

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :
INTERVIEW OF : Docket No.1-2003-045
[REDACTED] :
(Closed) :

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Thursday,
June 24, 2004

1300 N. Market Street
Suite 400
Wilmington, Delaware

The above-entitled interview was conducted
at 10:00 a.m.

BEFORE:
DAVE VITO, Senior Allegations Coordinator
JEFFREY TEATOR, Senior Special Agent

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5, 2C, 2E
FDIA- 2005-194

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1-2003-045

1 APPEARANCES:

2 On Behalf of the Interviewee:

3 MICHAEL T. BISSINGER, ESQ.

4 of: Pitney Harden LLP

5 P.O. Box 1945

6 Morristown, New Jersey 07962-1945

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

10:00 a.m.

SPECIAL AGENT TEATOR: Today's date is June 24th. The year is 2004. My name is Jeffrey Teator. I'm a senior special agent for the United States Nuclear Regulatory Commission Office of Investigations.

It's approximately 10:00 a.m. in the morning. This morning I'm interviewing Mr. [REDACTED] [REDACTED] This interview is taking place at 1300 North Market Street in Wilmington, Delaware. It's a PSEG subsidiary building.

And, [REDACTED] prior to going on the record, did I present you with my credentials?

[REDACTED] Yes, you did.

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

[REDACTED] Yes, you did.

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

[REDACTED] Yes, I do.

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

[REDACTED] No, I don't.

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1 SPECIAL AGENT TEATOR: Raise your right
2 hand for me please. [REDACTED] do you swear that
3 the information that you are about to provide to me is
4 the truth, the whole truth and nothing but the truth?
5 [REDACTED] I do.

6 SPECIAL AGENT TEATOR: Thank you. [REDACTED]
7 [REDACTED] you're being interviewed this morning as the
8 subject of an investigation I'm conducting into
9 violations of 10 C.F.R. 50.7 in that you've alleged
10 accused or it's been alleged by Kymn Harvin that you
11 eliminated her position, terminated her employment at
12 Salem Hope Creek and that you made the decision to
13 move up her last day of work from April 16, 2003 to
14 March 28, 2003 because she engaged in NRC-protected
15 activity, being that she raised safety concerns to you
16 and it's alleged that you took these adverse acts
17 against her because she raised such concerns.

18 I wanted to make you aware of what your
19 status in the investigation -- you're the subject of
20 this investigation. Do you understand that?

21 [REDACTED] Yes.

22 SPECIAL AGENT TEATOR: Okay, Mr.
23 Bissinger, you're representing [REDACTED] this
24 morning. If you can explain your representation
25 please?

1 MR. BISSINGER: Yes, it's Mike Bissinger
2 with the Pitney Harden Law Firm. I represent [REDACTED]
3 [REDACTED] individually. I do not represent PSEG in this
4 investigation and I'm here to represent [REDACTED]
5 He's voluntarily appearing. For the record, [REDACTED]
6 [REDACTED] worked in the industry for [REDACTED] and has
7 come in from [REDACTED] to assist the NRC in their
8 investigation voluntarily because he wants to present
9 his side of the story here, which I'm sure the NRC is
10 interested in.

11 The only procedural thing that we did
12 discuss before this began on tape was that [REDACTED]
13 would like to have the opportunity just to review the
14 transcript after it's complete for accuracy, which I
15 think that Mr. Teator has agreed to give us that
16 courtesy.

17 SPECIAL AGENT TEATOR: Yes. And we can
18 talk later about location, date and time of that
19 review.

20 X MR. BISSINGER: Sure.

21 SPECIAL AGENT TEATOR: [REDACTED], also
22 present for the interview today is Dave Vito. He's
23 the senior allegations coordinator in the NRC's Region
24 1 Office. And again, if the NRC determines that there
25 is a violation of 50.7, that's potentially a criminal

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1 violation. Mr. Bissinger, do you understand that?

2 MR. BISSINGER: Yes, I do.

3 SPECIAL AGENT TEATOR: Okay. [REDACTED]

4 I'd like to start by getting some background
5 information about you and then we'll move forward.
6 Okay?

7 [REDACTED] Okay.

8 SPECIAL AGENT TEATOR: But before I do
9 that, is there anything more we need to talk about on
10 the record in the beginning here?

11 MR. BISSINGER: I think we're okay for
12 now. If there's anything I want to add or any
13 objections, or any preservation of rights, I'll put
14 that in the record as we go.

15 SPECIAL AGENT TEATOR: Okay. [REDACTED]
16 can you give me your date and place of birth please?

17 [REDACTED]

18 [REDACTED]

19 SPECIAL AGENT TEATOR: And what is your
20 Social Security number?

21 [REDACTED]

22 SPECIAL AGENT TEATOR: And your current
23 home address please?

24 [REDACTED]

25 [REDACTED]

1 SPECIAL AGENT TEATOR: What's the zip out
2 there, do you know?

3 [REDACTED]

4 SPECIAL AGENT TEATOR: And your home
5 telephone number at that address, please?

6 [REDACTED]

7 SPECIAL AGENT TEATOR: Okay. Have you
8 ever served in the United States military?

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 SPECIAL AGENT TEATOR: Okay.

13 [REDACTED] So I went in when I was [REDACTED]

14 I went in when I was -- in February of -- would have

15 [REDACTED] I guess.

16 SPECIAL AGENT TEATOR: Okay. And what was
17 your [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 SPECIAL AGENT TEATOR: Okay.

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED]

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([REDACTED])
SPECIAL AGENT TEATOR: Yes.

[REDACTED] That by the way is a museum
now up in Penns Landing in Philadelphia.

SPECIAL AGENT TEATOR: Okay.

[REDACTED] I then went to [REDACTED]
[REDACTED]
[REDACTED]

SPECIAL AGENT TEATOR: Where is that?
Saratoga?

[REDACTED] No, that's Windsor,
Connecticut.

SPECIAL AGENT TEATOR: Windsor,
Connecticut? Okay.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
SPECIAL AGENT TEATOR: Yes.

[REDACTED]
[REDACTED]
[REDACTED]
SPECIAL AGENT TEATOR: Okay.

[REDACTED] And then I was [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
SPECIAL AGENT TEATOR: Okay. Where did
you go to school?

[REDACTED]
[REDACTED]
SPECIAL AGENT TEATOR: And did you
graduate from the [REDACTED]

[REDACTED] Yes, I --

SPECIAL AGENT TEATOR: Both from the
University --

[REDACTED]
SPECIAL AGENT TEATOR: [REDACTED]

[REDACTED] They were -
- in my term there, they weren't very much fight.

SPECIAL AGENT TEATOR: Any further
degrees, college degrees?

[REDACTED] No.

SPECIAL AGENT TEATOR: Okay. And Mr.

1 Bissinger indicated that you had worked in the nuclear
2 power industry for almost [REDACTED] I don't want to
3 go through all of that, but at some point you were
4 hired to work at PSEG Nuclear. Let's go right to
5 that.

6 [REDACTED]
7 [REDACTED]
8 Excuse me.

9 SPECIAL AGENT TEATOR: And what were you
10 hired as?

11 [REDACTED]
12 [REDACTED]
13 SPECIAL AGENT TEATOR: Right.

14 [REDACTED]
15 [REDACTED]
16 SPECIAL AGENT TEATOR: Right.

17 [REDACTED] So there
18 really wasn't any turnover. He was -- he left when I
19 arrived. I -- I think I was there for three months
20 and I was promoted then to [REDACTED]
21 [REDACTED] It was
22 understood that if I went there that that would occur.
23 So I go there to replace [REDACTED]

24 SPECIAL AGENT TEATOR: All right. So then
25 sometime in the spring of 1998, maybe April of '98,

1 you became the [REDACTED]

2 PSEG Nuclear?

3 [REDACTED] Yes.

4 SPECIAL AGENT TEATOR: Around that time
5 period?

6 [REDACTED] Yes, it was still PSE&G then
7 because --

8 SPECIAL AGENT TEATOR: Right. Yes, that's
9 right. We have this deregulated environment since
10 then and that changed. Okay.

11 Well maybe we'll jump ahead then. When
12 did PSE&G no longer exist and it changed to its
13 current corporate structure and alignment?

14 MR. BISSINGER: I just want to be clear
15 here. [REDACTED] on the -- if you can give an
16 estimate to that? I don't know if you're the
17 specialist on all of the corporate legal details.

18 SPECIAL AGENT TEATOR: Right. Give me
19 your best estimate on that without swearing to it.

20 [REDACTED] I -- I thought it was in the
21 2001 time frame.

22 SPECIAL AGENT TEATOR: Okay.

23 [REDACTED] It was -- it was -- it was
24 difficult from a corporate standpoint to get all the
25 approvals; i.e., deregulations and the State of New

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1 Jersey had to act and a lot of other maneuvers had to
2 happen, but it was in that time frame that we formed
3 PSEG Power.

4 SPECIAL AGENT TEATOR: Right.

5 (b) Which would be a non-
6 regulated subsidiary of PSEG Enterprise and a sub of
7 PSEG Power would be PSEG Nuclear.

8 SPECIAL AGENT TEATOR: Right. I asked the
9 question because I was wondering if your reporting
10 responsibility changed when that change occurred.

11 (b) No, I was hired and at the
12 time I became the (b) I reported to (b)

13 SPECIAL AGENT TEATOR: Okay.

14 (b) And with the change to PSEG
15 Nuclear, I still reported to (b)

16 SPECIAL AGENT TEATOR: Right. Thank you.
17 And at some point did you leave the employment of PSEG
18 Nuclear?

19 (b) Yes, I retired. The process
20 the corporation has, the board, when you reach (b)

21 (b)
22 (b)
23 So it -- it was -- the board kind of implied that the
24 officers had the opportunity at (b) and I availed
25 myself of that opportunity. I was going to turn (b) in

1 May of '03.

2 SPECIAL AGENT TEATOR: And what was your
3 last day of employment as the [REDACTED]

4 [REDACTED] As the [REDACTED] It was -- [REDACTED]
5 [REDACTED] took over I think it was the 31st of March.

6 SPECIAL AGENT TEATOR: Okay. Of '03?

7 [REDACTED]: Of '03. It -- it was that
8 Monday. I can't swear as to -- I don't recall which
9 one of those numbers was a Monday.

10 SPECIAL AGENT TEATOR: March 28th, Kymn
11 Harvin's last day, was a Friday.

12 [REDACTED] Okay.

13 SPECIAL AGENT TEATOR: So that would make
14 the 31st a Monday. Okay?

15 When did you first make your management,
16 the people you reported to, [REDACTED] aware that
17 you were going to retire in late March of '03?

18 [REDACTED] It was during 2002.

19 SPECIAL AGENT TEATOR: Can you narrow that
20 down maybe a little bit, if you could?

21 [REDACTED] We had had -- we had had a
22 series of discussions, [REDACTED] and I. The corporation, in
23 the fourth quarter of the year, has a process it goes
24 through to look at the senior officers of the company.

25 SPECIAL AGENT TEATOR: Right.

1 [REDACTED] And the senior employees, the
2 vice presidents, etcetera. And look at succession
3 planning at an EOG meeting.

4 SPECIAL AGENT TEATOR: What does EOG mean?

5 [REDACTED] Executive officer group.

6 SPECIAL AGENT TEATOR: Okay.

7 [REDACTED] So in -- in that process, we
8 look at succession planning and look at the individual
9 and the company in preparation for a meeting, [REDACTED] and
10 I have -- had discussions. The discussions were about
11 myself, you know, in 2001. [REDACTED] had wanted me to, you
12 know, just indicate what I was going to do with --
13 with respect to retirement, etcetera. In 2002, we had
14 further discussions and I -- I think it crystallized
15 in about the middle of the second quarter of 2002
16 where I communicated to [REDACTED] "I am going to want to
17 retire at age [REDACTED]"

18 SPECIAL AGENT TEATOR: Didn't [REDACTED]
19 at that point indicate that he was in agreement with
20 that?

21 [REDACTED] I -- I don't know what you
22 mean by that. He would honor that request.

23 SPECIAL AGENT TEATOR: Okay. All right.
24 Good.

25 [REDACTED] All right.

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1 SPECIAL AGENT TEATOR: All right.

2 [REDACTED] Prior to that our discussions
3 were, you know, he wanted to have the discussions, but
4 he couldn't put -- he didn't want to have the
5 discussions sound like he wanted me to retire and I --
6 wanting me to continue working with -- so --

7 SPECIAL AGENT TEATOR: Right. At what
8 point was it finalized that you would actually retire,
9 your last day would be late March of '03?

10 [REDACTED] It was in the --

11 MR. BISSINGER: You mean when was that
12 communicated?

13 SPECIAL AGENT TEATOR: Yes. Yes, when did
14 you make [REDACTED] know that that was going to be
15 your last day, that being, I'm going to say late March
16 of '03?

17 [REDACTED] I'm just going to state for
18 the record, I'm not sure that's how it happened.

19 Why don't you tell Mr. Teator how it came
20 that you learned your last day was going to be when it
21 was?

22 SR. COORDINATOR VITO: That's fair.

23 [REDACTED] When I communicated to [REDACTED]
24 [REDACTED] that I wanted to retire, he and [REDACTED]
25 then embarked on a -- a search for a replacement

1 candidate. I don't know when that started. I did not
2 participate in the selection. He found a -- a
3 candidate, [REDACTED] The dialogue with [REDACTED] and
4 [REDACTED] was presently employed. They had agreed upon a --
5 a date at which he could come to PSEG Nuclear. The
6 date selected was the 1st of April. Turns out that
7 was a Tuesday, so we had some more dialogue with [REDACTED]
8 on why not make it Monday and so that's the way it
9 come about to -- that I would no longer be [REDACTED]
10 [REDACTED] And then because I previously
11 indicated I wanted to be employed until I was [REDACTED] I --
12 I was an employee of the company through May, but not
13 associated with PSEG Nuclear.

14 SPECIAL AGENT TEATOR: Okay. So if I
15 understand this right then, [REDACTED] informed you
16 that your last day would be April 1st, but then since
17 that was a Tuesday, you and he agreed that it would be
18 March 31st.

19 MR. BISSINGER: Not your last day at PSEG
20 Nuclear.

21 SPECIAL AGENT TEATOR: Yes, as a [REDACTED]
22 [REDACTED] Okay. So, yes.

23 SPECIAL AGENT TEATOR: So when was that
24 communicated to you though, that April 1st was going
25 to be your last day? That came from [REDACTED] I

1 want to really nail that down. As best as you can,
2 could you give me an idea of when that was
3 communicated to you?

4 [REDACTED] It would be the end of
5 February, the beginning of March. It was -- it was
6 shortly before it was made --

7 SPECIAL AGENT TEATOR: Okay.

8 SR. COORDINATOR VITO: Can I ask why [REDACTED]
9 [REDACTED] at that time was also involved in the
10 selection process for your replacement and things
11 changed in terms of reporting change at that time?

12 MR. BISSINGER: And I'm just going to
13 clarify, please tell him what you know and what you
14 don't know as well.

15 SR. COORDINATOR VITO: What you don't know
16 is fine too.

17 MR. BISSINGER: Yes.

18 [REDACTED] Yes, I mean I -- I -- I don't
19 know and [REDACTED] communicated to me that [REDACTED] was coming
20 in to replace me and that's how I was notified. [REDACTED]
21 was in -- in that -- [REDACTED] and that --

22 SR. COORDINATOR VITO: But you were
23 working for [REDACTED] at that time.

24 [REDACTED] No, but that [REDACTED] -- he told -
25 [REDACTED] told me that [REDACTED] was coming to replace me and

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1 that [REDACTED] would report to [REDACTED]

2 SPECIAL AGENT TEATOR: Question. I'm
3 going to jump ahead just to make a point and to nail
4 this down, if I could. From what I understand you had
5 a meeting with Kymn Harvin on February 26th, 2003 and
6 at that meeting you informed her that her position was
7 going to be eliminated. The evidence I've seen tells
8 me that that conversation you had with her happened on
9 that date.

10 Now my question is, were you told by
11 [REDACTED] before that date that your last day was going
12 to be April 1st or March 31st?

13 [REDACTED] I -- I cannot -- I don't
14 recall. I don't recall. And the reason I don't
15 recall is because it -- it took a little effort for
16 [REDACTED] to work with the company that [REDACTED] was coming from.

17 SPECIAL AGENT TEATOR: Right.

18 [REDACTED] To nail down when [REDACTED] was
19 going to come here and it had to do with the
20 difference between the 1st and the 31st. So there
21 was, you know, there was a discussion or two there.

22 SPECIAL AGENT TEATOR: Do you know if
23 those discussions with [REDACTED] occurred before you met
24 with Kymn Harvin on that day and told her her position
25 was eliminated?

1 [REDACTED] They most likely did, but I -
2 - I -- I don't recall.

3 SPECIAL AGENT TEATOR: Okay. All right.
4 We're going to come back to that meeting anyway, the
5 February 26th meeting.

6 Do you have anything more on this area?
7 [REDACTED] is there something you want to add, or Mr.
8 Bissinger?

9 MR. BISSINGER: No.

10 [REDACTED] No.

11 SPECIAL AGENT TEATOR: Okay. All right.

12 MR. BISSINGER: I just, you know, this is
13 sort of a fluid process and a fluid interview and I
14 don't want to interrupt more than I need to and I'm
15 sure that Mr. Teator might give me the opportunity at
16 some point if I wanted to add something just to give
17 them additional information that they may not cover or
18 that we can support to [REDACTED] side and we can
19 discuss that at that time.

20 SR. COORDINATOR VITO: Okay.

21 MR. BISSINGER: I want to let Mr. Teator
22 sort of take us through and cover what he wants to
23 cover.

24 SR. COORDINATOR VITO: All right.

25 SPECIAL AGENT TEATOR: And if I'm not

1 getting at something that you feel is important to
2 what I'm looking at, please bring it up.

3 SR. COORDINATOR VITO: Okay.

4 MR. BISSINGER: We will.

5 SPECIAL AGENT TEATOR: Okay. If you have
6 documents, e-mails. I don't know what -- I've
7 received a volume of paper from the company and other
8 people, as you can imagine. But if there's something
9 that you want to bring to my attention, do not
10 hesitate to do so. All right.

11 MR. BISSINGER: Thank you.

12 [REDACTED] But, you -- you know, on the
13 -- there was -- this was verbal communications with
14 [REDACTED] and I and [REDACTED] and I and [REDACTED] was just honoring my
15 request to allow me to retire on, you know, my [REDACTED]
16 birthday.

17 SPECIAL AGENT TEATOR: Okay.

18 [REDACTED] I don't know -- I would just
19 say, you know, the process of selecting [REDACTED] and the --
20 and the timing was whatever they worked out.

21 SPECIAL AGENT TEATOR: Okay. I just
22 wanted to find out from you, if you could nail it
23 down, when you were told that, officially told that
24 that was going to be your last day, March 31st.

25 [REDACTED] Yes, and the -- the -- it

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1 would have happened, I had to go up to corporate
2 weekly for this EOG meeting.

3 SPECIAL AGENT TEATOR: Okay.

4 ([REDACTED]) And that the opportunity that
5 ([REDACTED]) would avail himself, you know, took me in his
6 office and told -- told me that --

7 SR. COORDINATOR VITO: Were they held on
8 certain days?

9 ([REDACTED]) Yes.

10 SR. COORDINATOR VITO: The same day every
11 week? Do you remember what day that was?

12 ([REDACTED]) Yes, it used to be on
13 Mondays.

14 SR. COORDINATOR VITO: On Monday?

15 ([REDACTED]) Yes.

16 SPECIAL AGENT TEATOR: First thing in the
17 morning?

18 ([REDACTED]) Yes.

19 SPECIAL AGENT TEATOR: Okay.

20 ([REDACTED]) Take the early train up.

21 SPECIAL AGENT TEATOR: Yes. Let's talk
22 about Kymn Harvin. Do you know Kymn Harvin?

23 ([REDACTED]) Yes.

24 SPECIAL AGENT TEATOR: Okay. General
25 question, I want to get an understanding for what kind

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1 of relationship you had with her. Was it personal?
2 Professional? Personal and professional? Maybe you
3 can tell me a little bit about that.

4 [REDACTED] I -- I felt we had a great
5 relationship. We have a free and open exchange of
6 ideas, how to move the NBU forward, PSEG Nuclear.

7 SPECIAL AGENT TEATOR: Nuclear Business
8 Unit? NBU?

9 [REDACTED] NBU. Nuclear Business Unit,
10 yes.

11 SPECIAL AGENT TEATOR: Okay.

12 [REDACTED] We were able to dialogue very
13 openly and honestly with each other. Kymn was a -- a
14 very emotional person. She -- she saw -- where I was
15 in the organization tended to be a very structured
16 technocrat. She was more on the softer side of the
17 business, the relationship side of the business. Her
18 expertise, I -- I thought she was an excellent grief
19 counselor.

20 SPECIAL AGENT TEATOR: Grief?

21 [REDACTED] Grief.

22 SPECIAL AGENT TEATOR: Okay.

23 [REDACTED] So if an individual lost a
24 loved one, she could counsel that person, help that
25 person through that. So she had -- was able to emit

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1 a great deal of empathy. She was a smart person, knew
2 her business well. I used her to help me in preparing
3 speeches, for my -- meeting as an example and so that
4 allowed -- I was able to communicate with -- this is
5 what I want to say in broad terms and she was able to
6 work with that and generate a package and that would
7 ensure whether we had a degree of alignment and -- and
8 think about how to communicate these messages to the
9 organization.

10 SPECIAL AGENT TEATOR: Okay.

11 [REDACTED] I -- I enjoyed working with
12 Kymn.

13 SPECIAL AGENT TEATOR: I'll get more from
14 that as I go through further questioning.

15 How did she come to work on assignment
16 down at Salem Hope Creek from corporate? How did that
17 happen? Do you remember and were you the [REDACTED] when
18 that happened?

19 MR. BISSINGER: This is the initial?

20 SPECIAL AGENT TEATOR: Yes. Sure. I'm
21 going to switch later to the formal transfer.

22 [REDACTED] I don't recall if I was the
23 [REDACTED] or not at the -- you know, at -- at the first
24 contacted, but I became the [REDACTED] so shortly and
25 complied with the [REDACTED] so I think it would be the

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1 same. But what happened is we were company-wide
2 across the entire PSEG Enterprise implementing a
3 computer program called SAP, which actually has a lot
4 of sub-programs to it, but it would allow the entire
5 company to use the same program and there were
6 economies of scales and efficiencies. There were some
7 particular attributes of SAP that would make our
8 ability to run the business more successfully and a
9 lot easier.

10 This was a very large initiative and
11 because it involved change throughout the company, the
12 company had put together a support group of change
13 experts to help management implement the change and
14 during the -- the course of this in the early part of
15 '98, I came to know Kymn and [REDACTED] and another
16 individual who were responsible for helping us,
17 helping the managers look at the change aspects of the
18 implementation of SAP while the organization was
19 focusing on the technical aspects of SAP.

20 SPECIAL AGENT TEATOR: Was this a
21 corporate group that was put together by corporate to
22 help out the different --

23 [REDACTED] Yes.

24 SPECIAL AGENT TEATOR: -- business parts
25 of the company to implement SAP?

1 MR. BISSINGER: [REDACTED] wait until he
2 finishes is question. I know you know the answer.

3 Okay. Just for the record --

4 SPECIAL AGENT TEATOR: Did you understand
5 my question?

6 [REDACTED] Say it again.

7 SPECIAL AGENT TEATOR: Yes. Was this a
8 corporate group put together, what you just described,
9 to help the various business parts of PSEG implement
10 SAP?

11 [REDACTED] Yes.

12 SPECIAL AGENT TEATOR: Okay. And so how
13 did that come that Kymn came down to the site? Was it
14 because of SAP?

15 [REDACTED] Yes, she was a member of that
16 team.

17 SPECIAL AGENT TEATOR: Okay. And did that
18 team report to [REDACTED] or to [REDACTED], do
19 you know?

20 [REDACTED] I don't know. It did not
21 report to [REDACTED]

22 SPECIAL AGENT TEATOR: All right.

23 [REDACTED] I know that. I -- I report
24 off site. The SAP was managed at the project at
25 corporate so they would have reported up to that

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1 project manager.

2 SPECIAL AGENT TEATOR: Right.

3 [REDACTED] And if the members, because
4 there were consultants involved too, the members of
5 the change management team that were PSEG employees
6 would have reported to [REDACTED]

7 SPECIAL AGENT TEATOR: Right. And my
8 understanding is Kymn was a PSEG employee at that
9 time. Was that your understanding then?

10 [REDACTED] At -- at first I didn't know
11 that, but yes, that was what became --

12 SPECIAL AGENT TEATOR: Okay. All right.
13 So Kymn comes down to the site to help with this SAP
14 implementation, correct?

15 [REDACTED] Yes.

16 ~~SPECIAL AGENT TEATOR: Is it five days a~~
17 week, full time, that she's down there doing this?

18 MR. BISSINGER: Can we just break it down
19 by year maybe because I think it was fluid, it
20 changed.

21 SPECIAL AGENT TEATOR: Yes. Okay.

22 [REDACTED] Yes, I -- I -- I don't know
23 because I -- I didn't supervise her, I didn't
24 interface with her. The -- the implementation of the
25 change was five days a week.

1 SPECIAL AGENT TEATOR: Okay. All right.
2 [REDACTED]: It was a massive effort on
3 our part to implement our portion of SAP, the nuclear
4 portion.

5 SPECIAL AGENT TEATOR: Okay. This is good
6 because it's giving me an understanding here then.

7 So when Kymn's down there, and I'm being
8 really general here because I don't know, I'm
9 exploring this area, when she's down at the site
10 helping the site to implement SAP, do you know who
11 she's working for then? She's not working for you,
12 right?

13 [REDACTED]: Was not working for me.

14 SPECIAL AGENT TEATOR: Okay.

15 [REDACTED]: No, I don't.

16 SPECIAL AGENT TEATOR: All right.

17 [REDACTED]: We put together a structure
18 to implement SAP and -- and eventually we made [REDACTED]
19 [REDACTED] responsible for driving the implementation.
20 So, I -- I turned it over to [REDACTED] to implement SAP.
21 [REDACTED] worked closely with [REDACTED] who was the [REDACTED]
22 [REDACTED] at the time.

23 SPECIAL AGENT TEATOR: Okay.

24 [REDACTED]: And for a good portion of it,
25 it would have been the NBU support, so the -- almost

1 all the people on site either reported to [REDACTED] or to
2 [REDACTED] and the remainder would have reported to me. So
3 I put [REDACTED] in charge of implementing SAP and
4 eventually [REDACTED] became a strong advocate of supporting
5 the implementation with his organization to do it.
6 And we put an entire group together in the area of the
7 -- not TB2, but the business adjacent to TB2.

8 SPECIAL AGENT TEATOR: Okay.

9 [REDACTED]: And they all worked in this 7C
10 building, you know, together as -- as a team to
11 implement.

12 SPECIAL AGENT TEATOR: Okay. I'm going to
13 move ahead just a hair.

14 At some point did Kymn Harvin's job change
15 down there or her responsibilities change down there
16 to where she was doing other work than SAP?

17 [REDACTED]: I was implementing -- I was 7C
18 looking at the organization, saw that change -- there
19 was no -- saw that change needed to -- to occur. She
20 came to me and said that she really liked working in
21 the field and would -- would like to come to work at
22 the NBU at the time to help us with -- make change.
23 And I was looking for someone to help me and -- and
24 since, you know, I'd known her from interacting
25 periodically with the SAP activities, and she came

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1 down. Well, she was still working -- reporting to
2 corporate.

3 SPECIAL AGENT TEATOR: Okay.

4 (b)(7)(C): To (b)(7)(C) She came
5 down to help me implement change at the NBU.

6 SPECIAL AGENT TEATOR: Okay.

7 MR. BISSINGER: Maybe you can give Mr.
8 Teator a date as to when this transformation occurred
9 that she was still reporting to corporate, but came
10 down and was working for you at the NBU section.

11 (b)(7)(C) I -- I can't. You know, it -
12 - it was in 1998.

13 SPECIAL AGENT TEATOR: That long ago?

14 (b)(7)(C) Yes, she -- she was down
15 there for awhile.

16 SPECIAL AGENT TEATOR: Right.

17 MR. BISSINGER: She was on SAP, I think,
18 and then he's trying to figure out when she left that
19 detail so to speak and was doing something a little
20 different in this change area other than SAP.

21 SPECIAL AGENT TEATOR: That's right.

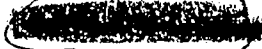
22 MR. BISSINGER: The approximate timing.

23 (b)(7)(C) I'm -- I'm not able to
24 separate the -- the SAP. The end of I think it was
25 maybe '99, so I -- I couldn't -- I know I could not

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1 answer the question as to when that happened.

2 SPECIAL AGENT TEATOR: Okay. Well, I
3 think that might be a good point to make. When did
4 the SAP implementation complete? When was it
5 completed at the site? If you can give me a ballpark.

6  I -- I thought we implemented
7 it in -- it -- it was between outages so it would be
8 the summer of '99, I think is when it was.

9 SPECIAL AGENT TEATOR: Okay. I'm getting
10 from you that you're a little unsure of that though.

11  Yes.

12 SPECIAL AGENT TEATOR: And I could
13 probably get that from Jeff Keenan to the exact date.

14 MR. BISSINGER: I'm sure that if they have
15 anything on that documentation, they would try to help
16 out there.

17 SPECIAL AGENT TEATOR: Right. And just so
18 it's on the record, I'm going to ask the company for
19 that date.

20 SR. COORDINATOR VITO: The date of
21 implementation of SAP?

22 SPECIAL AGENT TEATOR: Yes, because I
23 think that might help show when Kymn Harvin's job
24 changed down there because once it's implemented, she
25 had to have been doing other things, I'm thinking.

