  
13 dated, looks like, 2/20/98. Does that look like it  
14 down there?

15 MS. HARVIN: Correct. Yes.

16 SPECIAL AGENT TEATOR: Now when you  
17 transferred down to the Nuclear Business Unit from  
18 Corporate to work for ~~XXXXXX~~ in I guess the beginning  
19 of calendar year 2002, do know if such a --

20 MS. HARVIN: Yes, correct. You're right.

21 SPECIAL AGENT TEATOR: The permanent  
22 change from --

23 MS. HARVIN: Right.

24 SPECIAL AGENT TEATOR: Do you know if a  
25 similar document was completed when that change

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1 occurred in your employment status?

2 MS. HARVIN: I have no idea.

3 SPECIAL AGENT TEATOR: Okay. That's  
4 something I can follow up on though.

5 MS. HARVIN: I was -- if it was, it was  
6 never shared with me.

7 SPECIAL AGENT TEATOR: Okay. Anything  
8 else on this document you want to bring to my  
9 attention?

10 MS. HARVIN: No, but I -- I need a copy.  
11 That's my original.

12 SPECIAL AGENT TEATOR: Oh, okay.

13 MS. HARVIN: And you're -- it's fine  
14 you're writing on it.

15 SPECIAL AGENT TEATOR: Yes, I will put  
16 that with your name for the copy file. Okay.

17 MS. HARVIN: You may also have some, I  
18 have no idea what you have from the company, but I  
19 brought to you information that was in my employee --  
20 what's called "employee records jacket."

21 SPECIAL AGENT TEATOR: Okay.

22 MS. HARVIN: And you can make a copy of  
23 all of this. Do we need to go through each page?

24 SPECIAL AGENT TEATOR: Could you go  
25 through -- if any of those are particularly pertinent,

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1 important to the issue, I'd ask you to go through it.  
2 Otherwise, I'll look at them and read them.

3 MS. HARVIN: Okay. Let me tell you what's  
4 here. What's here are individual e-mails from various  
5 people who either sent [REDACTED]  
6 or [REDACTED] feedback on my performance. TC

7 SPECIAL AGENT TEATOR: Okay.

8 MS. HARVIN: Okay?

9 SPECIAL AGENT TEATOR: All right.

10 MS. HARVIN: Because at one point the  
11 company in justifying the elimination of my position  
12 has basically said that I was doing a poor job and yet  
13 this information refutes that as well.

14 SPECIAL AGENT TEATOR: Okay.

15 MS. HARVIN: So we have one from [REDACTED]  
16 [REDACTED] who was involved with the quality and  
17 regulatory affairs. We have documentation of my  
18 salary progressions which were substantial, including  
19 merit increases and performance improvement awards.  
20 We have my performance evaluations for several years;  
21 1998, 1999, 2000. I have a letter from [REDACTED]  
22 that says I served as a key member of SAP  
23 implementation team. My results were recognized and  
24 I received a boundary breaker award. And that's  
25 signed by [REDACTED] in the year 2000. JK

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1 SPECIAL AGENT TEATOR: Okay.

2 MS. HARVIN: Let me -- this is just how  
3 they calculate the numbers.

4 SPECIAL AGENT TEATOR: And you're  
5 providing those records which you've just described as  
6 evidence to show that your performance was good and  
7 not as the company described as one of the reasons for  
8 why they let you go?

9 MS. HARVIN: Yes.

10 SPECIAL AGENT TEATOR: Okay.

11 MS. HARVIN: There was an -- a voice mail  
12 that I provided a tape recording of in which [REDACTED]  
13 [REDACTED] reportedly told [REDACTED] that I was  
14 marginally effective and -- I don't have the exact  
15 transcript of that -- that recording -- and this is  
16 after having received exemplary awards, you know, one  
17 of six people out of 13,000 from the company. So,  
18 something's very awry here in what's being said about  
19 me.

20 SPECIAL AGENT TEATOR: Which year did you  
21 obtain that exemplary award, six out of 13,000? Do  
22 you remember which year that was?

23 MS. HARVIN: 2001, I believe.

24 SPECIAL AGENT TEATOR: Okay.

25 MS. HARVIN: And I was cited in the fall

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1 of 2002, a few months before I was fired, for being a  
2 key member of the senior leadership team by INPO, and  
3 [REDACTED] as called an enlightened leader for  
4 having me -- I mean the foresight to have my on his  
5 team.

6 SPECIAL AGENT TEATOR: I read that in one  
7 of the transcribed discussions you had with [REDACTED]  
8 [REDACTED]

9 MS. HARVIN: Okay.

10 SPECIAL AGENT TEATOR: Yes, I do remember  
11 that one.

12 MS. HARVIN: Thank you.

13 SPECIAL AGENT TEATOR: I got a question  
14 for you.

15 MS. HARVIN: Please?

16 SPECIAL AGENT TEATOR: You mentioned  
17 something about the company has now said that a reason  
18 for them letting you go is poor job performance. Have  
19 you heard that through the lawsuit you have going on?  
20 I'm just wondering.

21 MS. HARVIN: No.

22 SPECIAL AGENT TEATOR: Okay. Has anything  
23 come out of the lawsuit that you have against the  
24 company? Has any information or documentation, or  
25 evidence come out of that that you'd like to bring to

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1 my attention that supports your view of what happened?  
2 I don't know what's going on with that, that's why I'm  
3 asking.

