

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Interview of [REDACTED] 7C

Docket Number: 1-2003-051F and 1-2003-045

Location: Atlanta, Georgia

Date: Wednesday, March 24, 2004

Work Order No.: NRC-1392

Pages 1-163

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 2005-194

M-20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: : Docket No.

INTERVIEW OF : 1-2003-051F

[REDACTED] : 1-2003-045

-----X

Wednesday, March 24, 2004

Conference Room 219

Embassy Suites Hotel

2815 Akers Mill Road

Atlanta, Georgia

The interview was conducted, pursuant to
notice at 2:37 p.m.

BEFORE:

EILEEN NEFF, Special Agent

JEFFREY A. TEATOR, Senior Special Agent

G. SCOTT BARBER, Senior Project Engineer

Division of Reactor Projects

PSEG SERVICES:

JEFFERIE KEENAN, Assistant General Solicitor

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

1
2 SPECIAL AGENT NEFF: Today's date is March
3 24, 2004. The time is approximately 2:37 p.m.
4 Speaking is Special Agent Eileen Neff, with NRC Region
5 1, Office of Investigation. Also present from the
6 same office is Senior Special Agent Jeffrey Teator and
7 present from Region 1, Division of Reactor Projects,
8 Senior Project Engineer, Scott Barber.

9 What follows is an interview of [REDACTED]
10 [REDACTED] at Salem
11 and Hope Creek [REDACTED] is currently employed by
12 PSEG Nuclear, LLC, currently as [REDACTED]
13 [REDACTED] since
14 [REDACTED]

15 Okay, [REDACTED] is being represented
16 today by PSEG Assistant General Solicitor Jefferie
17 Keenan who will explain the purpose of his appearance
18 shortly.

19 This interview is being transcribed and
20 recorded by Rose Arnold, a certified court reporter.
21 The location of this interview is Conference Room 219
22 at the Embassy Suites Hotel on Akers Mill Road in
23 Atlanta, Georgia.

24 The subject of this interview concerns two
25 matters. One is the safety conscious work environment

1 at Salem and Hope Creek for which [REDACTED] is
2 being approached as a witness. There are no specific
3 potential violations associated with a safety
4 conscious work environment.

5 Additionally, this interview concerns
6 allegations of discrimination involving the employment
7 of Dr. Kymn Harvin by PSEG and [REDACTED] is being
8 approached as a potential subject of this
9 investigation.

10 The potential violations involved in that
11 issue are 10 CFR 50.5, deliberate misconduct, and 10
12 CFR 50.7, employee protection.

13 [REDACTED] agreed to this interview
14 voluntarily. Do you understand this information as
15 explained to you?

16 [REDACTED] I do.

17 SPECIAL AGENT NEFF: Mr. Keenan, would you
18 please explain the purpose of your appearance here
19 today?

20 MR. KEENAN: Yes, my name is Jeff Keenan.
21 I am Assistant General Solicitor with PSEG Services.
22 Today, I am representing [REDACTED] and PSEG Nuclear
23 in a joint capacity.

24 I have reviewed the previous files that we
25 submitted with respect to Ms. Harvin and all 58

1 exhibits. I have just reviewed the transcript with
2 [REDACTED] of October 6. I do not believe there is
3 a conflict of interest. If a conflict arises, then we
4 will take a break and figure out how to handle that
5 but we appreciate the chance to explain to you
6 strengths and weaknesses of the cultural and explain
7 issues relative to Ms. Harvin and we would also like
8 to be able to review the transcript, of course, under
9 your purview at a later date.

10 SPECIAL AGENT NEFF: Thank you. Do you
11 understand the purpose of Mr. Keenan's appearance as
12 explained?

13 [REDACTED] I do.

14 SPECIAL AGENT NEFF: Does your employer
15 require you to have an attorney present when you are
16 interviewed by NRC Office of Investigation?

17 [REDACTED] Not that I am aware of.

18 SPECIAL AGENT NEFF: Were you in anyway
19 threatened with any adverse action if you did not
20 request corporate counsel?

21 [REDACTED]: No.

22 SPECIAL AGENT NEFF: Do you understand
23 that you have the right to a private interview with us
24 at your request?

25 [REDACTED] I don't know what that

1 means.

2 SPECIAL AGENT NEFF: That in other words
3 you could meet with us without counsel present, if you
4 wanted to.

5 [REDACTED] I understand.

6 SPECIAL AGENT NEFF: You understand?

7 [REDACTED] I understand.

8 SPECIAL AGENT NEFF: Okay, and with that
9 understanding, you still want Mr. Keenan present as
10 your representative today?

11 [REDACTED] I would like him to be
12 present, yes.

13 SPECIAL AGENT NEFF: If you would raise
14 your right hand, please?

15 Whereupon,

16 [REDACTED]

17
18 was called as a witness herein, and upon examination
19 testified as follows:

20 EXAMINATION

21 BY SPECIAL AGENT NEFF:

22 Q Okay, and before we get into any
23 questions, I think that you should understand if you
24 don't already that we are coming to you, specifically
25 to you from the key position that you hold in the

1 company to gain an understanding of the safety
2 conscious work environment at Salem and Hope Creek,
3 particularly while you were on site as [REDACTED]

4 [REDACTED]] 7c

5 You obviously held a key position with
6 them. That is what we recognize and we are looking to
7 you for a straightforward discussion of the issues on
8 site, your experiences and what you revealed, so that
9 should be understood right up front. Okay?

10 A That is perfectly fine.

11 Q Okay, and as noted, Jeff just said that in
12 preparation for this interview you had an opportunity
13 to review a number of things. One of them was the
14 Winston and Straun interview. I have it here and
15 there is a date on it; a copy of an interview with you
16 that is dated April 3, 2003 with Winston and Straun,
17 roughly 62 pages long, 63 pages long. Is this the one
18 you had an earlier opportunity to review?

19 A I have reviewed the Winston Straun
20 transcript and am familiar with it.

21 Q And it also indicates you had an
22 opportunity to review it at that time frame and this
23 is -- this particular interview ends on one date and
24 then there is an addendum on another date, on April --
25 what is the date for that one? April 23, there is an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 addendum, about a one-page addendum on that and it
2 looks as though on April 25, essentially you are
3 certifying that you have read it, you reviewed it and
4 you made whatever changes you need to make at that
5 point in time. That is accurate?

6 A That is correct.

7 Q Okay, in preparing for this interview and
8 reviewing this particular interview with Winston and
9 Straun, is there anything that you would add or change
10 to that at this point in time?

11 A No.

12 Q And you have also had the opportunity to
13 review your interview that I conducted, an interview
14 with the Office of Investigation, the Division of
15 Reactor Projects, myself and Scott Barber. It was
16 October 6, 2003.

17 A I have reviewed that today, the 24th of
18 March 2004.

19 Q Okay, and apart from the minor changes --
20 there were some cosmetic changes, some spelling
21 changes and one or two words that may have been
22 redundant or more accurate in there. Would you make
23 any substantive changes, do you want to add or change
24 anything in that testimony?

25 A No, I do not.

1 Q Okay. Let's talk about Dr. Harvin's
2 employment with PSEG and your understanding of -- what
3 was your understanding of why she was hired? What was
4 the purpose?

5 A Can I ask a clarifying question? She was
6 hired before I arrived at Public Service and so I
7 can't answer what was the specific nature for her
8 being hired by Public Service Enterprise.

9 Q Okay.

10 A When I arrived on the site in [REDACTED]
11 [REDACTED] Kymn Harvin was already there.

12 SPECIAL AGENT TEATOR: At the site?

13 THE WITNESS: At the site. I didn't know
14 at that time who she was reporting to. Whether it was
15 the corporation or whether she was reporting to a GE
16 command on site but she was present on the site, so
17 that was, my first interaction with her was at that
18 time, so the answer to your question is I don't know
19 when she was hired or for what purpose she was hired.

20 BY SPECIAL AGENT NEFF:

21 Q Okay, did you later get some understanding
22 of what it was her purpose of being on site? Did you
23 get --

24 A Yes.

25 Q -- A communication of that was made to

1 you?

2 A Yes, in early 1999, after being employed
3 there, it was somewhere in the August/September time
4 frame, [REDACTED] who was my boss, the [REDACTED]
5 [REDACTED] had stated that one of the
6 improvement initiatives that senior management was
7 going to focus on was the cold period, if you will, of
8 the population. Specifically focusing on the
9 management leadership of the managers and in that
10 capacity Kymn Harvin was a facilitator to work with
11 the managers as a generic type of job function and
12 essentially augmenting myself, the other senior
13 leaders, some contractors that we had on site, called
14 GAP International, to essentially try to align the
15 managers to a more effective organization to make
16 improvements.

17 Q Okay, and, again, the time frame for this
18 was and when did this start for you?

19 A I started in [REDACTED]. The efforts I
20 am talking about were -- they really had begun prior
21 to my arriving on site but I was molded into the fold
22 in August and September, gaining an understanding of
23 what it was and what my responsibility, the size of
24 that expectation, what that looked like in going
25 forward as a senior manager for the facility.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

All TC

1 Q August and September of '99?

2 A Of '99.

3 Q Okay, so early on when you were there?

4 A Yes.

5 SPECIAL AGENT NEFF: Okay.

6 BY SPECIAL AGENT TEATOR:

7 Q What was your job title at that point?

8 A I was [REDACTED]

9 [REDACTED] was defined at that time to be work
10 management, outages, fire protection, security and
11 some elements of business planning.

12 SPECIAL AGENT TEATOR: Thank you.

13 BY SPECIAL AGENT NEFF:

14 Q Okay, and what was your assessment of Dr.
15 Harvin's effectiveness in that effort?

16 A In 1999?

17 BY SPECIAL AGENT TEATOR:

18 Q How long did that effort, was there a
19 window where it was supposed to begin and end or was
20 it an open-ended assignment that was working on in
21 that area?

22 A Uh --

23 Q If you could bound it by that, then maybe
24 we could talk about her effectiveness maybe on that
25 project and then go into later on.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

7C
1 A The strategy that was employed was really
2 [REDACTED] and GAP International were the
3 orchestrators of how we were going to address that
4 broad-brush description I gave you into specifics and
5 the decision that we went going forward was to take
6 specific areas that we thought we needed to make large
7 improvements.

8 For example, our outage performance,
9 meaning the length and the lining that we spend and
10 the decisions that we make on the outage were below
11 industry standards as compared to other plants in the
12 United States and so we created initiative, what we
13 called as a breakthrough thinking approach to
14 essentially gather a variety of different people and
15 try to change the way they had been thinking about
16 doing these kinds of activities through a different
17 approach in hopes to create better alignment, better
18 synergy and cooperation amongst people and solve
19 problems that quite frankly people thought we couldn't
20 solve.

21 For example, Salem and Hope Creek had
22 refueling outages in the fifty plus days for an outage
23 which in 1999 those standards were twice what
24 essentially everybody else was doing on the average
25 and so that is a large dip and what we did was we took

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 things like that and said now, how do we make it from
2 50 days to 25 days? That was going to require a
3 different way of approaching and thinking about
4 problems and the issues and so that was just one
5 example of initiatives.

6 We took various kinds of projects and
7 lumped them as breakthrough thinking initiatives using
8 GAP, using different managers and, at times, Kymn
9 Harvin to facilitate the interactions of all of these
10 different people in order to come to different ways in
11 approaching the business at hand.

12 BY SPECIAL AGENT NEFF:

13 Q So that particular focus on alignment for
14 the outages, how long -- if that started in '99, how
15 long was that project?

16 A Well, we didn't think that we would
17 probably improve by a hundred percent in one outage,
18 so we said, well, 25 is what we would like to do as a
19 group automatic average if we could get there, so
20 let's try to do 35 and if we can do 35, then the next
21 outage, we will see if we can do 30, and the next
22 outage, we will see if we can do 25 and so we tried to
23 break it off in chunks in order to achieve what our
24 objective was, was to get to mid-20's as a routine
25 type of outage duration.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Q Okay, so that makes it a long-term
2 initiative then. You are looking at every 18 months?

3 A Well, with three units.

4 Q Right.

5 A We can do it twice as fast as anybody else
6 can.

7 Q Uh-huh.

8 A Because at Salem and Hope Creek we were
9 running two outages per year and so we really didn't
10 care what unit we were on because the strategy really
11 would be the same. The only thing difference is, you
12 know, one well was water and one doesn't but past
13 that, the equipment is the same, loss of these are the
14 same, so we thought we could achieve mid-20 outages in
15 about three outages and that would have taken us 1999,
16 2000 and probably going into the year of 2001 being at
17 that target.

18 Q All right.

19 A And in fact we did achieve in 2001
20 breaking the 30-day mark on -- beginning to break the
21 30-day mark on our refilling outages and so once we
22 started seeing that occur, then that was -- it's
23 contagious. Once success started being achieved, then
24 we let the people who we were trying to work with take
25 it on as their own with no more, I will say,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 intervention. We would let the normal course of
2 business, the normal course of processes take it from
3 that point and then we would go look for another area
4 that was right for opportunity for us to make some
5 improvement.

6 So, this was, the plan was to try to take
7 large types of efforts and strategically just go after
8 things that made the best sense to improve the
9 business, at the same time improving the business and
10 improve the way people did business with each other.

11 When the outage was finished, we started
12 looking at on-line work, you know, the normal how do
13 you do maintenance on line and we created an
14 initiative called the best work week ever, which was
15 a similar type of approach that we did with outages.

16 What does it take to try to make a good
17 work week and we brought all of the different players
18 together and worked with them for months to try to get
19 them to understand the roles, responsibilities,
20 interactions, requirements, relationships.

21 Q Is that something that Dr. Harvin had a
22 role in too, the best work week ever initiative?

23 A She was not the leader. Another fellow
24 was the leader that was a line manager. Kymn's job
25 was never to be the line person in any of these jobs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Her function really was to try to provide facilitated
2 support but the line manager, whoever owned that
3 particular area, was accountable for the project and
4 accountable for the results and accountable for
5 utilizing all of the resources effectively in order to
6 achieve those results, including people like Kymn or
7 including people like GAP International as a contract
8 resource.

9 Q Who was the line manager responsible for
10 the best work week ever?

11 A. [REDACTED]

12 Q All right, so that puts you into roughly
13 the 2000-2001 time frame, best work week ever?

14 A Yes.

15 Q Were there other initiatives that you
16 would pilot before moving forward?

17 A Those are ones I had, I will say,
18 executive sponsorship for. There were other
19 initiatives that some of the other [REDACTED] that were my
20 counterparts at the facility had but I couldn't tell
21 you because I don't really know what her role would
22 have been in those other areas.

23 I can tell you what she did in areas that
24 I had executive sponsorship for.

25 Q Okay, so those two being the outages in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the work week.

2 A Yes.

3 Q Primarily. Okay, what would your
4 evaluation be of her effectiveness from what you could
5 observe?

6 A I would ask a clarifying question, what do
7 you mean by effectiveness?

8 Q How did she meet the company's needs? In
9 your assessment, how was she meeting the company's
10 needs?

11 A I think from purely providing some
12 facilitation with a group of people, that was -- some
13 days went very well and some days not so good.

14 I don't know if that is good or bad. It
15 is just you get groups of people together. People
16 have different opinions. They have different views.
17 They have different attitudes and so some meeting were
18 better than others.

19 The measurement wasn't on the
20 effectiveness of individuals. The measurement was on
21 did we accomplish the results collectively that we
22 were trying to achieve and so the measurement standard
23 of effectiveness isn't what I would review of Kymn
24 personally, it would be what the objective was. We
25 wanted to try to get people to work together and our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 measurement of that would be did we achieve the result
2 of shorter outages? Did we achieve the result of more
3 effective interaction during the outages, less
4 mistakes, better human performance and those kinds of
5 objectives, we reached but I couldn't point and say
6 that it was this person or that person that
7 specifically made it happen. It was the collective
8 sum of everybody.

9 SPECIAL AGENT TEATOR: I have got a couple
10 of questions.

11 SPECIAL AGENT NEFF: Okay.

12 BY SPECIAL AGENT TEATOR:

13 Q [REDACTED] in talking about the outage
14 initiative. Let's talk just about Kymn now, did you
15 get comments from managers about their view of her
16 effectiveness on that particular one first and then we
17 will go to best work week after that.

18 A Yes, the first outage that we attempted to
19 break the 50-day mark was a Salem Unit 1 outage and I
20 would say that that was a very -- it was a pretty
21 successful outage. We reached 38 days instead of 35
22 but it was a huge momentum swing for people and
23 feedback that I received from a variety of different
24 people was the initiative of getting people together
25 to try to work in different kinds of manners than they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

ALL TC

1 had been in the past was effective and people did
2 comment to me that they thought some of the efforts
3 that Kymn Harvin had participated in were successful
4 in achieving maybe better alignment between
5 understanding between one person and another person.

6 Q Okay, the flipside of that, did you get
7 any complaints about --

8 A Yes, I did.

9 Q -- Her involvement in that or her work in
10 that outage, the outage initiative?

11 A Yes, it's a -- a position that she had
12 being facilitator was that she was not accountable for
13 the inadequacies that the different parties had. What
14 she was accountable for was getting those two parties
15 together and facilitate them to work through their
16 differences, whatever they may be.

17 Q Right.

18 A At times, the feedback I got from people
19 who interfaced with Kymn suggested that she was acting
20 as the line manager and overstepping her bounds in
21 taking over responsibilities that truly belonged to
22 the line manager, thus confusing the individuals in
23 the room as to what roles did she have and did she
24 have line authority or not and so, consequently,
25 people at times would have questions. What did we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 accomplish? Should I take orders from this person or
2 should I take orders from that person and that was
3 destructive.

4 Q Do you recall who you got those comments
5 from, who in particular?

6 A There is probably a few people that come
7 to mind that have said things like, like what you are
8 asking me is, who said it on what day in that outage?

9 Q Well, specific to that project. I mean I
10 don't need --

11 SPECIAL AGENT NEFF: An example of where
12 that would have happened?

13 THE WITNESS: I know that the outage
14 manager at the time, that fellow was, uh, just give me
15 a second for his name, uh -- hmm.

16 I can see his face but I cannot think of
17 his name at this moment.

18 BY SPECIAL AGENT TEATOR:

19 Q Let me ask you a few follow-up questions.
20 Did that person come right to you with this issue?

21 A Yes.

22 Q Okay. Did you then get with Kymn
23 regarding that and how did that go?

24 A Yeah, I had conversations with Kymn
25 regarding her role and responsibility in these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 functions was I understood her frustration at times
2 with we should be further along, we should have more
3 results than we do. This person should be taking more
4 actions. Those were the kinds of terminology that she
5 would express but I would tell her that who has that
6 responsibility to solve that from this table, who has
7 that? And she would say, well, I do, and I said, no,
8 you do not have that responsibility, this person does
9 because this person is in the chain of command for
10 these particular people. That is this person's job to
11 fix that. What you have to do was to try to get that
12 person to have that sense of passion and understanding
13 that you do, that person has to have it, but you can't
14 do the work for them. You can't take them out of the
15 picture and solve the problem and have that manager be
16 undermined and she said, okay, but that is a lot
17 harder. And I said, yeah, that is what the job is, is
18 working with the people that are in those jobs and
19 getting them to be the ones that are taking on the
20 items.

21 I thought, and it wasn't just one
22 conversation I had with her on that, I had that
23 numerous times over the last couple of years.

24 Q Okay, through the years you had that
25 conversation with her?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 A Yes, and that was routine feedback I would
2 get from people. Managers, [REDACTED] was one that
3 would say that. [REDACTED] was one that would tell
4 me that. [REDACTED] was telling me that. I would
5 say somewhere in the last three or four years, every
6 one of the managers that I generally worked with on a
7 routine basis would give me something along the lines
8 of when they thought this person is crossing the line
9 here a little bit on who is accountable and who has
10 the role and responsibility for some of these actions
11 and it is not Kymn. I have it.

12 Q And then you would get with her --

13 A And try to work with her and give her some
14 insight as to appreciate what she is trying to do but
15 there is a point where she starts and finishes that
16 someone else has to start and finish.