1 You can correct me I'm wrong.

2 MR. BISSINGER: You want the date that the
3 actual SAP implementation was completed?

4 SPECIAL AGENT TEATOR: Yes.

5 MR. BISSINGER: All right.

6 (b) One thing I was wrestling
7 with, you know, was the completion date, you know,
8 officially we cited implemented at Nuclear.

9 MR. BISSINGER: Okay.

10 (b) That date is different from
11 the day it was implemented in the division operations
12 or in the financial.

13 MR. BISSINGER: All right.

14 (b) So I mean, SAP is such a
15 large program, it touches so much facets of the
16 company, right? It's not easy to say when was it
17 implemented? We implemented Phase I, we implemented
18 Phase II.

19 SPECIAL AGENT TEATOR: Right.

20 (b) We used SAP module 4.3.2 then
21 we implemented a revision to that, we implemented
22 another revision to that. So because it's such a
23 massive computer program, I don't know that there were
24 dates that we cite it's officially on and we actually
25 turned it on. We had a maintenance management system

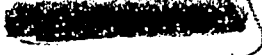
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1 that we turned off and then turned on SAP. So we
2 would use the SAP as the tool.

3 SPECIAL AGENT TEATOR: Right.

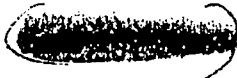
4  So for us, that's the day
5 that SAP was turned on.

6 SPECIAL AGENT TEATOR: Right.

7 SR. COORDINATOR VITO: Would the
8 implementation you're most familiar with be the
9 implementation at Nuclear?

10  Yes.

11 SR. COORDINATOR VITO: I know the dates
12 are kind of hazy. Do you recall if she was helping
13 you out with other stuff before that date occurred?
14 Was she doing some of these other things with you
15 before the implementation of SAP at Nuclear?

16  I -- I -- I don't recall.

17 SPECIAL AGENT TEATOR: Okay. All right.
18 I'm just going to ask the company for those dates
19 which you just described.

20 MR. BISSINGER: Yes, I made a note of
21 that. I'll ask Mr. Keenan. If there's anything out
22 there, if he could track it down.

23 SPECIAL AGENT TEATOR: Okay. Right.
24 Okay. Good. All right.

25 So you made a statement that Kymn came to

1 you wanting to do, and I'm paraphrasing, wanting to do
2 other things and you were looking for someone to help
3 with change, is that correct?

4 (b) That's correct.

5 SPECIAL AGENT TEATOR: Okay. When she
6 came to you and did that occur then? Did you give her
7 assignments to help you with the change that you
8 wanted to implement at the site?

9 (b) Yes. We -- we were -- my
10 philosophy for operating the -- the site, was cite the
11 reliability cost effectiveness to people.

12 SPECIAL AGENT TEATOR: Right.

13 (b) If we were putting in place
14 business plans, I would support safety, I would
15 support reliability, I would support cost and would
16 support people. A group of employees working for
17 (b) who at that time was the (b) of
18 Salem.

19 SPECIAL AGENT TEATOR: Okay.

20 (b) (b) a
21 Salem. He was responsible for the -- putting together
22 the people plant. As part of those activities, they
23 interviewed different firms and came with the
24 recommendation to employee GAP to help us with the
25 cultural changes.

1 SPECIAL AGENT TEATOR: Okay.

2 [REDACTED] And part of that process, we
3 formed additional teams to work on issues. When we
4 created a -- an oversight group for a lot of these
5 teams to work, we had myself on the team, we had
6 senior members of the staff and a business unit from -
7 - the bargaining unit business agent --

8 SPECIAL AGENT TEATOR: Okay.

9 [REDACTED] -- on the team and also one
10 or two other union employees. GAP helped us put that
11 together and facilitate how to make cultural changes
12 at the NBU. Kymn was a part of that team.

13 SPECIAL AGENT TEATOR: Okay.

14 [REDACTED] And so that's how -- that was
15 her assignment to help us work -- put this together,
16 make -- implement a people plan --

17 SPECIAL AGENT TEATOR: All right.

18 [REDACTED] -- in the NBU.

19 SPECIAL AGENT TEATOR: When she was made
20 a part of that team, did she formally and officially
21 report to you as your supervisor?

22 [REDACTED] Yes. She -- she was in the
23 NBU at that time, yes.

24 MR. BISSINGER: In the NBU on the NBU's
25 payroll?

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1 [REDACTED] Not -- not on the NBU's
2 payroll. She was --

3 MR. BISSINGER: I think that's what -- I'm
4 not sure if that's your question.

5 SPECIAL AGENT TEATOR: No, my question is,
6 when she was placed on that team, did she formally and
7 officially report to you as your supervisor?

8 [REDACTED] No. No.

9 SPECIAL AGENT TEATOR: That was the
10 question.

11 [REDACTED] No.

12 SPECIAL AGENT TEATOR: Okay.

13 [REDACTED] She didn't.

14 SPECIAL AGENT TEATOR: All right. Now at
15 some point did she formally and officially report to
16 you?

17 [REDACTED] Yes.

18 SPECIAL AGENT TEATOR: Okay. Now in
19 between the time she's placed on the team and when she
20 becomes a permanent member of NBU down at the site, I
21 believe it was January 1, '02.

22 MR. BISSINGER: Yes, but the phraseology
23 and the question is not -- go ahead.

24 SPECIAL AGENT TEATOR: Well, my question
25 is did you have input into her job performance

1 appraisal between the time she was placed on the team
2 and the time she officially reported to you? That's
3 the question.

4 (b) Okay. I don't recall having
5 input into her job performance appraisal prior to
6 that.

7 SPECIAL AGENT TEATOR: All right. Okay.
8 At some point was Kymn Harvin transferred from
9 corporate down to NBU?

10 (b) Yes.

11 SPECIAL AGENT TEATOR: I have some e-mails
12 and I'll show you them.

13 And, Mike, I'll give him some time to look
14 at them. They're fairly short, but they're in the
15 September 2001 time period.

16 The first one, I'm going to read it on the
17 record and I'll give you a chance to look at it and
18 then I'll ask you a question. If you need time to
19 review it further, I'll give you time to do that.

20 (b) Okay.

21 SPECIAL AGENT TEATOR: Okay? but I have
22 an e-mail here. It says, "From (b)." And
23 I'll list this as Exhibit 1 in the transcript. Okay?

24 (Whereupon, the document was
25 marked as (b) Exhibit 1 for

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identification.)

SPECIAL AGENT TEATOR: And it's from
[REDACTED] Date is Thursday, September 27, 2001
at 11:08 a.m. to [REDACTED] Okay? It's CC:
Kymn Harvin. Subject: 2002 Budget. The e-mail reads:
[REDACTED] I hope I'm not too late for your budget
planning needs. I will the services of Kymn through
the entire 2002. She's actively assisting us in
making in fundamental changes in our behaviors and
thus our performance. I would like to sit with you to
determine how we might reduce the cost associated with
her services."

Do you see that e-mail? Why don't we take
a short a break off the record and you can take a look
at that. It's 10:37.

(Whereupon, at 10:37 a.m. off the record
until 10:38 a.m.)

SPECIAL AGENT TEATOR: All right. We're
back on the record. It's 10:38.

[REDACTED] do you have the e-mail in
front of you?

[REDACTED] Yes, I have the e-mail in
front of me.

SPECIAL AGENT TEATOR: Okay. I'd like to
ask you just a couple of questions about that.

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1 What caused you to send this e-mail to

2 (b)(7)(C)
3 (b)(7)(C): At the end of the year.

4 SPECIAL AGENT TEATOR: Okay.

5 (b)(7)(C) Of each calendar year, we --
6 we enter our budgetary review cycle, do our planning
7 needs for the future, from a corporate perspective as
8 well as the NBU perspective.

9 SPECIAL AGENT TEATOR: Okay.

10 (b)(7)(C) And in order to -- to retain
11 her services for the future, I indicated to (b)(7)(C) that
12 I wanted her for next year. I -- I believe it was a
13 dialogue with Kymn that inspired her to remind me, jog
14 me that (b)(7)(C) would need a piece of paper, so that's --
15 that's what -- what created it. In order for me to
16 get her services for the year 2002, which I wanted, I
17 needed to communicate to (b)(7)(C) that I needed her.
18 Also, I wanted to reduce the cost at the NBU. She was
19 down there full time. We had formed a services
20 company.

21 SPECIAL AGENT TEATOR: Okay.

22 (b)(7)(C) They were charging me
23 additional costs for Kymn.

24 SPECIAL AGENT TEATOR: Corporate was?

25 (b)(7)(C) Corporate was.

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1 SPECIAL AGENT TEATOR: All right.

2 [REDACTED] And service overhead charges.

3 Things like that

4 SPECIAL AGENT TEATOR: They were making
5 money off of her from you guys from her being down
6 there? I mean, I don't understand the big corporate
7 picture, but that's what it sounds like.

8 [REDACTED] That's correct.

9 MR. BISSINGER: I think that, [REDACTED]
10 was it less expensive for you to have her on your
11 payroll in 2002 than it would have been to have her on
12 corporate's payroll? Less expensive for the NBU?

13 [REDACTED] It was less expensive for the
14 NBU to have her on my payroll.

15 SPECIAL AGENT TEATOR: Okay.

16 [REDACTED] So I wanted to move her. It
17 would also allow the corporate to reduce their cost
18 because she would be down at the NBU.

19 SPECIAL AGENT TEATOR: Okay. And did you
20 discuss with Kymn your desire to have her move down to
21 NBU from corporate?

22 [REDACTED] Yes. She'd indicated that
23 she wanted to do that and I -- I did discuss that with
24 her.

25 SPECIAL AGENT TEATOR: Did her work

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1 responsibilities change as a result of this change in
2 her status from corporate to NBU?

3 [REDACTED] No.

4 SPECIAL AGENT TEATOR: Okay. But then
5 when that occurred, did you then become her official
6 supervisor?

7 [REDACTED]: Yes, I did become her
8 supervisor.

9 SPECIAL AGENT TEATOR: Okay. Actually, I
10 have another e-mail. I'll give you a moment to look
11 at this. I'll mark it Exhibit 2.

12 (Whereupon, the document was
13 marked as [REDACTED] Exhibit 2 for
14 identification.)

15 SPECIAL AGENT TEATOR: It's an e-mail from
16 you, [REDACTED], dated Thursday, October
17 11, 2001 at 10:41 a.m. to Kymn Harvin. Subject:
18 Moving to this site.

19 I'll let you look at it, but it reads:
20 "The question comes up whether we should transfer you
21 to, I think to the NBU. Have you move and reduce our
22 cost. Your reaction?" And there's the e-mail. We'll
23 stay on the record. It's pretty short.

24 [REDACTED] Sure.

25 MR. BISSINGER: Just for the record, [REDACTED]

1 [REDACTED] may have a recollection of this e-mail, but you
2 really can't even read his name here on the bottom.
3 If that's his name, it look likes it's -- on the top
4 it says From [REDACTED] On the bottom --

5 SPECIAL AGENT TEATOR: Looks like [REDACTED]

6 MR. BISSINGER: -- scribbled over --

7 SPECIAL AGENT TEATOR: I agree the copy's
8 not the best in the world. That's the one I got from
9 the company.

10 MR. BISSINGER: Okay. I'll have to have
11 a talk with them about this copy.

12 SPECIAL AGENT TEATOR: All right.

13 [REDACTED] I recall the e-mail.

14 SPECIAL AGENT TEATOR: Okay. And did she
15 object in any way to her being formally transferred
16 down to NBU?

17 [REDACTED] She did not object. I -- I
18 was concerned about the -- the transfer to make sure
19 that she really wanted to do it, but no, she didn't
20 object to it.

21 SPECIAL AGENT TEATOR: Why were you
22 concerned with that?

23 [REDACTED] I -- I -- I felt that it was
24 a -- a big move, a big commitment.

25 SPECIAL AGENT TEATOR: Okay. I'm sensing

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1 there was something else there.

2 [REDACTED] No, there wasn't anything
3 else. I was -- I was -- she'd indicated to me that
4 she wanted to come down to -- to -- it would be good
5 for us if she transferred to the NBU.

6 SPECIAL AGENT TEATOR: Right.

7 [REDACTED] And I said so. You know, I
8 had some discussions, sent e-mail back to Keenan, to
9 -- in fact to encourage it.

10 SPECIAL AGENT TEATOR: Right.

11 [REDACTED] And -- and the thing, when --
12 when it possibility came there, I just wanted to make
13 sure that she still wanted to do it.

14 SPECIAL AGENT TEATOR: Okay. All right.

15 [REDACTED] Was -- was there anything
16 else? Okay.

17 SPECIAL AGENT TEATOR: There's another e-
18 mail that kind of formalizes this. I'll read it on
19 the record. This one's a little longer and I'll give
20 you a chance to look at it before asking you the
21 questions. But it's going to be Exhibit 3.

22 (Whereupon, the document was
23 marked as [REDACTED] Exhibit 3 for
24 identification.)

25 SPECIAL AGENT TEATOR: It's an e-mail from

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1 [REDACTED]
2 Again, Mr. Bissinger, I apologize. The
3 copy in the left hand margin is not the best, but I
4 think I have a better copy here. Yes, I do.

5 It's an e-mail from [REDACTED] sent
6 Wednesday, October 31, 2001 at 2:29 p.m. to [REDACTED]
7 [REDACTED] and cc'd are Kymn Harvin, [REDACTED]
8 [REDACTED] and the subject is Kymn Harvin in 2002. It
9 reads, [REDACTED] this is to confirm our conversation
10 earlier today re: Kymn Harvin's status for 2002.

11 (Whereupon, of the record).

1 SPECIAL AGENT TEATOR: I'm going to repeat
2 the issues of Exhibit 3. And it's an email message
3 from [REDACTED], sent Wednesday, October 31,
4 2001 at 3:29 p.m. to [REDACTED] cc'd are Kymn
5 Harvin, [REDACTED] Subject: Kymn Harvin,
6 2002. The email reads: [REDACTED] this is to confirm
7 our conversation earlier today, re: Kymn Harvin's -
8 of 2002. We will move Kymn Harvin over to your
9 payroll by the end of the year so that she will be on
10 your payroll in 2002 for the entire year. This will be
11 considered 'a locational' assignment with the
12 understanding that there are no guarantees beyond
13 that. We will discuss her status towards the latter
14 of part or 2002 and determine where and how she can

1 make her best contribution to the business. She will
2 initially report directly to you and continue to
3 report on a dotted line basis to me throughout the
4 year (for continuity with OD and leadership work we
5 have going throughout the business) she will continue
6 to have her expenses paid by for organization 2002.
7 Thanks much, [REDACTED]"

8 We'll take a short break off the record,
9 and [REDACTED] and Mr. Bissinger can review that.
10 I'll have a number of questions on that issue.

11 Can we go off the record.

12 (Whereupon, at 10:46 a.m. off the record
13 until 10:47 a.m.)

14 SPECIAL AGENT TEATOR: Back on the record
15 after a short break. It's 10:47.

16 [REDACTED] have you had an opportunity to
17 review the email which I just read on the record?

18 [REDACTED] Yes, I have.

19 SPECIAL AGENT TEATOR: Okay. Did you look
20 it because I'm going to ask you some questions.

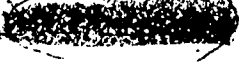
21 The third sentence reads: "This will be
22 considered 'a locational' assignment." What did you
23 understand [REDACTED] to mean by that using that term?
24 What did that mean? Can you speak to that?

25 [REDACTED] I thought it meant that she

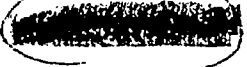
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1 would be on a temporary assignment to nuclear.


2 SPECIAL AGENT TEATOR: I don't know what
3 that means. Could you maybe enlighten me a little bit
4 more on that?

5  What it meant is that the
6 assignment -- well, it was not permanent. It was a OD
7 consultant, senior OD consultant.

8 SPECIAL AGENT TEATOR: Right.

9  And that we would -- I would
10 look at her on a year-to-year basis if not more
11 frequently to ascertain her continued need.
12 Rotational assignments are typically given to an
13 employee to give them new experience, and that
14 assignment is conditionally done as a temporary
15 assignment. It could be one year, it could be two year
16 assignments.

17 SR. COORDINATOR VITO: I'm sorry, OD is
18 organizational development?

19  Design, I think.

20 SR. COORDINATOR VITO: Design, dynamics?
21 Something like that?

22  Yes.

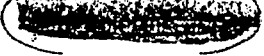
23 The rotational assignment was the
24 assignment of temporary nature with unspecified
25 duration.

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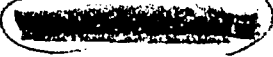
1 SPECIAL AGENT TEATOR: Okay. Now, I see
2 that Kymn Harvin is cc'd on this. But did you discuss
3 that with her, that the assignment was considered
4 rotational?

5  I discussed with her that the
6 assignment was temporary, yes.

7 SPECIAL AGENT TEATOR: All right. Was
8 that a one-on-one discussion?

9  Yes, it was.


10 SPECIAL AGENT TEATOR: Okay. Do you know
11 when you had that conversation with her? Can you give
12 me a time frame?

13  It was shortly after
14 receiving this letter. I also sent her -- Kymn an
15 email to make sure that, you know, we had discussed
16 this previously, but to make sure that she knew that
17 we wanted to transfer her from the payrolls up north.

18 SPECIAL AGENT TEATOR: Right.

19  To the payrolls at the PSEG
20 nuclear.

21 SPECIAL AGENT TEATOR: Right.

22  That they were going to
23 eliminate the job she had up north and she would come
24 work for me full-time and it was a temporary
25 assignment. I did not know how long I would need a OD

1 consultant. It was a temporary nature.

2 SPECIAL AGENT TEATOR: Mike, do you have
3 that email? I don't think I've seen that.

4 MR. BISSINGER: I've seen these. I'm not
5 sure --

6 SPECIAL AGENT TEATOR: I haven't seen that
7 one. I'd remember that. If it exists --

8 MR. BISSINGER: If it exists, I'll ask Mr.
9 Keenan if there's any other emails about this.

10 SPECIAL AGENT TEATOR: Yes.

11 MR. BISSINGER: I'll need to see the other
12 one that we have.

13 SPECIAL AGENT TEATOR: Oh, Exhibit 1?

14 MR. BISSINGER: Exhibits 1, 2 and 3 we
15 have in front of you. What you're talking about is
16 not Exhibit 1, 2 or 3, the email that you sent around
17 the end of October after you got this email from
18 [REDACTED] I think you said you had a discussion with her
19 about this issue and then you sent an email to her.

20 [REDACTED] I did have a discussion with
21 her.

22 MR. BISSINGER: Do you recall
23 approximately when you sent the email or --

24 [REDACTED] No, I don't recall, because
25 it would have been close in time, and I see she got

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1 the email, so --

2 SPECIAL AGENT TEATOR: We've got Exhibit
3 3. Do you recall another separate email apart from
4 Exhibits 1, 2 or 3?

5 [REDACTED]: No, I cannot swear that I
6 did.

7 SPECIAL AGENT TEATOR: Okay. Thank you.

8 [REDACTED] I did meet with her.

9 MR. BISSINGER: Right.

10 [REDACTED] And explain to her that it
11 was a temporary nature assignment.

12 MR. BISSINGER: Right.

13 [REDACTED] Did she still want to come
14 down here.

15 SPECIAL AGENT TEATOR: Right. But, Mike
16 I'll ask again, if such email exists, I'd ask that it
17 be provided to the Commission.

18 MR. BISSINGER: Absolutely.

19 SPECIAL AGENT TEATOR: Okay. Still
20 sticking with sentence number three here, this would
21 be considered 'rotational' assignment, with the
22 understanding that there are no guarantees beyond
23 that."

24 Can you tell me your understanding of what
25 [REDACTED] meant by that statement, "No guarantees beyond

1 that"?

2 [REDACTED] That meant that her job at --
3 up north working for [REDACTED] would no longer exist.
4 Okay. That the assignment would be for 2000 -- it was
5 temporary assignment. It was trying to convey, All
6 right, the nature that it was a temporary assignment.

7 SR. COORDINATOR VITO: So you don't read
8 that as any sort of -- and this is kind of confusing.
9 I guess you could also read it as a statement that,
10 you know, she might be coming back here after that
11 temporary time period is over. It sounds like you
12 didn't read it that way. It was whenever the
13 temporary assignment is over, there's no job, is that
14 correct?

15 [REDACTED] That's correct. And that's my
16 discussion with Kymn was.

17 SR. COORDINATOR VITO: So that she
18 understood that?

19 [REDACTED]: So that she clearly
20 understood that.

21 SR. COORDINATOR VITO: Okay.

22 [REDACTED] Absolutely.

23 SPECIAL AGENT TEATOR: When you had that
24 discussion with her how did she respond to that?

25 [REDACTED] She wanted it to occur. She

1 wanted to come work at the -- she was very
2 enthusiastic and positive about it. She knew all
3 about this and knew that it was a temporary
4 assignment, and she wanted to come work.

5 SPECIAL AGENT TEATOR: Okay. At some
6 point did her old -- I'm going to use the old job in
7 corporate disappear, go away, her position up there?

8 (b) I don't know that.

9 SPECIAL AGENT TEATOR: Do you know?

10 (b) I don't know.

11 SR. COORDINATOR VITO: Did it disappear
12 and go away? I know we're being a little bit informal
13 here, but I assume that whether it was eliminated
14 formally by corporate, taken off the payroll?

15 SPECIAL AGENT TEATOR: Do you know if that
16 occurred?

17 (b) I don't know.

18 SPECIAL AGENT TEATOR: All right. Do you
19 know if her position was eliminated --

20 (b) I do not know if her position
21 was eliminated.

22 SPECIAL AGENT TEATOR: Okay. The sentence
23 that reads, I think it's the fifth sentence: "She
24 will initially report directly to you and continue to
25 report on a dotted line basis to me throughout the

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1 year (for continuity with OD and leadership work we
2 have going throughout the business)." What was your
3 understanding of what was meant by continuing to
4 report on a dotted basis to me, being (b)(7)(C))
5 (b)(7)(C)) (b)(7)(C)) was responsible for
6 supplying -- (b)(7)(C)) was responsible for developmental
7 programs throughout the company.

8 SPECIAL AGENT TEATOR: Right.

9 (b)(7)(C)) And I understand the dotted
10 line relationship was so that she could ensure that
11 Kymn was aware of the activities that were taking
12 place in the company for developmental aspects that
13 would be under her, you know, employees of the
14 company. So it was a dotted line relationship that
15 maintained, I guess, what would be technical capacity,
16 awareness on her part with what was happening in the
17 corporation.

18 SPECIAL AGENT TEATOR: Okay.

19 SR. COORDINATOR VITO: And did it mean
20 anything about possibly (b)(7)(C)) being able to tap her
21 for shorter assignments of that nature or --

22 (b)(7)(C)) Well, (b)(7)(C)) always had that
23 opportunity to ask me for a portion of Kymn's time to
24 carry out an activity, yes.

25 SR. COORDINATOR VITO: Okay.

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1 [REDACTED] Kymn always had that
2 opportunity.

3 SPECIAL AGENT TEATOR: Okay. You've
4 described a discussion you had with Kymn Harvin where
5 you made her aware of what this transfer to NBU meant.
6 Can you offer any evidence to support that you had
7 that meeting with her and made her aware of what that
8 meant? Is there anything else other than your
9 testimony that you could offer up to support that you
10 had that conversation with Kymn?

11 MR. BISSINGER: You talking about
12 documents?

13 SPECIAL AGENT TEATOR: Yes. Document or
14 someone else there, or maybe after that you had a
15 discussion with Kymn you informed a person of exactly
16 what you told Kymn? Anything like that that I could
17 pursue to help corroborate that you had that
18 conversation with Kymn Harvin?

19 MR. BISSINGER: I just want to direct [REDACTED]
20 [REDACTED] attention to Exhibit 2 and see if this had
21 anything to do with any type of conversation that he
22 had with her about that issue.

23 [REDACTED] At this present time I
24 couldn't swear to that, no.

25 SPECIAL AGENT TEATOR: Okay. If you think

1 if something during the course of interview, please
2 bring it up.

3 [REDACTED]: I will.

4 SPECIAL AGENT TEATOR: And even after it's
5 done, like you can relay that to me.

6 MR. BISSINGER: Sure.

7 SPECIAL AGENT TEATOR: All right. Go back
8 to the October 31st email if you would, please, for a
9 second. The last sentence, please. Exhibit 3. The
10 last sentence reads: "She will continue to have her
11 expenses paid by for organization 2002." All right.

12 To your knowledge, as she on temporarily
13 living expenses up to the point she was going to
14 transfer down to NBU?

15 [REDACTED]: Yes. I can't speak to the
16 entire time period, but Kymn was treated differently
17 from the employees at the nuclear in the sense that
18 she was receiving temporary living expenses, and I was
19 paying for all the expenses.

20 SPECIAL AGENT TEATOR: All right.

21 [REDACTED]: NBU.

22 SPECIAL AGENT TEATOR: Out of your budget
23 then? Okay.

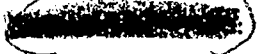
24 Now, when she formally is transferred to
25 NBU, I believe that occurred either in the last week

1 of '01 or the first week of '02, does that sound right
2 to you?


3  Yes.

4 SPECIAL AGENT TEATOR: Okay. When she
5 formally transferred down to NBU, was she -- I read
6 this then was she going to continue to have her
7 expenses beyond, temporary living expenses?

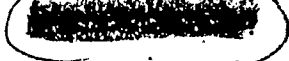
8 MR. BISSINGER: Why don't you tell him the
9 arrangement that was there.

10  Okay. She was -- I had
11 agreed with her to pay expenses, some living expenses.
12 I committed to do that in 2001 and paid those
13 expenses.

14 SPECIAL AGENT TEATOR: Right.

15  In 2002 I -- you know,
16 because of working for the NBU, I had to -- I wanted
17 to reduce the costs.

18 SPECIAL AGENT TEATOR: Right.

19  And I guess I don't
20 understand what your question is.

21 SPECIAL AGENT TEATOR: Right. Okay.
22 That's fine. I'll repeat it. When she formally
23 transferred down to NBU working directly for you,
24 being supervised for you, was she still receiving
25 temporary living expenses?

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1 [REDACTED] I can't honestly recall.

2 MR. BISSINGER: Were there any additional
3 discussions that you had with her about her living
4 expenses arrangement after she came on board or right
5 around the time she came on board?

6 [REDACTED] I had to reduce her cost.

7 SPECIAL AGENT TEATOR: Right.

8 [REDACTED] She is a very high paid
9 consultant and I told her we would -- we were going to
10 not pay the expenses, reduce the expenses.

11 SPECIAL AGENT TEATOR: Okay. I have
12 documents, and I'll go through them if we have to, but
13 I have records that show and signed by you that you
14 approved, I think it was \$550 a week living expenses
15 for 2002.

16 [REDACTED] Okay.

17 MR. BISSINGER: Later on. I'm not sure of
18 the dates of the document you're talking about.

19 SPECIAL AGENT TEATOR: I think she got it
20 for the whole year.

21 MR. BISSINGER: What I'm saying is I'm not
22 sure what the dates that he actually approved, either
23 retroactively or for the future.

24 SPECIAL AGENT TEATOR: Okay. It was being
25 approved, I believe it was January 5, '03 is when it's

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1 signed by you.

2 MR. BISSINGER: Right, which is a year
3 after she came down?

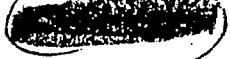
4 SPECIAL AGENT TEATOR: Right.

5 MR. BISSINGER: So the question is did she
6 ever approve those expenses or I think that the
7 document's correct.

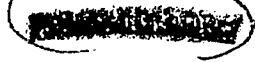
8 SPECIAL AGENT TEATOR: Right. I guess I'm
9 trying to understand if Kymn Harvin is a full-time NBU
10 employee working at the site, not a corporate person
11 anymore, she's down working for you, why was she still
12 getting temporary living expenses? That's my
13 question.

14  Thank you for clarifying it.

15 SPECIAL AGENT TEATOR: I didn't mean to
16 make it confusing, but that's the real question.
17 That's it.

18  You're just testing my memory
19 too much.

20 SPECIAL AGENT TEATOR: I'm sorry, but
21 that's the question. I need to understand why she was
22 still getting that if she is a full-time NBU employee
23 at the site. Maybe you can explain that to me.

24  Right. I looked at her just
25 job as a consultant job. I looked at her job, '01 she

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1 was receiving -- and prior she was receiving a
2 significant amount of dollars for living expenses. She
3 talked to me about the arrangements. I don't remember
4 like how much we were paying and what were the
5 attributes with it, all right. I told her we have to
6 reduce the cost, all right. So we cut it from
7 whatever it was over here, we had one discussion I
8 think this is like 2001 and earlier payments that was
9 made here --

10 SPECIAL AGENT TEATOR: Right.

11 [REDACTED]: I reduced that cost. And so
12 I paid her, you know, less than she was making
13 earlier.

14 SPECIAL AGENT TEATOR: All right.

15 [REDACTED]: Your question is why didn't
16 I eliminate completely --

17 SPECIAL AGENT TEATOR: That's it.

18 [REDACTED]: -- as with all the other
19 employees.

20 SPECIAL AGENT TEATOR: Right.

21 [REDACTED]: And the way I looked at the
22 job, I looked at the job as it was a consultant, it
23 was a unique attribute. She couldn't or didn't want
24 to move from north to the NBU, and I said for the
25 services that I needed at the time, I will continue

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1 paying those dollars.

2 SPECIAL AGENT TEATOR: I mean, I'd asked
3 the company if a document exists which shows the
4 formal transfer of her down to NBU. I haven't gotten
5 it yet. The only thing I have is when she was hired
6 by the company, the personnel paperwork shows her
7 employee status as active, permanent employee. It
8 doesn't talk about anything temporary. I'm wondering
9 if -- I -- I heard your testimony how you looked at
10 her job down here. But her formal status had not
11 changed in the company. The company still considered
12 her to be a permanent, active permanent employee.