4 MS. HARVIN: Yes, we haven't even  
5 initiated discovery.

6 SPECIAL AGENT TEATOR: Okay.

7 MS. HARVIN: We were in settlement  
8 negotiations that recently broke down.

9 SPECIAL AGENT TEATOR: Right.

10 MS. HARVIN: So we're preparing to refile  
11 the lawsuit, an amended lawsuit and move forward.

12 SPECIAL AGENT TEATOR: Okay.

13 MS. HARVIN: What I now want to bring to  
14 your attention is a conversation I had with [REDACTED]  
15 [REDACTED] in August of 2003. And why I bring this to  
16 your attention is I guess to the matter of integrity.  
17 I unfortunately don't have the date of this  
18 conversation, but --

19 SPECIAL AGENT TEATOR: These are  
20 handwritten notes you're looking at?

21 MS. HARVIN: Handwritten notes from that  
22 conversation. And what [REDACTED] is relaying to me in this  
23 conversation is that a conversation he had with [REDACTED]  
24 [REDACTED] about his own performance and where [REDACTED] --  
25 where [REDACTED] excuse me, basically said to him, "You run

1 the place and that pisses me off. The people here  
2 should be running the -- the place."

3 He goes on to say that he's being sent to  
4 INPO on this assignment because, as he put it, let me  
5 get this exact quote, "We" -- this is the conversation  
6 from [REDACTED] "We think with your age and  
7 experience you are our best hope as chief nuclear  
8 officer. You carry the best opportunity. We don't  
9 want to lose that."

10 So he was being sent to INPO because, and  
11 another quote --

12 SPECIAL AGENT TEATOR: [REDACTED] was being sent  
13 to INPO. Okay.

14 MS. HARVIN: -- "You can't be chief  
15 nuclear officer operating the way you are." So as --  
16 as he described to me, and I don't have an exact  
17 quote, he was -- he was being sent to INPO to  
18 basically polish him up so that he looked and acted  
19 like a CNO.

20 SPECIAL AGENT TEATOR: Is [REDACTED] sharing this  
21 conversation with you?

22 MS. HARVIN: Yes.

23 SPECIAL AGENT TEATOR: Okay. When? It  
24 was in August?

25 MS. HARVIN: In August. I was actually

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1 working down at Oconee at the time and I beeped him  
2 with my phone number and he called me back.

3 He goes on to say, "They would have bought  
4 me out if I was trash. They're contemplating sending  
5 seven to eight people to INPO so that they can be the  
6 next management wave to run the place when we come  
7 back. They will be the team for the future."

8 I'll get to how relevant this is in just  
9 one second.

10 SPECIAL AGENT TEATOR: You're reading my  
11 mind.

12 MS. HARVIN: It does relate. [REDACTED] goes on  
13 to say, "If I wasn't sure enterprise was right now, I  
14 wouldn't take it like this," meaning being sent to  
15 INPO.

16 Why this is relevant is because at the  
17 same time while they had told [REDACTED] all of this, they're  
18 having conversations with [REDACTED] to bring him in  
19 as vice-president and the next CNO.

20 SPECIAL AGENT TEATOR: How do you know  
21 that those conversations were occurring at that time?

22 MS. HARVIN: Because I've matched it up  
23 with what I was told and if you look at the time span  
24 when [REDACTED] came on board and, I don't have this direct  
25 from [REDACTED] was in conversation with them, it matches

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1 up to when [REDACTED] was told all of this. So basically,  
2 they're telling one guy one thing to get him to go  
3 away without a fight.

4 SPECIAL AGENT TEATOR: To INPO.

5 MS. HARVIN: To INPO. All the time while  
6 they're planning to bring in somebody else. So it's  
7 a disingenuous of saying one thing to somebody's face  
8 and having this -- this other plan. And how [REDACTED] found  
9 out, he wasn't going to be the chief nuclear officer  
10 was he read it in an employee -- an e-mail to all  
11 employees announcing [REDACTED]

12 SPECIAL AGENT TEATOR: Fairly recently  
13 then?

14 MS. HARVIN: No, it was actually announced  
15 when [REDACTED] came on board.

16 SPECIAL AGENT TEATOR: Okay. All right.

17 MS. HARVIN: That he was going to be [REDACTED]  
18 successor when [REDACTED] left.

19 SPECIAL AGENT TEATOR: Okay. All right.  
20 And now [REDACTED] is leaving?

21 MS. HARVIN: Correct.

22 SPECIAL AGENT TEATOR: And [REDACTED] is going  
23 to be.

24 MS. HARVIN: And [REDACTED] resigned from INPO  
25 and is now going to [REDACTED]

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SPECIAL AGENT TEATOR: [REDACTED]

Okay. All right. I understand what you're saying, but [REDACTED] having this conversation with [REDACTED] that you just described. [REDACTED] according to what you said to the Commission and what I have seen in this investigation, [REDACTED] wasn't involved in the decision to -- or I had not established anything though that shows that [REDACTED] was involved in the decision to eliminate your position or escalate your last day out of there. Is there something you could tie? Because that goes to [REDACTED] not [REDACTED]

MS. HARVIN: Right. The point I'm making is frankly that corporate doesn't tell the truth.

SPECIAL AGENT TEATOR: Corporate? Okay.

