

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

IN THE MATTER OF:  
INTERVIEW OF  
KYMN HARVIN  
(CLOSED)

Docket No.  
(not provided)

Tuesday, September 9, 2003

U.S. Nuclear Regulatory  
Commission  
Region I Office  
475 Allendale Road  
King of Prussia, Pennsylvania

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

BEFORE:  
Special Agent Eileen Neff

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 7C, 2E  
FOIA 2005-194

EXHIBIT 4  
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1 2003-045

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1     APPEARANCES: (cont.)

2     On Behalf of the U.S. Nuclear Regulatory Commission:

3     (cont.)

4  
5             JEFFREY A. TEATOR

6             Senior Special Agent

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8             (610) 337-5184

9  
10            DAVID J. VITO

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15            U.S. Nuclear Regulatory Commission, Region 1

16            475 Allendale Road

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

10:23 a.m.

1  
2  
3 SPECIAL AGENT NEFF: Today's date is  
4 September 9, 2003. The time is approximately 10:20  
5 a.m. Speaking is Special Agent Eileen Neff with the  
6 NRC Office of Investigations, Region 1. Also present  
7 from the same office is Senior Special Agent Jeffrey  
8 Teator. Additional NRC representatives here are  
9 Senior Allegations Coordinator David Vito, Branch  
10 Chief Ray Lorson, and Senior Resident Inspector Daniel  
11 Orr.

12 What follows is an interview of Dr. Nancy  
13 Kymn Harvin Rutigliano who was formerly employed by  
14 Public Service Electric and Gas, PSEG, Nuclear and  
15 worked at the Salem and Hope Creek facilities in  
16 Hancock's Bridge, New Jersey. Attorney Robert  
17 Woodruff of the Algeier Woodruff law firm in  
18 Morristown, New Jersey is also present. This  
19 interview is being transcribed by a court reporter.  
20 The location of this interview is the Region 1 Offices  
21 at King of Prussia, Pennsylvania.

22 The subject matter of this interview  
23 concerns allegations raised by Dr. Harvin involving  
24 problems with the safety conscious work environment at  
25 Salem and Hope Creek and the termination of her

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employment in that she was discriminated against after raising concerns regarding the work environment to the former [REDACTED]

[REDACTED] Additional information reported by Dr. Harvin indicates potential technical violations regarding the operation of both Salem units and the Hope Creek unit.

At this point, the allegations involve potential violations of 10 CFR 50.5, deliberate misconduct, and 50.7, employee protection, the allegations as known at present. What I would like to do at this moment is identify all of the individuals around the table for the court reporter and the ease of identification as it is transcribed. We'll start with you, Jeff.

SPECIAL AGENT TEATOR: Jeff Teator, Office of Investigations.

RESIDENT INSPECTOR ORR: Dan Orr, Senior Resident Inspector, Salem site.

COORDINATOR VITO: Dave Vito, Senior Allegation Coordinator.

BRANCH CHIEF LORSON: Ray Lorson, Performance Engineering Branch Chief, Division of -- for Safety.

MR. WOODRUFF: Robert Woodruff, Algeier

7C

1 Woodruff from Morristown, New Jersey, representing the  
2 witness.

3 DR. HARVIN: Dr. Kymn Harvin.

4 SPECIAL AGENT NEFF: Okay. Also as we  
5 explained before we went on the record the interview  
6 would be conducted under oath. Would you please raise  
7 your right hand?

8 WHEREUPON,

9 KYMN HARVIN

10 was called as a witness and, having been first duly  
11 sworn, was examined and testified as follows:

12 SPECIAL AGENT NEFF: What I'd like to  
13 cover right now is some background for the record.  
14 We'll start with identifying information. Your date  
15 of birth and social security number please.

16 THE WITNESS: Date of birth is [REDACTED]

17 [REDACTED]

18 SPECIAL AGENT NEFF: Home address.

19 THE WITNESS: [REDACTED]

20 [REDACTED]

21 SPECIAL AGENT NEFF: Telephone number.

22 THE WITNESS: [REDACTED].

23 SPECIAL AGENT NEFF: Current business  
24 address and telephone number please.

25 THE WITNESS: I'm actually in transition.

ALL  
TC

1                   SPECIAL AGENT NEFF: Would you cover some  
2                   background information regarding your education  
3                   please?

4                   THE WITNESS:     I have a Ph.D. in  
5                   organization development and spirituality from the  
6                   Union Institute in Cincinnati granted in 1996. I did  
7                   extensive Master's work and an undergraduate degree in  
8                   journalism and political science.

9                   SPECIAL AGENT NEFF:     Work experience  
10                  please.

11                  THE WITNESS:     I had positions in  
12                  Pennsylvania State government including being a  
13                  legislative analyst in the House of Representative.  
14                  I worked in the executive branch as the Governor's  
15                  Commission for Women Information and Education  
16                  Director. I was a speech writer for the Governor on  
17                  education issues and the State Secretary of  
18                  Education                Following that, I was at AT&T  
19                  for ten years from 1980 to 1990. I had my own  
20                  consulting firm for a number of years. From 1996  
21                  until earlier this year, I was employed by some form  
22                  of PSE&G. It's changed names a few times in that five  
23                  year period.

24                  SPECIAL AGENT NEFF:     Starting when?

25                  THE WITNESS:     I started there in February

1 1996.

2 SPECIAL AGENT NEFF: That was your first  
3 employment in the nuclear industry.

4 THE WITNESS: Correct.

5 SPECIAL AGENT NEFF: Let's discuss when  
6 you started with PSE&G. In what capacity were you  
7 hired?

8 THE WITNESS: I was originally hired at  
9 the corporate offices to be on loan to the business  
10 integration team for a year working on the change  
11 management dimension of the SAP computer system  
12 implementation. After just a few days on the job, I  
13 went down to PSEG nuclear where I had been told I  
14 would be going a couple of days a month.

15 I ascertained to make the kind of  
16 difference that I was committed to making and that we  
17 needed to have made that it would take more time  
18 there. I volunteered to change out the external  
19 consultant who was there who was pretty negative and  
20 didn't think much was possible. He went back to the  
21 corporate office, and I went to nuclear even though it  
22 was almost three hours from my home.

23 SPECIAL AGENT NEFF: On-site in Hancock's  
24 Bridge.

25 THE WITNESS: Yes.

1 SPECIAL AGENT NEFF: At what point in time  
2 then did you get to Salem and Hope Creek?

3 THE WITNESS: March I believe of 1996.

4 SPECIAL AGENT NEFF: Were you working on  
5 one site exclusively or on both sites?

6 THE WITNESS: I wasn't working behind the  
7 fence. I was working on the SAP implementation so it  
8 affected the whole site. This computer system was  
9 going to affect the whole site.

10 SPECIAL AGENT NEFF: On-site who did you  
11 report to?

12 THE WITNESS: I actually don't recall  
13 having a boss on-site. I was on loan from the  
14 business integration team based in Newark. (

15 [REDACTED]  
16 [REDACTED]) was my boss. I reported to him  
17 even though he was in Newark and I was in Hancock's  
18 Bridge.

19 SPECIAL AGENT NEFF: Could you explain the  
20 work that you did on-site? What were their  
21 expectations of you while you were on-site?

22 THE WITNESS: Who's "they?" Is it the  
23 people who sent me from corporate?

24 SPECIAL AGENT NEFF: Right.

25 THE WITNESS: I was the key member of the

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1 business integration team working with representatives  
2 of the nuclear team together on how we were going to  
3 prepare people for this major change in their work  
4 with this new software system implementation. I  
5 guided the leaders of that initiative in what it was  
6 going to take to be successful.

7 SPECIAL AGENT NEFF: This is starting in  
8 1996.

9 THE WITNESS: Correct.

10 SPECIAL AGENT NEFF: By division, who were  
11 you working with? Were you working with operations?  
12 Were you working with human resources?

13 THE WITNESS: No, I was working with the  
14 business integration team. We called it BPR back  
15 then, business process redesign team, that was headed  
16 by (REDACTED) (PH) and (REDACTED) Those  
17 were the two people I worked directly with.

18 SPECIAL AGENT NEFF: With the business  
19 integration team.

20 THE WITNESS: Yes.

21 SPECIAL AGENT NEFF: Did you have a  
22 requirement to report to anybody on-site, or did you  
23 report your accomplishments and issues to somebody at  
24 corporate?

25 THE WITNESS: To (REDACTED)

1 SPECIAL AGENT NEFF: ( [REDACTED] ) back at  
2 corpor. te.

3 THE WITNESS: Correct.

4 SPECIAL AGENT NEFF: So that would be back  
5 at Newark.

6 THE WITNESS: Yes.

7 SPECIAL AGENT NEFF: Let's get into the  
8 nature of your concerns involving the work environment  
9 at the time. You were talking about a safety  
10 conscious work environment issues and problems that  
11 you noted with that. When you first got on-site, can  
12 you characterize what it was you observed about the  
13 work environment? Did you have any concerns at that  
14 time?

15 THE WITNESS: Yes, I did. In fact, that  
16 was why I volunteered to transfer to nuclear. I saw  
17 a work place that was characterized by fear and  
18 intimidation, by people not being respected, by  
19 workers feeling alienated. I saw the site as ripe for  
20 transformation. I saw the possibility of using the  
21 SAP implementation to work on work place issues.

22 This was my first experience at a nuclear  
23 plant. I didn't even know the phrase "safety  
24 conscious work environment." But I knew how people  
25 were treated and how they were being led at the time

1 was inconsistent with getting to excellence in any  
2 company much less a nuclear power plant.

3 [REDACTED] had just come in. Let me  
4 make this clear. I was not brought in by [REDACTED]. I  
5 had no relationship with [REDACTED] prior to this.  
6 In fact, there was some speculation that I was a spy  
7 from corporate initially because nobody understood  
8 where I came from or how I got there until I started  
9 doing a lot of explaining. [REDACTED] came in. His  
10 mission was to focus more on the people side of the  
11 business. That's what his main role as a leader was.

12 SPECIAL AGENT NEFF: The position that you  
13 were in as the change manager, were you unique on-  
14 site? Was there anybody else who functioned as you  
15 did and did not report on-site but instead reported  
16 back to corporate?

17 THE WITNESS: The HR organization also  
18 reported into [REDACTED] who was the [REDACTED]  
19 [REDACTED] at the time. There was at least that  
20 organization and maybe others that had what they  
21 called a data line to [REDACTED] and a straight line to  
22 corporate or visa versa depending on what the  
23 reporting relationship was.

24 SPECIAL AGENT NEFF: "Data line," meaning?

25 THE WITNESS: An indirect reporting

1 relationship to [REDACTED]

2 SPECIAL AGENT NEFF: So there were some  
3 others on-site who were staffed in a similar way.

4 THE WITNESS: Yes.

5 SPECIAL AGENT NEFF: Let's go back a  
6 minute. You said you had the impression that there  
7 was a negative environment and that fear and  
8 intimidation was involved. During the course of your  
9 work there, were you able to attribute that  
10 environment to any reason? This is 1996. Am I right?

11 THE WITNESS: Correct. In 1996, the Salem  
12 unit was just coming out of restart. In fact, I was  
13 there at some point in 1996, but I don't remember the  
14 date when the plant was restarted. [REDACTED] was on  
15 the leadership team at the time and had a very  
16 intimidating style of leadership. He was in some ways  
17 viewed as responsible for the climate that got  
18 generated, but certainly he wasn't alone..

19 SPECIAL AGENT NEFF: His title is?

20 THE WITNESS: [REDACTED] I believe.  
21 Maybe even [REDACTED] I'm not sure.

22 SPECIAL AGENT NEFF: Does this change  
23 then? Was he staying on-site, or did anything change  
24 after your initial observations?

25 THE WITNESS: For the first couple of

1 years we made significant strides in the work place.  
2 The fear and intimidation level decreased but never  
3 totally subsided. ██████████ ended up retiring, and  
4 other people were brought in with varying degrees of  
5 leadership styles so to say. There were strides made  
6 in the work place both in terms of results but more  
7 importantly to me in terms of how people were treated  
8 and supporting what we called winning behaviors, the  
9 kinds of behaviors people needed to exhibit to have  
10 people in the work place be respected and valued.

11 SPECIAL AGENT TEATOR: Dr. Harvin, I have  
12 a couple of questions.

13 THE WITNESS: Please.

14 SPECIAL AGENT TEATOR: At some point, did  
15 your job responsibility change then from being part of  
16 the business integration team to where you are now  
17 getting more involved in full-time work place safety  
18 conscious work environment type issues?

19 THE WITNESS: Yes.

20 SPECIAL AGENT TEATOR: Can you tell us  
21 when that happened, and was there something documented  
22 in your contract that showed that? First, when did  
23 that start to happen?

24 THE WITNESS: It was frankly an ongoing  
25 evolution. As I mentioned, I had a commitment to have

1 the SAP implementation foster a more empowering work  
2 place. It was an evolution. I do not recall a  
3 specific moment in time or even a letter that said  
4 okay you now have these responsibilities and now we're  
5 shifting to these. It was very much a work in  
6 progress and evolution.

7 SPECIAL AGENT TEATOR: From March '96  
8 going forward.

9 THE WITNESS: Yes.

10 SPECIAL AGENT TEATOR: From that point  
11 forward, the evolution began taking place slowly.

12 THE WITNESS: Yes.

13 SPECIAL AGENT TEATOR: Could you give us  
14 an approximate timeframe for when it changed to that's  
15 what you were mostly working on, work environment,  
16 SCWE type issues? When do you think that happened?  
17 I'm asking for an estimate just so we have an  
18 understanding.

19 THE WITNESS: Well, it's easy to track  
20 because in the fall of 1996 I was requested by [REDACTED]  
21 [REDACTED] to work with [REDACTED] who was the [REDACTED]  
22 at Salem at the time I believe. I believe his title  
23 was [REDACTED] It was either [REDACTED] We were to  
24 work on a human performance initiative. Several of  
25 us, myself and a couple of other people who viewed

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1 ourselve . as frankly change agents, volunteered to  
2 work with [REDACTED] on this initiative.

3 I actually wrote the human performance  
4 strategy that was going to build a case for how we  
5 were going to change the work place. That work began  
6 in the fall of 1996 and shifted gears after [REDACTED]  
7 [REDACTED] resignation and was without sponsorship for  
8 some period of time. Then [REDACTED] decided to  
9 sponsor the initiative himself.

10 SPECIAL AGENT TEATOR: You arrived down  
11 there in the March '96 timeframe. You said you saw  
12 that work place characterized by fear and  
13 intimidation. Are the people working at the  
14 Salem/Hope Creek site coming to you with those types  
15 of concerns and that's how you are developing your  
16 belief?

17 THE WITNESS: That's a large part of it.  
18 I also witnessed just being in meetings where the  
19 level of fear and intimidation was pretty strong by  
20 how the meetings were conducted and by what was said.  
21 I also had been told frankly by people at Newark that  
22 nuclear is a hell-hole, why would you ever want to go  
23 there, when I volunteered. So it's reputation in some  
24 ways had preceded itself.

25 SPECIAL AGENT TEATOR: When you were down

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1 there at the site and you started to see these things  
2 happening, this intimidation, this fear, did you start  
3 bringing that to the attention of site management down  
4 there or your management up in Newark? If so, how did  
5 they respond to that?

6 THE WITNESS: I certainly shared those  
7 concerns with ( [REDACTED] ) Remember I'm really  
8 viewed as an outsider.

9 SPECIAL AGENT TEATOR: Right.

10 THE WITNESS: I didn't have anybody's ear  
11 to talk with nor did I have the awarenesses at the  
12 time. I was very new, so I was just trying to get  
13 acclimated myself. All the issues that were present  
14 in the work place were already documented by the  
15 previous consultant who had been there. There were a  
16 number of reports generated which would be available.  
17 His name was [REDACTED]

18 [REDACTED]  
19 SPECIAL AGENT TEATOR: Does he still work  
20 for PSE&G?

21 THE WITNESS: No, he was an external  
22 consultant. I suspect those reports could be  
23 accessed. They paint a very negative picture of the  
24 work environment.

25 SPECIAL AGENT TEATOR: Right. Is it fair

1 to say then that you did bring some of these issues to  
2 (b) when you first started receiving them or  
3 seeing them? Is that correct? TC

4 THE WITNESS: That's correct. Also (b)  
5 (b) knew of them, and we talked about them. So  
6 part of my mission there was to help move the ball  
7 forward.

8 SPECIAL AGENT TEATOR: Do you know what he  
9 did to move that ball forward at that point? This is  
10 still in the '96 time period.

11 THE WITNESS: No, other than send me and  
12 other people there. But our focus wasn't specifically  
13 work environment issues. That was my personal focus.

14 SPECIAL AGENT TEATOR: I'm just trying to  
15 get an idea of the interaction between you and your  
16 manager, (b) Did he commit to you to doing  
17 anything to try and help those work place environment  
18 type issues at that time? TC

19 THE WITNESS: Not specifically, but he  
20 accepted my request that I be there full-time instead  
21 of a couple days a month because I thought that was  
22 the only way from where I sat that any results could  
23 get made from the corporate vantage point. I wasn't  
24 aware of what else was going on to deal with those  
25 issues.

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1 SPECIAL AGENT TEATOR: Thank you.

2 THE WITNESS: Sure.

3 SPECIAL AGENT NEFF: There were two things  
4 that you mentioned. At the one point, there were some  
5 observations you made in meetings that showed you the  
6 fear and intimidation that was being experienced on-  
7 site. Could you give some examples of what you saw?

8 THE WITNESS: I saw people, they called  
9 it, getting their butts chewed, ass chewing, ass  
10 kicking where high level executives would yell, curse  
11 at various people.

12 SPECIAL AGENT NEFF: Who was involved in  
13 this specifically?

14 THE WITNESS: (REDACTED) was the biggest  
15 person at the time. I also witnessed some exchanges  
16 from (REDACTED) (PH) who was also there and is no  
17 longer there. K

18 SPECIAL AGENT NEFF: (REDACTED) (PH)  
19 position was what?

20 THE WITNESS: He was a director, but I  
21 don't recall specifically what his position was. He  
22 was also somebody that people were very much afraid of  
23 and was viewed as quite intimidating and had a lot of  
24 influence at the site.

25 SPECIAL AGENT NEFF: What about the issues

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1 that were involved when the intimidation was ongoing?  
2 Do you recall what the issues were that people raised:

3 THE WITNESS: Not specifically, no.

4 SPECIAL AGENT NEFF: When he was upset?

5 THE WITNESS: Well, plant performance  
6 wasn't as expected or how people were dealing with  
7 technical issues or letting the union guys run the  
8 show basically. There was a lot of tension between  
9 management and the union at that point, very much a  
10 cold war of sorts between these guys and the union  
11 leadership.

12 SPECIAL AGENT NEFF: The timeframe for  
13 this is?

14 THE WITNESS: It's '96.

15 SPECIAL AGENT TEATOR: Dr. Harvin, can I  
16 ask a question for me? In these discussions you  
17 witnessed with (██████████) and maybe the other  
18 managers, did you see them yell, curse, intimidate  
19 individuals at the plant over issues similar to those  
20 which you talk about which occurred at Hope Creek and  
21 Salem in 2003 and 2002? Plant type operation issues,  
22 do you recall anything specific like the examples you  
23 have given recently where management reacted towards  
24 individuals in that way over those types of issues?

25 THE WITNESS: Yes.

1                   SPECIAL AGENT TEATOR: Can you recall one  
2                   two examples?

3                   THE WITNESS: I was in a number of  
4 meetings with [REDACTED] and [REDACTED] with the  
5 management team where technical issues were talked  
6 about. If the answers given were not what either of  
7 them wanted them to be or thought they should be,  
8 people were dressed down. People dreaded going to  
9 those meetings because of the public humiliation  
10 involved.

11                   I frankly wasn't well versed enough in  
12 nuclear back that early to be able to capture any of  
13 the technical issues. Many of the conversations back  
14 then were around technical issues and plant  
15 performance. I believe in some cases there should be  
16 minutes available for some of those meetings. They  
17 were monthly leadership meetings held in the  
18 processing center.

19                   SPECIAL AGENT TEATOR: Do you recall if  
20 the plant employees are trying to bring what they  
21 would think would be conservative decisions regarding  
22 maybe we need to shut the plant down, this is a  
23 problem with this particular piece of equipment and  
24 they are getting shut down by senior management for  
25 bringing up those types of issues? Do you recall that

1 occurring? I'm just probing a little.

2 THE WITNESS: Yes, I can't say that for  
3 back that far. I just don't know.

4 SPECIAL AGENT TEATOR: All right.

5 THE WITNESS: But certainly that's what  
6 I've seen more recently.

7 SPECIAL AGENT TEATOR: All right. Thank  
8 you.

9 SPECIAL AGENT NEFF: You were talking  
10 about [REDACTED] I believe it was.

11 THE WITNESS: [REDACTED]

12 SPECIAL AGENT NEFF: He had an initiative.  
13 He subsequently left, and [REDACTED] picked up his  
14 initiative on the human performance. How did that go  
15 then under his direction?

16 THE WITNESS: We actually took  
17 considerable ground. I would say it was fairly  
18 successful. There were other executives who were in  
19 and out of the sponsorship of it, but we trained a  
20 group of about 40 people to be what we called  
21 breakthrough thinking coaches to support people in  
22 letting go of the past and moving forward.

23 For some period of time, my assessment was  
24 - and I think the employee surveys support - that the  
25 work place was getting more healthy. If you look at

1 the continuum of work place cultures, the environment  
2 in 1997 I would characterize as toxic. It moved from  
3 toxic to a step up which is destructive.