13 MR. BISSINGER: For which entity are we
14 talking about and at what time?

15 SPECIAL AGENT TEATOR: When she was hired
16 at the company?

17 MR. BISSINGER: When she was hired at the
18 nuclear or when she was transferred to nuclear onto
19  payroll or when -- before that time?

20 SPECIAL AGENT TEATOR: Before that time
21 when she was actually first hired on with PSEG.

22 MR. BISSINGER: Well, she was an employee
23 in the organizational design area as a senior OD
24 consultant I think was her title.

25 SPECIAL AGENT TEATOR: Right.

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1 MR. BISSINGER: Right. And your question,
2 I think [REDACTED] answer that he considered her for
3 a "consultant job."

4 SPECIAL AGENT TEATOR: And my question is
5 it doesn't appear that her formal status changed to
6 reflect that. Do you know why?

7 MR. BISSINGER: I think he may be a little
8 confused as to the legality of consultant versus
9 employee or what his perception was. They may be two
10 different thing. But whatever your question is, go
11 ahead and --

12 SPECIAL AGENT TEATOR: I've heard your
13 testimony, and I understand what you're saying. But
14 I'm trying to think, okay, she goes down to NBU, she
15 transfers from corporate to NBU. I would think that
16 personnel up in Newark would have shown that change in
17 a personnel type document. I haven't seen that yet.
18 So all I have is her initial hire document which shows
19 her as an active permanent employee. And I've seen
20 her described as a temporary employee, a temporary
21 job.

22 MR. BISSINGER: Let me see if I can track
23 something down.

24 SPECIAL AGENT TEATOR: I haven't been
25 shown any type of document to reflect that that really

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1 was her status.

2 [REDACTED] What I hear you asking me,
3 all right, is that when she transferred to -- from
4 [REDACTED] cost area to my cost area, you don't see any
5 documents that says that that occurred. That's what
6 I hear you saying?

7 SPECIAL AGENT TEATOR: Yes.

8 [REDACTED]: And that would surprise me.

9 SPECIAL AGENT TEATOR: That would or would
10 not?

11 [REDACTED] That would surprise me that
12 that document doesn't exist. She is now in my cost
13 area.

14 SPECIAL AGENT TEATOR: Right. I haven't
15 seen that. If it exists, my --

16 MR. BISSINGER: Yes, there's a document
17 here saying that that's going to happen, the email
18 Exhibits 1, 2 and 3.

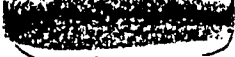
19 SPECIAL AGENT TEATOR: Right.

20 MR. BISSINGER: That's going to happen.

21 SPECIAL AGENT TEATOR: Right. And it did
22 happen.

23 MR. BISSINGER: And it did happen. I'd be
24 surprised if we couldn't at least show the payments,
25 etcetera, coming from this --


1 SPECIAL AGENT TEATOR: Right. And I guess
2 my question shouldn't it going to wherever that
3 document shows. Does that document show a change in
4 her status because --

5  The document would show her
6 being temporary.


7 SPECIAL AGENT TEATOR: Okay.

8  If that is your question.

9 SPECIAL AGENT TEATOR: Yes, it is. I'm
10 just trying to nail that down if that document existed
11 and showed her status as temporary or permanent,
12 whatever, I'd like to see that document. And I was
13 looking for an explanation from you if there was a
14 change in her formal status, was there? When she
15 transferred down to NBU in your mind was there a
16 formal change in her status as a permanent employee to
17 a consultant type employee? Can you answer that?

18  That was the purpose for my
19 sitting down and talking to her, to make her
20 understand that she's a permanent full-time employee
21 of PSEG nuclear.

22 SPECIAL AGENT TEATOR: All right.

23  But that she's doing this
24 work and that work will be a temporary nature.

25 SPECIAL AGENT TEATOR: All right.

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1 (b) And there will be a day when
2 I will no longer need those services. And at that
3 time the company has programmed, you know, to address
4 the issue. That was the purpose of the discussion.

5 SPECIAL AGENT TEATOR: All right.

6 (b) Because I do not believe you
7 will find a piece of paper that says that she's a
8 temporary employee.

9 SPECIAL AGENT TEATOR: All right. Okay.
10 Fair enough.

11 MR. BISSINGER: I'm not sure there's a
12 piece of paper that says any employee in the company
13 is either temporary or permanent since everybody's
14 contractors, I guess at will --

15 SPECIAL AGENT TEATOR: Something at will--

16 MR. BISSINGER: You know, so I think
17 that's -- you may be asking for the perfect piece of
18 paper --

19 SPECIAL AGENT TEATOR: Yes, I am actually.

20 MR. BISSINGER: -- for anybody.

21 SPECIAL AGENT TEATOR: That's what I'm
22 asking for, and if it exists I'd like to have it.

23 MR. BISSINGER: Okay.

24 SPECIAL AGENT TEATOR: If it doesn't
25 exist, I have your testimony and we'll move forward.

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1 MR. BISSINGER: Okay.

2 SPECIAL AGENT TEATOR: Okay. Question,
3 back to her being given living expenses while she's
4 working directly for you at NBU. Were there other
5 employees who worked for you who received such
6 expenses?

7  Not that I recall, no.

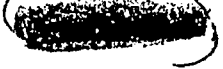
8 SPECIAL AGENT TEATOR: All right. Are you
9 aware of any other PSEG nuclear employees receiving
10 such expenses when Kymn was getting those in 2002?

11  No, I am not.

12 SPECIAL AGENT TEATOR: All right.

13 MR. BISSINGER: Jeff, whenever it's a good
14 time, I want to take a two minute break.

15 SPECIAL AGENT TEATOR: Yes. I'm
16 approaching an area where I think we could take a
17 decent break.

18  when Kymn Harvin moved down to
19 work directly for you, were you then to write her job
20 performance appraisal for the calendar year 2002?

21  Yes, I was.

22 SPECIAL AGENT TEATOR: All right. And did
23 you write that appraisal?

24  Yes, I did.

25 SPECIAL AGENT TEATOR: All right. We're

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1 going to reflect that a little bit later.

2 Yes, it's 11:09. Why don't we take a
3 break. Let's go off the record, please.

4 (Whereupon, at 11:09 a.m. a recess until
5 11:28 a.m.)

6 SPECIAL AGENT TEATOR: Okay. We're back
7 on the record. It's 11:28 and we just took a short
8 break.

9 A couple of -- another question about
10 this, [REDACTED] described in an email to you of
11 October 31, 2001 that it was a "rotational
12 assignment." My question to you was did you know if
13 there was a rotational assignment agreement executed
14 to show that it was a rotational assignment? I'm
15 asking you if you know of such --

16 [REDACTED]: No, not to my knowledge.


17 SPECIAL AGENT TEATOR: Mike, I'd ask if
18 the company has such a rotational assignment agreement
19 procedure, number one, if it does exist I'd like to
20 get a copy of that. And number two, if one -- if that
21 document or procedure does exist describing that type
22 of assignment, if one was generated for Kymn Harvin,
23 I'd like to ask for that.

24 MR. BISSINGER: I'll communicate that to
25 the company.

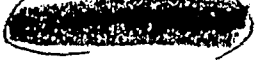
1 SPECIAL AGENT TEATOR: Okay. Thank you.

2 Okay. Kymn Harvin's working for you, it's
3 the year 2002. Okay. I'm just putting us in a time
4 frame here.

5 In mid-2002 time period, I can't give you
6 anything more than that, did Kymn Harvin ever come to
7 you asking you if her position was in fact a temporary
8 position? My understanding is, and I'll give you a
9 little more, my understanding is she had a discussion
10 with someone and that individual told her that Kymn I
11 understand your job is temporary and that from what I
12 understand she came back to you with that type of
13 question. Do you recall if that occurred or not?

14  I don't recall that occurred
15 or not. But I recall of having a conversations so
16 that she clearly understood that her job was
17 temporary. She had spoken to me at one point in time
18 that she was going to leave and become -- she I'd
19 always wanted to write a book, an author.

20 SPECIAL AGENT TEATOR: Okay.

21  She was going to leave and
22 write the book, right. Again, I -- absolutely clear
23 that she knew that the job that she was in was a
24 temporary statement. She fed that back to me that she
25 knew that her job was a -- of a temporary nature. In

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1 other words, I was not going to need an OD consultant
2 for the foreseeable future, like 20 years or the life
3 of the plant.

4 SPECIAL AGENT TEATOR: Okay. When she
5 made that statement to you, was there anyone else
6 present to hear that?

7 [REDACTED] No. No.

8 SPECIAL AGENT TEATOR: All right. From
9 what I understand her temporary living expenses ended
10 at the end of 2002. She wasn't going to get anymore?

11 [REDACTED]: That's correct.

12 SPECIAL AGENT TEATOR: Okay. Why did her
13 getting those expenses end at the end of 2002 and not
14 carry over into 2003?

15 [REDACTED] I had made the decision, the
16 vice presidents were on board with it and were going
17 -- looking towards the future, were going to achieve
18 top quartile performance in the areas of safety,
19 reliability and costs for the people. And one of
20 those parameters was cost. We had benchmarked what
21 two unit plant, BWRs, three unit Bs, three unit sites,
22 what the costs were throughout the industry as best we
23 could -- you know, I ascertained. And I needed to
24 reduce the costs. I wanted to reduce the costs in
25 order to reach the top quartile.

1 SPECIAL AGENT TEATOR: And how would you
2 achieve that, reducing costs?

3 [REDACTED] I reduced costs by reducing
4 people, I was going to eliminate her job and by, you
5 know, people doing such things as cutting whatever
6 expenses we could.

7 SPECIAL AGENT TEATOR: Okay.

8 [REDACTED]: Now, I'm not sure exactly
9 what your question was, but at the --

10 SPECIAL AGENT TEATOR: Well, my question
11 was why was her temporary living expenses not
12 continued into 2003? It ended in 2002.

13 [REDACTED] Because -- all right, because
14 she was very expensive. We wanted to reduce costs.

15 SPECIAL AGENT TEATOR: Okay. And she
16 remained an employee and was not informed that her job
17 was eliminated up until February 26, 2003. In between
18 January 1 '03 and February 26 did she come to you
19 asking you questions about why she was not getting
20 temporary living expenses in that time period? Do you
21 recall her asking, had she asked you that question?

22 [REDACTED] We -- Kymn knew that she was
23 the only one receiving these living expenses, and I
24 had a dialogue with her that we -- we had to eliminate
25 them. So, I mean, that's --

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1 MR. BISSINGER: Do you recall the
2 dialogue, [REDACTED] If you can.

3 [REDACTED] No, I cannot.

4 MR. BISSINGER: Okay. All right.

5 SPECIAL AGENT TEATOR: So is it your
6 testimony that Kymn knew that at the end of 2002 that
7 would be the end of her receiving temporary living
8 expenses?

9 [REDACTED]: Yes.

10 SPECIAL AGENT TEATOR: Okay. And you had
11 a dialogue with her about that?

12 [REDACTED]: Yes.

13 SPECIAL AGENT TEATOR: All right. Do you
14 have anything to offer to corroborate that?

15 [REDACTED] No, I do not.

16 MR. BISSINGER: Was there communications
17 with payroll or anybody else that you had directed to
18 effectuate that?

19 [REDACTED] I don't recall that, no.

20 MR. BISSINGER: Okay.

21 SPECIAL AGENT TEATOR: I've seen thousands
22 of pages of documents. And I believe there's one
23 dated from [REDACTED] that may speak to that, and I
24 will find that. And if I -- if you could think of
25 something more to offer in that area, bring it up

1 today or bring it up to Mr. Bissinger and he can
2 communicate that to me.

3 [REDACTED] Okay.

4 SPECIAL AGENT TEATOR: All right. Okay.
5 Sticking with expenses, the temporary living expenses
6 just for a minute and then we're going to move to a
7 new area. Did you know that Kymn Harvin was being
8 investigated by corporate auditing regarding her claim
9 for expenses?

10 [REDACTED] In what time period.

11 SPECIAL AGENT TEATOR: In the late 2002
12 early 2003 time period? Did you know that the audit
13 department in Newark was reviewing her claim?

14 [REDACTED] I don't recall knowing that,
15 no.

16 SPECIAL AGENT TEATOR: Okay.

17 [REDACTED] During the time when I was
18 her supervisor?

19 SPECIAL AGENT TEATOR: Right.

20 [REDACTED] Kymn had difficulty with
21 expense accounts. She wouldn't turn them in, turn
22 them in late, accumulated them. I commented that on
23 her performance appraisal.

24 She would turn in costs inappropriately.

25 SPECIAL AGENT TEATOR: In what way?

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1 [REDACTED] One that really sticks out in
2 my mind is she wanted -- she wanted to -- she filed an
3 expense to buy some flowers for a function, all right,
4 and put it on her expense account. And it was for an
5 employee whose relationship had passed away.

6 SPECIAL AGENT TEATOR: All right.

7 [REDACTED] I told her that she can't do
8 that. That it's a program, and the company will buy
9 the flowers, but you cannot put it on your expense
10 account. And in these dialogues I communicated to Kymn
11 that it's been my experience with all the different
12 utilities that I had worked with that if you falsify
13 on expense accounts, they will fire you, right. Money
14 may not mean anything to you, but when you -- the time
15 in which you turn your expense accounts in, it may not
16 mean anything to you, right, but it's very important
17 to the company. And that if you falsify in some
18 fashion an expense account, then they will terminate
19 you. And you've got to be sensitive to that. It's
20 important. And why was -- was going to attend to the
21 expense account, I don't know.

22 SPECIAL AGENT TEATOR: Okay. During the
23 dialogue which you've described that you had with
24 Kymn, it sounds like that occurred on more than one
25 occasion.

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1 [REDACTED] Yes.

2 SPECIAL AGENT TEATOR: Is that correct?

3 [REDACTED] Yes.

4 SPECIAL AGENT TEATOR: All right. Did she
5 change -- well, let me ask you this --

6 [REDACTED] No, she --

7 SPECIAL AGENT TEATOR: Did she correct her
8 behavior in that area?

9 [REDACTED] No, her behavior did not
10 change.

11 SPECIAL AGENT TEATOR: All right. Okay.

12 ~~We're going to move to a new area, okay.~~

13 And, Mike, if you have the letter to [REDACTED]
14 [REDACTED] Do you have a copy of that available?

15 MR. BISSINGER: I'm aware of it. I mean,
16 I've seen it. I don't have it in front of me. I don't
17 have anything in front of me.

18 SR. COORDINATOR VITO: Can I ask one
19 question before we continue, Jeff.

20 SPECIAL AGENT TEATOR: Yes.

21 SR. COORDINATOR VITO: When Jeff asked
22 about the temporary expenses, he said that you thought
23 about eliminating them because of the cost
24 consideration, that the thing that you were trying to
25 do at the time was not just the temporary expenses,

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1 but was her job --

2 [REDACTED] Yes.

3 SR. COORDINATOR VITO: -- also thought
4 about in terms of expense at that time?

5 [REDACTED]: Yes.

6 SR. COORDINATOR VITO: Were other people's
7 jobs being thought about at that time for cost
8 reduction purposes?

9 [REDACTED] Yes. When the management
10 team-- when we took a gap analysis to see what's the
11 differential in safety performance or liability
12 performance, cost performance, right, we had a big
13 delta in cost performance.

14 MR. BISSINGER: Just for the record, can
15 you tell them what delta?

16 [REDACTED]: There was a gap, right, that
17 our costs were high relative to the best performers in
18 the industry, our costs, particularly our labor costs
19 and the labor rate in the sense of dollars per hour
20 were very high compared to the industry there.

21 [REDACTED] had been -- [REDACTED] had
22 responsibility for the cost area and for accumulating
23 this data. He went up to corporate to take a
24 different assignment. We brought in [REDACTED]
25 like [REDACTED] had spent a long time in nuclear in

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1 the areas of public service and the PP&L when he had
2 been a licensed reactor operator. His last assignment
3 for [REDACTED] was in ([REDACTED])

4 [REDACTED] He came to us in the cost accounting area.
5 He picked up where [REDACTED] had left off looking at the
6 high cost. Communicated it's the people. That we need
7 to get serious if we want to meet the targets in the
8 future to reduce the cost, and that translated to
9 reducing people, right.

10 We embarked on several initiatives, some
11 sequentially, some simultaneously. We had a
12 presentation by Good Knight & Associates that looked
13 at the sizing of the staff. Our staff size compared to
14 industry size. And that was done at a macro level.

15 We elected then to retain Good Knight &
16 Associates and look at it at a detailed basis so that
17 the -- if we had an individual in maintenance doing
18 this particular job, his program would acquaint that
19 to the job that were done in other industry. So you
20 had an apple-to-apple comparison. We embarked on that
21 initially to find out exactly where our numbers were
22 high.

23 Exelon Corporation is a part owner of the
24 Salem units. I received a call from ([REDACTED]) who
25 at that time was the ([REDACTED]) He says

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1 we want to reduce the costs at Salem, let's embark on
2 an initiative to do that. So I talked to different
3 people, and said okay let's do that.

4 And our intent with Exelon was to -- since
5 they had instituted best practice, we could compare
6 what our practice was to their practice in that
7 particular area and identify best practices. And
8 identifying the numbers of people that they were
9 utilizing to do that practice versus us. So that it
10 would give us another piece of information as to where
11 our numbers stood.

12 We made the decision to reduce the size of
13 the workforce. We elected to do it in the staffing
14 area first, meaning traditionally in what we call TB2,
15 where the clerical support staff, etcetera are.

16 [REDACTED] worked with HR to develop
17 a process, a reduction in force that we could follow,
18 right? What we want to do for the staff personnel was
19 the line manager responsible to take the lead and set
20 out to reduce his staff.

21 The studies I talked about with respect to
22 Exelon and with respect to Good Knight were geared
23 more towards looking inside the plant activities as
24 opposed to staffing activity. Any line manager,
25 right, was responsibility to look at the size of their

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1 staff and take the action that they thought necessary,
2 whether that included their work they needed more
3 people or they needed to reduce people; could do the
4 same activity with less people.

5 [REDACTED] led that initiative. [REDACTED]
6 [REDACTED] had gone to Newark to be the [REDACTED]
7 [REDACTED] organization. [REDACTED] knew each other from
8 Arizona days. They looked at the IT organization.
9 Under [REDACTED] we had a small group and said
10 they could reduce the overall numbers from the
11 corporation's perspective if we transferred our people
12 to the IT organization and they assumed
13 responsibilities for all the activities that these
14 individuals were doing. So that was done.

15 And people were given notification that
16 their jobs would be terminated if they couldn't find
17 -- I mean, it was a whole company process that [REDACTED] *h*
18 had worked with HR on it.

19 He then did the same thing with his
20 clerical support staff and notified them of -- put the
21 other process -- came up with the list of here's the
22 people that would be eliminated.

23 I had communicated to corporate that I was
24 going to do the same thing with Kymn Harvin in the
25 2002 time frame.

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1 MR. BISSINGER: (b) who do you mean
2 when you say you communicated to corporate?

3 (b) I had a conversation with
4 (b)

5 MR. BISSINGER: When?

6 (b) It was the fourth quarter of
7 2002.

8 SPECIAL AGENT TEATOR: Do you remember
9 where the conversation took place?

10 (b) It was up in Newark.

11 SPECIAL AGENT TEATOR: Was it at a
12 specific meeting, a function?

13 (b) No. I -- I -- no. I was up in
14 Newark as part of the meetings at the time. I really
15 think it was -- no, I don't want to. I don't exactly
16 recall where I was when I had the dialogue with --

17 SPECIAL AGENT TEATOR: How positive are
18 you that you had that discussion with (b), because
19 it's in conflict with her testimony, I'm just telling
20 you that right now?

21 (b): I can't -- you know, I'm not
22 positive.

23 MR. BISSINGER: That you had a
24 conversation with (b) in the fourth quarter
25 of 2002 about not keeping --

1 [REDACTED] Kymn Harvin.

2 MR. BISSINGER: --Kymn Harvin?

3 [REDACTED] I had conversations with her
4 in the fourth quarter. I thought -- I thought she
5 raised the question of is Kymn Harvin, is she going to
6 work with you in 2003. And I had a conversation with
7 [REDACTED] in the fourth quarter of 2002 I was going
8 to eliminate her job. I had a conversation with [REDACTED]
9 [REDACTED] when I was up there. That conversation took place
10 in her office.

11 SPECIAL AGENT TEATOR: Okay. We're going
12 to come to that.

13 Dave, is there something more?

14 SR. COORDINATOR VITO: No. I wanted -- you
15 identified -- identifying these deltas, did Kymn
16 Harvin fall into a delta? You said it was broken into
17 specific areas, you know, if maintenance had more
18 people than they should, they were given the option to
19 release people or increase people --

20 [REDACTED] No, she didn't fall into that
21 delta. She fell into the delta that whether I needed
22 that resources anymore to accomplish the job as a line
23 manager, right. And, you know, looking at the
24 industry, by doing that gap analysis, how many
25 organizations have an OD consultant on site, which is

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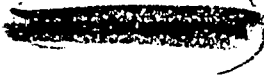
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1 you know very few. But she fell into that.

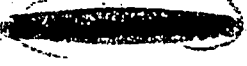
2 SPECIAL AGENT TEATOR: Were there very
3 few?

4  Yes.

5 SPECIAL AGENT TEATOR: Could you define a
6 couple of things for me, actually for the record.
7 Define what you mean by line manager?

8  It's a manager who has
9 supervisory responsibility over subordinates. A line
10 manager is someone who is responsible for an area of
11 function within the corporation, so a line manager so
12 a supervisor, he may have subordinates working for
13 him, he's a manager but he's also a line manager.

14 MR. BISSINGER: Under the term "line" do
15 you mean the subordinates. Line manager, managing
16 subordinates, is that what you're saying? Or is an
17 operations type lingo. I'm not sure.

18  Okay. What I mean by line
19 manager, I mean the individual has a clearly defined
20 responsibility for activities that occur in the power
21 plant, right, or support a power plant. And a line
22 manager in my vernacular I'm talking about the senior.
23 So operations is a line.

24 SPECIAL AGENT TEATOR: Right.

25  That's like the head of line

1 manager for operations is --

2 SPECIAL AGENT TEATOR: A VP of ops?

3 [REDACTED]: A VP of ops, right.

4 SPECIAL AGENT TEATOR: Would people
5 underneath him also be considered line manager?

6 [REDACTED]: Yes.

7 SPECIAL AGENT TEATOR: He would?

8 [REDACTED]: Okay. Right.

9 SPECIAL AGENT TEATOR: All right.

10 [REDACTED]: What I'm struggling with is
11 trying to separate is it a staff or not absolutely
12 required to run the unit, right. And this is a line
13 which is required to run the unit. So I've got to have
14 a licensed operator to run the unit. I don't have to
15 have the clerical staff to run the unit.

16 SPECIAL AGENT TEATOR: That was my next
17 question, define staff for me.

18 [REDACTED]: So I don't need them to run
19 the unit. Now, it's a difficult term because the
20 staff person, they think they're a line person.

21 SPECIAL AGENT TEATOR: Right.

22 [REDACTED]: In my mind as I'm using the
23 term, the line manager are those people who have the
24 responsibility for the operation of the facility. So
25 an individual could be a staff manager like [REDACTED]

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1 was, all those activities really weren't required.

2 SPECIAL AGENT TEATOR: It's 11:50, we just
3 changed tapes.

4 So would Kymn Harvin be considered a staff
5 person when she worked for you?

6 (REDACTED): Yes, she was.

7 SPECIAL AGENT TEATOR: Okay.

8 (REDACTED) And she'd be considered an
9 individual contributor.

10 SPECIAL AGENT TEATOR: And what does that
11 mean?

12 (REDACTED) She had no one working for
13 her.

14 SPECIAL AGENT TEATOR: All right. Okay.
15 All right. You mentioned that you received a call
16 from (REDACTED). Can you tell me when you
17 received that call?

18 (REDACTED) No, I can't. I felt it was
19 the middle of 2002.

20 SPECIAL AGENT TEATOR: Okay. I think
21 that's definite at this point. Okay.

22 (REDACTED) Yes. Because it was phone
23 call -- yes.

24 SPECIAL AGENT TEATOR: Okay. All right.

25 Going to move to a separate area, and

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1 we're getting there. Kymn Harvin sent (b)(7)(C)
2 a letter, dated March 25, 2003. Are you aware of the
3 letter?

4 MR. BISSINGER: Has he seen the letter?

5 SPECIAL AGENT TEATOR: Yes.

6 MR. BISSINGER: Aware of it. Has you seen
7 it, have you read it?

8 (b)(7)(C) I can't say for positively
9 because I've seen parts of the letter.

10 SPECIAL AGENT TEATOR: All right.

11 (b)(7)(C) I've seen people say that
12 here's the letter, but I don't know that that's the
13 letter that (b)(7)(C) got. 7C

14 SPECIAL AGENT TEATOR: All right. I'll
15 give you a copy to read along, but I'm going to ask
16 you some questions regarding what Kymn Harvin stated
17 in the letter, okay.

18 MR. BISSINGER: Can he read the letter?

19 SPECIAL AGENT TEATOR: Why don't we take
20 a short break, he can read the whole letter.

21 MR. BISSINGER: Yes.

22 SPECIAL AGENT TEATOR: It's 11:52.

23 MR. BISSINGER: Okay.

24 (Whereupon, a recess at 11:52 p.m. until
25 11:57 a.m.)

1 SPECIAL AGENT TEATOR: It's 11:57 in the
2 morning.

3 (b) while we were off the record
4 I provided you with a copy of the March 25, 2003
5 letter from Kymn Harvin to (b) Have you
6 had an opportunity to review that?

7 (b): Yes.

8 SPECIAL AGENT TEATOR: And a quick
9 question: Is the first time you've read the letter in
10 its entirety?

11 (b) Yes, it is.

12 SPECIAL AGENT TEATOR: Okay. All right.
13 If we could to the second paragraph, please. The
14 second paragraph reads: "In my position as manager of
15 Cultural Transformation" first of all, was that Kymn's
16 position as you understood it? Was that her title?

17 (b) No, it was.

18 SPECIAL AGENT TEATOR: All right. "I have
19 repeatedly expressed at formal and informal meetings
20 and discussions among management at PSEG Nuclear of
21 leadership weaknesses, failing and inadequate
22 attention to employee raised issues at our site as a
23 matter of nuclear safety.

24 Beginning in or about the spring of 2001
25 at a weekly staff meeting conveyed by (b) where

1 I point blank stated this concern." Do you recall her
2 stating such concern at a spring 2001 weekly staff
3 meeting?

4 [REDACTED] I do not recall her ever
5 making that statement. There were -- there are
6 minutes of that meeting. That are senior management
7 sitting around the meeting, vice presidents, etcetera.
8 If there was ever a statement like that made, it would
9 have been filed and action would have been taken
10 immediately. Just never heard it.

11 SPECIAL AGENT TEATOR: Okay. I'll just
12 continue in the paragraph, because there's an area
13 down to below that I'm going to ask you about.

14 "Beginning in or about the spring of 2001
15 at a weekly staff meeting conveyed by [REDACTED] where
16 I point blank stated this concern and subsequently
17 monthly one-on-one meeting with [REDACTED] in the
18 formal meetings with [REDACTED], then [REDACTED]
19 [REDACTED] I have called attention to the increasing
20 risk of nuclear safety areas at these facilities
21 relating to the annihilation, poor morale and lack of
22 empowerment felt by numerous leaders and workers."

23 Do you recall her making those -- bringing
24 those issues to your attention during these one-on-one
25 monthly meetings?

1 MR. BISSINGER: If I want to -- if you
2 could break it down for -- what you do recall and what
3 you don't recall, because it's sort of a rambling
4 statement.

5 ([REDACTED]) In her responsibility as the
6 senior consultant in our 101 meetings, she would
7 report to back to me the leadership attributes that
8 she had observed in the organization where she had
9 been during that time period.

10 SPECIAL AGENT TEATOR: Right. Right.

11 ([REDACTED]) She would report on such
12 activities what the status and morale is. Not ever
13 meeting, but you know she would report on the morale.

14 SR. COORDINATOR VITO: Was that your
15 recollection of her title, senior OD? That's what you
16 just said? At least that's what you saw her as?

17 ([REDACTED]) Yes.

18 SR. COORDINATOR VITO: Was there a piece
19 of paper anywhere that said that's what she is, that
20 description. Senior OD consultant is what ([REDACTED])
21 just said.

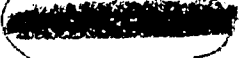
22 MR. BISSINGER: I think we produced
23 paperwork.

24 ([REDACTED]) Yes.

25 MR. BISSINGER: To that correct.

1 SR. COORDINATOR VITO: Is that correct,
2 Jeff?

3 SPECIAL AGENT TEATOR: I've seen her
4 called a lot of different things. But officially I
5 believe her title was senior OD consultant.

6  Right. She had an official
7 title. She liked to inflate herself, thus she comes
8 up to a manager -- she was manager of cultural
9 transformation. She was not a manager of cultural
10 transformation.

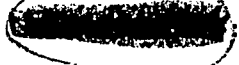
11 SR. COORDINATOR VITO: That title doesn't
12 exist anywhere that you know of?

13  Nowhere that I know of does
14 that title exists.

15 SPECIAL AGENT TEATOR: Exits from the
16 company's perspective or it's just --

17 SR. COORDINATOR VITO: From a company
18 perspective, from a job description, job position
19 perspective.

20 MR. BISSINGER: Did you ever see that
21 title physically anywhere in paper or on any other
22 object?

23  She had posted this title on
24 her door, and I noticed it one day when I was waking
25 by, and it surprised me. Within our corporation we

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1 have a process for determining a person's salary and
2 assigning a job description and a title to it. She was
3 the manager of the cultural transformation. She was
4 not a manager.