MS. HARVIN: [REDACTED] speaking to [REDACTED] and telling him he was the best guy for the next CNO and

[REDACTED] saying to me, "If I didn't know where I stood with enterprise, I wouldn't be taking it like this."

SPECIAL AGENT TEATOR: Okay. And enterprise would be [REDACTED].

MS. HARVIN: Enterprise is [REDACTED] and [REDACTED]

SPECIAL AGENT TEATOR: Okay. All right.

MS. HARVIN: Okay? So the point is, this is an example where they weren't -- weren't up front

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1 about what was really going on.

2 SPECIAL AGENT TEATOR: Right. Okay.

3 MS. HARVIN: It doesn't have anything to  
4 do with my case.

5 SPECIAL AGENT TEATOR: Right.

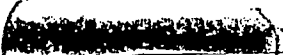
6 MS. HARVIN: I'm -- I'm just drawing a  
7 parallel.

8 SPECIAL AGENT TEATOR: Right. Okay.

9 MS. HARVIN: If they could do that with  
10 the site vice-president, they could do that to me.

11 SPECIAL AGENT TEATOR: Okay. I see. All  
12 right. Is there another integrity-type issue you  
13 wanted to bring up, or more on this issue?

14 MS. HARVIN: No more on this issue.

15 SPECIAL AGENT TEATOR: Okay. Do you have  
16 a tape or that conversation with  7C

17 MS. HARVIN: No.

18 SPECIAL AGENT TEATOR: Okay. These are  
19 just your notes from the phone call? Okay. Did you  
20 take the notes shortly after the phone call was  
21 complete?

22 MS. HARVIN: As the phone -- as it was  
23 going on.

24 SPECIAL AGENT TEATOR: Okay.

25 MS. HARVIN: That's why you'll see some

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1 half sentences and -- he also shared with me that he -  
2 - that this signals that he is highly valued.

3 SPECIAL AGENT TEATOR: Okay.

4 MS. HARVIN: But then in the last 24 hours  
5 he'd gotten a lot of hate mail and there was a phone  
6 call to his house, somebody anonymously saying to his  
7 wife, "I told we'd get him and we did."

8 SPECIAL AGENT TEATOR: Wow. Is that going  
9 to go on the pile of stuff I can make a copy of?

10 MS. HARVIN: Yes.

11 SPECIAL AGENT TEATOR: Okay.

12 MS. HARVIN: We have all this. Jeff, just  
13 to give you evidence something else, you might  
14 remember on Wednesday, March 26th I told you that I  
15 had received a call from [REDACTED] telling me that  
16 I should be prepared on Friday to have my exit

17 meeting.

18 SPECIAL AGENT TEATOR: Right.

19 MS. HARVIN: Which was inconsistent with  
20 what he had told me several days before, two days  
21 before. This is -- I have an -- a -- I provided a  
22 recording of that voice mail from [REDACTED]

23 SPECIAL AGENT TEATOR: To the Commission,  
24 right.

25 MS. HARVIN: Yes, but also this is an e-

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1 mail I got from him.

2 SPECIAL AGENT TEATOR: For the record,  
3 Kymn Harvin's provided a copy of an e-mail from [REDACTED]  
4 [REDACTED] sent Wednesday, March 26th, 2003, 11:48 a.m. to  
5 Kymn Harvin and he CCs [REDACTED] [REDACTED]  
6 [REDACTED]

7 "Kymn, just left you a voice mail," I'm  
8 reading the e-mail for the record. "Kymn, just left  
9 you a voice mail to let you know I followed up with  
10 ~~[REDACTED] after our last conversation. [REDACTED] confirmed that~~  
11 you are not scheduled for any further plant visits.  
12 As such, please be prepared to out-process on Friday,  
13 3/28 as this will be your last day on the site.  
14 Dana/Debbie will conduct your exit interview at 10:00  
15 in Dana's office. Please remember to turn -- to to  
16 turn in any company equipment, cell phone, credit

17 cards, etcetera, as well as company identifications,  
18 etcetera at that time. I'll ask [REDACTED] to put Friday's  
19 exit meeting on your calendar. If you have any  
20 questions, please call me at 2991. Thanks. [REDACTED]

21 And you're just providing this to me as  
22 further indication that it is in conflict with what  
23 you were told on Monday by [REDACTED]

24 MS. HARVIN: Correct.

25 SPECIAL AGENT TEATOR: Okay. And Monday,

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1 correct me if I'm wrong, you were told by [REDACTED] that  
2 you were what?

3 MS. HARVIN: That Friday would be my last  
4 day.

5 SPECIAL AGENT TEATOR: Okay.

6 MS. HARVIN: But that I could retain my  
7 company ID, etcetera, and I -- I had meetings at other  
8 company locations.

9 SPECIAL AGENT TEATOR: Okay.

10 MS. HARVIN: And just to -- to supply  
11 evidence of that, this is a calendar notice that [REDACTED]  
12 [REDACTED] sent me about that meeting on Monday the 24th  
13 that we just referenced.

14 SPECIAL AGENT TEATOR: Okay. So he did  
15 put on your calendar?

16 MS. HARVIN: Yes.

17 SPECIAL AGENT TEATOR: Okay. And did you  
18 meet that Friday? I don't think you met at 11:00  
19 though on Friday, did you?