17 Q Let's talk about best work week, that
18 project. The same questions. Positive feedback,
19 particularly regarding her performance on that
20 project.

21 A That particular one, I don't remember a
22 whole lot of feedback regarding Kymn Harvin, so --

23 Q Negative feedback?

24 A -- The outages were ones that, because
25 they were so large, and they happened twice a year.

ALL TC

1 Q All right.

2 A Those are ones that just I can recall
3 feedback regularly in those areas.

4 Q Okay, do you recall getting any negative
5 feedback about Dr. Harvin's participation in the best
6 work week project?

7 A I know that [REDACTED] was working with
8 Kymn in trying to extract her experience base in
9 working with a group of people and he had told me on
10 a couple of different occasions that he thought she
11 was at times disruptive.

12 Q To who?

13 A To him.

14 Q And what was his title at that time?

15 A He was the [REDACTED]

16 Q For Salem?

17 A For both plants.

18 Q For both.

19 A Yes.

20 Q All right, disruptive in what way?

21 A Disruptive in the meaning of someone
22 undermining his authority. Taking on communication
23 with people that reported to him and in some cases,
24 uh, name dropping as a way of trying to move things
25 along.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

All 7c

1 Q Did you talk to Dr. Harvin about that
2 input?

3 A Yeah, and I don't know whether it landed
4 or not.

5 Q Right.

6 A I told her that I would just reinforce to
7 her what her job responsibility was, what the
8 Manager's job responsibility was in that if she was
9 frustrated with what was occurring, she needed to work
10 with the Manager, not do the Manager's job for him.

11 Q Did you forward that positive or negative
12 feedback on those two projects up your chain of
13 command; do you recall if you did that or not?

14 A Verbally, yeah, to [REDACTED] and we would have
15 staff meetings periodically with [REDACTED] and so one of
16 our expectations was to talk to him about how the
17 projects are going, are they moving along, you know,
18 what are the issues and then what he would always ask
19 is how are the facilitators doing? Is GAP worth the
20 money or not? Is Kymn worth it or not and, you know,
21 sometimes we would give feedback that, well, this week
22 was a pretty good week and another week was a bad
23 week, so it wasn't as absolute about an individual
24 person, it was more about whether or not we were
25 making forward progress and improving the alignment

1 with the management is really what we were trying to
2 assess.

3 BY SPECIAL AGENT NEFF:

4 Q So when you say that you are not sure you
5 talked to her about [REDACTED] concerns but you are
6 not sure that landed in her mind, why is that?

7 A Well, because sometimes the same thing
8 would occur the very next day.

9 Q Okay.

10 A So I would have to conclude either she
11 didn't understand or she decided that, you know,
12 whatever I was trying to tell her wasn't important.

13 Q So you would hear it again from [REDACTED]
14 [REDACTED]

15 A Yes.

16 Q Is that what you're saying?

17 A Uh-huh.

18 Q Did you have more than one conversation
19 with her about her performance with regard to the best
20 work week ever? You indicated there was more than one
21 --

22 A I am sure. I know there was more than
23 one. How many, I don't know but I know there were
24 several.

25 Q Coaching sessions?

ALL
72

1 A Coaching session and the coaching session
 2 wasn't a discipline. It was a conversation I am
 3 having with you, a simple let's talk about it. What
 4 went well? What didn't go well? How could we have
 5 done it differently to get into a pronouncement, so
 6 they were intended to be as mentoring more than it was
 7 a mark on a personal partnership on her performance.

8 Q Okay. My understanding was the best work
 9 week ever initiative was pretty much started 2000,
 10 maybe going into 2001. What about more recent than
 11 that, the 2002/2003 time frame, what was she working
 12 on that you would have been in a position to hear
 13 about?

14 A In 2002, because we had started to get
 15 some improvements in the outages, [REDACTED] and I and the
 16 other [REDACTED] had talked about where should we apply some
 17 of this focus that seemed to get us results here into
 18 other places that we thought might be worthwhile and
 19 the conversation came up about operations. Hope Creek
 20 operations, Salem operations.

21 [REDACTED] then says, well, maybe I
 22 could take some of the things that Kymn did and we
 23 could begin some sort of effort, which was not well
 24 defined at that point, but just some sort of effort to
 25 see if we could improve the operations and

ALL 7C

1 leaderships, specifically it was around the shift
2 managers, and how could we get them more engaged and
3 more on the performance of the facility.

4 Q [REDACTED] would have been [REDACTED]
5 at that time?

6 A He was [REDACTED] in 2002, up until
7 about October, if I remember, I took over in that year
8 and again, because I was part of a weekly staff
9 meeting, [REDACTED] would always give feedback on how he was
10 doing in different areas and what things were going
11 well and what things still needed work and I know he,
12 on occasion, had indicated that there were pluses and
13 deltas with [REDACTED] interaction with some dispute.

14 Q Similar to what you had heard of before or
15 in some way different?

16 A No, his wording and description would fit
17 very close to the descriptions I had given you in my
18 experiences.

19 Q Right, then you come in in late 2002 for
20 the [REDACTED] right?

21 A Yes.

22 Q Is that type of effort still ongoing with
23 Hope Creek operations in engaging leadership involving
24 Dr. Harvin?

25 A Not as formal and as rigorous as it was in

A117C

1 the early part of 2000, meaning that some efforts had
2 started and then kind of drifted off and I would say
3 her involvement with operations at that point was more
4 on the individual people that she had just gotten to
5 know and who had requested her periodically to do
6 some, I would say, dialogues with.

7 BY SPECIAL AGENT TEATOR:

8 Q Do you recall who some of those people
9 would have been who requested her service?

10 A [REDACTED] at Salem.
11 [REDACTED] probably did. I think there were
12 probably a few [REDACTED] One that probably
13 comes to mind is [REDACTED] and these are people who had
14 commented to me along the way and say I called Kymn
15 Harvin, is it okay? Well, I would never say that it
16 is not okay and so, am I going to tell you I did know
17 all of the interactions that Kymn Harvin had with some
18 of these people, no. I don't even know what some of
19 the subjects were but I know that people had requested
20 at times to talk to Kymn about various items that they
21 may be personally struggling with in doing their jobs,
22 whatever that may be.

23 Q Let's go back to [REDACTED] just for a
24 minute, if we can.

25 A Sure.

All 7C

1 Q [REDACTED] and these meetings are being
2 held where he is providing the group with the feedback
3 he is getting, some not favorable towards Kymn, did he
4 have any that was positive towards Dr. Harvin's --

5 A Yeah.

6 Q -- Effectiveness at work?

7 A Yeah.

8 Q If so, maybe some examples of that.

9 A I think that one spot that was being
10 surfaced that Kymn Harvin had been involved with was
11 in operations with some of the equipment operators,
12 the field operators and had brought some things to
13 [REDACTED] attention about some, I'd say work environment
14 conditions, mostly where their break rooms were and
15 some of the things that they were expected to, uh,
16 where the lunches were stored and just things that
17 were a nuisance to them that was generating maybe a
18 less than a hundred percent positive attitude, so he
19 was very happy that he had gotten some of that
20 feedback and that he could go address that.

21 Q Other specifics?

22 A I think one of the other places that I can
23 recall that he had mentioned some positives was around
24 some of the meetings that the Operations Managers had
25 with their Shift Managers and the fact that the Shift

All 7c

1 Managers were willing to say that they had some
2 weaknesses in some areas and that they needed some
3 help in order to move them to another position in
4 their personal development and being more effective in
5 their positions because Shift Managers are pretty
6 strong-willed people. They are not ones that will
7 tell you that they have weaknesses in too many places
8 and that breakthrough had occurred, I think as [REDACTED] -D C
9 would say, is that I actually had a couple of people
10 say, you know, there is some things I could do better
11 and we thought that was an encouraging sign that
12 people wanted to learn maybe what they could do
13 different in their personal behavior to be more
14 effective in their interaction with their people.

15 BY SPECIAL AGENT NEFF:

16 Q Were you seeing that at both sites?

17 A To degrees, yeah. I mean we saw similar
18 kinds of patterns at both sites but, you know, it is
19 cyclical, it has a high day and then it drops off and
20 then it goes back and then it drops off. I mean so it
21 -- yes, we will see it on both sites.

22 MR. BARBER: Could I ask a question now?

23 BY MR. BARBER:

24 Q You were talking about a partnership which
25 is like presented in your description of the

1 Performance Appraisal process you use?

2 A The Performance Appraisal, yes.

3 Q Was there anything in the feedback you
4 gave her verbally that got transferred to her
5 partnership review, either formally in the context of
6 a verbal discussion or in writing?

7 A I only was asked once to give a formal
8 written type of feedback to Kymn and that was in 2002,
9 going into 2003, which I did provide to [REDACTED]

10 All of the other times, [REDACTED] would ask
11 for feedback and we gave it to him verbally. She
12 reported to [REDACTED] and I couldn't tell you whether
13 [REDACTED] took those verbal comments, whether they were
14 incorporated into her partnership or not.

15 Like I said, I can tell you that in 2003,
16 we were asked to give written feedback and we did
17 that. That is the only time I did that.

18 MR. BARBER: Okay.

19 MR. KEENAN: And just to add for the
20 record, [REDACTED] we had provided that as Exhibit 5 to the
21 information we provided last October where as part of
22 the plea concern review, [REDACTED] and some others were
23 asked some follow-up questions and that feedback is
24 here and was provided.

25 SPECIAL AGENT TEATOR: Okay. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY SPECIAL AGENT NEFF:

Q At some point in time, did Dr. Harvin transition from a position with PSEG corporate locations to PSEG Nuclear on late 2001 bookings?

A Yeah, there was a transition in late 2001 such that going into 2002, January, she was effectively on the site payroll underneath [REDACTED] as a direct report to [REDACTED]

Q Do you know why that was done?

A No, I don't.

Q Have you ever felt there was some particular advantage to it, disadvantage to it or any other reason for it?

A I can only speculate but Kymn was spending 95 percent of her time on site. She was essentially loaned to the site from the corporate offices. She was at a temporary residence and I think [REDACTED] believed that from a, you know, what's the right thing to do with where we are at, if the person is going to be here for a year or so, then let's have her report to the site and help her out that way versus making her have interim housing accommodations.

Q Was there something that would limit it to a year or so assignment?

A [REDACTED] had said that certain staff jobs, we

All 7C

1 would review every year and look at whether or not we
2 still needed to perform those functions going forward
3 and I couldn't tell you whether this was one or not
4 but I what I can tell you is what [REDACTED] would say is
5 that staff jobs, we will review once a year to
6 determine whether we want to keep those staff
7 positions or we believe we can eliminate them.

8 Staff meant that staff that reported to
9 him, staff who reported to me or staff who reported to
10 the other [REDACTED]

11 BY SPECIAL AGENT TEATOR:

12 Q At that point, she was reporting to [REDACTED]
13 [REDACTED] in January of '02?

14 A Yes.

15 Q Directly to him?

16 A Yes.

17 Q Okay, did -- when that transition occurred
18 where she was now formally working for [REDACTED]
19 being paid by the site, right?

20 A [Witness nods.]

21 Q Was there a change in her job
22 responsibilities?

23 A No.

24 Q Her assignments?

25 A No.

All 7c

1 Q They remained the same?

2 A Nothing changed.

3 Q Was she reporting to [REDACTED] before then or
4 was she reporting to -- I am a little confused but
5 before then, who was she reporting to at the site
6 prior to that?

7 A Prior to 2002.

8 Q Uh-huh.

9 A She directly reported to a woman out of
10 the corporation, Enterprise. That was a direct hard
11 line to that person and, uh, but she was -- her job
12 assignment was to do activities down at the site under
13 the direction of [REDACTED] in other words, would
14 give her her functional assignments but she directly
15 reported to in appraisals, raises, all those kinds of
16 things to the corporate office.

17 Q Who was that person at corporate, do you
18 remember?

19 MR. KEENAN: I think it was [REDACTED]

20 THE WITNESS: Yeah.

21 BY SPECIAL AGENT TEATOR:

22 Q And then when she came down in January, or
23 she was already there, but in January '02 when she
24 reported, or worked directly now for [REDACTED] he took on
25 that stuff, is that your understanding?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

All 7c

1 A Yes.

2 Q Appraisals, raises?

3 A Yes. In 2002, he took on all of those
4 items which is why I believe in late 2002 and 2003 is
5 why he asked us now to give formal written feedback is
6 because now he was taking her personal partnership as
7 his personal accountability, as now the line manager
8 in charge of her.

9 Q Well, since you touched on that, let's
10 talk about that. [REDACTED] asked you for input regarding
11 what?

12 A What I thought of her performance in 2002.

13 Q When do you think you got that request
14 from [REDACTED] How late in the year would it have
15 been?

16 A In the December time frame that it came
17 from his personal assistant, [REDACTED] who sent out
18 an e-mail and said, please, over the next 30 days, 40
19 days give [REDACTED] some feedback on Kymn Harvin's
20 performance so that he can include it into her final
21 year end review.

22 Q Do you have a copy of that e-mail? Do you
23 know if it was included in that book?

24 A I don't.

25 SPECIAL AGENT TEATOR: Oh, no, I am asking

ALL TC

1 Jeff that, I guess.

2 MR. KEENAN: Yeah, I don't recall the e-
3 mail being in the personnel file.

4 SPECIAL AGENT TEATOR: Okay.

5 MR. KEENAN: We have provided the
6 feedback.

7 SPECIAL AGENT TEATOR: Okay.

8 MR. KEENAN: And so, I mean obviously
9 there was -- I can stipulate that there was obviously
10 a request at some point.

11 SPECIAL AGENT NEFF: Yes, okay.

12 SPECIAL AGENT TEATOR: I am just trying to
13 get an idea specifically what date did he request for
14 it and you think it was December?

15 THE WITNESS: Yes.

16 MR. KEENAN: We, of course, provided [redacted].
17 [redacted] personnel jacket as part of this and I simply
18 don't recall it is in there.

19 SPECIAL AGENT TEATOR: Okay.

20 BY SPECIAL AGENT NEFF:

21 Q Who else was asked for that info?

22 A I am going to assume, I think the e-mail
23 had all of the [redacted] and the direct reports -- ([redacted]) and
24 any direct reports to [redacted]

25 BY SPECIAL AGENT TEATOR:

All
JC

1 Q Besides the [REDACTED] who would be his direct
2 reports, do you know?

3 A [REDACTED] from [REDACTED]

4 Q All right.

5 A And [REDACTED] who was the [REDACTED]
6 [REDACTED]

7 SPECIAL AGENT TEATOR: Okay.

8 BY MR. BARBER:

9 Q Was there any other staff who reported
10 directly to [REDACTED]

11 A Human Resources reported to [REDACTED] in a
12 dotted line and --

13 Q What about like engineers or other, would
14 there have been other people that would have provided
15 input?

16 A No, engineering reported through the
17 [REDACTED] and that was [REDACTED]

18 MR. BARBER: Okay.

19 BY SPECIAL AGENT TEATOR:

20 Q So did you provide that evaluation to [REDACTED]
21 [REDACTED] on Dr. Harvin?

22 A Yes, I did.

23 Q Can you give us a thumb in the air or --

24 A Sure, you can refer to it, right.

25 Q And may we start with the date that you

1 gave it? Is there a date on there where you give the
2 information to [REDACTED]

3 A There is not a date on it. It was a typed
4 letter that I hand wrote [REDACTED] name and Kymn
5 Harvin's 2002 appraisal input.

6 It has positives. It has areas for
7 improvement and it has an overall conclusion.

8 Q What is the overall conclusion?

9 A I don't believe in 2002 she met
10 expectations. I would characterize as needs
11 improvement. That was a term that we used for the
12 different types of categories of performance
13 evaluation. There was excellent. There was good,
14 meets expectations, needs improvement, unsatisfactory
15 for the different classifications so she was in the
16 needs improvement category.

17 She got herself into some trouble this
18 year with:

19 [Reading] Following company policies and
20 approvals for spending company money. She also
21 miscommunicates information and has on a few
22 occasions passed along information carelessly
23 creating work for others to resolve. I think
24 she lacks rigor in many things including time
25 management.

1 Q Okay, let me ask you this question, when
2 you got the request from [REDACTED] is that how you
3 say the name, [REDACTED]

4 A Yes.

5 Q All right, did you then turn to your
6 direct reports and seek their input on Dr. Harvin's
7 work for the year work performance, job performance?

8 A No.

9 Q This is based, just what you wrote for [REDACTED]
10 [REDACTED] is based strictly on your input alone?

11 A That is correct.

12 SPECIAL AGENT TEATOR: Okay.

13 BY MR. BARBER:

14 Q But just to clarify, this is after having
15 discussions with your direct reports all throughout
16 the year and so you are forming your opinion based on
17 what input you got from others throughout the year?

18 A That is true. I did not specifically ask
19 when I got this request, have all of my directs talk
20 about this particular person. You are a hundred
21 percent right. What I did was I wrote it based on my
22 personal observations and feedback I had collected
23 through the year that I thought had a sense of purpose
24 in providing some feedback back to [REDACTED]

25 BY SPECIAL AGENT NEFF:

All TC

1 Q Did you have any discussions with him
2 regarding your feedback?

3 A No, not at -- let me, not in this letter.
4 We did a review of all of the managers in January of
5 2004 --

6 MR. KEENAN: Three.

7 THE WITNESS: Thank you, 2003.

8 [Laughter.]

9 In 2003, at [REDACTED] house, it was a
10 Saturday morning. We started about 7:00 and finished
11 around noon. All [REDACTED] direct reports were there
12 and what we did is we reviewed all of the management
13 team entirely on the site. Not down to the first-line
14 supervisor but managers and superintendents and we did
15 discuss Kymn Harvin's performance. It was a general
16 roundtable discussion between everybody and [REDACTED] said
17 okay, I've got your input and that was about the sum
18 total of it for her.

19 What we did was we didn't grade people in
20 that particular meeting. What we tried to do is ask
21 what do we think are the pluses, what do we think are
22 the minuses. If that was different than our personal
23 view that we had of the person, then our expectation
24 was to take that, factor it in and have a conversation
25 with that particular person and provide them feedback

1 and then give a final assessment in total performance
2 for that employee.

3 BY MR. BARBER:

4 Q Was this document, this input, was this
5 provided before or after that meeting?

6 A I don't remember. I honestly don't
7 remember. I think it was all at the same time.

8 Q So it is possible that whatever discussion
9 you had during the meeting could have influenced what
10 you wrote here? A side influence?

11 A No, I wrote the letter before the meeting.

12 Q Okay.

13 A I wrote the letter before the meeting. I
14 don't know when I gave it to [REDACTED] whether it was
15 before the meeting or after the meeting. I just don't
16 remember.

17 Q Okay, I just was trying to understand if
18 that discussion influenced what you wrote?

19 A No.

20 BY SPECIAL AGENT NEFF:

21 Q Who was present at this Saturday meeting
22 at [REDACTED] You said direct reports but let's
23 put names on that, who was present?

24 A [REDACTED]

25 [REDACTED]

All TC

1 MR. BARBER: [REDACTED]

2 THE WITNESS: He was not. He was on
3 vacation at the time.

4 BY SPECIAL AGENT TEATOR:

5 Q Did you provide an input during that
6 meeting regarding Dr. Harvin's performance as you saw
7 it?

8 A I believe so. What exactly I said, I
9 don't remember but, yeah, I am sure I gave some more
10 feedback as to what I put here on things I thought she
11 did okay and things I thought she needed some
12 improvement in.

13 Q Do you recall if any others at that
14 meeting said anything specific regarding Dr. Harvin's
15 performance, positive or negative?

16 A The meeting is intended to be challenging,
17 so we take opposing sides, even though it may be our
18 personal belief may be different but we do that in
19 order to try to extract from everybody what are they
20 thinking, what do they believe and what really is
21 motivating them to think about the particular person
22 and so Kymn, like everybody else, we had people who
23 took different sides on things.

24 I think the strongest person that probably
25 had the most negative feedback was probably [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

Q On what specifically, do you recall?