5 SPECIAL AGENT TEATOR: I guess my question
6 on that area I just read is that did she bring this to
7 your attention, "an increasing risk of nuclear safety
8 areas at these facilities related to the alienation,
9 poor morale and lack of empowerment."

10 MR. BISSINGER: For the record, I think it
11 says "nuclear safety errors."

12 SPECIAL AGENT TEATOR: Errors. What did I
13 say?

14 MR. BISSINGER: Areas.

15 SPECIAL AGENT TEATOR: Oh, I'm sorry.
16 "increasing risk of nuclear safety errors," did she
17 bring that issue to your attention?

18  She did not bring that issue
19 to my attention. She talked about the leadership
20 attributes, the morale attributes. She expressed no
21 concern. She would just describe what she saw.

22 MR. BISSINGER: And what time period are
23 we talking about, Mr. Teator? Is this in or about the
24 spring of 2001?

25 SPECIAL AGENT TEATOR: Beginning in or

1 about spring, from there forward I guess. My question
2 is did she raise the issue of -- you know, what she
3 saw be as being an increasing risk of nuclear safety
4 areas -- errors. I said areas again. At the plant, at
5 the facility?

6 (b) No. She did not bring that
7 to my attention. There was meeting in March where --

8 MR. BISSINGER: What year now?

9 (b) 2003.

10 MR. BISSINGER: Okay.

11 (b) In 2001, 2002 my nuclear
12 staff meetings, not all of which she attended, all
13 right, she did not bring forth any issues that she
14 said was an increasing risk of nuclear safety errors
15 at the plant.

16 SPECIAL AGENT TEATOR: Okay.

17 MR. BISSINGER: I'm sorry, you said there
18 was one meeting in March of 2003?

19 (b) There was one meeting that
20 she had with me in March after I had told her that her
21 job was to be eliminated.

22 SPECIAL AGENT TEATOR: Right.

23 (b) That was different from the
24 meetings I'd just described.

25 MR. BISSINGER: One-on-one?

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1 ([REDACTED]) It was a one-on-meeting, yes.
2 She and I were the only person in the room.

3 I have a table, a round table. We would
4 typically go in there and sit. Sometimes I need to --
5 I need to use the room next to it, which is my
6 conference room with a table like this. And so she
7 wold sit over there.

8 At this particular meeting she stood up
9 and took in the corner for the whole meeting. And I
10 was sitting at the table talking to her. And I was
11 really struggling in that meeting because she was --
12 she was talking about operator morale, morale at
13 Salem. She was talking about union management
14 relationships, interaction. And she was saying she
15 had a safety concern with respect to that.

16 And I -- my mind, she was just talking.
17 My mind was going 1000 miles an hour trying to figure
18 out what Kymn, what's the issue. What's the issue?
19 What is the problem? And she was talking about the
20 morale of the operators at Salem is very low.

21 SR. COORDINATOR VITO: All operators,
22 control room operators, equipment operators?

23 ([REDACTED]) I don't know. You know, I
24 don't know. I -- I questioned her on that. I thought
25 she was talking about the union operators, right? And

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1 that would have been equipment operators.

2 SR. COORDINATOR VITO: Some control room
3 operators?

4 [REDACTED] I don't know. And it related
5 back to, in my dialogue with her, I'm saying Kymn we
6 have just taken disciplinary action against the
7 [REDACTED]
8 [REDACTED]

9 SPECIAL AGENT TEATOR: [REDACTED]
10 [REDACTED] [REDACTED]

11 SPECIAL AGENT TEATOR: Right.

12 [REDACTED] And what it happened, right,
13 you're going to have labor/management disagreement.
14 They'll not work as closely together. The union will
15 take a more official position on activities. People
16 don't volunteer to join whatever committee you're
17 trying to develop unless it's a safety committee.

18 I said "Kymn, this is analogues to what
19 took place at Hope Creek." At Hope Creek there had
20 been a disagreement with a license control room
21 operator and the license senior reactor operator, the
22 shift supervisor, the control room operations
23 management where the licensed control room operator
24 refused a direct order. And we were forced to take
25 disciplinary action against him. It happened during

1 the time frame where we trying to increase the
2 standards level of performance of the control room
3 operators at Hope Creek.

4 And when we disciplined that [REDACTED]
5 [REDACTED] there was a lot of frustration and poor
6 morale at Hope Creek. She's helping us, right,
7 working with that -- and there were others, too, but
8 her working with that [REDACTED] at Hope Creek, the
9 licensed operator and the shift supervisor providing
10 more training and outside training for them, conflict
11 resolution training, etcetera, where they were able to
12 turn that situation into a very positive or that
13 operator then actively helped us improve the
14 performance at the Hope Creek. Performance being the
15 operational standards at Hope Creek.

16 I said this is an analogous what's
17 happening over here. We've taken discipline. They
18 wanted disciplined the guy. I mean, I explained why [REDACTED]
19 [REDACTED] When
20 you do it, you don't have the [REDACTED] Morale will be
21 what it is. It's high today, it's low tomorrow,
22 right. I can't see what the safety issue in this is.

23 United Airlines' in bankruptcy, the
24 pilots, the stewardesses are professional. It's safe
25 to file a United Airlines plane.

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1 SPECIAL AGENT TEATOR: Right. Did you say
2 this to her or are you --

3 [REDACTED] To her. To her.

4 SPECIAL AGENT TEATOR: Okay.

5 [REDACTED] Just -- they're professional
6 operators, right. And in fact my observation in my
7 discussions with him, in my discussions with --

8 SPECIAL AGENT TEATOR: Him?

9 [REDACTED] [REDACTED]

10 SPECIAL AGENT TEATOR: Okay.

11 [REDACTED]: My discussions with [REDACTED]
12 [REDACTED] were that the operators performance at Salem
13 was improving. Yes, they were frustrated. You know,
14 there were issues with the morale.

15 She called my attention to the fact that
16 there was disagreement on one particular shift in the
17 openness of communication -- I won't say openness.
18 There was a freeness of communications between shift
19 supervisor, ops manager and the nonlicensed operator.

20 SPECIAL AGENT TEATOR: Okay.

21 [REDACTED] And I went out to talk to
22 [REDACTED]. I said [REDACTED] are you aware of this
23 problem and are you addressing this problem?" And he
24 said yes he was aware of it, yes he was addressing it.

25 SPECIAL AGENT TEATOR: I'm sorry, can I

1 interrupt for just a second. Did you go talk to [REDACTED]
2 [REDACTED] about that issue after this March meeting that
3 she described with --

4 MR. BISSINGER: Is the same issue that was
5 being discussed in the March meeting?

6 [REDACTED] Yes.

7 MR. BISSINGER: The issue that you went
8 and talked to [REDACTED] about?

9 [REDACTED] Right. I talked to [REDACTED]
10 about the low morale. I talked to [REDACTED] about the
11 screaming on this particular shift, right.

12 [REDACTED] had been a licensed operator
13 at a previous plant. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 is back shift, rotating shift. A strength that [REDACTED]
17 [REDACTED] has is his communication with the organization
18 and being able to develop strong teams.

19 Prior to his assignment with the 12 hour
20 shift gang, that organization had low morale and their
21 performance was not what we wanted it to be. And he
22 was able to change the morale and improve the
23 performance of that organization.

24 These are some of the attributes that went
25 into the decision to put [REDACTED] in as the

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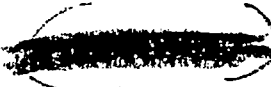
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1 manager of Salem operations so that we could improve
2 performance, improve employee communication, improve
3 morale at the organization.

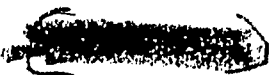
4 SPECIAL AGENT TEATOR: Can I interrupt you
5 for just as second.

6  Yes.

7 SPECIAL AGENT TEATOR: I'm sorry, but I
8 want to ask a question. Is it your testimony that
9 after Kymn raised this particular issue to you, you
10 took some action to find out whether it was an issue
11 and whether anything was being done about it, is that
12 what you're saying?

13  That's my testimony.

14 SPECIAL AGENT TEATOR: All right.

15  Yes. Yes.

16 SPECIAL AGENT TEATOR: All right. We're
17 going to talk more about the meeting in March.

18  Okay.

19 SPECIAL AGENT TEATOR: And we could pick
20 up on that then, unless there's something you want to
21 bring out right now. If there is, please go ahead.

22 MR. BISSINGER: No, we can continue. You
23 said that this covered the first paragraph from 2001
24 spring up through --

25 SPECIAL AGENT TEATOR: Well, that's what

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1 it reads?

2 MR. BISSINGER: Yes, up through the
3 current or I guess when [REDACTED] left the organization.

4 SPECIAL AGENT TEATOR: Right.

5 MR. BISSINGER: So I wanted to make sure
6 we covered all three years after that.

7 SPECIAL AGENT TEATOR: Okay. All right.
8 All right.

9 In Kymn Harvin's civil complaint, okay,
10 there is a bullet 16 read -- and I'll read it on the
11 record. And if you want to take time to think about
12 your answer, that's fine. But I'm going to read you
13 what it says. Bullet 16 of Kymn Harvin's civil
14 complaint meaning, you, [REDACTED] and I
15 believe the company also. It reads: "In early
16 February, 2003 plaintiff," that would be Kymn Harvin,
17 "met again with defendant [REDACTED] She laid out a plan
18 cosponsored by the site vice president and the
19 director to address the lack of management engagement
20 at the site and build a stronger focus on site
21 issues."

22 Do you remember her doing that?

23 [REDACTED] No. I do not remember seeing
24 her giving me any plan.

25 SPECIAL AGENT TEATOR: Then continues,

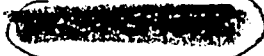
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1 "Including nuclear radiological and industrial safety,
2 human performance and supervisory presence."

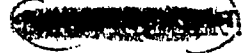
3 Do you recall her rolling out such a plan
4 to you in early 2003 or discussing it with you?

5  I do not recall seeing any
6 plan from her that encompassed those areas.

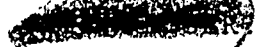
7 SPECIAL AGENT TEATOR: Okay. Did the
8 bullet 16 read that she met review, I'm implying from
9 that that she's telling you about this, maybe not
10 presenting a document, but she's telling you about
11 this plan that she has which was cosponsored by the
12 site vice president and the director. Do you recall
13 her discussing with you such a plan?

14  I don't recall seeing a plan.

15 SPECIAL AGENT TEATOR: All right.

16  We had selected, the VPs and
17 I were concerned about the performance of the
18 director, wanted to improve the performance of the
19 site.

20 SPECIAL AGENT TEATOR: Right.

21  In a memo to them directed --
22 told them what their shortcomings were and asked them
23 to put in place a 100 day plan, all right, that would
24 improve performance. I don't recall seeing that plan.

25 She --

1 MR. BISSINGER: Ms. Harvin?

2 [REDACTED] Ms. Harvin was in some
3 capacity working with them to develop the plan.

4 SPECIAL AGENT TEATOR: Okay.

5 [REDACTED] I had communicated to her
6 that I didn't want her to do that. I could just step
7 back for a second.

8 SPECIAL AGENT TEATOR: Yes. Yes.

9 [REDACTED] In the -- in this dialogue
10 with the directors.

11 SPECIAL AGENT TEATOR: Right.

12 [REDACTED]: We had utilized Gap
13 International, which is a consulting firm we use for
14 a lot of different activities to change culture,
15 improve performance at the unit. We had an off-site --
16 off-site was the vice president, myself and the
17 directors, and which we talked again through the
18 letter, talked again through performance and outlined
19 what our expectations were for moving towards. It was
20 a catalyst to get us all working together and get you
21 get down, grounded so they can forward and put
22 together a plan, all right.

23 I had expected them to put that plan
24 together and using their people, right. I had
25 expected Kymn to focus her efforts on operations and

1 support of (REDACTED)

2 SPECIAL AGENT TEATOR: Which would be
3 which plant? Hope Creek or Salem?

4 MR. BISSINGER: Salem.

5 (REDACTED) Salem. I'm sorry.

6 MR. BISSINGER: That's all right.

7 (REDACTED) Which is manager of
8 operations. Yes, it was Salem.

9 So I was confused when she told me she was
10 working -- helping them develop a plan.

11 I don't recall her presenting any plan to
12 me.

13 SPECIAL AGENT TEATOR: Okay. Do you know
14 whether or not this discussion you had where she told
15 you she was working on this and you were confused was
16 in or about February of 2003.

17 (REDACTED) Yes, it would have been that
18 time.

19 SPECIAL AGENT TEATOR: Okay. And if I
20 understand your testimony, you told her you did not
21 want her working on that?

22 (REDACTED) Right.

23 SPECIAL AGENT TEATOR: Okay.

24 (REDACTED) I had not wanted her to do 00
25 finish helping the directors put the plan together.

1 SPECIAL AGENT TEATOR: Okay.

2 [REDACTED] I was just, again, dismayed
3 that she was working on it.

4 SPECIAL AGENT TEATOR: Why would you be
5 dismayed because she was working on that? Maybe you
6 can explain that a little bit.

7 [REDACTED] Because she hadn't
8 communicated it to me. I thought she was over here
9 working on help [REDACTED] You know, [REDACTED] was a
10 new manager in operations. I wanted her to help the
11 new manager, right, in the change since he's taken
12 over that position, all right. And what -- so, you
13 know, if you will, I've got issues at this level,
14 right? And she's over here working on a big master
15 plan when [REDACTED] needs help. To find time to help, you
16 know, he wasn't a new manager. He was a new manager to
17 that department. And carrying out his activities.

18 I mean, like that.

19 SPECIAL AGENT TEATOR: The next sentence
20 in bullet 16 reads, bullet 16 of the civil suit which
21 actually for the record I'm going to label this
22 Exhibit 5, and Exhibit 4 is going to be the [REDACTED]
23 letter. I forgot to do that.

24 So the civil suit is Exhibit 5. [REDACTED]
25 letter, dated March 24, '03 is Exhibit 4. All right.

1 I'll read bullet 16 again, and then I'll
2 get to this thing I need to ask you a question about,
3 just so you -- bullet 16 reads again. It beings: "In
4 early February, 2003 plaintiff met again with
5 defendant [REDACTED]. She laid out a plan cosponsored by
6 the site vice president and the director to address
7 the lack of management engagement at the site and
8 build a stronger focus on site issues, including
9 nuclear, radiological and industrial safety, human
10 performance and supervisory presence." That's the
11 sentence I want to ask you about. [REDACTED] angrily
12 informed plaintiff this was 'not her job' and that she
13 was to focus solely on the Salem operations
14 organization."

15 I think you've confirmed that you told her
16 you didn't want her working on that. And my question
17 was to you did you get angry with her when you told
18 her to not do that and that she was to focus solely on
19 Salem operations?

20 [REDACTED] I don't know what it means to
21 be angry.

22 SPECIAL AGENT TEATOR: It's in there.

23 [REDACTED]: I stated emphatically, like
24 I just communicated, I think you may have sensed a
25 change in my tone when I talk about I was dismayed

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1 when she was working on this plan.

2 SPECIAL AGENT TEATOR: All right. That was
3 the -- had the directors told me at the time that Kymn
4 was on this plan, had she told ahead of time that she
5 was a key element plan, working on the plan, you know,
6 I'm 90 percent certain -- you know, I don't know. I'm
7 90 percent certain that I would have said, great go do
8 it.

9 SPECIAL AGENT TEATOR: Okay. But you
10 didn't know she was doing it?

11 [REDACTED] I didn't know she was doing
12 it.

13 SPECIAL AGENT TEATOR: And my question to
14 you, do you recall if you got angry or emotional with
15 her when you told her that she was to focus solely on
16 the Salem organization, Salem operations organization?

17 [REDACTED] I did not get angry with her.

18 MR. BISSINGER: Did you raise your voice,

19 [REDACTED]
20 [REDACTED] I raised my voice. I stated
21 emphatically, I was strong, you know, so that she knew
22 that I was dismayed, disappointed that she was doing
23 it. You know, again, I don't know what angry means.

24 SPECIAL AGENT TEATOR: You've described
25 her as an emotional person. Did she get emotional

1 after you told her that she was to focus solely on
2 Salem operations?

3 [REDACTED] No.

4 SPECIAL AGENT TEATOR: Do you recall how
5 she responded to you when you told her that her job,
6 her focus was solely on the Salem operations; do you
7 recall how she responded to that?

8 [REDACTED] I think disappointed.

9 SPECIAL AGENT TEATOR: Okay.

10 [REDACTED] I mean, she didn't get
11 emotional. There was no raised voices between either
12 of us.

13 SPECIAL AGENT TEATOR: Okay.

14 [REDACTED] I'm not an emotional guy that
15 way of raising voices, you know, and screaming, that
16 kind of stuff. I don't do that.

17 SPECIAL AGENT TEATOR: Right. And your
18 testimony she did not get emotional either?

19 [REDACTED] She did not. She did not get
20 emotional either.

21 SPECIAL AGENT TEATOR: Okay. All right.
22 Do you have anything more in that area?

23 MR. BISSINGER: I have no more questions.

24 SPECIAL AGENT TEATOR: All right. Going
25 to go back a little bit. And I apologize for playing

1 ping pong with your memory, but from what -- Kymn's
2 testified to this, okay, and I need to ask you about
3 it. That in the spring of 2001, again we're going to
4 go back to that, all right, time period. That she
5 attended a staff meeting of yours and she made this
6 statement at the staff meeting. "Leadership at this
7 site is a nuclear safety issue." Do you recall her
8 making such a statement at any -- specifically at a
9 spring 2001 staff meeting, one of your staff meeting,
10 or at any other meeting? "Leadership at this site is
11 a nuclear safety issue."

12 MR. BISSINGER: For that record, is that
13 the total sum of the alleged statement that she made
14 at this meeting? Was it attached to that? Just so we
15 have it in context or is that all that you're aware
16 of?

17 SPECIAL AGENT TEATOR: That's the
18 statement that I'm asking about. It strikes me as
19 being something someone would remember working with
20 nuclear industry --

21 MR. BISSINGER: And my point is that
22 you're representing to my client that this is the
23 statement that leadership at this site is a nuclear
24 safety issue rather than that being attached at the
25 end of some other statement; I just want to make sure

1 we have your understanding of the statement in correct
2 context.

3 SPECIAL AGENT TEATOR: Right. Let me go
4 on a little bit. And I'll help if I can, but I'm
5 stretching here a little bit, but that statement is
6 the specific statement. But from what I understand
7 she's talking at the staff meeting about leaders being
8 the operations managers operating at low power levels
9 and then feeling they don't have the power or
10 authority to make nuclear safety decisions. That's my
11 understanding of her lead in. And then she makes the
12 statement "Leadership at this site is a nuclear safety
13 issue." I can't offer anything more than that. But
14 that statement, I'm quoting that statement.
15 "Leadership at the site is a nuclear safety issue."
16 Do you recall her making such a statement?

17 [REDACTED] I don't recall her making
18 such a statement. And I'm sitting here astounded by
19 your prefaces or your clarification that the operators
20 could espouse in anyway shape or form that they are
21 not empowered to safely operate the power plant, which
22 is a very impromptu from the statement.

23 SPECIAL AGENT TEATOR: Right.

24 [REDACTED]: I just -- I've spent [REDACTED]
25 in this business, [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 Espousing continuously on safety reliability, cost
4 effective to our people. I cannot believe that that
5 statement would be made by a operator at the facility;
6 that someone believes that could be true.

7 SPECIAL AGENT TEATOR: What, that they're
8 not empowered to make --

9 [REDACTED]: They're not empowered to make
10 safety decisions.

11 SPECIAL AGENT TEATOR: Okay.

12 [REDACTED]: Before an individual can be
13 a shift supervisor, operations manager --

14 SPECIAL AGENT TEATOR: Right.

15 [REDACTED]: -- part of their
16 qualification is to come talk to me.

17 SPECIAL AGENT TEATOR: That's right.

18 [REDACTED]: To sign off, right?

19 SPECIAL AGENT TEATOR: Yes.

20 [REDACTED]: And part of the reason for us
21 is to make sure they hear it from me what my
22 expectations are. And they have to operate the power
23 plant safely and they empowered acting for me to take
24 whatever action is necessary to put the plant in a
25 safe condition. And I could go on for quite a lengthy

1 time on the actions I put in place to ensure that that
2 takes place.

3 SPECIAL AGENT TEATOR: Can I hold you on
4 that thought and maybe we can get -- we're going to
5 get into that when we talk about the work environment.

6 [REDACTED] Okay.

7 SPECIAL AGENT TEATOR: But to answer my
8 question, your answer is no you'd never heard Kymn say
9 that at a staff meeting?

10 [REDACTED] Yes, I don't recall her
11 saying that.

12 SPECIAL AGENT TEATOR: Well, let me follow
13 up with --

14 [REDACTED] No.

15 SPECIAL AGENT TEATOR: Oh, yes, to me it's
16 a pretty -- I mean, I'd remember that.

17 [REDACTED] In the frame in which you put
18 it, I -- there'd be just alarms off.

19 SPECIAL AGENT TEATOR: Well, it's where
20 I'm going to go. I have testimony from Kymn that
21 after she made that statement, a gentleman named [REDACTED]

22 [REDACTED] --

23 [REDACTED] [REDACTED]
24 SPECIAL AGENT TEATOR: [REDACTED] okay.

25 Which was sitting to her left who used to do QA, in

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[REDACTED]
[REDACTED] Yes.

SPECIAL AGENT TEATOR: [REDACTED]

He began asking her questions after she made this statement.

Do you know who [REDACTED] is?

[REDACTED] Yes.

SPECIAL AGENT TEATOR: Would he have normally attended your staff meetings?

[REDACTED] Yes. Yes, he would.

SPECIAL AGENT TEATOR: And that [REDACTED]
[REDACTED] then asked three to six questions, a handful of questions. Number one, what's the issue you're talking about. What action do you, Kymn, need us to take? And [REDACTED] then supposedly said if we take that action, will your issue be resolved. Do you recall such a conversation occurring between Kymn Harvin and [REDACTED] in any of your staff meetings?

[REDACTED] That type of conversation, no. Do I remember [REDACTED] being at the staff meeting, yes. Do I remember [REDACTED] talking to Kymn, yes.

SPECIAL AGENT TEATOR: Do you recall the--

[REDACTED] The context of it, no, because there was so many staff -- you know --

1 SPECIAL AGENT TEATOR: Okay. Would you be
2 in attendance at all your staff meetings?

3 [REDACTED] No.

4 SPECIAL AGENT TEATOR: Okay.

5 [REDACTED] No.

6 SPECIAL AGENT TEATOR: On a frequency that
7 you would not attend in --

8 [REDACTED] I was normally there, but --
9 at the staff meetings. But, you know, I asked them to
10 have the staff meetings whether I could make it or
11 not, because I wanted to them in the consistency of
12 it.

13 SPECIAL AGENT TEATOR: Okay. By title if
14 you were not there, who would be in charge of that
15 meeting? Would it be the [REDACTED]

16 [REDACTED] Yes, it would.

17 SPECIAL AGENT TEATOR: And that would
18 either be [REDACTED] or who ever proceeded
19 [REDACTED]

20 [REDACTED] That's correct. Yes.

21 SPECIAL AGENT TEATOR: So your testimony
22 is number one, you don't recall Kymn saying at any of
23 your staff meetings leadership at the site is a
24 nuclear safety issue, correct?

25 [REDACTED] Correct.

1 SPECIAL AGENT TEATOR: All right. And
2 number two, you do not recall Kymn and [REDACTED]
3 having the discussions like I just described with
4 [REDACTED] asking her these questions?

5 [REDACTED]: I do not. I mean the
6 questions sound typical [REDACTED] but I don't recall it.

7 SPECIAL AGENT TEATOR: Right. Do you know
8 who [REDACTED] is?

9 [REDACTED]: Yes, I do.

10 SPECIAL AGENT TEATOR: Okay. Did there
11 come a point in time where Kymn Harvin was no longer
12 being invited to your staff meetings?

13 [REDACTED]: Yes.

14 SPECIAL AGENT TEATOR: When was that?

15 [REDACTED]: I don't recall, but the
16 minutes -- which I don't recall.

17 SPECIAL AGENT TEATOR: Okay. Why did that
18 occur?

19 MR. BISSINGER: Can we just get a date if
20 there was a point in time?

21 SPECIAL AGENT TEATOR: Well, right. Was
22 there a point in time, you said yes. Can you tell me
23 when that was?

24 [REDACTED]: No, I can't. Periodically I
25 reassessed the attendees at the meeting. And I'd

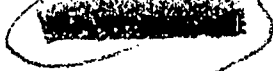
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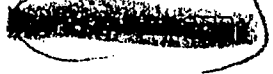
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1 change it. There was an alternative motive to it. In
2 the beginning we were marking a lot of change
3 management issues, those people need to be at the
4 meeting, right. Subsequently, we were not. I mean,
5 the topics that were discussed were not appropriate to
6 what her job function was.

7 SPECIAL AGENT TEATOR: Okay. And that's
8 your testimony as to why she was no longer invited to
9 your staff meetings?

10  Right. And also, you know, in
11 the staff meetings the second part of them we'd go
12 into executive session and I'd ask everyone to leave.

13 MR. BISSINGER: Do you recall her ever
14 saying anything to you after that point of time
15 occurred?

16  Yes. I think going back to
17 this manager of cultural transformation. You know, she
18 was disappointed that she was no longer in that inner
19 circle at those staff meetings, yes. But, you know,
20 she was given responsibilities to help refueling
21 outage managers in their leadership attributes. And
22 we have all in the spring outages.

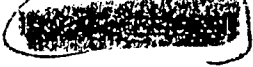
23 She'd come to the meeting with them when
24 they made their presentation. So, you know, she
25 wasn't excluded. She just was no longer a member of

1 the senior management team that would be sitting
2 around the table discussing --

3 MR. BISSINGER: Was she a member of the
4 senior management team before that or just --

5  No.

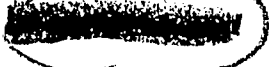
6 MR. BISSINGER: -- informally attended all
7 the weekly meetings.

8  She just informally attended.
9 But, again, because we were doing the cultural change
10 aspects. But, you know, I made changes to attended
11 the staff meeting and it was inappropriate from a
12 management perspective for her to be there, because it
13 was a senior management team of the station that I
14 wanted at my staff meetings.

15 SPECIAL AGENT TEATOR: Was it your
16 decision to have her not regularly attend those
17 meetings? Was that your decision?

18  Yes.

19 SPECIAL AGENT TEATOR: Okay. Was that
20 decision based in anyway on any type of issue or
21 concern that she had raised or discussed?

22  Absolutely not. Absolutely
23 not. It just had to do with appropriateness of
24 president, senior VPs, EPs and Kymn who was the
25 organizational design consultant. There wasn't

1 anything to it.

2 MR. BISSINGER: What's your feeling on
3 schedule? We can go off the record for a moment.

4 SPECIAL AGENT TEATOR: It's 12:33. Yes,
5 I was going to take a short record to reassess. We can
6 go off the record.

7 (Whereupon, at 12:33 p.m. off the record
8 until 12:41 p.m.)

9 SPECIAL AGENT TEATOR: 12:41, we're back
10 on the record after a short break.

11 We're going to start talking about the
12 position elimination. Okay.

13 Now going back to what you asked (b)(7)(C)
14 (b)(7)(C) you'd do, you informed (b)(7)(C) in an email
15 that we had talked about earlier, that you wanted Kymn
16 Harvin services for the entire year of 2002, correct?

17 (b)(7)(C): Right.

18 SPECIAL AGENT TEATOR: At some point did
19 something change in your mind where you realized that
20 you were going to eliminate Kymn's position? And
21 let's talk about when you first started thinking about
22 that, why and who you communicated that to.

23 MR. BISSINGER: Why don't you answer the
24 first question, when did you first consider
25 eliminating the position, unless --

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1 SPECIAL AGENT TEATOR: No, that's fine.
2 Yes, that's fine.

3 MR. BISSINGER: Okay.

4 (b) That would have been about
5 the second and third quarter of 2002 when we started
6 to take a -- you know, in a business planning take a
7 look at the future cost and how -- what our gap was
8 with respect to other organizations and changes that
9 would need to be made.

10 SPECIAL AGENT TEATOR: Right.

11 (b) And (b) started to put
12 together a process, started to take action with
13 respect to his people, right. I in the third --
14 excuse me, fourth quarter made the decision to
15 eliminate Kymn's job.

16 MR. BISSINGER: 2002, just for the record.

17 (b) That's 2002.

18 SPECIAL AGENT TEATOR: And your basis for
19 making that decision if you can through your entire
20 basis for that? It sounds like money is one of the
21 reasons, is that correct?

22 (b) Money. Yes. Because the high
23 cost, that's number one, for the staff position. Many
24 other nuclear plants do not have that type of
25 position. I had a dialogue with the VPs on her

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1 performance and her need for the future, but just
2 really looking at evaluational performance. I did that
3 individually and collectively in the fourth quarter of
4 '02.

5 SPECIAL AGENT TEATOR: With who?

6 (b)(7)(C) (b)(7)(C) and (b)(7)(C)

7 SPECIAL AGENT TEATOR: (b)(7)(C)

8 (b)(7)(C) (b)(7)(C) and--

9 SPECIAL AGENT TEATOR: (b)(7)(C)

10 (b)(7)(C) (b)(7)(C)

11 SPECIAL AGENT TEATOR: Okay.

12 (b)(7)(C): In the first quarter of
13 January of '03 I had an off site at my house.

14 SPECIAL AGENT TEATOR: A Saturday morning
15 meeting, is that the one you're talking about?

16 (b)(7)(C) Right.