20 MS. HARVIN: No, it was about 6:00 before  
21 --

22 SPECIAL AGENT TEATOR: Late in the day?

23 MS. HARVIN: -- I got there.

24 SPECIAL AGENT TEATOR: Okay. Why did it  
25 happen so late in the day? Was it because of

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1 something they were doing?

2 MS. HARVIN: No, I had that much work to  
3 complete and packing up to do.

4 SPECIAL AGENT TEATOR: Okay.

5 MS. HARVIN: As you recall, the meeting  
6 where [REDACTED] informed me my position was being  
7 eliminated was on Wednesday, February 26th.

8 SPECIAL AGENT TEATOR: Right.

9 MS. HARVIN: In the morning. What I'm  
10 supplying to you now is an e-mail that was forwarded  
11 to me by [REDACTED] who at that time was one of the  
12 leaders on the finance organization. And he had  
13 confided in me that he was thinking about resigning  
14 because of the ineffectiveness and inappropriate  
15 behavior on the senior management team. And I went to  
16 [REDACTED] and made a request of him that he go and meet

17 with [REDACTED] because [REDACTED] was one of our best people and I  
18 didn't want to see [REDACTED] leave.

19 SPECIAL AGENT TEATOR: Right.

20 MS. HARVIN: And they had a conversation  
21 and --

22 SPECIAL AGENT TEATOR: [REDACTED] and [REDACTED]

23 [REDACTED]

24 MS. HARVIN: [REDACTED] and [REDACTED] had a  
25 conversation and [REDACTED] asked [REDACTED] to share his opinions

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1 of a -- of a management meeting that had happened on  
2 the 20th of February.

3 SPECIAL AGENT TEATOR: Okay.

4 MS. HARVIN: Okay. It gets forwarded to  
5 me a week later on the 26th.

6 SPECIAL AGENT TEATOR: Right. And it  
7 basically -- in this e-mail [REDACTED] says, "I will  
8 try to word this one carefully, so here goes." I  
9 don't need to read all the paragraphs, but it goes  
10 down and says, "It is my opinion that we have an  
11 ineffective management team here." And he -- he goes  
12 on and makes his case for why that is relevant.

13 So I give this to you. Why it becomes  
14 important is that having an ineffective management  
15 team, especially in how we were dealing with safety,  
16 was one of the things I was continually bringing to

17 [REDACTED] attention.

18 SPECIAL AGENT TEATOR: Right.

19 MS. HARVIN: And here it is, somebody else  
20 who has very high credibility in the organization and  
21 has since been promoted to be in charge of [REDACTED]  
22 [REDACTED] is still at the site.

23 SPECIAL AGENT TEATOR: [REDACTED]

24 MS. HARVIN: Yes.

25 SPECIAL AGENT TEATOR: Okay.

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1                   , SPECIAL AGENT TEATOR: So he didn't leave?

2                   MS. HARVIN: So he didn't leave.

3                   SPECIAL AGENT TEATOR: But at that time

4                   [REDACTED] was in the financial group? Was he working for

5                   [REDACTED]

6                   MS. HARVIN: Yes.

7                   SPECIAL AGENT TEATOR: Okay. Not doing

8                   --

9                   MS. HARVIN: [REDACTED] right hand guy.

10                  SPECIAL AGENT TEATOR: Not doing nuclear  
11                  safety work, but budgeting kind of stuff?

12                  MS. HARVIN: Yes. Well, yes, and to some  
13                  degree he had a -- a significant say in what equipment  
14                  got fixed and what didn't.

15                  SPECIAL AGENT TEATOR: Because --

16                  MS. HARVIN: Which relates to nuclear  
17                  safety.

18                  SPECIAL AGENT TEATOR: Because the funds  
19                  would be released?

20                  MS. HARVIN: Exactly.

21                  SPECIAL AGENT TEATOR: Okay.

22                  MS. HARVIN: He also -- he also knew about  
23                  some integrity issues with the Framatome contract and  
24                  specifically [REDACTED] and some improprieties in  
25                  that whole arena, which I didn't get into, but heard

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1 about from a number of people and still hear about  
2 today. In fact, [REDACTED] shared with me that people had  
3 called the integrity hotline and reported him because  
4 of those contract issues. The issue was that he had  
5 Framatome and Lovejoy people doing private work at his  
6 residence and they all -- sometimes using company  
7 tools and company equipment and they had a multi-  
8 million dollar contract that he was responsible for.

9 SPECIAL AGENT TEATOR: Okay.

10 MS. HARVIN: Okay.

11 SPECIAL AGENT TEATOR: Is this copy for me  
12 or do I got to make a copy of this?

13 MS. HARVIN: We got to copy all this.

14 SPECIAL AGENT TEATOR: All right. That's  
15 fine. I'm just going to put it all in one pile then.

16 MS. HARVIN: Okay. We talked several  
17 times about how my situation was different than how  
18 the people whose people whose positions had been  
19 eliminated prior to mine.

20 SPECIAL AGENT TEATOR: Okay.

21 MS. HARVIN: Remember? And one of the  
22 things -- let me just go through several of the items  
23 with you.

24 When people's positions had been  
25 eliminated previously it was made public and the

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1 management team was asked to work with these people in  
2 finding other positions within the company or within  
3 their organizations.

