

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\* \* \* \* \*

OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : Docket No. 1-2003-045

~~REDACTED~~ ) :  
7C

(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 9:10 a.m.

EXHIBIT 46  
PAGE 1 OF 89 PAGE(S)

BEFORE:

Information in this record was deleted  
in accordance with the Freedom of Information Act, exemptions 7C, 2005-18403-045  
Senior Special Agent: Jeffrey Teator  
FOIA-2005-18403-045

2-13

APPEARANCES:

On Behalf of the Witness, ( [REDACTED] ) 1C

Jeffrey Keenan, Esq.

Assistant General Solicitor

PSEG Services Corporation

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

9:10 a.m.

SR. SPECIAL AGENT TEATOR: Today's date is May 28<sup>th</sup>. The year is 2004. My name is Jeffrey Teator. I'm a senior special Agent with the United States Nuclear Regulatory Commission, Office of Investigations. It's approximately 9:10 in the morning.

This morning I'm interviewing (b)(7)(C) (b)(7)(C). The interview's taking place in the DNNS Conference Room, NRC Region I Offices in 475 Allendale Road, King of Prussia, Pennsylvania.

(b)(7)(C) prior to going on the record, did I present you with my credentials?

(b)(7)(C) Yes.

SR. SPECIAL AGENT TEATOR: Did I explain to you this is a voluntary interview?

(b)(7)(C) Yes, you did.

SR. SPECIAL AGENT TEATOR: Okay. Knowing it's voluntary, do you wish to go forward?

(b)(7)(C) Yes, I will.

SR. SPECIAL AGENT TEATOR: All right. Do you have any objection this morning to providing sworn testimony?

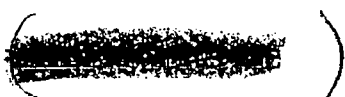
(b)(7)(C) No, not at all.

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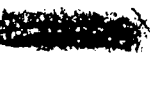
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1 SR. SPECIAL AGENT TEATOR: Raise your  
2 right hand please?

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.   
9  you're being interviewed today as a  
10 potential subject in this investigation, and I'll  
11 explain what I mean by that, in that I'm conducting  
12 an investigation into whether Kim Harvin's position  
13 was eliminated down at Salem Hope Creek because she  
14 engaged in NRC protected activity.

15 I'm also investigating whether Kim  
16 Harvin's last date at the site was moved up from  
17 April 16<sup>th</sup> to March 28<sup>th</sup> because she engaged in such  
18 protected activity.

19 Now from what I understand, you were  
20 involved in a meeting and discussion that occurred  
21 on March 18, 2003, where there were discussions,  
22 decisions made, a direction given to move up Ms.  
23 Harvin's last day at the site.

24 So because of your, from what I  
25 understand now, and we're going to get to it during

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1 the interview, but from what I understand, because  
2 based on your involvement in that meeting and  
3 discussion, that's why you're a potential subject in  
4 this investigation.

5 [REDACTED] Okay.

6 SR. SPECIAL AGENT TEATOR: [REDACTED] you're  
7 represented by counsel today. Counsel, if you could  
8 identify yourself please, and explain your  
9 representation?

10 MR. KEENAN: Yes. My name is Jeff  
11 Keenan. I'm Assistant General Solicitor with PSEG  
12 Services. I'm representing [REDACTED] and PSEG Nuclear  
13 in a dual capacity.

14 I've reviewed this information and in  
15 particular the discussions on March 18<sup>th</sup>, and I  
16 don't have reason to believe there's a conflict of  
17 interest nor a violation of 10 CFR 50.7. Obviously,  
18 that's the NRC's -- is going to evaluate that and  
19 reach their conclusions.

20 But that we are participating on a  
21 voluntary nature and we appreciate the chance to  
22 provide the testimony.

23 We would also like to review the  
24 transcript at a mutually convenient time when the  
25 transcript's available.

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1 SR. SPECIAL AGENT TEATOR: Okay. (b)(7)(C)  
2 is that your understanding of Jeff's representation?

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

4 SR. SPECIAL AGENT TEATOR: Okay. I have  
5 a few follow-up questions for you.

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

7 SR. SPECIAL AGENT TEATOR: Does your  
8 employer require you to have an attorney present  
9 when you're interviewed by the NRC Office of  
10 Investigations?

11 (b)(7)(C) No, it does not.

12 SR. SPECIAL AGENT TEATOR: Were you in  
13 any way threatened with any type of adverse action  
14 by your employer if you did not request counsel to  
15 represent you during this interview?

16 (b)(7)(C) No, I wasn't.

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

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

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

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

25 SR. SPECIAL AGENT TEATOR: Okay. All

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1 right. ( [REDACTED] ) can you give me your date and place  
2 of birth please?

3 ( [REDACTED] )  
4 ( [REDACTED] )  
5 SR. SPECIAL AGENT TEATOR: Okay, and  
6 your Social Security number?

7 ( [REDACTED] ) ( [REDACTED] )  
8 SR. SPECIAL AGENT TEATOR: And your home  
9 address please?

10 ( [REDACTED] ) ( [REDACTED] )  
11 ( [REDACTED] )  
12 SR. SPECIAL AGENT TEATOR: That's down  
13 this way sort of, right?

14 ( [REDACTED] ) It's about a hour and a  
15 half up the road?

16 SR. SPECIAL AGENT TEATOR: Is it?

17 ( [REDACTED] ) Yes.

18 SR. SPECIAL AGENT TEATOR: Okay. How  
19 far from Newark?

20 ( [REDACTED] ) Depends upon what you mean.  
21 Time or miles?

22 SR. SPECIAL AGENT TEATOR: Miles.

23 ( [REDACTED] ) 45.

24 SR. SPECIAL AGENT TEATOR: South? Is it  
25 south of Newark?

ALL  
7c

1 ( ) Yes.

2 SR. SPECIAL AGENT TEATOR: Okay. All  
3 right. Your home phone number please?

4 ( ) ( )

5 SR. SPECIAL AGENT TEATOR: Have you ever  
6 served in the United States military?

7 ( ) I have not.

8 SR. SPECIAL AGENT TEATOR: Okay. Have  
9 you attended college?

10 ( ) Yes.

11 SR. SPECIAL AGENT TEATOR: Which school?

12 ( ) ( )

13 SR. SPECIAL AGENT TEATOR: What year?

14 ( ) ( )

15 SR. SPECIAL AGENT TEATOR: What was your  
16 degree in?

17 ( )

18 SR. SPECIAL AGENT TEATOR: Bachelor of -

19 -

20 ( )

21 SR. SPECIAL AGENT TEATOR: ( )

22 Further degrees?

23 ( ) Not completed.

24 SR. SPECIAL AGENT TEATOR: Who do you  
25 currently work for? Which company?

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1 [REDACTED] PSEG Services Corporation.

2 SR. SPECIAL AGENT TEATOR: Can you  
3 explain the relationship with your employer with  
4 PSEG Nuclear please?

5 [REDACTED] PSEG Services Corporation  
6 is the support centralized services company that  
7 provides functional support like Human Resources,  
8 IT, financial accounting to each of the operating  
9 companies, PSEG Power being one of the operating  
10 companies.

11 SR. SPECIAL AGENT TEATOR: For the  
12 record, that's an announcement here at Region I, and  
13 the court reporter can please not record that in the  
14 transcript. All right, and your current job title  
15 please?

16 [REDACTED]  
17 [REDACTED]

18 SR. SPECIAL AGENT TEATOR: In the  
19 Services Corporation?

20 [REDACTED] Correct.

21 SR. SPECIAL AGENT TEATOR: Okay, and who  
22 do you report to?

23 [REDACTED]  
24 [REDACTED]

25 SR. SPECIAL AGENT TEATOR: How long have

1 you been in your current position?

2

3

4

5

SR. SPECIAL AGENT TEATOR: Were you  
employed by PSEG prior to that?

6

( [REDACTED] ) Yes, I was.

7

8

SR. SPECIAL AGENT TEATOR: Okay, in what  
capacity?

9

( [REDACTED] ) I was a [REDACTED]

10

11

12

13

14

SR. SPECIAL AGENT TEATOR: Okay, in that  
job, did you have any involvement with the nuclear  
business unit?

15

( [REDACTED] ) No, none whatsoever.

16

17

18

19

( [REDACTED] ) PSEG Power at the time.

20

21

22

SR. SPECIAL AGENT TEATOR: Okay.  
( [REDACTED] ) Going into the Services  
Corporation is a recent change.

23

24

SR. SPECIAL AGENT TEATOR: Let's -- can  
you break that down for me?

25

( [REDACTED] ) Sure.

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1 SR. SPECIAL AGENT TEATOR: When that  
2 change occurred?

3 (b) When I joined in this  
4 capacity, I joined PSEG Power. As of April 12<sup>th</sup> of  
5 this year, there was a reorganization involving  
6 Human Resources, where Human Resources was brought  
7 into the Services Corporation as a centralized  
8 functional group.

9 So I became an employee of the Services  
10 Corporation at that time, but serving in the same  
11 capacity as I was serving in when I came over in

12 (b)  
13 SR. SPECIAL AGENT TEATOR: Okay. So

14 (b) you were hired to work in PSEG Power?

15 (b) Correct.

16 SR. SPECIAL AGENT TEATOR: Was the  
17 Nuclear Business Unit part of that organization?

18 (b) It did not officially  
19 report to my boss at that time, who was (b)

20 (b) It was loosely connected. It reported to  
21 the Chairman and Chief Executive Officer of PSEG.

22 SR. SPECIAL AGENT TEATOR: Okay. Can  
23 you tell me your supervisory responsibility over the  
24 HR unit at the site? That would be (b) (ph)  
25 and (b) (ph)?

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1 (b) Well, the HR people at the  
2 nuclear site basically report to me. They did  
3 report to me back in (b) as well.

4 SR. SPECIAL AGENT TEATOR: Okay. So  
5 that reporting chain has remained the same as 8/02?

6 (b) Yes, it has.

7 SR. SPECIAL AGENT TEATOR: Okay. All  
8 right, thanks. That will help me later on.

9 (b) Okay.

10 SR. SPECIAL AGENT TEATOR: All right.  
11 So you came on in (b) into your current, I'm going  
12 to just call it "work area"?

13 (b) That's correct, sure.

14 SR. SPECIAL AGENT TEATOR: I feel like  
15 I'm in your plant. All right, again that's just an  
16 announcement here in Region I. (b) we'll  
17 get back to the questioning here.

18 When you came on in (b) in your  
19 current capacity, supervising the site HR people  
20 down at Salem Hope Creek, at any point after that  
21 were there any type of concerns brought to your  
22 attention regarding Kim Harvin, and how she  
23 conducted herself down at the site, interacting with  
24 people, doing personal business on company time,  
25 anything like that? Was anything like that brought

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1 to your attention? If so, when and who?

2 (b) No, I wouldn't say anything  
3 like that was brought to my attention. I began to  
4 learn who the people were, and Kim Harvin had, I  
5 guess, a loose connection with or relationship with  
6 the Human Resources Group, because of her role as  
7 Culture Transformation Manager, I believe it was.

8 So I sort of knew her name, but I really  
9 had no idea what she did or what that meant. There  
10 was no such title in the company that I was aware  
11 of.

12 SR. SPECIAL AGENT TEATOR: But at some  
13 point did your site HR people, in the form of (b)  
14 (b)(ph) would be  
15 another one that worked down there?

16 (b) Yes, but I don't know her.

17 SR. SPECIAL AGENT TEATOR: Did any of  
18 those individuals or anyone else in your reporting  
19 chain at the site raise concerns to you regarding  
20 the way Kim Harvin, and I'm going to be general  
21 here, conducted herself down here?

22 (b) I came to know her name.

23 SR. SPECIAL AGENT TEATOR: Sure.

24 (b) And obviously without  
25 remembering any specifics, I mean Kim's name sort of

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1 was a name that, more so than other names, I just  
2 came to know.