4 By the time WANO came last fall, I  
5 actually gave a talk to them with three coffee cups.  
6 One was all black coffee. The other looked like tea.  
7 The other was clear water. I said this is the  
8 evolution. We're headed to clear water. We've gone  
9 from toxic to this middle stage, and we still have a  
10 ways to go to get the equivalent of clear water. So  
11 we did make progress, certainly not the kind of  
12 progress that I wanted or expected that we would make,  
13 but we definitely did make progress.

14 SPECIAL AGENT NEFF: The people that you  
15 are addressing as part of that initiative, were they  
16 from any particular division or across the board on-  
17 site?

18 THE WITNESS: Across the board.

19 SPECIAL AGENT TEATOR: Excuse me. When  
20 did INPO come in again?

21 THE WITNESS: The timeframe I just cited  
22 was last summer. It was actually the WANO version.

23 SPECIAL AGENT TEATOR: Excuse me.

24 THE WITNESS: It was WANO which is the  
25 World Association of Nuclear as opposed to INPO.

1                   SPECIAL AGENT TEATOR:   Okay.  I should  
2 have said operators union.

3                   THE WITNESS:  It's an operators union?

4                   COORDINATOR VITO:  World Association of  
5 Nuclear Operators.  Isn't that what it stands for?

6                   RESIDENT INSPECTOR ORR:  That is what WANO  
7 stands for.  Operators union in the sense that  
8 operating companies are companies that operate nuclear  
9 power plants.

10                  THE WITNESS:  Okay.  As opposed to union.  
11 Okay.  I misunderstood.

12                  COORDINATOR VITO:  This is Dave Vito.  Can  
13 I ask a quick question?  You talked about things  
14 getting a bit better as that human performance  
15 initiative moved forward.  Can you describe a bit how  
16 you measured that, how the improvement manifested  
17 itself, what things changed, what got better, what  
18 stopped happening in order to show that the work  
19 environment was getting a little bit better at least  
20 at the time?

21                  THE WITNESS:  We did do employee surveys,  
22 so they showed improvement.  There was a corporate  
23 survey done.  Also,  commissioned the Gallup Q-12  
24 survey to be done every year I believe.  That showed  
25 how bad the culture was frankly, and it also showed

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1 improvements we had made the following year when we  
2 repeated the survey.

3 My sense was also from my work that the  
4 people issues were getting much more attention than  
5 they had gotten previously. We were addressing union-  
6 management relationships also in a way that I don't  
7 believe had been done previously, at least certainly  
8 not when I was there. So that's what has me saying  
9 that it had moved from very dark toxic.

10 COORDINATOR VITO: When was that point  
11 where you got to the light brown colored water?

12 THE WITNESS: I would say it peaked in  
13 2002.

14 COORDINATOR VITO: Early? Late?

15 THE WITNESS: Mid-2002 was my assessment  
16 of when it got as good as it got and was on a very  
17 sharp decline once the WANO team came in, and there  
18 was a fairly strong sense that we were going to get  
19 another three.

20 SPECIAL AGENT TEATOR: Meaning what?

21 THE WITNESS: They rate all the nuclear  
22 plants in the country. One is top. If you are four,  
23 I believe you are on a watch list or pretty close to  
24 it. David, correct me if I'm wrong. We had been a  
25 three when ~~\_\_\_\_\_~~ came in, and as it turned out,

1 we were going to be a hree when he left.

2 SPECIAL AGENT TEATOR: Did that in fact  
3 happen?

4 THE WITNESS: That did in fact happen.  
5 That's when I saw a very dramatic negative shift in  
6 the culture, in the leadership, in  That's when  
7 things in my view started seriously declining. As one  
8 person at a high level, that's dangerous.

9 SPECIAL AGENT TEATOR: Dave, do you have  
10 something else?

11 COORDINATOR VITO: No, thanks.

12 SPECIAL AGENT TEATOR: To summarize a  
13 little bit this timeframe, from '96 through mid-2002,  
14 it was slowly getting better.

15 THE WITNESS: Yes.

16 SPECIAL AGENT TEATOR: That's a general  
17 statement.

18 THE WITNESS: Right. I just have to  
19 correct something. I didn't join the company until  
20 '98. If I misspoke, I apologize. I got my doctorate  
21 in '96. So I joined the company in '98. I apologize.  
22 Let me correct all of that.

23 SPECIAL AGENT TEATOR: We're talking  
24 spring '98.

25 THE WITNESS: Right.

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1 SPECIAL AGENT TEATOR: So we're talking  
2 about March '98 forward instead of March '96.

3 THE WITNESS: Correct. Let me just state  
4 this clearly. In the four years that [REDACTED] was  
5 the [REDACTED] we did a lot of work on the culture  
6 especially once [REDACTED] left, and we started making  
7 what I would call significant steps forward. At  
8 several points, it occurred as if [REDACTED] lost faith in  
9 the management team. We had to deal with that issue.  
10 When the head of the organization loses faith in his  
11 management team, we had a bigger problem.

12 Then as I was saying, we made what I'll  
13 call incremental progress up until late summer. It  
14 started turning when we suspected INPO was going to  
15 come in and give us another three. First of all,  
16 [REDACTED] was incredibly bitter. In my view, he became  
17 quite disenfranchised with the leadership team and  
18 with the workers. This was when his attitude about  
19 the workers in my view dramatically shifted from  
20 positive to negative, and they became the problem. As  
21 I spoke up more for the workers and brought to him  
22 their safety concerns, I then became the problem as  
23 well.

24 SPECIAL AGENT TEATOR: I'm going to stop  
25 you for a second because we're going to get all of

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1 that. I want to go back and just close out an area if  
2 I could.

3 THE WITNESS: Okay.

4 SPECIAL AGENT TEATOR: In talking about  
5 the work environments getting better slowly, would you  
6 say that [REDACTED] was one of the people  
7 responsible for that occurring?

8 THE WITNESS: Yes.

9 SPECIAL AGENT TEATOR: Who else would you  
10 say from the plant was responsible for the improvement  
11 of the work environment up until the very sharp  
12 decline? Let's get some of the names of the people  
13 who helped that to happen.

14 THE WITNESS: [REDACTED] who was  
15 brought in I believe in the summer 2000. He had a  
16 very strong commitment to union-management  
17 partnership. Even though at times the union guy has  
18 detested the man, it became very obvious in how he  
19 supported the union-management initiatives that I and  
20 others brought to him ideas for that he definitely  
21 contributed to people being heard more.

22 A change point for the organization were  
23 outages. We used those outages to make a culture step  
24 change. So outages were very much focused on engaging  
25 the workers, teamwork, what we called spirited

1 leadership. In those arenas, Hope Creek led the way.  
2 It was ( [REDACTED]  
3 [REDACTED] ) who is no longer there  
4 but was there at the time, and others. But those were  
5 the key leaders.

6 ( [REDACTED] ) helped bring  
7 about cultural step changes through how they led  
8 outages. We had never before, at least that I knew  
9 of, focused on spirited leadership as a way to bring  
10 out the best in people. People rose to the occasion,  
11 and they loved it. So it gave us a sense of how life  
12 at the plant, life at Salem/Hope Creek could be if we  
13 could just replicate how we worked together and how  
14 people were treated during outages.

15 My role was to be the coach to the  
16 leadership team. That's how I paved the way so to  
17 speak into the technical side of the organization and  
18 got access to way more of the issues than I had when  
19 I was as I called it outside the fence as opposed to  
20 behind the fence.

21 SPECIAL AGENT TEATOR: So you got more  
22 involved through the outages then.

23 THE WITNESS: Yes, then that led to being  
24 asked to work with the operations leadership teams.

25 SPECIAL AGENT TEATOR: Did you see any

1 similar type leaders over the Salem site like you  
2 mentioned at Hope Creek?

3 THE WITNESS: The first outage we did was  
4 1R-13 which (██████████) was one of the leaders of even  
5 though he was from Hope Creek. He actually brought  
6 that to Salem. We had our first best outage ever team  
7 which was a team sponsored by (██████████) to use this  
8 breakthrough thinking approach to outage performance.  
9 I was the leadership approach for part of that. That  
10 was a Salem outage and started to build this momentum  
11 towards a work place in which people could actually  
12 thrive.

13 SPECIAL AGENT NEFF: What was the  
14 timeframe for that?

15 THE WITNESS: It was fall of '97 or '98.  
16 I'm not sure which but one of those. No, sorry. I'm  
17 back on my mistake again. That would have been fall  
18 '99 I believe.

19 SPECIAL AGENT NEFF: You had mentioned by  
20 the summer of 2002 that the WANO ultimately resulted  
21 in a lower grade.

22 THE WITNESS: The same grade.

23 SPECIAL AGENT NEFF: A three but not a  
24 decent grade. That was their fear, and that's what  
25 they received. Right?

1 THE WITNESS: Ye .

2 SPECIAL AGENT NEFF: That was that based  
3 on?

4 THE WITNESS: They bring in a team of  
5 industry peers and experts from the INPO organization  
6 to assess the work place and the functional areas. So  
7 they would come on-site for two weeks. We would send  
8 them tons and tons of documentation in advance of  
9 that. They had a sequester week where they looked  
10 through all of the material and developed their game  
11 plan for what they were going to review when they come  
12 on-site. They spent two weeks on-site and then go  
13 back and mull everything over. Then the senior  
14 leaders give the grade.

15 SPECIAL AGENT NEFF: The findings in that,  
16 in that it was a lesser grade, do you know what caused  
17 that?

18 THE WITNESS: You keep saying "lesser  
19 grade."

20 COORDINATOR VITO: It was the lowest.

21 SPECIAL AGENT NEFF: It was less than a  
22 one.

23 THE WITNESS: Right. It was the same  
24 grade that had been given previously. In that sense,  
25 it was consistent. You can get a four, so there is a

1 lower grade to get. As I reca'l, there are only nine  
2 nuclear power plants in the country that got a three.  
3 So it's not good to get a three especially when you  
4 committed to the chairman of the board that you are  
5 not going to get a three.

6 SPECIAL AGENT TEATOR: But what Eileen is  
7 getting to, it seems like in the summer of 2002 you  
8 indicated that the crew had reached its peak.

9 THE WITNESS: Yes.

10 SPECIAL AGENT TEATOR: So it was sort of  
11 okay at that point.

12 THE WITNESS: Correct.

13 SPECIAL AGENT NEFF: And had been there  
14 some time. It looked like the improvements had  
15 arrived by late '99 at least in the operations side of  
16 things by the way the outages were going.

17 THE WITNESS: What you just said is not  
18 accurate.

19 SPECIAL AGENT NEFF: Okay. You saw some  
20 improvement on the Salem side in the way they ran the  
21 outages by late '99.

22 THE WITNESS: The first outage that we  
23 applied this best outage ever team approach to had us  
24 have I believe a 36 day outage instead of much higher,  
25 and it made a positive change in working relationships

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1 and work environment. They did carry that over to  
2 hope result in subsequent outages. When I said the  
3 culture peaked out in 2002, it could have kept going,  
4 but obviously didn't in my view when we got the three  
5 and how the three was dealt with.

6 SPECIAL AGENT TEATOR: Right. My question  
7 is if in your opinion the culture was at its peak  
8 where it had gotten better, how did they get a three  
9 then.

10 THE WITNESS: That's easy to explain in  
11 some ways.

12 SPECIAL AGENT TEATOR: Okay.

13 THE WITNESS: INPO had a significant  
14 concern about was our increased performance  
15 sustainable. It was so new. The progress was so new  
16 that they weren't convinced that we had the track  
17 record to show that the ball wasn't in essence going  
18 to roll back down the hill.

19 SPECIAL AGENT TEATOR: Okay.

20 THE WITNESS: And plant performance, the  
21 actual numbers themselves, tracked closer to a three  
22 compared to how the others in the industry were doing  
23 such that if they had given us a two, it would have  
24 been a two with the benefit of the doubt so to say.  
25 They didn't do that, and [REDACTED] was banking on

1 them doing that. He wanted to get out of office and  
2 receive having made his considerable stride at Salem  
3 and Hope Creek as evidenced by INPO's score, and that  
4 didn't happen.

5 SPECIAL AGENT TEATOR: This is what we  
6 need to talk about.

7 SPECIAL AGENT NEFF: Yes, we'll get into  
8 the effect that had on the site. You have indicated  
9 that [REDACTED] disappointment with this rating  
10 affected a change in attitude both toward workers and  
11 towards management from what you observed.

12 THE WITNESS: Correct.

13 SPECIAL AGENT NEFF: How did that manifest  
14 itself? What were you seeing?

15 THE WITNESS: First of all, [REDACTED] became  
16 very distant, largely invisible. It was like he had  
17 given up. He sent others to put the pressure on  
18 people. [REDACTED] were the two  
19 [REDACTED] behind the fence that were under  
20 considerable pressure to make change happen as they  
21 called it.

22 SPECIAL AGENT NEFF: What does that mean  
23 "make change happen?" What goes into that?

24 THE WITNESS: Improve results, improve  
25 plant performance, almost by any means.

1                   SPECIAL AGENT TEATOR:        Operating  
2 performance, efficiency performance.

3                   THE WITNESS:    Yes, both.

4                   SPECIAL AGENT TEATOR:  Or work environment  
5 performance.

6                   THE WITNESS:    Well, there was not much  
7 interest in improving work environment performance  
8 because it was now the gloves were off and we were  
9 going to do whatever it took to get results.

10                  SPECIAL AGENT TEATOR:  Because they had  
11 gotten a three.

12                  THE WITNESS:    Yes.

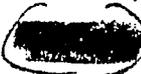
13                  SPECIAL AGENT TEATOR:  Was that like a  
14 demarcation line?

15                  THE WITNESS:    It was a line of  
16 demarcation, definitely in my view a line of  
17 demarcation.

18                  SPECIAL AGENT TEATOR:  After that there  
19 was a very sharp decline, using your words, in the  
20 work environment.  Is that accurate?

21                  THE WITNESS:    That's accurate.  In fact,  
22 we had been having a number of union-management what  
23 we call mutual gains sessions where we would sit and  
24 throw the issues up on the board.  The union guys  
25 would say we'll tackle this, and management would say

1 we'll tackle that and we'll tackle these together.  
2 Actually all that which I was in some ways  
3 accountable for had gotten us a strength which is how  
4 INPO acknowledges ground taken and something  
5 innovative in the industry. It had gotten us kudos  
6 from INPO. Then all of that dissipated once we got  
7 the three. The union guys got even more bitter  
8 because their view was you just used us to impress  
9 INPO, and now that they are not here anymore, you  
10 won't even listen to us anymore.

11 Frankly for me, it was totally  
12 disheartening because I had promised them that this  
13 wasn't the case. This was a real genuine effort. We  
14 really cared about management-union partnership.  
15  decided the thing to do was as he said put the  
16 screws to the union.

17 SPECIAL AGENT TEATOR: When did that  
18 statement come out?

19 THE WITNESS: Last fall, and he again said  
20 it to me when he was explaining why my position was  
21 being eliminated.

22 SPECIAL AGENT NEFF: The mutual gain  
23 meetings where the union was involved and had a voice,  
24 how long had that been going on before it was  
25 discontinued?

1 THE WITNESS: Between nine and twelve  
2 months I would say.

3 SPECIAL AGENT NEFF: And they stopped in  
4 the summer of 2002.

5 THE WITNESS: Yes.

6 SPECIAL AGENT NEFF: You mentioned that  
7 [REDACTED] has now become distant and he's sending  
8 other people to enforce his make change happen  
9 message. You named the [REDACTED]  
10 [REDACTED] Was anybody else involved in that?

11 THE WITNESS: Those were the two that it  
12 was obvious that pressure was on them. First of all,  
13 their offices were near mine so we talked quite often.  
14 [REDACTED] was oftentimes in another building, so I  
15 didn't see him very much. He was in some ways  
16 invisible himself. He didn't presence himself as I  
17 would have expected a [REDACTED] to do, and I made  
18 that clear to [REDACTED] The pressure was definitely on  
19 [REDACTED]

20 SPECIAL AGENT NEFF: We've seen a little  
21 bit about your exchanges with [REDACTED] and less so  
22 with [REDACTED] What were your impressions of what  
23 he thought of this change? Did he note a change first  
24 of all, and how did he handle that?

25 THE WITNESS: Frankly whether

1 intentionally or not, he handle it pretty  
2 .sincerely in the sense that once we got the three  
3 we had these management meetings and we told the work  
4 place we're going to stay the course. We're not going  
5 to make major changes. INPO told us just to stay the  
6 course and we would be fine.

7 And yet to my view, negative changes were  
8 made despite what management said publicly. What was  
9 going on behind the scenes was some pretty significant  
10 first of all infighting that trickled down between

11 [REDACTED] Ultimately it resulted in a  
12 reorganization. [REDACTED]  
13 [REDACTED] moved out of the building  
14 and outside the fence. So [REDACTED] got the whole thing to  
15 deal with.

16 SPECIAL AGENT NEFF: What caused problems  
17 between the two of them? Do you know what they fought  
18 about?

19 THE WITNESS: They fought about leadership  
20 style. They fought about technical issues. They  
21 fought about how the plants were being led. [REDACTED]  
22 [REDACTED] thought he was a premier operator, and [REDACTED]  
23 [REDACTED] didn't think he had an operations mentality  
24 whatsoever. So they would fight over technical  
25 issues. It was just a lot of infighting.

1 SPECIAL AGENT TEATOR: In our opinion,  
2 be ween the two of them, who was more the champion of  
3 plant safety?

4 THE WITNESS: [REDACTED] by far.

5 SPECIAL AGENT TEATOR: Examples where he  
6 disagreed with [REDACTED] on specific issues. Can you  
7 provide some of those?

8 THE WITNESS: [REDACTED] --

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

11 THE WITNESS: There was an outage where it  
12 was reported to me and it was talked about at a number  
13 of management meetings where [REDACTED] and [REDACTED]  
14 [REDACTED] who was the [REDACTED], were in  
15 the control room at Salem. There was some issue over  
16 starting up the plant following the outage.

17 Frankly I'm not sure if it was a forced  
18 outage or a refuel outage. But the SRO on duty was  
19 told to n/a a line in a procedure in order to go  
20 forward with start up. [REDACTED] went ballistic over  
21 that. The union guys went ballistic over it too.  
22 There was a public contentiousness over that issue.

23 SPECIAL AGENT TEATOR: Did that result in  
24 a grievance being filed? Is that the issue you  
25 mentioned?

1 THE WITNESS: No, it was different  
2 issue.

3 SPECIAL AGENT TEATOR: Okay.

4 SPECIAL AGENT NEFF: The timeframe for  
5 this issue was?

6 THE WITNESS: Last year, 2002.

7 RESIDENT INSPECTOR ORR: This is Dan Orr.  
8 Dr. Harvin, is that [REDACTED] directing an SRO to n/a  
9 a step?

10 THE WITNESS: Yes.

11 RESIDENT INSPECTOR ORR: And [REDACTED] was  
12 furious about [REDACTED] providing that direction.

13 THE WITNESS: Yes, he thought [REDACTED]  
14 was inept and should be removed from his position. He  
15 could not get that to happen. [REDACTED] made some in  
16 routes. Then [REDACTED] nixed it. [REDACTED] was removed  
17 recently from that position, or the position was  
18 eliminated is a more accurate way to say it. But [REDACTED]  
19 [REDACTED] felt very strongly that [REDACTED] should  
20 be removed from his position.

21 SPECIAL AGENT TEATOR: Because of that  
22 particular issue.

23 THE WITNESS: Because of that and other  
24 issues.

25 SPECIAL AGENT TEATOR: And you believe

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1 this was a 2002 outage at one of the Saler units.

2 THE WITNESS: Yes.

3 BRANCH CHIEF LORSON: Dr. Harvin, this is  
4 Ray Lorson. Could you be more specific possibly? Do  
5 you remember when in 2002 this particular incident  
6 occurred?

7 SPECIAL AGENT TEATOR: Spring or fall I  
8 think is when the outages are.

9 BRANCH CHIEF LORSON: Yes, spring or fall.

10 THE WITNESS: I don't remember.

11 BRANCH CHIEF LORSON: Okay. Do you know  
12 maybe a little bit more about what the dispute was  
13 over in this particular procedure? Do you know if  
14 there was an equipment type issue that was being  
15 n/a'd, or was it some operational procedure step? Do  
16 you have any more of the specifics about what  
17 procedure they were using that was n/a'd?

18 THE WITNESS: No, but it wouldn't be hard  
19 to find. This was very public because the message it  
20 left with many of the operators was production over  
21 safety once again.

22 COORDINATOR VITO: Was it left that way?  
23 Was it ever corrected? Was the step that was n/a'd  
24 ever corrected? In other words, did ~~\_\_\_\_\_~~ win the  
25 argument and have that step done, or did the n/a hold?

1 Do you know?

2 THE WITNESS: Well, the unit did start up  
3 at that time. I don't know what happened  
4 retroactively.

5 COORDINATOR VITO: You don't know if they  
6 went back and did the step.

7 THE WITNESS: I don't know about that.

8 BRANCH CHIEF LORSON: Do you happen to  
9 know who the [REDACTED] was in the control room that  
10 actually n/a'd the step?

11 THE WITNESS: I don't for sure, but  
12 somebody was talking with [REDACTED] TC

13 [REDACTED]

14 SPECIAL AGENT NEFF: What was his  
15 position?

16 THE WITNESS: He's an [REDACTED]

17 SPECIAL AGENT TEATOR: Dr. Harvin, do you  
18 know if the licensee conducted their own investigation  
19 of that particular issue? If so, do you know who  
20 conducted it?