4 SPECIAL AGENT TEATOR: Right.

5 MS. HARVIN: They were certainly told  
6 don't make up new positions, but certainly if you have  
7 any openings, consider these people. There was a  
8 specific out-placement procedure that was followed.  
9 The vice-presidents were all consulted before those  
10 job elimination decisions were made and the people  
11 were supported by human resources and given a lot of  
12 assistance, both from the management team, but also  
13 from human resources in dealing with the transition.  
14 And to my knowledge, though I understand it has  
15 changed, none of them were told to leave the site  
16 early and certainly not under the conditions that I  
17 was asked to leave under.

18 SPECIAL AGENT TEATOR: Okay. What  
19 conditions are you talking about? You mentioned  
20 conditions.

21 MS. HARVIN: Yes, that I had no choice and  
22 that it was inconsistent with what I had been told  
23 previously and was inconsistent with the April 16th  
24 letter, the letter saying my last day would be April  
25 16th.

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1 SPECIAL AGENT TEATOR: Right, the March --  
2 or the February --

3 MS. HARVIN: The letter given to me on  
4 February 26th --

5 SPECIAL AGENT TEATOR: -- 26th is dated  
6 --

7 MS. HARVIN: -- but dated March 3rd.

8 SPECIAL AGENT TEATOR: March 3rd. Okay.  
9 All right. I heard you say "conditions."

10 MS. HARVIN: Okay.

11 SPECIAL AGENT TEATOR: I didn't know if  
12 there was something new.

13 MS. HARVIN: No.

14 SPECIAL AGENT TEATOR: That's why I wanted  
15 to probe that. So what I'm now sharing with you is  
16 that on -- on the day that [REDACTED] called me and said  
17 that he was stunned by my job elimination and had not  
18 been consulted, had no idea and was calling me to  
19 express his appreciation to me, which is interesting  
20 because [REDACTED] and I didn't have a very close working  
21 relationship.

22 On Sunday the 30th, remember my last day  
23 is March 28th, he leaves a voice mail -- sorry, he  
24 speaks with my husband and he says, "This is [REDACTED]  
25 [REDACTED] Please tell Kymn I'm trying to reach her.

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1 It's going to be tough to reach me at home. I'm not  
2 sure what my schedule is." So he left his cell phone  
3 number and his pager number.

4 SPECIAL AGENT TEATOR: Did you call him  
5 back?

6 MS. HARVIN: I called him back. I didn't  
7 reach him until Tuesday, but I do have a couple of  
8 notes from that conversation. Sorry. Isn't that the  
9 -- or you just want to run it --

10 SPECIAL AGENT TEATOR: No, I can turn it  
11 off for a minute. No. It's four minutes before 2:00.  
12 I'll turn the tape off for a couple minutes.

13 (Whereupon, at 1:46 p.m. off the record  
14 until 2:06 p.m.)

15 SPECIAL AGENT TEATOR: Okay. We're back  
16 on the record. It's about 2:06. We've made copies of  
17 documents provided to me by Kymn Harvin and given her  
18 originals back.

19 Kymn, is there something more you want to  
20 go over?

21 MS. HARVIN: Just to note I'll -- I'll fax  
22 you the notes from my conversation with --

23 SPECIAL AGENT TEATOR: [REDACTED]

24 MS. HARVIN: -- [REDACTED] in which he  
25 said he was stunned to learn that I was leaving and he

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1 -- he told me that he didn't find out -- my last day  
2 was the 28th. He told me he didn't find out until the  
3 26th, which was not consistent with how the other --  
4 other eliminations were happening.

5 A couple -- just a couple other things to  
6 bring to your attention, Jeff. The letter, I want to  
7 make a note of this, I received a letter from Jeff  
8 Keenan, the company PSEG nuclear attorney on the 19th  
9 of August.

10 SPECIAL AGENT TEATOR: Right. 2003?

11 MS. HARVIN: 2003. That's dated, the  
12 letter was signed by [REDACTED] dated July 17th.

13 SPECIAL AGENT TEATOR: Okay.

14 MS. HARVIN: Okay? So I got it a month  
15 and two days later.

16 SPECIAL AGENT TEATOR: Right.

17 MS. HARVIN: And this is after numerous  
18 calls to them saying, "What is the outcome of the  
19 Winston & Strawn investigation related to my concerns  
20 that I voiced both to [REDACTED] in my letter to [REDACTED]  
21 [REDACTED]

22 SPECIAL AGENT TEATOR: Did you know then  
23 that Winston Strawn was doing an investigation or --

24 MS. HARVIN: Yes, I did.

25 SPECIAL AGENT TEATOR: Oh, you did know

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1 that?

2 MS. HARVIN: Yes, I had been asked to meet  
3 with them and initially agreed to and then at the --  
4 or canceled my attorney, decided not to meet with  
5 them.

6 SPECIAL AGENT TEATOR: Okay.

7 MS. HARVIN: Okay? So the two questions  
8 get raised, is the work environment conducive to  
9 raising and addressing nuclear safety quality  
10 concerns? Let me just read it. It's just a  
11 paragraph.

12 "The investigation team based its finding  
13 on the company's routine assessment of the safety-  
14 conscious work environment at the site, interviewee  
15 comments and document reviews. The investigation team  
16 concluded that employees do feel free to raise  
17 concerns without a fear of reprisal. No interviewees  
18 stated that they were reluctant to come forward with  
19 nuclear safety concerns." Okay?