3 Maybe it was because of her role as an  
4 organization development person, and the kinds of  
5 things that she perhaps got involved with, in terms  
6 of employees and things that we would have  
7 considered to be the purview of Human Resources.  
8 But nothing of a particular nature, nothing specific  
9 like an event or a specific issue that I could  
10 recall.

11 SR. SPECIAL AGENT TEATOR: Anything  
12 improper regarding her conduct down there?

13 (REDACTED) No, not improper. I  
14 wouldn't use the term "improper."

15 SR. SPECIAL AGENT TEATOR: Go ahead and  
16 tell me if you had some --

17 (REDACTED) Difficult personality at  
18 times.

19 SR. SPECIAL AGENT TEATOR: Go ahead.  
20 Tell me about that, and who you heard that from and  
21 the basis for that?

22 (REDACTED) I'm not sure I could assign  
23 it to any one individual that I heard it from.

24 SR. SPECIAL AGENT TEATOR: What was the  
25 general --

1 [REDACTED] Well, probably from the  
2 Human Resources Department. People, you know [REDACTED]  
3 [REDACTED] those people who may have --  
4 you know, who are the people down at nuclear? I  
5 knew no one for all intents and purposes.

6 I knew [REDACTED]  
7 [REDACTED] I'd never been there,  
8 basically never even saw these people for all  
9 intents and purposes.

10 SR. SPECIAL AGENT TEATOR: Okay.

11 [REDACTED] In the general course of  
12 conversation, I would say, you know, Kim's name  
13 would have sort of surfaced, and somewhere along the  
14 line, someone would have mentioned to me --

15 Again, I'm not quite sure who was the  
16 first person to mention her name to me or in what  
17 context, but it would have been something along the  
18 lines of "You know, Kim works here in this like OD  
19 capacity. She came out of [REDACTED] (ph)  
20 group."

21 I had no idea what that meant, because  
22 there was no such thing in the company that I was  
23 aware of.

24 SR. SPECIAL AGENT TEATOR: Right.

25 [REDACTED] I mean, generally I was

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1 sort of -- that was it. Sort of general knowledge,  
2 if you will. General understanding of people on the  
3 site, particularly those related to HR.

4 Who's doing what in HR? I needed to  
5 find out what was going on in the Human Resources  
6 Department, or the Human Resources function.

7 SR. SPECIAL AGENT TEATOR: Right. You  
8 made a comment that leads me to believe Kim was  
9 doing something outside normal HR-type work?

10 [REDACTED]: Well, she wouldn't have  
11 been doing normal HR work. She shouldn't have been  
12 doing normal HR work, because she wasn't part of the  
13 Human Resources Department.

14 SR. SPECIAL AGENT TEATOR: Okay. Maybe  
15 I took you wrong then, what you said. You made a  
16 moment, something outside of normal HR activity. I  
17 didn't know if you were going somewhere with that.

18 [REDACTED]: No, I wasn't. I think I  
19 might have been referring to her role as an  
20 organization development consultant. Despite  
21 whatever her title was, as she called herself, would  
22 have been someone who would have functioned in the  
23 capacity of looking at organization structure,  
24 organization effectiveness, organization efficiency.

25 To an extent, that's the purview of the

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1 Corporate Human Resources Group or the, I guess they  
2 call themselves Organization Development in Newark,  
3 under [REDACTED] She was an extension or came  
4 from that group.

5 Nowhere else in the company would a  
6 position like that have existed. So there wouldn't  
7 have been an OD person in any other business unit,  
8 certainly not that I was aware of.

9 So I was curious as to well what does  
10 she do there, because this doesn't exist any place  
11 else.

12 SR. SPECIAL AGENT TEATOR: Okay, right.  
13 And exploring your curiosity, what did you find out?  
14 [REDACTED] That she tended to speak to  
15 employees sort of on a general basis. She was  
16 involved in the Gallup survey; she was involved in a  
17 variety of other survey activities or survey-type  
18 activities.

19 Gallup was the one I heard of the most,  
20 where she would gather information, kind of get a  
21 sense of what was the morale, what was the general  
22 tone at the site, and work with [REDACTED] and the  
23 senior team and doing something with that.

24 Now that always perplexed the Human  
25 Resources people, because they would have thought

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1 that was their purview, to a degree.

2 SR. SPECIAL AGENT TEATOR: Right. Did  
3 you come to find that she was -- that [REDACTED] had  
4 asked for her services for the entire year of 2002?  
5 At some point did you become aware that he had  
6 specifically --

7 [REDACTED] Yes. I became aware of the  
8 fact that somewhere along the line, and it preceded  
9 me, so I'm not quite sure I know exactly what the  
10 genesis of this was, that she was -- services like  
11 hers out of the OD Group were asked for.

12 It was supposed to be a -- I call it a  
13 "limited duration assignment." Whether that was a  
14 year or two years, I'm not quite sure. I know she  
15 was going to be there for most of 2002, if not all  
16 of 2002.

17 And beyond that, I wasn't sure. I just  
18 -- that would be something that [REDACTED] would have  
19 told us when this thing no longer had a usefulness  
20 to the nuclear business.

21 We would probably, as normally would  
22 happen, be told "I no longer have a need for this  
23 job. There's no real reason why this should exist,"  
24 perhaps because there was an organization structure  
25 change, or there were other services of a like

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1 nature to be provided by someone else, as would  
2 normally have occurred in an organization.

3 SR. SPECIAL AGENT TEATOR: Okay. At  
4 some point did you have such a discussion with [REDACTED]  
5 about that?

6 [REDACTED] No. I never -- actually, I  
7 never really spoke to [REDACTED] all that much.

8 SR. SPECIAL AGENT TEATOR: Okay. So if  
9 you could just share with me -- you took over your  
10 position in [REDACTED] It's pretty late in the  
11 2002 time period. What was -- and if we could focus  
12 on Kim Harvin if we could.

13 [REDACTED] Sure.

14 SR. SPECIAL AGENT TEATOR: When you acme  
15 and took your present position in [REDACTED] what was  
16 your understanding of the duration of her work down  
17 there at Salem Hope Creek? What was explained to  
18 you regarding the expectation of her duration --

19 [REDACTED] Oh, not very much at all.  
20 It was just that she was there. It was probably an  
21 assignment of some temporary nature, and then we  
22 would be told when, you know, when it was over, in a  
23 sense. Pretty much that was it.

24 SR. SPECIAL AGENT TEATOR: That's it.

25 [REDACTED] My involvement with Kim --

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1 I hadn't even met Kim at that point in time.

2 SR. SPECIAL AGENT TEATOR: Okay.

3 (b) So all I knew that there  
4 was a person in a role, a role that didn't exist  
5 anywhere else in PSEG that I was aware, outside of  
6 Corporate Human Resources, sort of embedded within  
7 the operating company, which was something of an  
8 anomaly. It just didn't exist anywhere else.

9 So it sort of got my curiosity up. I  
10 got an answer that she was there sort of as an  
11 extension of (b) group, pretty much  
12 end of the story.

13 SR. SPECIAL AGENT TEATOR: Moving  
14 towards the end of calendar year 2002, was  
15 information brought to your attention later on in  
16 the year of '02 regarding her status at the site,  
17 whether we continue into '03 and/or beyond that?

18 (b) No, I probably didn't know  
19 or I wasn't told specifically anything other than  
20 what I just pretty much said. I mean, I sort of  
21 came by that information as a piece of general  
22 information about what's going on, who does what,  
23 who's who and trying to find out what I was  
24 responsible for and who was doing what down there.

25 I essentially had the directive from

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1 [REDACTED] "Get the Human Resources function for  
2 all of Power, which included nuclear." It didn't  
3 report to him. HR was sort of came under my  
4 umbrella, and "Get your arms around it."

5 I was assigned a project virtually from  
6 Day 1, which was called the development of a chapter  
7 in a playbook that we were working on, and that  
8 chapter was called "Organizational Effectiveness."  
9 So everything under the HR umbrella was something I  
10 needed to look at.

11 SR. SPECIAL AGENT TEATOR: All right.  
12 Still talk about --

13 [REDACTED] Specifically on Kim Harvin?

14 SR. SPECIAL AGENT TEATOR: Right.

15 [REDACTED] I had no discussions, for  
16 the most part, with anybody, certainly not of a  
17 specific nature, that related to either her, her  
18 behavior or her assignment or the length of that  
19 assignment.

20 SR. SPECIAL AGENT TEATOR: Would that  
21 include [REDACTED] You would not have had such  
22 discussions with her in 2002 either?

23 [REDACTED] No, not on a specific  
24 basis. I probably did ask [REDACTED] "What does Kim do  
25 there," and she explained to me she came to nuclear

1 probably at the request of [REDACTED] I believe, out of  
2 [REDACTED] group, and she was there to, you  
3 know, provide some OD type of support and services.  
4 Bu this wasn't a permanent role. This was a role  
5 that was going to end at some point in time.

6 SR. SPECIAL AGENT TEATOR: Let's talk  
7 about that a little bit.

8 [REDACTED] Sure.

9 SR. SPECIAL AGENT TEATOR: Tell me more  
10 about it being not a permanent role down there?

11 [REDACTED] There was no such job in  
12 the company. Those jobs, OD consultant jobs, and  
13 let's call it that, regardless of what she called  
14 herself, OD consultant jobs existed in one place and  
15 one place only, and that was in the corporate -- I  
16 believe it's called the Organization Development  
17 Group, under [REDACTED]

18 SR. SPECIAL AGENT TEATOR: Right.

19 [REDACTED] That's in Newark. There  
20 were no other jobs there. So it was sort of let me  
21 provide a service to the Nuclear Business Unit. For  
22 some reason, I don't know the reason why [REDACTED]  
23 requested that.

24 But that was going to be an assignment  
25 that was going to have some sort of finite time

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1 frame around it. What the time frame was, I didn't  
2 know. I wasn't told that. I wasn't there at the  
3 outset of this assignment, so I wasn't there as far  
4 as what specific details were put around it.

5 For all I knew, it was going to end at  
6 the end of that year, the end of the following year.

7 SR. SPECIAL AGENT TEATOR: You didn't  
8 know?

9 (b) I didn't know.

10 SR. SPECIAL AGENT TEATOR: Okay, and no  
11 one discussed that with you?

12 (b) No.

13 SR. SPECIAL AGENT TEATOR: All right.  
14 When you came on -- I keep saying you came on. You  
15 had been with the company, but when you came to your  
16 position in (b) were you made aware that  
17 there was a downsizing plan for down at the nuclear  
18 site?

19 (b) There were discussions --  
20 there were always discussions about the possibility  
21 of restructuring or downsizing.

22 SR. SPECIAL AGENT TEATOR: But this one  
23 actually did happen. They had a downsizing in early  
24 2003.

25 (b) Were you -- which one were

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1 you referring to?

2 SR. SPECIAL AGENT TEATOR: You had the  
3 Business Services people; some of them were let go.  
4 You had some of the IT people.

5 (b) Yes.

6 SR. SPECIAL AGENT TEATOR: Towards the  
7 end of that late winter, early spring, Kim Harvin  
8 was let go.

9 (b) Yes. Yes, I was aware of  
10 the IT-Business Services downsizing.

11 SR. SPECIAL AGENT TEATOR: Okay. Why?  
12 Why were they downsized? Do you know?

13 (b) Part of the reason, I  
14 believe, is that some of those services that were  
15 provided, again, as embedded services within  
16 Nuclear, were being transferred to the Services  
17 Corporation, the Corporate IT Group.

18 When that has happened, not just in  
19 Nuclear but elsewhere in the company, some of the  
20 jobs that were embedded in the operating company  
21 disappear, because they're already covered in the  
22 corporate function up in Newark. So some of those  
23 jobs would have gone away.