A It mostly was the, uh, she had made [REDACTED] very upset with -- [REDACTED] had passed on some confidential information to her and she had passed that information on to others very inappropriately and [REDACTED] was very upset about that being an integrity issue and wanted to make sure that that was clear in [REDACTED] mind, that that was the way he saw it and thought that is the way it needed to be reviewed when he did his final assessment with her.

BY SPECIAL AGENT NEFF:

Q Was anybody pointing out the positives in her performance at that meeting?

A Sure. I mean who said what when, I -- but it was, it was not possible for us to talk about anybody without giving positives or negatives. It was not a one-sided discussion.

Every single person had things that were probably good and every single person had things that needed to be improved. That was the ground rules or the norms in the way we looked at it but the final grade that took place was not done as a collective group. It was done separately.

If this employee worked for me, I got the

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

ALL TC

1 feedback from everybody. I had my personal views,
2 took the feedback. I gave that an assessment and then
3 would give the person the final grade outside of that
4 meeting and sit with that person and tell them what
5 their grade was.

6 BY SPECIAL AGENT TEATOR:

7 Q So since she worked with [REDACTED] --

8 A That was his job --

9 Q [REDACTED] would have done that with her?

10 A That's correct.

11 Q This thing that [REDACTED] brought up, can
12 you tell us what that was about?

13 A I don't --

14 Q Was it something really -- was it
15 something worthy laid or was it --

16 A It was work performance.

17 Q All right.

18 A I believe it had to do with personnel
19 moves he had wanted to make.

20 Q In his organization?

21 A Yes.

22 Q And he being [REDACTED] at that
23 point?

24 A I believe that is correct and what I
25 recall happening is some individuals got told about

1 certain things before other people had been told and
2 it made a very unpleasant situation for the
3 individuals who were the incumbents being moved out.

4 BY SPECIAL AGENT NEFF:

5 Q At the end of that session, collectively
6 you are saying there is positives that are being
7 exposed and there is negatives; is it your sense that
8 there was no broad agreement that your assessment was
9 what everybody else believed, that there would be
10 needed improvement here?

11 A Yes.

12 Q So that would be [REDACTED]
13 [REDACTED] He being [REDACTED] being
14 the strongest negative on Dr. Harvin?

15 A Yes, I believe that the feedback, if you
16 will, if excellent is on the top, unsatisfactory is on
17 the bottom, needs improvement is one step up, it was
18 a split decision in terms of what people thought.
19 Some thought she was unsat, others thought that she
20 was in the needs improvement.

21 I happened to think she was in the needs
22 improvement. I am almost certain that [REDACTED] thought
23 she was unsat.

24 Q Did we put a date as best you can on this
25 meeting? I think you said it was late 2002?

All TC

1 A No, it was --

2 MR. BARBER: January 2003.

3 THE WITNESS: January.

4 SPECIAL AGENT NEFF: January 2003.

5 SPECIAL AGENT TEATOR: 2003.

6 BY SPECIAL AGENT NEFF:

7 Q January. Okay, so this was --

8 A A Saturday morning.

9 Q -- When you drafted your assessment
10 document then, your response for [REDACTED]

11 A Yeah, because --

12 Q That was later in 2002?

13 A Yes, this I wrote in the December of 2002
14 and then gave it to [REDACTED] we had the powwow, if you
15 will, in January of 2003.

16 BY SPECIAL AGENT TEATOR:

17 Q And what, if you could tell us what the
18 purpose of that was, that Saturday morning? I mean I
19 know you said everybody was rated but what was the
20 why?

21 A We are required by the company, by our
22 company policies that once per year we will do a
23 complete comprehensive appraisal for every employee
24 and it is generally done in the late of the year that
25 you are in and then people are usually informed in the

1 following year what the general assessment is.

2 What [REDACTED] wanted to do in this meeting
3 was he did not want us to grade in silos, what he
4 wanted to do was to see how all of us were grading so
5 that there was a sense of fairness across the board
6 and that we didn't have, say, one VP grading so hard
7 that everybody is a bad position and we have another
8 VP who, you know, who was letting everybody get way
9 with doing nothing and so we wanted to have a sense of
10 equitable fairness across the board and what [REDACTED]
11 wanted to do was to hear all of us and challenge one
12 another so that at the end, we were sure that the way
13 we were viewing things, that there was consistency in
14 the way we looked at it for every single person and
15 that nobody was viewed out of the norm of anybody
16 else.

17 Q Had you had that type of meeting in the
18 year before?

19 A Yes, but not quite with the rigor we did
20 in 2003.

21 Q Okay, do you recall how Kymn Harvin was --
22 Dr. Harvin was rated the previous year, by that group,
23 by that meeting?

24 A No.

25 Q All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

All TC
www.nealrgross.com

1 A My guess is that it probably was meets
2 expectations but I don't know that for absolute. I
3 just would suspect that is what it was.

4 MR. KEENAN: Just to clarify, I think we
5 talked on the record earlier that Kymn Harvin
6 transferred down to you in 2002, so I am not sure who
7 would have done her performance appraisal.

8 SPECIAL AGENT TEATOR: That is true. All
9 right.

10 SPECIAL AGENT NEFF: It may not have been
11 you.

12 MR. KEENAN: That is my point.

13 BY SPECIAL AGENT NEFF:

14 Q And she may not have been included in the
15 process in January of 2002 or late 2001.

16 How many people are evaluated at this time
17 of discussion? I know you said managers down through
18 the superintendent level I think. Can you estimate
19 how many people you involve in that discussion. It
20 sounds like it would be pretty lengthy.

21 A It was long. I believe it was around 70
22 people.

23 Q All covered in the one day?

24 A The one morning, yeah.

25 Q You got it done in one morning?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A Sure. It took five hours, from 7:00 a.m.
2 until noon. We didn't come in, you know, unprepared.
3 Each one of us had done a lot of work ahead of time
4 and we had done a lot of checking with one another.
5 7C [REDACTED] was the gatekeeper at the inn to say
6 that father, son, okay and so he had the last word on
7 all of the work that had been done in December which
8 was behind the scenes until we got to January when
9 really what we were just trying to do was a final
10 check/check on what things looked like and so we
11 weren't looking at everybody infinitesimal detail.
12 What we were really doing was finding the salient
13 points that was why we thought the person performed in
14 this category or that category.

15 BY MR. BARBER:

16 Q Was there any -- when you did this
17 process, was there any outliers from the standpoint of
18 one person perceives someone's performance to be at a
19 certain level and maybe the level was either very low
20 or very high compared to the group. Were most of the
21 conclusions within one grade of each other?

22 A I would say that the outcome was there was
23 very little delta in what people were thinking
24 separately that when we heard it collectively we might
25 have been a little bit left, a little bit right but we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 were in the bandwidth of whatever that person was. I
2 mean there wasn't one on the high end and someone on
3 the low end.

4 Q Was there any intent in this process to
5 put people on a bell-shaped curve? I mean to say we
6 have a few people at the top, two at the bottom and
7 many in the middle or was it just, we are just hear
8 what we hear and we are going to grade accordingly?

9 A It was we will hear what we hear, we will
10 grade accordingly and the expectation was us to take
11 away the information we got from our peers, to factor
12 it in and then to make a final assessment.

13 We were expected, when we were done with
14 that, is each particular area: maintenance,
15 operations, engineering, was to do a hierarchical
16 ranking. Who was on the top. Who was on the bottom.
17 It wasn't a forced ranking. It was just show me now
18 how everybody lines up and then who is in the top 10
19 percent, who is in the middle, who is on the bottom 10
20 percent and that was a standard expectation that we
21 gave on all of the different areas and we forwarded
22 that up to corporate Enterprise.

23 Q Was there other people who were graded as
24 either needs improvement or unsatisfactory in that
25 meeting?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A Yes, I guess there was.

2 Q Well, what was their -- did they stay with
3 the company? Were there changes in made? In general,
4 what happened to those folks?

5 A Some stayed with the company and some are
6 not with the company.

7 BY SPECIAL AGENT NEFF:

8 Q Do you recall who they were? The people
9 who fell into the category where -- is there anybody
10 that was categorized as unsatisfactory to needs
11 improvement, who were they?

12 A There is one that I know of. It was [REDACTED]
13 [REDACTED] He was
14 rated as unsatisfactory.

15 Q Anybody else?

16 A That is the one that I can remember the
17 most vividly. There may have been others but I don't
18 recall who they were.

19 Q Are there any others who were rated on the
20 lower, in the lower tier, who is still with the
21 company?

22 A I don't know.

23 MR. KEENAN: Would [REDACTED] have been
24 rated in that process?

25 THE WITNESS: Yes, he was and [REDACTED]

all 7c

1 is not with the company today.

2 BY MR. BARBER:

3 Q What was he rated?

4 A He was rated as needs improvement.

5 Q Okay, so what you have given us so far is

6 [REDACTED] was needs improvement and he is no

7 longer with the company. Dr. Kymn Harvin was rated as

8 needs improvement. No longer with the company and [REDACTED]

9 [REDACTED] was rated as unsatisfactory and no longer
10 with the company?

11 A That is a fact.

12 Q Is there any others that maybe weren't in

13 your area that were in others, [REDACTED] area or

14 [REDACTED] area or [REDACTED] or [REDACTED]. Well,

15 you said he wasn't there but that were also in that

16 grouping and were also no longer with the company? Do

17 you recall?

18 A I don't know.

19 Q Okay.

20 A I just don't know.

21 SPECIAL AGENT NEFF: Was there any

22 documentation retained from that meeting, the

23 discussions regarding the seven people?

24 [No response.]

25 BY SPECIAL AGENT TEATOR:

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

All TC

1 Q Was there a scribe, do you know, in some
2 way?

3 A No, we just took notes and then what we
4 did was we took those notes and then we made our final
5 versions on the individual partnerships and so that
6 was it.

7 It wasn't like passing a piece of paper to
8 [REDACTED] at this time. It was we talked about each one
9 and say I had an employee, I got feedback from my
10 three peers, I took the notes on that. I would look
11 at them and I decided what I was going to include into
12 the individuals partnership and what I would talk to
13 him about.

14 Q You talk partnership. That is really the
15 job performance appraisal?

16 A That is correct.

17 Q All right.

18 A That's correct.

19 BY MR. BARBER:

20 Q Well, did [REDACTED] himself provide any
21 feedback or any discussions in the meeting, his
22 observations I mean as far as performance?

23 A [REDACTED] wanted to hear from us first before
24 he spoke and so he usually was the last one and unless
25 there was something radically different than what he

ALL 7C

1 had heard, generally he was in a consensus agreement
2 with where the group was going.

3 Q Did he have any comments about Kymn Harvin
4 or [REDACTED] or [REDACTED] that you recall?

5 A I certainly don't know what they were. I
6 mean I --

7 Q Did he confirm that they were in the
8 bottom grouping?

9 A He did.

10 BY SPECIAL AGENT NEFF:

11 Q Just one more question on the notes and
12 the retention, in your case when you use these notes
13 and when you complete the partnership, is that
14 something that you retain in an employee file or any
15 file that you would keep?

16 A All we would keep is the final version of
17 what actually we decided to write and to give to the
18 employee and, yes, that's been kept in their personal
19 files with Human Resources and probably their own
20 personal files.

21 Q When you say the final version, is that
22 the document in performance partnerships, not the
23 notes and anything that contributed to what ended up
24 on that partnership?

25 A No, because I am still the manager. In

1 other words, I can get a note from you and, you know,
 2 take a note that says well you have done such and such
 3 and I listen to it and I read it and I can choose to
 4 accept it or to reject it. That was my line
 5 responsibility and so in some cases we got feedback
 6 and it was disregarded. In some cases, the feedback
 7 was taken and added to whatever was currently existing
 8 on the appraisal and so that was the format that was
 9 taking place.

10 Q Okay, when did you first learn that Dr.
 11 Harvin would no longer be retained in that staff
 12 position?

13 A That's a -- I don't know how to answer
 14 that because I had some conversations with [REDACTED] and
 15 I had suspect that by the way he was languaging, we
 16 were going to be making some position eliminations and
 17 it appeared that that was probably one that we would
 18 be looking at and so I would say I had an inkling --
 19 excuse me -- without him telling me that, somewhere in
 20 the February/March time frame but I was actually told
 21 only about 24 hours prior to her being told formally
 22 by him and Human Resources and so I did get advance
 23 notice that her position was being eliminated and what
 24 day that was going to occur.

25 Q February/March 2003?

ALL R

1 A February, I know I had some I'll say
2 intuition that this was probably going to take place.
3 I didn't know when it was going to take place and then
4 March, like I said, it was probably 24, maybe 30 hours
5 before the actual time that he had sat with her, I was
6 briefed. We all were briefed that that position was
7 going to be eliminated and that job was going to
8 finish on whatever day it was picked to be finished.

9 BY SPECIAL AGENT TEATOR:

10 Q You mentioned you had an intuition and
11 inkling but if I hear you right, it is based on some
12 things that (Harry) said.

13 A Yeah.

14 Q Is that right?

15 A Yeah, it --

16 Q We just need to explore that with you,
17 give us some more on that, what you remember that made
18 you think that was a possibility?

19 A Well, when I become [REDACTED]
20 [REDACTED] had told me that one of my functions now was to
21 respond to the INPO report that we got in October of
22 2002 and to specifically address the
23 management/leadership issues and he said that was of
24 my, I will say, executive responsibilities.

25 I had met with my direct reports, the

All 74

1 directors of maintenance, engine -- or director of
2 maintenance, operations and work management and my
3 staff, my staff assistant and said, all right, how are
4 we going to address this? What are the issues and we
5 came up with three initiatives that we thought we had
6 to try to address the more broader issues that were in
7 the INPO Report which was operations leadership at the
8 shift manager level. The relationship between the
9 Union and management at maintenance and the management
10 leadership of the managers in horizontal alignment.
11 Those were the three initiatives we took on.

12 I had asked Kymn if she would take a look
13 with me on some ideas on how we might address this
14 with each one of those directives. Again, you know,
15 in a facilitatory type of manner. Should we use some
16 contract help? You know, what might be different ways
17 we could explore to address these strategies in a way
18 that we thought would be more effective and I thought
19 it was a good idea and I had given [REDACTED] some feedback
20 that this is what I was doing and [REDACTED] said why are
21 you doing that? I says, well, because this is what I
22 think we should be doing and he said, well, we are
23 going to be making some changes in numbers of people.
24 He said just make sure that when we are getting into
25 stuff you're not biting off more than you can chew

1 because we have already made some staff reductions.

2 So, I don't know what triggered but I had
3 sensed from that conversation that potentially we
4 would be looking at some staff positions being
5 eliminated, potentially Kymn Harvin, although he never
6 said that.

7 Q When he used the words staff reductions;
8 staff meaning, did you take it to mean his own staff?

9 A Staff in general.

10 Q Staff could be contractors?

11 A Yes.

12 Q Could be permanent employees?

13 A Yes.

14 Q All right.

15 A We, you know, we were comparing ourselves.
16 We had the Navagan Study, which is essentially a
17 contract firm that does manpower assessments of power
18 plants and looks at standard processes and how many
19 people it takes to do it and compares you against them
20 and we were an outlier as compared to that and most of
21 the excess by those numbers was in staff-related
22 functions, meaning those people who are providing
23 support but not line management doing jobs.

24 And so it is not uncharacteristic that
25 when you do those assessments that you recognize you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-5751

1 are an outlier and you are going to have to reduce
2 those staff functions, whether they be contractors or
3 whether they be staff people that are, you know,
4 utility-based people.

5 Q Besides ~~making~~ making the comment that were
6 -- had staff reductions, did he mention Dr. Harvin in
7 anyway as being maybe part of this?

8 A Not at that time but, like I said, tone of
9 voice, questioning about who I was using on different
10 jobs made me think those were possible suspect areas.

11 Q And you were using Dr. Harvin for some of
12 those jobs?

13 A Yes.

14 Q Is that right?

15 A Uh-huh.

16 MR. BARBER: Did it ever occur to you to
17 ask him? I mean, obviously, you had that inkling at
18 the time and you wanted to use her, then why didn't
19 you just ask?

20 THE WITNESS: I didn't. I mean, he didn't
21 tell me not to move forward on it. What he did was
22 caution me on effectively using resources that we had
23 and so, I mean, I didn't immediately take it as a
24 good/bad discussion or that I should be nervous.

25 What I got was acknowledgement that the

1 projects I was going after were the right things.
2 That is all I really was interested in the
3 conversation with [REDACTED] I really didn't have any
4 concern how I was going to make it happen. I was just
5 explaining my mission thoughts and so he gave me some
6 feedback and what I would call kind of ancillary type
7 things and it didn't really make that much difference.
8 One way or another, I was going to go after those
9 avenues.

10 MR. BARBER: Okay.

11 BY SPECIAL AGENT NEFF:

12 Q Who else was affected by the staff
13 reductions in that time frame, in that February/March
14 time frame?

15 A We had reductions in the IT staff. We had
16 reductions in the business support staff. That all
17 happened by the end of March/April time frame and then
18 there was another series of staff reductions in the
19 June/July/August time frame when we looked at or
20 implemented the unitized approach on the power plants
21 and we selected people for positions that, because we
22 combined an awful lot of things, that created
23 additional access and more people left at that point.

24 BY MR. BARBER:

25 Q When did you say that was?

All
7c

1 A In June, July and August.

2 Q Okay, so you had to, you had to see a
3 transition though in the meantime?

4 A Yeah.

5 Q And when did this start?

6 A April.

7 Q April first and then [REDACTED] retired the end
8 of March?

9 A Yes, sir.

10 MR. BARBER: Okay. Thank you.

11 THE WITNESS: The bottom line was this was
12 an area that made no difference with C&O. This was
13 a clear gap that we had regardless who sat in that
14 chair and we had started it with [REDACTED] and [REDACTED]
15 finished it with the realignment in the organization.

16 MR. BARBER: I see.

17 SPECIAL AGENT NEFF: If you've concluded
18 your questions, then we will go into the next area,
19 okay?

20 Anything further, Scott?

21 MR. BARBER: No.

22 SPECIAL AGENT NEFF: Okay, we have a
23 couple of recorded voice messages we would like to ask
24 you about and I am just going to go ahead and set that
25 up right now and play that. We will go through.

All 7C

1 MR. KEENAN: Are we going to take a break
2 from the record?

3 SPECIAL AGENT TEATOR: Yes.

4 SPECIAL AGENT NEFF: Rose, we are off the
5 record, please.

6 [Whereupon, a short recess was taken.]

7 SPECIAL AGENT NEFF: All right, we are
8 back on the record. It is about 4:09 p.m. and what we
9 did was go off the record to play two tape recorded
10 voice messages for you.

11 The first one that we played was [REDACTED]
12 [REDACTED] and
13 his comments regarding finding Kymn Harvin on this 45-
14 day wait list or, in other words, asking questions as
15 to why she was no longer needed on the site and then
16 the response to that we also played was your response
17 to [REDACTED]

18 All I know in terms of the date is that it
19 is you, 11, let me see --

20 SPECIAL AGENT TEATOR: It is a Wednesday,
21 I think it is listed on there.

22 SPECIAL AGENT NEFF: It says time, 8-11,
23 I think it was, you 8-11 on a Wednesday night and you
24 respond to that and so we will just have a couple of
25 questions to you on you going through that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

All 7C

1 BY SPECIAL AGENT NEFF:

2 Q The first one, and this is what jumps out
3 at you automatically, [REDACTED]
4 [REDACTED] for Hope Creek in that he is speaking for half
5 of your site. If this is his impression of her, how
6 do you respond to that in finding that -- he sees it
7 as an issue in losing somebody of her caliber and
8 having her work on site was an effective and a good
9 thing. How do you respond to that in saying that she
10 wasn't significantly effective?