20 SPECIAL AGENT TEATOR: Yes.

21 MS. HARVIN: "Furthermore, the  
22 investigation team concluded that the management team  
23 has not been chilled or discouraged from raising  
24 concerns of their own." Several interviewees did  
25 indicate that there is room for leadership improvement

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1 at the site, but that this had not resulted in an  
2 inability or unwillingness to raise or address nuclear  
3 concerns."

4 Specifically I want to note for you this  
5 sentence: "No interviewees stated that they were  
6 reluctant to come forward with nuclear safety  
7 concerns." Okay? Official letter from the company to  
8 me.

9 SPECIAL AGENT TEATOR: Right.

10 MS. HARVIN: I had a conversation with a  
11 [REDACTED] by the name of [REDACTED] from  
12 Hope Creek who had when we were talking in front of  
13 him the transcript of his Winston & Strawn interview.

14 SPECIAL AGENT TEATOR: Right.

15 MS. HARVIN: Okay? And what is -- and I  
16 have notes from my conversation with [REDACTED] And in my  
17 extensive conversation with him, he states to the  
18 Winston & Strawn people interviewing him that there  
19 were actually several occurrences where he was afraid  
20 to bring up nuclear safety concerns. So the sentence  
21 "No interviewees stated that they were reluctant to  
22 come forward with nuclear safety concerns" is a lie.

23 SPECIAL AGENT TEATOR: Okay. When did you  
24 have that discussion with [REDACTED]

25 MS. HARVIN: In late August of 2003.

1 SPECIAL AGENT TEATOR: Was it over the  
2 phone? Was in person?

3 MS. HARVIN: It was over the phone. I was  
4 still working down at Oconee. I was actually sitting  
5 in my vehicle taking notes and these notes, as you can  
6 -- as -- as you can see, are extensive. He relates a  
7 reactivity management event at Hope Creek where he did  
8 not believe he would have support for stopping the  
9 evolution. He talks about, "We reward the people who  
10 get it done," which is classic production over safety.  
11 He then raises the question, he actually says, "I'm  
12 not" -- to the Winston & Strawn attorney, "I'm not  
13 sure if I'm at risk discussing this." And then the  
14 attorney says, "Well, confidentiality of all  
15 documentation is essential to protecting the integrity  
16 of the investigation. Do you want to stop talking  
17 about it?" And [REDACTED] says, "I don't really want to  
18 stop talking about it. "Is there anything in the  
19 reactivity of it that brings production over safety?"  
20 "Yes," [REDACTED] says. He said there were comments made  
21 by him and other people. There was a rush to get  
22 through the brief. That's production over safety.  
23 And he said, "We didn't practice what NAF-84 said."  
24 "At times there are elements that suggest we don't  
25 fully consider the impact on safety. We don't give

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1 evolution sole attention." "They don't want to know,"  
2 talking about the management team, "They don't want to  
3 know what I think, what my world is like and that is  
4 disappointing." "Do you believe" -- the Winston &  
5 Strawn attorney asked, "Do you believe there is an  
6 increase in nuclear safety errors due to alienation,  
7 poor morale or lack of empowerment? Have you heard  
8 anybody make that statement," which was a direct quote  
9 from my letter, and he said, "No." But then the  
10 follow-up question was, "Do you believe some leaders  
11 of the leadership team don't feel empowered," and he  
12 said, "I don't feel empowered. I do not feel  
13 supported."

SPECIAL AGENT TEATOR: And he's  
14 telling you this over a phone call?

15 MS. HARVIN: Yes, reading to me from the  
16 transcript.

17 SPECIAL AGENT TEATOR: Okay. From his  
18 transcript? Okay.

19 MS. HARVIN: I actually asked him for a  
20 copy of the transcript and he said, "Let me call my  
21 attorney," who happened to be his father and he called  
22 his father and his father said don't give me a copy  
23 and he called me back and said, "I can't give you a  
24 copy.

25 SPECIAL AGENT TEATOR: Under advice of

1 counsel.

2 MS. HARVIN: Under advice of counsel.

3 SPECIAL AGENT TEATOR: Are you offering  
4 this up as evidence to contradict the conclusion in  
5 the Winston Strawn report?

6 MS. HARVIN: Yes.

7 SPECIAL AGENT TEATOR: Okay.

8 MS. HARVIN: The question is asked, "Do  
9 you feel you can freely speak of any issue including  
10 nuclear safety concerns?" "No."

11 SPECIAL AGENT TEATOR: All right.

12 MS. HARVIN: "Do you get supported in  
13 shutting the plant down?" "No."

14 SPECIAL AGENT TEATOR: And how are you  
15 relating that to your discrimination allegation?  
16 Because that's the one part of the report that speaks  
17 to more of the --

18 MS. HARVIN: Okay.

19 SPECIAL AGENT TEATOR: -- safety-  
20 conscious, the general safety-conscious work  
21 environment issue.

22 MS. HARVIN: Right. Yes. Well, let me --  
23 I haven't gotten to the second paragraph yet. I was  
24 just --

25 SPECIAL AGENT TEATOR: Okay.

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1 MS. HARVIN: -- pointing out the  
2 inconsistency.

3 Well, all this is leading to, Jeff, is why  
4 would they tell you the truth? When you conduct your  
5 interview, all these people who have lied or  
6 misrepresented, why would they now tell you the truth?  
7 That's a rhetorical question to you.