24 SR. SPECIAL AGENT TEATOR: Okay. Were  
25 you involved in discussions surrounding that

7C

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1 downsizing in early '03?

2 (b) Certainly on the periphery,  
3 yes.

4 SR. SPECIAL AGENT TEATOR: Do you recall  
5 Kim Harvin's name being mentioned at all as part of  
6 that downsizing?

7 (b) I couldn't honestly tell  
8 you I remember her name specifically being  
9 mentioned, but I'm not sure that it wouldn't have  
10 been. Not specifically, no.

11 SR. SPECIAL AGENT TEATOR: Right.

12 (b) There was no specific  
13 conversation about Kim Harvin being downsized at  
14 that point in time, that I recall.

15 SR. SPECIAL AGENT TEATOR: All right.  
16 Let's move on a little bit then, okay? At some point  
17 were you made aware that a decision had been made to  
18 eliminate her position down there at the site? .

19 (b) Yes.

20 SR. SPECIAL AGENT TEATOR: How did you  
21 become aware of that and when?

22 (b) When. It probably was in  
23 the early part of '03. I had known for a while that  
24 (b) was going to be retiring, and somewhere in  
25 sort of the -- in proximity to those conversations,

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1 I think it may have been (b)(6))

2 I'm not quite sure who may have -- it  
3 may have been (b)(6) said that, you know, the OD  
4 role doesn't really need to exist. It was really  
5 created for purposes, I think, more of supporting  
6 (b)(6) in his capacity as (b)(6) and it was created as  
7 a permanent job to support the business unit per se. 7c

8 So we didn't create a job that was sort  
9 of like a manager of HR, that supported the site,  
10 that supported the business unit.

11 This is a job that was created, or a  
12 role that was created, I think, more by (b)(6) as  
13 sort of an individual kind of one-off support  
14 service to him, in the area of organization  
15 development, that was deemed not to be needed, once  
16 he left. Because it served his purposes. It didn't  
17 necessarily serve a larger purpose.

18 SR. SPECIAL AGENT TEATOR: Do you know  
19 whose decision it was to eliminate that position?

20 (b)(6) Probably (b)(6)

21 SR. SPECIAL AGENT TEATOR: You're not  
22 sure, though?

23 (b)(6) I'm not entirely sure, but  
24 since it reported to (b)(6) it probably would have  
25 been (b)(6) decision. That's how it would have  
ALB 7c

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1       been conveyed to us.

2                   SR. SPECIAL AGENT TEATOR:   Do you  
3       remember how it was conveyed to you?  You mentioned  
4       maybe (b)(7)(C)

5                   (b)(7)(C)   Well, probably either (b)(7)(C)  
6       -- you know, (b)(7)(C) may have heard from (b)(7)(C) because  
7       my interaction with (b)(7)(C) was minimal.  We didn't  
8       talk very much. (b)(7)(C) spoke sort of to me through  
9       (b)(7)(C)

10                   So he may have told (b)(7)(C) (b)(7)(C) may have  
11       told (b)(7)(C) and either (b)(7)(C) may have told me first  
12       or (b)(7)(C) told me first.  I couldn't recall exactly.

13                   SR. SPECIAL AGENT TEATOR:  Let me just  
14       turn the tape off for a minute.  It's 9:25.

15                   (Off the record.)

16                   SR. SPECIAL AGENT TEATOR:  It's about  
17       9:37.  We're back on the record.  When you were made  
18       aware, in early '03, that Kim Harvin's position had  
19       been eliminated, what was your understanding of the  
20       basis for why that occurred?

21                   (b)(7)(C)   Well, it hadn't been  
22       eliminated yet.  There was talk about -- at some  
23       point this probably would come to an end, so that  
24       when (b)(7)(C) left, there wouldn't be a need to carry  
25       on something that (b)(7)(C) I think, created for his

ALL  
7C

1 own particular purposes.

2 Again, to reiterate what I said, since  
3 it was not a job, certainly one that I understood  
4 would have existed there kind of on a regular,  
5 permanent basis, because it didn't existed. That  
6 wasn't sort of a structure in our organization.

7 But that seemed logical to me to have a  
8 job that was created for an individual or by an  
9 individual for what I would call special purpose,  
10 whatever purpose that was going to be to serve, that  
11 it would be logical to eliminate that job when the  
12 individual left that role.

13 SR. SPECIAL AGENT TEATOR: Okay. So  
14 when discussions are first occurring about the  
15 potential to eliminate her position, your  
16 understanding it is because [REDACTED] it was a job, a  
17 function for [REDACTED] specifically for him. Because  
18 he was leaving, that function would no longer be  
19 necessary.

20 [REDACTED] Yes, exactly.

21 SR. SPECIAL AGENT TEATOR: All right,  
22 okay. But at some point, the actual decision was  
23 made, she's done. Her position is eliminated.

24 [REDACTED] Yes. At some point, the  
25 decision was made. The job will be eliminated.

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1 We'll eliminate it and then we would pick a date.

2 SR. SPECIAL AGENT TEATOR: Okay. So  
3 let's talk about the decision's been made to  
4 eliminate the position, not discussion about it, all  
5 right? So we're moving on a little bit.

6 (b) Sure.

7 SR. SPECIAL AGENT TEATOR: Just a  
8 little.

9 (b) Okay.

10 SR. SPECIAL AGENT TEATOR: But these  
11 things are important. When that decision was made,  
12 what was your understanding of the basis for that  
13 final decision that hey, her position is going to be  
14 eliminated? 1C

15 (b): Pretty much the same thing.  
16 When (b) was going to leave PSEG, there wouldn't  
17 have been a reason to have it. His successor, if he  
18 felt that he needed a position like that, could have  
19 created it, could have asked for the same thing.

20 But at that point in time, we didn't  
21 need to have it, felt there was no need to carry it  
22 over, especially since it was certainly my  
23 understanding, I believe it was a lot of people's  
24 understanding, that this was created, sort of again,  
25 I'll use the term "special purpose, limited" 1C

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1 duration, temporary assignment," whatever you want  
2 to call it. To suggest that there was a time frame  
3 around this thing. It wasn't something that could  
4 have gone on in perpetuity.

5 SR. SPECIAL AGENT TEATOR: Okay.

6 (b) Okay.

7 SR. SPECIAL AGENT TEATOR: Who else had  
8 that understanding? You said you and other people  
9 were --

10 (b) Oh, I think (b)  
11 (b)

12 SR. SPECIAL AGENT TEATOR: Okay. Do you  
13 recall --

14 (b) Within the HR community. I  
15 mean, certainly everybody, I think, saw it that way.

16 SR. SPECIAL AGENT TEATOR: About the  
17 nuclear business, you mean? Not (b) but maybe --  
18 I mean, would you interact with other senior level  
19 people down there?

20 (b) To a slightly greater  
21 degree. My interaction with the rest of the nuclear  
22 management team at that point in time was somewhat  
23 minimal, because of the way the structure kind of  
24 worked.

25 It worked more directly with Human

1 Resources and I worked with the rest of the business  
2 unit.

3 But I would have to speculate to say  
4 that, you know, I knew for a fact that they knew  
5 that this was a temporary assignment, because I'm  
6 not sure --

7 SR. SPECIAL AGENT TEATOR: I'm not going  
8 to ask you to speculate in that area. I'm going to  
9 ask you a question.

10 During any discussions you would have  
11 had with the senior managers down at the site, in  
12 early '03, do you recall them discussing the fact  
13 that Kim Harvin's position was going to be  
14 eliminated?

15 [REDACTED] I don't recall having a  
16 discussion with any of them about Kim Harvin.

17 SR. SPECIAL AGENT TEATOR: At all? My  
18 question was specific as to a discussion they had,  
19 if they had a discussion with you about her position  
20 being eliminated?

21 [REDACTED] No. I mean, I can't recall  
22 a conversation where I would have had that  
23 discussion anyway.

24 SR. SPECIAL AGENT TEATOR: Okay. After  
25 the decision has been made to eliminate her

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1 position, Kim gets a -- (b) meets with her  
2 February 26, 2003, and gives her the 45-day letter,  
3 and Kim signs the acknowledgment she got the letter,  
4 and I guess the separation package.

5 (b) Uh-huh.

6 SR. SPECIAL AGENT TEATOR: Okay. Now at  
7 that point, from what I understand, and correct me  
8 if I'm wrong, Kim Harvin's put in a pool where she's  
9 eligible for other positions in the company; is that  
10 correct?

11 (b) Yes. That's what the 45-  
12 day letter says, yes.

13 SR. SPECIAL AGENT TEATOR: Okay. Now in  
14 late February '03, did your responsibility change at  
15 all, as far as your working with the people down at  
16 the site?

17 (b) No.

18 SR. SPECIAL AGENT TEATOR: Okay. A  
19 change in --

20 (b) In any way? No. I was  
21 still responsible for Human Resources, they still  
22 reported to me, and that was pretty much it.

23 SR. SPECIAL AGENT TEATOR: Okay. Now  
24 did you -- from what I understand, there was a  
25 particular job of, offered to Kim Harvin, a client



1 consultant. It was about an [REDACTED] a year job. I  
2 can't remember the exact title. An HR client  
3 consultant position?

4 [REDACTED] That's the title of a job,  
5 yes.

6 SR. SPECIAL AGENT TEATOR: Okay. Do you  
7 remember such a position being offered to Kim after  
8 she had been informed her position was going to be  
9 eliminated?

10 [REDACTED] No, it was not offered to  
11 her within the Nuclear Business Unit.

12 SR. SPECIAL AGENT TEATOR: Okay. Why  
13 not?

14 [REDACTED] I don't --

15 SR. SPECIAL AGENT TEATOR: My  
16 understanding it was. There was a job offered to  
17 her, and I thought it was down at the Nuclear  
18 Business Unit?

19 [REDACTED] Well, it was --

20 MR. KEENAN: Well, the question would  
21 need foundation as to [REDACTED] having knowledge of  
22 that.

23 SR. SPECIAL AGENT TEATOR: I thought I  
24 asked a foundation question.

25 [REDACTED] No. I didn't have any

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1 knowledge of that.

2 SR. SPECIAL AGENT TEATOR: Do you have  
3 any knowledge of Kim being offered an HR client  
4 position down in the Nuclear Business Unit, after  
5 she had been informed her position was eliminated?

6 [REDACTED] No.

7 SR. SPECIAL AGENT TEATOR: Okay. Was  
8 Kim considered, like everyone else who had been let  
9 go during that time period, was she going to be  
10 considered for all the jobs she was qualified for?

11 [REDACTED] Yes.

12 SR. SPECIAL AGENT TEATOR: Okay. Were  
13 you part of any discussion where any open jobs would  
14 not be made available to her for any particular  
15 reason?

16 [REDACTED] Only those for which she  
17 wouldn't have been qualified, as would normally be  
18 the case.

19 SR. SPECIAL AGENT TEATOR: Does any one  
20 come to mind? Any particular job come to mind,  
21 where she wasn't qualified for it? Or maybe she  
22 expressed an interest in?

23 [REDACTED] No. I don't recall her  
24 expressing interest in a particular job that we then  
25 had a discussion about her being qualified or not

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1 being qualified for.

2 SR. SPECIAL AGENT TEATOR: Okay, all  
3 right. It's almost 9:45. We're going to take a  
4 short break.

5 (Whereupon, a short recess was taken.)

6 SR. SPECIAL AGENT TEATOR: It's  
7 approximately 9:53 in the morning, and I'm  
8 continuing the interview of (b)(6) (b)(7)(C)  
9 I want to move on to discussing Kim Harvin's last  
10 day at the site being moved up from April 16, 2003  
11 until late March 2003, okay?

12 (b)(6) Okay.

13 SR. SPECIAL AGENT TEATOR: Were you part  
14 of any discussions in March 2003 surrounding the  
15 moving up of her last day on site?

16 (b)(6) Yes.