17 SPECIAL AGENT TEATOR: Okay.

18 (b)(7)(C) Don't have many of those, but
19 did have this one.

20 SPECIAL AGENT TEATOR: Okay.

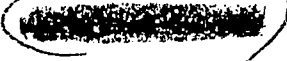
21 (b)(7)(C) And the purpose for that
22 meeting was to look at the performance of managers and
23 everyone, went around the room and everyone discussed
24 their managers and superintendents. At that time I
25 availed myself the opportunity to get feedback on

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1 Kymn.

2 SPECIAL AGENT TEATOR: Why?

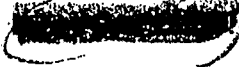
3  Because if I wanted to
4 eliminate her job, I made the decision to eliminate
5 her job, I wanted to know how they viewed her. If
6 they would have told me, all right, that they
7 absolutely had to have her or to include their
8 organization, I would have most likely -- I don't know
9 the event didn't occur -- not downsized her.

10 SPECIAL AGENT TEATOR: Okay.

11  It was more of a check,
12 right, we were all, you know, discussing leadership
13 attributes of the people that worked for them and so
14 I wanted to know.

15 I had not communicated to them that I had
16 made up my mind to downsize her. I didn't communicate
17 that to them because I wanted their fair unbiased
18 opinion of her. I also didn't communicate that
19 because it's very hard to keep information like that,
20 you know, about personnel, right, from being heard
21 around the site.

22 SPECIAL AGENT TEATOR: Okay.

23  I communicated that in early
24 January -- early January to --

25 MR. BISSINGER: What do you mean by that,

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1 (b)(7)(C) you communicated that?

2 (b)(7)(C) I communicated that I was
3 going to downsize her to (b)(7)(C) in January of '03.

4 SPECIAL AGENT TEATOR: Can I stop you for
5 a second?

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

7 SPECIAL AGENT TEATOR: Can you go back to
8 your Saturday morning meeting for a minute?

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

10 SPECIAL AGENT TEATOR: Okay. You said you
11 wanted to -- you didn't the assembled people at that
12 meeting, I guess it was the VPs --

13 (b)(7)(C) And (b)(7)(C)

14 SPECIAL AGENT TEATOR: (b)(7)(C) and
15 the QA manager was not there, is my understanding.

16 (b)(7)(C) Right. (b)(7)(C) at the
17 time.

18 SPECIAL AGENT TEATOR: Right. (b)(7)(C)
19 And you didn't tell them that you had made that
20 decision because you wanted a fair honest and opinion
21 from them as a check, correct?

22 (b)(7)(C) That's correct.

23 SPECIAL AGENT TEATOR: Tell me what
24 feedback you got from the assembled group. What as
25 the consensus and what did the individuals say

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1 regarding Kymn?

2 : [REDACTED] The consensus that they 7C
3 communicated to me is that we had made -- previously
4 made big changes in improving the leadership
5 attributes of individuals in the organization in
6 changing the environment in the organization over the
7 five years that I'd been there, and most of that time
8 span Kymn had been there helping me make those
9 transformations. And that the increased benefit they
10 saw from Kymn, right, was not necessary. They didn't
11 see a big change occurring.

12 The feeling from the VPs was we had
13 invested highly in the managers and supervisors at the
14 site in their leadership. They, the VPs, and the
15 managers were now into the vernacular and
16 understanding and focusing on leadership and
17 leadership attributes and communication, the
18 attributes of communication and thus why management
19 they felt and their subordinates could continue on
20 with the improving the work force in those kinds of
21 attributes.

22 There was a consensus from more than one
23 of them that Kymn was a hinderance, she was becoming
24 a hinderance. That she was -- not hinderance. She was
25 confusing the organization of who she was. And that

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1 was making her less effective. And what they were
2 trying to communicate to me is it wasn't clear whether
3 she was acting for me as my representative in what she
4 was doing, right, or whether she was the OD consultant
5 supporting that particular manager. Okay. And it was
6 confusing to the organization. So at that point, it
7 was our consensus feedback from them.

8 So they -- you know, the consensus for
9 them is when they look at the cost economics that we
10 could let her go, that we didn't need her. That was
11 the feedback they were giving me.

12 SPECIAL AGENT TEATOR: And the feedback
13 that you got from your managers at that Saturday
14 morning meeting, did that confirm for you your
15 decision to eliminate her position?

16 [REDACTED] Yes, it confirmed for me to
17 eliminate her position.

18 SPECIAL AGENT TEATOR: Okay. Do you
19 recall during that Saturday morning meeting if [REDACTED]
20 [REDACTED] made any type of specific concern known to you
21 or complained of a particular behavior or something
22 Kymn had done?

23 [REDACTED] Hey, he shared with me and I
24 don't recall the exact -- but [REDACTED] was concerned
25 about not trusting her. There had been some kind of

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1 conversation that he had shared what he considered
2 private confidential information with her and she had
3 spoken to someone about it. So that violated his
4 confidence, violated the privacy of that particular
5 conversation. He really got to me at that time, and
6 I don't recall you know what the issue was. And so
7 there was the -- and as I indicated, a performance
8 appraisal, the VPs were losing confidence in her
9 ability with respect to them trusting her.

10 SPECIAL AGENT TEATOR: Right.

11 [REDACTED] And then having confidence
12 that, you know, that she would keep things private.

13 SPECIAL AGENT TEATOR: Did you take that
14 input from [REDACTED] into your consideration to continue
15 with moving forward to eliminating Kymn's position,
16 that nugget that he told you about, the trust issue,
17 did you take that into account and continue to move
18 forward with eliminating Kymn's position?

19 [REDACTED] I don't recall doing that,
20 no. It was the totality of it. I can't say just--

21 SPECIAL AGENT TEATOR: All right.

22 [REDACTED] It was certainly a factor
23 because what it said to me is that over time she would
24 become less and less effective, particularly if more
25 and more people did not trust her. And I can't say on

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1 any scale how much it was.

2 SR. COORDINATOR VITO: May I ask a
3 question. The Saturday meeting, that was in January
4 of '03?

5  Yes.

6 SR. COORDINATOR VITO: Well Jeff asked you
7 when you first thought about eliminating her position
8 and you said between second and third quarter of '02.
9 And then talking about the January Saturday morning
10 meeting you still hadn't --

11  No, I made --

12 SR. COORDINATOR VITO: -- said anything at
13 that time. So between then this was all internal to
14 you, the decision, the thinking about terminating her
15 position that you didn't discuss that thought with
16 anyone?

17 MR. BISSINGER: I think he previously
18 testified he had shared it with other people.

19  Yes.

20 MR. BISSINGER: His decision. But if you
21 want to ask him, you want to clarify that, go ahead.

22 SR. COORDINATOR VITO: Well, can we
23 clarify that?

24  Yes, I had communicated that
25 decision to 

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1 SR. COORDINATOR VITO: Okay.

2 [REDACTED] That I was going to eliminate
3 her position.

4 MR. BISSINGER: Approximately when [REDACTED]
5 did you?

6 [REDACTED] It was late fourth quarter,
7 probably December of '02.

8 SR. COORDINATOR VITO: I'm sorry if I
9 didn't hear correctly, but did any of the VPs at the
10 Saturday morning meeting know about that discussion
11 with [REDACTED]

12 [REDACTED]: No.

13 SR. COORDINATOR VITO: Okay. So they
14 didn't know?

15 [REDACTED] They didn't know. They
16 didn't know.

17 SPECIAL AGENT TEATOR: Your communication
18 with [REDACTED] in the fourth quarter of '02, what
19 type of communication as that? Was it verbal?

20 [REDACTED] Verbal. Yes.

21 SPECIAL AGENT TEATOR: Do you have any
22 type of documentation to show that you communicated
23 that to [REDACTED] in the fourth quarter of '02?

24 SR. COORDINATOR VITO: I'm aware of
25 documentation.

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1 (): Yes.

2 SPECIAL AGENT TEATOR: You are?

3 SR. COORDINATOR VITO: I mean, that I
4 think should establish it that communication. I don't
5 want to interrupt your --

6 SPECIAL AGENT TEATOR: Are you aware of
7 any documentation which establishes that or that you
8 want to testify to?

9 SR. COORDINATOR VITO: No, I don't want to
10 testify.

11 SPECIAL AGENT TEATOR: I'm just asking --

12 SR. COORDINATOR VITO: No, but I know --

13 () No, I'm aware of the
14 documentation. There was a list made of ()
15 I'm pretty sure it's there.

16 SPECIAL AGENT TEATOR: Right.

17 () And Kymn that was put
18 together for people that were going to RIF'ed.

19 SPECIAL AGENT TEATOR: Right.

20 () And that was, again, focus on
21 the staff because we hadn't gotten into what I call
22 line management.

23 SPECIAL AGENT TEATOR: Right.

24 MR. BISSINGER: And I think you have that
25 document.

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1 SPECIAL AGENT TEATOR: Right. At some
2 point, and I don't know here, but I'm looking in the
3 2002 time period did you have a discussion with Kymn
4 where you communicated to her that she was not
5 delivering what you expected her to deliver, something
6 along those lines where you communicated that to her?
7 I know that's a real general question, but I need to
8 ask that.

9 MR. BISSINGER: Just clarification, is
10 this on a single subject matter or single assignment,
11 or overall performance that you're asking. I don't
12 know if it answers, but I just want to have some
13 clarity.

14 SPECIAL AGENT TEATOR: I know. I
15 apologize. I can't give you -- any or all of what Mr.
16 Bissinger just said, a particular assignment or
17 overall?

18 [REDACTED]: Yes, I had conversations with
19 her about her assignments.

20 SPECIAL AGENT TEATOR: Right.

21 [REDACTED]: And performance. We had
22 retained Gap International, again.

23 SPECIAL AGENT TEATOR: Yes.

24 [REDACTED]: And what we wanted to do was
25 improve the performance, right, and improve the

1 communications in the maintenance organization. And we
2 retained Gap to help us do that. I call that the
3 (b)(7)(C) issue, right.

4 SPECIAL AGENT TEATOR: (b)(7)(C)

5 (b)(7)(C) is the (b)(7)(C)

6
7 SPECIAL AGENT TEATOR: Yes.

8 (b)(7)(C) Kymn had shared information
9 with me previously that (b)(7)(C) was not engaged, not
10 demonstrating leadership qualities we wanted with his
11 organization at all. I chatted with (b)(7)(C) about that.

12 SPECIAL AGENT TEATOR: (b)(7)(C)

13 (b)(7)(C) (b)(7)(C) right. (b)(7)(C)

14 said he was aware of it, he was working on it. There
15 were some other like personal reasons that would lead
16 up to why he wasn't doing it, why (b)(7)(C) --

17 SPECIAL AGENT TEATOR: (b)(7)(C)

18 (b)(7)(C) demonstrated it.

19 One of the things that (b)(7)(C) and I had
20 discussed that (b)(7)(C) did, right, was they had put (b)(7)(C)
21 in charge of this initiative, right, working with Gap
22 Associates to improve the performance in maintenance
23 and the communications in maintenance. And, you know,
24 if you want to go into it what --

25 SPECIAL AGENT TEATOR: Well, I --

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1 [REDACTED] But what happened is in the
2 developing of that it was being done by Gap, Kymn
3 somehow saw it as her initiative, wanted to get
4 involved in the initiative. At one meeting she
5 attended with Gap, and [REDACTED] accompanied her, I guess
6 she acted inappropriately to the extent that I had
7 gotten a phone call from [REDACTED] who was our [REDACTED]
8 [REDACTED] person, if you will.

9 SPECIAL AGENT TEATOR: Okay.

10 [REDACTED] Had spoke to me about it. I
11 had a conversation with Kymn that she was not to be
12 involved with this [REDACTED] initiative, this particular
13 Gap initiative. And also to make sure that she
14 understood the line manager were responsible for their
15 areas. And that when she worked with peoples in those
16 areas or entities in that areas, she did so with their
17 permission. You know, they were responsible for the
18 work product. That she couldn't just get into the
19 area, right. I'll use the example again working with
20 the Salem operators, she did it because [REDACTED] - [REDACTED]
21 [REDACTED] said I want you to do it and [REDACTED] has been
22 responsible for the product she was doing, her
23 assignment.

24 Likewise, when she was doing it Hope Creek

25 [REDACTED] was the [REDACTED] so she's doing it for

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1 (b) So I communicated that in an email,
2 right, and in a subsequent conversation with her.
3 That when she works in an area she's doing so -- I
4 don't like the term pleasure -- but she's doing it
5 under the cognizance of that line manager.

6 SPECIAL AGENT TEATOR: Are you offering
7 this in answer to my question, did you tell Kymn that
8 she was not delivering what you expected her to
9 deliver?

10 (b) Yes. Right.

11 SPECIAL AGENT TEATOR: And were there
12 other issues or occasions that there were -- you don't
13 need to go into big detail on the issue, but if there
14 are other examples, please bring them forward?

15 (b) Well, she wasn't delivering
16 an expense account, you know, as an example.

17 SPECIAL AGENT TEATOR: Right.

18 (b) She was just frustrating me
19 with that. She wasn't delivering in the -- I don't
20 know where Kymn was. I'd have a dickens of a time
21 setting up meetings with her. I don't think I, but I
22 and (b) was actually doing it.

23 SPECIAL AGENT TEATOR: You mean (b) your
24 personal assistant?

25 (b) Right. Couldn't find her.

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1 SPECIAL AGENT TEATOR: That would cause
2 you -- I'd seen emails where you asked her for her
3 schedule, you wanted to know what her schedule was.
4 What are you doing? I've seen those. I don't need to
5 bring them out, but is that what caused --

6 [REDACTED] Yes. I mean, what are you
7 doing, where are you, right? I mean, I have a very
8 busy schedule.

9 SPECIAL AGENT TEATOR: Yes.

10 [REDACTED]: And I don't control my
11 schedule. I mean my boss controls my schedule, that
12 kind of thing. And so she had to make herself
13 available to me. And she wasn't.

14 I remember at least one conversation I had
15 with [REDACTED] I said [REDACTED] I've got to see Kymn.
16 I want to do roughly a three week interval
17 periodically. Where is she?" And [REDACTED] shared well I
18 don't know, it's difficult. And so that begot the
19 issue.

20 SPECIAL AGENT TEATOR: Kymn's testified
21 that there came a point in time where up until a point
22 in time you were having these semi-regular meetings
23 with her and that there became a point in time where
24 you decided you didn't want to have those meetings
25 with her anymore, is that correct?

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1 [REDACTED]: Absolutely not true.
2 Absolutely not true. I wanted the meetings. I needed
3 to see the people that are working for me with some
4 periodicity. I spoke about I had my one weekly
5 meetings with the guys. I had twice weekly, every two
6 weeks, one-on-one with the guys. And I had attempted
7 to set up every three weeks, just as a periodic thing.

8 SPECIAL AGENT TEATOR: With Kymn, every
9 three weeks, is that what you wanted?

10 [REDACTED]: That's what I wanted. And in
11 general, and it's hard because if you work in that
12 third week, it could go into the fourth week, that
13 kind of thing.

14 SPECIAL AGENT TEATOR: Yes. Okay.

15 [REDACTED]: And [REDACTED] was instructed to
16 make that happen. And I don't know why, Kymn couldn't
17 comply or wouldn't comply.

18 SPECIAL AGENT TEATOR: Well, you mentioned
19 Gap. At some point was the decision made that Gap
20 would not longer be retained at the end of the year?

21 [REDACTED]: Yes, when we were --

22 SPECIAL AGENT TEATOR: Did you make that
23 decision?

24 [REDACTED]: Yes.

25 SPECIAL AGENT TEATOR: Why?

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1 [REDACTED] Strictly because of economic
2 reasons and because we -- they had been with us for a
3 protracted period of time. I mean, it was --- [REDACTED]
4 had brought them?

5 SPECIAL AGENT TEATOR: [REDACTED]

6 [REDACTED] Kymn believed
7 they had more to deliver to the table.

8 SPECIAL AGENT TEATOR: You did not believe
9 they had more to deliver the table?

10 [REDACTED] They had a unique set of
11 expertise. We had put every individual -- well, you
12 know, we attempted to put every individual in the
13 organization through this Gap process, put managers
14 and the supervisors through a three day process. They
15 helped us put together the [REDACTED] initiative. They
16 operated as a consulting organization development for

17 the executive team. They were very expensive because
18 they were very --

19 SPECIAL AGENT TEATOR: I've seen their
20 billing.

21 [REDACTED]: They're a very power.

22 SPECIAL AGENT TEATOR: Again, was that
23 your decision to terminate that contract with Gap?

24 [REDACTED] Yes.

25 SPECIAL AGENT TEATOR: Ultimately was

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1 yours?

2 [REDACTED] Ultimately my determination.

3 SPECIAL AGENT TEATOR: All right. And do
4 you recall when that contract ended?

5 [REDACTED] Around the November time
6 frame, the third quarter, maybe the fourth quarter of
7 '02.

8 SPECIAL AGENT TEATOR: Thank you. Okay.

9 You talked a little while ago about --
10 position elimination. You talked a while ago about you
11 informed [REDACTED] that you had made a
12 decision. You informed [REDACTED] and we've talked
13 about that one. Let's talk about [REDACTED] for a few
14 minutes. Do you recall when you first informed her
15 that you had decided to eliminate Kymn's position?

16 [REDACTED] Yes. I thought it was in
17 January of '03.

18 SPECIAL AGENT TEATOR: Okay.

19 [REDACTED] I kind of remember being in
20 her office and sitting in front of her and having a
21 dialogue. And one of the topics that came up was Kymn
22 Harvin's position.

23 SPECIAL AGENT TEATOR: Do you recall how
24 [REDACTED] reacted to you telling her that?

25 MR. BISSINGER: Verbally or facially?

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1 SPECIAL AGENT TEATOR: The whole thing?
2 [REDACTED] Okay. It was nothing out of
3 the ordinary.

4 SPECIAL AGENT TEATOR: Okay. Do you
5 recall if at any point when she told [REDACTED] in January
6 '03, from that point forward did [REDACTED] discuss with
7 you any concerns or issues she had with Kymn's
8 behavior, the way she interacted with people?

9 [REDACTED] No.

10 SPECIAL AGENT TEATOR: Anything like that?

11 [REDACTED] She gave me no feed back on
12 her performance her attributes.

13 [REDACTED] Did you talk about with [REDACTED]
14 the timing of when Kymn would be eliminated?

15 MR. BISSINGER: In this early '03
16 discussion.

17 SPECIAL AGENT TEATOR: Yes, when he first
18 informed her.

19 MR. BISSINGER: I'm sorry. Go ahead.

20 [REDACTED] I don't recall doing that,
21 no.

22 SPECIAL AGENT TEATOR: Okay. At any point
23 do you recall [REDACTED] telling you that she wanted Kymn
24 out of NBU by a particular date?

25 [REDACTED] No. No.

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1 SPECIAL AGENT TEATOR: Did [REDACTED] ever make
2 this statement to you, it was her objective to get
3 Kymn Harvin out of the organization? Did she ever
4 make such a statement to you, a statement to that
5 effect?

6 [REDACTED] I don't recall her making any
7 statement like that.

8 SPECIAL AGENT TEATOR: Okay. Did -- to go
9 on with [REDACTED] line of questioning again. Did she ever
10 express to you how she felt about Kymn Harvin? Did
11 she like her? Did she dislike her? Did she like the
12 way she worked? Did she disliked the way she worked?
13 I mean --

14 [REDACTED] No, I never -- I never asked
15 [REDACTED] those kinds of questions.

16 SPECIAL AGENT TEATOR: Okay. Did she ever
17 share with you her feelings on Kymn Harvin and her
18 work at NBU?

19 [REDACTED] I don't her recall her doing
20 that.

21 SPECIAL AGENT TEATOR: All right. All
22 right. Okay. All right.

23 So we're moving forward in time, okay.
24 And I just want to get you in the right space here.
25 January '03 time period. By that time you testified

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1 you communicated to [REDACTED] correct, [REDACTED]
2 [REDACTED] and now [REDACTED] of your decision to
3 eliminate Kymn's position. Can you tell me what
4 happens next regarding that process occurring? Do you
5 remember what happened next?

6 [REDACTED]: I need to make the decision
7 as to when?

8 SPECIAL AGENT TEATOR: Right. Okay.

9 [REDACTED]: I've been in the business a
10 long time. And I've worked a lot of different
11 utilities. And I have never downsized an organization.
12 IT easier to come to the analytical conclusion that
13 one should remove people then it is to have to
14 dialogue with that person about you are being removed.
15 And so what was happening is I was -- I was troubled
16 doing it. I was procrastinating and I needed to make
17 the decision when to eliminate her position.

18 SPECIAL AGENT TEATOR: Okay.

19 [REDACTED] [REDACTED] was moving
20 forward with his process with the people that were on
21 the list, we spoke of earlier.

22 SPECIAL AGENT TEATOR: Right.

23 [REDACTED]: One of the things that -- in
24 order to get to my office I had to walk by some of
25 those people.

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SPECIAL AGENT TEATOR: [REDACTED]

people?

[REDACTED] people. And one in particular that was a long time employee that was going to be discharged -- well, not discharged, but go through the process. And so that was playing on me as [REDACTED] you've got to step up and, you know, lead the organization through this difficult transition. And I communicated to [REDACTED] in the February time frame that I wanted to -- I wanted to eliminate her. And he set out to prepare the paperwork.

SPECIAL AGENT TEATOR: Okay.

[REDACTED] Simultaneous with this was a convoluted story of when Kymn -- WANO came in the fall of --

SPECIAL AGENT TEATOR: WANO, okay. W-A-N-O--.

[REDACTED] W-A-N-O.

SPECIAL AGENT TEATOR: Part of IMPO?

[REDACTED] Part of IMPO. They came in, I want to say July of 2002 and made their -- you know, assessment. And one of the things that I haven't already discussed, was they asked if Kymn could participate in assessing at other plants.

SPECIAL AGENT TEATOR: Duke?

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1 [REDACTED] Duke. I don't know at that
2 time I knew it was Duke, but you know it was a plant.
3 And so, you know, I said yes.

4 SPECIAL AGENT TEATOR: To the WANO people?

5 [REDACTED] To Kymn.

6 SPECIAL AGENT TEATOR: Okay.

7 [REDACTED] That she could participant,
8 right? My familiarity with the process is that
9 they're one week assignments. You go in and help with
10 the assessment or best practice; it wasn't clear to me
11 what they were going to do, what role they wanted her
12 to play, but typically WANO comes into a station for
13 a site visit, you know, they could do it in a week or
14 something, not a long time term. So I told Kymn she
15 could do it. And somehow sometime in the early
16 February time frame she either jogged my memory about
17 it or the time was coming to do the assessment and,
18 can I do it? I want to eliminate her job and I'm
19 saying, because my frame of reference is it's a one
20 week short term assignment, right, and hey, you know
21 you can do it.

22 SPECIAL AGENT TEATOR: There's an email
23 that says -- you say, great -- I think it would be a
24 great idea or a good experience or something to that
25 effect.

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1 [REDACTED]: Okay. So even if I was
2 terminating her job for a short term assignment I was
3 really interested in what Duke could provide.

4 SPECIAL AGENT TEATOR: right.

5 [REDACTED] Because they have an
6 excellent reputation of performance in this area,
7 employee empowerment, employee environment. And I
8 can't -- I can't testify as to how, but I became aware
9 that it's a three week to six week assignment. I'm
10 saying this is nuts. I can't allow her to go four to
11 six week assignment.

12 SPECIAL AGENT TEATOR: Why?

13 [REDACTED] If I could live without her
14 for a six week assignment, I could live without her
15 forever. I am terminating her job. It would be absurd
16 to send her out on a six week assignment and bring her
17 back and then terminate her. I said you have the
18 background --

19 SPECIAL AGENT TEATOR: That would crystal
20 -- that's my term -- for you?

21 [REDACTED] Yes, get off your butt,
22 [REDACTED] and take the action.

23 SPECIAL AGENT TEATOR: Right.

24 [REDACTED] And, you know, I had to do
25 it, I had to act. And so I told [REDACTED] you know, let's

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1 go.

2 SPECIAL AGENT TEATOR: [REDACTED]
3 [REDACTED] ([REDACTED]) And so he had
4 the memos prepared.

5 SPECIAL AGENT TEATOR: Right. Separation
6 agreement, right?

7 [REDACTED] Separation agreement.

8 SPECIAL AGENT TEATOR: Her acknowledgement
9 of receipt, the 45 day letter. I figure there's two
10 documents, right? Is that your understanding?

11 [REDACTED] Yes.

12 SPECIAL AGENT TEATOR: All right. I don't
13 need to pull them out. And your name is one the one
14 letter. Your dates a little goofy because it says
15 March 3rd, she signed it actually, the acknowledgement
16 on February 26th.

17 MR. BISSINGER: Do you need him to talk
18 about that or you --

19 SPECIAL AGENT TEATOR: Yes, I'm going --
20 maybe we'll go right through February 26th. That's
21 the day that she signed acknowledging receiving this
22 information you that her position was terminated.
23 Let's talk about that meeting.

24 [REDACTED] Well, what happened is my
25 previous discussion with you on the difficulty of

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1 arranging to meet Kymn.

2 SPECIAL AGENT TEATOR: Right.

3 (b) So I told (b) that I had to
4 meet with Kymn. She was able to set it up. I had
5 communicated to (b) that I was going to have my
6 termination discussion with her. And he said, you
7 know, you want me to do it, you want me to discuss
8 with you? He sent -- because I believe it was off
9 site, he sent (b) she had the letters. She
10 said, (b) I thought you were doing this next week,
11 so it has the March 3rd date on it. I have no idea
12 where she got the March 3rd from. Here's the March
13 3rd and today's March 26th when I had sat down with
14 Kymn, you know, I have this --

15 SPECIAL AGENT TEATOR: February 26th.

16 (b): I had told her about this
17 discrepancy as to why this thing says March 3rd
18 versus, you know, today's date.

19 SPECIAL AGENT TEATOR: How long?

20 (b) The meeting itself?

21 SPECIAL AGENT TEATOR: How long did it
22 last, this February 26th meeting?

23 (b) It could have been an hour.
24 It was longer than a few minutes. When she came over,
25 she wanted to talk about the organization. And so I

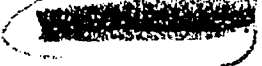
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1 let her do that, and she gave me -- I'll say it was
2 the typical feedback; what she had been working on.

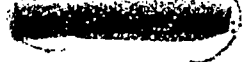
3 SPECIAL AGENT TEATOR: Right.

4  What the issues in the power
5 plant are from the leadership behavioral standpoint,
6 etcetera. And when she was done, I says Kymn the
7 reason I called this meeting was to give your
8 processing letter. To terminate your employment with
9 the company. And I went through the letter with her.
10 I told her why I was doing it. It was not performance
11 related. Kymn, I have no problems with your
12 performance. This is strictly a cost issue. We're
13 going to achieve -- and --

14 SPECIAL AGENT TEATOR: Correct me if I'm
15 wrong, wasn't it in part a performance issue based on
16 what you told me about the feedback you got from the
17 VPs?

18  Yes, it was. Because --

19 SPECIAL AGENT TEATOR: Why aren't you
20 telling her that then, that's my question. If it was
21 part performance, why didn't you tell her that?

22  Because I -- maybe for on
23 your question I interpret performance differently.
24 All right. I interpreted your statement on performance
25 of what you would add to the organizational

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1 incremental increase in the unit's performance from
2 her. It was not her personal performance.

3 SPECIAL AGENT TEATOR: You mean her job
4 performance?

5  Her job performance.

6 MR. BISSINGER: And maybe can you explain
7 the dichotomy between a performance problem versus
8 what performance she could add to the organization
9 going forward? I think that's the missing part here.

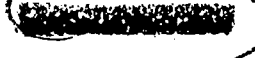
10 SPECIAL AGENT TEATOR: Yes.

11  I do our annual performance.

12 SPECIAL AGENT TEATOR: Yes, and I've read
13 the 2002 appraisalment.

14  So she was --

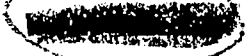
15 SPECIAL AGENT TEATOR: Okay.

16  So I was not letting her go
17 because of her personal performance. She was
18 acceptable.

19 SPECIAL AGENT TEATOR: Okay. She met
20 expectations?

21  She met expectations, yes.

22 SPECIAL AGENT TEATOR: All right.

23  So I wasn't letting her go
24 because of that, all right. I was letting her go based
25 on an assessment of my own of what value she could add

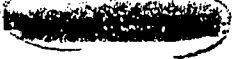
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1 to the organization going forward versus the
2 organization's needs and so, you know, that -- that
3 could or couldn't be performance related. I mean, like
4 I communicated like it wasn't about her, you know. It
5 wasn't anything she had done.

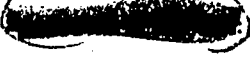
6 SPECIAL AGENT TEATOR: Right. But if she
7 wasn't going to add value going forward, to me it
8 sounds like -- and correct me if I'm wrong, there's
9 things she either wasn't doing or couldn't do going
10 forward to add value to help improve, continue
11 improvement. Is that fair for me to -- anything -- why
12 didn't you communicate that part to Kymn?

13 MR. BISSINGER: Is that a question or?


14 SPECIAL AGENT TEATOR: Well, it is a
15 question.

16  You know, I'm baffled by your
17 -- I'm baffled by your question.

18 SPECIAL AGENT TEATOR: All right. What are
19 you baffled about, and I'll break it down for you?

20  Because in reduction of
21 force, all right --


22 SPECIAL AGENT TEATOR: Okay.

23  -- one doesn't get into those
24 discussions, right. I am reducing the size of my
25 organization. You are the one that needs to go. You

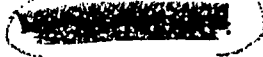
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1 are a staff assistant.