21 THE WITNESS: I do not.

22 SPECIAL AGENT TEATOR: Do you know if they  
23 did an investigation or a condition report or anything  
24 was initiated as a result of just that issue?

25 THE WITNESS: I understand - and I didn't

1 see it first hand - that a notification was written  
2 about this. But whether it was investigated or not,  
3 I don't know.

4 SPECIAL AGENT TEATOR: How did you become  
5 aware of this particular issue? Who brought this to  
6 your attention?

7 THE WITNESS: It was talked about at  
8 management meetings. Various Salem operators had  
9 mentioned it as why they didn't trust senior  
10 leadership which leads me to another point. In 2002 -  
11 -

12 SPECIAL AGENT TEATOR: Can we finish this  
13 issue up please?

14 THE WITNESS: Yes, sorry. It's related,  
15 but go ahead.

16 SPECIAL AGENT TEATOR: ~~\_\_\_\_\_~~ why do  
17 you think we need to talk to him?

18 THE WITNESS: I think he might have been  
19 the person directly involved, or he certainly know of  
20 this.

21 SPECIAL AGENT TEATOR: Did he come to you  
22 with a concern?

23 THE WITNESS: No, not him.

24 SPECIAL AGENT TEATOR: Do you know if  
25 during any of these management meetings management

1 decided that what had been done was actually wrong?  
2 Did they reach a conclusion at any of the meetings  
3 that you participated in that what had been done was  
4 wrong?

5 THE WITNESS: The discussion as I recall  
6 it was more around the lines of vice presidents and  
7 directors have to be careful when they go in the  
8 control room not to be perceived as giving orders when  
9 that wasn't what was intended because [REDACTED]  
10 and [REDACTED] said oh no we would never do that.  
11 The Salem operators who were in the control room made  
12 it known that they thought they were given a direct  
13 order. The message was more be responsible for your  
14 position to the director and vice president as opposed  
15 to what we did was wrong. I never heard anybody say  
16 that was wrong that I did that.

17 SPECIAL AGENT TEATOR: Anything more to  
18 that particular issue?

19 COORDINATOR VITO: No.

20 BRANCH CHIEF LORSON: No, I don't think  
21 so.

22 SPECIAL AGENT NEFF: Let's take a break.  
23 Off the record.

24 (Whereupon, the foregoing matter went off  
25 the record at 11:19 a.m. and went back on

1 the record at 11:23 a.m.)

2 SPECIAL AGENT NEFF: Look on the record.

3 Before we broke, we were finished talking about the  
4 incident in 2002 involving ~~\_\_\_\_\_~~ concerns and  
5 what had happened in the control room. At this point,  
6 is this the first awareness and first incident that  
7 you have of this production over safety mindset on the  
8 site?

9 THE WITNESS: My short answer is no, but  
10 it's the first one that I'm aware of that makes me  
11 aware of a bigger issue or a related issue which is  
12 there is a very big risk between Salem operators up to  
13 and including the shift managers who as you know are  
14 NRC licensed and senior management. So this incident  
15 brings the issue to a head of a growing distrust  
16 between senior management and operations leadership at  
17 Salem and a distrust by the guys with the licenses of  
18 senior management.

19 SPECIAL AGENT NEFF: Two splits.

20 THE WITNESS: Two splits. That's very  
21 important because the guys with the licenses were  
22 feeling like they were pressured to make non  
23 conservative decisions that don't understand why this  
24 is now becoming the norm, this pressure, especially  
25 since we had intensive conservative decision making

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1 training. [REDACTED] had with the management team and  
2 others a number of sessions where you always have to  
3 think from John Q. Public and what would John Q.  
4 Public want us to do.

5 And yet, there's this inconsistent and  
6 almost diametrically opposed pressure that's coming  
7 that has the guys with the licenses saying this isn't  
8 right. Frankly, I don't know who to believe because  
9 the guys with the licenses are viewed by [REDACTED]  
10 specifically as the problem, and the guys with the  
11 licenses are telling me that [REDACTED] and the vice  
12 presidents and director in this case, [REDACTED]  
13 are the problem. So my answer is let's all get in the  
14 same room and talk about this because all I knew was  
15 the rift that was present was potentially dangerous.

16 SPECIAL AGENT TEATOR: Are you talking  
17 about the reactor operators?

18 THE WITNESS: No, I'm talking about SROs.

19 SPECIAL AGENT TEATOR: Can you give us the  
20 names?

21 THE WITNESS: I have a long list of names.  
22 Do you want them now?

23 SPECIAL AGENT TEATOR: Can you give us  
24 some of them?

25 THE WITNESS: Sure.

1 SPECIAL AGENT TEATOR: Do you have them n  
2 a document?

3 THE WITNESS: No. Let me see.

4 SPECIAL AGENT TEATOR: Why don't we take  
5 a short break? Off the record.

6 (Whereupon, the foregoing matter went off  
7 the record at 11:26 a.m. and went back on  
8 the record at 11:28 a.m.)

9 SPECIAL AGENT NEFF: We're back on the  
10 record. It's 11:28 a.m.

11 THE WITNESS: It's very important for you  
12 to talk with what we used to call the operations  
13 superintendents from Salem. I believe their title is  
14 shift managers. Each one of them will be able to  
15 clearly tell you what it's been like to work under  
16 this senior leadership team. I will go through and  
17 give you all of those names. Would you like me to do  
18 that now?

19 SPECIAL AGENT TEATOR: Yes, if you could  
20 do the [REDACTED] first.

21 THE WITNESS: Shift managers. Let me give  
22 you the [REDACTED] first. His name is [REDACTED]  
23 [REDACTED] Since I left, [REDACTED] told me that he does not  
24 trust [REDACTED] decision making  
25 when it comes to nuclear safety.

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( [REDACTED] ) ( [REDACTED] )  
[REDACTED] was on duty when [REDACTED]  
[REDACTED] that had the union gentleman  
being very up in arms that led me to work closely with  
the Salem NEOs.

SPECIAL AGENT NEFF: The September 2002  
incident.

THE WITNESS: Yes. [REDACTED]  
[REDACTED] also  
an ( [REDACTED] ) He voiced specific  
concerns about the rift between senior leadership and  
operations leadership. [REDACTED]  
[REDACTED]  
[REDACTED]

SPECIAL AGENT TEATOR: These are all [REDACTED]  
[REDACTED]

THE WITNESS: Correct. [REDACTED]

SPECIAL AGENT TEATOR: Did they have a  
particular concern, or is it generally they don't  
trust the senior management decision making process?

THE WITNESS: Yes, when it comes to  
operating the plants.

SPECIAL AGENT TEATOR: You had a specific  
instance involving [REDACTED] Go  
ahead. I'm sorry.

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1 SPECIAL AGENT NEFF: And with all of these  
2 individuals you have knowledge of that...

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3 THE WITNESS: From talking with them and  
4 being in meetings with them. I was in a meeting with  
5 them with [redacted] and others. The meeting that  
6 I'm talking about happened when [redacted] was  
7 [redacted] So this was early 2002 I  
8 believe. [redacted] is somebody you should also talk with  
9 because he ended up [redacted] I believe many of his  
10 issues related to the senior leadership team.

7D  
7D  
7D

11 SPECIAL AGENT TEATOR: What is his last  
12 name again?

13 THE WITNESS: [redacted]  
14 Another person that would be important for you to  
15 speak with is [redacted] who  
16 resigned but I understand is back at the site as a  
17 contractor in engineering I believe or projects. He  
18 definitely was in agreement with how the nuclear  
19 safety direction was coming from the top of the  
20 organization.

7D  
7C

21 SPECIAL AGENT TEATOR: Production over  
22 safety.

23 THE WITNESS: Yes, definitely.

24 SPECIAL AGENT TEATOR: This is a list of  
25 shift managers you gave us. That's quite a number of

1 shift managers who had this concern.

2 THE WITNESS: Yes, it was the whole Salem  
3 operations team.

4 SPECIAL AGENT TEATOR: Other [REDACTED] Do you  
5 have other names?

6 THE WITNESS: Yes, [REDACTED] is  
7 the last name.

8 SPECIAL AGENT TEATOR: You mentioned the  
9 one particular incident about [REDACTED] C

10 [REDACTED] Did this production over safety manifest  
11 itself in any other particular incident at Salem that  
12 these individuals had a particular concern with? Was  
13 there another particular incident that is an example  
14 of production over safety?

15 THE WITNESS: There are other incidents.  
16 I have no doubt about that. There were people in the  
17 organization who were keeping track of these issues,  
18 management and union people, because they were  
19 concerned that the management team from its actions  
20 was going to put Salem out of business cause another  
21 shut down.

22 SPECIAL AGENT TEATOR: Who was tracking  
23 those issues?

24 THE WITNESS: I'll give you some more  
25 names. [REDACTED] 7C

1 SPECIAL AGENT NEFF: What was his  
2 po. ition?

3 THE WITNESS: He's a [REDACTED]

4 SPECIAL AGENT NEFF: Do you want to take  
5 a moment?

6 THE WITNESS: Yes, that would be good.

7 SPECIAL AGENT NEFF: Off the record.

8 (Whereupon, the foregoing matter went off  
9 the record at 11:35 a.m. and went back on  
10 the record at 11:38 a.m.)

11 SPECIAL AGENT NEFF: Back on the record.  
12 It's 11:38 a.m. You are giving us a document.

13 THE WITNESS: It's a copy of a document to  
14 the line of questioning related to people who I knew  
15 were keeping track of those safety issues. I received  
16 an email from a gentleman by the name is [REDACTED].  
17 [REDACTED] He goes by the nickname  
18 [REDACTED] He sent me two emails. One is dated Tuesday,  
19 September 24 at 11:30 p.m.

20 SPECIAL AGENT TEATOR: '02?

21 THE WITNESS: '02. The second is dated  
22 Wednesday, September 25, 2002 at 4:59 a.m. In the  
23 latter memo, he has 12 files that are attached that  
24 are site safety concerns that in his view have not  
25 been addressed.

1 SPECIAL AGENT TEATOR: Do you know what  
2 his title is?

3 THE WITNESS: He's actually a [REDACTED]  
4 [REDACTED] There are a number of union  
5 people and I believe management people inside Salem  
6 who were significantly concerned enough that they were  
7 keeping a log. There's [REDACTED] by the name of [REDACTED]  
8 [REDACTED] who has extensive files [REDACTED] told  
9 me on all of the issues at the site. I do not know if  
10 [REDACTED] survived the most recent reorganization or not.

11 SPECIAL AGENT NEFF: [REDACTED] position?

12 THE WITNESS: [REDACTED] was a part of the  
13 corrective action process. [REDACTED] had a number of  
14 different position. [REDACTED] was appalled at how the site  
15 was being run and said [REDACTED] could speak up only under  
16 subpoena because [REDACTED] was afraid for [REDACTED] job.

17 SPECIAL AGENT TEATOR: Again production  
18 over safety, is that [REDACTED] general concern?

19 THE WITNESS: Yes, and [REDACTED] concerns may  
20 even pre-date mine. [REDACTED] been there quite a while.

21 SPECIAL AGENT NEFF: You're being specific  
22 to Salem with these issues. During this time period,  
23 do you interact with the people at the Hope Creek site  
24 in the same position?

25 THE WITNESS: Yes, I was originally

1 assigned to Hope Creek. So I didn't get involved  
2 really with Salem until 2002 to any great degree. I  
3 have much more knowledge about Hope Creek. My sense  
4 at Hope Creek was the work environment was more  
5 positive.

6 There was a starter partnership between  
7 management and union. There was more stability in the  
8 management ranks. ~~\_\_\_\_\_~~ has been the ~~(\_\_\_\_\_)~~  
9 ~~\_\_\_\_\_~~ for ~~\_\_\_\_\_~~ years, and he just resigned recently.  
10 He's also someone else you should talk to because he  
11 was party to much of senior leadership's pressure.  
12 Only recently did I hear from the shift managers at  
13 Hope Creek of their distrust of senior leadership  
14 decision making. Several incidents happened this year  
15 that give grounds to that.

16 SPECIAL AGENT TEATOR: Those are the  
17 technical issues that you brought in your original  
18 information to the Commission.

19 THE WITNESS: Yes.

20 COORDINATOR VITO: Dr. Harvin, the issues  
21 that you mentioned of folks keeping personal records  
22 of things that they thought were problems - and you  
23 mentioned that the one equipment operator had a list  
24 of 12 items - are the items a mix of plant safety,  
25 industrial safety?

1 THE WITNESS: Yes.

2 COORDINATOR VITO: So there are some  
3 industrial safety issues and some related to how the  
4 plant was being operated or how equipment was being  
5 operated.

6 THE WITNESS: Yes, and some were related  
7 to the maintenance of safety systems.

8 COORDINATOR VITO: Okay.

9 RESIDENT INSPECTOR ORR: Dr. Harvin, with  
10 these 12 files, is that what we're going to get a copy  
11 of, the specifics of those 12 issues?

12 THE WITNESS: I'll give you a copy of the  
13 email I have. I do not have copies of the 12  
14 attachments. When I was asked to leave the company  
15 early, they cut off my email access. So I wasn't able  
16 to retrieve these documents.

17 COORDINATOR VITO: Were the attachments  
18 similar emails, or were they notification numbers? Do  
19 you know if the issues had been documented in the  
20 corrective action system or not?

21 THE WITNESS: No, I don't know, but I'm  
22 sure [REDACTED] has his files.

23 RESIDENT INSPECTOR ORR: I guess the other  
24 question is when you received this email what did you  
25 do with this particular email, or how did you address

1 it?

2 THE WITNESS: I gave a copy of it to the  
3 head of quality assurance, [REDACTED] and wanted to  
4 know what of these issues he was aware of. In this  
5 email, [REDACTED] says "I just asked an NCO if we had a  
6 quality assurance department on the island. He could  
7 not say that he actually had and had not seen any for  
8 a while, an observation seconded by me." He goes on  
9 to talk about the quality assurance organization.

10 RESIDENT INSPECTOR ORR: To your  
11 knowledge, what was the nature of [REDACTED]  
12 response to these issues?

13 THE WITNESS: Yes, I've heard this,  
14 nothing new here. That was his response as I recall.

15 SPECIAL AGENT TEATOR: To you?

16 THE WITNESS: To me.

17 SPECIAL AGENT TEATOR: All right, to you.

18 THE WITNESS: We've known for a while the  
19 Salem NEOs were a problem.

20 SPECIAL AGENT TEATOR: Shoot the  
21 messenger. Is that how you characterize how he took  
22 that concern?

23 THE WITNESS: I took it as those guys are  
24 the problem.

25 SPECIAL AGENT NEFF: Was that the extent

1 of his response, or did he take some kind of action on  
2 it?

3 THE WITNESS: To my knowledge, he didn't  
4 take any action.

5 RESIDENT INSPECTOR ORR: Are you aware of  
6 any of the details of any of the 12 particular files  
7 that were attached? In other words, do you know any  
8 of the specifics of any of the concerns or issues or  
9 just that there were general concerns and issues?

10 THE WITNESS: Each file has a name.  
11 Changes to Manning (PH), SAP safety issues, plant  
12 safety issues, safety concerns, duty of operators,  
13 unsafe operations, state of, training feedback,  
14 calculus, standards, dear sirs, safety.

15 SPECIAL AGENT TEATOR: We can go to [REDACTED] 7c  
16 [REDACTED] then is what you are saying for the specifics.

17 THE WITNESS: Yes. Did you read this  
18 email? Would you like me to read it? It's very  
19 telling. What would you like me to do at this point?

20 SPECIAL AGENT NEFF: It's pretty brief.  
21 Let's go ahead and hear it if you think it's relevant.

22 THE WITNESS: This is after I had met with  
23 a group of NEOs who were very concerned about [REDACTED] 7c  
24 [REDACTED] that they thought was unsafe  
25 to close. "I commend you on your attempt at improving

1 the safe and continued operation of the station. I  
2 understand that it was due to the operations  
3 department weekly meeting that you deemed it necessary  
4 as [REDACTED] ear to look further into the situation. 7C

5 After our meeting tonight, I hope you have  
6 a better flavor as to our concerns. We did not have  
7 the intent of causing any of our immediate supervisors  
8 to feel the grief you described." Just as an aside,  
9 [REDACTED] who was their immediate supervisor was on the  
10 verge of quitting over this issue. He was at the end  
11 of his rope he said.

12 "Unfortunately as usual even to myself it  
13 sounded like a lot of NEO whining. Keep in mind that  
14 this meeting was not planned or offered with any time  
15 to prepare. Also keep in mind that even though you  
16 heard a lot of valuable information, information that  
17 you said was good, you only have had a small sampling  
18 of the information available. There are a lot of good  
19 people working here that were not available to attend  
20 but also have issues that need to be addressed.

21 Your intent to get a forum together to  
22 address these issues with [REDACTED] or his designee is a 7C  
23 direction I feel is needed. I have been involved in  
24 many such activities and per your request would agree  
25 to take part in this one if I see it is a possible

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1 path to better the operations here.

2 Like I said, I would take part in any  
3 actions that are in the best interest of the station  
4 including being involved with this course of action.  
5 Before this meeting takes place, I feel you should at  
6 least pull the remaining individuals in the department  
7 for the concerns. We are a department that has many  
8 concerns, many issues, too many than can be addressed  
9 in one meeting.

10 The information asked for should be:  
11 actions that we, the operations department, have taken  
12 when their opinion is adverse to the safe operation of  
13 a nuclear generating station, actions that have had  
14 detrimental effects on the safe being of those that  
15 work here and/or the equipment needed for safe  
16 operations, actions that anyone feels might have a  
17 negative impact on the station should outside  
18 influence get word of it. After all, we should all be  
19 here for the long run, and any issues that meet the  
20 above criteria would most certainly lead to the early  
21 shut down of our livelihood.

22 When pulled, the individuals should be  
23 asked not to immediately deluge you with lesser  
24 concerns that could mask those that need to be  
25 addressed first. If this does indeed develop into an

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1 ongoing activity to improve operations, all concerns  
2 will eventually be heard. It is these greater  
3 concerns and upper management's actions to those  
4 concerns that will determine the success or failure of  
5 these activities and my involvement.

6 These activities and any information  
7 gathered should be put out to all associates. It  
8 should be clearly communicated before any meeting that  
9 all attending the meeting are as informed as the next  
10 guy on the content of the meeting. No one likes being  
11 blindsided. It was also very disconcerting to hear  
12 that 'I was not aware of' from those we trust to be  
13 running the station. Thanks,  7C

14 He then several hours later writes a  
15 message that says "On second thought, I do not believe  
16 I can be successful as a major part of what you are  
17 proposing, but I do believe that we have a need to  
18 have a more focused look at what we're doing here in  
19 operations. But I do not believe that it can be done  
20 from within this department.

21 It is the knowledge base and operating  
22 practices that have been engraved into every one of  
23 us, even myself, that has led to these events. It is  
24 the newer supervisors that seem to be trying to do the  
25 right things. Well, less and less every day but are

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1 being affected by and changed by us. Plus I do not  
2 believe the real issues causing these events lies on  
3 shift." Should I continue?

4 SPECIAL AGENT NEFF: Is it similar?

5 THE WITNESS: Let me just look. To the  
6 end, "whatever these activities provide will not have  
7 a leg to stand on if senior island management does not  
8 get on board and support it, not just support it,  
9 demand it. Like I said to you, I cannot believe that  
10 management up to and including [REDACTED] is not aware of  
11 the activities discussed at the meeting. But I will  
12 give them the courtesy of assuming that they do not.

13 On the other hand, if they do and allow  
14 it, that is their choice as well. PSE&G has been  
15 around a great deal of time regardless of any and all  
16 decisions that they have made. I believe that they  
17 are smart people and they know what they are doing.  
18 My only issue then would be to have them stop  
19 contradicting themselves and wildly confusing the rest  
20 of us. A little honesty is all I ask.

21 Like I have stated to you, I am at the  
22 point of feeling uncomfortable in some of the actions  
23 I have taken in regards to all of this. As mentioned  
24 earlier, that is what is engraved in my by many of the  
25 company programs I was exposed to. They have always

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1 stated that they need personnel to speak out with  
2 these kinds of issues. I am always prieved at those  
3 who sat back and did nothing and said nothing.

4 I will be available for any information  
5 that I have solicited. I'm also attaching some  
6 letters that I have sent in the past regarding some of  
7 the issues that I have felt were below standards. I  
8 will not say that some did not stretch into a  
9 sarcastic nature. As much as that might be  
10 unprofessional, I do believe that gained them some  
11 notoriety and results.

12 I have no plans on leaving the company  
13 even if management only gives a little in the area of  
14 safety to gain monetarily. I also understand that  
15 openly I will not and cannot be asked to disregard  
16 safety no matter what the company's real desire is.  
17 But I can for my own feeling of safe employment tone  
18 down my concerns for the time being and give you and  
19 [redacted] time to show your desires. I will however still  
20 try to act in all other areas in the manner I always  
21 have. I am still the master of my own actions. I'm  
22 the final decision maker for my own safety.

23 SPECIAL AGENT TEATOR: Who is the author  
24 of that?

25 THE WITNESS: [redacted]

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SPECIAL AGENT TEATOR: [REDACTED]

SPECIAL AGENT NEFF: This is [REDACTED]

THE WITNESS: [REDACTED]

SPECIAL AGENT NEFF: And the date again on that?