17 SR. SPECIAL AGENT TEATOR: Can you tell  
18 me when the first discussion occurred, and who was  
19 present?

20 (b)(6): I think the first  
21 discussion occurred around the 18<sup>th</sup>. (b)(6)  
22 myself, (b)(6) we had an off-site meeting, an  
23 HR off-site meeting.

24 SR. SPECIAL AGENT TEATOR: Now where was  
25 that?

7C

1 (b) Hamilton Park, New Jersey.

2 A question was brought up, I think, if I recall  
3 correctly, sort of in the context, at least in one  
4 regard, something that Kim was supposed to be doing.  
5 A project, an Inspection project of some sort, I  
6 think.

7 She was going to go out and basically --  
8 I'm not sure I know the exact nature of the task she  
9 was going to preform, but the word "inspection"  
10 sticks in my mind. She was going to represent PSEG.  
11 Well shortly thereafter, she wouldn't have been a  
12 PSEG employee.

13 So I think (b) and I and (b) had a  
14 conversation around -- well that doesn't seem to be  
15 a very appropriate thing to do, to represent to  
16 someone outside of PSEG, with a person who is no  
17 longer going to be here because her job was  
18 eliminated, was going to do an inspection or  
19 whatever the task was, representing herself as a  
20 PSEG employee when she wasn't going to be a PSEG  
21 employee.

22 In addition to that, I think one of us  
23 probably asked the others, is there any reason why  
24 we can't do what we sometimes and often do, which is  
25 move up the date that someone leaves the property.

-7C

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1                   They don't -- they're not precluded from  
2                   the benefits and the entitlements that they have  
3                   during the 45-day period. It's just that they get  
4                   the date moved up because there's no need for that  
5                   person to be on site.

6                   So if Kim was going to be continuing to  
7                   represent herself during the 45-day period as an  
8                   employee who someone, particularly outside, would  
9                   have perhaps understood or misunderstood to be  
10                  something that would have continued on, we didn't  
11                  want that to happen, because that would have -- we  
12                  didn't think that was appropriate.

13                 SR. SPECIAL AGENT TEATOR: Okay.

14                 ( [REDACTED] ) So we just said "Is there a  
15                 need for Kim to be here? Is she working on anything  
16                 that is, you know, that has to be closed out?"  
17                 Usually it's something that either has to be closed  
18                 out; you're transitioning into something else, which  
19                 is why you're asked to stay.

20                 Otherwise, quite often we'll just say  
21                 "Look. We'll provide you with all the support  
22                 services. Get on with your life, your job search  
23                 and whatever."

24                 SR. SPECIAL AGENT TEATOR: Okay. Let's  
25                 break this down a little bit if we could.

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1 [REDACTED] It would have gone beyond  
2 the April 16<sup>th</sup> date, and we said "Well, that's sort  
3 of highly inappropriate for her to be representing  
4 herself, particularly to some outside person or  
5 entity, as an employee of PSEG, when in fact she's  
6 not."

7 SR. SPECIAL AGENT TEATOR: Okay. So  
8 that's talking about after her last day?

9 [REDACTED] That's talking about what  
10 led to our discussion, in part, around why would we  
11 say to Kim -- I mean, there's really no need for you  
12 to be here, so that Kim wouldn't engage in projects  
13 of that sort, where she'd represent herself either  
14 internally or externally to somebody, as an employee  
15 who's continuing on.

16 SR. SPECIAL AGENT TEATOR: Right. But  
17 that's really not HR's decision. She's still  
18 working for [REDACTED] at that point. Were you  
19 getting direction from [REDACTED] that "I don't need her  
20 here any more? HR, do what you need to do?" Did  
21 that direction come from [REDACTED]

22 [REDACTED] No, not specific direction.  
23 No, I wouldn't say specific direction.

24 SR. SPECIAL AGENT TEATOR: How about  
25 non-specific?

1 [REDACTED] Anything you got -- from  
2 [REDACTED] yes. No. I mean we -- I didn't have a  
3 direct conversation with him. We would have said if  
4 you have a project that needs to be closed out, a  
5 matter of transition from her to somebody else of  
6 something that was being handled and it wasn't, HR  
7 often makes the decision, or at least recommends to  
8 management, why does the person stay on site, in the  
9 location.

10                   Because it's often detrimental to the  
11 morale of the individual or it's embarrassing to the  
12 individual, or somewhat detrimental, in our opinion,  
13 to the morale of people around that individual, who  
14 say "We know someone. They're leaving. It's hard  
15 to come to work knowing the person you're sitting  
16 next to or you're leaving," and we try to separate  
17 those two things.

18                   So it's in the normal course of making a  
19           determination, as to whether or not somebody needs  
20           to be there during the 45-day period. We look at  
21           whether or not there's some critical work to be  
22           concluded. There was none, as far as I was aware  
23           of.

24 SR. SPECIAL AGENT TEATOR: And what you  
25 just said, is that based just on this sidebar

1 discussion you had on the 18<sup>th</sup> of March?

2 (b) I think the sidebar  
3 discussion focused on that as one of the points.  
4 I'm not quite sure exactly what the rest of the  
5 conversation was all about. It was a relatively  
6 brief conversation, as I recall. I mean, it didn't  
7 go on for more than 10, 15 minutes.

8 We concluded that (b) would go back,  
9 talk to (b) about the conversation he should have  
10 with Kim about leaving at the date that was chosen,  
11 March 28<sup>th</sup>. Is that the date?

12 SR. SPECIAL AGENT TEATOR: That's  
13 actually her last day on site.

14 (b) About leaving, you know, as  
15 of March 28<sup>th</sup>. I mean, not needing to be on site  
16 beyond March 28<sup>th</sup>.

17 SR. SPECIAL AGENT TEATOR: Do you recall  
18 there being any discussion from (b) about Kim  
19 Harvin moving into a new office over that previous  
20 weekend? Do you recall that being brought up or  
21 discussed at all?

22 (b) No, I don't.

23 SR. SPECIAL AGENT TEATOR: Okay. What  
24 other reasons were or discussion occurred about  
25 moving up her last day? Was there any other reasons

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1 discussed for doing that, other than what you've  
2 already said?

3 [REDACTED] No, none that I recall.

4 SR. SPECIAL AGENT TEATOR: So the site  
5 visits issue was one of them. Normal HR type of --

6 [REDACTED] Nothing more to do. No  
7 need to sit around. Those are the kinds of  
8 conversations we would have around these kinds of  
9 situations.

10 SR. SPECIAL AGENT TEATOR: Okay. Were  
11 there any discussions about her temporary living  
12 expense claims?

13 [REDACTED] Yes.

14 SR. SPECIAL AGENT TEATOR: During that  
15 meeting?

16 [REDACTED] Oh, I couldn't recall if it  
17 was during that meeting.

18 SR. SPECIAL AGENT TEATOR: During that  
19 time period?

20 [REDACTED] Could have been, yes.

21 SR. SPECIAL AGENT TEATOR: Okay. Tell  
22 me what you know of that --

23 [REDACTED] I know that [REDACTED] had  
24 mentioned to me that she was, she had seen a couple  
25 of expense reports that had some rather odd --

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1 that's my word -- sort of expense items, one of  
2 which, as I recall, I think an airline ticket  
3 expense that had no receipt, a fairly significant  
4 expense.

5 I don't remember the exact dollar  
6 amount, but it wasn't a small item obviously. It  
7 was a -- she had attended some meetings, some  
8 conference, put in her expense report, and said "no  
9 receipt."

10 (b)(7)(C) said she was looking at a couple  
11 of things like that, and I said "That's kind of odd.  
12 I find it odd that someone would, you know, kind of  
13 lose a receipt for an airline ticket."

14 That's not something you'd normally  
15 misplace or not have available to you, and she said  
16 there were a couple of other things like that, where  
17 there were fairly significant expenses for which  
18 there was a waiver required to get the expense  
19 reimbursed.

20 SR. SPECIAL AGENT TEATOR: Was there --  
21 do you recall there being any discussion from (b)(7)(C)  
22 to (b)(7)(C) and/or you that -- I mean, was Kim looking  
23 for another job, trying to hang on, or trying to  
24 look more towards her future.

25 Do you recall that discussion coming up

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1 at all? I mean, trying to hang on at the site, be  
2 retained here? Do you recall that discussion  
3 occurring during this March 18<sup>th</sup> meeting?

4 [REDACTED] I remember a discussion;  
5 I'm not sure if it occurred at the March 18<sup>th</sup>  
6 meeting. I mean, it was a discussion about Kim sort  
7 of wanting to try to stay more where she was than  
8 try to, you know, pursue her future outside.  
9 General conversation.

10 SR. SPECIAL AGENT TEATOR: With who?

11 [REDACTED] I mean, probably the same  
12 group of people. Those are the kinds of  
13 conversations we would have normally had about what  
14 was going on.

15 SR. SPECIAL AGENT TEATOR: All right.

16 During this March 18<sup>th</sup> discussion, was there  
17 direction given to, specific direction given to [REDACTED]  
18 [REDACTED] to have Kim off-site, have her last day be  
19 that Friday, March 21<sup>st</sup>? Do you recall that  
20 direction being given?

21 [REDACTED] I remember him being given  
22 specific direction to have her leave earlier than  
23 the April 16<sup>th</sup> date. Whether it was the 21<sup>st</sup> or the  
24 28<sup>th</sup>, I don't recall.

25 But I know we did have a specific to do

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1 for him, go talk to [REDACTED] about having her leave  
2 earlier rather than later.

3 SR. SPECIAL AGENT TEATOR: What was he  
4 to talk to [REDACTED] about regarding that? Get [REDACTED]  
5 okay --

6 [REDACTED] That [REDACTED] was supposed to  
7 have that conversation. Not us. It wasn't going to  
8 come from us. It was supposed to come from [REDACTED]  
9 [REDACTED] you need to talk to Kim about  
10 the date to be moved up, because you're not doing  
11 anything with it. There's no reason to have her  
12 remain on site, as there often isn't with people in  
13 that situation. But you need to have the  
14 conversation with her, as opposed to it coming from  
15 us."

16 SR. SPECIAL AGENT TEATOR: From my  
17 understanding, it did not occur like that. [REDACTED]  
18 did not have that conversation with her, from what I  
19 understand up to this point. Was that your  
20 understanding?

21 [REDACTED] No. All I know is that she  
22 was told. I'm not quite sure by whom or exactly  
23 what point in time?

24 SR. SPECIAL AGENT TEATOR: Do you recall  
25 [REDACTED] saying during the March 18<sup>th</sup> meeting

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1 that Kim needed to focus on getting a new job,  
2 moving on with her future, but not getting a new job  
3 in the Nuclear Business Unit?

4 [REDACTED] There was certainly  
5 conversation around Kim needs to move on with her  
6 life and get a job.

7 I wasn't aware that there was any job,  
8 specific job at the Nuclear Business Unit for which  
9 she was qualified or for which she had applied.

10 But I don't remember [REDACTED] saying there  
11 is no job for her here regardless. I don't remember  
12 that.

13 SR. SPECIAL AGENT TEATOR: "Here" being  
14 where?

15 [REDACTED] "Here" being NBU.

16 SR. SPECIAL AGENT TEATOR: Right. Do  
17 you recall [REDACTED] saying during the March 18<sup>th</sup>  
18 meeting, or on another occasion, and you can tell me  
19 when, that she wanted Kim Harvin relieved of all her  
20 duties, so she could focus on her future?

21 [REDACTED] Again, could have been part  
22 of the March 18<sup>th</sup> discussion. If it wasn't, I  
23 couldn't tell you when else that would have  
24 occurred. But that sort of would have been part of  
25 that same conversation around not really having

14

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1 duties; I mean, having to free her up from sitting  
2 there doing, I'm not quite sure, anything.