2 SPECIAL AGENT TEATOR: Okay.

3  A way of looking at that is
4 a luxury, all right. You actually will do work for me
5 here and, yes, I will be better for it, right, but I
6 don't need that entire function. I don't need the
7 function. So I'm eliminating that function.

8 SPECIAL AGENT TEATOR: Okay.

9  So it's not like if she had
10 been the world's best performer, it's possible she
11 would have been eliminated. So I -- I saw no value in
12 trying to communicate that to her.

13 SPECIAL AGENT TEATOR: Did she ask you why
14 other than what you have testified to, did she ask you
15 for more during that meeting?

16  No. I don't recall.

17 And what surprised me is she in essence
18 said thank you and signed the letter. Thank you would
19 be strong. She said okay and signed the letter. That
20 is very un-Kymn like. I had expected her to be more
21 emotional. She wasn't.

22 SPECIAL AGENT TEATOR: So that part of the
23 discussion where it turned to her position
24 elimination, how long did that part of the meeting
25 last, approximately?

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1 ([REDACTED]) I would -- I would be
2 guessing, well it was in the neighborhood of ten
3 minutes. It was short.

4 SPECIAL AGENT TEATOR: That as at the end
5 of the meeting?

6 ([REDACTED]) End of the meeting.

7 SPECIAL AGENT TEATOR: Okay.

8 MR. BISSINGER: For the record, that's the
9 reasonable estimate. We're not even going to guess on
10 the record.

11 ([REDACTED]) A reasonable estimate. Yes.
12 Thank you. A reasonable estimate is ten minutes. It
13 was very short.

14 SPECIAL AGENT TEATOR: From what I
15 understand Kymn's belief going into that meeting with
16 you was that part of the discussion was going to be
17 her bonus for that year. Do you know if that's true
18 or not, was that the reason or part of the reason for
19 that meeting being scheduled with Kymn?

20 MR. BISSINGER: What's Kymn's belief was
21 or if you can break it down a little bit here.

22 SPECIAL AGENT TEATOR: I'll ask it. Was
23 Kymn's bonus, was it communicated to her that that was
24 going to be the reason for the meeting, do you know?

25 ([REDACTED]) I don't know. I don't know

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1 that because I did not -- I did not communicate to her
2 the meeting.

3 SPECIAL AGENT TEATOR: Did [REDACTED]
4 [REDACTED] Yes.

5 MR. BISSINGER: How the meeting came to
6 be, how Kymn appeared in your office, had a clear
7 understanding of the communication --

8 [REDACTED] I told -- you know I told
9 Kymn to set up the meeting. I told [REDACTED] to set up the
10 meeting.

11 SPECIAL AGENT TEATOR: Right.

12 [REDACTED] What she did, I don't know.
13 Bonus?

14 SPECIAL AGENT TEATOR: End of the year
15 bonus?

16 [REDACTED] Yes. You know, I was going
17 -- could you restate what you said about the bonus.
18 She was coming expecting --

19 SPECIAL AGENT TEATOR: Well, my question
20 to you was do you know if it was communicated to Kymn
21 that the purpose of the meeting was to discuss her
22 bonus for the calendar year 2002?

23 [REDACTED] I don't know. But the
24 bonuses are -- recall an MCP employees are all done at
25 the same time and I don't believe, my recollection is

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1 that wasn't the time frame for the bonuses.

2 SPECIAL AGENT TEATOR: Okay.

3 [REDACTED] And it's just a check, you
4 know, that the supervisor gives to the subordinate. So
5 I don't know why she would come --

6 SPECIAL AGENT TEATOR: Okay. I want to go
7 back, was you asked [REDACTED] to schedule this meeting
8 with Kymn Harvin, correct?

9 [REDACTED] Yes.

10 SPECIAL AGENT TEATOR: And it was your
11 purpose to tell her that her position was being
12 eliminated?

13 [REDACTED] Yes, it was.

14 SPECIAL AGENT TEATOR: All right. Okay.
15 Now, a question. Was that decision based in all -- at
16 all, in part on any concerns or issues that Kymn that
17 raised with the operation of the nuclear power plant?

18 [REDACTED] Absolutely not. Absolutely
19 not. That is not the way that one can safely operate
20 a nuclear plant, you know. I spent, again [REDACTED] in
21 the business. You cannot allow things like that to
22 enter your mind. You have to encourage employees to
23 come forth and raise employee's concerns, whatever
24 they would be. You cannot take any action against the
25 employees.

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1 SPECIAL AGENT TEATOR: Well, you mentioned
2 something; was that a consideration at all on your
3 part that she had raised some type of issue or
4 concern?

5 [REDACTED] I wasn't even -- if she
6 raised issues, I was not aware of them. So -- and
7 would it be a consideration? Absolutely not. In
8 fact, my experience would have been that is a reason
9 you don't do it.

10 SPECIAL AGENT TEATOR: You don't eliminate
11 someone, don't take an action against someone?

12 [REDACTED] Don't the action -- you --
13 that's the reason I'm here, but you don't do that.
14 But, you know, it's what we communicate to the
15 organization.

16 SPECIAL AGENT TEATOR: Right.

17 [REDACTED] You know, I'd never -- this
18 is my first experience with OI. And when I had my
19 deposition with the company lawyer, it was my first
20 experience with that. You know, in a [REDACTED] career,
21 I have never been accused of any wrongful act by any
22 person. I have never been accused of bad behavior with
23 respect to people. I mean, I -- I'm very mindful of my
24 presence. I'm very mindful of the rules and
25 regulations of faithfully operating a nuclear power

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1 plant.

2 SPECIAL AGENT TEATOR: Are you mindful of
3 10 CFR 50.7, the NRC's employee protection regulation?
4 Are you aware that that regulation existed?

5 [REDACTED] Yes.

6 SPECIAL AGENT TEATOR: Okay.

7 [REDACTED] I mean, you -- I can't even
8 effectively communicate because it just boils up in me
9 that that -- I personally have never done anything
10 like that or allow my people to do that. If you do
11 that, you are going into discharge. It's just -- I
12 don't how to communicate it more effectively.

13 SPECIAL AGENT TEATOR: Okay. I want to
14 step back for just a minute and ask you -- oh, we're
15 going to change tapes. It's 1:24.

16 (Whereupon, at 1:24 a.m. off the record.)

17 SPECIAL AGENT TEATOR: Okay. It's 1:24.
18 We just changed tapes, and I'm going to step back just
19 a minute and ask you another question.

20 Can you go back to the January '03 time
21 period for just a moment? And the question is: do
22 you recall if during that meeting or during the
23 January '03 time period [REDACTED] made this
24 statement in your presence, that the feedback [REDACTED]
25 [REDACTED] was getting was that 90 percent of his

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1 managers felt Kymn Harvin was ineffective or added no
2 value and was somewhat destructive?


3 Do you recall him making such a statement?

4 MR. BISSINGER: Was this the meeting at
5 his house in January 2000?

6 SPECIAL AGENT TEATOR: Yes.

7  No, I don't recall.

8 SPECIAL AGENT TEATOR: All right. Do you
9 recall him making that statement in your presence at
10 any point?

11  No, I don't recall that
12 statement, which means if he made that statement, it
13 didn't register in my head. So I don't recall making
14 that statement.

15 SPECIAL AGENT TEATOR: Dave, up to this
16 point is there something you want to ask?

17 SR. COORDINATOR VITO: I just think if
18 we're at the January meeting again, and this doesn't
19 relate to raising any type of safety issue, but you
20 mentioned that you didn't provide any feedback to her
21 about the type of things people were telling her, that
22 you heard at that meeting like confusing the
23 organization and who she was or losing confidence in
24 her ability to keep things private.

25 PARTICIPANT: That occurs in her --

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1 MR. BISSINGER: Yeah, I was going to say
2 it's right in her performance review. That's contrary
3 to what he said. He said --

4 SR. COORDINATOR VITO: But you didn't --
5 when you told her on March whatever, 20th, that she
6 was being discharged --

7 MR. BISSINGER: February 26th.

8 SR. COORDINATOR VITO: I'm sorry.

9 -- that stuff wasn't brought up at that
10 discussion because you didn't have to. Is that what
11 I heard? You didn't need to do that?

12 [REDACTED] No, because that isn't why
13 she was being let go. It had no bearing on the issue.
14 I had previously sat down with Kymn, looked at the
15 performance appraisal that had --

16 SR. COORDINATOR VITO: That happened
17 before that?

18 [REDACTED] Yeah.

19 SR. COORDINATOR VITO: Okay.

20 [REDACTED] So she was aware of what they
21 said.

22 SR. COORDINATOR VITO: So she heard all of
23 that information prior to February 26th?

24 [REDACTED] Yes.

25 SR. COORDINATOR VITO: Okay.

1 [REDACTED] And I still rated her
2 performance as acceptable, and so when I sat down, you
3 know, in February to tell her that she was being
4 reduced in force, it was I was releasing an
5 unacceptable employee, and that was true for -- I
6 don't know if that was typically true. When you do a
7 reduction in force, employees that are performing
8 satisfactorily are let go.

9 SR. COORDINATOR VITO: Okay.

10 SPECIAL AGENT TEATOR: Okay. I have you
11 tape to play. I'll play the tape and listen to it.
12 I have a transcript. You can read along, and you guys
13 might want to take a little break to --

14 MR. BISSINGER: Sure.

15 SPECIAL AGENT TEATOR: -- do that cell.

16 It's 1:27. If we could turn the tape off
17 here for such a minute, I'm going to be setting up.

18 (Whereupon, a short recess was taken.)

19 SPECIAL AGENT TEATOR: Okay. It's 1:36 in
20 the afternoon and we're back on the record.

21 I just wanted to ask a couple of questions
22 before I play this tape that I have, [REDACTED] but
23 in between February 26, '03, and from what I
24 understand there was a meeting you had with Kymn
25 Harvin March 20th, 2003. In between those dates --

1 [REDACTED] March -- oh, I'm sorry. Go
2 ahead.

3 SPECIAL AGENT TEATOR: In between those
4 two dates, what was occurring, if anything, regarding
5 the decision that had been made to eliminate Kymn's
6 position? Was she coming back to you asking
7 questions? Was anything going on that you want to
8 bring forward?

9 Because it's kind of a blank period, it
10 seems like to me. Is there something you can offer?

11 MR. BISSINGER: Let me also clarify.
12 Please tell him what you are aware of. The question
13 as posed -- God knows what was occurring, but tell him
14 if you're aware of anything happening between the time
15 you --

16 [REDACTED]: With respect to Kymn?

17 MR. BISSINGER: Yes.

18 SPECIAL AGENT TEATOR: Yes. Just with
19 that. I'm sorry. That's how I want the question
20 framed. If you could answer that.

21 [REDACTED]: I'm not aware of anything
22 occurring, all right, other than normal activities.
23 Normal activities would have been she should have been
24 looking for a potential job in Forfeit.

25 SPECIAL AGENT TEATOR: Right.

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1 [REDACTED] And straightening out her
2 affairs to leave, you know, finishing up assignments
3 because she didn't have any assignments that required
4 her to do anything. In other words, she wasn't needed
5 anymore.

6 SPECIAL AGENT TEATOR: She was not needed.

7 [REDACTED] Not needed anymore.

8 SPECIAL AGENT TEATOR: Okay.

9 [REDACTED] But from my knowledge,
10 nothing. It was just business as usual.

11 SR. COORDINATOR VITO: Can I ask a
12 question here? And this may also ask -- did you ask
13 Ms. Harvin to provide you with anything at the 2/23/03
14 meeting in preparation for her last day at the site?

15 [REDACTED] Yeah, I asked her if she
16 would give me an assessment of the managers at the
17 station prior to her leaving.

18 SR. COORDINATOR VITO: Okay.

19 [REDACTED] Give me her thoughts, and I
20 was --

21 SPECIAL AGENT TEATOR: Did she provide
22 that to you?

23 [REDACTED] No, she did not.

24 SPECIAL AGENT TEATOR: All right. Now,
25 comment on this, please. Kymn Harvin understood that

1 she was going to work until -- actually physically
2 work at the plant, at the site -- until April 16, '03,
3 which would have been in 45 days, March 3rd.

4 Can you comment on discussions you had
5 with her surrounding that she would work until that
6 date?

7 [REDACTED]: I don't know.

8 SPECIAL AGENT TEATOR: Did you have
9 discussions with her --

10 [REDACTED]: Thank you.

11 SPECIAL AGENT TEATOR: -- that she would
12 be allowed to work until that date?

13 [REDACTED]: Yes, I told her she would
14 work till that date. She raised the question she
15 wanted to meet [REDACTED] and I said, you know, I
16 believe [REDACTED] is like myself. The door is open. You'd
17 have the opportunity to talk to him.

18 SPECIAL AGENT TEATOR: If you had nothing
19 for your testimony, if you had no particular work for
20 her to do between February 26, '03, and April 16th,
21 '03, why did you agree that she'd be allowed to work
22 until April 16, '03?

23 MR. BISSINGER: Agree with?

24 SPECIAL AGENT TEATOR: Well, I just asked
25 [REDACTED] if it was --

1 [REDACTED] You know, if she wasn't
2 needed, why did I make her work?

3 SPECIAL AGENT TEATOR: Yeah, yeah.

4 MR. BISSINGER: My only clarification is
5 that if the witness established these dates, maybe you
6 should ask him about the establishment of the dates
7 and asking him about why the agreement was made to
8 actually fix those dates because I think it's clear
9 that there were other -- he's testified to other
10 people involved in the process of the paper work and
11 the dates and everything else, and then you're asking
12 him why he made an agreement as to these dates.

13 SPECIAL AGENT TEATOR: Well, my
14 understanding is corporate policy is they get 45 days
15 on the payroll after they're informed that they're
16 being RIFed.

17 MR. BISSINGER: Okay.

18 SPECIAL AGENT TEATOR: I'm not disputing
19 that. But my question is -- and she's going to get
20 paid for that time, like everybody.

21 [REDACTED]: Okay.

22 SPECIAL AGENT TEATOR: I'm not talking
23 about that. I'm talking about her actually coming to
24 work until April 16th. My question to you was did you
25 discuss that with her in between February 26, '03,

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1 that she would be allowed to continue to actually work
2 until april 16, '03?

3 [REDACTED] Yes, I did.

4 SPECIAL AGENT TEATOR: I think you said
5 yes.

6 [REDACTED] Yes, I did.

7 SPECIAL AGENT TEATOR: So my question is:
8 if you had nothing for her to do, why did you allow
9 that or agree to that?

10 [REDACTED] As I spoke to her earlier,
11 this is my first time downsizing an individual. The
12 letter was prepared in accordance with corporate
13 policy to do that. I was following the corporate
14 policy.

15 SPECIAL AGENT TEATOR: Okay.

16 [REDACTED] And I was relying on the HR
17 organization to say this is the way to do the
18 business. I guess I could have done it differently,
19 but I just -- I didn't.

20 SPECIAL AGENT TEATOR: Right, okay.
21 That's it.

22 All right. I'm going to play this tape
23 now, and, Mr. Bissinger, prior to me playing the tape,
24 is there something you want to put on the record?


25 MR. BISSINGER: Yeah. I just want on the

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1 record, first, to have some representation as to
2 whether there's been any efforts to authenticate this
3 tape.

4 And, two, there is other litigation going
5 on, and that Mr. Teator is aware of, and I want to
6 preserve our rights with regard to the admissibility
7 of any testimony resulting from this tape or testimony
8 that he's being asked to provide concerning the tape.

9 So I'm just preserving all of my rights in
10 that regard.  is here to help Mr. Teator
11 get to the truth. So we are going to agree to comment
12 on the tape, assuming that we have some representation
13 to its authenticity.


14 SPECIAL AGENT TEATOR: Kymn Harvin made
15 this tape of a discussion with you March 20, 2003. It
16 was not done at the direction of the NRC. She did
17 this on her own accord.

18 This tape was provided to us when the NRC
19 was made aware of her allegations and concerns.

20 Okay. The tape was
21 _____
22 _____
23 _____
24 _____
25 _____

7E


1 The use of tapes in this investigation and
2 the skewey work environment review by NRC was reviewed
3 by the NRC's Office of General Counsel. They
4 determined that



5
6
7 Authenticity, it has been presented to us
8 on the record that Kymn Harvin made this tape of a
9 discussion with you, and that it was not manipulated
10 in any way to eliminate or add testimony. So we're
11 not aware of that occurring at all.

12 MR. BISSINGER: My only question is has
13 any -- I understand that may be what Ms. Harvin told
14 you. Have you done anything to corroborate that or
15 have that checked by any agency or outside or maybe
16 yourself or other expert.

17 SPECIAL AGENT TEATOR: We've been informed
18 by the



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[REDACTED] 7c

I'm not sure what else I could tell you about the tape.

MR. BISSINGER: Are we just playing one tape?

SPECIAL AGENT TEATOR: Yes.

MR. BISSINGER: Okay.

SPECIAL AGENT TEATOR: Is there anything more you want to add? Otherwise I'll play the tape.

MR. BISSINGER: Not until I hear the tape.

SPECIAL AGENT TEATOR: I hear you.

[REDACTED] is there something you want to say?

[REDACTED] No.

SPECIAL AGENT TEATOR: I'm just going to go ahead and play the tape, and I'll play with the tone and volume to try and make it -- it's not a perfect tape. I'm telling you that right now, and I'm not going to ask you questions regarding something you cannot hear. All right? I'm not going to do that. I don't think that's fair to anybody.

But there are particular areas of the tape I'm going to ask you some questions about, and I'll

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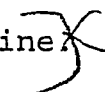
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1 break that down for you as best I can when we come
2 back on the record after taking a break.

3 ~~XXXXXXXXXX~~: Fine. 

4 SPECIAL AGENT TEATOR: It's 1:45, and
5 we're going to begin playing -- excuse me? Yes, I
6 want this recorded on the transcript. It's 1:45. I'm
7 going to begin playing a tape of a conversation
8 between you and Kymn Harvin. The date of the
9 conversation is March 20, 2003.

10 (Whereupon, an audiotape was played.)

11 SPECIAL AGENT TEATOR: She's got the date
12 wrong.

13 (The audiotape continued playing.)

14 SPECIAL AGENT TEATOR: At the beginning
15 part of the tape she's waiting to meeting with you.
16 So she's walking and talking with other people. So
17 there's a little bit of -- I wanted to play the entire
18 tape.

19 (The audiotape continued playing.)

20 SPECIAL AGENT TEATOR: I'm going to turn
21 the tape off for just a second. I'm going to give you
22 a transcript.

23 Do you want me to start it over? What if
24 I got to the part just where you guys start talking
25 here. We don't need to hear --

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1 MR. BISSINGER: Is that [REDACTED] speaking to
2 her?

3 SPECIAL AGENT TEATOR: That's your voice.

4 MR. BISSINGER: It sounded like him.
5 Yeah, all right. I thought you were going to fast
6 forward. We can start back at the beginning where
7 [REDACTED] starts talking.

8 SPECIAL AGENT TEATOR: Right. that's the
9 part where I'm going to go to.

10 This is the best we've got, guys. You
11 know.

12 SR. COORDINATOR VITO: Are we off the
13 record now?

14 SPECIAL AGENT TEATOR: I'm going to get to
15 the point. We're off the record -- no, we're on the
16 record. That's fine.

17 I'm going to get back to the point in the
18 tape where [REDACTED] begins to --

19 (The audiotape continued playing.)

20 SPECIAL AGENT TEATOR: I have a copy --
21 we're on the record -- I have a copy of a transcript
22 that was made, and OI agents have actually listened in
23 on the microphone to try spelling as best we could,
24 the transcript, because it's not that great as you can
25 tell by the recording.

7c


1 MR. BISSINGER: Wait a minute. Was the
2 transcript made by any -- who made the transcript?

3 SPECIAL AGENT TEATOR: Initially the
4 transcript was made by Kymn Harvin. Now, we can
5 listen --

6 MR. BISSINGER: So Kymn made the
7 transcript and then OI tried to fill in blanks. So
8 this isn't like a certified copy or certified
9 transcript of this tape.

10 SPECIAL AGENT TEATOR: No, it's not.

11 MR. BISSINGER: Okay. I just wanted to be
12 clear on how it was constructed.

13 SPECIAL AGENT TEATOR: I'll give you one,
14  and I'll give you one.

15 MR. BISSINGER: Thank you.

16 SPECIAL AGENT TEATOR: Mr. Bissinger, and,
17 Dave, a copy for you.

18 Is there something you want to add?

19 (No response.)

20 SPECIAL AGENT TEATOR: I'm going to go off
21 the record for just a moment, 1:51.

22 (Whereupon, a short recess was taken.)

23 SPECIAL AGENT TEATOR: We're back on the
24 record. It's 2:01 p.m. Maryann, our court reporter,
25 has been gracious enough to offer her equipment for us

1 to play these tapes, and it plays better out of her
2 Sony machine than the Radio Shak machine.

3 We're going to go ahead and play the tape,
4 and we're going to listen to it. Mr. Bissinger, ~~and~~
5 ~~and~~ and myself and Mr. Vito are going to follow
6 along looking at the transcript that we have
7 available, and then after listening to the tape, we're
8 going to take a break before we come back. And when
9 we come back, I'll ask you questions about what's on
10 the tape, the transcript.

11 Is everybody okay with that?

12 MR. BISSINGER: I'm okay. This is Mr.
13 Bissinger, and I think that the -- it was on the
14 record before that there was representation that this
15 transcript that we're going to try and follow along
16 with was created first by Mr. Harvin and then edited
17 for clarity by the OI, wherever Mr. Harvin, I guess,
18 couldn't make out some words.

19 So with that representation, we're going
20 to follow along on that transcript. That's the
21 transcript that we have in front of us at this point.

22 SPECIAL AGENT TEATOR: I want to make a
23 point. Not only was it edited by OI. It was verified
24 that what's typed up here is actually what we heard
25 also.

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1 MR. BISSINGER: Okay.

2 SPECIAL AGENT TEATOR: If we can go ahead
3 and begin playing the tape.

4 (Whereupon, the audiotape was played.)

5 SPECIAL AGENT TEATOR: This is back to
6 real page 4.

7 (The audiotape continued playing.)

8 SPECIAL AGENT TEATOR: That's the end of
9 the tape.

10 We're on the record, and we have to turn
11 the tape on the tape recorder. So we're going to flip
12 the tape right now.

13 (Whereupon, a short recess was taken.)

14 SPECIAL AGENT TEATOR: We're back on the
15 record after playing a tape, and the court reporter
16 has just put a new tape in her machine.

17 I'm going to need to ask some questions
18 about what was on the tape, but do you guys still want
19 to take a break?

20 MR. BISSINGER: I want to take a break.
21 This is Mike Bissinger, for the record, and I'm
22 also -- I just want to point out I'm a little
23 concerned about the tape because there were numerous
24 portions of the tape that were clearly inaudible. I'm
25 not saying I'm not going to allow my witness to help

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1 out here and clarify things for you, 'but I'm again
2 saying that I'm reserving my right on the
3 admissibility and authenticity of this tape because I
4 don't know what was the complete conversation that has
5 happened here, and I don't know that the NRC does
6 either based upon the representations, and there's a
7 whole lot of stuff missing from the transcript that we
8 were provided. So let me just think about that while
9 we take a short break, and I guess we're going to take
10 a short lunch break. Is that the idea?

11 SPECIAL AGENT TEATOR: Yeah, 2:30 in the
12 afternoon.

13 MR. BISSINGER: Yeah.

14 SPECIAL AGENT TEATOR: And we'll take a
15 short break and come back.

16 MR. BISSINGER: We'll pop back here. What
17 type -- why don't we go off the record?

18 SPECIAL AGENT TEATOR: Yeah.

19 MR. BISSINGER: Unless you have anything
20 else to --

21 SPECIAL AGENT TEATOR: No, we'll go off
22 the record.

23 (Whereupon, at 2:28 p.m., the interview
24 in the above-entitled matter was recessed for lunch,
25 to reconvene at 3:28 p.m., the same day.)

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AFTERNOON SESSION

(3:28 p.m.)

SPECIAL AGENT TEATOR: Okay. We're back on the record at 3:28. We've come back after a late afternoon break, and before going into any questioning or anything, what I want to do is list as Exhibit 6 the transcript that I have of this taped conversation, taped conversations. As far as the transcript of this interview goes, that will be considered Exhibit No. 6.

(Whereupon, the document referred to was marked as Exhibit No. 6 for identification.)

SPECIAL AGENT TEATOR: Mike before I ask your client questions about what is said on this tape, is there something you'd like to say?

MR. BISSINGER: Yeah. I want to make clear for the record that this tape, in my opinion, would not be admissible evidence under the rules of state or federal court, although obviously the NRC believes it's pertinent to their investigation, and that's their view in their opinion.

However, I want to make clear that we will be objecting to the introduction of any testimony from the questions that are relating to this taped

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1 independently or the tape itself in any proceeding
2 outside of this investigation or in any legal
3 proceedings that may result from the conclusions of
4 your investigation. Because I have a significant
5 problem with the multiple portions of this tape that
6 are inaudible. I don't think that there is an
7 accurate reflection of what was said in this entire
8 conversation, and I think the NRC would agree with me
9 because there are just a whole lot of places where we
10 have blanks and garbled language, et cetera.

11 That being said, we do want to cooperate
12 with Mr. Teator and help him gain an understanding of
13 [REDACTED]'s recollection of this conversation, if
14 any, and so we're going to proceed, and I'll raise my
15 objections if I have any other further objection as we
16 come to them.

17 SPECIAL AGENT TEATOR: Okay. [REDACTED]
18 do you recall having this discussion with Kymn Harvin?
19 [REDACTED]: I recall having a meeting and
20 some of these topics, yeah.

21 SPECIAL AGENT TEATOR: Okay. Earlier in
22 the interview you mentioned a conversation you had
23 with Kymn Harvin in the March 2003 time period. Might
24 that be the same conversation which was tape recorded
25 by Kymn Harvin on March 20th? Might it be?

7c

1 [REDACTED]: It might be, yeah.

2 SPECIAL AGENT TEATOR: All right. Is
3 there something -- we listened to the tapes. You
4 followed the transcript that we have of that tape. Is
5 there something more you recall of the conversation
6 with Kymn that is not reflected in this transcript?
7 Something that you feel is important that isn't
8 included int here or that maybe was said before or
9 after the taping began?

10 I'm just throwing that out.

11 [REDACTED]: Yeah, I -- when I listened to
12 the tape and I read the transcript, I thought there
13 was more in the tape that's not there.

14 SPECIAL AGENT TEATOR: Okay.

15 [REDACTED]: Or more in the conversation
16 that's not on the tape. Yes, I thought the meeting
17 was more than ten minutes.

18 SPECIAL AGENT TEATOR: Okay. Is there
19 something specific that you remember that isn't
20 reflected in either the tapes or the transcript?

21 [REDACTED]: (Examining document.) I'm
22 just trying to get through, okay, different issues.
23 What do we do? There -- there's something missing
24 from this.

25 SPECIAL AGENT TEATOR: Are you talking

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1 about page 4 of the transcript as it exists?

2 (b)(7)(C): Mine is not numbered.

3 SPECIAL AGENT TEATOR: Right. It's not,
4 but it's the fourth page. I'll say that.

5 Where do you believe something's missing?
6 Where? At what point on the typed up transcript was
7 the handwriting added?

8 MR. BISSINGER: Yeah, let me just point
9 for the record there is a paren near the bottom of
10 that paragraph that says "inaudible."

11 SPECIAL AGENT TEATOR: Right.

12 MR. BISSINGER: That would be a note from
13 the NRC that there's something missing. I think it's
14 the NRC. I don't know if Kymn or you put in that
15 inaudible.

16 SPECIAL AGENT TEATOR: (b)(7)(C) my question
17 is though is something specific that you recall that
18 speaks to why I'm interviewing you today that's not
19 either in the tap or this transcript that you think
20 occurred during the conversation?

21 (b)(7)(C): Yes, I thought that part of
22 the dialogue, the discussion on the Salem operators.

23 SPECIAL AGENT TEATOR: Okay.

24 (b)(7)(C) Morale issues in the Salem
25 station, and I just don't see that. That's all.

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1 SPECIAL AGENT TEATOR: Okay. What do you
2 think was said during that discussion with Kymn?

3 (REDACTED): I think it's in and around
4 preceding the -- that she's concerned about what's
5 going on behind the fence.

6 SPECIAL AGENT TEATOR: Okay.

7 (REDACTED): You know, in there --

8 SPECIAL AGENT TEATOR: Where -- where
9 she --

10 (REDACTED): At the moment, that's my
11 recollection.

12 SPECIAL AGENT TEATOR: Okay. All right.
13 Is there something that you feel you or recall saying
14 to her that's no on the tape or the transcript about
15 that very issue?

16 MR. BISSINGER: Well, he's testified
17 earlier specifically about that issue, but do you want
18 to tell them again?

19 (REDACTED): Well, I'm having trouble
20 about the paragraph on four where she says, "On a
21 different issue, what do we do?"

22 SPECIAL AGENT TEATOR: Right.

23 (REDACTED): We don't do anything.

24 SPECIAL AGENT TEATOR: Well, that's you
25 speaking now.

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1 () Right. Well, I'm trying to
2 figure out what motivates me to say all that's in this
3 paragraph.

4 SPECIAL AGENT TEATOR: "We don't do
5 anything because you know it's everything you'd expect
6 to see. It's a bunch of bullshit." You know, you've
7 been using words like that.

8 () Yes. There isn't --

9 SPECIAL AGENT TEATOR: Is that what you're
10 referring to?

11 () Yes. There isn't enough
12 verbiage in front of it, her handwritten portion,
13 right, to cause me to say that. Why am I reacting to
14 a statement that she had given me if this were the
15 statement? I'm very concerned about if this were the
16 only statement.