THE WITNESS: Wednesday, September 25, 2002. It was addressed to me with a copy to [REDACTED] the [REDACTED] and [REDACTED] [REDACTED]

SPECIAL AGENT NEFF: In that email, it looks like he has an expectation that there is some sort of a forum to handle his concerns and that you were going to be fronting that idea. What resulted from that? Did it happen?

THE WITNESS: I went to [REDACTED] Mr. [REDACTED]

SPECIAL AGENT TEATOR: [REDACTED]

THE WITNESS: [REDACTED] who at the time was [REDACTED] He said that he would take care of it. He did not want to involve [REDACTED] at this point. He needed to get out and meet with the union guys himself. He would bring in employee concerns to investigate which he did just like the employee concerns manager came in and interviewed the people I believe on [REDACTED] shift,

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1 the nuclear equipment operators, and wrote a  
2 confidential report which I read but was required to  
3 turn back to [REDACTED] so I do not have a copy.

4 But my reading of it was that all of the  
5 safety concerns that the union gentlemen had expressed  
6 to me got expressed to [REDACTED]. Other than [REDACTED]  
7 [REDACTED] agreeing to go and meet with  
8 all the shifts, I don't know of any further action  
9 that was taken. I'm not even positive that they  
10 actually went and met with the shifts which was my  
11 very strong recommendation to all of them.

12 SPECIAL AGENT TEATOR: Do you recall what  
13 the conclusion was of this confidential report as to  
14 whether these concerns were valid or not?

15 THE WITNESS: The report validated their  
16 concerns.

17 SPECIAL AGENT TEATOR: Thank you.

18 RESIDENT INSPECTOR ORR: Dr. Harvin, you  
19 mentioned the incident where [REDACTED] reportedly  
20  
21  
22  
23

24 THE WITNESS: As they reported to me, it  
25 had a very big plume. They not only thought it was

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1 unsafe to shut, [REDACTED] thought it was unsafe to  
2 shut.

3 RESIDENT INSPECTOR ORR: When you say  
4 "unsafe," do you mean from an industrial safety  
5 perspective where by shutting the valve you could get  
6 a steam burn by being in close proximity to the steam?

7 THE WITNESS: Yes.

8 RESIDENT INSPECTOR ORR: So they were  
9 referring to an industrial safety concern rather than  
10 a nuclear safety concern.

11 THE WITNESS: That's my impression from  
12 that meeting.

13 RESIDENT INSPECTOR ORR: The other thing  
14 that's a little puzzling to me is in terms of  
15 production over safety, what's the production  
16 attribute that's being maintained as a result of

17  
18  
19 THE WITNESS: Shut the plant down to [REDACTED]

20 [REDACTED]  
21 RESIDENT INSPECTOR ORR: Shut the plant  
22 down.

23 THE WITNESS: There was no way to do it  
24 otherwise I was told.

25 RESIDENT INSPECTOR ORR: Okay. Thank you.

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1                   SPECIAL AGENT NEFF:    I wanted to go  
2 backwards. We branched off after starting to discuss  
3 the negative effects after the WANO review. One of  
4 the negative effects had been that the union was now  
5 discounted at the mutual gain meetings. I think you  
6 indicated that there was more to it, there were more  
7 negative effects that you observed. Is there anything  
8 you want to add to that?

9                   SPECIAL AGENT TEATOR: Talking about the  
10 start of the decline before your firing.

11                   THE WITNESS: In conversations with (b)(7)(C)  
12 (b)(7)(C) especially after the incident that we just  
13 talked about, it was pretty clear to me that he had  
14 shifted from believing that management at the site was  
15 the problem to the union guys now are the problem. As  
16 I mentioned, under the (b)(7)(C) regime, the union  
17 guys were definitely treated like they were the  
18 problem and were viewed by the management at that time  
19 as the problem.

20                   So once again, it's almost as if the  
21 pendulum swung somewhat violently to the other side of  
22 we have to put the screws to the union. There were  
23 more disciplinary actions taken. There was the  
24 incident of the PR-2 valve that some of you may be  
25 familiar with that cost the company millions and

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1 millions of dollars because a technician performed his  
2 work improperly.

3 Those technicians involved and their  
4 supervisor were fired as I understand it. The  
5 technicians were brought back only when [REDACTED]  
6 the [REDACTED] went to [REDACTED] and  
7 threatened media publicity and picketing at the site.  
8 That caused [REDACTED] to give [REDACTED] the order to  
9 bring those guys back which was against what [REDACTED]  
10 [REDACTED] and the [REDACTED]

11 [REDACTED] thought was the  
12 appropriate action. [REDACTED] had threatened to  
13 me to quit if corporate didn't back his and [REDACTED]  
14 decision to have these people not return to the site.

15 SPECIAL AGENT TEATOR: Based on your  
16 knowledge of that incident, what the workers did, was  
17 it wrong? Did they do something they shouldn't have  
18 done?

19 THE WITNESS: Yes, that's my knowledge of  
20 the incident.

21 SPECIAL AGENT TEATOR: So the issue is too  
22 severe discipline. Is that what the issue was?

23 THE WITNESS: Yes, that's the issue as  
24 well as their supervisor wasn't on that shift. As I  
25 understand it, he was home in bed. He got fired for -

1

-

2

SPECIAL AGENT TEATOR: For being their supervisor.

3

4

THE WITNESS: Yes.

5

6

SPECIAL AGENT NEFF: Is part of that in this survey? Did some of the comments about that come out in this survey? Do you recall?

7

8

THE WITNESS: I don't.

9

10

SPECIAL AGENT NEFF: There is an individual who talks about being home in bed.

11

THE WITNESS: Yes, that's exactly it.

12

13

SPECIAL AGENT NEFF: So this is going toward that incident.

14

THE WITNESS: Yes.

15

16

SPECIAL AGENT NEFF: We don't have a date for that incident. Can you tell me when that happened?

17

18

BRANCH CHIEF LORSON: I have an idea.

19

20

SPECIAL AGENT NEFF: You look like you've heard about it.

21

22

SPECIAL AGENT TEATOR: What time frame are we talking about?

23

24

SPECIAL AGENT NEFF: Do you need anything further on it?

25

RESIDENT INSPECTOR ORR: It would be fall

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1 2002. Right? November 2002 was the PR-2.

2 THE WITNESS: That sounds right. There  
3 was another incident that happened that was a further  
4 example of management shifting its relationship with  
5 the union. This relates to the [REDACTED]

6 [REDACTED] This was related  
7 to him not going immediately for a [REDACTED]

8 [REDACTED]

9 Frankly at my request, he was attending a  
10 meeting at the training center on his day off. That  
11 went all the way to arbitration. The arbitrator ruled,  
12 that the company was in error, and [REDACTED] got  
13 reinstated with back pay. I cite this as an example  
14 as the shift from union-management partnership and  
15 working things out together to, as [REDACTED] called it,  
16 putting the screws to the union.

17 SPECIAL AGENT NEFF: Did this involve  
18 [REDACTED] that was random, or was it  
19 something scheduled?

20 THE WITNESS: Yes, it was random.

21 SPECIAL AGENT NEFF: He had been selected  
22 randomly and did not show up.

23 THE WITNESS: He showed up later in the  
24 day.

25 BRANCH CHIEF LORSON: Dr. Harvin, do you

ALL  
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1 know when this [REDACTED] was  
2 there a policy at the site that stated when called for  
3 [REDACTED] you had to respond within a  
4 certain period of time otherwise you were considered  
5 to be not in compliance with the [REDACTED]

6 [REDACTED]  
7 THE WITNESS: I believe there was a policy  
8 along those lines, but he was in a meeting with his  
9 management chain. They gave permission for him to go  
10 after the meeting was over. Instead because it was  
11 his day off, he returned home and then subsequently  
12 responded to a late afternoon call from [REDACTED]  
13 telling him he better get to the site or he was going  
14 to be in big trouble.

15 BRANCH CHIEF LORSON: I see. So Dr.  
16 Harvin, what it sounds like is the problem that he had  
17 with the [REDACTED] wasn't that he  
18 didn't leave the meeting to go to the test. It was  
19 that he went home at the completion of the meeting as  
20 opposed to going for [REDACTED] at that time.

21 THE WITNESS: Yes, he cited it as a  
22 miscommunication. He thought he had permission to go  
23 the next day when he returned to the site. The  
24 managers present thought they had made it very clear  
25 that he was supposed to go when the meeting was over.

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1 BRANCH CHIEF LORSON: Thank you.

2 SPECIAL AGENT NEFF: Are you adding other  
3 incidents at this point? You were talking about the  
4 breakdown in the management.

5 THE WITNESS: That's what comes to mind  
6 right now.

7 SPECIAL AGENT NEFF: Should we take a  
8 break, or do you have something further on that?

9 SPECIAL AGENT TEATOR: We want to try to  
10 finish up with the overall general SCWE type issues.  
11 Then we can move forward after that. Is there  
12 anything more you wanted to ask about that, Ray?

13 BRANCH CHIEF LORSON: No.

14 SPECIAL AGENT TEATOR: Dave?

15 COORDINATOR VITO: No.

16 RESIDENT INSPECTOR ORR: No.

17 SPECIAL AGENT TEATOR: I have a couple  
18 questions of course. These survey comments that you  
19 provided to the Commission, what are they of? Whose  
20 survey is that?

21 THE WITNESS: My understanding is this is  
22 a survey that's sent out quarterly - in this case two  
23 quarters were combined - by the employee concerns  
24 manager. I do not know how the survey is conducted,  
25 who it goes to, et cetera. I was sent these comments.

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1 SPECIAL AGENT TEATOR: By who? Do you  
2 remember.

3 THE WITNESS: Yes.

4 SPECIAL AGENT TEATOR: Can you tell me  
5 who?

6 THE WITNESS: Do I have to?

7 SPECIAL AGENT TEATOR: We're going to need  
8 that information.

9 THE WITNESS: Okay. [REDACTED]

10 SPECIAL AGENT TEATOR: Who is he?

11 THE WITNESS: He's a member of the  
12 management team who has been concerned about safety  
13 work environment issues. He knew that I had written  
14 my letter to [REDACTED] and that an investigation was  
15 underway.

16 SPECIAL AGENT NEFF: What position is he  
17 in?

18 THE WITNESS: Right now he was just named  
19 the [REDACTED]

20 SPECIAL AGENT TEATOR: Do you believe that  
21 the ECP survey is done every quarter on a quarterly  
22 basis, or is this special?

23 THE WITNESS: I don't believe it's  
24 special. There's been one since then. They were done  
25 when I was there. The response rate was generally

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1 pretty low as I recall. ( [REDACTED]

2 [REDACTED] )

3 He's one of the people who has 22 years of  
4 service and no longer has a job with the company. He  
5 had concerns. He would be an excellent person to talk  
6 with about concerns brought to him from employees at  
7 all levels about the site issues of mismanagement,  
8 nuclear safety, et cetera.

9 SPECIAL AGENT NEFF: When did he switch  
10 his position?

11 THE WITNESS: In 2002. He was quite upset  
12 about having to switch positions and how it was  
13 handled.

14 SPECIAL AGENT TEATOR: Excuse me. Do you  
15 know if there are other surveys that the company had  
16 conducted at the site independent of ECP regarding  
17 work environment type issues?

18 THE WITNESS: The Gallup Q-12.

19 SPECIAL AGENT TEATOR: When was that?

20 THE WITNESS: Well, the results were due  
21 out April 1. To my knowledge, they have not been  
22 published.

23 SPECIAL AGENT TEATOR: April 1?

24 THE WITNESS: Of this year, yes. It was  
25 the final survey under [REDACTED] leadership. The

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1 Gallup organization was due to provide those to the  
2 site on or about April 1. I made repeated inquiries,  
3 and those results have not been published to the  
4 management team to my knowledge.

5 SPECIAL AGENT TEATOR: Other surveys that  
6 pre-date that, not going back to the '90s but in the  
7 2001-2002 time period?

8 THE WITNESS: Yes, we had a pilot of a  
9 program called Imagine 21 that with it had a work  
10 place culture survey called the Circumplex, C-I-R-C-U-  
11 M-P-L-E-X, which is produced by a company called Human  
12 Synergistics, S-Y-N-E-R-G-I-S-T-I-C-S. The  
13 participants in that pilot, roughly 52 people,  
14 completed a culture survey that showed what the  
15 current culture is and what the ideal culture would  
16 be.

17 A gentleman by the name of ( [REDACTED] )  
18 came in and reported to the senior leadership team  
19 those survey results. I just saw my notes recently.  
20 He put it as it basically is a kiss-up, kick-down  
21 culture.

22 SPECIAL AGENT TEATOR: What does that mean  
23 "kiss-up, kick-down?"

24 THE WITNESS: Yes, it means you kiss up to  
25 the boss and you kick down to the people who work for

1 you which in my area of expertise is a destructive  
2 culture. In fact, it's called a 'destructive culture  
3 in this model.

4 SPECIAL AGENT TEATOR: When you left the  
5 site in late March 2003, were there areas at the site,  
6 Salem/Hope Creek, corporate, nuclear, that had a  
7 better safety work environment culture than other  
8 groups? Which ones maybe functioned a little bit  
9 better if there were any?

10 THE WITNESS: Yes, sure. I would say Hope  
11 Creek operations was one of the healthiest in part  
12 because the people there worked very hard on  
13 leadership, cultural work environment issues. They  
14 were very much on the radar screen. Shift managers  
15 and the leadership team at Hope Creek were very  
16 consciously measured by their success in those arenas.  
17 Another organization that I believe had fairly strong  
18 culture was (b) which is headed by a gentleman by the  
19 name of (b) who was really  
20 renowned in the industry for being a top notch (b)  
21 (b)

22 SPECIAL AGENT TEATOR: Which unit? For  
23 both?

24 THE WITNESS: Yes, for both.

25 SPECIAL AGENT TEATOR: Site wise?

1 THE WITNESS: Yes, and he also recently  
2 had his job eliminated, so he doesn' have a position.  
3 (b) was someone who held to the highest standards  
4 and was also concerned about how the site was being  
5 run and production over safety issues. He was to some  
6 degree a thorn in people's sides because he held to  
7 the highest standards.

8 SPECIAL AGENT NEFF: You indicated that  
9 the people on the Hope Creek site in operations, the  
10 shift managers and the leadership team, were measured  
11 in terms of how they worked on their leadership  
12 issues. Who was doing the measuring? Are these  
13 people that are different than those doing the  
14 measuring on the Salem side?

15 THE WITNESS: The commitment by this  
16 leadership at Hope Creek being led by (b) and  
17 (b) was stronger. Together with them, I did  
18 the measuring of people's leadership progress. There  
19 was certainly way less interest in that on the Salem  
20 side for a couple of reasons. One is they had a  
21 revolving door in the (b) position. In  
22 the time that I was there, I don't believe they had an  
23 (b) in the position much over a year.

24 SPECIAL AGENT TEATOR: I have a couple of  
25 questions. Other departments or groups which you

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1 viewed as healthy or fairly strong as far as work  
2 environment or had a good safety conscious work  
3 environment?

4 THE WITNESS: No.

5 SPECIAL AGENT TEATOR: The obvious  
6 question. In you view, which were the most unhealthy  
7 work environments on the site?

8 THE WITNESS: Salem operations,  
9 maintenance.

10 SPECIAL AGENT TEATOR: Salem or site wide?

11 THE WITNESS: At that time, it was one  
12 site maintenance, so we would say both. We didn't  
13 separate them. Chemistry.

14 SPECIAL AGENT TEATOR: Site wide?

15 THE WITNESS: Yes. The only incident I  
16 know about related to engineering was several years  
17 ago when a gentleman by the name of [REDACTED]  
18 [REDACTED] reportedly - and I do say reportedly  
19 because I don't have first hand knowledge of this -  
20 went to [REDACTED] over nuclear safety issues and  
21 was treated very harshly, was demoted, and eventually  
22 left the site to go work at Fossil. It was frankly  
23 how he was treated that very much in my view chilled  
24 the work environment at the management level about  
25 what happens if you cross [REDACTED] and what can

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1 happen if you rock the boat from a nuclear safety  
2 perspective. I do not know what the issue was.

3 SPECIAL AGENT TEATOR: Timeframe?

4 THE WITNESS: I'm guessing 2001.

5 SPECIAL AGENT NEFF: How do you know that?

6 THE WITNESS: How do I know the timeframe?

7 SPECIAL AGENT TEATOR: The issue.

8 SPECIAL AGENT NEFF: How do you know that  
9 he raised the issue directly to [REDACTED] and that's what  
10 [REDACTED] reacted to?

11 THE WITNESS: I was told that by [REDACTED]  
12 [REDACTED] who was the [REDACTED]

13 SPECIAL AGENT TEATOR: Of engineering?

14 THE WITNESS: No, he was the [REDACTED]  
15 [REDACTED]. Well, at that time, I believe he was  
16 the Hope Creek [REDACTED] This was a pretty  
17 public falling out of favor. In fact, [REDACTED]  
18 was given time off whether it was suspension or not.

19 SPECIAL AGENT NEFF: Is there something  
20 else connected to it, some sort of performance  
21 deficiency?

22 THE WITNESS: I don't know. What often  
23 happens, as you will see in this case, is when people  
24 leave our work environment they thrive. So he is now  
25 in the inner circle at Fossil.

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1                   SPECIAL AGENT NEFF: On the two surveys  
2 that you talked about, the Gallup Q-12 and the  
3 Circumplex done by Human Synergistics, are these  
4 normal surveys that come out, or were they specially  
5 scheduled? Why were they done?

6                   THE WITNESS: The Human Synergistics  
7 Circumplex one was done as I mentioned as part of this  
8 Imagine 21 pilot session. It was done with the people  
9 who were attending this pilot to see if we wanted to  
10 offer it to all employees. That's why that was done.  
11 The Q-12 was done for several years in a row by  7C  
12 as a way of measuring progress.

13                   Survey results were in people's  
14 performance appraisals. Your organization had to make  
15 strides in the ratings in order to get mirrored  
16 increases or the like. There were also some corporate  
17 surveys done in the early years when I was at the  
18 site. I don't recall those happening in the last  
19 couple of years.

20                   SPECIAL AGENT NEFF: What about the  
21 response to the fact that the results of that survey  
22 came up with it's a kiss-up, kick-down environment?  
23 Was there any response to that?

24                   THE WITNESS: Yes, we know that.

25                   SPECIAL AGENT NEFF: Was there any

1 corrective action?

2 THE WITNESS: I would say, there was  
3 attempts at corrective action, but the problem we got  
4 to was we would tell the management team act like this  
5 - whatever the this was. I have books on winning  
6 behaviors, et cetera. But then they would see the  
7 vice presidents and [REDACTED] not act like this. So we  
8 couldn't take ground because the message as [REDACTED]  
9 talks about is inconsistent. Management says one  
10 thing and does another. So it eroded any real chance  
11 of progress on an organizational level.

12 SPECIAL AGENT NEFF: The people that they  
13 were indicating that they already knew that this was  
14 a kiss-up, kick-down atmosphere, who was that?

15 THE WITNESS: [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 SPECIAL AGENT NEFF: Do you have anything  
19 on this area?

20 BRANCH CHIEF LORSON: I have one  
21 additional question. A few minutes ago you mentioned  
22 the shift managers having distrust of senior  
23 management when it came to nuclear safety issues. I  
24 believe you stated that the rift was potentially  
25 dangerous.

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THE WITNESS: Yes.

2                   BRANCH CHIEF LORSOL: In your mind, how  
3 would this rift manifest itself in a nuclear safety  
4 issue? What sorts of things could happen or be a  
5 consequence of this rift?

6                   THE WITNESS: I think we saw a pretty  
7 recent example of what could have been possible. This  
8 happened to be at Hope Creek. The divisiveness that  
9 I saw had licensed operators questioning do they honor  
10 their license responsibilities and in some cases risk  
11 defining senior management or do they follow senior  
12 management and risk events happening. In my view, we  
13 don't want people with nuclear safety responsibilities  
14 second guessing themselves and feeling like they are  
15 going to get their ass chewed for making a decision  
16 that honored their license but wasn't what senior  
17 management wanted them to do.

18                   Also in my view, we want the guys on the  
19 front lines with the reactor, with the licenses to be  
20 fully engaged in the matters of the moment without  
21 having to have any of their attention on how much  
22 trouble am I going to get into over this, how much  
23 heat am I going to have to take. We don't want those  
24 folks to have what I'll call divided loyalties. My  
25 concern is I believe we're set up where that is in

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1 fact the case.

2 BRANCH CHIEF LORSON: Are you aware of any  
3 specific examples where any of these individuals  
4 performed an action that was contrary to the  
5 requirements of their license or contrary to some  
6 plant regulation or requirement that was made?

7 THE WITNESS: Not specifically at Salem.  
8 Though I know when you speak with the shift managers  
9 can tell you about that.

10 BRANCH CHIEF LORSON: Okay.

11 THE WITNESS: But I can cite a recent  
12 example at Hope Creek that actually happened after I  
13 left and after [REDACTED] was gone. This relates to  
14 the reactivity management event that has been written  
15 up as an industry significant event. The [REDACTED]

16 [REDACTED] told me very recently that he felt he did not  
17 have the power or authority to stop the evolution even  
18 though he knew it was ill-conceived, ill-planned, and  
19 violated how it was being done, violated many of the  
20 processes and procedures we have in place for how to  
21 conduct those kinds of evolutions.