3 You know, whatever project Kim decided  
4 she was going to engage in, this outside project I  
5 referred to, was what Kim was doing. We didn't  
6 assign her to something. She wouldn't have been  
7 assigned to something during the 45-day period, the  
8 45-day period not being for that purpose.

9 The 45-day period being for things,  
10 clearing up things that are outstanding from  
11 previous responsibilities, and then using for  
12 purposes of pursuing your next job.

13 Whether that job would have been  
14 internal or external, you know, wouldn't have made a  
15 difference to us. Pursue your next opportunity.

16 SR. SPECIAL AGENT TEATOR: What about if  
17 she were given that assignment to go inspect another  
18 plant, before she was told that her job was  
19 eliminated? What would happen in that situation,  
20 from an HR standpoint, from your standpoint?

21 ( [REDACTED] ) This is with regard to any  
22 kind of a situation like this? Is that why you're  
23 asking the question?

24 SR. SPECIAL AGENT TEATOR: Well, let's  
25 talk about Kim. From my understanding, she was

1 given the approval by [REDACTED] to go on this site  
2 visit, that I believe is what you were discussing  
3 here. She was given the approval from [REDACTED] to do  
4 this.

5 [REDACTED]: I mean we would have said  
6 if a person is going to go beyond the date of their  
7 employment, their legitimate employment, to be doing  
8 something representing the company beyond that  
9 point, would not have been appropriate.

10 We certainly would have strongly advised  
11 the manager to kind of re-look at that and probably  
12 pull back from it, to say you don't have somebody  
13 out there representing, especially perhaps dealing  
14 with an external entity or person, representing  
15 themselves to be an employee of the company when  
16 they're not an employee of the company.

17 SR. SPECIAL AGENT TEATOR: We're going  
18 to turn over to Side B. It's almost 10:15.

19 (Tape change)

20 SR. SPECIAL AGENT TEATOR: Okay. It's  
21 still almost 10:15. I've turned over to Side B.  
22 Did you have such a discussion with [REDACTED]  
23 about that very issue which you described?

24 [REDACTED] No, I don't recall having a  
25 direct conversation with [REDACTED] about this at

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1 all.

2 SR. SPECIAL AGENT TEATOR: Do you know  
3 if [REDACTED] had such a conversation with [REDACTED]  
4 [REDACTED] I couldn't tell you if she  
5 had a direct conversation with him.

6 SR. SPECIAL AGENT TEATOR: On [REDACTED]  
7 [REDACTED] He worked for you in your management chain.  
8 Do you know if he had such a conversation with [REDACTED]  
9 surrounding that?

10 [REDACTED] He may very well have.

11 SR. SPECIAL AGENT TEATOR: Do you recall  
12 him sharing a conversation like that with you?

13 [REDACTED] Again, it's hard to recall  
14 exactly, sort of specifically the exact moment or  
15 the exact event of having come by way of that  
16 information, coming to know that that was something  
17 that we were looking at.

18 Because obviously I knew that we were  
19 looking at it, but exactly how it was conveyed to  
20 me, communicated to me and by whom, and exactly  
21 when, I couldn't recall that.

22 SR. SPECIAL AGENT TEATOR: Okay. Let's  
23 talk about [REDACTED] for a minute, if we could. Did  
24 [REDACTED] ever make a statement to you, to the effect of  
25 she was nudging [REDACTED] to make a decision on whether

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1 to keep Kim or not? Now we're back to the  
2 discussion on eliminating her position, not  
3 accelerating her out.

4 So we're back to the first part. Did  
5 [REDACTED] ever make a statement that she was nudging  
6 [REDACTED] Why to nudge [REDACTED] into making a decision on  
7 whether to keep Kim Harvin?

8 [REDACTED]: Yes. I mean, [REDACTED] had  
9 said to me that a decision had to be made about this  
10 position, given the fact that it was a position that  
11 wasn't permanent.

12 You would normally have asked that  
13 question. [REDACTED] relationship with [REDACTED] was a  
14 little bit more operational than mine was. She had  
15 more of a direct working relationship. [REDACTED] and I  
16 didn't speak very much, but [REDACTED] may have had that  
17 conversation.

18 I came to know that -- I mean, we were  
19 looking at having a decision made with regard to  
20 Kim's position, because as I said before, it was  
21 sort of what I called a special purpose position  
22 that [REDACTED] had requested when [REDACTED] was there.

23 When [REDACTED] was leaving, it was "You  
24 know, you've got to make a determination as to what  
25 you want to do with this position. If there's no

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1 further need, and we don't have this position  
2 anywhere else, then this is a position that should  
3 go away. This is a function that should go away."

4 SR. SPECIAL AGENT TEATOR: Right. So  
5 did [REDACTED] tell you that she had those discussions  
6 with [REDACTED]

7 [REDACTED] Again, I can't recall a  
8 specific conversation, but obviously I sort of came  
9 to know that that was an issue that was being looked  
10 at, the elimination of that role.

11 SR. SPECIAL AGENT TEATOR: All right.  
12 Let's go back to the moving up of her date, okay?  
13 The direction is given to [REDACTED] to move up her  
14 date from April 16<sup>th</sup>, and you don't recall whether  
15 you heard it being March 21<sup>st</sup> or March 28<sup>th</sup>, right?

16 [REDACTED] Right.

17 SR. SPECIAL AGENT TEATOR: What's your  
18 next involvement, or knowledge of that occurring,  
19 that plan moving forward, that work occurring to  
20 make that happen?

21 [REDACTED] I probably called [REDACTED] the  
22 next week and said "You know, where does it stand?"  
23 to make sure he carried through on the to-do.

24 SR. SPECIAL AGENT TEATOR: Do you have  
25 any specific recollection of doing that, or what

1     [REDACTED] or [REDACTED] told you it had been communicated to  
2     Kim or it had not been communicated to Kim?

3     [REDACTED] I specifically would recall  
4     talking to [REDACTED] about, again, just the follow-up to  
5     an item that had to be taken care of. I couldn't  
6     tell you what day I may have called him.

7             And exactly what he said to me in that  
8     conversation, I don't remember. But at some point,  
9     I knew that there was a date picked. Whether that  
10    was the 28<sup>th</sup> or it was going to be the 21<sup>st</sup>, I don't  
11    remember.

12            But there was -- yes, she was going to  
13    be leaving, Towards the end of this month, this  
14    month being March of '03, right?

15            SR. SPECIAL AGENT TEATOR: Yes, '03.

16     [REDACTED] '03. That concluded the  
17    matter as far as I was concerned. He did what he  
18    was supposed to have done. As far as I was aware,  
19    he spoke to [REDACTED] was supposed to have  
20    spoken to Kim.

21            A conversation took place with Kim. Kim  
22    was aware of the fact that the date was March 28<sup>th</sup>,  
23    because there was no particular need for her to stay  
24    on beyond that.

25            SR. SPECIAL AGENT TEATOR: Okay. all

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1 right. At any point were you made aware -- you came  
2 to your position in Power, PSEG Power, in [REDACTED]  
3 [REDACTED], right?

4 [REDACTED] Uh-huh.

5 SR. SPECIAL AGENT TEATOR: At any point  
6 after that, were you made aware that Kim Harvin had  
7 brought concerns to senior management at the site,  
8 regarding a perception that production is being  
9 emphasized over safety, that the way the site was  
10 being managed was a nuclear safety concern, that  
11 there were non-concern decisionmaking, decisions  
12 being made in the operating of the units. Were you  
13 ever made aware that she made those type of concerns  
14 to senior Management?

15 [REDACTED] The only and the first time  
16 I knew that she had said anything was when I saw a

17 copy of the letter that she had written to [REDACTED]  
18 [REDACTED] (ph), and I forget the exact date of that.  
19 But prior to that --

20 SR. SPECIAL AGENT TEATOR: That's March  
21 -- I think it's March 26<sup>th</sup>, actually. I think  
22 that's the date in the letter. March 26, '03.

23 [REDACTED] Right.

24 SR. SPECIAL AGENT TEATOR: When did you  
25 see that letter? How long after -- because that's

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1 the date of the letter to [REDACTED]

2 [REDACTED] Shortly after that, a month  
3 after it. It probably wasn't shortly after that,  
4 meaning, you know, a couple of days after that.

5 It somehow, a copy eventually found its  
6 way to me, but I couldn't tell you whether it was a  
7 month or six weeks or -- it certainly wasn't two or  
8 three days, but within the next week.

9 SR. SPECIAL AGENT TEATOR: Okay. It's  
10 your testimony --

11 [REDACTED] And I don't remember it  
12 being time-stamped, so I couldn't tell you exactly  
13 what -- I just remember seeing a copy of the letter.

14 SR. SPECIAL AGENT TEATOR: So your  
15 testimony is that's the first time you were made  
16 aware that Kim had raised concerns down at the site?

17 [REDACTED] Yes.

18 SR. SPECIAL AGENT TEATOR: By what was  
19 written in the letter by her?

20 [REDACTED]: Yes.

21 SR. SPECIAL AGENT TEATOR: Okay, all  
22 right. Let's go back to talking --

23 [REDACTED] As I recall. I can't  
24 recall another event that, prior to the letter, that  
25 would have taken place, where I would have been

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1 apprised of or told about anything she raised in  
2 that regard. That was sort of the first time I  
3 think I had any knowledge that she had such a claim  
4 against the company.

5 SR. SPECIAL AGENT TEATOR: Right.

6 Because of that claim, that's why we're here today.

7 [REDACTED] Right.

8 SR. SPECIAL AGENT TEATOR: Okay. The  
9 decision, though, to accelerate her last day at the  
10 site, move up her last day at the site, were you  
11 part of that decisionmaking process, where [REDACTED]  
12 [REDACTED] was told to make that happen?

13 [REDACTED] Yes. I would say yes.

14 SR. SPECIAL AGENT TEATOR: Is there  
15 anything you can offer, any type of documentation,  
16 anything, that would show that that direction was  
17 given to [REDACTED] on March 18, 2003?

18 Anything you could think of, a follow-up  
19 e-mail to him; a note in your diary; something that  
20 you would have done to show that that direction was  
21 given to [REDACTED] on March 18<sup>th</sup>?

22 [REDACTED] Not in any written form. I  
23 mean --

24 SR. SPECIAL AGENT TEATOR: Any kind of  
25 form. I'm looking for anything.

1                   ( [REDACTED] ) Just a phone conversation  
2                   that -- I mean, I know I had a conversation with  
3                   him. I don't know if I would have left him a  
4                   voicemail, or if I talked directly to him. I  
5                   couldn't recall that specifically.

6                   But I know, you know, I would have  
7                   followed up the following week, to say "Where does  
8                   it stand? What's the status?"

9                   SR. SPECIAL AGENT TEATOR: That's the  
10                  phone conversation which you just mentioned, would  
11                  have been the follow-up call?

12                 ( [REDACTED] ) Yes. I think, but I  
13                  wouldn't have -- I don't remember writing something  
14                  down or making a note.

15                 SR. SPECIAL AGENT TEATOR: How about an  
16                  e-mail, maybe to ( [REDACTED] ) to anyone, that's  
17                  going to show that that direction was given on the  
18                  18<sup>th</sup>?

19                 ( [REDACTED] ) I mean, none that I have  
20                  found --

21                 SR. SPECIAL AGENT TEATOR: The dates --  
22                  frankly, the date's very important. It is.

23                 ( [REDACTED] ) Right.

24                 SR. SPECIAL AGENT TEATOR: Anything you  
25                  could think of?

1 (b) No. I mean, I'd have to --  
2 I've looked at my e-mails. I keep a lot of e-mail  
3 correspondence in folders and --

4 SR. SPECIAL AGENT TEATOR: Yes, me too.  
5 Nothing. Trash? Did you look in your trash? Not  
6 your trash can, but your computer trash? I'm  
7 picking your brain, frankly.

8 (b) No. Yes. No, I didn't go  
9 back to look through trash. Quite frankly, I'm not  
10 sure I know how.