11 A I thought I did by my responses.

12 Q On this recording here?

13 A Yes.

14 Q But in terms of, in him speaking for half
15 of his site, your opinion is coming out differently
16 though.

17 A First of all, [REDACTED] does not speak for half
18 the site. Where did you get that from?

19 Q Well, when I was looking at it as if he--

20 A [REDACTED] only spoke for Hope Creek operations.

21 Q Hope Creek --

22 A Which formed a department of about 125
23 people maximum and so what he was giving was feedback
24 from his personal perspective, what she may have done
25 for him and some of the things he saw on a localized

1 level in some faction or portion of Hope Creek
2 operations and, okay, I respected what he had given me
3 on that.

4 What I answered him though was the greater
5 picture. It is not just Hope Creek operations. The
6 greater picture is what results are we getting for the
7 money the resource was putting in and I know you know
8 this, is that I am required in that job, is to look at
9 people that are temporary, contractors or others. Are
10 they giving us what we think we are paying for and, if
11 not, we make the hard decision of whether we continue
12 that or don't continue it and this person, we didn't
13 view that much differently than GAP International, who
14 was the contract service that we were employing. We
15 also did not continue their services in 2003 either.

16 So, what we had elected to do was to say
17 we think we have probably gained what we are going to
18 gain from this strategy of improving the management
19 team and that it is not prudent for us to continue
20 pushing to get minimal change from this effort and so
21 we elected to move into a different direction.

22 So, uh, GAP was eliminated and so was --
23 which was a staff contract service and so was Kymn,
24 who essentially was a temporary assigned to the site.
25 She wasn't permanent permanent but did have a payroll

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 change but really was in a temporary position and just
2 as the tape had said, when we looked at all of the
3 different things that go into the equation of
4 determining where you're going to put your money, we
5 thought that there was some critical mass that had
6 been generated.

7 We made some personnel changes and we
8 started to see some improvements in some places and
9 buy back. It is up to them to do it and facilitation
10 is probably not going to be effective for those
11 people. Therefore, let's terminate that and move into
12 our next direction.

13 BY SPECIAL AGENT TEATOR:

14 Q Well, when we hear, I mean it is our job
15 to ask these kinds of questions.

16 A Uh-huh.

17 Q Frankly, and we hear, what we've heard so
18 far from you is that it sounded like she was becoming
19 less effective as time went on?

20 A Yes, and that is the same thing --

21 Q Right.

22 A -- That is written in the performance
23 partnership and how it was viewed in the 2003 review
24 C at [REDACTED] table was that we were seeing less and less
25 effectiveness which is why she ended up in the gray

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 category of needs improvement or unsatisfactory
2 depending on who was at the table but, essentially,
3 she was in that general category of performance.

4 Q Then we here from [REDACTED] who is the [REDACTED]
5 [REDACTED] for Hope Creek. Is that his title? I mean
6 you are kind of shorting it off but we are not. I
7 mean we are just trying to probe to see if there is a
8 conflict there, you know, a disagreement with your
9 view on her performance at that point and --

10 A It is not uncustomary to see people that
11 have different opinions of things. I don't know what
12 perspective he was coming from. I do know that there
13 is a personal relationship that existed between Kymn
14 and [REDACTED], very different than anybody else and I mean
15 personal in some degree as outside of the work place.

16 I would believe that some of [REDACTED]
17 message to me was empathizing with Kymn and feeling
18 some concern to try to do what he could in order to
19 lessen the impact to her, more as a friend.

20 Q All right, let's talk about these, from
21 what he said, is a current view of her effectiveness
22 in his organization.

23 A What examples did he provide?

24 Q Well, I am asking you.

25 A None, that is the point, there were none.

All 7c

1 Q Besides on that phone call though, didn't
2 he provide such examples to you on other occasions?

3 A No. This is how, you know, I got that
4 someone says, they really helped me. Okay, great.
5 Show me in the bigger scheme of things.

6 Has Operations had less events as a result
7 of it? Well, we don't know.

8 Is Operations' human performance better?
9 Not really.

10 Is the shift managers more participatory
11 in improving site performance? About the same.

12 The role is more the larger results we
13 were trying to acquire from these initiatives by these
14 facilitators involving the steps.

15 BY MR. BARBER:

16 Q Well, you know, that is an interesting way
17 of looking at things but it is almost like trying to
18 judge the value of training, you know.

19 A It is my job to do so.

20 Q And when you get into nuclear training,
21 what you see is when you try to evaluate effectiveness
22 in training, you do it by the absence of events and
23 the absence of problems and the absence of challenges
24 to the station.

25 So, what you base these -- then see that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you have had some good training but you see the effect
2 of the absence of training, of good training and so if
3 you use that kind of analogy, could he have made an
4 argument that said, hey, she was effective. She has
5 been making changes but the tangibility is difficult
6 to provide.

7 A Maybe.

8 MR. KEENAN: Was that a question?

9 SPECIAL AGENT TEATOR: Well, I guess the
10 question is did he provide that type of input to you?
11 Forgot what you just saw in this voice mail here. Did
12 he --

13 THE WITNESS: Some of the things he
14 provided was we had a better meeting today and I said,
15 well, what was the result of the better meeting?

16 Well, we had a better meeting. There was
17 more interaction with people. Okay, well, I am happy
18 with that. That is not a good enough result.

19 SPECIAL AGENT TEATOR: Okay.

20 THE WITNESS: I mean that is as simple as
21 I can make it.

22 BY SPECIAL AGENT NEFF:

23 Q I guess, we are to fully probe this issue.
24 When I am calling this half the site. At this
25 particular time frame through 2002/2003 you have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 explained that part of the collective focus that Dr.
2 Harvin was a part of was in helping Hope Creek
3 operations leadership and also getting them more
4 engaged and so when I am calling him half the site, I
5 am looking at Ops leadership he had at the site and if
6 that is what she is engaged in doing --

7 A I don't agree it is half the site and so
8 I appreciate your opinion but I don't agree with it.

9 Q No, but what I am looking at is from the
10 perspective of her assignment, this would be, if this
11 is what she's working on, that would be half of her
12 focus, would it not? You have only got Salem and Hope
13 Creek and so when I throw that out.

14 A She had more assignments other than that.

15 Q Okay.

16 A And the two that I know they initially had
17 started was to look at some elements of Hope Creek and
18 some elements of Salem. I think she had other job
19 expectations from some of the other people.

20 In 2002, I recall most of her effort was
21 in operations but she did have interactions in other
22 areas outside of operations and so I struggle with
23 your half of the site position.

24 Q Right, but in terms of numbers I am
25 looking at in terms of what she was focusing on at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that point in time.

2 A Do you mean 50 percent of her time spent,
3 was it in Salem operations or Hope Creek operations?
4 I don't know, maybe and maybe not.

5 Q Okay, that might be where the rub is but
6 what we are looking at is the significance of the
7 message from the [REDACTED] who would represent the
8 shift managers and the AOM and people that he is
9 working with. 7C

10 A That is not what he said. He said what he
11 saw. We don't know if he said that is what all of the
12 shift managers said. I actually had had conversations
13 with some of those other shift managers who had said
14 she wasn't helpful and she was destructive.

15 SPECIAL AGENT TEATOR: All right, well, we
16 are going to get to that.

17 THE WITNESS: So, we have -- what we have
18 here is people's opinions. Okay, I don't disregard
19 this opinion but in order to try to put it in a
20 context of the real gain we were trying to accomplish
21 is where has Ops leadership changed that we can say
22 these actions made the change to support a continued
23 study of resources in that direction and that is what
24 we struggled with.

25 And, you know, that is the job expectation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I and others have is to make those decisions every
2 year. Where should we put our resources? What is
3 giving us the best value and cut the things loose that
4 are not and I mean it is really no more complicated
5 than that.

6 SPECIAL AGENT TEATOR: Well, we are not --

7 SPECIAL AGENT NEFF: That is your response
8 to that but -- and you're also saying that [REDACTED]
9 may not be speaking as an [REDACTED]. He may
10 be speaking more as a personal friend at this point.

11 THE WITNESS: There is no doubt in my mind
12 he is. I know that he had activities with her outside
13 of the power plant that were -- well, somewhat
14 unsuspecting on my part since -- uh, I had calls from
15 his wife wondering where [REDACTED] was and did I know where
16 Kymn Harvin was because she thought Kymn Harvin and
17 [REDACTED] were together, so I know that there was some sort
18 of relationship that existed. To what extent, I don't
19 know but I know that they were close friends.

20 SPECIAL AGENT NEFF: Okay. I am sorry.
21 I think I cut you off, Jeff?

22 BY SPECIAL AGENT TEATOR:

23 Q Yes, let's go back to your return call to
24 [REDACTED] and I had asked you a couple of follow-up
25 questions and you've said that you had conversations

All TC

1 with the shift manager at Hope Creek who described her
2 involvement there, her work as somewhat destructive.
3 Who, who told you that?

4 A I think, uh -- [REDACTED] was one that
5 said I don't think I got all that you might have
6 intended with her.

7 One fellow said, hey, I got some benefits
8 from her. That was [REDACTED] but said sometimes it
9 is hit and miss on how effective we get the things.

10 [REDACTED] was another one who said I
11 don't always get the sense of satisfaction of her
12 presence.

13 Q You used the word destructive. That is
14 the one I want to get at.

15 A Destructive is a generalization of
16 confusing the people in what was the purpose of our
17 interaction. When I take people's time or when I have
18 people get together and take people's time, we want it
19 to be productive, not to be a grope session about
20 things that are nonbusiness related.

21 Kymn had a tendency of a way that she
22 thought was in her mind effective was to start the
23 conversation with people and get them to engage by
24 some personal nature or difficulties that they have on
25 a personal level, not necessarily related to work and

1 some people said that may be okay in some settings.
2 In other settings when we are talking about real
3 issues in the power plant, that is a disruptive type
4 of approach when we are trying to solve real issues
5 with the plant.

6 Q Okay, my question to you, and it is a
7 simple one. It is not real complicated. All right,
8 did any of the shift managers at Hope Creek tell you
9 that they thought here work there was destructive,
10 that they used that word destructive, because you used
11 it?

12 A I don't recall if they did or didn't.
13 Those are clearly my words.

14 Q All right, ineffective. Maybe we could
15 talk about that a little bit. Is it more of -- you
16 mentioned [REDACTED] right?

17 A Uh-huh.

18 Q You mentioned [REDACTED]

19 A Yes.

20 Q And [REDACTED] you got some positive
21 things --

22 A Yes.

23 Q -- From his involvement with her?

24 A Uh-huh.

25 Q Who had been the other [REDACTED]

1 besides those three at that time? Who, you could give
2 us some specifics on what side of the coin they came
3 out with with regard to Dr. Harvin?/

4 A The, uh --

5 MR. KEENAN: [REDACTED] maybe?

6 THE WITNESS: [REDACTED] I don't know
7 if [REDACTED] ever mentioned anything at all that
8 she even utilized Kymn in any capacity.

9 MR. BARBER: [REDACTED] is he a [REDACTED]
10 [REDACTED]

11 THE WITNESS: [REDACTED] is a [REDACTED]
12 [REDACTED] yes. He generally was pretty neutral about
13 everybody and so I wouldn't say he gave me any
14 specifics one way or another. There is one more. Who
15 is the other one? I am drawing a blank.

16 SPECIAL AGENT NEFF: We have [REDACTED]
17 [REDACTED]

18 [REDACTED] uh --

19 THE WITNESS: I am blank.

20 SPECIAL AGENT NEFF: Isn't that --

21 MR. BARBER: That is all, isn't it?

22 THE WITNESS: There is six.

23 MR. BARBER: That is six?

24 SPECIAL AGENT NEFF: And then there is --

25 THE WITNESS: [REDACTED] sometimes

All 7c

1 filled in.

2 SPECIAL AGENT NEFF: 2002/2003.

3 BY SPECIAL AGENT TEATOR:

4 Q Well, that is five and so let's, uh -- I
5 mean in your return message to [REDACTED], you are
6 pretty strong on your view of Kymn's job performance?

7 A Uh-huh.

8 Q In response to him saying I don't
9 understand, right?

10 A Uh-huh.

11 Q Is there more that you could share with us
12 as a basis for what you said to [REDACTED] Is there
13 more that we haven't gotten to yet?

14 A You have everything I have. I mean I gave
15 my feedback to [REDACTED] on what I thought.

16 Q Okay.

17 A I gave my feedback on where I thought she
18 stood in terms of her performance level. [REDACTED] made
19 the decision that she is Exodus and what I was doing
20 was giving [REDACTED] what I thought and what I also got
21 from [REDACTED] in my interaction with him and so it was an
22 aggregate some, a feedback to him so that I could give
23 him understanding.

24 Now, he obviously already had some
25 understanding because he had talked to [REDACTED] one on

1 one prior to my -- to his calling me.

2 Q Okay, let's talk a little bit more about
3 what you can tell us about her position being
4 eliminated.

5 A Okay.

6 Q You mentioned that  told the managers
7 at your level, the officers together was in the group
8 meeting where he made that known?

9 A I think he may have mentioned at a staff
10 meeting and said we are making staff reductions. He
11 gave us the staff reductions, where they were
12 occurring, what positions were being eliminated and
13 then had made the comment that Kymn was one of them.

14 Q But there were others also?

15 A There were others.

16 Q Were they in the IT and the Business
17 Support areas?

18 A Yes, sir.

19 Q As you recall?

20 A Yes.

21 Q Was there a formal notice sent out, do you
22 know, after that meeting?

23 A We don't generally send out notices like
24 that, that would say, by the way, these 15 people
25 aren't going to be here tomorrow. That is not a way

1 we do business. It is a conversation that is usually
2 conducted individually with the individual, at least
3 some verbal notification of managers for awareness and
4 that is generally how it is left.

5 Q And was that, at that meeting is that when
6 you first learned that her position was going to be
7 eliminated?

8 A No, I think [REDACTED] had told me like I said
9 24 hours before he made the formal announcement.

10 Q Okay.

11 A And he did that I think out of courtesy.

12 Q Right.

13 A I believe he told the other guys the same
14 thing.

15 Q Why do you think he did that out of
16 courtesy? Courtesy to what? I mean she was reporting
17 to him, right?

18 A [REDACTED] was a pretty people-person type of
19 individual and I think he just was a believer that the
20 more people know, the less a shock occurs and I think
21 he was counting on me and the others to handle
22 probably what would be some shock effect as a result
23 of seeing reductions, as you can see with [REDACTED] as
24 being one example.

25 I am sure it was a shock to some of those

1 people. Like I said, I had an inkling somewhere in
2 February that there probably was going to be some
3 change. I was not shocked when I heard conversation
4 directly from [REDACTED] and I knew that [REDACTED] -- and
5 this is you get to anticipate other people's moods,
6 but I know that [REDACTED] told me for the purpose of
7 trying to help manage the impacts that more than
8 likely would occur with reductions in force.

9 Q When he told you that 24 hours before
10 making the formal notice to the other officers, did he
11 ask for your -- uh, if you approved of his decision,
12 your approval or your concurrence?

13 A Nope.

14 Q No, he said it was his decision to do
15 that?

16 A He said I've decided that we are going to
17 eliminate positions. These are the positions and
18 these are the people in those positions and they will
19 go into an excess pool and have the opportunity to
20 seek employment within the company.

21 There is a policy and a procedure for that
22 and after such amount of time if nothing is found,
23 then they will be given a severance package.

24 Q Did you, and I am asking your opinion
25 here, because there has been a couple of different

1 things said. Not a lot different but I am trying to
2 slice this down a little bit.

3 A Uh-huh.

4 Q I heard the words mentioned her job was
5 over. It was a yearly job, her job was over. I've
6 heard that and I think you said that. If you didn't,
7 I apologize but I've read that.

8 A Okay.

9 Q All right, so in the decision to eliminate
10 her position, was it that or was it performance based,
11 not getting results, not value?

12 A It may have been both.

13 Q Right, I am trying to understand that.

14 A I think that, you know, I don't know how
15 the different paths came together to say here is the
16 decision but I would surmise that it was both a
17 decision based on what positions may be considered
18 excess when we compare ourselves to the industry and
19 then looking at it, because I don't believe that [REDACTED] 7C
20 was one that made decisions in a vacuum. Just because
21 a number is set, it might be different. He would do
22 some review to determine if there is value that is
23 coming from that, it may be worth our while to keep an
24 excess for some period if we think we are getting
25 results from that particular area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Just because we are a delta, so what? In
2 this particular case, I believe both things lined up.
3 There was a delta from a perspective of excess from
4 comparison to other people or other plants and we
5 weren't getting all that I think we thought we should
6 be getting for the time and effort and money that was
7 being put into it and so two out of two lined up and
8 said this is probably the right one to move out.

9 BY MR. BARBER:

10 Q I want to ask you a follow up. You
11 mentioned earlier, you talked about a Navigan Study?

12 A Uh-huh.

13 Q And I think the way you described it was
14 that it was a study of the way resources are allocated
15 for various processes for different plants?

16 A Yes.

17 Q And what it told you was at Salem and Hope
18 Creek, that there was an overabundance of staffing
19 issues?

20 A Uh-huh.

21 Q Was there an overall goal, whether it had
22 been verbal or written to take the recommendation to
23 the Navigan Study and implement them?

24 A Yes.

25 Q With caveats or just to say, okay, if it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 says we have to review X number of positions, we are
2 going to go after X number?

3 A Here is how it went, you did a GAP
4 analysis in 2002, hire Navigan too -- when we looked
5 at our dollars, our O&M dollars and looked at what
6 percentage is going to what contributions, what is
7 going to outages, what is going to your fixed labor,
8 what is going to your materials. You take those three
9 large chunks and say Navigan said we will take a look
10 at your key processes, the ones that everybody uses,
11 we will look at your numbers in these areas compared
12 to others and we will give you some delta report that
13 you can use to give yourself some sense of where you
14 gaps may exists.

15 When all was said and was done, we found
16 ourselves not too far out from everybody else in
17 material costs, not too far out in terms of auditors
18 costs, a few million dollars.

19 Our largest single component was fixed
20 labor. We were a hundred people different than the
21 other places of similar size, similar complexities,
22 with the similar processes. 7C

23 With that being said, [REDACTED] had
24 the responsibility in the business development to take
25 that and to shape it into a site-specific type of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going forward direction on how we might apply that
2 knowledge now to a custom type of application because,
3 as I am sure you know, Navigan gives you a comparison
4 for the best in this process, the best in this
5 process.

6 You don't necessarily find that one site
7 has it all at one time, so you do make some judgments
8 on some give, some take to that and that is exactly
9 what [REDACTED] function was, was to take that
10 stuff and to try to give [REDACTED] recommendations on
11 where we should implement and where are areas we may
12 want to deviate and that decision making was done
13 entirely by [REDACTED].

14 SPECIAL AGENT TEATOR: Jeff, a question?

15 MR. KEENAN: Yes, sir.

16 SPECIAL AGENT TEATOR: That study that [REDACTED]
17 [REDACTED] is talking about, has that been provided as
18 part of the package? If not, I guess that it would
19 be.

20 MR. KEENAN: Yeah. No, it has not been
21 provided. It just simply hasn't come up in this
22 context. We would be glad to supply it to you.

23 SPECIAL AGENT TEATOR: Okay. Thank you.

24 BY MR. BARBER:

25 Q What I am just trying to understand for

1 the record, was there a predisposition to target, and
2 you described a hundred positions as being the delta.
3 Was there, after [REDACTED] got done with his
4 review, did he come up with a number that you would to
5 go after, 50 or 60 or some portion of that 100 people
6 and say we need to reduce our staff by this amount by
7 X time and keep the ones that we think we are getting
8 a benefit from?

9 A Yes.

10 Q Was there something like that?

11 A Something like that. What [REDACTED] did was
12 Navigan told us where the deltas were. We had the
13 deltas in terms the dollars. [REDACTED] conferred the
14 dollars to full-time equivalents for our site given
15 payroll, taxes and those kinds of things and came up
16 with an approximate full-time employment number.

17 What he then did was, he looked at full-
18 time equivalent comparisons from one place to another
19 based on different processes and that is where we
20 identified where surpluses may be prime for us to
21 examine.