8 SPECIAL AGENT TEATOR: Right. All right.  
9 And I'm going to ask who? Who are you speaking of  
10 when you say "all of these people?"

11 MS. HARVIN: Well --

12 SPECIAL AGENT TEATOR: I mean, I've talked  
13 to a lot of people.

14 MS. HARVIN: Okay. Well, we know (REDACTED)  
15 didn't tell the truth.

16 SPECIAL AGENT TEATOR: Okay.

17 MS. HARVIN: We know that Jeff Keenan --

18 SPECIAL AGENT TEATOR: Based on his cover  
19 letter of --

20 MS. HARVIN: Yes, and he was accountable  
21 for Winston & Strawn's investigation.

22 SPECIAL AGENT TEATOR: -- cover letter  
23 that he sent you telling you the investigation  
24 results? That's what you're referring to?

25 MS. HARVIN: Yes.

1 SPECIAL AGENT TEATOR: Okay.

2 MS. HARVIN: Now, [REDACTED] could not have  
3 sent me this letter. This letter was reviewed by a  
4 number of people. In fact, he told me that's why I  
5 got it late because Jeff Keenan was on vacation and it  
6 also had to go to be reviewed by corporate.

7 SPECIAL AGENT TEATOR: Yes.

8 MS. HARVIN: So I believe this was  
9 reviewed all the way up to [REDACTED] who's the  
10 [REDACTED] and reports to [REDACTED]

11 SPECIAL AGENT TEATOR: Right. Right.

12 MS. HARVIN: And so if -- if they would  
13 allow a letter to go to me that was in fact a  
14 misrepresentation and not factually correct -- three  
15 dots. You can fill in the sentence.

16 Okay. Now, let's get to the next issue.  
17 "Was Ms. Harvin retaliated against for raising nuclear  
18 safety quality concerns?" "The investigation team  
19 Winston & Strawn and [REDACTED] concluded that your  
20 position was eliminated and thus your employment  
21 terminated based on legitimate non-discriminatory and  
22 non-prohibited grounds."

23 Okay. Well, where is -- given they just  
24 lied in the paragraph above, I'm alleging that they're  
25 lying in this paragraph.

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1 SPECIAL AGENT TEATOR: Okay.

2 MS. HARVIN: "The most prevalent issues  
3 you discussed were perceived as general leadership  
4 themed matters." However, the -- what I assert, had  
5 my -- my departure escalated was not when I went to  
6 [REDACTED] to discuss it, they say "general  
7 leadership-themed matters," but [REDACTED] telling  
8 me we were dangerous and me telling that to [REDACTED]  
9 [REDACTED] So that was not a general leadership-themed  
10 matter.

11 SPECIAL AGENT TEATOR: Right.

12 MS. HARVIN: And it was after that meeting  
13 that [REDACTED] called [REDACTED] and told him to  
14 accelerate my departure.

15 "Based on interviewee comments and  
16 document reviews, the investigation team concluded  
17 that you were not marginalized for raising issues to  
18 the former president and chief nuclear officer or  
19 other management officers, but decision to eliminate  
20 your position was -- was found to be made in late  
21 2002, not as the result of your February 26th, 2003  
22 meeting with the former president and chief nuclear  
23 officer."

24 That is not consistent with what [REDACTED]  
25 [REDACTED] told me.

ALL  
7C

1 SPECIAL AGENT TEATOR: How?

2 MS. HARVIN: [REDACTED] told me he had  
3 made the decision. It was 100 percent his decision  
4 and it did not involve corporate.

5 SPECIAL AGENT TEATOR: Okay.

6 MS. HARVIN: And if you remember in the --  
7 the transcript I went through with [REDACTED] with  
8 [REDACTED]

9 SPECIAL AGENT TEATOR: Right, [REDACTED]  
10 [REDACTED] Right.

11 MS. HARVIN: And then it goes on to say,  
12 "The position that you held as principal  
13 organizational development consultant was temporary."

14 SPECIAL AGENT TEATOR: Right, and you're  
15 --

16 MS. HARVIN: And I've already given you a  
17 document that says I was a permanent employee. This  
18 is -- also, "Our review also found that human  
19 resources, not the former president and chief nuclear  
20 officer, made the final processing date decision."

21 SPECIAL AGENT TEATOR: How do you know  
22 that that's not true?

23 MS. HARVIN: Because [REDACTED] told me  
24 it wasn't true. He said that he made that decision,  
25 if you recall.

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1 SPECIAL AGENT TEATOR: Yes.

2 MS. HARVIN: And (b)(7)(C) when he  
3 called me to his office on March 24th --

4 SPECIAL AGENT TEATOR: Okay. Monday.

5 MS. HARVIN: -- told me that (b)(7)(C) had  
6 decided to accelerate my departure, not he had decided  
7 or HR had decided, remember?

8 SPECIAL AGENT TEATOR: Yes.

9 MS. HARVIN: Okay? And then furthermore,  
10 on -- be sure I get my days right.

11 SPECIAL AGENT TEATOR: Friday was the  
12 28th. Monday's the 24th.

13 MS. HARVIN: If you recall, I went to (b)(7)(C)  
14 (b)(7)(C) on Thursday the 27th and we have a recording  
15 of that conversation.