11 SR. SPECIAL AGENT TEATOR: You click on  
12 your trash icon and get it.

13 (b) I'm not technologically  
14 astute. If it's not there, I have to ask my  
15 secretary to find it.

16 SR. SPECIAL AGENT TEATOR: All right.  
17 Might there be something that you gave to your  
18 secretary to show that direction was given?

19 (b) Probably not. I wouldn't  
20 necessarily have given her something. I may have --  
21 if I had it -- if there was any form of  
22 documentation, it may have been an e-mail because I  
23 couldn't get him on the phone, but I don't recall  
24 and I don't have a copy of an e-mail.

25 SR. SPECIAL AGENT TEATOR: And you've

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1 looked through your e-mails to --

2 [REDACTED] Yes, I have.

3 SR. SPECIAL AGENT TEATOR: Okay.

4 [REDACTED]: But, you know, those -- I  
5 mean, correspondence like that, it would have just  
6 been a substitute for a phone call. I'm not sure I  
7 would have kept it.

8 SR. SPECIAL AGENT TEATOR: Right, I  
9 know. I'm asking, just to --

10 [REDACTED] I'm not sure -- I can't  
11 tell you I remember writing an e-mail.

12 SR. SPECIAL AGENT TEATOR: Okay, all  
13 right. Well, if you could think of anything that  
14 would show, other than your testimony. I have a  
15 copy of [REDACTED]'s schedule that shows there's a  
16 meeting in Hamilton Park Conference Center on March  
17 18<sup>th</sup>.

18 [REDACTED] I have that too.

19 SR. SPECIAL AGENT TEATOR: Okay. You  
20 have that on your calendar?

21 [REDACTED] Yes.

22 SR. SPECIAL AGENT TEATOR: Do I have  
23 that, Jeff?

24 MR. KEENAN: I don't think we have that,  
25 but we'd be glad to provide it.

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1 SR. SPECIAL AGENT TEATOR: I'd like to  
2 get that. Yes, that's good.

3 MR. KEENAN: Sure.

4 SR. SPECIAL AGENT TEATOR: And, the [REDACTED]  
5 [REDACTED] calendar of March '03 shows "Hamilton Park  
6 Conference Center, 9:00 to 1:00 p.m., arbitration  
7 prep for [REDACTED] HR conference." Then it  
8 says "4:00 to 5:00 p.m., discussion of meeting on  
9 3/20 with [REDACTED]" Does that --

10 [REDACTED] We were going to meet  
11 afterwards. I think we -- again, we had the  
12 conversation sort of as a sidebar, as opposed to  
13 waiting until the end of the day.

14 SR. SPECIAL AGENT TEATOR: Okay.

15 [REDACTED]: So the 4:00 to 5:00 -- I  
16 think we both wrote down. I'm trying to recall what  
17 I saw on my calendar. We may have both written down  
18 4:00 to 5:00, because that was sort of the plan.

19 We got there, I mean, at a break, [REDACTED]  
20 [REDACTED] and I got together, and you know, it took us 15  
21 minutes or whatever. We had a conversation. So we  
22 didn't need a formal meeting per se. So we didn't  
23 do the 4:00 to 5:00.

24 That was just sort of the placeholder  
25 that we had, you know, once we finish the meeting,

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1 let's address the issue. Time permitted otherwise.

2 SR. SPECIAL AGENT TEATOR: So then I  
3 want to understand this fully. So going into that  
4 day, there was already discussions surrounding have  
5 to meet to discuss Kim Harvin?

6 (b) There was obviously a -- I  
7 don't know whether it was a question or an issue,  
8 that said, you know, we need to make a decision on a  
9 date, or something along those lines.

10 So we were all going to be in the same  
11 place at the same time. It's easy to do this sort  
12 of face-to-face, then it is trying to get everybody  
13 on the telephone. We'll all be at this meeting.

14 SR. SPECIAL AGENT TEATOR: Right.

15 (b) So let's set aside some  
16 time and talk about, you know, whether with (b) --  
17 what we need to do with (b) what we need to say  
18 to (b) was going to talk to (b) about, you  
19 know, having Kim leave sooner.

20 We don't need -- I mean, there's no  
21 project. Again, I think it was partly prompted by  
22 this, whatever this project was that she was going  
23 to go off and do, and we said, "we" being probably  
24 the three of us at least, you know, that's the sort  
25 of thing we don't need someone doing.

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1                   It doesn't work for the company. Any  
2                   reason why Kim ought to be here beyond then? Does  
3                   she need to stay here until April 16<sup>th</sup>?

4                   If she's -- you know, it's sort of  
5                   interesting. If she's going to sign up for things  
6                   she ought not to sign up for, because she's no  
7                   longer going to be an employee past April 16<sup>th</sup>,  
8                   there's no need to have somebody on the property  
9                   doing that, representing PSEG, when they're not  
10                  going to be an employee past April 16<sup>th</sup>.

11                  SR. SPECIAL AGENT TEATOR: Okay. So how  
12                  far in advance was this discussion on the 18<sup>th</sup>  
13                  planned?

14                  ( [REDACTED] ) Well, it could have been  
15                  the day before. I mean, I don't believe it was -- I  
16                  don't recall it being sort of weeks before that. It  
17                  was, you know, could have been a spur of the moment.

18                  We're all going to be there. Why don't  
19                  we make sure we just get together? We'll all see  
20                  each other. Do it face-to-face, take care of it.  
21                  It will take us 15 minutes, as opposed to a day and  
22                  a half trying to round up everybody.

23                  SR. SPECIAL AGENT TEATOR: "We all"  
24                  meaning you, ( [REDACTED] )

25                  ( [REDACTED] ) : ( [REDACTED] ) myself and ( [REDACTED] )

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1 SR. SPECIAL AGENT TEATOR: All right.

2 [REDACTED] Yes.

3 SR. SPECIAL AGENT TEATOR: And [REDACTED]  
4 calendar talks about a discussion of a meeting, of a  
5 March 20<sup>th</sup> meeting with [REDACTED] Did you meet  
6 with [REDACTED] on the 20<sup>th</sup> of March?

7 [REDACTED] No.

8 SR. SPECIAL AGENT TEATOR: Do you know  
9 if [REDACTED] did?

10 [REDACTED] I couldn't tell you. I  
11 don't know.

12 SR. SPECIAL AGENT TEATOR: Okay. I'm  
13 going to take a short break. It's almost 10:30.

14 (Off the record.)

15 SR. SPECIAL AGENT TEATOR: Okay, we're  
16 back on. It's 10:30. Jeff, you were going to --  
17 you offered off the record to try and find out who  
18 set up this March 18<sup>th</sup> meeting, and something on  
19 their calendar may show who did it and when it was  
20 made?

21 MR. KEENAN: Yes. The company will be  
22 glad to stipulate, to provide the information  
23 relative to the origin of the March 18<sup>th</sup> meeting, in  
24 terms of who organized it, who created -- whatever  
25 we have with respect to the computer records we'll

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1 provide the NRC.

2 SR. SPECIAL AGENT TEATOR: Okay. [REDACTED]  
3 from what I understand, there was a meeting with  
4 [REDACTED] on the 20<sup>th</sup> of March, 2003, and [REDACTED]  
5 and [REDACTED] met with [REDACTED] Do you recall [REDACTED]  
6 [REDACTED] briefing you on the result of that meeting?

7 [REDACTED] I'm sure he must have.

8 SR. SPECIAL AGENT TEATOR: Do you have  
9 any specific recollection of what he told you?  
10 [REDACTED] No. I mean, I couldn't  
11 tell you sort of without speculating on exactly what  
12 he would have said.

13 SR. SPECIAL AGENT TEATOR: I don't want  
14 you to do that. When -- after Kim had been told her  
15 position was eliminated on February 26<sup>th</sup>, were there  
16 any complaints or concerns brought to your attention  
17 by your site HR people, regarding Kim's emotional  
18 state down at the site, and how it was affecting  
19 others?

20 [REDACTED] I understood Kim to be  
21 upset, but anybody who was told their job is  
22 eliminated is upset.

23 SR. SPECIAL AGENT TEATOR: Sure.

24 [REDACTED] So I wouldn't have  
25 necessarily considered it to be out of the ordinary.

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1 How it was affecting others is one of the reasons  
2 why we ask people to leave sooner, rather than  
3 later, because we feel it does affect other people  
4 who, you know, have relationships with this  
5 individual or feel badly for them.

6 It tends to get disheartening if not  
7 disruptive, so we try to move the person along  
8 obviously.

9 SR. SPECIAL AGENT TEATOR: Do you recall  
10 there being any specific concerns brought to your  
11 attention by your site HR people, regarding Kim's  
12 emotional state and how it was affecting others at  
13 the site?

14 (b) I couldn't tell you a  
15 particular, you know, reaction that someone had, or  
16 a particular state of mind that she was in, no.

17 SR. SPECIAL AGENT TEATOR: So (b) or  
18 (b) didn't share anything with you regarding how  
19 Kim Harvin was affecting others at the site? And if  
20 the answer is no, that's fine. I'm just asking you  
21 if --

22 (b) No.

23 SR. SPECIAL AGENT TEATOR: I'm just not  
24 getting a clear answer. I don't think you're  
25 evading me, but I don't --

1 [REDACTED] No. I just remember sort  
2 of that the normal kind of conversation is, you  
3 know, she's upset. I can understand that. I can  
4 appreciate being upset.

5 SR. SPECIAL AGENT TEATOR: Right, right.  
6 But did either [REDACTED] or [REDACTED] share with you that  
7 "Hey, people at the site are telling us that the way  
8 Kim's acting is, people are uncomfortable with it.

9 She's emotional. They don't know how to deal with  
10 it or handle it." Did [REDACTED] or [REDACTED] bring that to  
11 your attention?

12 [REDACTED] They may have, but I can't  
13 tell you, you know, specifically a conversation that  
14 they had in any specifics, or reaction from either  
15 her or from someone around her to me.

16 SR. SPECIAL AGENT TEATOR: Okay. After  
17 Kim is -- her last day is March 28<sup>th</sup>, okay? Do you  
18 know who took over her work or continued her work  
19 after she left the site?

20 [REDACTED] As far as I am aware, there  
21 was no specific continuation of her work. I can't  
22 honestly tell you I knew exactly everything she was  
23 doing, you know, what project or projects she may  
24 have been working on.

25 So I don't know who would have taken it

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1 over. I don't believe there was anything that HR  
2 took over, of what she did. I'm not sure I knew  
3 exactly what she did do. So I couldn't tell you who  
4 may have taken something over.

5 SR. SPECIAL AGENT TEATOR: Do you know  
6 if the site hired any consultants to fill her role  
7 or function after she left, cultural change/OD-type  
8 consultants? Do you know if that occurred after she  
9 left?

10 [REDACTED] I know we continued with  
11 the Gallup people, but that had been there for a  
12 while. She wasn't -- she didn't do the Gallup  
13 survey per se.

14 SR. SPECIAL AGENT TEATOR: But Gallup  
15 was there already? Was there somebody new brought  
16 in to fill the role that she had while she was  
17 employed there?

18 [REDACTED] No, not that I am aware of.  
19 Consultants, no. Facilitator, you call it what you  
20 want. But she had a couple -- from what I  
21 understand, she had a couple of different hats down  
22 there.

23 She did a lot of different things. No,  
24 I don't remember any specific consultant or outside  
25 person or company or anything else.

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1. [REDACTED] Okay. I'd like to show you  
2 a document and ask you about it. I'm going to let  
3 you look at this off the record, but for the record,  
4 it's a cover sheet of a fax, and the cover sheet is  
5 "To [REDACTED]

6 I guess that's you, [REDACTED], "from [REDACTED]  
7 [REDACTED], dated April 14, '03 and it's regarding Kim  
8 Harvin." I'm going to go off the record and you

9 could take a chance to review the cover sheet, and  
10 there's a few pages attached to it, and you can  
11 review those too if you want. But I'm going to ask  
12 you mainly about the cover sheet. It's about 10:37.