22 SPECIAL AGENT TEATOR: Who?

23 THE WITNESS: [REDACTED]

24 [REDACTED]

25 BRANCH CHIEF LORSON: This reactivity

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1 management event, can you be a little more specific?  
2 Was it a plant power change? What was going on?

3 THE WITNESS: I have the write up.

4 BRANCH CHIEF LORSON: You have the write  
5 up for it. Okay.

6 SPECIAL AGENT TEATOR: Do you need a  
7 couple of minutes? If you do, we'll take a break off  
8 the record.

9 THE WITNESS: Yes.

10 SPECIAL AGENT TEATOR: Off the record.

11 (Whereupon, the foregoing matter went off  
12 the record at 12:25 p.m. and went back on  
13 the record at 12:45 p.m.)

14 SPECIAL AGENT NEFF: On the record. When  
15 we went off the record, we were discussing the Hope  
16 Creek incident involving the [REDACTED] 7C  
17 [REDACTED] and his concerns about not being able to stop  
18 the evolution. Did you talk to anyone else involved  
19 in that incident who would have additional information  
20 for us?

21 THE WITNESS: Yes, are you talking about  
22 the data activity management event?

23 SPECIAL AGENT NEFF: Right.

24 THE WITNESS: [REDACTED] 7C  
25 [REDACTED] He was on shift that night as well. Those

1 two can certainly give you sufficient insight and lead  
2 you to any other people to speak with.

3 SPECIAL AGENT NEFF: Is he an SRO?

4 THE WITNESS: He's a [REDACTED] He  
5 was there in a different capacity. I believe he was  
6 there as a [REDACTED] You should also talk to [REDACTED]  
7 [REDACTED] about how this was handled because he very much  
8 believes senior leadership didn't give the right level  
9 of support.

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10 There was another incident at Hope Creek  
11 also involving [REDACTED] that warrants a look. There  
12 was a 72 hour LCO that involved the Alpha or Bravo  
13 emergency diesel generator that had a jacket water  
14 leak. Towards the end of the LCO window, [REDACTED]  
15 who had the watch with his crew, wanted to commence  
16 plant shut down and was told by [REDACTED]  
17 [REDACTED] not to commence plant shut down.

18 There was an extensive conversation, [REDACTED]  
19 [REDACTED] reports to me, between himself, [REDACTED]  
20 [REDACTED]  
21 [REDACTED] decide to go against the  
22 direction given by their superior, [REDACTED] and  
23 commence the plant shut down. [REDACTED] told me it was  
24 not a direct order from [REDACTED] and maybe  
25 purposefully so, but the right thing to do was to

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1 commence plant shut down so I guessed [REDACTED]  
2 direction. [REDACTED] exercised his licensed duties  
3 and commenced plant shut down.

4 SPECIAL AGENT TEATOR: How did you become  
5 aware of that particular issue? [REDACTED]

6 THE WITNESS: [REDACTED] himself told me  
7 about it.

8 SPECIAL AGENT TEATOR: Since we already  
9 talked about this issue, I'm going to ask a couple of  
10 questions. There is something in here about that the  
11 operator wasn't going to take the appropriate action  
12 until he was told to do so by another [REDACTED] Is that  
13 [REDACTED] Is that what you are talking about there?

14 THE WITNESS: Where did you get the piece  
15 about the operator wasn't going to take the  
16 appropriate action? I didn't say that.

17 SPECIAL AGENT TEATOR: Go ahead and tell  
18 me about this. Give me the names of the people  
19 involved. I didn't think we were going to get to this  
20 yet, but go ahead. When are we talking about?

21 COORDINATOR VITO: This is June 2003.

22 THE WITNESS: Correct.

23 SPECIAL AGENT NEFF: We led to this from  
24 the other Hope Creek incident. That's how we got  
25 here.

1 THE WITNESS: Yes, the point I want to be  
2 sure gets made is we're putting licensed operator.. in  
3 the position where they have to defy their upper  
4 management to do the right thing. That is a safety  
5 conscious work place environment issue, no doubt about  
6 it.

7 SPECIAL AGENT TEATOR: It may be more than  
8 that. That's why we're asking follow up questions.

9 THE WITNESS: Okay.

10 SPECIAL AGENT TEATOR: There may be a  
11 problem with how they operated the plant at that  
12 point. It may be more than a SCWE type issue.

13 THE WITNESS: All right. So what's your  
14 question?

15 SPECIAL AGENT TEATOR: Is there more  
16 detail you can provide to us here at the table about  
17 that particular incident? What was being done  
18 incorrectly?

19 COORDINATOR VITO: You said that [REDACTED] 7C  
20 said that it wasn't a direct order. How did he  
21 describe the statement made by [REDACTED] 7C

22 THE WITNESS: They were told.

23 COORDINATOR VITO: It wasn't a direct  
24 order. What was it?

25 THE WITNESS: Direction.

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1 COORDINATOR VITO: Just direction not to  
2 shut the plant down.

3 THE WITNESS: Right.

4 COORDINATOR VITO: Or not to initiate shut  
5 down per the LCO action statement.

6 THE WITNESS: Correct. I actually found  
7 out about this incident from another [REDACTED] by  
8 the name of [REDACTED] who said he was concerned that  
9 we were still putting production over safety.

10 SPECIAL AGENT TEATOR: Who are some others  
11 who can share first hand knowledge of that particular  
12 incident? Do you have some other ones?

13 THE WITNESS: [REDACTED]  
14 [REDACTED] I don't know who was on his crew that day.

15 SPECIAL AGENT TEATOR: Okay.

16 THE WITNESS: [REDACTED] is someone you  
17 should definitely talk to because my sense of [REDACTED] is  
18 he was very much, especially for over the past year,  
19 under considerable pressure from senior management and  
20 specifically [REDACTED] He was  
21 viewed by many in the organization simply as their  
22 puppet. So if they said you have to keep the plant  
23 online, [REDACTED] would not necessarily have thought of that  
24 himself. He's their agent. I don't know. I haven't  
25 talked to [REDACTED] about this to know what was

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1 goj g on, what pressure he may have been under to give  
2 [REDACTED] that direction.

3 SPECIAL AGENT NEFF: The timeframe for  
4 this incident?

5 THE WITNESS: Dave actually cited that.

6 COORDINATOR VITO: June of this year.

7 SPECIAL AGENT TEATOR: After you had  
8 already left the employment of PSE&G.

9 THE WITNESS: Yes.

10 SPECIAL AGENT TEATOR: [REDACTED]  
11 contacted you at your home, by email. How did he tell  
12 you about this?

13 THE WITNESS: I don't know who called who.  
14 He's a friend of mine, so we talk. Because I was  
15 waiting for the company's response to my letter to [REDACTED]  
16 [REDACTED] I've been pretty diligent about keeping my  
17 fingers on the pulse of what was happening. I felt I  
18 needed to give the company the opportunity to respond  
19 and wanted to be sure that in the interim safety  
20 matters weren't getting out of hand. If they were, I  
21 would have come to you sooner.

22 BRANCH CHIEF LORSON: Are you aware of any  
23 disciplinary action that was taken against [REDACTED]  
24 as a result of his not following through with the  
25 direction that was provided by [REDACTED] to not

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1 shut the plant down or to not initiate the plant shut  
2 down?

3 THE WITNESS: No, I'm not. I don't know.  
4 It wasn't discussed.

5 SPECIAL AGENT NEFF: It looks as though  
6 you are offering these incidents, the ones at Hope  
7 Creek, as part of what we asked you what were you  
8 observing in terms of this breakdown and about the  
9 safety conscious work environment. Do you have  
10 anything else to add to that in terms of any other  
11 incidents as Hope Creek? You had said before that at  
12 one point Salem had problems but Hope Creek was all  
13 right under [REDACTED] management, but recently you  
14 had learned that there were some other issues there.

15 THE WITNESS: Yes, the biggest issues at  
16 Hope Creek came out when they were in a forced outage  
17 earlier this year. The incident I'm talking about  
18 related to the bypass valve. This was the incident  
19 that had [REDACTED] tell me we were dangerous, and  
20 if the NRC knew what we were doing, they would take  
21 the keys away which led me to [REDACTED] office  
22 because [REDACTED] wasn't going to go himself.

23 SPECIAL AGENT TEATOR: You said a lot  
24 there. Let's break that down if we could.

25 THE WITNESS: Okay.

1 SPECIAL AGENT TEATOR: From the beginning,  
2 how did you first become aware of this? What was the  
3 issue, and what happened? Take your time please.

4 THE WITNESS: Okay.

5 COORDINATOR VITO: This is mid-March 2003.

6 THE WITNESS: Yes, we were in a plant  
7 outage at Hope Creek that evolved into a forced  
8 outage. It's really hot for some reason if I recall.  
9 So the revenues at stake for the corporation, I was  
10 told, were roughly \$3 million a day towards the end of  
11 this time period that we're talking about. As I  
12 understand it, there was a bypass valve - and I'm not  
13 technical so just take that into account - and that  
14 there was a problem with it closing.

15 There was concern about what to do,  
16 whether to extend the outage and fix the valve or not.  
17 As I recall, as they were bringing the unit down to  
18 fix this valve, the valve inexplicably closed which  
19 was what it was supposed to do. As I understand it -  
20 and I wasn't there so I don't have first hand  
21 knowledge - calls came in to ( [REDACTED]

22 [REDACTED] )  
23 [REDACTED] )  
24 to keep the unit online, do not continue to shut down  
25 the unit, and fix the valve because the valve closed

1 and thr 's what we needed it to do. So go back up on  
2 power and make electricity.

3 SPECIAL AGENT TEATOR: Who is telling you  
4 about this?

5 THE WITNESS: [redacted] is telling me  
6 about this, and [redacted] the [redacted]  
7 [redacted] is telling me about this. A couple of  
8 pieces of background information that are highly  
9 relevant, by this time, [redacted] retirement had  
10 been announced.

11 As [redacted] told me, the second his  
12 retirement was announced everything changed, power  
13 changed, a power shift happened. [redacted] was  
14 now calling the shots. So [redacted] was calling  
15 the shots, not [redacted]  
16 [redacted] which is why [redacted] was having these  
17 dialogues with [redacted]

18 SPECIAL AGENT TEATOR: The power change  
19 occurred before this particular incident you are  
20 talking about.

21 THE WITNESS: Correct.

22 SPECIAL AGENT TEATOR: This is an example  
23 of the power change.

24 THE WITNESS: Correct. As I have been  
25 told by a number of people, whose names I'll recite in

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1 a second there was a four to six hour debate going on  
2 between the licensed operators at Hope Creek and the  
3 person named ( [REDACTED] ) who was ( [REDACTED] )  
4 ( [REDACTED] ) but acting in the capacity of ( [REDACTED] )  
5 ( [REDACTED] ) because ( [REDACTED] )  
6 ( [REDACTED] ) There was a debate between the licensed  
7 operators and corporate who put ( [REDACTED] ) in the middle  
8 about why we should not start up the unit, continue  
9 power. Is that clear so far?

10 BRANCH CHIEF LORSON: Yes, I was  
11 originally a little confused because initially I  
12 thought the concern was about what to do to extend the  
13 outage or fix the valve, but later you talk about  
14 keeping the unit online. So the actual situation it  
15 sounds like is that the bypass valve went shut during  
16 a power ascension point in time where the unit was  
17 operating but it was not a full power. The decision  
18 was made to continue operating rather than shut the  
19 unit down to fix the valve. Is that what you meant?

20 THE WITNESS: Yes, I believe so.

21 BRANCH CHIEF LORSON: Okay.

22 THE WITNESS: I'm not well versed on the  
23 technical aspects.

24 BRANCH CHIEF LORSON: Okay.

25 THE WITNESS: And there's lots of

1 documentat on on this. In fact, I believe I already  
2 forwarded you some documentation.

3 SPECIAL AGENT NEFF: Part of the last  
4 file.

5 THE WITNESS: Yes.

6 SPECIAL AGENT TEATOR: Okay.

7 THE WITNESS: The concern was that if  
8 pressure lasts four to six hours you could call it  
9 substantial. Substantial pressure coming from  
10 [REDACTED] to [REDACTED] saying find a  
11 way to get the unit back up and running. It's \$3  
12 million a day. The debate was so intense and so  
13 disheartening to the operators that anybody in their  
14 mind would think that the right thing to do would be  
15 to continue with power extension or allow the unit to  
16 be online was ludicrous to anybody with a license.  
17 That's when [REDACTED] came to me and said - and  
18 I'll look at the exact quote - we are dangerous. Even  
19 that we're debating this means that they should take  
20 the keys away.

21 SPECIAL AGENT TEATOR: Was [REDACTED]  
22 telling you this contemporaneously to the event  
23 happening or shortly after it?

24 THE WITNESS: Yes, the next day.

25 SPECIAL AGENT TEATOR: Okay.

1 RESIDENT INSPECTOR ORR: Dr. Harvin, do  
2 you know if any senior reactor operators were involved  
3 in that debate? Was this the debate between [REDACTED]

4 --

5 THE WITNESS: [REDACTED] was licensed.

6 RESIDENT INSPECTOR ORR: Who were the  
7 players in that debate?

8 THE WITNESS: My understanding was  
9 definitely [REDACTED] got so  
10 upset he walked out. I don't know who else was in the  
11 room. I somehow got the impression that [REDACTED]  
12 [REDACTED] were also there which would be not  
13 surprising given the intensity of this issue.

14 RESIDENT INSPECTOR ORR: So this is a  
15 debate that occurred on-site. It was not a debate  
16 with [REDACTED]

17 THE WITNESS: It was over the phone. As  
18 I understand it, they weren't there in person.

19 SPECIAL AGENT TEATOR: [REDACTED]  
20 weren't there.

21 THE WITNESS: Right.

22 SPECIAL AGENT TEATOR: They were on a  
23 phone call with these other people.

24 THE WITNESS: That's right. Back and  
25 forth was the picture painted for me.

1 SPECIAL AGENT TEATOR: By?

2 THE WITNESS: [REDACTED]

3 SPECIAL AGENT TEATOR: You indicated you  
4 had a list of names of other people who provided  
5 information to you regarding this incident.

6 THE WITNESS: I said a list of names.

7 SPECIAL AGENT TEATOR: Is this the list?

8 THE WITNESS: I'm not sure.

9 SPECIAL AGENT TEATOR: I wrote down [REDACTED]  
10 [REDACTED] probably.

11 THE WITNESS: [REDACTED]  
12 wasn't there, but he dealt with the aftermath.

13 SPECIAL AGENT NEFF: In what way?

14 THE WITNESS: Well, the guys with the  
15 licenses just thought senior management was out to  
16 lunch and that this wouldn't be worth a minute of  
17 debate much less four to six hours. The appropriate  
18 action to take was crystal clear to them. The highest  
19 levels of this company, the [REDACTED] 7C  
20 you can't get any higher than [REDACTED] - and [REDACTED]  
21 [REDACTED] scared the daylights out of people. That's  
22 why [REDACTED] said what [REDACTED] said.

23 SPECIAL AGENT TEATOR: Did any licensed  
24 operators come to you and talk about this incident on  
25 a one on one basis?

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1 TF WITNESS: No, not that I recall.

2 SPECIAL AGENT TEATOR: Do you know who  
3 some of the licensed operators are besides [REDACTED]

4 THE WITNESS: No, I don't know who was on  
5 shift. That's easy to find out.

6 SPECIAL AGENT TEATOR: Ray, anything more  
7 on this?

8 BRANCH CHIEF LORSON: Yes, just a point of  
9 clarification, Dr. Harvin, you indicated that no  
10 specific operators had spoken to you about this  
11 particular issue. But then you made a statement that  
12 the actions of [REDACTED] scared the daylights out of  
13 people. By "people," do you mean people other than  
14 operators like [REDACTED]

15 THE WITNESS: [REDACTED] was scared to death.

16 BRANCH CHIEF LORSON: [REDACTED] Anyone  
17 else?

18 THE WITNESS: Not that I recall.

19 RESIDENT INSPECTOR ORR: Dr. Harvin, in  
20 the end, do you know if the operators were satisfied  
21 with the decision that was made?

22 THE WITNESS: In the end, yes.

23 SPECIAL AGENT TEATOR: In the end, what  
24 happened?

25 THE WITNESS: They fixed the valve.

1                   SPECIAL AGENT TEATOR:    Did the plant  
2 remain on line?

3                   THE WITNESS:    Yes, they couldn't fix the  
4 valve with the unit running.  They made the right  
5 decision ultimately.  Mr. [REDACTED] made some comments  
6 to me about this incident.  Would you like to hear  
7 them now?

8                   SPECIAL AGENT TEATOR:    Do you have them  
9 available right here?

10                  THE WITNESS:    Yes, let me find them.  
11 Could you just pause for a second?

12                  SPECIAL AGENT TEATOR:    Off the record.

13                  (Whereupon, the foregoing matter went off  
14 the record at 1:05 p.m. and went back on  
15 the record at 1:05 p.m.)

16                  SPECIAL AGENT TEATOR:    We're back on the  
17 record.  It's 1:05 p.m.  Do you have the document you  
18 were referring to?

19                  THE WITNESS:    Yes, but before I do that,  
20 I want to reference another conversation that I don't  
21 have a transcription for or a recording of.  Two days  
22 after this incident took place, I had an extensive,  
23 multi-hour, three to four hour conversation with [REDACTED]

24 [REDACTED] He was beside himself about what to do  
25 related to the pressure that he had experienced from

1 ~~\_\_\_\_\_~~  
2 He literally told me I don't know where to  
3 turn. I had often functioned as his confidante. This  
4 was that kind of conversation. He was really  
5 grappling with first of all how alone he felt, how  
6 unsupported he felt, and what to do about it.

7 SPECIAL AGENT NEFF: Is this a new  
8 situation?

9 THE WITNESS: This is this situation.

10 SPECIAL AGENT NEFF: No, is this a new  
11 situation? Had you heard this from him before?

12 THE WITNESS: Never had I heard this from  
13 him before.

14 SPECIAL AGENT NEFF: This is now coming  
15 directly from ~~\_\_\_\_\_~~ out  
16 of the picture.

17 THE WITNESS: Yes, he said many of the  
18 same things that day as he said a week later in this  
19 conversation that I did record. Here's what he said.  
20 I say to him "I guess I'm naive because I was really  
21 hopeful that we could put the issues on the table and  
22 really deal with them." ~~\_\_\_\_\_~~ interrupts me and  
23 says "The real issues are with those in charge. The  
24 real issue is who is in charge. Is Enterprise in  
25 charge? Is the site in charge? Is the union in

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1 charge?

2 it's clear both of those parties don't  
3 want nuclear in charge. That much is clear. And  
4 [REDACTED] has been in charge. We can debate whether he  
5 did good or not, but the facts are I think he's kept  
6 non-nuclear people from running the place into the  
7 ground. That's the change that's occurring now.  
8 [REDACTED] is running the place. [REDACTED] in the name of

9 [REDACTED]  
10 Something to point out is [REDACTED]  
11 [REDACTED]  
12 has a nuclear background. By the way, [REDACTED]  
13 did not like that [REDACTED] had a direct reporting  
14 relationship to [REDACTED] That was public. Lots  
15 of people knew that. In this new configuration with  
16 [REDACTED] now reports to [REDACTED]  
17 [REDACTED] So while it looks like just a little line on  
18 a chart, it is a dramatically different reporting  
19 relationship than [REDACTED] is used to and is speaking  
20 of here.

21 "Well, I'll say it. That's what it looks  
22 like. That's what's occurring at this point. That's  
23 the direction it looks like it is going to go. They  
24 want that." I say "The ops guys see that. That's  
25 what really scares them. It's when you have non-

1 nuclear people putting pressure on nuclear people to  
2 make decisions and the non-nuclear people do not  
3 understand all the aspects involved and what they are  
4 asking for or pressuring for. That was what the whole  
5 issue at Hope Creek was about.

6 Do we go back up before we find out why  
7 the valve -- You know all that. That's what they told  
8 me. It's like who is running the show. And thank God  
9 you didn't succumb to the pressure. They were afraid  
10 you would. If anybody weaker was in your job, what do  
11 you think would have happened?"

12 [REDACTED] says "I don't know. What I do  
13 know is that I took a beating from [REDACTED] 70  
14 for spending \$25 million in lost revenue on the profit  
15 and less statement for Hope Creek. Like I said, I try  
16 to take the information I get and I do like to  
17 evaluate it completely. There is some risk taking I  
18 can take and expected to do. I hope that the outcome  
19 of Hope Creek is one where they can have some faith in  
20 the people here and that they do understand what it  
21 takes to run the place.

22 That doesn't mean that everything is as  
23 clean as one would like because a lot of people have  
24 input and want to have input and by their position  
25 have input. Sometimes it takes a little longer to get

1 back to the decision. Hopefully it's the right  
2 decision. It takes a little more bantering back and  
3 forth."

4 To which I say, "You know [REDACTED]  
5 [REDACTED]" really thought you were  
6 going to go the other way, production over safety.  
7 He's been very upset, and he's been one of your  
8 biggest supporters." There was something inaudible.  
9 Then [REDACTED] asks "Is there anything that would prove  
10 it wasn't the right thing?" I say "No, you ultimately  
11 did the right thing."

12 [REDACTED] says "I don't know why there's  
13 skepticism in leadership," a little bit tongue in  
14 cheek, "Why is that? They knew the pressure you were  
15 under." [REDACTED] says "Yes, and it's only going to  
16 get harder. Why? Because there's less money the  
17 company has these days. Gas prices are out the roof.  
18 There ain't no business coming from global. You can  
19 run a highly expensive gas unit, but all you do is  
20 break even.