17 SPECIAL AGENT TEATOR: That follows the
18 back page, which is the behind the fence comment
19 about, you know, was there a sense that there was some
20 sort of pressure, production pressure, to get Oak
21 Creek back on line. Could it have been a follow-up to
22 that comment?

23 MR. BISSINGER: I want to point out to
24 that in the back page there are several places that
25 have inaudible portions, at least three that I see,

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1 four, and then a few that say "sound like." So you
2 know, that's one of my problems with the questioning
3 in these. I assume that this is an important area to
4 take and that we have multiple inaudible portions.

5 So that's one of my off-the-record
6 conversations with your, [REDACTED]
7 [REDACTED] There's nothing like that at
8 this point in time.

9 SPECIAL AGENT TEATOR: Right. I was
10 giving your client an opportunity. If you recall
11 anything specific that's not in here, please, you
12 know, we can talk about it. I'll just go forward with
13 my questions and we'll go from there.

14 All right. If you could go to the third
15 page of the transcript, please. The page before that,
16 [REDACTED]. Actually a third page -- that's it. The
17 last paragraph where it says -- I'll read it for the
18 record -- it says, [REDACTED] That's you speaking.
19 "We want to continue on the path, yes, but you know,
20 I don't believe you can help us get our critical
21 issues out. Yes, there's still accountability and
22 leadership. Yes, I understand that. Our issues are
23 toe-to-toe, knock down, drag out re the union. It's
24 purely implementation of the union contract, and you
25 won't help in that arena. You're actually a detriment

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1 in that arena."

2 My question to you is: why did you that
3 she couldn't help in that arena and that she was
4 actually a detriment in that arena?

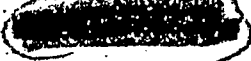
5 I recall it was pretty clear on the tape,
6 but that's my question to you.

7 MR. BISSINGER: Let me just interpose and
8 you can answer that question in a moment. But do you
9 have an independent recollection of this type of an
10 issue with Kymn being a detriment in that arena and
11 the union arena?

12  From -- yeah.

13 MR. BISSINGER: Okay. If you do, then you
14 can answer his question because if you don't, it
15 raises more concerns.

16 Go ahead then.

17  I was -- I guess I'm going to
18 start, but would you repeat your question one more
19 time?


20 SPECIAL AGENT TEATOR: Yes. It says in
21 this typed up transcript, and I heard it on the tape,
22 that in your words, "Our issues are toe-to-toe, knock-
23 down, drag out reviewing. It's purely implementation
24 of the union contract, and you can't help in that
25 arena. You're actually a detriment in that arena."

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1 I'd like you to explain to me what you
2 meant by that, that she couldn't help in that arena
3 and that she was actually a detriment in that arena.

4 [REDACTED] All right. The issues I'm
5 referring to is that we are going -- at some point in
6 the future, we're going to have to downsize the union
7 organization.

8 SPECIAL AGENT TEATOR: Okay.

9 [REDACTED] Union membership, right?

10 SPECIAL AGENT TEATOR: Right.

11 [REDACTED] She has no expertise or
12 experience in labor contract negotiations, no
13 expertise and experience with dealing with the
14 bargaining unit in a negotiation standpoint. All
15 right? So she has no experience in that area.

16 When I chatted with the VPs --

17 SPECIAL AGENT TEATOR: Okay.

18 [REDACTED] -- and the issues they
19 conveyed back to me is her role is confusion --
20 confusing to some of the people. Is she down here to
21 help the line manager or is she down here to whatever
22 she signed the statement from the [REDACTED] right? So just
23 by the nature of her reporting, she has -- it creates
24 conflict in the employee's mind, right?

25 So that would be a detriment if she was

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1 out -- if she was in there without any experience in
2 labor-management negotiation. She has no experience
3 in going through the downsizing process with the
4 union, and that's pure implementation of the contract,
5 and she's confusing the organization as to what her
6 role is. I'm saying that that would be a detriment.

7 SPECIAL AGENT TEATOR: Okay. Did you make
8 that statement in response to any concerns Kymn had
9 raised to you while she worked for you, concerns that
10 she voiced regarding the nuclear equipment operators,
11 the non-licensed operators --

12  Absolutely not.

13 MR. BISSINGER: Let him finish the
14 question.

15 SPECIAL AGENT TEATOR: -- the reactor
16 operators? Was that statement made by you that she
17 was a detriment in that arena because she had raise
18 any of the concerns the union people had?

19  Absolutely not, absolutely
20 not.

21 SPECIAL AGENT TEATOR: Would that have
22 been an issue outside of the -- let's go back to your
23 providing her with her performance assessment before
24 February 26th. Would that have been something you
25 would have spoken with her about during that

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1 discussion?

2 (b)(7)(C): No, because you know, my plan
3 was not to utilize her in this.

4 SPECIAL AGENT TEATOR: In the downsizing?

5 (b)(7)(C): In the downsizing, and in
6 fact, as I indicated or stated on a piece of paper,
7 the downsizing is out there somewhere in the future
8 somewhere.

9 SPECIAL AGENT TEATOR: How far out and
10 where is that vented or was that just a guess? Was
11 there a plan?

12 (b)(7)(C): There was no plan, right.
13 There was, as I communicated, the plan was to go
14 through management and then go through the union,
15 right? But it's a high probability that the company
16 would not want to embark upon it.

17 SPECIAL AGENT TEATOR: The union
18 downsizing?

19 (b)(7)(C): The union downsizing. Now,
20 it's possible because there's labor-management
21 relationship.

22 SPECIAL AGENT TEATOR: Okay. Switch for
23 just a minute, but just above that on this transcript,
24 Kymn describes for you two individuals who are brought
25 in -- actually she describes one individual, (b)(7)(C)

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[REDACTED] Right.

SPECIAL AGENT TEATOR: And another group that's brought in to do work in the chemistry department, consulting. Do you see that on the transcript?

MR. BISSINGER: Yeah, I prefer, [REDACTED] if you remember this and just to make sure that's accurate because I think you're stating questions without getting his input on it because --

SPECIAL AGENT TEATOR: I was going to lay the ground work for the question.

MR. BISSINGER: Okay.

SPECIAL AGENT TEATOR: My question is: do you remember [REDACTED] being hired to do that work which [REDACTED] described here from [REDACTED] (phonetic)? I guess that's who [REDACTED] was doing work for.

[REDACTED] Just vaguely. I don't know.

SPECIAL AGENT TEATOR: Okay. Would you have been the final authorizing official for signing the contract allowing [REDACTED] to be hired to do that work for [REDACTED]

[REDACTED]: No. The corporation has the delegation of authority.

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1 SPECIAL AGENT TEATOR: Okay.

2 [REDACTED] And an employee can -- a
3 manager can sign a contract for a certain amount of
4 dollars, and she reports here \$25,000. That was the
5 labor at that level.

6 SPECIAL AGENT TEATOR: So a person at
7 [REDACTED] level could execute that contract on his
8 own. He had the authority to do that?

9 [REDACTED] Yes.

10 SPECIAL AGENT TEATOR: This goes to, all
11 right, she's getting let go. Why are these
12 consultants coming in doing work that she feels she
13 should be doing. That's what my question is.

14 [REDACTED] Right. For me it's the point
15 that she feels she could do it. I don't know that she
16 could do that. I never heard. [REDACTED] could have
17 been an expert in work management, et cetera. [REDACTED]
18 could have needed to solve a particular problem.

19 SPECIAL AGENT TEATOR: Was Kymn an expert
20 in that area to your understanding, in the maintenance
21 area?

22 [REDACTED]: Oh, she was not an expert in
23 the maintenance area, no.

24 SPECIAL AGENT TEATOR: Now, Kymn speaks to
25 Chemistry contracting with another individual to come

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1 in through (b) (phonetic) organization.
2 Were you aware that that contract had been let for
3 that consultant?

4 (b) was aware that we brought an
5 individual in to help Chemistry, yeah.

6 SPECIAL AGENT TEATOR: Can you tell me a
7 little bit more about your recollection of what that
8 job was for?

9 MR. BISSINGER: And when this occurred, if
10 you recall when.

11 (b) I don't recall when, but
12 there was an issue. There was concern in the
13 Chemistry Department whether to -- equipment
14 reliability and equipment performance. We spent a lot
15 of money addressing many of the issues, trying to
16 improve chemistry performance.

17 SPECIAL AGENT TEATOR: Right.

18 (b) There was the issue of the
19 performance of the chemistry technician.

20 SPECIAL AGENT TEATOR: Okay.

21 (b) And something that came up,
22 we had made all of these improvements in chemistry,
23 but the chemistry technicians didn't know about it.
24 So there was, you know, effective communication
25 problems.

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[REDACTED]
SPECIAL AGENT TEATOR: [REDACTED]

[REDACTED] -- [REDACTED] had met with the union business agent, and they had worked together on what do we do about this. And from there -- and I don't know directly there -- but from there my next recollection is that we embark on a program utilizing, you know, an outside consultant to help with the union-management issues, with the communications issues within Chemistry.

I don't know that they together worked on who the selection of the individual is.

SPECIAL AGENT TEATOR: Do you recall if you were the authorizing official for that job?

[REDACTED] I was not the authorizing official.

SPECIAL AGENT TEATOR: And do you know, can you tell me why Kymn Harvin was not given that assignment? Do you know?

[REDACTED] No. I (pause) --

SPECIAL AGENT TEATOR: The answer is no?

[REDACTED] The answer is no.

SPECIAL AGENT TEATOR: Okay. I guess we're going to go to the area of the tape and transcript that is at contention here. Okay? And --

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1 MR. BISSINGER: There are a lot of areas
2 that are. I'm having a problem with I don't know
3 whose contention, but go ahead. Get to the questions
4 and we will go.

5 SPECIAL AGENT TEATOR: All right. If you
6 could go to actually the last page of the transcript,
7 which is like the addendum, go to page 4, and it
8 begins with Kymn Harvin saying, "Different issues,
9 okay? And I want to say this appropriately. I'm very
10 concerned about what's going on behind the fence. The
11 message that's being sent, whether intended or not, is
12 that production in getting Hope Creek unit back on
13 line is more important than nuclear safety."

14 You respond there, "You know, I appreciate
15 that feedback. I don't believe it, but I appreciate
16 it, and you know, apparently [REDACTED] had a hard time with
17 the work issues relating to the research pump," and it
18 says "inaudible."

19 "And took a lot of action over that, but"
20 and then "inaudible" again.

21 I guess my question to you is that when
22 Kymn is telling you this about her concerns there, you
23 don't ask for any detail on what she's talking about,
24 and my question to you is why.

25 [REDACTED] We have a process for

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1 starting up the power plant. We have independent
2 observers for the start of the power plant. I was not
3 getting any messages from anyone else. I had had
4 conversations with (b) you know, at start-up
5 for plant time, at any way, shape or form indicate
6 that at the high levels of the organization that there
7 was any message going out there that production is
8 more important than nuclear safety.

9 I brought (b) in the
10 organization. (b) and I are in perfect alignment.
11 (b) comes from safety. At -- at the lower levels of
12 the organization, you know, there may be someone
13 getting a message. I don't know. All right?

14 But I did not pursue from Kymn whether
15 that was -- you know, who it was making those
16 statements on that, but I was -- I was satisfied from
17 conversations with Kymn and from the rest of the
18 organization we have in place, right, that the plant
19 is being returned to operations safely.

20 SPECIAL AGENT TEATOR: Are you referring
21 to discussions you would have had with (b)
22 then before this discussion with (b) about the plant
23 start-up? Because I think this is around the bypass
24 valve issue; is that correct?

25 SR. COORDINATOR VITO: It's right after

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1 the bypass value issue.

2 [REDACTED] I don't have recollection of
3 what the plant status is at this point in time.

4 SPECIAL AGENT TEATOR: Okay.

5 [REDACTED] So I don't know whether it's
6 up or down in the process. I gather from the comments
7 here that the plant processes are returning service,
8 but I --

9 SR. COORDINATOR VITO: I'm going to try to
10 ask. I mean, this is my understanding of it, is that
11 just before the date, date, probably two or three days
12 earlier, the 17th, I believe, Hope Creek was starting
13 back up. And in the process of starting back up,
14 there was a problem with one of the turbine bypass
15 valves, I believe. It either it wouldn't open or I
16 don't remember.

17 But it was the function of trying to close
18 the valve, I believe, there was some sort of -- it
19 wouldn't go fully closed, but there was some sort of
20 foreign material keeping it from going fully closed.
21 Direction was discussion around the control room. The
22 decision was that we'd just come back down and find
23 out what the problem is.

24 And then at some point in time in bringing
25 the plant back down, the valve shut, and the question

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1 comes us: well, why can't we start the plant back up
2 again?

3 And there was a lot of, you know, wringing
4 of hands and going back and forth. Ultimately the
5 decision, I understand, was to shut the plant down and
6 resolve the issue, but the question, to my
7 understanding, revolves around why all of the
8 discussion. You know, why wasn't it a snap decision
9 to say, "Well, we need to find out if there's
10 something in that valve that needs to be repaired or
11 taken out or whatever, and why did we have all of this
12 internal discussion to decide to shut the plant down?"

13 And I think that's the reason for this
14 alleged feedback that was --

15 [REDACTED] I -- I don't believe I was on
16 site during this event. So I don't know all that's
17 happened with respect to those conversations.

18 SPECIAL AGENT TEATOR: I think you're
19 right. I think [REDACTED] was acting in your absence.

20 [REDACTED] I had subsequent
21 conversations with [REDACTED] then when I got back.

22 SPECIAL AGENT TEATOR: Right.

23 [REDACTED] Checked the plant status, and
24 you know, I seem to recall in one of the dialogues
25 where [REDACTED] had talked about it's very difficult to shut

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1 the plant down without the bypass valves available,
2 and I had sent the operators out to pay -- our
3 procedure, do some training so that we could safely
4 shut the unit down, and I believe that was done. And
5 I thought that was very good action on [REDACTED] which is
6 kind of what I would expect to happen.

7 So you know it shut down. I was trying to
8 read this into the start-up and not the shutdown.

9 SPECIAL AGENT TEATOR: Well, I believe,
10 just to give you a little more information, I believe
11 in this time period finding the bypass value issue,
12 they had the reactivity at that time.

13 SR. COORDINATOR VITO: They had the
14 reactivity issue.

15 SPECIAL AGENT TEATOR: Do you remember
16 that?

17 [REDACTED] I remember reactivity, yeah.

18 SPECIAL AGENT TEATOR: And this all
19 happened right in like a three or four-day window,
20 that the plant ops. sits down. They're not sure what
21 to do, and then they at the end added this reactivity
22 thing which caused a lot of concern in the plant by
23 the people in the plant because the proper things were
24 not initially done.

25 I'm just making the statement to give you

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1 the time period that we're talking about and the
2 issues going on in the plant.

3 MR. BISSINGER: Let me just ask this.
4 Number one, [REDACTED] response to the specific
5 portion of the transcript you're asking him about also
6 has two inaudible portions and you asked [REDACTED]
7 "Well, why didn't you say that to her?" And I don't
8 know that he didn't say that to her because I don't
9 know what these inaudible portions are. Okay? That's
10 the first thing.

11 On the second issue, the reactivity event,
12 do you know if that was before or after the 20th when
13 this conversation was? It says the 19th, but I think
14 you said this is the 20th, not the 19th.

15 [REDACTED] Conversation?

16 MR. BISSINGER: When this tape took place.

17 [REDACTED] Yes, it was March 20th.

18 MR. BISSINGER: So when -- do you know the
19 date of the reactivity event that you just referred
20 to?

21 I'm asking them if they know. I don't
22 know if you know either, [REDACTED] the specific date of
23 that.

24 [REDACTED] I'm not absolutely sure. I'd
25 have to check. I think it was the following day.

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1 MR. BISSINGER: So it would be after this
2 tape?

3 [REDACTED] No, no. I think it was after
4 the 18th or 19th.

5 MR. BISSINGER: So you think it may be --
6 [REDACTED] I could be wrong, but we
7 would need to check that.

8 MR. BISSINGER: All right. I just want to
9 be -- I don't know. You can ask [REDACTED] if he
10 remembers the date of the reactivity event, but --

11 SPECIAL AGENT TEATOR: Do you --

12 MR. BISSINGER: -- somehow including that
13 in --

14 [REDACTED] I don't know.

15 MR. BISSINGER: -- the questioning, I want
16 to be clear.

17 SPECIAL AGENT TEATOR: Right.

18 [REDACTED] Correct.

19 SPECIAL AGENT TEATOR: The reactivity
20 event occurred at the end of the bypass valve issue.
21 It happened right after that. There was like a
22 series of things that didn't work right in the plant,
23 not only equipment, but processes and procedures
24 actually, and you got -- so when you got back on site,
25 you talked to them about the bypass valve issue. Do

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1 you recall talking to [REDACTED] about the reactivity event?
2 [REDACTED] He had several concerns about
3 the reactivity event, and one of them was that he
4 didn't think that the Hope Creek operators recognized
5 how serious it was or the serious nature, potential
6 serious nature of the event.

7 I don't know exactly when in there, but
8 [REDACTED] wanted to make sure we did a thorough root cause,
9 may have made at a Level I root cause evaluation.

10 SPECIAL AGENT TEATOR: Okay.

11 [REDACTED] We had some kind of
12 discussion about bringing in an independent person to
13 help us make an evaluation of the event, and someone
14 from INPO did come in to help us make the evaluation
15 of what took place and what all the actions were. I
16 recall that.

17 SPECIAL AGENT TEATOR: Okay. I'm going to
18 continue with my questioning, but it's going to be
19 again on this very last page of the transcript as it
20 exists, Mike.

21 You -- the next statement listed on here
22 is, "So when the guys with the licenses say that they
23 were being pressured to start the unit back up and
24 don't believe (inaudible) to do so, I owe you that
25 feedback."

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1 You response, "I appreciate that."

2 Harvin then says, "And [REDACTED] has the weight
3 of the world on his shoulders (inaudible). Him and
4 the three directors and two of them not being engaged
5 and having to in essence be the plant manager of both
6 units, and he's in a very tough spot."

7 [REDACTED] response, "(Sounds like) Yes."

8 Harvin, "And frankly (inaudible) people
9 that you would trust, [REDACTED] believe -- people that
10 you respect don't have the courage to come here and
11 tell you that they're worried about the transition --
12 they're worried that the transition for the next
13 month. The word that got spoken to me this morning is
14 dangerous."

15 [REDACTED] responds, "Sounds like um" or a
16 "hum" or acknowledging.

17 Harvin says, "So what do we do?"

18 [REDACTED] "I don't do anything because" --
19 and then we transfer over to the next page.

20 But before going to the next page, I guess
21 my question is: the same as it was from the first
22 paragraph I read on this page. It doesn't appear
23 right then that you asked [REDACTED] (phonetic) for specific
24 information about what she was talking about. I guess
25 my question is why.

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1 MR. BISSINGER: Can I just interpose a
2 question before you answer that?

3 Do you remember having this exchange with
4 Kymn before you try to explain for Mr. Teator the
5 exchange?

6 [REDACTED]: You know, I recall some of
7 this, yes.

8 MR. BISSINGER: Okay.

9 [REDACTED]: I can't speak to the exact
10 verbiage that's on the page, but yes.

11 MR. BISSINGER: Okay. And you don't ask
12 Kymn -- what was your question?

13 SPECIAL AGENT TEATOR: My question was it
14 doesn't appear based on what's on the tape and what's
15 in the transcript that you asked her for the detail as
16 to what she's talking about, and my question is why.
17 [REDACTED]: I can't actually recall what
18 thought were going through my head on that particular
19 day.

20 SPECIAL AGENT TEATOR: Okay.

21 [REDACTED]: As to why. I was relying on
22 the operators, their training, our start-up process,
23 our NQA organization, our oversight organization to
24 observe the start-up and make sure there were no
25 pressures.

1 Him and the three directors and two of
2 them not engaged and him being plant manager of both
3 units, I didn't believe it. I thought the managers
4 were, the directors were actively engaged, and (b)(7)
5 (b)(7) (phonetic) was responsible for operations
6 and was taking an active role in seeing that the units
7 were safely operated.

8 SPECIAL AGENT TEATOR: I do think you said
9 before though that there was discussion about (b)(7)
10 (b)(7) not being engaged. I believe you did say
11 that.

12 (b)(7) Right, but that
13 nonengagement, right?

14 SPECIAL AGENT TEATOR: Right.

15 (b)(7) Was in the 2002?

16 SPECIAL AGENT TEATOR: All right.

17 (b)(7) I described how (b)(7)
18 led the (b)(7) initiative.

19 SPECIAL AGENT TEATOR: Okay.

20 (b)(7) And I got him engaged, and he
21 was engaged through this time period. So, you know,
22 I didn't believe her that two of the directors were
23 not engaged, right?

24 I valued the input. All right? I'm sure
25 I discussed it with (b)(7) as to what's going on.

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1 SPECIAL AGENT TEATOR: I guess, [REDACTED] let
2 me ask this question. My question to you is, I mean,
3 the NRC views protected activity as -- in a very broad
4 sense. When I hear and read what Kymn is telling you
5 here, to me that speaks to the very essence, in my
6 opinion, of what a nuclear safety concern is:
7 production pressures over safety.

8 And she says that here, and I want an
9 explanation. And you've given me some, but I don't
10 understand why you didn't go right at her to get the
11 specifics as to what she was exactly talking about.
12 And I'm not being critical about looking for --

13 [REDACTED]: No, I --

14 SPECIAL AGENT TEATOR: -- an explanation.

15 [REDACTED]: I have no explanation.

16 SPECIAL AGENT TEATOR: Other than what
17 you've said?

18 [REDACTED]: Yeah. I, you know -- in
19 rereading the transcript, right, those are the first
20 thoughts that drop into my head.

21 SPECIAL AGENT TEATOR: What? What first
22 thoughts?

23 [REDACTED]: Who?

24 SPECIAL AGENT TEATOR: Right.

25 [REDACTED]: You know, what licensed guy?

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1 What directors? I mean, if it -- why didn't I do it
2 at this point in time, right?

3 I'm sitting there. She walks in. She
4 walks out. All right? I -- you know, it's a -- it's
5 kind of like a set-up, a dump in time, boom. And my
6 conversations, you know, prior to that with [REDACTED]
7 [REDACTED] and all, right, on, you know, does he need
8 help returning the unit to service, et cetera, et
9 cetera, et cetera? It just -- it doesn't support.
10 [REDACTED] and the rest of the organization, talking about
11 the management team, right, there was no pressure to
12 start the unit up. You know, I have to go back into
13 exactly what's occurring around the 20th of March time
14 frame.

15 SPECIAL AGENT TEATOR: Right.

16 [REDACTED] And find out why do people
17 think that.

18 SPECIAL AGENT TEATOR: And people did
19 think that, [REDACTED]

20 [REDACTED] Yeah.

21 SPECIAL AGENT TEATOR: I mean we've done
22 a lot of -- you know, we're transitioning a little bit
23 into the work environment issue, but we've done a lot
24 of interviews, and this bypass valve issue was one
25 that we did a lot of detailed investigation on and

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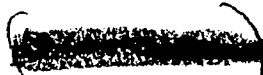
1 questioning. People did, managers did feel that there
2 -- that there was pressure or it took way too long for
3 the plant to decide to shut down.

4  Shut down.


5 SPECIAL AGENT TEATOR: Right. We've heard
6 that from people, that people did feel pressure or
7 perceived pressure, perceived this, and people had the
8 perception. So we had managers who testified to NRC
9 that there was a perception there, that on that issue
10 there was a pressure issue to return the unit.

11 So I guess getting back to my question, is
12 there anything more you want to add to answer the
13 question I asked you in this area?

14  No. I think the other
15 question that, you know, I'd like to -- my -- my
16 concern is the safe operation of the unit, and is it
17 being started up or shut down safely. That's where my
18 head is jumping to immediately.

19 I guess I don't have really. Like 
20 replied (phonetic), you know, in essence plants -- 
21 is the  of both units. He's in a very
22 tough spot. You know, yes, refers that he's in a very
23 tough spot. That's a very tough job.

24 SPECIAL AGENT TEATOR: Right.

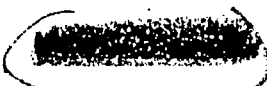
25  That's what I'm doing. The

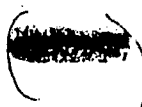
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1 people that I trust and respect don't have the courage
2 to come in. For me that's an oxymoron. If they were
3 to trust and respect me, they would come in because
4 I'm all about safety and share those concerns with me.
5 There's no need -- you know, the way I operate was
6 that I have Kymn provide me input of the VPs and
7 directors, provide me input so that I can get, you
8 know, an independent view of what's happening out
9 there.

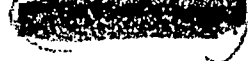
10 SPECIAL AGENT TEATOR: So, well, can I
11 ask --

12  She's --

13 SPECIAL AGENT TEATOR: -- before this
14 time,  had she ever made any comment to you like
15 that --

16  No.

17 SPECIAL AGENT TEATOR: -- outside of this?

18  No, she never made comments
19 to me like that, and to go back to the way the meeting
20 was set up, right, that is to say, she walked in,
21 stand in the corner. The questions are just like out
22 of the ordinary.

23 I had spent a thousand miles a minute.
24 What's going on? What's she saying? What's going on?
25 Where is this coming from? I just -- whew.

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1 So, you know, I'm -- I guess this --

2 SPECIAL AGENT TEATOR: Can I ask a
3 question? I want clarity, too, on what the follow-up
4 on those questions. [REDACTED] do you recall after this
5 conversation with Ms. Harvin whether or not you
6 followed up with anybody or spoke to anybody or did
7 anything to follow up on what it sounds like was said
8 in this conversation?

9 [REDACTED]: I can't specifically recall
10 the follow-up actions I took. I can't. It would be
11 totally out of character for me to have done nothing.
12 It wouldn't -- you know, possibly I went over the
13 plant to check for myself and see what is going on in
14 the control room, and we can --

15 MR. BISSINGER: I don't want you to guess,
16 [REDACTED] and I don't think they do either. Do you
17 recall whether you spoke to any specific people about
18 this issue or not?

19 [REDACTED]: I cannot.

20 SPECIAL AGENT TEATOR: You did say you had
21 a conversation with [REDACTED] though.

22 [REDACTED]: I did.

23 SPECIAL AGENT TEATOR: About the bypass
24 valve issue.

25 [REDACTED]: Yes.

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1 SPECIAL AGENT TEATOR: That's right in the
2 middle of this whole mess --

3 [REDACTED] Right.

4 SPECIAL AGENT TEATOR: -- for like three
5 or four days.

6 You did have a discussion with [REDACTED]
7 is that correct?

8 [REDACTED] Yes.

9 SPECIAL AGENT TEATOR: All right. Do
10 you --

11 [REDACTED] You know, I -- again, I
12 understand your statement, the perception of
13 containing the unit on line on the -- with the bypass
14 problem.

15 SPECIAL AGENT TEATOR: Right.

16 [REDACTED] Right? The delay in shutting
17 down.

18 SPECIAL AGENT TEATOR: Yeah.

19 [REDACTED] Right.

20 SPECIAL AGENT TEATOR: Four to six hours
21 to debate an issue which some managers felt were black
22 and white: cannot start the unit back up. You don't
23 know what stopped that valve. It was metal on metal.
24 We had no idea. All of a sudden it shut. They don't
25 even know why it shut.

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1 That's the issue, and there were managers,
2 and () was leading the plant at this point.
3 He was acting from my understanding in your absence.
4 He's at these meetings with these managers. Everybody
5 is on one side, meaning we can't start this plant up.
6 We've got to shut it down.

7 () is doing his thing, pushing his people
8 to make sure they're firm in their convictions and
9 have all of the information. So he's the one on the
10 other side of the equation. He thinks the plant can
11 either turn back on or they don't have to shut down.
12 They can hold where they were.

13 () Right. () had a dialogue
14 with me about that.

15 SPECIAL AGENT TEATOR: Right.

16 () That he was playing the devil
17 advocate; that he believed the unit should be shut
18 down, and in fact, as I indicated, directed the
19 creation of a procedure to do that, and that's what he
20 communicated to me. He wanted the unit shut down,
21 and he wanted his managers to come to that conclusion.

22 SPECIAL AGENT TEATOR: Well, he pushed
23 pretty hard. It sent -- it sent a message to --

24 () And I got -- I got that
25 feedback.

1 SPECIAL AGENT TEATOR: Yeah, it did. It
2 send a wrong message, frankly, and people testified to
3 the Commission that that's what they felt. Hey, they
4 felt it was a black and white issue, and there was no
5 way they could go where [REDACTED] was pushing them during
6 the meeting.

7 Ultimately the plant did do the right
8 thing.

9 [REDACTED] Yeah.

10 SPECIAL AGENT TEATOR: But getting there
11 was -- was -- was difficult. It was a hard period for
12 people, and you're telling me you got that feedback
13 also?

14 [REDACTED] Yes.

15 SPECIAL AGENT TEATOR: From who?

16 [REDACTED]: [REDACTED] was given that feedback.

17 SR. COORDINATOR VITO: I don't know if we
18 can. I want to go back to that questionable paragraph
19 again because the statements on that addendum page
20 lead to that paragraph, and I guess the statements
21 enclosed in the paragraph to me -- and you can tell me
22 whether I'm full of it or not -- it seems they cast
23 somewhat of a negative light on the operators and
24 their -- you know, like they're hiding behind the
25 safety blanket; that that's the easy way out.

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1 Do you remember saying anything like that?
2 [REDACTED]: Yeah, that's what I was
3 saying. You know, I just feel there's something
4 missing to generate me to make statements like this.
5 What I was trying to convey -- let me find the right
6 statement here.