13 (Off the record.)

14 SR. SPECIAL AGENT TEATOR: It's about  
15 10:45. We're back on the record after a short  
16 break. After reviewing this document, [REDACTED] is  
17 there something you want to add from your previous  
18 testimony?

19 [REDACTED] Yes. I just recalled  
20 something that you asked me about, did we bring any  
21 consultant or person in to do the work that Kim had  
22 been doing.

23 There was no direct connection was far  
24 as I am concerned, but there was a person, a  
25 consultant by the name of [REDACTED], who [REDACTED]

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1 [REDACTED] brought in to do some work with, I  
2 believe, it was the Chemistry Group, [REDACTED] and  
3 I'm not quite sure who the others were.

4 It was portrayed to me as a project that  
5 would be undertaken to satisfy some IMPO (ph)  
6 qualification requirement, and that this individual,  
7 [REDACTED], was a consultant who had extensive  
8 knowledge of the nuclear industry, and could help  
9 them with this.

10 I know I had asked [REDACTED] I said  
11 "Is there really an IMPO qualification issue,  
12 because I don't want [REDACTED] doing a project that has  
13 no value to the company."

14 SR. SPECIAL AGENT TEATOR: Right.

15 [REDACTED] He said "No, it has to do  
16 with some IMPO qualification." At that point, I  
17 wasn't really all that familiar with what IMPO  
18 qualifications they were talking about. I took his  
19 word for it.

20 So this fellow [REDACTED] came in  
21 and did what ultimately amounted to sort of culture  
22 survey. The reason I know that is because he gave a  
23 presentation to myself, [REDACTED], and a fellow by name of  
24 [REDACTED] (ph), who is the [REDACTED]

25 [REDACTED] I don't even know why [REDACTED] was

1 invited to the presentation. Neither did he.

2 ~~XXXXXXXXXX~~ went through his --  
3 this was a preliminary sort of presentation or  
4 readout of what he had found so far. About 45  
5 minutes into that presentation, I said "Time out."  
6 I said "What you're doing here is like -- it's a  
7 culture survey; is that correct?" He said "Yes."

8 I said "What you've done is you've sort  
9 of validated some of the things that we know about  
10 the culture we have, which were general things like  
11 -- we do a thing called Circumplex which kind of  
12 looks at or defines culture in general, which is a  
13 culture that is passive or active, general terms  
14 like that.

15 I said "We do something in conjunction  
16 with our leadership development program, which gives  
17 as much sort of a picture of culture as we need. We  
18 don't need to continue this sort of thing. It's a  
19 waste of time, it's a waste of money. discontinue  
20 what you're doing."

21 SR. SPECIAL AGENT TEATOR: So you had  
22 the power and authority to shut that type of thing  
23 down right then and there?

24 ~~XXXXXXXXXX~~ Because it came through  
25 Human Resources. It turned out it was really a

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1 Human Resources project. It was a culture survey  
2 project, and I told (b)(7)(D) to just cease and desist  
3 because we had already done this.

4 SR. SPECIAL AGENT TEATOR: Okay. Why  
5 was it portrayed -- if you know. Why was it  
6 portrayed to you that this guy's work was needed  
7 down there was part of an IMPO qualification?

8 (b)(7)(D) I don't know specifically.  
9 I think it had something to do with the IMPO -- I  
10 guess they have specifications related to leadership  
11 and management and supervisory skills.

12 That's what this sort of really related  
13 to. There was something in an IMPO report, which I  
14 had never seen, that they were talking about as the  
15 basis for this.

16 It was presented to me, or at least my  
17 understanding it was a technical requirement that  
18 was being satisfied, when in fact it turned out to  
19 be sort of a qualitative requirement.

20 But he was not brought in to do  
21 something specifically, as far as I'm aware, that  
22 Kim Harvin was doing per se.

23 SR. SPECIAL AGENT TEATOR: Okay, all  
24 right.

25 (b)(7)(D): But you asked that question

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1 about consultants. He was a consultant.

2 SR. SPECIAL AGENT TEATOR: Any others?  
3 Any other type of consultant work that was performed  
4 after she left, that may -- that involved the same  
5 type of work, culture-type work, survey-type work?

6 [REDACTED] Only the work we do  
7 throughout Power, for leadership development.

8 SR. SPECIAL AGENT TEATOR: Anything new,  
9 I guess?

10 [REDACTED] No, nothing new that I can  
11 recall. This was the only other thing that sort of  
12 happened, after her, after Kim left.

13 SR. SPECIAL AGENT TEATOR: Let's get  
14 back to talking about this fax. Again, the fax is  
15 dated April 14, 2003. It's To [REDACTED] from  
16 [REDACTED]. It reads [REDACTED] I wanted you  
17 to have a copy of [REDACTED] (ph) memo of October 31,  
18 2001," 2001 is underlined.

19 "Please note that it was considered a  
20 'rotational' assignment. There was no guarantee of  
21 employment beyond 2002." Do you know why you  
22 received this, the purpose of this, what caused this  
23 to be sent?

24 [REDACTED] We probably, "we" being  
25 [REDACTED] and I, probably asked [REDACTED] you know, we all

1 sort of generally understand that this is a  
2 temporary or rotational or limited duration. This  
3 was a limited duration project.

4 Is there anything that shows us that? I  
5 mean, "Do you recall something being said, something  
6 written down?"

7 I think he produced this from his file,  
8 and said [REDACTED], who had left Nuclear before I  
9 got to Power, or right around the time I got to  
10 Power, obviously had this -- this was in the file  
11 from him, from [REDACTED] to [REDACTED] basically saying "This  
12 is a rotational assignment," which validated our  
13 position on it being temporary. Rotational  
14 assignments are by definition temporary.

15 SR. SPECIAL AGENT TEATOR: So I guess my  
16 question is, why would you need that validated?  
17 Kim's already gone at that point. She's been gone  
18 two plus weeks.

19 What caused this to be sent to you?  
20 What brought it up? Why? I don't understand why.  
21 She's already gone.

22 [REDACTED] I don't recall exactly why.

23 SR. SPECIAL AGENT TEATOR: Did [REDACTED] send  
24 it up to you, based on a directive you gave him,  
25 specific directive?

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( [REDACTED] ) I may have asked him the question, do you have any, you know, documentation that shows that we are in fact and indeed correct with regard to our having treated this as a rotational or temporary assignment.

He discovered this, and that validated the position we took and answered the question. Why I would have asked the question --

SR. SPECIAL AGENT TEATOR: That's what I want to get at. I don't understand why. I'd like for someone to explain that.

( [REDACTED] ) I'm not sure I remember exactly what was said or asked or going on.

SR. SPECIAL AGENT TEATOR: Other than ( [REDACTED] ) you or ( [REDACTED] ) who might be able to speak to why this was sent up to you and ( [REDACTED] )

( [REDACTED] ) I don't know. I mean, it's just the three of us that I can speak, sort of speak for. I can speak for myself.

SR. SPECIAL AGENT TEATOR: Speak for myself. But if there's anybody else who you know was involved in causing this having to be sent up, or be reviewed or --

( [REDACTED] ) No, I can't. I mean, just among the three of us, the question would have

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1 arisen, and exactly what the basis for the question  
2 was, I don't remember.

3 SR. SPECIAL AGENT TEATOR: Let's talk  
4 about (b) for a minute. Do you know who  
5 (b) is?  
6 (b) Do I know who (b)  
7 is? Yes.

8 SR. SPECIAL AGENT TEATOR: Okay. Were  
9 you present for any discussions where he discussed  
10 Kim Harvin's, the elimination of her position or her  
11 last day being moved up from April 16<sup>th</sup>?

12 (b) I don't remember him having  
13 a conversation with me. I may have kept him posted  
14 on the goings-on, as I would normally have done.  
15 But conversations that he had, sort of directed to  
16 me?

17 SR. SPECIAL AGENT TEATOR: Were you  
18 present for, were you present for any such  
19 conversations? So you recall being present for any  
20 such conversations?

21 (b) No. But I would have kept  
22 him informed of what happened in general.

23 SR. SPECIAL AGENT TEATOR: Okay. Do you  
24 recall being present for any discussions where (b)  
25 (b) would have commented on Kim Harvin's work

1 down at the site, or job performance down there,  
2 whether she was any value at the site, anything  
3 along those lines that you recall?

4 (b) No, definitely not.

5 SR. SPECIAL AGENT TEATOR: Why do you  
6 say "definitely not"?

7 (b) Because I don't recall  
8 (b) having a conversation like that at  
9 all. He would have had conversations about people's  
10 performance, particularly in -- you know, if it was  
11 a critical role, or they were performing a critical  
12 project, I would have had that conversation,  
13 probably along those lines with him.

14 But I never remember -- I don't remember  
15 having any conversation with (b) about  
16 Kim's performance, any project that she was working  
17 on, or anything else of the like.

18 SR. SPECIAL AGENT TEATOR: Okay. Was  
19 this ever brought to your attention, and the  
20 question's going to be that Kim felt she may have  
21 been blackballed from the Nuclear Business Unit or  
22 PSEG? Did anyone ever tell you that Kim thought or  
23 felt she had been blackballed?

24 (b) No, no.

25 SR. SPECIAL AGENT TEATOR: At some point

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1 you were made aware of the [REDACTED] letter; is that  
2 correct?

3 [REDACTED] Yes.

4 SR. SPECIAL AGENT TEATOR: And what was  
5 in the letter?

6 [REDACTED] Yes.

7 SR. SPECIAL AGENT TEATOR: And were you  
8 tasked with reviewing or investigating any of the  
9 concerns or issues raised in that letter?

10 [REDACTED] I wasn't tasked with  
11 anything of that nature.

12 SR. SPECIAL AGENT TEATOR: I think I'm  
13 almost finished here. It's about five of 11:00.  
14 I'm going to take a quick break and look over my  
15 stuff. You guys do the same. If there's something  
16 you want to add, please do so, and we'll come back  
17 on in a few minutes.

18 (Whereupon, a short recess was taken.)

19 SR. SPECIAL AGENT TEATOR: Okay. It's  
20 about two minutes before 11:00. I have a follow-up  
21 question, and then Jeff, if you want to go over  
22 something with your client, and I may ask some  
23 questions after you finish with that.

24 But [REDACTED] did [REDACTED] ever say to you  
25 that it was her objective to get Kim Harvin out of

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1 the organization? Did she ever make such a  
2 statement to you or a statement to that effect?  
3 [REDACTED] Not that specific statement  
4 like that that I recall, no.

5 SR. SPECIAL AGENT TEATOR: Anything  
6 along lines? Do you recall her saying anything  
7 along those lines to you?

8 [REDACTED] No. Again, I mean, the  
9 issue of we have a person who is in a temporary or  
10 rotational assignment.

11 Do we need that person there, which to  
12 me is a legitimate HR question? Do we need that  
13 function being performed?

14 If not, let's make the right decision as  
15 far as removing that position, that function, and  
16 unfortunately that individual, any individual, from  
17 the organization.

18 There's a lack of value or redundancy  
19 or, you know, just an inefficiency that should be  
20 corrected. That's part of what we do, I think.

21 SR. SPECIAL AGENT TEATOR: But to answer  
22 my direct question?

23 [REDACTED] No.

24 SR. SPECIAL AGENT TEATOR: Right. Jeff,  
25 is there something you want to go over with your

1 client, and if you do, please go ahead. I'm  
2 finished with my questioning right now. But go  
3 ahead.

4 MR. KEENAN: Yes. I'll just add for the  
5 record, [REDACTED] we understand -- I understand that  
6 you attended a meeting where Kim Harvin showed up in  
7 the February '03 time period.