21 But who's making money? Well, this place.  
22 Now all of a sudden you know they run the bandwagon  
23 like [REDACTED] is. They want a 95 percent capacity  
24 factor. A 95 percent capacity factor gives you no  
25 margin, zero, absolutely none. That really is

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1 flawless execution. How do you get flawless execution  
2 with the God damn attitudes around here? Fucking A.  
3 That's not going to happen.

4 So you should not take any of this  
5 personally. You are simply a chess piece. You are  
6 the move that was made. They have made it. I have  
7 made it. Who gives a shit? Somebody is saying I want  
8 it different. You're right. I carry an officer  
9 title. It doesn't mean shit." I ask "Who has all the  
10 power? [REDACTED] Absolutely. As soon as the  
11 announcement was made that [REDACTED] was leaving, the  
12 power changed that day. We are now under a completely  
13 different process."

14 I ask "He doesn't have a nuclear  
15 background. Right?" [REDACTED] says "Nope. I don't  
16 know. Maybe these are the things one should expect  
17 given the new environment we are in, a deregulated  
18 company that runs a nuclear plant." I say "The Salem  
19 guys told me they thought this would be our demise."  
20 [REDACTED] says "Well, the NRC position from the word  
21 go, you know Chairman Jackson, said that a few years  
22 ago about deregulation.

23 Deregulation was going to be the watering  
24 down slowly, and we'd see a safety culture change in  
25 nuclear power that would ultimately end nuclear power.

1 The very thing deregulation was intended to do to make  
2 it a viable entity, ends up causing people to make poor  
3 decisions because of the economics. It ends up being  
4 economically not viable anymore."

5 SPECIAL AGENT TEATOR: We're going to get  
6 complete copies of what you are talking about. Is  
7 there something else you wanted to read from that?  
8 We're going to get that, and we'll have that  
9 information.

10 SPECIAL AGENT NEFF: All of the  
11 conversations.

12 SPECIAL AGENT TEATOR: Why don't we move  
13 forward and try and finish up this SCWE area if we  
14 haven't done so already?

15 BRANCH CHIEF LORSON: I guess maybe one  
16 question that I have is this. You mention there was  
17 pressure placed on the nuclear division managers,  
18 folks like [REDACTED] for example, from the non-nuclear  
19 side of the house like [REDACTED] to take actions  
20 relative to how the plant was operated. Other than  
21 this one particular example, are you aware of any  
22 other examples where this type of pressure was  
23 exerted?

24 THE WITNESS: No, but remember why. The  
25 timeframe. [REDACTED] resignation had just within

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1 a few days or maybe a week : been announced. So [REDACTED] 7C  
2 [REDACTED] had no power over nuclear management. Now  
3 suddenly he does and in fact puts all positions on  
4 hold. No positions could get filled. [REDACTED] was  
5 having to cover a whole list of positions because  
6 [REDACTED] wouldn't let him fill any of the positions. 7C  
7 So this is all a rapid fire power change.

8 SPECIAL AGENT TEATOR: Dave, is there  
9 something that you wanted to ask?

10 COORDINATOR VITO: I have one work  
11 environment question. Everything you have told us so  
12 far obviously doesn't bode well for a safety conscious  
13 work environment. There are a lot of things that go  
14 into a safety conscious work environment. One of them  
15 is no matter how horrible may be, you can have a  
16 situation where the folks that work there feel an  
17 innate need to raise issues. They feel it's their  
18 job, their requirement, their whatever.

19 In your discussion of [REDACTED] it  
20 sounds like he's said everything but I would be  
21 petrified to raise an issue to upper management for  
22 fear of what would happen. That sounds like what he's  
23 more or less said to you. Can you elaborate on that  
24 a bit? Of all of the other examples you have talked  
25 about, has anybody either directly or indirectly said

1 because of the way this place is running right now I  
2 would not raise a safety issue to management for fear  
3 of negative personal action against me?

4 THE WITNESS: My record made that very  
5 clear to me that he wasn't going to go to [REDACTED]  
6 nor was he going to tell [REDACTED] about this. 7c

7 COORDINATOR VITO: In this particular  
8 incident.

9 THE WITNESS: In this incident. Are you  
10 asking for the names of the people who told me that  
11 they would not speak up out of fear?

12 COORDINATOR VITO: To waive the flag. The  
13 purpose of this agency is to help in safety of the  
14 public.

15 THE WITNESS: Correct.

16 COORDINATOR VITO: We don't have  
17 inspectors and investigators to look over the shoulder  
18 of everybody that works at the plant. So we depend on  
19 people to do their job, to meet their responsibility  
20 by raising issues. One of the worst things that can  
21 happen is to have a situation where people are  
22 petrified to raise things that they see that are  
23 adverse to quality.

24 It sounds like you have had a lot of  
25 interactions with a lot of people from equipment

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1 operators up to [REDACTED] How many instances have  
2 you encountered where people say I'm not going to  
3 raise anything to anybody because I know I'm going to  
4 get thrashed?

5 THE WITNESS: Hundreds of people in my  
6 almost six years there. From the technicians and  
7 nuclear equipment operators or maintenance technicians  
8 all the way up to [REDACTED]

9 COORDINATOR VITO: [REDACTED]

10 THE WITNESS: If you have a [REDACTED]  
11 [REDACTED] who feels powerless, imagine how all the  
12 people in between feel if they know the head guy  
13 doesn't have the power either.

14 COORDINATOR VITO: You at least tried to  
15 impart that feedback to management.

16 THE WITNESS: Time and time again.

17 COORDINATOR VITO: Generally what kind of  
18 feedback do you get when you have tried to do that?  
19 I guess we'll get into some of that a little bit later  
20 but if you could talk about it for a few minutes.

21 THE WITNESS: Yes, in general, it's the  
22 person with the concern is the problem whether it was  
23 me speaking on behalf of [REDACTED] or speaking on  
24 behalf of nuclear equipment operators or speaking on  
25 behalf of the Salem shift managers, all who had issues

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1 with senior leadership instead of those leaders  
2 concerning themselves and saying what the hell are we  
3 doing here that we have an environment such that  
4 people are afraid.

5 This was no surprise to them that people  
6 are afraid, but the willingness to work to resolve the  
7 issue, the will to do that, is what's been lacking.  
8 So what you are left with, as [REDACTED] said, was I  
9 raised concerns, and if I get stonewalled or no one  
10 resolves my concerns, how long do you expect me to  
11 keep raising those concerns? [REDACTED] in  
12 the last two weeks said Kymn, there may be some people  
13 who are afraid to raise concerns. Then there's the  
14 others who have become apathetic. They are so tired  
15 of it that they won't anymore. That was his biggest  
16 fear.

17 SPECIAL AGENT TEATOR: Can you say if  
18 that's happening?

19 THE WITNESS: Yes, the union guys have  
20 told me that's happening. I'm here because I believe  
21 that nuclear safety events are a problem on that site.

22 COORDINATOR VITO: I think you're right in  
23 that ECP does this quarterly survey. Can you give me  
24 your opinion of what use that serves? Is it providing  
25 any useful information whatsoever? Are they

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1 misinterpreting or misproviding the results so that  
2 they look better than they are? I would just like to  
3 hear what your characterization is of what they appear  
4 to have done outwardly in terms of trying to survey  
5 the staff for work environment and how they reported  
6 the results of those surveys.

7 THE WITNESS: I never saw anything done  
8 with survey results of this kind.

9 COORDINATOR VITO: Of this kind. They  
10 never summarized it or came to a conclusion.

11 THE WITNESS: No, this came out in an  
12 email with an attachment that said these are our  
13 latest results. The email that I got that followed  
14 this one was the current quarters. That would be  
15 second quarter 2003 which basically says we have made  
16 progress but we have a ways to go. There's actually  
17 something that preceded your specific question about  
18 the survey. I thought you were going to actually ask  
19 a different question.

20 COORDINATOR VITO: I don't know. I don't  
21 know what different question I was going to ask. All  
22 I wanted to understand is how management has been  
23 putting forth the results of these surveys. Are they  
24 characterizing them in any way? Are they saying they  
25 are good, bad, ugly, better, worse? It sounds like

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1 what you said is they are jst sending out the  
2 individual results and lecting the people that see  
3 them draw their own conclusions.

4 THE WITNESS: I remember. It could be  
5 these results, or frankly it could be my situation  
6 that caused [REDACTED] very early in his tenure to  
7 send out a letter to all the employees that basically  
8 said don't be afraid to speak up. If you have a  
9 concern, come and talk to me. That's all well and  
10 good, and it's a nice idea to send out to an  
11 organization.

12 But where these are the real issues,  
13 people time and time again have not felt supported in  
14 speaking up about safety issues and have been  
15 thwarted. A nice well written letter from the new CNO  
16 is not going to change things. I want to be sure that  
17 you can tell from the issues that I have brought to  
18 your attention that some of them happened under the  
19 [REDACTED] regime but some of them  
20 didn't.

21 While I definitely called [REDACTED] a  
22 cannibal, there are other people who are still in  
23 positions who are dictating how this goes, people  
24 higher than [REDACTED]. So changing out the [REDACTED]  
25 when you have the [REDACTED] and the

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1 [REDACTED] sending a very different  
2 message isn't going to suddenly make PSEG Nuclear a  
3 safe place to work.

4 SPECIAL AGENT TEATOR: An example of that  
5 is the discussion we were talking about where [REDACTED]  
6 was in the middle of this issue at the site.

7 THE WITNESS: Yes.

8 SPECIAL AGENT TEATOR: In your opinion and  
9 based on your experience, the employees are feeling  
10 that the employees concerns program --

11 THE WITNESS: No.

12 SPECIAL AGENT TEATOR: Let me finish. To  
13 bring their concerns to have them addressed and  
14 resolved.

15 THE WITNESS: No, I'll give you my first  
16 hand experience. I hesitated to go to employee  
17 concerns because employee concerns reports to [REDACTED]  
18 [REDACTED] My issue was with many people including [REDACTED]  
19 [REDACTED] Employee concerns does not have a strong  
20 track record of resolving concerns, doing full  
21 investigations, and getting back to the employees. It  
22 took them five months, after many phone calls from me,  
23 to respond to my issues.

24 BRANCH CHIEF LORSON: Dr. Harvin, can I  
25 ask you a question based on your experience in this

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1 area? We conduct an inspection called a problem  
2 identification and resolution inspection. The last  
3 one completed at Salem was in the spring of 2003. As  
4 part of that inspection, we go out and do several  
5 things.

6 In particular, one of the activities we do  
7 is go out and talk to the people on the site. We ask  
8 them specifically if they feel free to raise safety  
9 concerns. Based upon the folks that we spoke to,  
10 nobody gave us any information that they would  
11 hesitate to raise a safety concern or to write a  
12 condition report if they had some issue that they were  
13 concerned about. The question I have is what is it  
14 that we're missing in these surveys that we're doing  
15 in that the information that we're getting from the  
16 folks that we've interviewed has been different from  
17 the experiences that you've been relating.

18 THE WITNESS: When you say "surveys," do  
19 you mean talking to people?

20 BRANCH CHIEF LORSON: Right, just strictly  
21 informal interviews. Our inspectors will go up to  
22 people on the site and talk to them and find out what  
23 their job function is and how long they have been  
24 working there. They ask them do you feel free to  
25 raise safety concerns here at the plant or not. It's

1 just one aspect of the inspection we do.

2 THE WITNESS: Did they know you are from  
3 the NRC?

4 BRANCH CHIEF LORSON: Yes.

5 COORDINATOR VITO: It's usually a team of  
6 people.

7 THE WITNESS: Yes, I understand.

8 BRANCH CHIEF LORSON: Right. We identify  
9 ourselves as NRC.

10 THE WITNESS: Right. Do you know we have  
11 a practice of debriefing people after you have met  
12 with them?

13 BRANCH CHIEF LORSON: No, could you go  
14 into that?

15 THE WITNESS: After people meet with the  
16 NRC, after people meet with INPO, after people meet  
17 with the nuclear safety review board members, they are  
18 debriefed by their management in many cases. If I was  
19 an employee and you were asking me what I thought  
20 about X and I knew that my boss was going to come in  
21 and say what did you tell Ray.

22 BRANCH CHIEF LORSON: Right. I could  
23 understand that in some cases where we have formal  
24 interviews set up. In other cases, we just strictly  
25 walk around the site and talk to as many different

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1 people as we can. I guess you are suggesting then  
2 hat these people are required to go back and report  
3 to their supervisor they had a conversation and what  
4 was the nature of the conversation.

5 THE WITNESS: Yes, that very often  
6 happens.

7 BRANCH CHIEF LORSON: So then the  
8 information we are getting from the people we speak  
9 to, are you suggesting that they are not being  
10 forthright?

11 THE WITNESS: They are afraid. They are  
12 afraid even to tell you.

13 SPECIAL AGENT NEFF: Do you know if this  
14 survey is conducted anonymously?

15 THE WITNESS: I believe it's optional.  
16 ~~You can sign your name or not.~~

17 MR. WOODRUFF: Kymn, let me put the same  
18 question about the NRC conducted investigation. Let's  
19 assume for purposes of this that it was a union  
20 sponsored group that came and asked the questions.

21 THE WITNESS: You would get totally  
22 different answers. I have no doubt about that.

23 BRANCH CHIEF LORSON: I guess then the  
24 other aspect of this is each year at the site many  
25 condition reports are written. The number is probably

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1 in the hundreds or thousands.

2 THE WITNESS: Notifications.

3 BRANCH CHIEF LORSON: Yes, notifications  
4 for different issues that folks are concerned about  
5 that they would like to see addressed. Does that give  
6 you any insights into how the program is working or  
7 not?

8 THE WITNESS: Yes, talk to [REDACTED]  
9 (PH). Shortly after I left, he actually wrote a  
10 notification and someone in Hope Creek management went  
11 to him and asked him to revise his notification. His  
12 notification I believe focused on nuclear safety  
13 issues.

14 SPECIAL AGENT TEATOR: Do you know who  
15 asked him to revise it?

16 THE WITNESS: No.

17 SPECIAL AGENT NEFF: Was this shortly  
18 after you left?

19 THE WITNESS: Shortly after I left. [REDACTED] 7c  
20 [REDACTED] actually told me about this. So he knew of it.  
21 It was an IN-leakage notification written by [REDACTED]  
22 (PH). Actually I have the notes right in front of me. 7c  
23 My conversation with [REDACTED] was on April 3.

24 SPECIAL AGENT NEFF: Do you know anything  
25 more specific about what was asked to be revised?

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1 THE WITNESS: No, I don't.

2 SPECIAL AGENT TAYLOR: Would he be willing  
3 to talk to us about that?

4 THE WITNESS: Sure.

5 RESIDENT INSPECTOR ORR: Dr. Harvin, has  
6 anybody complained to you about this practice of  
7 debriefing with PSEG supervisors or management  
8 regarding the conduct of an interview or interaction  
9 with an NRC inspector or INPO or any other outside  
10 agency?

11 THE WITNESS: No, I don't recall any  
12 complaints. It's viewed as a normal practice to be  
13 honest.

14 RESIDENT INSPECTOR ORR: Okay.

15 THE WITNESS: And I want to be clear that  
16 this is often done indirectly. It's not necessarily  
17 call everybody in and grill them on what did you say  
18 to X. It's done very casually but definitely with the  
19 idea of figuring out what messages have been  
20 delivered. Then management can do damage control.

21 I made this statement in my employee  
22 concerns when I delivered my letter to [REDACTED] (PH).  
23 I can't tell you the number of hours that are spent  
24 talking about how we're going to prepare for an  
25 inspection team's visit or INPO or an assist visit

1 where it's how can we have them focus on what we want  
2 them to focus on and away from what we don't want them  
3 to focus on. Instead of management being out in the  
4 plant working with the people, that's how a good bit  
5 of their time gets spent.

6 SPECIAL AGENT NEFF: In terms of areas  
7 that they don't want focused on, can you recall any  
8 specifics in that area?

9 THE WITNESS: It came up specifically  
10 related to this reactivity management event. It was  
11 like what can we do so that this doesn't occur as an  
12 industry significant event and how can we give the NRC  
13 a heads up and talk to Jack Styles (PH) our INPO rep  
14 such that we head them off at the pass. It's like if  
15 we're forthcoming then we'll divert their attention  
16 away from really digging into this.

17 SPECIAL AGENT NEFF: Damage control.

18 THE WITNESS: Yes.

19 SPECIAL AGENT NEFF: At this point, we can  
20 take a break. The time is approximately 1:30 p.m.  
21 Off the record.

22 (Whereupon, at 1:33 p.m., the above-  
23 entitled matter recessed to reconvene at  
24 2:06 p.m. the same day.)

25 SPECIAL AGENT NEFF: All right. We are on

1 the record. The time is approximately 2:06 .m. Dave  
2 has one more question regarding the work environment  
3 issues, and we will go from there.

4 COORDINATOR VITO: Kymn, before lunch, I  
5 asked a question about whether you had directly or  
6 indirectly had people tell you that they were fearful  
7 of raising concerns or fear of reprisal of some sort.  
8 During our lunch break, we had some informal  
9 discussion, and you made a comment about the union  
10 folks. It was something to the effect of they feel  
11 protected to some degree as opposed to the management  
12 salaried folks.

13 I guess my add on question is do you think  
14 that the protection that their union contract makes  
15 them more likely not to be fearful of raising a  
16 concern than a salaried employee. Or did union people  
17 tell you that they were afraid to raise issues in  
18 addition to non-union people?

19 THE WITNESS: Let me speak about it this  
20 way. Especially in operations, I've had the  
21 opportunity within the last year to meet with all of  
22 the crews without upper management present. So I meet  
23 with the crew without their operations superintendent  
24 or shift manager present.

25 COORDINATOR VITO: Who are salaried

1 people. Right? They are salaried and every one else  
2 is union.

3 THE WITNESS: Not quite. The SROs would  
4 still be in those sessions, but I do it to find out  
5 how is that head person doing leading the shift,  
6 what's it like working on that shift, what are the  
7 issues, et cetera. I met with all the shifts at Salem  
8 and all the shifts at Hope Creek.

9 At Salem, the intense reaction from the  
10 union guys when I talked with them was anger,  
11 frustration, to some degree disbelief about  
12 management's lack of attention to the issues that they  
13 voiced of a plant safety nature and a nuclear safety  
14 nature and an industrial safety nature. At Salem,  
15 their view across the board in general - there may be  
16 specific exceptions to what I'm saying - is that  
17 management doesn't care.

18 Management doesn't care about us.  
19 Management doesn't care about safety more than  
20 production. Management doesn't even care if it's not  
21 practicing what it tells us to preach. I leave those  
22 sessions, especially earlier this year when I was  
23 meeting with the Salem group, pleading with them for  
24 two things.

25 I was pleading with them never do anything

1 unsafe. It really took pleading. Can you imagine  
2 that? And I also pled that they fight for their job  
3 satisfaction. I was concerned that the letter of  
4 bitterness and disenfranchisement would not have them  
5 fully have their heads in the game. In nuclear power,  
6 you really need your head in the game.

7 In all cases, I reported what I found by  
8 meeting with the shifts to operations management be it  
9 at Salem or Hope Creek. Fear was spoken more by SROs  
10 than union guys. With the union guys, it was more of  
11 a sense of they are not going to do anything about it  
12 anyway, they don't care anyway, they are not even  
13 going to listen, so why should I bother. You and I  
14 know that why should I bother is work concerns being  
15 expressed just as fear is work concerns being  
16 addressed.

17 I'll read you a short excerpt from what  
18 the guys on shift at Salem told me. The plea that I  
19 heard from a group of nuclear technicians after they  
20 saw their boss's boss's boss go out into the plant and  
21 close a valve with a huge steam leak so as not to shut  
22 down the unit was this "Help us occur as something  
23 other than white noise. That's all we are anymore."  
24 The workers feel that all they are is white noise to  
25 the management people running the site. Nuclear

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1 safety is clearly a risk.

2 SPECIAL AGENT TEATOR: Who is telling you  
3 that? Do you have some names of people?

4 THE WITNESS: Yes, it was a roomful of  
5 people that I met with on the evening of September 24.  
6 I can give you those names. [REDACTED]

7 [REDACTED] 7c  
8 [REDACTED] There's a public list  
9 available of who those people are.

10 SPECIAL AGENT TEATOR: Thank you. "White  
11 noise" is your words?

12 THE WITNESS: No, it was a very articulate  
13 union guy's words.

14 COORDINATOR VITO: Do you remember who it  
15 was?

16 THE WITNESS: Not by name. I would love  
17 to know his name because I would really like to thank  
18 him because it says it all.

19 SPECIAL AGENT TEATOR: You said you  
20 reported this information to ops management. How did  
21 they respond to you reporting it to them?

22 THE WITNESS: That was what was so  
23 difficult. I called [REDACTED] Now [REDACTED] 7c  
24 was a friend of mine. He has not spoken to me since  
25 I left the site over these issues frankly I believe.

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1 I called him at home that evening as I recall and told  
2 him how upset these union guys were, how they were  
3 concerned about his safety, and how could this guy who  
4 was [REDACTED] put himself at risk like  
5 this for plant production.

6 [REDACTED] reaction was you bought their  
7 stories. They played you. I can't believe they  
8 snookered you. It was like aren't you smarter than  
9 that. You took the bait basically. I can't remember  
10 his exact words. A couple of weeks before that he had  
11 been in an off-site event and ended up jumping off a  
12 balcony to get a key to his room because he and his  
13 family were locked out of it.