7 The "shit from shinola," "the operator
8 doesn't know shit from shinola. I'm trying to relate
9 that there's potentially an operator down here doing
10 his little task that is somehow making a statement
11 that we want to start the unit up to meet some
12 schedule date up here, and that's not true. He
13 doesn't know what's happening outside the environment
14 with respect to start-up other than his piece of the
15 action, whatever he's doing.

16 The same thing would be with a mechanic.
17 SPECIAL AGENT TEATOR: [REDACTED] she's got to
18 change the tapes.

19 [REDACTED] Okay.

20 SPECIAL AGENT TEATOR: Just hold your
21 thought for a minute.

22 (Pause in proceedings.)

23 SPECIAL AGENT TEATOR: Okay, you know, I'm
24 just going to go right ahead and read this and then
25 ask you to respond to it.

7c

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1 Mike, you object if you want or need to.

2 MR. BISSINGER: I've got to tell you,
3 Jeff, I really have a problem with you reading an
4 incomplete version of a paragraph that my client has
5 said he believes there's missing portions to this
6 paragraph. He's not sure where they are. And then
7 asking him to comment on it. It's just not fair. It
8 really is.

9 SPECIAL AGENT TEATOR: Do you want me to
10 play that portion of the tape?

11 MR. BISSINGER: It's over a year ago, a
12 specific conversation that occurred over a year ago.

13 It's clearly three weeks after the RIF
14 decision has been communicated to the complainant
15 here. And I think the evidence is crystal clear --
16 and I think that you'll probably come to the
17 conclusion that the offsite date, this has nothing to
18 do with that.

19 And, I mean, so I'm not sure -- I
20 understand your concern with the comments. I think
21 that it's more pertinent to Mr. Vito's questioning
22 than this 50.7 issue. I really do.

23 And it bothers me greatly that it's
24 becoming the focus of this line of questioning because
25 it's not even complete.

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1 SPECIAL AGENT TEATOR: Mike, it plays into
2 both. I agree. And from the standpoint that Kymm has
3 alleged that after having this discussion with her on
4 the 20th, that you got on the phone with [REDACTED]
5 and told him to escalate her out. That's --

6 [REDACTED]: That's just not true.

7 SPECIAL AGENT TEATOR: I know we're going
8 to get to that but that's --

9 MR. BISSINGER: Just where it's going.

10 SPECIAL AGENT TEATOR: I need to cover
11 that. I need to cover this.

12 MR. BISSINGER: I understand that. And
13 understand that line, okay.

14 [REDACTED] Because I was coming at this
15 from a different perspective. And I was thinking the
16 same, why am I making these statements.

17 SPECIAL AGENT TEATOR: Right.

18 [REDACTED] I mean these are silly
19 statements, why am I making these statements?

20 SPECIAL AGENT TEATOR: It's your voice on
21 the tape though. I understand what you're saying now.
22 But, you know --

23 MR. BISSINGER: I understand what you're
24 saying. My problem is the way you're formulating a
25 question is you read a portion -- a partial statement,

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1 because it is partial. And then you're asking him to
2 comment about that thing that you are reading, which
3 is only part of what he said.

4 So there's a fundamental problem with the
5 premise of your question in that the question is not
6 complete. That's what I'm trying to voice to you. So
7 -- I've said it a couple of times.

8 SR. COORDINATOR VITO: Well, you know,
9 we're asking if [REDACTED] recalls making the
10 statement and if he remembers the context. That's all
11 we can do. We can't put words there that aren't
12 there. We can't make it any clearer than it is.

13 MR. BISSINGER: No, ask your questions.
14 I mean ask your questions and see what he says.

15 I'm just -- I'm really struggling with how
16 we can get to the truth when we only have part of it.

17 SPECIAL AGENT TEATOR: You know what?
18 Dave, we'll move -- I'm going to move right to --

19 MR. BISSINGER: We'll make our statements.
20 If we -- I'm sure Jeff will give us an opportunity to
21 fill in any holes we want to fill in.

22 SPECIAL AGENT TEATOR: I'm going to move
23 right to -- and Dave, when we switch to strictly the
24 work environment issue, you pick up on that, okay?
25 This issue here.

7C

1 But let's talk about the escalation of --
2 I'm using the word escalation, the moving up of Kymm
3 Harvin's last work day from April 16, 2003 to March
4 28, 2003.

5 Now do you recall having a meeting later
6 in the day on March 20th with [REDACTED] and [REDACTED]
7 [REDACTED]
8 [REDACTED] I vaguely recall having a
9 meeting.

10 SPECIAL AGENT TEATOR: Do you have any
11 recollection of Kymm Harvin's actual last day of work
12 being brought up to you during that meeting by [REDACTED]
13 [REDACTED]

14 [REDACTED] No, I don't. I don't.

15 SPECIAL AGENT TEATOR: You've indicated
16 you have a vague recollection of a meeting with [REDACTED]
17 [REDACTED] later that day?

18 [REDACTED] Is this March 20?

19 SPECIAL AGENT TEATOR: Yes. On the 20th,
20 yes.

21 [REDACTED] For some reason, [REDACTED]
22 was also down at the NVU on that date. And so we met
23 together.

24 SPECIAL AGENT TEATOR: Okay. Do you know
25 why that meeting was -- was it prescheduled? Had it

1 already been scheduled? It was on your calendar?

2 [REDACTED] I don't know.

3 SPECIAL AGENT TEATOR: Because I have a
4 copy of [REDACTED] calendar and it does show a
5 meeting with you on the 20th. I guess my --

6 [REDACTED] My attorney doesn't want me
7 to speculate but we've asked -- I don't know the
8 purpose of the meeting. The only thing in my head is
9 we asked [REDACTED] to come down and sit through -- with
10 some other people helping us with our labor management
11 relations.

12 SPECIAL AGENT TEATOR: Right.

13 [REDACTED] And so she may have been down
14 for that. And, you know, that's why she's there. And
15 then we wanted to talk.

16 SPECIAL AGENT TEATOR: Okay. That's my
17 question. Do you recall if at some point during that
18 meeting the rest of the attendees left and that left
19 you, [REDACTED] there?

20 [REDACTED] Yes, I think we walked out
21 and went to my office.

22 SPECIAL AGENT TEATOR: Okay. Do you have
23 any -- again, thinking back now, do you have any
24 recollection of Kymm Harvin's last day being discussed
25 with you by [REDACTED] and/or [REDACTED]

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1 [REDACTED]: Yes, I do. I don't know what
2 the discussion was but she came up --

3 SPECIAL AGENT TEATOR: She meaning --

4 [REDACTED] -- the topic, the topic --
5 her name came up.

6 SPECIAL AGENT TEATOR: Kymm Harvin's name
7 came up?

8 [REDACTED]: Yes.

9 SR. COORDINATOR VITO: Was that -- were
10 there other things talked about at that discussion do
11 you recall?

12 [REDACTED]: I don't recall.

13 MR. BISSINGER: This is on March 20th?

14 SPECIAL AGENT TEATOR: March 20th. Do you
15 recall if [REDACTED] and/or [REDACTED] told you that
16 the next day, March 21st, was going to be Kymm's last
17 day?

18 [REDACTED]: I don't recall but they may
19 have.

20 SPECIAL AGENT TEATOR: You don't recall
21 but they may have? Is that what you said?

22 [REDACTED]: Yes.

23 SPECIAL AGENT TEATOR: My hearings not
24 that good.

25 [REDACTED]: I'm sorry. I talk too soft.

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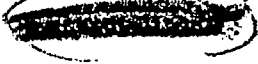
1 SPECIAL AGENT TEATOR: That's all right.
2 I want to make sure I hear you right.

3 At what point did you -- at what point can
4 you state today that you became aware that Kymm
5 Harvin's last day was moved up from April 16th?

6 MR. BISSINGER: Are you asking for the
7 date that he first learned it?

8 SPECIAL AGENT TEATOR: Yes.

9 MR. BISSINGER: Okay. He wants you to
10 explain how you found out the date, if you had the
11 date.

12  I was in -- it was before the
13 20th. It was before my meeting with Kymm that is
14 subject of all of this.

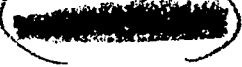
15 MR. BISSINGER: He's referring to the tape
16 now.

17 SPECIAL AGENT TEATOR: Okay.

18 MR. BISSINGER: For the record.

19  I was in my conference room
20 with a lot of people conducting a meeting.

21 SPECIAL AGENT TEATOR: Right.

22  I had a meeting scheduled
23 after -- after that meeting I had another meeting
24 scheduled.

25 I was trying to get out of the room. And

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1 I had to open the door to step out into my hallway.
2 My room is like here. And the office is here. So I
3 was trying to go from this door out into my door.

4 SPECIAL AGENT TEATOR: Okay.

5 [REDACTED] grabbed me. And
6 spoke to the issue of moving Kymm's exit day up, the
7 day of which she's no longer on site.

8 SPECIAL AGENT TEATOR: Right, that's the
9 day we're talking about.

10 MR. BISSINGER: [REDACTED] please take him
11 through what was said by each person in this
12 conversation, how long it was. I want him to get the
13 full picture.

14 [REDACTED] It was a very short
15 conversation. [REDACTED] asked me does Kymm have
16 assignments that she has to complete for you? He
17 says, and I don't know the sequence of the question --
18 he asked me do I -- you know, is there any reason that
19 Kymm cannot be let go --

20 SPECIAL AGENT TEATOR: Kymm?

21 [REDACTED] Kymm -- earlier?

22 He -- I asked him why, why does he want to
23 leave earlier?

24 And he, you know, he really doesn't get
25 into the reasons, okay?

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1 I said if Kymm is no longer going to
2 access to the site, does she still get all the monies
3 to the 45 days we chatted about? Is she still
4 eligible and will we assure her that she has the
5 opportunity to bid on jobs that may be available? You
6 know, I asked him questions like that out of concern
7 for her, all right?

8 He indicated that yes, she would get all
9 the rights that we'd laid out for her.

10 SPECIAL AGENT TEATOR: Right.

11 [REDACTED] All the privileges. And so
12 I said okay, move the date up on the 18th.

13 SPECIAL AGENT TEATOR: You believe that's
14 the day you had that conversation with [REDACTED]
15 which you just described?

16 [REDACTED] Yes.

17 SPECIAL AGENT TEATOR: Okay.

18 [REDACTED] And like I say, it was a very
19 short conversation because I was trying to get into
20 another location.

21 SPECIAL AGENT TEATOR: Did you -- is there
22 something you can offer to me to corroborate the fact
23 you had that conversation with [REDACTED] And that
24 [REDACTED] initiated that discussion with you? Did you tell
25 anybody about it?

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1 [REDACTED] No, I did not tell anybody
2 about it. The only corroboration would be to ask
3 [REDACTED]. The only corroboration is perhaps [REDACTED]

4 But I can tell you that [REDACTED] had come up
5 with sitting outside the hall to grab me.

6 MR. BISSINGER: You have his calendar for
7 3/18?

8 SPECIAL AGENT TEATOR: [REDACTED]

9 MR. BISSINGER: Yes.

10 SPECIAL AGENT TEATOR: No. Do you?

11 MR. BISSINGER: I don't know. He's in
12 Oregon. But maybe -- did you ask Jeff for that?

13 SPECIAL AGENT TEATOR: I can get that.

14 SPECIAL AGENT TEATOR: Did he speak with
15 you in the hallway?

16 [REDACTED]: Yes, in the hallway.

17 SPECIAL AGENT TEATOR: In the hallway.
18 Was there anyone else in the area? Were you aware of
19 anyone else in the area --

20 [REDACTED] That would have heard the --

21 SR. COORDINATOR VITO: -- that would have
22 heard the conversation?

23 [REDACTED] No. They would have seen,
24 you know, they would have heard us talking but not the
25 conversation.

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1 MR. BISSINGER: Not the detail of the
2 conversation?

3 [REDACTED] Yes.

4 SPECIAL AGENT TEATOR: But was [REDACTED]
5 in the meeting with you --

6 [REDACTED] No.

7 SPECIAL AGENT TEATOR: -- or was he
8 waiting in the hallway?

9 [REDACTED]: He was waiting in the
10 hallway. I mean it caught me by surprise. The door
11 was open, boom, he's got me.

12 SPECIAL AGENT TEATOR: All right. Do you
13 know if [REDACTED] is still working down there at the site?
14 Or did she leave when you left?

15 [REDACTED] Oh, she would have stayed.
16 She's there.

17 SPECIAL AGENT TEATOR: Okay. All right.
18 So your testimony is that [REDACTED]
19 brought this possibility to you on the 18th. And you
20 agreed that Kymm's last day would be moved up if all
21 her pay and everything would be extended like everyone
22 else at the company?

23 [REDACTED] It matched our agreement,
24 yes.

25 SPECIAL AGENT TEATOR: Okay. Actually

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1 there's a -- this is an issue here. This moving up
2 her day is somewhat unclear to me.

3 I guess my -- I'll ask you this question.
4 It doesn't appear, based on what's on the tape and in
5 transcript, that you shared that with Kymm on the
6 20th. At any point, did you share with her that that
7 decision had been made? That her last day would be
8 moved up from the 16th of April?

9 [REDACTED] No, because I thought in my -
10 - I did not. I felt from my conversation with [REDACTED]
11 that [REDACTED] was going to -- [REDACTED] being HR --

12 SPECIAL AGENT TEATOR: Right.

13 [REDACTED] -- was going to do that. I
14 was not going to do it.

15 SPECIAL AGENT TEATOR: Okay.

16 [REDACTED] I had no intention of doing
17 it. So --

18 SPECIAL AGENT TEATOR: I'm sorry. Go
19 ahead.

20 [REDACTED] So if she came in on the
21 20th, I presumed she knew it. You know when this
22 conversation is taking place, I assumed she knew it.

23 SPECIAL AGENT TEATOR: Okay.

24 [REDACTED] I don't know what the process
25 was to inform her because, you know, if HR had wanted

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1 me to do it, I would have expected them to communicate
2 that to me.

3 SPECIAL AGENT TEATOR: All right. It's
4 4:24. I'm going to take a very short break. Then I'm
5 going to finish up on the discrimination issue. Maybe
6 like a five-minute break, okay?


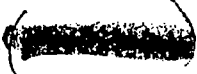
7  All right.)

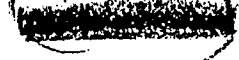
8 SPECIAL AGENT TEATOR: It's 4:24 and we'll
9 go off the record please.

10 (Whereupon, the foregoing
11 matter went off the record at
12 4:24 p.m. and went back on the
13 record at 4:35 p.m.)

14 SPECIAL AGENT TEATOR: I think it's 4:25.
15 That's what my cell phone shows. And we're back on
16 the record -- 4:35. I guess I got my voice mail at
17 4:25.

18 Anyway, it's 4:35. We're back on the
19 record.

20  I've heard what you just told
21 me about the discussion you had with . And
22 that discussion occurred on -- you're telling me on
23 March 18th.

24  No, I'm not certain that it
25 was March 18th, okay?

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1 SPECIAL AGENT TEATOR: Are you certain
2 that the conversation with [REDACTED] occurred before the
3 March 20th discussion with Kymm Harvin?

4 [REDACTED] No. No, I can't be certain
5 now when that discussion took place.

6 SPECIAL AGENT TEATOR: I thought my --
7 maybe I heard it wrong -- I thought, [REDACTED], you
8 testified that the conversation occurred March 18th.

9 MR. BISSINGER: That's what he testified
10 to, I think.

11 [REDACTED] That's what I testified to.

12 MR. BISSINGER: That's what I have written
13 down.

14 [REDACTED] You know, I don't know
15 whether it's late in the day. I remember being on the
16 tape, all right. I was potentially in error in saying
17 it was the 18th. I cannot under oath testify as to
18 the day that that discussion took place.

19 MR. BISSINGER: Is there any event, [REDACTED]
20 that can maybe jog -- maybe you can place it with
21 events rather than dates for Mr. Teator?

22 [REDACTED] The only thing I would be
23 able to do is -- you know, I guess I can't do it
24 because it was a meeting in my conference room. I'm
25 leaving the conference room and [REDACTED] was there.

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1 SPECIAL AGENT TEATOR: Do you recall what
2 the meeting was about and who was in the meeting? Was
3 it a meeting you were going to or coming from so we
4 can sort of track that down?

5 [REDACTED] I cannot do that.

6 SPECIAL AGENT TEATOR: This was in the
7 building that your office was in?

8 [REDACTED] It was in my office so
9 perhaps I -- I don't know.

10 SPECIAL AGENT TEATOR: Okay. Because I --
11 in between the break, I went and looked at the Winston
12 Strong transcript of your interview with them. You
13 don't mention any date there either in that interview
14 of this conversation with [REDACTED].

15 I was going to going to ask you, if you
16 tell me now it's the 18th why didn't you tell them
17 then when it was more contemporaneous to what
18 happened? But anyway, we don't have to go there at
19 this point if I understand your testimony.

20 But at some point, did you learn the
21 reasons why [REDACTED] approached you with this thought
22 about moving up Kymm's last date?

23 [REDACTED] No

24 SPECIAL AGENT TEATOR: All right.

25 [REDACTED] That was never shared with

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1 me. I never went looking for it. And I don't know
2 today the reasons why.

3 SPECIAL AGENT TEATOR: Okay. As I said
4 before, there's been a -- frankly much testimony about
5 the decision to move up Kymm's last day of work.
6 Testimony, there's been documentation, it's not all
7 entirely clear to me, [REDACTED] it really isn't.

8 But when you agreed to move up Kymm's last
9 day, okay, was that decision based at all on her
10 raising of any concerns or issues with the operation
11 of the nuclear power plant?

12 [REDACTED] Absolutely not. Absolutely
13 not. You know my career has been focused on safely
14 operating the power plants. If it had -- it was
15 solely based on the input from HR who said let's move
16 the date up and I -- if [REDACTED] had never approached me,
17 she would have continued working.

18 SPECIAL AGENT TEATOR: Up until the 16th
19 of April?

20 [REDACTED] Up to the 16th of April, yes.
21 You know, I was -- I communicated to her that she
22 could do that. I was perfectly happy with that. You
23 know nothing changed in my mind with respect to her
24 from the day I gave her that sheet of paper to the day
25 she left that would have caused, you know, any change

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1 in that date, you know, from my perspective, you know.

2 [REDACTED] came to me.

3 SPECIAL AGENT TEATOR: Okay. I'm going to
4 hit you right with this. Kymm Harvin's allegation is
5 that after she had the discussion with you on the 20th
6 of March, the allegation is that you then called [REDACTED]
7 [REDACTED] to have her last day moved up to get her out of
8 there. Did that occur?

9 [REDACTED] No, absolutely not.

10 SPECIAL AGENT TEATOR: Like I said, this
11 is a little bit confusing for me, this whole issue of
12 moving up her last day. Now I'm going to offer this
13 to your client.

14 MR. BISSINGER: Yes.

15 SPECIAL AGENT TEATOR: Would you be
16
17
18
19

20 MR. BISSINGER: Let me get back to you on
21 that. I have to talk with my client about [REDACTED]

22
23 SPECIAL AGENT TEATOR: But in an effort
24 for the NRC to be clear on what happened surrounding
25 that very issue, the date of moving her up, I'd like

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1 to offer you the [REDACTED]

2 [REDACTED] And you can get back to me, Mike, on
3 that.

4 MR. BISSINGER: What would be the -- would
5 you be able to [REDACTED]

6 [REDACTED]
7 SPECIAL AGENT TEATOR: Oh, yes. They'd be
8 very specific as to the issue we just discussed,
9 moving up her last day onsite and your involvement in
10 that and discussions surrounding that.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 MR. BISSINGER: Sure.

18 SPECIAL AGENT TEATOR: -- about that.

19 All right. Kymm Harvin's last day of work
20 is March 28th, 2003? That is a fact, that's her last
21 day of work.

22 That last week, though, leading up to that
23 last day, I guess the 24th would have been a Monday,
24 is there anything you could offer to me today
25 regarding the decision that was made to move up her

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1 last day of work or the decision to eliminate her
2 position that we haven't gotten to?

3 Did something occur that week that you
4 want to bring to my attention? I don't have any other
5 questions but I'm offering that out there. And, Mike,
6 you can think about that for a minute if you want.

7 MR. BISSINGER: When you're done, Jeff,
8 with your questions, then I want to take a quick
9 break. And I may or may not come back to ask him some
10 questions on the record. If you're asking him right
11 now --

12 SPECIAL AGENT TEATOR: I am asking --

13 ~~MR. BISSINGER: -- off the top of his head~~
14 is there anything else you want to add --

15 SPECIAL AGENT TEATOR: That happened that
16 week.

17 MR. BISSINGER: That's the week of --

18 SPECIAL AGENT TEATOR: March 24 to March
19 28.

20 MR. BISSINGER: Regarding -- the RIF
21 decision had been made a month earlier and
22 communicated to her.

23 SPECIAL AGENT TEATOR: Right.

24 MR. BISSINGER: So relative to that?

25 SPECIAL AGENT TEATOR: Yes. Or the

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1 decision to move up her last day of work? Anything
2 that you are aware of that hasn't come out yet this
3 afternoon?

4 [REDACTED] I think during that week I
5 had a staff meeting on Friday.

6 SPECIAL AGENT TEATOR: Right.

7 [REDACTED] She attended the staff
8 meeting. She read some prepared statements on her
9 association with the NBU.

10 I got up and thanked her or as the
11 organization, got up and thanked her.

12 SPECIAL AGENT TEATOR: I have a question.
13 Actually at any point while she was still working
14 there at the plant, until March 28th, did she tell you
15 that she believed the decision to remove -- to
16 eliminate her position and move up her last day were
17 as the result of her raising any type of safety
18 concern with the operation of the nuclear power plant?

19 [REDACTED] Not that I'm aware of. Not
20 to me.

21 SPECIAL AGENT TEATOR: Okay.

22 [REDACTED] And on that Friday, she had
23 the opportunity to say it. She had the opportunity to
24 raise any safety concerns. I mean obviously she had
25 opportunity prior to that.

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1 SPECIAL AGENT TEATOR: Right.

2 [REDACTED] But none that I'm aware of.

3 SPECIAL AGENT TEATOR: Well my question
4 was did she make a link to the actions taken against
5 her were the result of her raising issues with the
6 operation of the nuclear power plant?

7 [REDACTED]: I don't know.

8 SPECIAL AGENT TEATOR: Did she make that -

9 -

10 [REDACTED] She did not make that
11 statement --

12 SPECIAL AGENT TEATOR: -- to you?

13 [REDACTED] -- to me.

14 SPECIAL AGENT TEATOR: All right. Okay.

15 [REDACTED] at this point, I don't have
16 any other questions on the discrimination issue.

17 SR. COORDINATOR VITO: I've got one more.

18 SPECIAL AGENT TEATOR: Dave, do you?

19 SR. COORDINATOR VITO: Just one more to
20 clear this up. Assuming you didn't hear anything like
21 that from her that last week --

22 [REDACTED] Didn't hear anything like --

23 SR. COORDINATOR VITO: -- like the reason
24 the date was being moved up was because she'd raised
25 a concern --

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1 [REDACTED] Right, right.

2 SR. COORDINATOR VITO: -- are you aware --
3 and not that you should be or could be but let's say
4 the Human Resources people were the ones that decided
5 to do that, were you aware of any of those folks
6 knowing about her making those kinds of statements
7 that she raised concerns about safety?

8 I'm just trying to understand if -- you
9 know they may not even understand what a safety issue
10 is but do you know if they heard that kind of
11 commentary or if somebody told you that Human
12 Resources knew about her raising issues?

13 MR. BISSINGER: Just to clarify --

14 SR. COORDINATOR VITO: Sure.

15 MR. BISSINGER: -- you say Human
16 Resources, I'm sure there's about 50 --

17 SR. COORDINATOR VITO: [REDACTED] I'm
18 sorry, [REDACTED]

19 [REDACTED] I have no knowledge of that.
20 I don't know.

21 SR. COORDINATOR VITO: Okay.

22 [REDACTED] I assume, you know, that she
23 had the opportunity in the normal out-processing
24 process to identify any safety concerns she had. I
25 don't know who conducted that interview. The

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1 interview was conducted --

2 SR. COORDINATOR VITO: Do you know if one
3 was even conducted?

4 [REDACTED] I don't know.

5 SPECIAL AGENT TEATOR: Dave, anything
6 else?

7 SR. COORDINATOR VITO: [REDACTED] I don't
8 have any other questions for you right now on the
9 discrimination issue.

10 If you want to take a break --

11 SPECIAL AGENT TEATOR: I'd like to take
12 just a quick break just to see if there is anything
13 else I want to ask [REDACTED]

14 SR. COORDINATOR VITO: Okay. Very good.

15 SPECIAL AGENT TEATOR: It's -- I'm not
16 sure what time it is.

17 SR. COORDINATOR VITO: Ten of, ten to
18 five.

19 SPECIAL AGENT TEATOR: All right.. We're
20 off the record.

21 (Whereupon, the foregoing
22 matter went off the record at
23 4:45 p.m. and went back on the
24 record at 4:58 p.m.)

25 SPECIAL AGENT TEATOR: Okay. We're back

1 on the record. It's approximately 4:59.

2 [REDACTED] just to point out, I don't
3 have any other questions. Mike, is there something
4 you want to go over with your client? If so, please
5 do so.

6 MR. BISSINGER: I just had two or three
7 follow up question sot clarify some issues regarding
8 some of the last questions you were asked by Mr.
9 Teator.

10 I think you testified on December 20,
11 2002, you had a meeting with -- or you met with [REDACTED]
12 [REDACTED]. Was that meeting at the NBU?

13 [REDACTED] Yes, it was at the NBU.

14 MR. BISSINGER: Okay. And I think you
15 also testified that either during that meeting or
16 maybe after that meeting in your discussions with [REDACTED]
17 [REDACTED] that Ms. Harvin's name may have
18 come up?

19 [REDACTED] That's correct.

20 MR. BISSINGER: And I don't know that you
21 testified specifically as to why her name came up.
22 And my question is -- I want to be very specific here
23 -- do you recall Ms. Harvin's name being raised with
24 regard to the acceleration of her outprocessing date
25 or not?

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1 [REDACTED] I don't recall that.

2 MR. BISSINGER: Do you recall whether Ms.
3 Harvin's name came up for some reason with regard to
4 the labor issues or other topics that were being
5 discussed that day?

6 [REDACTED] I don't recall that.

7 MR. BISSINGER: Do you have any
8 recollection as we sit here today why Ms. Harvin's
9 name came up on December 20th, 2002 with [REDACTED] and
10 [REDACTED]

11 [REDACTED] No, no I do not.

12 MR. BISSINGER: Do you -- can you testify,
13 as we sit here today, whether or not you know if the
14 decision to accelerate her outprocessing date had been
15 made as of December 20th, 2002? Whether it was made
16 before that time or after that time?

17 [REDACTED] I can't tell you that it was
18 made before or after that time. I don't know.

19 MR. BISSINGER: When [REDACTED] -- whatever
20 day it happened that [REDACTED] -- I'll call it grabbed
21 you in the hallway between meetings and questioned you
22 about moving the outprocessing date of Ms. Harvin to
23 I think it was sometime in March rather than April
24 16th, did you believe that the -- not allowing Ms.
25 Harvin to report to work for that two-week period,

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1 that's approximately what it was, was in any way
2 detrimental to Ms. Harvin?

3 [REDACTED] I pursued that issue with
4 [REDACTED] who ensured that she was not harmed in any way.
5 So that it would not be detrimental to her. I had a
6 very short conversation with him -- one or two minutes
7 -- it was very quick.

8 MR. BISSINGER: And in this --

9 [REDACTED] And what I did is -- my
10 concerns and my questions --

11 MR. BISSINGER: Right.

12 [REDACTED] -- dealt with her and
13 whether or not she would be harmed in any way. And I
14 got assurance from him that no. She, again, would get
15 everything that we had agreed to with respect to
16 salary and potential for a job.

17 MR. BISSINGER: In this one or two minutes
18 that you were considering this issue that [REDACTED]
19 had brought to your attention, did you formulate any
20 intent to retaliate against Ms. Harvin? Is there some
21 safety concerns that she may or may not have raised in
22 the past?

23 [REDACTED] Absolutely not. That didn't
24 even come into my head. Absolutely not. My sole --
25 you know, I was surprised by the conversation.

1 MR. BISSINGER: Okay.

2 [REDACTED]: In that short period of time,
3 you know, all I did was pursue to the extent to which
4 she'd be harmed.

5 MR. BISSINGER: Okay, for the record, I'm
6 also going to pursue to see if there is any
7 documentation that we can find regarding the date of
8 this meeting in the hallway on calendars or otherwise
9 because it occurred.

10 And I sense that you were -- that you want
11 to have something to pin that down, to give you some
12 assurances. So we'll do our best to find something on
13 that.

14 SPECIAL AGENT TEATOR: Okay, very good.
15 And you'll get back to me on the issue --

16 MR. BISSINGER: And we'll get back to you
17 on the issue of the [REDACTED].

18 SPECIAL AGENT TEATOR: Okay.

19 MR. BISSINGER: Can we go off the record
20 unless you want to add anything else to the record?

21 SPECIAL AGENT TEATOR: Dave, do you have
22 any questions you want to ask [REDACTED] about --

23 SR. COORDINATOR VITO: I have no more
24 questions at this time.

25 SPECIAL AGENT TEATOR: I don't have any

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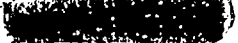
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1 other questions.

2 Mike, do you have anything more you want
3 to go over with your client?

4 MR. BISSINGER: No, not on the record.
5 I'm all done.

6 SPECIAL AGENT TEATOR: Okay.

7  I'm going to close out this
8 interview on the discrimination issue. Thank you for
9 your patience. It's 5:04 p.m. Let's go off the
10 record please.

11 (Whereupon, the above-entitled interview
12 was concluded at 5:04 p.m.)

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