22 Q Okay, and I think the ones you mentioned
23 were you said there was reductions in IT. There was
24 IT, work management, business plan, staff in general;
25 were they consistent with where his modeling said that

1 reduction should take place?

2 A Very similar.

3 Q Was [REDACTED] pushing that also?

4 A Yes.

5 Q Was [REDACTED] taking that and endorsing that
6 and saying there is an issue with this stuff. We need
7 to move in this direction. We need to align ourselves
8 to the best practice in the industry from a cost
9 control standpoint?

10 A That was a Business Plan objective we
11 committed to, to the corporation, was to put ourselves
12 into cost alignment as compared to other investment in
13 the industry.

14 We had three objectives we were trying to
15 do in [REDACTED] regime, become top quartile in safety,
16 reliability and costs and costs was one that we had
17 made zero progress in a couple of years and we had
18 said at 2002 to 2003, we have to make that part of our
19 next focus and so that is what initiated the Navigan
20 Study in late 2002 and that is what initiated the
21 actions that were taken in February-March of the first
22 wave of staff reductions under [REDACTED] regime and the
23 second half of the eliminations for consolidations was
24 in June, July and August under [REDACTED] regime.

25 If [REDACTED] elected to under his part, rather

1 than just do a stamp reduction as such, he made an
2 organizational change, in which case we combined
3 things to find people in excess and did a selection
4 process based on who was the best employees that we
5 had based on the qualifications, other, and re-
6 selected the jobs that -- and that is how we ended up
7 with people leaving the company after that.

8 BY SPECIAL AGENT NEFF:

9 Q And was Dr. Harvin aware that her position
10 was seen as a temporary position?

11 A That's a good question. I don't know if
12 she did or did not. I think if you asked her, she
13 would say she thought it was forever. I can tell you
14 that [REDACTED] had said it was always a year by year type
15 of evaluation.

16 Q And were you part of any conversations,
17 meetings, any communication to her that you witnessed
18 that indicated to her that it was a temporary
19 position?

20 A I don't know. Uh, I don't know whether it
21 was or was not but I mean with her present, I don't
22 know.

23 Q That you would have knowledge that she
24 would be aware that it was a temporary position, was
25 there anything that would lead you to believe she knew

1 that?

2 A Well, I thought I knew that it was
3 probably temporary and I guess I would say I assumed
4 that she probably did but that may be a very erroneous
5 assumption but, you know, that was just what my
6 perception was.

7 BY SPECIAL AGENT TEATOR:

8 Q But you did hear [REDACTED] say on more
9 than one occasion there, jobs like Dr. Harvin's would
10 be evaluated on a yearly basis?

11 A Yes.

12 Q You are confirming that?

13 A Yes.

14 Q All right.

15 BY MR. BARBER:

16 Q Did she ever hear that just in general,
17 you know, that she attended a staff meeting --

18 A I can't --

19 Q -- When he made a statement like that and
20 so --

21 A She wasn't a part of the staff meetings,
22 so I couldn't tell you. You know, we may have had
23 conversations but she probably was not present at
24 those but I know that we had conversations around
25 some of those positions like the one that she had that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

AK 7C

1 it was clear in our minds, the [REDACTED] and [REDACTED] that it
2 was not a full-time forever job, four years at the
3 plant.

4 It was a temporary job. It was never
5 intended to be long term. It was intended to be kind
6 of a jump start to help things along at some point
7 that it would no longer be needed and that we were
8 going to do a review in some fashion periodically to
9 assess whether we were still in the need of having
10 that position or not.

11 SPECIAL AGENT NEFF: We have a third tape
12 recording to play and so we will go ahead and --

13 SPECIAL AGENT TEATOR: Okay, this is a
14 voice mail.

15 MR. BARBER: Do we want to stay on the
16 record or go off?

17 SPECIAL AGENT NEFF: Oh, Rose, let's go
18 off the record. It is approximately 4:40 p.m.

19 [Pause.]

20 SPECIAL AGENT NEFF: We are back on the
21 record at 4:43. What we did was play a message that
22 begins, it says: Kymn, from you, I don't have a date
23 on here. Identify yourself and then you begin to talk
24 about a [REDACTED] in there and what we would like to know
25 is that having heard that, do you know you were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 talking about that? Do you know what this message was
2 about?

3 THE WITNESS: I know what the message came
4 from and this was around the PR-2 valve problems we
5 had in November of 2002 and we were taking on some
6 very difficult performance issues with technicians who
7 did properly put a valve back together that had some
8 pretty significant consequences.

9 Right after that --

10 BY SPECIAL AGENT NEFF:

11 Q Termination, is that what you're talking
12 about?

13 A Yes. We also had a series of a couple of
14 other events. We had a reactive scram and we had some
15 inadvertent entries into LCL's and we had a personal
16 industrial injury and we had five of these kinds of
17 things occur in a very short period of time.

18 I had made presentations to all of the
19 maintenance department because most of the items were
20 coming from maintenance. [REDACTED] was the
21 [REDACTED] and I felt it important to
22 address them about the standards of performance that
23 we were operating, tool maintenance, the issues that
24 we were having and that the kinds of mistakes that
25 were occurring were not a result of poor training,

1 they were not a result of inadequate procedures. They
2 were carelessness by employees and that I had no
3 alternative but to take these things on as they were.

4 I wasn't going to shotgun the entire
5 department but I was going to take these individuals
6 and the people involved with it and we were going to
7 have to step things up.

8 [REDACTED] and I were under a great deal of, I
9 would say, pressure from the Union because as any time
10 you take five or six Union employees that are five,
11 ten, fifteen years with the company and are telling
12 the Union that these potential five or six people may
13 not have employment, that has a tendency of creating
14 a lot of contentiousness in the air.

15 I also told the Union that I was pushing
16 the management to take a harder approach on stop
17 times, quit times, break times and other areas that we
18 were just completely taking at liberty well beyond any
19 intended ideas.

20 That we were going to have less tolerance
21 on people not being adhering to procedures and
22 performance expectations that we had and what I was
23 telling [REDACTED] is that is not a request, that is an
24 expectation and that I expected that given we had the
25 contentiousness with a few people and the fact that I

All TC

1 told the Union directly we were going to raise
2 standards, that there was going to be a lot more heat
3 on our first-line supervisors and superintendents,
4 particularly those who were trying to enforce
5 standards and that I thought Kymn might be able to
6 provide [REDACTED] some thoughts or ideas on how we could
7 provide resource support for those people who were
8 going to make a stand and try to enforce performance
9 standards.

10 SPECIAL AGENT TEATOR: Among the Union
11 people?

12 THE WITNESS: Yes.

13 SPECIAL AGENT TEATOR: All right.

14 BY SPECIAL AGENT NEFF:

15 Q Okay, and so one of your comments in here
16 that we would just like to get you to explain what you
17 meant about them was, you lead into it from -- you are
18 talking to Kymn. [Reading] I think that this is

19 the best thing at this point.

20 We need help with this in

21 keeping [REDACTED] and some of the

22 people in his department from

23 moving sleep. I think that the

24 issues that we have at this

25 point require courage, a great

1 deal of personal fortitude and
2 that is not easy in an
3 environment that does not want
4 to step out in front.

5 What do you mean by that? Particularly in
6 regard to the environment, one that does not want to
7 step out in front?

8 A If this is a surprise to you, it would
9 shock me and that is that Salem-Hope Creek has had a
10 25-year history of low performance and there is a
11 reason for that and the reason is that first-line
12 supervisors of management in general, when the
13 opportunity surfaces itself, it does not address or
14 confront the performance issue face to face with the
15 individuals.

16 It has the tendency of overlooking it, has
17 the tendency of justifying that, well, he meant well
18 and this is just one time. Those kinds of things.

19 Over time, that becomes the way of life
20 and then when you recognize we are having events
21 because that culture has been allowed to promulgate so
22 long, it is an unacceptable position to be in and we
23 now have to have people that have to draw the line.

24 Enough is enough and because we knew that,
25 those that were willing to do it, and there were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 people that wanted to do it, were willing to, but they
2 wanted the support from me. They wanted support from
3 the rest of the management that they hold people
4 accountable. They are not going to be cut off at the
5 knees and so I suspected that maintenance was going to
6 have a lot of heat because there was going to be a lot
7 of push back with 20 or 30 supervisors trying to do
8 the right things that 300 maintenance people are going
9 to find reasons why they don't want to do it. That is
10 a large burden on those guys.

11 I knew that. [REDACTED] knew that and so we
12 thought how could we try to provide some resource
13 help? It doesn't mean we do their job but it might be
14 allow someone to talk to them. It might be someone to
15 allow them to vent with it.

16 I was coming purely from that perspective
17 that, you know, Kymn is not a complete, you know,
18 waste of time. She is not a complete ineffective.

19 I don't want to give you that message. I
20 did see Kymn as having some benefits. One of the
21 benefits was that she was compassionate with people
22 and could empathize with them. Sometimes just having
23 someone to talk to is all that it needs.

24 It doesn't mean it solved anything but
25 just allows a clearing of the air of someone's soul,

1 that in itself is therapeutical and I thought given
2 the courage that we were going to need to take on some
3 of the issues, there were going to be people that were
4 going to need some people to talk to and so I thought
5 Kymn could play a fairly useful role in that capacity.

6 BY SPECIAL AGENT TEATOR:

7 Q When do you think that was, or that
8 happened, it coming to a head?

9 A November of 2002.

10 Q All right.

11 A Right after the PR-2, it was very, very
12 contentious.

13 BY MR. BARBER:

14 Q Could you explain the Union's response to
15 that, [REDACTED] It might be helpful, to the event.

16 A The Union was extremely upset with the
17 position we were taking and --

18 BY SPECIAL AGENT NEFF:

19 Q And this is about the termination? You
20 said five or six terminations?

21 A Yeah, I had, you know, I believe and when
22 I know that there is those kinds of performance
23 issues, I will call the IBEW president, man to man and
24 tell him I don't know how things are going to work
25 out, but the worst case might be is that five people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-0744

www.nealrgross.com

1 might find themselves out the door here.

2 Now, you could yell at me, you could do
3 all of that, do the investigations, confirm what you
4 hear from me first. That is a possibility before we
5 are going to begin the investigations.

6 Q Well.

7 A That goes over like a lead balloon.

8 He says, you know, I've got it, you are
9 going to do your job and I am going to do my job. You
10 know, that is generally how we would communicate and
11 what that meant was, is I will do my investigations
12 and he is going to try to give his side of the
13 argument and wherever I say there is a problem, he is
14 going to say there is not a problem and that is kind
15 of a tag team that takes place with the bargaining
16 unit, particularly when you are talking about
17 employees permanency.

18 The Union put a lot of pressure on our
19 corporate HR and had insinuated in some way, shape or
20 fashion that if we didn't back off on some of these
21 things that they may elect to do some sort of
22 information picketing outside of the power plant and
23 the company did not want that kind of publicity and so
24 we had backed off on a couple of our positions in
25 order to give us some time to think through some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-2704

www.nealrgross.com

1 things and see if there was another approach in doing
2 business.

3 That took several months of time. In that
4 period of time, the Union pulled out of all, uh,
5 involvement type of things that you typically would
6 see, writing tags, participating in outage planning,
7 recruitment initiatives, anything like that, the
8 Union's position at that point was we are no longer a
9 participant in anything other than doing just our job
10 classification until these issues are resolved. So
11 that just makes it somewhat of a tougher environment,
12 particularly with the first-line supervisors who are
13 still expected to get work done every day.

14 SPECIAL AGENT NEFF: Do you have anything
15 further on that, Jeff?

16 SPECIAL AGENT TEATOR: Do you want to take
17 a break?

18 MR. BARBER: That would be good.

19 [Laughter.]

20 SPECIAL AGENT NEFF: All right, I think
21 that is a good point. We will go off the record. It
22 is approximately 4:54 p.m.

23 [Whereupon, a short recess was taken.]

24 SPECIAL AGENT NEFF: Okay, we will go back
25 on the record and it is approximately 5:30 p.m.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3704

1 BY SPECIAL AGENT NEFF:

2 Q During the course of Dr. Harvin's
3 employment, at any point in her employment, did Dr.
4 Harvin raise any concerns regarding nuclear safety?

5 A No.

6 Q Did she express the concerns of others
7 regarding nuclear safety to you?

8 A No.

9 Q Did she express the concerns of others
10 regarding nuclear safety to anyone else to your
11 knowledge?

12 A Not that I know of.

13 SPECIAL AGENT NEFF: While we've been
14 going through the Safety Council's Work Environment
15 Inquiry, what we have done is explored a number of
16 instances with the different people that were
17 interviewed that indicate at different points in time
18 and involving senior management and operations
19 management, and individuals that there was some
20 disagreement, some differences of opinion in terms of
21 how the plant would be operated and primarily in terms
22 of start up and shutdown and one of the incidents that
23 we talked about was the -- it occurred in March of
24 2003 and had to do with a bypass valve that was stuck
25 open initially.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

1 I am going to rely on Scott to do a
2 technical summary just to make sure we are all
3 thinking about the same thing. He can do a better,
4 uh, better introduction.

5 MR. BARBER: Okay, what I will do is I
6 will try and summarize it as best as I can and if I
7 don't get something right, you can correct me.

8 Somewhere about March 12 or 13, Hope Creek
9 entered a forced outage to address three issues.

10 One was the B Diesel Generator exhaust
11 leak. Another one was the Might SRV tailpipe leakage
12 and the third was the B Erector Resort Pump seal leak.

13 THE WITNESS: Uh-huh.

14 MR. BARBER: The jobs went fairly well.
15 There were repairs that were effected and the unit was
16 started back up and during the start up, after the
17 main generator was synced to the group, the number 2
18 triple bypass valve would not go closed. It was stuck
19 about 48 percent open roughly and the operators did
20 some checks, did some additional reviews, concluded
21 the valve was inoperable and then they called you on
22 Friday night. That would have been about March 15 and
23 had a discussion with you about that and I think there
24 was, as part of the discussion may have revolved
25 around getting GE involved.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-2701

1 THE WITNESS: Yes.

2 MR. BARBER: You know, what kind of
3 trouble shooting should be done, what the nature of
4 the problem was and the plan was to get GE involved
5 the next day, on Saturday, the 16th, to see if the
6 problem was electronic or electrical or hydraulic.

7 And, apparently, they did get involved.
8 They said, you know, you really needed to take the
9 unit off and then there was a subsequent discussion on
10 Saturday between yourself and a number of others. It
11 may have been like [REDACTED]
12 [REDACTED] and maybe as many as ten people total and I
13 think we asked [REDACTED] at the time, you know, what
14 do you need to do this and he said, well, I want to
15 change some procedures. I want to train my people.
16 I probably need at least 24 hours to do what I need to
17 do and you said, okay, that's fine, go ahead and cut
18 off and do that and so he went off to do that.

19 And there was a procedure development that
20 took place on Saturday. There was some work in the
21 simulator. There was a few problems through the
22 development but basically they did come up with
23 something and then they performed the evolution on
24 Sunday and that would have been March 17.

25 During the evolution when they were trying

1 to take the unit off in a controlled fashion, they had
2 three of the control stations in manual and they ran
3 into some problems and had two reactivity management
4 nuts. There was a smaller one and a little bit bigger
5 one. The first one was about a one percent power
6 increase and they stopped and they reviewed it and
7 they tried to understand what happened. They had
8 thought they had a pretty good handle on it.

9 Continued on, tried to control the unit
10 and then they had a second one, a little bit more,
11 they were about 6 or 7 percent power and they spiked
12 up to about 13 to 14 percent, somewhere in that range
13 and that was with the scram set point being at 15
14 percent.

15 THE WITNESS: Correct.

16 MR. BARBER: A review of that. There were
17 some problems with radio control in that they were on
18 the manual, uh, they had manual control of the turbine
19 bypass valve jack and that seemed to be part of the
20 cause of the problem. There may have been some other
21 issues related to that.

22 They eventually got through the evolution.
23 The unit was scrammed as it would normally be, just
24 this part of taking the unit off line and when the
25 unit was scrammed, the number 2 turbine bypass valve

1 wouldn't shut which sort of was not expected because
2 of the circumstances.

3 Then there was -- that was Sunday night
4 and it spilled over into Monday morning and it was
5 Monday morning you became aware of that in some way
6 shape or form, in the morning, 7:00 or 8 o'clock,
7 whenever it was and then there was a fairly lengthy
8 discussion about what to do.

9 Where do you take the plant, you know,
10 whether to stay where we were at, go up, go down, what
11 have you and I guess that is where I want to stop and
12 turn it over to Jeff and Eileen.

13 MR. KEENAN: Is that a fair synopsis?

14 THE WITNESS: Yes.

15 MR. KEENAN: Do you have something to add
16 or differences?

17 THE WITNESS: No.

18 MR. KEENAN: Okay.

19 SPECIAL AGENT NEFF: That brings us up.

20 THE WITNESS: Sure.

21 BY SPECIAL AGENT NEFF:

22 Q What we would like to get into with you is
23 to get an understanding of where did this discussion,
24 where did that discussion go at that point in time?
25 What was being considered by the bypass now in that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-2701

1 shut position in terms of where the plant is going to
2 be moved?

3 A First of all, the plant was shut down
4 through all the windows, all rods were in, the plant
5 was not critical. What we were talking about is
6 staying at rated temperature and pressure or whether
7 we should continue the cold down and the cold
8 shutdown. That was the mode we were in.

9 When the valve was closed, it is hard to -
10 - someone in the Outage Control Center from
11 Engineering -- I don't remember which person it was
12 who had said, this is not what we expected and we need
13 to do some additional testing to make sure we fully
14 understand why we had the conditions of the plant the
15 way it is, meaning is we got the right temperatures,
16 we have got the hydraulic system and everything is at
17 normal reading here, why did we suddenly get a change
18 in the way the plant is behaving.

19 I said, okay, what would -- so who knows
20 what and the answer was, well, this is what we know
21 and we are now beginning to talk with all of the, right
22 parties and formulate a direction. Fine. That is
23 something.

24 I called [REDACTED] and I said, [REDACTED],
25 are you aware of the -- you are the [REDACTED] and

AM 70

1 so you are aware of where the plant is and he said,
2 yes, I am.

3 I said, what do you think and he said,
4 well, he goes it looks like, you know, the valve won't
5 close, yah-t-yah-t-yah-t-yah and I said, well, it
6 looks like engineering has got some troubleshooting or
7 additional testing they want to do to fully understand
8 what is happening. What do you think?

9 And he said, well, that makes sense and I
10 said, all right, well then why don't we give that the
11 go ahead and the plant stay where it is for a few
12 hours and let engineering finish their testing and see
13 if they could fully understand what's happened here
14 and then we will make our next moves.

15 That was around 7:30 or so in the morning.
16 At about 9:30 in the morning, I got a call from [REDACTED]
17 [REDACTED]. He was a bit heated, I mean upset, and he said
18 I want to take the plant and go to cold shutdown and
19 fix the plant and I said, well, okay. Do we know what
20 the problem is? He said, well, we know that the valve
21 wasn't working the other day and now I am going to
22 close.

23 I said, all right, let's not have this
24 conversation on the phone, why don't you come over?
25 I brought in a whole bunch of other people: [REDACTED]

1 [REDACTED] and said,
2 let's talk through what we have. What do we know?
3 What do we don't know and [REDACTED] was -- told us where the
4 plant was and he and I got into some discussion about
5 what's operable, what is not operable, what is the
6 basis of operable and so we could fully understand
7 whatever direction we took, how we were going to go,
8 march forward in those directions?

9 Somehow, I think there was a
10 miscommunication between conversations that I had with
11 other parties and those parties having conversations
12 with [REDACTED] and so [REDACTED] and I were not on the same page of
13 where we were with things.

14 [REDACTED] thought we were shutting down, going
15 to cold shutdown. I thought we were in a hold pattern
16 to let engineering finish testing.