14 I said [REDACTED] this sounds like hero  
15 behavior like you jumping off the balcony to get the  
16 key." He got really mad. His [REDACTED]  
17 told me he almost resigned over this issue because I  
18 didn't defend him to the union guys. I thought he was  
19 indefensible. I met with [REDACTED] the next day.  
20 He wasn't sure that what [REDACTED] did was out of line.

21 SPECIAL AGENT TEATOR: What issue are we  
22 talking about, [REDACTED]

23 THE WITNESS: Yes.

24 SPECIAL AGENT TEATOR: [REDACTED] is the one  
25 that did it.

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1 THE WITNESS: Yes, [REDACTED] is the one who c'd  
2 it. Even [REDACTED] didn't see this as seriously as I did  
3 or as the union guys did.

4 SPECIAL AGENT TEATOR: [REDACTED]

5 THE WITNESS: [REDACTED] Then when I  
6 took the issue to [REDACTED] it was clear once again that  
7 the union guys were the problem and now I had become  
8 the problem because I thought they were right and that  
9 management was not practicing what it preached.

10 SPECIAL AGENT NEFF: What was it [REDACTED]  
11 thought the union guys would gain by having snookered  
12 you or having you buy into their complaint and to give  
13 it credence? What were they hoping to gain?

14 THE WITNESS: Well, a sympathetic ear and  
15 that I would support their position with upper  
16 management. Does that having your question?

17 SPECIAL AGENT NEFF: In having criticized  
18 [REDACTED] for having his hands on ([REDACTED])  
19 involvement?

20 THE WITNESS: He said I bet they brought  
21 up 1994. Right? I said yes. I didn't know what  
22 happened in 1994. I said what happened in 1994.  
23 There were these heroic efforts to save the plant that  
24 ended in a shut down. The union guys in this meeting  
25 were irate and vehement and passionate that management

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1 is repeating history and they are going to run us int.  
2 the ground.

3 ~~XXXXXXXXXX~~ saw it totally different.  
4 What he told me, which I couldn't understand but I  
5 guess I can see how you can rationalize anything, was  
6 it's safer not to manipulate the plant. So it's safer  
7 to go out there and risk with the ~~XXXXXXXXXX~~ than it  
8 was to shut down the unit.

9 Basically what the union guys said was  
10 that's putting people at risk for production even  
11 under the guise of nuclear safety because it's safer  
12 not to manipulate the plant. In ~~XXXXXXXXXX~~ mind, it was  
13 clearly right. In the union guys' mind, it was  
14 clearly the wrong thing to do. That's a long answer  
15 to your short question.

16 COORDINATOR VITO: Thanks.

17 BRANCH CHIEF LORSON: Can I ask you a  
18 follow up question? You had indicated that during the  
19 meeting you pleaded with the NEOs not to do anything  
20 unsafe. Did anyone give you any indication or say  
21 they were going to go out and do anything unsafe with  
22 respect to operation of the plant? Do you have any  
23 specific examples that led you to believe you needed  
24 to plead with them not to do anything unsafe?

25 THE WITNESS: Yes. In fact, you might

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1 find this at Hope Creek too. If you ask the question  
2 are you ever asked to do anything unsafe, they, say of  
3 course. That's the across the board of course answer.  
4 When ( [REDACTED] ) and I visited Oconee earlier this  
5 year, we were doing an assessment together. We asked  
6 many NEOs that we were interviewing do you ever get  
7 asked to do anything unsafe. They looked at us like  
8 we had four heads, like of course not, never. [REDACTED]  
9 spoke up and said we'd never get that reaction in our  
10 place.

11 BRANCH CHIEF LORSON: Did the NEOs give  
12 you any specific examples of things that they actually  
13 did that were unsafe or were asked to do that were  
14 unsafe?

15 THE WITNESS: Yes, I can give you a few  
16 people to talk to. I'm not going to be able to give  
17 you the technical parts. My mind just doesn't retain  
18 those. I apologize.

19 BRANCH CHIEF LORSON: Okay. That's fine.

20 THE WITNESS: [REDACTED] is a very  
21 vocal, very articulate, very committed [REDACTED] who had a  
22 number of issues. [REDACTED] whose name I mentioned.  
23 [REDACTED] who isn't specifically at Salem but is  
24 one of the lead [REDACTED] and keeps track of almost  
25 everything, has a running list of things that have

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1 been asked of people that were unsafe.

2 RESILIENT INSPECTOR ORR. When you say  
3 "unsafe," is it unsafe from personnel or nuclear  
4 safety?

5 THE WITNESS: Both. [REDACTED] is a  
6 [REDACTED] person whose full-time job is to work on [REDACTED]  
7 He also has extensive files. His focus is more  
8 industrial, but I know he's been told of nuclear  
9 safety issues as well.

10 SPECIAL AGENT NEFF: [REDACTED]

11 THE WITNESS: Union. A few [REDACTED] at Salem  
12 that you would want to speak with are [REDACTED]  
13 [REDACTED]

14 SPECIAL AGENT TEATOR: Do you remember  
15 what his issue was?

16 THE WITNESS: It was in an outage I  
17 believe. Here's my sense of things. If whoever is  
18 doing the interviews - and frankly if they are as  
19 skilled as Eileen was when she initially interviewed  
20 me - make it safe for people to talk, they are just  
21 dying for somebody to listen. They will give you  
22 chapter and verse and Is dotted and Ts crossed because  
23 these guys first of all think from technical and are  
24 in the plant every day. They know what the issues  
25 are. So you won't have any trouble filling in the

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1 gaps of what I unfortunately have not been able to  
2 provide.

3 SPECIAL AGENT TEATOR: Anything more on  
4 the SCWE area?

5 SPECIAL AGENT NEFF: It seems like we  
6 sorted it out. When Dave asked the question, you went  
7 into how the Salem SROs and union people would answer.  
8 You found some problems also at Hope Creek with the  
9 union individuals and SROs. Or do you divide that  
10 out?

11 THE WITNESS: Do you mean divide it out  
12 between Salem and Hope Creek?

13 SPECIAL AGENT NEFF: It looks like we just  
14 sectionalize in about four ways. You have at Salem  
15 the SRO and below and then Salem management. Then you  
16 have Hope Creek with the same thing. Where are your  
17 concerns focused? Where would you say?

18 THE WITNESS: Let me see if I can clarify.  
19 At Salem, the concern about speaking up about safety  
20 includes the shift managers, so it's up a level,  
21 Eileen, from what you just said.

22 SPECIAL AGENT NEFF: Okay.

23 THE WITNESS: So it includes shift  
24 managers, operations superintendents, control room  
25 supervisors, SRO level, reactor operators, and nuclear

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1 equipment operators, so every level at Salem  
2 operations. And as [REDACTED] would tell you, even  
3 when he was an [REDACTED] even  
4 though he continued to be vocal, it was not without  
5 some risk to him to speak up about the safety issues  
6 and his disagreements with senior leadership's  
7 direction. That's even one notch higher.

8 At Hope Creek, most recently I talked with  
9 [REDACTED] who is the [REDACTED] here. He said to  
10 me why I've never gone into management is because to  
11 be in management you have to do the wrong thing or you  
12 have to quit. He's a very strong leader, and that  
13 tells you his view. We were specifically talking  
14 about nuclear safety and industrial safety when we  
15 were having that conversation.

16 SPECIAL AGENT NEFF: Are you aware of him  
17 having the same kinds of incidents to talk about as we  
18 would get if we went to [REDACTED]  
19 regarding nuclear safety issues?

20 THE WITNESS: If there were nuclear safety  
21 issues at Hope Creek, [REDACTED] would know from the  
22 union perspective.

23 SPECIAL AGENT NEFF: If they exist, he  
24 would have them.

25 THE WITNESS: Yes.

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1 SPECIAL AGENT TEATOR: What about the  
2 levels of people at Hope Creek? You just gave us  
3 examples of levels at Salem where they would be  
4 reluctant to speak up about safety without risk. Hope  
5 Creek, the level in your opinion that type of attitude  
6 goes to?

7 THE WITNESS: [REDACTED] the outgoing  
8 [REDACTED] would not be afraid of speaking  
9 up. However the risk with [REDACTED] and possibly even [REDACTED]  
10 [REDACTED] the [REDACTED] is one of  
11 being worn down. The intensity of pressure and the  
12 lack of support that I mentioned from senior  
13 leadership to those who are in charge of running the  
14 units was such that those guys often felt not  
15 supported in what was the right thing to do.

16 So that caused [REDACTED] to leave. I  
17 think it's a major decision in [REDACTED] choosing to  
18 leave. I went to [REDACTED] This is in the spring of  
19 2001 I believe. [REDACTED] was the [REDACTED]  
20 [REDACTED] at the time. [REDACTED] was the Hope Creek  
21 [REDACTED] If I'm not mistaken, [REDACTED]  
22 [REDACTED] I went into  
23 one of [REDACTED] staff meetings.

24 I had been wrestling with how do I get  
25 these guys, [REDACTED] and the vice presidents, to see the

1 negative impact they as leaders are having on these  
2 two guys who are in charge of nuclear safety. [REDACTED] 7E  
3 [REDACTED] and [REDACTED] would use the phrase this place was 7E  
4 sucking the life out of them. But it wasn't the  
5 place. It was the leadership. That was the phrase  
6 they used. In fact, [REDACTED] used that phrase 7E  
7 over and over again.

8 I was concerned that here it is. We have  
9 nuclear safety responsibility held by two guys who  
10 feel out of sync with, unsupported by, and at odds  
11 with their vice president in charge of operations. My  
12 paradigm is leadership determines results. That's  
13 what I am trained in. That's what I lead from.

14 So I look at leaders, and I see these  
15 leaders who metaphorically are at very low power  
16 levels. They are at 20 percent level power compared  
17 to how they could be, and they are being called on to  
18 make nuclear safety decisions. I went into [REDACTED] 7E  
19 staff meeting. I said leadership at this site is a  
20 nuclear safety issue. That was obviously the wrong  
21 thing to say.

22 SPECIAL AGENT TEATOR: What makes you say  
23 that?

24 THE WITNESS: Well, the action I got was  
25 chilling. [REDACTED] (PH) was sitting to my left 7E

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1 who was in charge of quality assurance and other  
2 things at the time. I thought we were going to have  
3 this great dialogue, and I could express my views.  
4 What can we do for these guys?

5 I just realized I inadvertently stepped on  
6 a land mine. Obviously as soon as I characterized  
7 leadership as a nuclear safety issue, [REDACTED] kicked  
8 into his what are the three questions or six questions  
9 that I'm supposed to ask somebody who brings me a  
10 nuclear safety issue. He said what's the issue. I  
11 said a little bit about how the operations guys are.  
12 What action do you need us to take? I bumbled my way  
13 through some answer. [REDACTED] says if we take that  
14 action your issue will be resolved. Right?

15 I was stunned because I had this  
16 expectation of this dialogue that we would have. Then  
17 I was asked to leave the meeting. I went to [REDACTED]  
18 [REDACTED] who took notes and was the secretary at that  
19 meeting. I said [REDACTED] what just happened. He said you  
20 said the wrong phrase. You said nuclear safety. I  
21 said was I off base. Did you disagree with what I was  
22 saying? He said no I thought you were incredibly  
23 courageous and on the money.

24 But you saw the reaction that you got. He  
25 said I'm going to put you on the agenda for a future

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1 meeting because we want to see if these guys follow  
2 up. I check i back with [REDACTED] He said [REDACTED] 7c  
3 said not to put me back on the agenda.

4 BRANCH CHIEF LORSON: What timeframe was  
5 this meeting?

6 THE WITNESS: It was in the spring of  
7 2001.

8 SPECIAL AGENT NEFF: [REDACTED]  
9 position is what?

10 THE WITNESS: At the time, he was a  
11 support person to [REDACTED] He's at the training center 7c  
12 now or has been let go. It's [REDACTED] I was so 7c  
13 upset that I talked to [REDACTED] who was a confidante  
14 of mine. He wasn't exactly surprised by the reaction.

15 SPECIAL AGENT TEATOR: It's about 2:35  
16 p.m. I want to try to move forward.

17 THE WITNESS: That's fine. Is that too  
18 much detail?

19 SPECIAL AGENT TEATOR: No, like they said  
20 earlier, I think we're going to have to talk to you  
21 again anyway.

22 THE WITNESS: Okay.

23 SPECIAL AGENT TEATOR: Before we leave  
24 this SCWE area, are there any specific things people  
25 want asked at this point? If so, go ahead. But I

1 would like to move forward if we can. If you have  
2 something you want to ask, please have at it.

3 COORDINATOR VITO: No, there's those two  
4 additional issues that we haven't talked about yet.

5 SPECIAL AGENT NEFF: Okay. We'll talk  
6 about the grassing issue. That has come up in the  
7 documents.

8 THE WITNESS: Let me just say this  
9 succinctly. You will need to talk to [REDACTED] about  
10 both because he brought up the tritium issue to me,  
11 and he brought up the grassing issue in opposite ways.  
12 When [REDACTED] told me about the tritium issue, he said the  
13 numbers are way higher than we thought they were going  
14 to be. If I'm not the person who talks to the NRC or  
15 the Department of Environmental Protection, this could  
16 do us in or something like that. It led me to believe  
17 that there was a serious issue that had to be handled  
18 with kid gloves to keep us out of trouble. That's  
19 about all I know about those issues.

20 SPECIAL AGENT NEFF: Was he referring to  
21 himself as being the person who has to talk?

22 THE WITNESS: Who has to handle it with  
23 kid gloves, yes. He had just been named [REDACTED]

24 [REDACTED]

25 SPECIAL AGENT TEATOR: Timeframe?

1 THE WITNESS: This was within a week or so  
2 after I left so early April.

3 SPECIAL AGENT TEATOR: Do you ave any  
4 information about what the issue might be? Do you  
5 recall?

6 THE WITNESS: Yes, higher levels than had  
7 been reported previously. The second issue related to  
8 the grassing event. [REDACTED] was quite frustrated and  
9 upset that here it is grassing season again, we have  
10 these issues, and we're not following the protocol  
11 that we said we would follow that shut the unit down  
12 last time I guess in '96 or '94 or whenever that was  
13 that took the pressurizer solid.

14 We as an organization had committed to not  
15 taking Herculean efforts to keep the unit online in  
16 grassing season, and if necessary, we would shut down  
17 the unit. Yet he was being called to go to a meeting  
18 where they were planning how to have three technicians  
19 out at the Bantech (PH) structure around the clock,  
20 seven days a week. So [REDACTED] saw this once again as  
21 Herculean efforts that were countered to standards we  
22 had internally set. Did that translate well?

23 COORDINATOR VITO: What's the problem,  
24 that they wanted the people out there, that the didn't  
25 want the people out there?

1 THE WITNESS: No, and there may be more  
2 technical aspects to it that I don't understand. His  
3 concern was that we had just said when it gets this  
4 bad we're going to shut down the unit. We're not  
5 going to as he put it go to these Herculean efforts.

6 COORDINATOR VITO: To try to clean the  
7 grass away from the intake.

8 THE WITNESS: And to stay online when it  
9 may not be appropriate to do so.

10 COORDINATOR VITO: Okay.

11 RESIDENT INSPECTOR ORR: Do you know what  
12 timeframe the grassing was?

13 THE WITNESS: Yes, I had this conversation  
14 with [REDACTED] on April 3. He saw this as a  
15 duplicate of April 7, 1994 when we took the  
16 pressurizer solid. New moon, low tide, it was a site  
17 area emergency because we were so focused on keeping  
18 the plant running. Here's what he said to me. "I  
19 don't have the confidence that we could avert a  
20 nuclear safety issue." We were a big question mark.  
21 We improve and then we fall back and lose momentum.  
22 "I don't have the confidence that we could avert a  
23 nuclear safety issue." This was from a guy who has  
24 been at this unit a long time.

25 BRANCH CHIEF LORSON: And this was a

1 conversation in April 2003.

2 THE WITNESS: April 3, 2003.

3 BRANCH CHIEF LORSON: April 3.

4 THE WITNESS: I'll just mention this, and  
5 then we'll move on. We have something at nuclear  
6 called a good trooper mentality where you are a good  
7 trooper. You don't rock the boat. You do what people  
8 tell you to do. If you want to be in favor, you're a  
9 good trooper.

10 SPECIAL AGENT TEATOR: Is ingrained down  
11 there at the site?

12 THE WITNESS: Pardon me.

13 SPECIAL AGENT TEATOR: Is that ingrained?

14 THE WITNESS: Yes, definitely.

15 COORDINATOR VITO: Do you know what the  
16 outcome of this grassing event was? Did they shut the  
17 plant down, or were they able to keep the intake  
18 clear? I don't keep up on all of these events at the  
19 plant, so I don't know.

20 THE WITNESS: I heard that  TC  
21 was asked to come and talk to the board of directors  
22 about this and that the board saw it as a repeat of  
23 '94. He told them that they were wrong and that we  
24 handled it much better, but I don't know the  
25 specifics.

1 SPECIAL AGENT TEATOR: Dr. Harvin, I have  
2 a couple of follow p questions on one iss e which I  
3 think we have probably already discussed. Do you have  
4 your draft confidential law suit document with you?  
5 I think we have covered this, but I just want to be  
6 sure.

7 THE WITNESS: Okay. I have it here.

8 SPECIAL AGENT TEATOR: If you could go to  
9 bullet number 5 please and continue on 5 and 6. Is  
10 that the [REDACTED] that we talked  
11 about already?

12 THE WITNESS: When you say "bullet," do  
13 you mean point number?

14 SPECIAL AGENT TEATOR: Yes.

15 THE WITNESS: Okay. Number 5?

16 SPECIAL AGENT TEATOR: Yes.

17 THE WITNESS: Yes, that's correct.

18 SPECIAL AGENT TEATOR: The individual who  
19 did that again was [REDACTED]

20 THE WITNESS: [REDACTED]

21 SPECIAL AGENT TEATOR: That's the issue  
22 we're talking about in 5, 6, and 7. Is that correct?

23 THE WITNESS: Yes.

24 SPECIAL AGENT TEATOR: When it talks on  
25 item 6 about "at the [REDACTED]"

7c

1 request," who are you referring to again?

2 THE WITNESS: [REDACTED]

3 SPECIAL AGENT TEATOR: You spoke with his  
4 employees who were up in arms over an unsafe act  
5 performed by a high ranking member of the management  
6 team several days prior. That would be [REDACTED]  
7 that did that.

8 THE WITNESS: Correct.

9 SPECIAL AGENT TEATOR: "The [REDACTED]  
10 [REDACTED] reported that the manager," that  
11 would be [REDACTED].

12 THE WITNESS: Correct.

13 SPECIAL AGENT TEATOR:

14  
15  
16  
17  
18 THE WITNESS: Correct.

19 SPECIAL AGENT TEATOR: "They report he did  
20 so inappropriately without taking customary safety  
21 precautions and without the consent of the in charge

22 [REDACTED] - His name?

23 THE WITNESS: [REDACTED]

24 SPECIAL AGENT TEATOR: "The act was viewed  
25 by the employees and the [REDACTED]

7c

7c

7c

1 [REDACTED] who was in charge as a blatant disregard of  
2 policies, procedures, and management safety first.  
3 That evening and the following day Plaintiff, you,  
4 advised members of the operations leadership team."  
5 Who would that have been?

6 THE WITNESS: [REDACTED] and [REDACTED]

7 [REDACTED]  
8 SPECIAL AGENT TEATOR: Okay. "Of the  
9 concerns voiced by the NEOs." And in your view,  
10 [REDACTED] actions were inappropriate. Correct? Who  
11 accused you of siding with the union again?

12 THE WITNESS: [REDACTED]

13 SPECIAL AGENT TEATOR: That's in the phone  
14 call we talked about.

15 THE WITNESS: Correct.

16 SPECIAL AGENT TEATOR: "You voiced  
17 concerns to the [REDACTED] Was that  
18 [REDACTED] again?"

19 THE WITNESS: Yes.

20 SPECIAL AGENT TEATOR: "Was so upset over  
21 the incident he was thinking of quitting because he  
22 felt his manager was saying one thing and doing  
23 another." Bullet 8, "Discussion on this issue ensued  
24 in the following weeks without effectively addressing  
25 the safety concerns raised. [REDACTED]"

1 [REDACTED] Who would that be at that point?

2 THE WITNESS [REDACTED]

3 SPECIAL AGENT TEATOR: "Was called in to  
4 investigate the matter. His confidential report  
5 substantiates Plaintiff's allegations." I know we  
6 talked about that, but I had a couple of specific  
7 questions on that issue. Anything else on that?

8 THE WITNESS: Just so you know, on point  
9 number 9, the emails that I spoke of were discussed  
10 earlier. They were [REDACTED] emails. 7c

11 SPECIAL AGENT TEATOR: Okay.

12 THE WITNESS: There was one other one. I  
13 will be sure you get a copy of that.

14 SPECIAL AGENT TEATOR: Thank you. I don't  
15 have anything else.

16 SPECIAL AGENT NEFF: From another  
17 individual or two from him?

18 THE WITNESS: There were two from him and  
19 one from another individual.

20 SPECIAL AGENT NEFF: Who was the other  
21 one?

22 THE WITNESS: This is actually a very  
23 telling email. The other email was from a Mr. [REDACTED] 7c

24 [REDACTED]

25 SPECIAL AGENT NEFF: Regarding the same

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1 incident?