8 Can you share with us what occurred in  
9 that meeting and your understanding of Kim's  
10 presence at that meeting?

11 [REDACTED] Sure. The meeting was  
12 February of '02. It was what's called the Annual  
13 Leadership Conference that [REDACTED] has held  
14 for the last couple of years, to which he invites  
15 somewhere about 80 to 85 of the top managers of  
16 Power.

17 MR. KEENAN: Is that February of '02 or  
18 '03?

19 [REDACTED]: February of '03, I'm sorry.

20 MR. KEENAN: Go ahead.

21 [REDACTED] The meeting was limited in  
22 terms of its attendance, because we were having a  
23 particular keynote speaker.

24 It happened to be [REDACTED] (ph),  
25 and it was not known to the general list of invitees

1 who was going to be there, because we wanted it to  
2 be a surprise. It was a pretty important keynote  
3 speaker for us.

4 So we only invited certain people. Kim  
5 Harvin was not on the invitation list, as she didn't  
6 hold a position of management authority, and wasn't  
7 the level that [REDACTED] would have invited to this  
8 particular meeting.

9 Kim showed up uninvited, and I thought  
10 that was rather odd, and a number of people  
11 commented, including [REDACTED] and [REDACTED] "What is Kim  
12 doing here?" I said "I have no idea what Kim is  
13 doing here.

14 Someone must have invited her that  
15 didn't have the authority to invite her, but it's  
16 rather odd that somebody shows up a meeting like  
17 this when they're not invited."

18 There was only a brief exchange between  
19 her and I, not on that particular note, but I just  
20 thought it was very strange that she would have  
21 appeared some place where the president and COO of  
22 Power invites people specifically, specifically did  
23 not invite her, but she saw fit to show up  
24 uninvited, and just sat there for the two days.

25 We did not take any action to remove her

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1 from the meeting. I think that would have been  
2 embarrassing and inappropriate. But she stayed in  
3 the meeting for the full two days, day and a half,  
4 as a completely uninvited guest.

5 So I could never figure out exactly what  
6 her motivation was for doing that. Just sort of  
7 point -- it pointed out to me that, I mean, here was  
8 a person that did what she wanted to do, in ways  
9 that were not necessarily sanctioned by the company,  
10 because to show up at this kind of a meeting would  
11 have taken a fair amount of nerve to do so.

12 MR. KEENAN: And you're sure she was  
13 there, based on she also asked a question of [REDACTED]

14 [REDACTED] ) Is that what you recall?

15 [REDACTED] Oh yes, she did ask a  
16 question. There were relatively few people who did  
17 ask him a question, because he didn't have very much  
18 time for questions. But I think she was -- the  
19 first, one of the first, if not the first person to  
20 ask a question of him.

21 So she certainly did stand out in the  
22 crowd, and brought even more attention to herself,  
23 for having been there uninvited, by asking the  
24 question of [REDACTED]

25 MR. KEENAN: How do you know she wasn't

invited by, say, [REDACTED] 7C  
[REDACTED] How do I know she wasn't  
invited by [REDACTED] I don't know who invited her. I  
can only assume that she was invited by someone like  
[REDACTED] or showed up on her own, because I know that  
she was not on the list. I helped prepare the list.

MR. KEENAN: Okay. All right.

SR. SPECIAL AGENT TEATOR: Let me -- and  
don't take this the wrong way, but I watch you, and  
sometimes when you say things about Kim, it seems  
like you didn't like her.

That's my impression. If that's true, I  
want to explore that a little bit, and if there is a  
business/job performance reason for that, I'd like  
to open that to.

[REDACTED] I'd be happy to. Well  
perhaps it would be useful to understand the  
relationship between Kim and I, because it was very  
limited.

The first time I met Kim was October of  
'02, so shortly after I had joined Power. There was  
a meeting that I had asked for, that I didn't  
directly participate in for the whole day. It was  
all the training people from both Power and Nuclear.

We were looking at two or our main

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1 leadership development programs, the Supervisory  
2 Academy and what we called Leadership in the 21<sup>st</sup>  
3 Century, which is a manager-director level program.

4 The purpose of that was to sort of help  
5 me get my arms around what we did in the area of  
6 leadership development. That was one of the  
7 mandates I had from ( [REDACTED] ) to do these  
8 things on an across-the-board basis, so that Nuclear  
9 wasn't doing its own thing and FASL (ph) wasn't  
10 doing its own thing. But that we had Power,  
11 integrated Power-level programs.

12 So I had brought people -- I had not met  
13 any of these people from Nuclear at that point in  
14 time. I had two people from Power. Their names  
15 were ( [REDACTED] ) and ( [REDACTED] )

16 They worked on my -- ( [REDACTED] ) worked  
17 for me at that time. ( [REDACTED] ) was from the  
18 Services Corporation. She was in the Leadership  
19 Development area.

20 The people from Nuclear were ( [REDACTED] )  
21 ( [REDACTED] ), who was the then-head of ( [REDACTED] ) ( [REDACTED] )  
22 ( [REDACTED] ) were the two people who  
23 worked for him in the Technical Training Group down  
24 at Nuclear, and Kim Harvin.

25 We sort of all introduced ourselves

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1 around the table as we got started. My purpose in  
2 being there was to kind of scope out sort of the  
3 philosophy of Leadership Development that Power was  
4 looking to put in place.

5 What my purpose was for getting  
6 everybody together, what I wanted them to look at  
7 with respect to this mandate I had from ~~XXXXXX~~, to  
8 make sure we were looking at the right things, the  
9 right types of things in these two programs.

10 I didn't know Kim to invite her or not  
11 invite her. She came with the rest of the group.  
12 It was obvious to me that she came not by  
13 invitation.

14 SR. SPECIAL AGENT TEATOR: Why? Why was  
15 that obvious to you?

16 ~~XXXXXX~~ Because they didn't sort of  
17 treat her like they treated the others. The  
18 conversation around -- these three people from  
19 within the Training Group itself. She was not in  
20 the Training Group.

21 There would have been no reason why she  
22 would have necessarily have been invited, because I  
23 said specifically the training people who were  
24 responsible for the Academy; she was not.

25 The training people who were responsible

1 for the Leadership Development activities up in  
2 Newark, those were the people I want in the room.  
3 I'd like to meet them all and kind of get this all  
4 started.

5 In laying out sort of my philosophy and  
6 purpose and everything, I mean she asked me a couple  
7 of questions, and I don't remember the exact nature  
8 of the questions. But they were, you know, we just  
9 talked.

10 Some of what she was aiming to get at  
11 was "Well, we in Nuclear are responsible for these  
12 things. We in Nuclear have been responsible for  
13 these things. In a sense, why are you taking this  
14 responsibility?"

15 I reiterated that it was (b) (6) mandate  
16 to me, who was the -- (b) (6) was the head of Power,  
17 and (b) (6) was ultimately going to have  
18 responsibility for all of these business units under  
19 the Power umbrella, and he already had mandated to  
20 me in this, in the context of this organization  
21 effectiveness project, to look at, as one of the  
22 things, leadership development across all of Power.

23 It didn't -- it didn't appear to me that  
24 that was something that she quite agreed with. The  
25 meeting went on. They went back to their respective

10

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1 jobs and, you know, and started to produce some  
2 work.

3 She did not produce anything specific.  
4 I did not ask her to produce anything specific. I  
5 didn't know what her role was at that point in time.  
6 It turned out that she had introduced herself as the  
7 Manager of Cultural Transformation, which didn't  
8 mean anything to me at that moment, but I realized  
9 later on there's no such role here.

10 Subsequent to that, and I believe it was  
11 December of '02, I was down at the Nuclear Training  
12 Center to follow-up or close out that particular  
13 session of the Supervisory Academy. There's what  
14 they call a readout to the SLT, the Senior  
15 Leadership Team.

16 While down there, Kim and I had a  
17 conversation. Obviously the question of my  
18 responsibility over these things was something that  
19 bothered here.

20 There was another meeting. I don't  
21 believe she was in the meeting, but it was among the  
22 same people who had met in Newark back in October,  
23 to talk about the same subject, what's our progress,  
24 where are we at?

25 Afterwards, Kim came out of another

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1 office and said to me "By the way, I spoke to [REDACTED]  
2 and he confirms that yes, in fact, you are  
3 responsible for these programs. So, you know,  
4 whatever help I can give you, I'd be happy to give  
5 you."

6 This had sort of a continuing debate, in  
7 a sense, between her and I. It was like "I'm just  
8 telling you what [REDACTED] has told me is my  
9 mandate as the [REDACTED]" and I  
10 wasn't quite sure exactly why she was taking the  
11 position she was taking, as a person in a role that  
12 was somewhat temporary by definition, that was  
13 organization development and had no responsibility  
14 that I can determine, over the kinds of things that  
15 [REDACTED] had hired me to do.

16 There was a bit of, sort of I'll call it  
17 kind of irritation and tension between the two of  
18 us, so much so that at this meeting I just described  
19 a moment ago, where she showed up uninvited, the  
20 only comment she made to me was "Well, I hope  
21 there's nothing personal between you and I."

22 I said "Kim, there's never been anything  
23 personal between you and I. It's all been business.  
24 You know, you've chosen to see things the way you've  
25 seen them, and I've chosen to see things the way

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1 I've seen them. I can't help it that you didn't see  
2 things the way I was told they should have been seen  
3 by ( [REDACTED] )

4 That pretty much shaped our  
5 relationship, and that was pretty much the basis her  
6 and I had any sort of dialogue, throughout the  
7 entire time that she worked for the company.

8 SR. SPECIAL AGENT TEATOR: Okay. Did  
9 you have other interactions with her like that, from  
10 that point forward?

11 ( [REDACTED] ) There may have been a phone  
12 call or two, but my conversations and interactions  
13 with Kim were extremely limited.

14 There was nothing that she was doing  
15 that sort of spilled over into what I did,  
16 particularly after we got the issue of leadership  
17 development and the responsibility for it cleared  
18 up, which she reluctantly, clearly reluctantly  
19 agreed was my responsibility. But that's kind of  
20 shaped the relationship I had with her.

21 SR. SPECIAL AGENT TEATOR: Okay. Is  
22 there anything more you want to add about your  
23 relationship with her? I mean, I asked the  
24 question, because I got a sense of something.

25 ( [REDACTED] ): No, it was -- just that we

1 didn't have a close relationship. We didn't speak  
2 very much at all, certainly not frequently. I mean,  
3 there was very few conversations. The couple of  
4 conversations are really the ones I just relayed to  
5 you.

6 I didn't really know what she did ever.  
7 I couldn't quite sit here and articulate precisely  
8 what she did down at Nuclear.

9 SR. SPECIAL AGENT TEATOR: Did you ever  
10 ask [REDACTED] what she did?

11 [REDACTED] explained somewhere 2c  
12 along the line I'm sure that she was in an OD,  
13 organization development-type capacity, consultant  
14 to him, you know, something that one creates out of  
15 one's own need, and doesn't really have a particular  
16 structure.

17 Rotational assignments oftentimes are  
18 like that. You put a person to a task, for which  
19 they may have a unique skill or you think they have  
20 a unique skill. But it's not a defined kind of  
21 role. You do things as you see fit.

22 SR. SPECIAL AGENT TEATOR: Right.  
23 Anything more?

24 [REDACTED] That's it.

25 SR. SPECIAL AGENT TEATOR: Jeff?

1 MR. KEENAN: Nothing further.

2 SR. SPECIAL AGENT TEATOR: I don't have  
3 anything to add. I appreciate your time.

4 ~~REDACTED~~ You're welcome.

5 SR. SPECIAL AGENT TEATOR: It's 11:10.

6 If you come up with something regarding the March

7 18<sup>th</sup>, please share it with Jeff so that I get it.

8 We're off the record.

9 (Whereupon, at 11:10 a.m., the interview  
10 was concluded.)

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