17 So, this meeting was to try to make sure
18 do we have everybody on the same page and we aligned
19 ourselves that we would, uh, we knew now, after those
20 couple hours had passed, we actually had determined
21 there was something inside the valve that was
22 confirmed by some testing that was done and [REDACTED] said,
23 I think we have enough, let's move forward and shut
24 down the plant, continue with cold, go to cold
25 shutdown and then fix the valve. That was the end of

1 the discussion. It took about 45 minutes and we
2 proceeded in the path to go to cold and fix the valve.

3 Q The discussion that took 45 minutes was
4 specifically what then?

5 A A review of what we knew and what we
6 didn't know and what was the condition of operability
7 and the basis of operability of the bypass valves and
8 RPS license.

9 Q This meeting that you are saying took
10 place and when you called [REDACTED] can you place who
11 all was in this meeting?

12 A [REDACTED]
13 [REDACTED] and there might have been [REDACTED] from
14 QA. I am just thinking of who I typically would have
15 had for a discussion like this. I generally like to
16 try [REDACTED] and myself with the heads of state in
17 different areas and have a discussion on what we know
18 and make sure that all factions of the story are
19 understood. So, I think those would have been the
20 players.

21 BY SPECIAL AGENT TEATOR:

22 Q You made a comment that [REDACTED] was
23 heated, at what point in this time frame did you hear
24 that?

25 A When he called me at 9:30.

1 Q All right.

2 A He expressed that he thought that there
3 was -- was there a problem with us going forward to
4 shut down the plant and I said, no. I said, I've hear
5 engineering want to do some testing. He says, well,
6 I don't know anything about engineering doing testing
7 and I said, okay. We are obviously not on the same
8 page, let's get everybody together and let's talk
9 through what we know and make a consensus direction of
10 what is the right thing to do.

11 He said, I want to make sure we are going
12 to fix the valve. I said, there is no question we are
13 going to fix the valve. I just want to understand
14 what we know and what we don't know. That was the end
15 of the conversation.

16 Then he came over. We had the discussion.

17 Q With the group of people there?

18 A With the group of people and then we went
19 out. We went to cold shut down and fixed the valve.

20 Q And this discussion with the group of
21 people, about how long did that last?

22 A Forty minutes, if that. Maybe a half
23 hour. By 10:00 -- 10:15, we were in the direction of
24 proceeding the cold shutdown and continue with the
25 cool down to fix the valve.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

www.nealrgross.com

1 BY SPECIAL AGENT NEFF:

2 Q So as of 10:00 or 10:15, prior to 9:30,
3 had you had any discussions with [REDACTED] - 7C

4 A No.

5 Q Is there any chance that you off on your
6 recollection of the time frame that this meeting
7 lasted? It has been reported that it was quite a bit
8 longer than that.

9 A I don't believe so.

10 Q What about in terms of what was being
11 considered, hold on or shut down; was there any
12 discussion at this point about considering starting
13 up?

14 A Sure. What we looked at is what was the
15 condition of operability, what was the basis of
16 inoperability, what would the basis be for operability
17 and if we had conditions that suddenly changed, we
18 thought at first it might have been a mechanical
19 problem. We thought it was an electrical problem.
20 Then when it closed, we thought well maybe it is an
21 electrical problem and we don't have to go intrusive
22 to the system. If we didn't have to go intrusive to
23 the system, then it wouldn't necessitate us to go to
24 cold shutdown, we could make the repairs external to
25 the valve components, not having to go internal. That

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3704

www.nealrgross.com

1 is all we were doing was exploring what were the
2 possibilities.

3 SPECIAL AGENT TEATOR: Who is the we
4 you're talking about?

5 THE WITNESS: The people I said was at the
6 meeting.

7 BY SPECIAL AGENT NEFF:

8 Q Who else, who were the people that would
9 have considered start up at that point? Who was
10 fronting that as a possible suggestion?

11 A I probably was. It is an element when you
12 are looking at all ends of the spectrum, it is not
13 that any one is right or wrong, you ask the questions
14 to determine is that the right thing or the wrong
15 thing. That is the context of the way we were asking
16 questions or at least the way I was attempting to ask
17 questions about where we stood with the power plant.

18 Q Was there anybody else that seemed to
19 endorse starting up with the valve in that position?

20 A I don't think anyone was endorsing
21 starting. Those are not the correct words. The
22 discussion about returning the unit with what we knew
23 or didn't know is what we were trying to have
24 understanding about.

25 BY SPECIAL AGENT TEATOR:

1 Q Where was the other people now at the
2 meeting? You now had the people assembled.

3 A It was in my office.

4 Q In your office, okay. Where are the other
5 people coming down as far as this discussion?

6 A I don't think that there was anybody in a
7 different camp other than trying to understand [REDACTED] 7C
8 position of why were we inoperable and now that we
9 have a piece of equipment that worked, how were we
10 going to demonstrate operability with what recently
11 occurred?

12 We needed to have some sort of position so
13 we could find out, we called it inop, how are we going
14 to call it operable? Fix what, do what?

15 Q Had anything been called inoperable
16 formally?

17 A Yes.

18 Q It had been?

19 A Yep, it was called inoperable by the shift
20 that night, so there wasn't any debate whether or, uh,
21 not we were not in an LCL. The LCL was a 72-hour, we
22 had to go to cold shutdown. We were in that
23 condition. We were in it about eight or so hours, so
24 we were in the path of going into cold. What we did
25 was we held for a short period of time to try to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 understand now that we had some phenomenal change,
2 does that provide us some better insight of what it is
3 that we are going to have to go do.

4 BY SPECIAL AGENT NEFF:

5 Q The way that the situation has been
6 described, this particular meeting has been described
7 for us is --

8 A By who?

9 Q By a number of people that we've
10 interviewed and by the people that were there as well.

11 A Okay.

12 Q Is that it was -- they were pushed to
13 start up the unit, in the face of what operations
14 management wanted to do and that was to go to cold
15 shutdown, that there was a push, there was a debate
16 and it went lengthier than 45 minutes. It lasted
17 approximately three hours. Do you understand --

18 A That isn't true at all.

19 Q Okay.

20 A That is not true.

21 Q In addition to that, what we are hearing
22 is that there were can'ts on that position and that
23 you were on one side of it looking for startup and
24 that the others were either not arguing with starting
25 up or pretty silent on the issue and it came down to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

www.nealrgross.com

1 a disagreement between you and [REDACTED] that got
2 heated. TC

3 A I don't know that heated is the right
4 word. To make sure, it is my job -- I need to make
5 sure it is clear to you it is my job to ask the
6 questions from every possible front. Why is it the
7 right thing? Why is it the wrong thing? Why is it
8 okay to start up? Why is it not okay to start up?
9 That was my job in the [REDACTED] - TC

10 I had people in there who had
11 responsibilities making decisions that were unclear
12 why they were making what they were making and,
13 therefore, we didn't have a clear direction. Having
14 an unclear direction is not considered to operate that
15 power plant.

16 Now, the avenue I wanted to go was to
17 create the conversation and say, well, let's start up,
18 let's see what conversations we generate. We can't
19 start. Why can't we start up? Well, we have this
20 problem and this problem and this problem. Okay, how
21 do we know we have that problem? This guy had that
22 testing results. Okay, now we are getting clear on
23 what the issue is. Now we have some understanding of
24 how we are going to manage as a group what to do with
25 it in order to make the right decisions for things.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 That is just good healthy dialogue.

2 BY SPECIAL AGENT TEATOR:

3 Q Well, it has been described to us that
4 some people didn't think it was that healthy. That is
5 why we are talking about it.

6 A That is their opinion.

7 Q Well, I mean, yeah, it is but we need to
8 get you -- where you were coming from and the basis
9 for where you were coming from and so we are exploring
10 that right now.

11 MR. KEENAN: But our client can only give
12 his perspective of the meeting.

13 SPECIAL AGENT TEATOR: Right.

14 MR. KEENAN: Irrespective of others.

15 SPECIAL AGENT TEATOR: Well, his
16 perspective doesn't jive with what has been told to us
17 by other people who were at the meeting and so we are
18 exploring that.

19 MR. KEENAN: I understand that.

20 THE WITNESS: I am telling you what I
21 believe it was from being there.

22 Yes, [REDACTED] and I had probably more of the
23 interaction than some of the others did. I was
24 testing [REDACTED] as both the [REDACTED] and the [REDACTED].
25 You're making a decision. Please make me understand

1 how you are making that decision and how is it we are
2 going to be able to maneuver going forward with what
3 we know?

4 That is an expectation of a senior
5 manager. You don't make decisions on the seat of your
6 pants.

7 BY SPECIAL AGENT TEATOR:

8 Q Well, people we have interviewed direct
9 when they described it, from their perspective, it was
10 a black and white issue. It was we need to shut down
11 and fix the valve. That is their perspective, black
12 and white, and the push back is coming from you.

13 A Well, sure, why wouldn't it?

14 Q Well, because you had your people in that
15 meeting, everybody bought you apparently. We think it
16 is a black and white issue. There isn't, we have
17 debated a little bit, we have debated enough.

18 A That that was the Morgan Fox, Morgan
19 Final, whatever those guys are. I don't want group
20 think. My job is to create healthy discussion and
21 make sure that the complete picture is understood
22 before actions are taken when we're talking about a
23 nuclear reactor.

24 BY MR. BARBER:

25 Q Well, wasn't there a shift just to comply

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with Tech Spec's sub? You said they were 72-hours in
2 Seattle. They made an allegation of the fill of Tech
3 Spec requirements?

4 A Well, the answer is, we were in Tech Specs
5 and we had -- we were in the shutdown. All actions
6 were being taken. We have closed, we have scrambled
7 the unit. The unit was commencing a cold shutdown.
8 We are talking about two, three, four hours of what I
9 would say a hold period but we were continuing to
10 depressurize as temperature was going down. We were
11 still moving in shutdown.

12 Q But not, not intentionally. I mean you
13 can't, say, if you are drifting down, you can't take
14 credit for that, that they were shutting the unit down
15 if you are the backholder. I mean that's not -- you
16 know, that is not the purpose the Tech Specs describe.

17 A My job is to run the plant from the spec
18 of meeting the Tech Spec requirements. If I can
19 manage inside the 72 hours, I am entitled to do so, am
20 I not?

21 BY SPECIAL AGENT TEATOR:

22 Q But you are not the senior guide, the
23 senior license holder on the shift at that time, isn't
24 that correct? Isn't [REDACTED] that person?

25 A No, [REDACTED] was not the senior guy.

1 Q Well, that's what the understanding was.

2 A To my understanding, he was [REDACTED]

3 [REDACTED] had information that suggested
4 some of the testing information, was saying, hey,
5 there may be some other information we need to
6 understand and so before we lose the understanding of
7 what is happening, we don't want to find ourselves --
8 we need the current temperatures and conditions to
9 understand how this valve is working after some
10 thermal finding issue.

11 That is why engineering was so interested
12 in trying to capture anything that could be gathered
13 at this point and not lose evidence that may be
14 germane to understand what to do with the problem
15 since we had the problem and then suddenly it
16 disappeared.

17 Q Who is the [REDACTED] you are talking
18 about?

19 A It would have been internal. It was [REDACTED]
20 [REDACTED] on midnights and --

21 MR. BARBER: [REDACTED] I think in the
22 morning.

23 THE WITNESS: Was it [REDACTED]

24 MR. BARBER: I think so.

25 THE WITNESS: I don't know.

All 7c

1 MR. BARBER: I may be, wrong but I think it
2 was [REDACTED]

3 THE WITNESS: [REDACTED] was the [REDACTED]
4 [REDACTED] and [REDACTED] on
5 midnights. I don't know who the shift manager was on
6 day shift. I don't remember who that was.

7 BY SPECIAL AGENT TEATOR:

8 Q So was the shift manager at this meeting
9 that you've described?

10 A No, he was not.

11 Q Was he on the phone?

12 A No.

13 Q If he is the senior license holder, why
14 not? I mean that's --

15 A We weren't in the position of deciding
16 anything. We were having a dialogue about what do we
17 know and what don't we know and how is it we think we
18 are proceeding in the correct manner for the plant and
19 for the conditions that we understood. It was simply
20 to gain understanding so that we knew how to recover
21 from whatever decision we had made thus far for
22 considering the equipment inoperable.

23 MR. KEENAN: May I ask one more technical-
24 based question?

25 When the reactivity event occurred, is

1 that when you were coming down in power or coming up
2 in power?

3 THE WITNESS: Down power.

4 MR. KEENAN: So you can't have issues when
5 you maneuver the plan in a down power situation,
6 reducing power.

7 THE WITNESS: And I think it is important
8 to know the plant wasn't -- was shut down. What we
9 were talking about is reaching cold shutdown and so
10 the plant was not critical. There was no imminent
11 danger.

12 I can elect to cool it down by dumping
13 steam. I can elect to cool down by letting natural,
14 you know, heat dissipation. I mean I am still in that
15 path.

16 The rate is different and all of that kind
17 of stuff but two hours or three hours to think through
18 what we have after a very significant change in
19 conditions, I don't think it is unreasonable to have
20 an understanding.

21 BY SPECIAL AGENT TEATOR:

22 Q You keep using the word "I" though. You
23 are not operating the plant at that point.

24 A I am accountable for the power.

25 Q I understand that but you are not

1 operating the plant. You had the shift --

2 A I am not operating the plant.

3 Q Right, you had the shift who it appears --

4 A It is my job to involve myself and
5 understand what decisions are being made. That is
6 what I was doing.

7 Q Right, but you had your shift who we
8 understand believes that this is a black and white
9 issue, we need to shut the plant down to fix the
10 valve.

11 A Did they have all of the information? The
12 answer was no. They didn't know what engineering's
13 analysis said. [REDACTED] didn't know what engineering
14 had been doing or not doing. 7C

15 Q But aren't they following the Tech Spec at
16 that point going towards cold shutdown?

17 A Yes, they were and you have an accountancy
18 --

19 Q That is a requirement, right? I mean
20 isn't that a license requirement you are supposed to
21 do?

22 A Slow down, please.

23 Q Well, I am making my point.

24 A I am talking accountability.

25 THE REPORTER: Gentlemen, with you all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 talking at the same time, we are not going to have
2 much of a record, so please --

3 SPECIAL AGENT TEATOR: Well, I am asking
4 the question. You can't answer it until I've finished
5 saying what I have to say and the same goes for you.
6 I won't jump on what you're saying either, all right?

7 THE WITNESS: Well, we keep going over the
8 same ground and for some reason, you don't like the
9 answer. Well, okay, I accept you don't like the
10 answer but I am telling you what I know and what we
11 were doing. It was a collegial review to understand
12 was going on. Nobody's authority was being undermined
13 or superseded.

14 It was clearly around information that we
15 had that was recent and making sure that the alignment
16 exists with the management team who is accountable for
17 the total product of that power plant being successful
18 from all points.

19 BY SPECIAL AGENT TEATOR:

20 Q All right, and who are you accountable
21 for, who were you accountable to at that point?
22 Because -- all right, answer that question, who are
23 you accountable to?

24 A I am accountable to the license, the
25 people that hold the license and to my people that I

1 report to, my bosses. I have two bosses, if you will.

2 Q Right, you have described the discussion
3 as collegial, it had nothing described by anybody that
4 it was collegial, such that we are trying to explore
5 that.

6 A Okay, fine.

7 Q It hasn't been described that way to us,
8 so --

9 A Okay. What do you want from me? I mean,
10 okay, I told you what it was and you said that is not
11 what was said. Okay.

12 BY SPECIAL AGENT NEFF:

13 Q Well, why you were going through it with
14 these individuals, did you have a sense that this is
15 causing them some consternation, some difficulty
16 swallowing how much the questioning and the
17 understanding of what you had to deal with,
18 particularly with [REDACTED] who was saying, as we
19 understand it, you need to shut down here. 7c

20 Did you get a sense that it was causing --

21 A He told me --

22 Q -- Some difficulty --

23 A -- What he thought --

24 Q -- With that level of approach?

25 A What he thought, which is what the source

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of his concern was, is that we were not going to fix
2 the plant. That is what he was worried about, not
3 about whether we were going to continue with things.

4 He says I can't let my operators operate
5 with plant equipment that got us into trouble here.
6 There was no disagreement with that. It was a
7 question of what is the problem and what is it we are
8 going to fix and then once we know that, how are we
9 going to go about doing that?

10 BY SPECIAL AGENT TEATOR:

11 Q But without going to cold shutdown, you
12 couldn't go in and fix that.

13 A We didn't know that. Here is the thing --

14 Q Is that correct?

15 A The day before when we shut down, the
16 premise was there was an internal mechanical problem.
17 The belief was it was an internal mechanical problem.
18 The valve won't go closed. We will have to take it
19 apart and fix it which is why we made all those
20 procedure changes to accommodate that.

21 Suddenly, when we scrambled the unit, the
22 valve closes. Others said, wait a minute, maybe it is
23 not a mechanical problem. It may be an electrical
24 problem and an electrical problem does not require us
25 to go internal to the components of the valve.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

www.nealrgross.com

1 I thought it was prudent and I think
2 engineering thought it was prudent, who provided me
3 this initial information in the morning, was that it
4 bears fruit to take a look at that.

5 BY MR. BARBER:

6 Q Why didn't engineering provide that
7 information to operations?

8 A They did for the Outage Control Center but
9 I don't think the Outage Control Center operations
10 people had related to [REDACTED] He was out of the
11 loop.

12 Why was he out of the loop, I don't know.
13 Maybe it was a matter of where he was standing when
14 conversations were taking place.

15 My source of information came from the
16 Outage Control Center which is what we have designated
17 in our structure of doing business to be the focal
18 point of operations, maintenance and decision making
19 around the issues when we are in a forced outage or a
20 leak related outage and so that is the group I called
21 who told me these bits of information.

22 I talked to the [REDACTED] The
23 [REDACTED] is the one who was going to tell
24 the people let's keep the plant where we should be,
25 let's hold the plant or let's maintain it for some

1 period of time to finish the engineering testing.

2 BY SPECIAL AGENT TEATOR:

3 Q Is that [REDACTED]

4 A Yes.

5 Q And --

6 A He told me that is not a problem, we will
7 do that. I said okay, fine, so all I wanted in the
8 morning was to make sure, when I got a piece of
9 information from one group, was to make sure another
10 group got it and that they were properly following
11 through on that understanding. That was it.

12 Now, how that actually happens between [REDACTED]
13 and others appears to be a source of problems because
14 [REDACTED] and I found ourselves not on the same page at 9:30
15 in the morning when we talked, which is why I said I
16 can't believe we are not on the same page.

17 So I said, let's have a discussion, bring
18 all people in and let's make sure we have got clarity,
19 which is exactly what we did.

20 Now, if we are talking about style, you
21 are right. I don't have the best of style. You know
22 what? I don't care. That is not the issue. The
23 issue comes down to is clarity around, are we making
24 the right decisions, do we understand the facts of the
25 decision and do we have a basis for the decision for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

www.nealrgross.com

1 where we stood. That is what I was after. That is
2 what I was after.

3 I was concerned that one part of the
4 organization is going this way. Another part of the
5 organization is going that way and that could be
6 trouble and that's what I was fearful of, was making
7 sure there was alignment between the two groups that
8 had the responsibility of dealing with the issue.

9 [6:00 p.m.]

10 BY MR. BARBER:

11 Q There was a pretty strong indication from
12 the folks that were involved that you were pushing
13 production over safety. That was their
14 interpretation.

15 A That may be their interpretation by the
16 line of questioning I asked but I think you've got to
17 ask yourself, what decision did we make.

18 Q And why?

19 A We made it because we had alignment
20 around what the facts were.

21 Q Was there any consideration for what you
22 would do if you started back up?

23 A We never got to the discussion because we
24 didn't need to. Once we had all of the parties in the
25 room and understanding what we were doing, it became

1 clear we now knew the problem and we were sure of the
2 problem and we said, we have to fix the valve. It
3 became a moot point and said let's move on.