16 SPECIAL AGENT TEATOR: Right.

17 MS. HARVIN: And I walk into his office  
18 and I'm angry because (b)(7)(C) has just told me (b)(7)(C)  
19 and (b)(7)(C) say, "Blah, blah, blah, blah, blah."

20 SPECIAL AGENT TEATOR: Right.

21 MS. HARVIN: And he gets angry and says

22 --

23 SPECIAL AGENT TEATOR: No.

24 MS. HARVIN: -- "You -- you don't work for  
25 me."

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1 SPECIAL AGENT TEATOR: Right.

2 MS. HARVIN: "You F-word work for [REDACTED] 1C

3 SPECIAL AGENT TEATOR: Right. I remember  
4 that.

5 MS. HARVIN: Yes. So all of that is  
6 inconsistent with HR made the final processing date  
7 decision.

8 SPECIAL AGENT TEATOR: Okay.

9 MS. HARVIN: So there are numerous lies in  
10 this one page.

11 SPECIAL AGENT TEATOR: Anything else?

12 MS. HARVIN: Not regarding this.

13 SPECIAL AGENT TEATOR: Okay.

14 MS. HARVIN: Just one more piece to offer.

15 SPECIAL AGENT TEATOR: Okay.

16 MS. HARVIN: As I mentioned, I was down in  
17 Oconee doing some consulting and I was privileged, as  
18 I would say, to participate in their safely speaking  
19 managing a safety-conscious work environment training  
20 for the management team. And I can't tell you what it  
21 was like to sit there and hear this attorney go  
22 through this booklet which is quite detailed and in my  
23 view quite accurate and realize how many times the  
24 company broke the law.

25 SPECIAL AGENT TEATOR: PSEG?

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1 MS. HARVIN: PSEG.

2 SPECIAL AGENT TEATOR: Nuclear.

3 MS. HARVIN: Sorry. Yes. And how they  
4 dealt with me and -- frankly, and how they were  
5 dealing with other people. And I have extensive notes  
6 in here that both relate to the lecture that was being  
7 done, but all my insights, for example, I bring these  
8 safety issues to ~~XXXXXX~~ attention and he did nothing  
9 to get back to me. And one of the rules is as soon as  
10 any employee brings you a safety concern or a nuclear  
11 safety concern, you're -- you're immediate -- you're  
12 supposed to get -- certainly get back to that person.

13 SPECIAL AGENT TEATOR: Who was the  
14 attorney giving the -- was it in house counsel or was  
15 it --

16 MS. HARVIN: No, it's someone from  
17 Employment Learning Innovations. I'm not sure where  
18 his -- J. B. Kelly.

19 SPECIAL AGENT TEATOR: Okay.

20 MS. HARVIN: He said, "A single case eats  
21 up a ton of time and energy." I guess we can attest  
22 to that, can't we?

23 SPECIAL AGENT TEATOR: Is there something  
24 in that pamphlet that you need to bring to my  
25 attention for your case?

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1 MS. HARVIN: Nothing that you don't  
2 already know.

3 SPECIAL AGENT TEATOR: Okay. Well if you  
4 think of something, you got to fax me something  
5 anyway. If there's something in there or something  
6 that you haven't brought today and it's a document,  
7 just fax it with the notes you're going to fax to me  
8 of your discussion with (REDACTED) I have that  
9 down here, that it's a deliverable on your part.  
10 Okay. I'm using nuclear terms now.

11 MS. HARVIN: Okay. Yes.

12 SPECIAL AGENT TEATOR: "Deliverable."

13 MS. HARVIN: Right.

14 SPECIAL AGENT TEATOR: All right. Other  
15 than what we talked about today, is there anything  
16 specific that we haven't gotten to today that --

17 (Whereupon, off the record briefly.)

18 MS. HARVIN: Thank you. And I appreciate  
19 your thoroughness.

20 SPECIAL AGENT TEATOR: All right.

21 MS. HARVIN: I think we've covered it.

22 SPECIAL AGENT TEATOR: Okay. It's about  
23 2:22. Is there anything more you want to add, Kymn?

24 MS. HARVIN: Just to go on the record with  
25 what I told you over the phone. As you know, the

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1 three assessments that came in from the site, the  
2 Independent Safety Assessment, the Unyatolee Services  
3 Awyatts Assessment and the Synergy Assessment all  
4 support and give credibility to the concerns that I  
5 came to the NRC with last fall about the nuclear  
6 safety issues at the site, the safety-conscious work  
7 environment issues and the leadership issues.

8 SPECIAL AGENT TEATOR: Right. Are you  
9 going to be at that meeting?

10 MS. HARVIN: Tomorrow? Yes.

11 SPECIAL AGENT TEATOR: Okay. All right.

12 MS. HARVIN: Will you be there?

13 SPECIAL AGENT TEATOR: I haven't been  
14 directed to go yet, so I'm not sure. Is there  
15 anything more you want to bring?

16 MS. HARVIN: Thank you very much.

17 SPECIAL AGENT TEATOR: Okay. It's 2:24 in  
18 the afternoon. I don't have any further questions.

19 MS. HARVIN: Okay.

20 SPECIAL AGENT TEATOR: This interview's  
21 concluded. Thank you.

22 MS. HARVIN: Okay. Thank you.

23 SPECIAL AGENT TEATOR: Yes.

24 (Whereupon, the interview was concluded at  
25 2:24 p.m.)

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