4 Q Did any decision makers feel like they had
5 to do anything special to convince you that that was
6 the right action? / 7c

7 A [REDACTED] had to explain his position of
8 operability and inoperability.

9 BY SPECIAL AGENT TEATOR:

10 Q And what was that? Let's talk about that
11 a little bit because it seems -- you've brought that
12 up a couple of times now. How --

13 A We called the equipment inoperable.

14 Q The shift did?

15 A Yes.

16 Q All right.

17 A And I said, okay, what's it going to take
18 to call it operable? And he said, I hadn't thought of
19 that. I said, well, I don't know what we are going to
20 do, I mean I don't know how to take that information
21 and go forward. What does engineering and maintenance
22 and operations think we are going to have to do in
23 order to declare it operable? Well, it has to be
24 working. What has to be working, what, how are we
25 going to go prove that? Do we cycle the valve now or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 do we take it apart? Do we do an electronics check or
2 do we do a hydraulics check?

3 I mean what we were trying to get to is we
4 were quick to call it inoperable because it was stuck.
5 Now, it suddenly changes and we are asking, okay,
6 well, we had a position of inoperability, is it still
7 inoperable now?

8 Q Yeah, but weren't people describing that
9 it was metal on metal, that is why it wasn't closing?
10 Isn't that what was --

11 A There were theories all over the place.
12 That is just what they were, theories.

13 Q Okay, we've been told by people that that
14 is what it was. That is what they heard. They heard
15 metal on metal, something binding up and not allowing
16 it to close. Something is stopping it from closing.

17 A I heard people say that hydraulics was
18 noisy. I heard people say there was clanking. I
19 heard people say that there was metal to metal. We
20 heard all sorts of different views who was put their
21 ears up, they were trying to get their subject matter
22 expertise to try to provide insight of what it was.

23 BY MR. BARBER:

24 Q None of that sounds like normal operation.
25 None of that sounds like it can be fixed with the

1 plant on line and hot.

2 A Well, I appreciate your position and what
3 I am saying is you weren't there and from my position,
4 what we had was, we had GE, the subject matter
5 experts, who were saying it is either hydraulic, it is
6 electrical or it is internal. We couldn't, we didn't
7 do all of the testing we thought we should have been
8 doing for hydraulic or electric.

9 We cycled the thing a bunch of times and
10 said it stops at this position every single time.
11 That may tell us it is more internal and so, on that
12 basis, we said let's stop sending people in the high
13 rad area, picking up dose, farting around with this
14 fricking valve.

15 So, we will go to shutdown and we will go
16 after this thing based on the information we had at
17 that point in time. The unit was shut down, now all
18 of a sudden the valve works and the operator said it
19 cycled. That is incredible. You are telling me it
20 cycled open and closed? Yeah, it cycled open and
21 closed.

22 Well, now where are we? That even further
23 implicates that fact that there was binding in the
24 valve, there was something internally. I don't know
25 if it means that.

1 It simply means that suddenly conditions
2 have changed and all we wanted to try to do -- once,
3 again, Scott, let's understand what do we know and
4 what don't we know?

5 I don't have a problem with fixing the
6 valve. I don't have a problem with doing anything.
7 It is a matter of being clear so the organization has
8 alignment around what is it going to take to be
9 successful and I think that is my job.

10 BY SPECIAL AGENT NEFF:

11 Q And when you say that, maybe that's the
12 approach that caused some of the difficulty in this
13 situation. You are saying ~~_____~~ when you asked
14 him what did it take to declare it operable, he says
15 I don't know, I hadn't considered that. His approach
16 is it is inoperable. 7C

17 A Right.

18 Q Why is it, why wouldn't you ask at that
19 point why did we not, why were you considering it
20 inoperable? I mean it has already proved itself
21 inoperable on at least one occasion for a period of
22 time. Why wouldn't the approach be then how do make
23 this operable? Maybe that is where I am at this time
24 for me, yes.

25 A It comes down to its operability is based

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

www.nealrross.com

1 on does it perform its design function to meet the
2 conditions on the FSAR. Well, the design function is
3 it cycles open and closes and that it trips at a
4 certain point.

5 It didn't do that when we did the
6 surveillance, which is the basis we called it
7 inoperable. Now, when the plant is shut down, it
8 suddenly passes the surveillance. Well, that's
9 interesting. What does that mean? That is all we
10 asked. What does that mean?

11 The engineers had told me that there may
12 be something that we don't fully understand what's
13 taking -- let's make sure that we examine the
14 conditions as they are before we go to cold and lose
15 any kind of facts that we may need.

16 Okay, how much time do you want for that?
17 It is a short test. It takes a couple of hours. All
18 right, that doesn't sound like it is a problem to me.

19 BY MR. BARBER:

20 Q Who from engineering was at the discussion
21 in the morning?

22 A It was the Outage Control Center.

23 Q No, no, I meant in your office because you
24 said you wanted to have the figureheads for all the
25 different organizations there. Who was representing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 engineering?

2 A [REDACTED] was.

3 Q And what did he say during the discussion?

4 A He recited the same thing, the same
5 information I had given as he had gotten from his
6 chain of command is they wanted to do some testing.

7 They had completed the testing and when we
8 all got in the room, we had confirmed that the testing
9 in fact had suggested that it was an internal problem.

10 At that point, we said okay, we know what
11 the basis of operability will be, is to make sure that
12 we have done the inspection on the inside of the
13 valve, make sure the internal components are good, do
14 a post maintenance testing and that should satisfy us
15 to bring the plant back. Doing that says go to cold,
16 fix the valve.

17 BY SPECIAL AGENT TEATOR:

18 Q All right, so this process is going on.
19 The discussion, you had the 7:30 phone call, you
20 talked with [REDACTED] You and he are not in alignment.

21 A I didn't talk to [REDACTED] until 9:30.

22 Q 9:30, right.

23 A I talked to [REDACTED] at 7:30 in the
24 morning.

25 Q Right, okay, so you and [REDACTED] during that

1 call, you are not aligned, you say come over here and
2 you bring everybody over?

3 A That is correct.

4 Q All right, at any point during that time,
5 who are you reporting to as to where the plant is and
6 where it may be going?

7 A No one.

8 Q Are you talking to anybody?

9 A Nope.

10 Q Not -- that would be -- [REDACTED] would
11 still be in charge, right? 7C

12 A No, I had no conversations with anybody at
13 that point. There was no reason to have a
14 conversation with anybody above me because we hadn't
15 changed any position yet. We still were in the
16 position of having to fix the valve. We just didn't
17 know what it looked like yet.

18 Q All right, when the valve was declared
19 inoperable, right, when it didn't shut, 48 percent
20 closure or 48 percent open?

21 A Open, 48 percent open.

22 Q Did you report to anybody above you as to
23 the status of the plant at that point and, if so, who
24 would that have been?

25 A The valve was found, the problem, on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

www.nealrross.com

1 Saturday -- on Friday.

2 Q Right.

3 A On Saturday, it looked clear that we were
4 going to have to shut down. That is why we elected to
5 go take all of the motions that we did.

6 I called, I was - [REDACTED], for the weekend,
7 I believe he was gone -- I called [REDACTED] Saturday
8 night and said, [REDACTED] we will be going into shutdown.
9 He said okay, you know, if you need any help -- those
10 kinds of words -- and it was a two second
11 conversation.

12 So we commenced all of the activities that
13 we said we were going to do on Sunday, just as Scott
14 had mentioned. We shut down the plant on Saturday.
15 We were, all rods in was at about 6:00 a.m. in the
16 morning and we were proceeding to de-cold.

17 We had an anomaly take place. We did some
18 investigations of it, we did a review of it and still
19 continued in the direction to go fix the valve. I
20 guess that is all I see.

21 BY SPECIAL AGENT NEFF:

22 Q When you talked to [REDACTED] did you
23 give him an indication of how long you expected to be
24 shutdown?

25 A No, I did not.

All - 7C

1 Q No time amount at all?

2 A I said, given what we know, I can't really
3 give you any kind of idea without getting inside of
4 it. He says, okay, when you have further information,
5 let me know. I said it will probably be a couple of
6 days since, you know, it takes us a day to do the
7 procedures. It will take us a day to get cold and so
8 the earliest I will probably be able to tell you
9 anything is maybe Monday or Tuesday when the have the
10 plant cold and the first part of the valve apart, and
11 then I could give him a schedule of when I thought we
12 would come back.

13 Q So you did give him a schedule, we aren't
14 expecting to be up until Monday or Tuesday?

15 A No, I just told him what we were doing and
16 where I thought we would be. I didn't give him a
17 schedule as in 9:00 this is going to happen, or 12:00
18 -- I said,  here is what we are going to do.

19 *TC* We are going to sit where we are for 24
20 hours, with the plant steady state here while the
21 operators get themselves to shut the plant down with
22 a stuck open bypass. After that, we will shut down
23 the plant. I said it will probably take us a day to
24 do that, and I said, then I can give you some idea of
25 where I think it is going to -- where I think the

1 scope of the work is going to be.

2 SPECIAL AGENT TEATOR: Could we go off the
3 record for a minute?

4 [Whereupon, at 6:12 p.m., a short recess
5 was taken.]

6 SPECIAL AGENT NEFF: We are back on the
7 record at 6:31 p.m.

8 BY SPECIAL AGENT NEFF:

9 Q In the discussions that we had with this
10 particular meeting, we are talking about the meeting
11 where we had [REDACTED]

12 [REDACTED]

13 A Right.

14 Q Okay, and between that 9:30 and 10:15, in
15 that time frame.

16 A Uh-huh.

17 Q Do you recall, did it get to the point
18 where [REDACTED] felt that he would have to tell you
19 that if you are going to make the decision to not shut
20 down the plant, you would do it without him as the

21 [REDACTED]

22 A No.

23 Q Do you recall that happening?

24 A No.

25 Q He had threatened to leave and somebody

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

All 7C

1 else would have to replace him?

2 A No.

3 BY SPECIAL AGENT TEATOR:

4 Q Does that ring a bell at all that that is
5 what he was thinking, that is what he had said?

6 A No. I don't have any knowledge or any
7 recollection of that kind of conversation or that that
8 was communicated in any way, shape or fashion.

9 He was very steadfast that he thought he
10 understood what was going on, that we needed to fix
11 the equipment, we were not in disagreement of that.

12 What we were in disagreement with was what
13 was the problem and how we are going to proceed to go
14 do that.

15 Q Did ^{TC} express to you his
16 disagreement or unhappiness with just the cool down
17 being stopped?

18 A Yes.

19 Q That part of it?

20 A He did.

21 Q Let's talk about that a little bit.

22 A Okay.

23 Q At what point of the day or week when that

24 --

25 A Cool down was, as you know, at 6 o'clock

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the morning, is essentially when the plant was in,
2 all rods in and we were essentially beginning now some
3 sort of a controlled cool down.

4 I called the Work Control Center, which is
5 our NERD Center for forced outages that has everybody
6 in there, it has operations, maintenance and
7 engineering, the whole gambit of the right people and
8 that is generally who I typically call, or we call
9 when we are trying to get a sense of where we are.

10 In the morning, I got to talk to them and
11 they said the valve closed, it cycled a few times,
12 engineering wants to do some additional testing and
13 validate what we know or don't know under the current
14 operating conditions that we have. We don't want to
15 lose the, uh, evidence while we are in this condition.

16 All right, I got that. I understand that.
17 You know, I didn't acknowledge we should do that or
18 not do that. They said we are going to talk to
19 operations.

20 Well, operations is in the room right next
21 to us, right there in the same category and so I
22 assumed they were doing that. An assumption on my
23 part.

24 They called [REDACTED]

25 [REDACTED]

AK 7C

1 By the way, [REDACTED] was taking two job functions
2 this particular day. He was both the [REDACTED] and he is
3 the [REDACTED] because [REDACTED] wasn't here that
4 particular weekend. Off somewhere with something.
5 So, [REDACTED] has two jobs.

6 Now, you asked the question earlier, when
7 I am talking to [REDACTED] I was talking to [REDACTED] not as the
8 [REDACTED] I am talking to [REDACTED] as he is the [REDACTED]
9 [REDACTED] and we are having a philosophical discussion
10 with the other heads of state about do we understand
11 what we're doing.

12 Q That is the meeting in your office?

13 A Correct.

14 Q All right.

15 A Now, when I talked to [REDACTED] at
16 7:30 in the morning, I said, [REDACTED] are you going to talk
17 to all of the right parties about taking engineering's
18 suggestion that we have to hold for some period of
19 time and test it, we would do that and then proceed
20 on? Yes, I will do that.

21 Great, I think things are fine. I believe
22 we are doing the right things. I am not in the middle
23 of anything. At 9:30 or ish, I get a call from [REDACTED]
24 [REDACTED] who says I don't know what we're doing. I said,
25 okay. He says, I want to make sure that we are going

1 to fix the valve and continue cold shutdown. I said,
2 okay. I have heard engineering said they wanted to do
3 some testing, have you and engineering talked that
4 through. The answer was, no, we haven't.

5 Okay, I sensed at that point he didn't
6 have all of the information that I had. How it
7 happened, why it happened, I don't know, so I thought
8 the best thing to do was to bring all of the parties
9 in the room and have some understanding about it so
10 that we could have clarity. That was the point of the
11 meeting. Nothing more than that and out of it I
12 believe we came to the right decisions about shutting
13 the plant and fixing the equipment because we
14 understood what the issue was.

15 Q This stopping of the cool down, didn't
16 that have to be done in the control room, stuff in
17 there, to allow that to stabilize?

18 A It really wasn't a stop. All they were
19 doing was reducing the rate of cool down. They were
20 bypassing steam from the main streamline drain to the
21 condenser.

22 Q Right.

23 A You can open two valves or three valves.
24 They had two valves open instead of three and so we
25 continuing the cool down, we just slowed the rate.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 That is all that took place.

2 Q That's being done by people in the control
3 room, the operators I am thinking, right?

4 A I believe so. They are the only ones that
5 can operate that equipment.

6 BY MR. BARBER:

7 Q Well, I mean in essence, they really
8 weren't cooling down. I mean they were dumping steam
9 to remove the casing but for the most part, they were
10 holding. They were holding where they were. They
11 weren't really on a cool down.

12 A I don't know if that is true, honestly.

13 Q Well, we have talked to all of the people
14 who have been involved, we talked to operators in the
15 control room.

16 A Okay, so what is your point? I don't
17 understand what you are wrestling with at this time.

18 Q Well, my point is, you weren't cooling
19 down. You were stable. You had stopped the cool
20 down.

21 A I don't know if we were or weren't.

22 Q No, that is an important distinction
23 because what happened is that started building tension
24 because what happened is you're directing the action
25 from your seat.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3704

www.nealrgross.com

1 A No.

2 Q In the control room?

3 A No, I did not direct my -- I talked to
4 [REDACTED] and [REDACTED] said I will talk to
5 engineering and the other parties and make a
6 determination.

7 I didn't tell anybody to do anything at
8 7:30 in the morning. Not a word.

9 Q Why was [REDACTED] so bothered at 9:30 when
10 you talked to him on the phone?

11 A I don't know. I don't know.

12 Q Why didn't you ask?

13 A I did, I said come on over and let's talk
14 about this.

15 Q It should have been obvious to you that
16 there was a miscommunication at that time because he -
17 - his perception was that you're directing things from
18 your [REDACTED] chair.

19 A You are putting words in my mouth.

20 Q No, I am not, I just don't --

21 A And that is not correct. That is not
22 correct. Here is what occurred. At 7:30, I talked to
23 the Work Control Center in the outage center. They
24 say we are -- collectively, they are the heartbeat and
25 the decision makers of the plant. Someone in

1 engineering --

2 Q They don't hold the license, no.

3 A Would you let me finish?

4 Q Sure.

5 A Thank you. The Outage Control Center has
6 the operations people who make the decisions and tell
7 the control room what to do. They have the people in
8 there from engineering to tell them what to do. The
9 right people are in there.

10 Engineering people said we are going to
11 talk to the operators now about this testing.
12 Somewhere in that communication, they called the
13 control room and said, let's do whatever we're doing.
14 I didn't make that decision. I didn't have anything
15 to do with it.

16 I asked [REDACTED] was he aware of it
17 and would he follow up on it. He said, yes. From
18 that point, I am assuming things are proceeding along
19 an aligned path with all of the information we have.

20 At 9:30, [REDACTED] or thereabouts, calls
21 me and says I don't understand what we are doing. I
22 said, okay, what do you know. Here is what he knows.
23 I said, well, here is what I know. They weren't the
24 same.

25 I said, [REDACTED] okay, let's get all of the

All JC

1 parties in the room, in my office here, and let's talk
2 it through. He says okay. Now, we begin the
3 discussion when he comes. We open with the
4 information we had, where the plant was, where it
5 wasn't and we came to what I would say an
6 understanding.

7 At that point, the conversation was over
8 in 45 minutes or so and we went forward with
9 commencing the remainder of the plan to cool down and
10 fix the equipment. It is not anymore complicated than
11 that.

12 Q Well, there are a couple of things you've
13 said that really shouldn't be the case. First of all,
14 Ops should not be taking directions from the OCC on
15 which way to move the plant and how to comply with
16 tech specs.

17 The SO operators job --

18 A I don't agree.

19 Q Let me finish.

20 A I don't agree.

21 Q That is the operator's job to do that and,
22 absolutely, they are empowered with that as a part of
23 their license. Now, there can be discussion outside
24 the control room but it has got to involve operations
25 and operations has got to be the final decision maker.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 That is the responsibility per their license.

2 A First of all, I don't think you know how
3 our organization works and what their command and
4 control is. It is proceduralized and it is approved
5 and here is what it says.

6 It says that when we created the Outage
7 Control Center, a shift manager, off shift takes that
8 lead position and becomes the interface that is the
9 SRO in the control room and that is the chain of
10 command that was put in place and that is the kind of
11 chain of command that engineering was talking to that
12 ended up telling the control room what to do. It was
13 done through licensed operators, not by me.

14 Q That is not how it came across.

15 A Well, I gave you my side, you know, I
16 can't give you anymore than that.

17 BY SPECIAL AGENT TEATOR:

18 Q Let me ask you a question.

19 During any of these -- well, let's talk
20 about the meeting, the one that is in your office.

21 [REDACTED] is there, [REDACTED] is there, [REDACTED] you,
22 [REDACTED] and maybe some other people.

23 A It wasn't many more than that.

24 Q Okay. It wasn't many more than that?

25 A It wasn't too many more than that. You

1 could head on that is who was there.

2 Q Those are the heads of state, as you call
3 it. I think that is the words you used?

4 A Uh-huh.

5 Q Anyway, during that, how did that
6 conversation begin? Where were you and where was [REDACTED]
7 when that meeting began? Were you on opposing sides
8 still at that point?

9 A I think what we did initially was [REDACTED] I
10 asked [REDACTED] where is the plant at.

11 Q Right.

12 A I always start a conversation with where
13 is the plant at. [REDACTED] says here is where the plant is
14 and I said, what is your concern? He describes his
15 concern.

16 Okay, I think I started next and said,
17 okay, I have heard the following things, have you
18 heard that and I would say there was a mixed
19 understanding of what had been related to him by the
20 Outage Control Center, what hadn't been related to him
21 what engineering was thinking or wasn't thinking. It
22 was clear we had communication gaps inside the Outage
23 Control Center about what was discovered at 6 o'clock
24 in the morning when that valve shut.

25 Q Right.

AK
7C

1 A That is what was true. That led us to
2 another discussion about -- which wasn't the primary
3 discussion but it led us to discussion of, well, is
4 the equipment operable or inoperable. The equipment
5 is inoperable. Okay, what is the basis of
6 inoperability so that we understand what to address to
7 call it operable. That is what we were trying to get
8 some standing for.

9 7C - [REDACTED] says, I hadn't thought of that. I
10 said, well, okay, what did you put in the logs why it
11 is inoperable? It didn't pass the surveillance, it
12 didn't cycle? I mean what is it that we have to
13 address? That was the conversation that probably
14 lasted for a good few minutes and, well, you know, we
15 have debates what is operable and what isn't operable
16 and, you know, we have our different views on things
17 but the end result that came through was operability
18 was based on the fact that the valve didn't cycle. We
19 didn't meet the surveillance requirements and user
20 specific criteria.

21 Okay, now we are clear what we have to
22 address and I asked engineering, can we address those
23 things with the conditions that we currently have?
24 The answer was no. Okay, then the answer is we have
25 got to take valve apart.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Q And go to cold shutdown?

2 A And go to cold shutdown.

3 Q Based on his answer?

4 A Yes.

5 Q Did you give anyone in that meeting, did
6 you say anything that would leave them with the
7 impression that you're being questioned from your
8 management about where the plant was at that point and
9 where it was going?

10 A I certainly didn't think so. I mean I
11 didn't talk to anybody other than [REDACTED] Saturday
12 night and told him we were going to bring the plant
13 down. Beyond that, no, I don't believe I had any
14 conversations with anybody Monday morning or relayed
15 any conversations about any conversations with anybody
16 above me.

17 BY SPECIAL AGENT NEFF:

18 Q Or that you were considering --
19 considering anything or what their reaction might be
20 to the fact of the position that you were in, did you
21 --

22 A Yeah, I think I may have had a
23 conversation with them about somehow I have to
24 communicate sooner or later to my bosses what do we
25 think the condition is and some sort of direction

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about the power plant. We owe them that as our
2 accountability.

3 Q During this meeting you are saying?

4 A Yes, I am sure we had that conversation.
5 I am sure I probably told them that I have an
6 accountability here in letting the bosses know what we
7 are going to do.

8 BY SPECIAL AGENT TEATOR:

9 Q Yeah, you hadn't had that conversation
10 with your bosses yet?

11 A No.

12 Q The only one you have talked about is the
13 one with [REDACTED] on Saturday night?

14 A Right. 7C

15 Q Where you told him where the plan was at
16 that point?

17 A That is correct. That is correct.

18 BY SPECIAL AGENT NEFF:

19 Q Did that consideration, does that transfer
20 any pressure to you in terms of where you will move
21 the plant in this particular discussion, the length of
22 it, what you were considering? Did the fact that you
23 have to answer to them translate into pressure on you?

24 A Well, no, I wouldn't call it pressure. I
25 would call it, uh, I am in the job for a reason. I am

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON D.C. 20005-3701

1 in the job because I am expected to assure that we are
 2 keeping the best interest of the company to heart, so
 3 when we have a problem, my job is to make sure that we
 4 are reacting appropriately. That is all [redacted] can ask
 5 me to do.

6 BY SPECIAL AGENT TEATOR:

7 Q [redacted]

8 A [redacted]

9 Q They are both [redacted] right?

10 A No. [redacted]

11 Q [redacted]

12 A [redacted] wasn't involved in any of
 13 these conversations though I keep hearing his name.
 14 He wasn't involved in anything, no.

15 Q Where have you heard his name being
 16 involved in this?

17 A I've heard people say to me, not from you,
 18 but others say that [redacted] was involved in this
 19 discussion and the answer is he wasn't anywhere near
 20 this.

21 Q [redacted] was?

22 A It was [redacted] [redacted] on
 23 Saturday night and that was it and it was a courtesy
 24 call to let him know that his, that was the main
 25 reason why the unit, plant was coming down.

AT
 TC

1 Now, you asked the question about
2 pressure. I suppose the answer is of course. You
3 could translate it that way when you are being held to
4 account to be prudent with the company's resources,
5 prudent with a very large piece of equipment, yes, I
6 mean -- so I mean it is not an accountability that I
7 am afraid of or that, you know, I cringe because I
8 have to answer to somebody.

9 It is a matter of being that's my job is
10 to make sure we are clear so I can keep them informed
11 and that they can have an independent oversight and
12 make their determination as to whether they believe we
13 are doing the right things.

14 And that is what I was trying to express
15 to these fellows was that, look, I can't call my boss
16 and say I have no idea of what we are doing. I can't
17 do that. I mean that is not good business and so
18 please help me you all understand and, yes,  I
19 might be picking on you at this point but we need to
20 pick on it so I can tell people what we are going to
21 do. What we are going to tell INPO, what we are going
22 to tell the NRC, what we are going to tell our own
23 bosses.

24 Q And you had, the conversation you just
25 described, you had something like that with that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 assembled group?

2 A Yes, I did.

3 Q Because that didn't come out before.

4 A Okay.

5 Q That is why I keep going back to this
6 stuff.

7 A That's fine.

8 Q Pull it out. It is important to pull it
9 out. It is.

10 A I got that.

11 Q I mean for everybody's sake, it is.

12 A Yeah, but I want to make sure, is that
13 unique to a conversation when we have a problem at the
14 plant? The answer is no. I have to answer to people
15 just like you to answer to people and they expect us
16 to be clear and have some depth of understanding and
17 we are not just leaning it on the seat of a wing and
18 a prayer.

19 So, if it was the Salem Unit, we would
20 have the same kind of expectation. If it was another
21 kind of problem affecting the units, we would have an
22 accountability to be clear about it and to communicate
23 it.

24 Q Would you have that type of accountability
25 to your management when there is a group that wants to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bring the plant back up and there is an outlier who
2 says, no, we can't bring it up for a particular
3 reason?

4 Would you have that type of accountability
5 to your management on an issue like that?

6 A What do you mean?

7 Q Well, I will explain it this way. You had
8 the same group in the room now, right?

9 A Uh-huh.

10 Q You have an issue in the plant and
11 everybody else thinks it is black and white that the
12 plant can go back on. You are the one that says no.
13 Did that ever occur?

14 A Sure, there has been times.

15 Q Can you give me an example?

16 A Well, yeah, during that same period of
17 time and it is just kind of interesting and I am glad
18 you pointed this out to me.

19 Q Uh-huh.

20 A Is that during this same period of time,
21 these same operators don't think it is a problem to
22 take off the seal purge valves on the Rancor reset
23 pumps, we don't need them and I said, well, how is it
24 you think that is okay, and proceeded to tech mod,
25 taking them off and making a design change in order to

NEAL R. GROSS

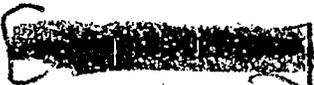
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 start the plant back up. This is from the operators,
2 the operators.

3 Q The same unit?

4 A The same unit. Now, here is the issue.
5 We shut down as you have pointed out with the Bravo
6 resert pump with a seal fitting. I had the subject
7 matter expert of the vendor come out because you
8 couldn't understand why it failed early in the cycle.
9 It shouldn't have done it.

10 Q GE?

11 A Nah, it is also a big umber or something
12 like that.  - 7C

13 They took the thing apart and they said,
14 oh, boy. He goes, did you guys run this thing without
15 a seal purge?

16 Well, no, we have got a seal purge on it
17 and he goes, the seal is full of cramp. It is full
18 of, you know, debris of some sort and it is self
19 destructive. Oh, okay.

20 Well, engineering says, well, yeah, one of
21 the seal purge relief valves has been leaking and we
22 weren't sure if the water was going all the way over
23 there and I am like, well, that's just great.

24 And so I just replaced the seal. I shut
25 the plant down and replaced the seal and now I am

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to start up and I am going to ruin a seal right
2 away. I go I can't do that. These guys are nuts.

3 Well, we don't need a seal purge line.
4 The vendor says you can run without it. Other plants
5 run without it. I said, this makes no logical sense.
6 I shut down the plant because I didn't have a seal
7 purge because relief valves were leaking. You guys
8 say it is too hard to fix the relief valve, we will
9 take the relief valves off and you think that is okay?

10 Well, we don't even need the seal purge.
11 Absolutely not. We are going to fix the equipment and
12 if we are going to stay down longer, we are going to
13 stay down longer and we stayed down another day and a
14 half to go fix those things under complete
15 disagreement with some of the operators, including
16 some of the people that reported directly to me.

17 Q [REDACTED]

18 A [REDACTED]

19 I was the odd ball in this case saying absolutely not.
20 We are going to put the plant per -- in accordance
21 with the design basis, that is the way it was supposed
22 to operate. God damn it, I expect you guys to fix the
23 plant.

24 Q When is this? Is it around --

25 A This was Tuesday. Tuesday or Wednesday of

All 70

1 the first forced outage we were in.

2 Q Uh-huh, so we are talking March '03?

3 A Yes.

4 SPECIAL AGENT TEATOR: February-March.

5 All right.

6 SPECIAL AGENT NEFF: Anything else like

7 that?

8 THE WITNESS: That is one that is the most
9 vivid I can think of. I am sure there were others but
10 that is the one I can think of and what I am trying to
11 tell you is I recognize you don't know me from Adam.
12 I tried to take all sides of the spectrum of
13 possibilities. It is not that one is right or wrong
14 but I want to create the dialogue so that full
15 comprehensive thinking is brought forward to what we
16 are doing.

17 I think that is conservative operations to
18 make sure we are clear on the facts and so in doing
19 so, I have a style that will say if you say right, I
20 will say left. It is not that I believe left is
21 right. It is just I say left to see what do we get
22 from people and what other information can we pull out
23 of people we may not fully understand and that is a
24 pretty effective technique in being sure that things
25 are done right. At least that has been my experience.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

www.nealrgross.com

1 BY SPECIAL AGENT TEATOR:

2 Q That can leave a lot of wounds.

3 A I mean it is clear that some people don't
4 interpret it or perceive it as the best way. Okay?
5 I take feedback and can accept the fact that maybe
6 there is a different approach. Not that the
7 questioning is wrong but maybe the style of approach
8 could be different. People accept it.

9 Q All right, people at a fairly high level?

10 A Yeah, but, you know, people have opinions
11 and as I told you in our first interview that I don't
12 know, people have a tendency of taking things and
13 exaggerating it to the nth degree that is far beyond
14 what the original truth was. Why they do that, I
15 don't know but they do.

16 BY SPECIAL AGENT NEFF:

17 Q Yeah, we recall your comments on that.

18 Earlier you said, when we were talking
19 about this incident, people could take from your
20 probing and your pushing what direction could the
21 plant go and you were examining what the decisions
22 were going to be, that it was a production
23 overstatement. You said they could take that from --

24 A Sure, I imagine they could.

25 Q -- This discussion. What about --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A What is interesting though is they will
2 take that position when I take the position at start
3 but when I take the position of not starting up the
4 plant, there is no discussion that way. There is no
5 perception of that and that is what I find
6 fascinating, even when they are in the position of
7 starting up the plant. It is just that it boggles the
8 mind.

9 BY SPECIAL AGENT TEATOR:

10 Q Well, did you bring it up with [REDACTED]

11 A Yeah.

12 Q After the second -- the first incident we
13 talked about, did you --

14 A [REDACTED] and I have had several conversations
15 after all of this and I thought we cleared the air
16 about how we are trying to do business with each
17 other. [REDACTED] had a very unique position that particular
18 weekend. He lead two jobs.

19 Q Yes.

20 A And I don't think everyone appreciates the
21 role I was playing, was not with the SRO, I was
22 playing with the [REDACTED] who has to prove to me he
23 understands the philosophical direction of
24 conservatively running the power plant and I am
25 holding him accountable for that.

1 BY SPECIAL AGENT NEFF:

2 Q What about for you, other than that
3 meeting, to take away, it could be production under
4 safety elements in discussions, you are also in these,
5 I mean you are having to push, your are having to
6 probe, but you are also saying you are responsible to
7 corporate for where the plant is and what you do with
8 the plant?

9 A Sure.

10 Q Successfully, I think. Do you feel that
11 this is an issue that places you in a production over
12 safety environment or that you had a concern that it
13 was to you?

14 A No. I have been in the business [REDACTED]
15 I have in a lot of different positions and what we are
16 doing here is no different than what I had been part
17 of in many other power plants of normal business in
18 taking very tough situations and trying to work
19 through them and make the best of it successfully, you
20 know. I see no difference here than any other place
21 I've been. No difference in the corporation between
22 here and another company I was at.

23 Q Would you have indicated to anybody in
24 this time frame, around the March time frame, that you
25 felt, that you felt pressure and that you would see it

1 as a bad decision -- let me phrase it this way, in
2 that it was a production over safety consideration and
3 that there was pressure on you in this particular
4 incident?

5 A I am sorry I am not following what you are
6 saying.

7 Q Would you have told anyone, did you tell
8 anyone or leave anybody with the impression that this
9 particular incident had that element of production
10 over safety pressure, pressure that was on you at that
11 point?

12 A I don't think so. I mean there certainly
13 wasn't anybody pushing me. If anything, I probably
14 was pushing others to make sure that we could
15 communicate to our bosses what we thought we were
16 going to do. That I am sure I probably did.

17 BY SPECIAL AGENT TEATOR:

18 Q When you say our bosses, you are talking
19 about people above you?

20 A Sure.

21 Q All right.

22 A Yeah. You know, it is a million dollar a
23 day piece of equipment.

24 Q Oh, yeah.

25 A I have to believe that, you know, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can't just say what we will do, wait a couple of days
2 and see how things are going, you know what I mean,
3 there is mark up, I mean when you are talking that
4 kind of an asset value, there is an expectation that
5 we are clear on what the problems are and what we are
6 doing to try to resolve them in some sort of
7 measurement of accountability that we deliver on what
8 we say we are going to do and that is all they ask
9 for.

10 Q Was there at any previous conversation
11 where you would have had, from where you would not
12 maybe have had a full answer for him and he would
13 press you for that type of detail, where you took that
14 as like a learning experience. I am not going back
15 there again, the next time I talk to him, I am going
16 to have --

17 A There were times I didn't [REDACTED] on
18 answering the questions he asked, of course, and I
19 felt terrible that I was not able to fulfill his
20 expectations. Did I learn from it? Sure.

21 Q Were those occasions always about the
22 plant having to come down for whatever reason?

23 A No.

24 Q Or not being able to come back up?

25 A No. It never was about whether the plant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was running or not running. It was the fact that we
2 would make commitments and we wouldn't be able to
3 fulfill them and that is what he was saying. Why is
4 it so difficult for you and others to be able to tell
5 me one thing and then you can't deliver on it.

6 Q Would those commitments be start-up dates?

7 A Sometimes they were start-up dates.
8 Sometimes they were just projects, when projects were
9 going to start, when projects were going to finish.
10 We were going to make this budget target and we didn't
11 do that and so it is not just start ups. I mean the
12 answer was yes, start-ups would be in that population
13 but it is a whole variety of things. It is not
14 limited to just that item.

15 His message to me had nothing to do with
16 start ups. His message was, is you have an
17 accountability, you being the site has an
18 accountability to give me understanding, to make
19 commitments and to tell me how you are going to be
20 successful and I will hold you accountable for those
21 commitments, meaning he expects us to fulfill those
22 and, when we don't, after we made the timetable, we
23 decided what we were going to do and we don't fulfill
24 that, there is not a lot of reasons for him to feel
25 sorry for us.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Q Well, but it is a nuclear power plant
2 where certain things happen. You have to do certain
3 things whether you want to or not.

4 A Exactly, and he knows that at any time you
5 can find yourself into it is just not possible to
6 predict everything.

7 Q Right.

8 A And he accepts that but when it was in our
9 control and we fumbled the ball, well that is
10 preventable and that is not acceptable, and I accept
11 that, and the site I think accepts that to a degree.

12 SPECIAL AGENT NEFF: Are you ready to move
13 on?

14 SPECIAL AGENT TEATOR: Yes.

15 SPECIAL AGENT NEFF: Scott?

16 MR. BARBER: I am done.

17  BY SPECIAL AGENT NEFF:

18 Q  if I were to tell you that one of the
19 recordings that we have been provided with contains
20 statements by you that contradicts some of the
21 testimony that you have given us here today and some
22 testimony that has been documented in a prior
23 interview; how would you respond to that?

24 A I don't know. I mean I am telling you
25 what I remember.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Q This is a recording that would involve
2 Dr. Harvin and statements made by you in this March
3 time frame. It is one of the recordings that we have.

4 In that you know the discussions that you
5 had with her, whether or not you consider it and we
6 would like to play that for you.

7 A Uh-huh.

8 Q And we would like you to consider that
9 because we want to move through this.

10 *TC* MR. KEENAN: But these recordings weren't
11 authorized by  not would he have known about being
12 recorded at the time and so --

13 SPECIAL AGENT NEFF: I do not believe that
14 he knew about that at the time, no.

15 THE WITNESS: But why is that okay?

16 SPECIAL AGENT NEFF: Why is what okay?

17 THE WITNESS: Why is that okay?

18 MR. KEENAN: Is that something that has
19 been bedded through Regional Counsel or --

20 MR. BARBER: Yes, it has been.

21 SPECIAL AGENT NEFF: Yes. By the location
22 of the recording, as I understand it, one of --

23 MR. BARBER: It is permissible by state
24 law in New Jersey.

25 MR. KEENAN: Was it New Jersey or was it

1 Pennsylvania.

2 MR. BARBER: New Jersey.

3 SPECIAL AGENT NEFF: New Jersey.

4 MR. KEENAN: It was under federal statute,
5 not New Jersey statute, then it would mean [REDACTED]
6 [REDACTED] is being looked at in 10 CFR 50.7. It is a
7 different jurisdictionable issue.

8 SPECIAL AGENT TEATOR: Well, these tapes
9 were not made at our direction or at our suggestion or
10 anything. We have this information available to us
11 and we want to go through it and ask some questions
12 regarding it.

13 MR. KEENAN: Okay, when we have the
14 opportunity to review the full -- off the record the
15 full tape? I don't know how much recording there is.

16 SPECIAL AGENT NEFF: You would. You have
17 the opportunity to review that but the option --

18 MR. KEENAN: Yes?

19 SPECIAL AGENT NEFF: The option that I
20 would offer to you, [REDACTED] is you can hear that in
21 private if you want to and I am telling you because
22 you know the conversations that you have had with Kymn
23 Harvin, you can do that if you want to in private. We
24 will play that for you. We will give you a transcript
25 of it and then it will be up to you as to how you want

All TC

1 to proceed from there.

2 MR. KEENAN: So, let me just be clear
3 here. You are proposing that we review the tape now
4 and then have a chance to talk about answering some
5 questions about it, is that what you are proposing?

6 *JK* SPECIAL AGENT TEATOR: I all depends on
7 how  wants to proceed, yes.

8 THE WITNESS: Well, you certainly didn't
9 set it up very -- you made it sound like it is very
10 controversial and so I guess I am not sure how to
11 react at this point other than, well, I have told you
12 what I knew, uh, well, I guess I would like to hear it
13 myself first.

14 SPECIAL AGENT NEFF: With or without
15 counsel present?

16 THE WITNESS: With Jeff.

17 SPECIAL AGENT NEFF: With Jeff Keenan
18 present?

19 THE WITNESS: Uh-huh.

20 SPECIAL AGENT NEFF: Okay.

21 MR. KEENAN: Are we off the record?

22 SPECIAL AGENT NEFF: Yeah, let's go off
23 the record at approximately 7:03 p.m.

24 [Whereupon, a recess was taken.]

25 SPECIAL AGENT NEFF: We are back on the

1 record at about 8:24 p.m. We took a break after
2 reviewing the recorded conversation from March 27,
3 2003.

4 The decision at this point is that we will
5 reconvene tomorrow at 8:00 a.m. and continue and
6 finish the interview at that point in time.

7 Everybody is in agreement? Do you have
8 anything else to add?

9 MR KEENAN: Yes, Jeff, you had asked
10 earlier and I didn't do this but in the questioning
11 about the bypass valve issue, [REDACTED] was being
12 questioned specifically as a witness. It is part of
13 the work environment issue. You wanted to address
14 that in the record, correct?

15 SPECIAL AGENT TEATOR: Thank you for the
16 clarification.

17 All right. That is all I have.

18 SPECIAL AGENT NEFF: So we will go off the
19 record. It is 8:25 p.m.

20 [Whereupon, at 8:25 p.m., the interview
21 was adjourned, to resume at 8:00 a.m., Thursday, March
22 25, 2004.]

23
24
25

41
CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of

[REDACTED] -7C

Docket Number: 1-2003-051F and 1-2003-045

Location:

[Atlanta, GA] -7C

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Rose Arnold
Official Reporter
Neal R. Gross & Co., Inc.