2 THE WITNESS: Yes, but let me read some of  
3 the paragraphs. "Kymn, last night you heard many  
4 difficulties and roadblocks at the Salem NEO space.  
5 I mentioned to you about the notifications that I  
6 needed to write this past Sunday and wasn't given the  
7 time to do so by my supervisor. I found these  
8 problems on my rounds as the unit II primary  
9 operator. I told you that I mentioned to  
10 my supervisor what the nuclear review board member,  
11 [REDACTED] said to me during a meeting with him  
12 last week. He said one of the major issues with Salem  
13 NEOs is that they do not write up problems or clean up  
14 the plant. My supervisor told me that I did not work  
15 for [REDACTED] and that I was to perform the surveillance  
16 testing and write the notifications the next day that  
17 I was in. That would not be for two and a half days.

18 Incidentally I only got a chance to write  
19 four of the 15 that I had found that day. The rest  
20 are still not written up. My point is we constantly  
21 are told how we should be performing our jobs by many  
22 people; NRB, WANO, INPO, NRC, management, et cetera.  
23 But when it actually comes down to performing our job,  
24 we are told 'you work for me, do it as I say' by our  
25 immediate supervisors.



1 make a copy.  
2  
3

4 } That's one thing.

5 The other thing I'm turning over to you is  
6 a list of safety issues. It's several pages long and  
7 probably over 100 issues here. I don't know what any  
8 of these are to be honest. They were notifications of  
9 safety related issues that are still outstanding.  
10 That's it for now.

11 COORDINATOR VITO: Did the operators say  
12 they wrote notifications about that incident and they  
13 just didn't get placed in the corrective action  
14 system, or nobody wrote anything about it?

15 THE WITNESS: No, I was definitely told  
16 that they wrote things about it. The people that I  
17 had look for them couldn't find anything.

18 COORDINATOR VITO: So what you're saying  
19 is there's a notification from engineering that says  
20 something about it but doesn't get into that aspect of  
21 it and that none of that stuff was recorded anywhere.

22 THE WITNESS: None of that stuff is  
23 accessible.

24 COORDINATOR VITO: That found it's way  
25 into the system.

1 THE WITNESS: Well, it was at one point in  
2 the system and has been removed. That's my concern.

3 BRANCH CHIEF LORSON: Who specifically  
4 told you that he wrote a notification regarding the  
5 operation involved and you could not find the  
6 notification?

7 THE WITNESS: The guys I met with that  
8 night. There were 12 different people.

9 BRANCH CHIEF LORSON: Okay.

10 THE WITNESS: I said have you written a  
11 notification about this. Several of them spoke up and  
12 said yes.

13 BRANCH CHIEF LORSON: Several?

14 THE WITNESS: [REDACTED] would definitely  
15 know. 7c

16 SPECIAL AGENT TEATOR: When you talked to  
17 people about trying to find that notification and they  
18 said they couldn't find it, who were those people?

19 THE WITNESS: [REDACTED] 7c

20 SPECIAL AGENT TEATOR: Okay.

21 BRANCH CHIEF LORSON: Was [REDACTED] one of  
22 the individuals who was at the meeting that night? 7c

23 THE WITNESS: No, he had been --

24 BRANCH CHIEF LORSON: He was on the  
25 suspension.

1 THE WITNESS: For [REDACTED], yes.

2 BRANCH CHIEF LORSO: You gave me the one  
3 document which is a listing of the notifications of  
4 the plant. Was there something else you wanted to  
5 provide?

6 THE WITNESS: Yes, actually I do. I have  
7 a handwritten set of notes from one of the gentlemen  
8 that was interviewed by [REDACTED] related to the [REDACTED] 7c  
9 [REDACTED] These union guys  
10 aren't willing to be interviewed unless someone else  
11 is present. So [REDACTED] met with [REDACTED] 7c  
12 [REDACTED] together. This basically speaks for itself, but  
13 it reiterates the concerns that these guys have at not  
14 practicing what we preach.

15 "In my mind, if I were a regulator, I  
16 would not be able to say that we are enforcing safety  
17 first, command and control, and enforcement of  
18 standards. That's my concern. I think our behaviors  
19 are reverting back. I think we have managers at risk  
20 who know that they are at risk and acting as if they  
21 are fearful of their job. I think [REDACTED] is a total 7c  
22 imbecile. People want to do the right thing. They  
23 speak out and they are then slashed. We have seen  
24 that.

25 We see an organization that is in flux.

1 We see people moved out of the way when they don't  
2 agree and advocate. We feel strongly that we made  
3 errors relating to restart we were told to change.  
4 That attitude allowed that. We are whittling away at  
5 those processes that we put in place."

6 SPECIAL AGENT TEATOR: What's the date of  
7 that?

8 THE WITNESS: It's dated when it was faxed  
9 to me in August. This was in October or last fall.

10 SPECIAL AGENT TEATOR: We're going to make  
11 copies of that.

12 SPECIAL AGENT NEFF: Yes, we'll do that.  
13 You indicated that you had a concern involving whether  
14 the licensee tends to destroy or in other words get  
15 rid of documents that don't reflect positively. Do  
16 you want to go into that and give us a basis for that  
17 concern?

18 SPECIAL AGENT TEATOR: Is that the [REDACTED]  
19 [REDACTED] issue you just talked about?

20 THE WITNESS: That's the [REDACTED] issue.  
21 It also relates to [REDACTED] being asked to rewrite  
22 his notification. I do have a concern. Following my  
23 letter to [REDACTED] the law firm of Winston &  
24 Strawn were brought in to interview people. I do have  
25 some sense of how those interviews were conducted.

1 There were a lot of questions on the interview, at  
2 least in one case that were "off the record." I have  
3 a concern that the version of the transcript that for  
4 example would be available to you, the NRC, may not  
5 include those portions, and some of those portions  
6 were highly inflammatory against the company.

7 SPECIAL AGENT TEATOR: Did they interview  
8 you?

9 THE WITNESS: They asked to, and I  
10 declined.

11 SPECIAL AGENT TEATOR: Who are we talking  
12 about? Who did they talk to that you think or know  
13 that there was a lot of inflammatory discussions off  
14 the record?

15 THE WITNESS:  He 7C  
16 spoke at length with them off the record about the  
17 reactivity management event. If they had taken any of  
18 that into account, for example, there's no way they  
19 could have sent me a letter that says "The  
20 investigation team concluded that employees do feel  
21 free to raise concerns without a fear of reprisal. No  
22 interviewees stated that they were reluctant to come  
23 forward with nuclear safety concerns. Furthermore the  
24 investigation team concluded that the management team  
25 has not been chilled or discouraged from raising

1 concerns on their own."

2 SPECIAL AGENT TEATOR. What are you  
3 reading from?

4 THE WITNESS: A letter to me from [REDACTED]  
5 that is the company's official response. The July  
6 response to my letter to [REDACTED]

7 SPECIAL AGENT NEFF: [REDACTED]  
8 position is [REDACTED]

9 [REDACTED]

10 THE WITNESS: At Hope Creek.

11 SPECIAL AGENT NEFF: Your point is that he  
12 directly contradicted the things in the letter, and he  
13 provided that testimony to Winston & Strawn or to [REDACTED]

14 [REDACTED]

15 THE WITNESS: Winston & Strawn under [REDACTED]  
16 [REDACTED] I don't know whether [REDACTED] was in attendance  
17 or not, but he certainly had access to all the  
18 transcripts. They had a court reporter.

19 SPECIAL AGENT NEFF: What about anybody  
20 else who provided information that would go against  
21 the findings in that report? Are you aware of anybody  
22 else who did that?

23 THE WITNESS: No, not directly. However  
24 in hearing how the questions were posed and the lack  
25 of follow up on answers, basically my impression was

1 the interviews were conducted to be able to say that  
2 there were no safely conscious work environment of  
3 retaliation concerns. It was not a thorough and  
4 independent investigation.

5 How I know that is there was not a single  
6 union person who was interviewed. [REDACTED]  
7 the head of the union, didn't even know about this  
8 investigation. As [REDACTED] himself told me,  
9 they can ask the questions Kymn in such a way that you  
10 give them the answer that they are looking for.

11 SPECIAL AGENT TEATOR: You believe this  
12 investigation was conducted as a result of your  
13 allegations to ECP and senior management.

14 THE WITNESS: I was told it was.

15 SPECIAL AGENT TEATOR: All right.

16 BRANCH CHIEF LORSON: This [REDACTED] did  
17 he see the results of the Winston & Strawn report?

18 THE WITNESS: I read him that paragraph.

19 BRANCH CHIEF LORSON: What was his  
20 response?

21 THE WITNESS: That's interesting.

22 BRANCH CHIEF LORSON: Is it at that time  
23 that he disputed some of the information?

24 THE WITNESS: He talked extensively about  
25 the reactivity management event and how he didn't feel

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1 he could stop the evolution even though it was set up  
2 to fail, ec cetera. .f they interview.d ( )  
3 I think ( ) didn't tell the true. Then in  
4 his sense, this could be accurate. Obviously I have  
5 a tape recording of what ( ) said. Now I don't know  
6 what he told them.

7 SPECIAL AGENT TEATOR: Who from Winston &  
8 Strawn contacted you?

9 THE WITNESS: They contacted my attorney  
10 who was a different attorney at the time. The  
11 gentleman from Winston & Strawn was McGarry.

12 SPECIAL AGENT TEATOR: Mike McGarry.

13 THE WITNESS: Yes, as I understand it, my  
14 letter to ( ) got handed over to ( )  
15 ( ) who gave it  
16 to ( ) (PH) who called in the Winston &  
17 Strawn people.

18 SPECIAL AGENT TEATOR: Okay.

19 SPECIAL AGENT NEFF: Is that everything on  
20 that investigation that you wanted us to be aware of  
21 at this point?

22 THE WITNESS: Of this investigation?

23 SPECIAL AGENT NEFF: No, the concerns  
24 regarding that.

25 THE WITNESS: No, I want to make it clear

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1 that I consider the investigation to be a whitewash of  
2 the real issues.

3 SPECIAL AGENT NEFF: Part of that letter  
4 indicates that they interviewed persons that would  
5 have been pertinent to the situation regarding your  
6 discrimination allegation. Is that not the second  
7 part of the response?

8 THE WITNESS: They said that they  
9 interviewed people who were --

10 SPECIAL AGENT NEFF: Do you know who they  
11 talked to?

12 THE WITNESS: I know some of who they  
13 talked to. Do you want me to tell you who I knew they  
14 talked to?

15 SPECIAL AGENT NEFF: Yes.

16 THE WITNESS: They talked with [REDACTED] 7c  
17 [REDACTED] They talked with [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 (PH). That's all I know of.

21 SPECIAL AGENT NEFF: These issues we're  
22 covering in terms of your concerns on the documents  
23 that don't support positives and items that tend to  
24 disappear, do you have anything else to add to that?  
25 We covered three. You said the [REDACTED] issue, [REDACTED]

7c

1 [REDACTED] concerns, and this one regarding your EC  
2 initiating an investigation. 7c

3 THE WITNESS: I believe it was [REDACTED]  
4 way prior to this, last fall before he was in trouble,  
5 told me that things have a way of disappearing around  
6 here. We were specifically talking about  
7 notifications that addressed nuclear safety concerns.  
8 I asked him why he was so anti-management. He had  
9 this long list of reasons why, and that was on the  
10 list.

11 BRANCH CHIEF LORSON: Did [REDACTED] give any  
12 specific examples of something that he knew for a fact  
13 was in the corrective action system that later  
14 disappeared without any particular reason or  
15 explanation? 7c

16 THE WITNESS: I believe in our meeting he  
17 cited two examples. I can't recall what they were,  
18 but he had extensive details.

19 SPECIAL AGENT NEFF: This was a  
20 conversation last fall.

21 THE WITNESS: Yes, this was when I first  
22 started working with him.

23 SPECIAL AGENT NEFF: Do you have anything  
24 else that contributes to your concern, or is that it?

25 THE WITNESS: That's it for right now.

1 SPECIAL AGENT TEATOR: I want a real short  
2 break. Then we'll go into talking specifically about  
3 your discrimination complaint. Is that all right?

4 THE WITNESS: Yes.

5 SPECIAL AGENT TEATOR: Off the record.

6 (Whereupon, the foregoing matter went off  
7 the record at 3:00 p.m. and went back on  
8 the record at 3:10 p.m.)

9 SPECIAL AGENT NEFF: All right. We're  
10 back on the record. It's 3:10 p.m. We were talking  
11 before about the ECP investigation that had been  
12 conducted that involved [REDACTED] as an interviewee  
13 by Winston & Strawn. You had the opportunity to talk  
14 to him after he was interviewed. You had some  
15 concerns and a reaction to some of his concerns that  
16 he told you his feelings about the interview and how  
17 it went. Can you capture that for us while we're on  
18 the record please?

19 THE WITNESS: What [REDACTED] basically said  
20 was that the approach was get in, say a little, and  
21 get out as quick as possible. The questions were very  
22 specific, were not open-ended, did not give any  
23 latitude to make comments about other issues. It  
24 occurred to him as he described it as a "fake  
25 environment."

1 He said Kymn you worked with us a long  
2 time to get us to open up and speak what was on our  
3 minds. He said when you walk in and there are two  
4 attorneys and a court reporter sitting there it's not  
5 exactly an environment conducive to speaking up and  
6 speaking out. I didn't ask him specifically if he had  
7 told the truth or if he had lied, but given the letter  
8 that I got back from [REDACTED] it certainly is  
9 inconsistent with what [REDACTED] told me and what  
10 [REDACTED] told me about their own freedom to speak  
11 up and feeling comfortable doing so.

12 As I understand it, the interview starts  
13 off with the attorneys making it clear that they are  
14 there representing the company which does not equate  
15 to what I asked for in my letter to [REDACTED] for a  
16 thorough and independent investigation. I waited  
17 months and months for what I was hoping was going to  
18 be an integrous (PH) (PH) response, a response with  
19 integrity. That's why I got emotional. Every time I  
20 see that letter, it reminds me of what I consider to  
21 be one more opportunity that the company had to do the  
22 right thing and be forthcoming, and they weren't.

23 SPECIAL AGENT NEFF: I think that  
24 essentially covers it. Go ahead, Dan.

25 RESIDENT INSPECTOR ORR: Going back to the

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1 grassing issue and a fax that you provided to us, we  
2 have now learned that the manager that was imperiated  
3 (PH) (PH) was [REDACTED] speaking up against the  
4 Herculean efforts. Right?

5 (No response.)

6 RESIDENT INSPECTOR ORR: Then there's a  
7 response that's quoted here provided to the imperiated  
8 (PH) manager, [REDACTED] He asks why are we doing  
9 this. The response he receives is "It doesn't matter.  
10 We're doing it." Do you know who provided that  
11 response?

12 THE WITNESS: I do not.

13 RESIDENT INSPECTOR ORR: Thank you.

14 THE WITNESS: Thank you.

15 SPECIAL AGENT NEFF: All right. We'll  
16 move on to the alleged discrimination.

17 COORDINATOR VITO: I just don't want Dr.  
18 Harvin to feel like she's being cut off. Do you want  
19 her to point out the items in the files now so that  
20 we're not rushing the last five minutes to try to  
21 allow her to figure that out before she has to pack up  
22 and leave before we get into the discrimination stuff?  
23 It's just a suggestion.

24 SPECIAL AGENT NEFF: Is that primarily  
25 what you want to point out is the issues on the work

1 environment and procedural that are in this pile, or  
2 does it relate to the alleged discrimination?

3 THE WITNESS: Some of both. More of it is  
4 work environment.

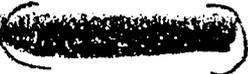
5 SPECIAL AGENT NEFF: Okay. Do you want to  
6 cover that now? Is it helpful to stop and do it now  
7 for you and to have that done?

8 THE WITNESS: Sure. That's fine.

9 SPECIAL AGENT NEFF: We will go off the  
10 record.

11 (Whereupon, the foregoing matter went off  
12 the record at 3:15 p.m. and went back on  
13 the record at 3:16 p.m.)

14 SPECIAL AGENT NEFF: Back on the record.  
15 The decision is we'll just go ahead and review these  
16 documents after today's interview because given the  
17 space that we have which is less than an hour now  
18 we'll move ahead and cover the retaliation aspects of  
19 your concerns.

20 THE WITNESS: I just found a note that I  
21 want to put on the record. This is a conversation I  
22 had recently with  He was talking about 7c  
23 how we make nuclear safety decisions. "It's possible  
24 to build a strong case around the answer that we want  
25 versus writing down the risks and rewards or benefits

1 and deciding from there.

2 If you look at what we were talking about,  
3 if you want an answer in favor of production, it's  
4 easy to build a case for that answer. If you want an  
5 answer in conservative nuclear decision making space,  
6 then you can build a case around that answer." I was  
7 asking him how we got here. He thinks that's the  
8 current mode.

9 SPECIAL AGENT NEFF: You had indicated  
10 when we were off the record earlier that [REDACTED] is  
11 the same individual who told you that he was in fear  
12 for the safety of the plant. Can you explain why for  
13 the record please?

14 THE WITNESS: Yes, after he was sharing  
15 with me all of this, I said [REDACTED] given everything you  
16 are talking about, the pressure from the highest  
17 levels of the corporation of production over safety,  
18 et cetera, how can you tolerate this. How is it that  
19 you and your family still live there? I said my  
20 biggest concern is that we're primed for a nuclear  
21 event.

22 I can't remember his exact phrase, but he  
23 said the plant is so well designed it can protect us  
24 from ourselves. I said I don't think that's the way  
25 it's supposed to be. I said look at all the defense

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1 in depth barriers that you are talking about that make  
2 the plant itself the last barrier. I said that's  
3 really counter to everything we talk about and how at  
4 least I think we've been lead to think. He said the  
5 plant itself is the final safeguard.

6 SPECIAL AGENT NEFF: Did you get  
7 everything that you wanted from that note and that  
8 conversation with him?

9 THE WITNESS: Yes.

10 SPECIAL AGENT NEFF: All right. In terms  
11 of your recognition of the safety concerns on-site and  
12 your raising these concerns to management, what I  
13 would like to have answered is - and we've been  
14 through some of this before - when did you first  
15 become aware of these particular concerns and who did  
16 you first raise them to. What can you date as the  
17 first time you were aware of this?

18 THE WITNESS: I mentioned earlier the  
19 staff meeting in which I said leadership is a nuclear  
20 safety issue. So the take away message that I got,  
21 whether intended to be sent or not, was approaching it  
22 this way isn't going to work. It's going head on  
23 which was what my style tends to be.

24 So I became much more circumspect in  
25 working where I was. I was still working on behalf of

1 nuclear safety, but I worked at it through the culture  
2 issues that I talked about and leadership coaching.  
3 I'll give you the whole chronology of last year. What  
4 became very apparent was the obvious issues happening  
5 that I spoke about including [REDACTED] being  
6 ineffective as the [REDACTED] and who ends up  
7 [REDACTED]  
8 seeing [REDACTED] who is the [REDACTED]  
9 at what I call very low power. I correlate that to  
10 being able to think clearly and well.

11 I had worked with the current leadership  
12 team long enough that I knew in my heart that this was  
13 not a team that was going to get us to excellence. (C)

14 [REDACTED] I came  
15 back in early May. I met with [REDACTED] I said that the  
16 time away had been very good for me. I had a fresh  
17 perspective on things.

18 I wanted to be very straight and  
19 forthcoming with him. I said I did not believe we had  
20 a management team in place that could get us to  
21 excellence and that was serving the site well.  
22 Without saying it, that was frankly an indictment of  
23 his leadership because he selected that team of  
24 people. I felt like we were at such a point that I  
25 had to be that bold and that blunt with him.

1                   SPECIAL AGENT NEFF:   What point in time  
2 was this?

3                   THE WITNESS:   This was May 2002.   His  
4 reaction to that conversation was - and [REDACTED] is a man  
5 of very few words - much more of a body language,  
6 facial expression kind of reaction.   It was much like  
7 what I experienced when I said leadership is a nuclear  
8 safety issue.   It was cold and not responsive even  
9 though I built a case for what each vice president was  
10 missing and why we were in the shape that we were in.

11                   Up until that point, I was having one on  
12 one meetings with [REDACTED] roughly every month and for  
13 several months did not have those sessions.  
14 Supposedly it got written off to his schedule.   But it  
15 was unusual because the whole time I had been there I  
16 had monthly meetings with him.

17                   Then the issue with [REDACTED] came up.  
18 It was on September 24 that I met with those NEOs.   I  
19 had at [REDACTED] request started focusing on the Salem  
20 NEOs because they were a hot bed.   That's the word  
21 that was used.   I saw clearly that the issues that the  
22 union guys spoke to me about, especially that night  
23 with that incident, he needed to know about him and  
24 they weren't going to get solved without some support  
25 from him.

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1 So in my early October meeting with him,  
2 which I believe was on October 1 or 2, I told [REDACTED]  
3 about my meeting with the NEOs and my subsequent  
4 meetings with [REDACTED] and [REDACTED]. His  
5 reaction was somewhat similar to [REDACTED] of I  
6 can't believe you think those guys are really  
7 concerned about [REDACTED] and his family and him  
8 putting himself at risk. They just didn't want to do  
9 the work.

10 Remember, this is right around the time  
11 either before or after we knew we were going to get a  
12 three. I believe we got the score on September 29.  
13 So this is only a few days after that. The world has  
14 changed. We were holding our breath and crossing our  
15 fingers for a two. We didn't get a two. [REDACTED] was  
16 quite upset. So timing or not, I bring him this issue  
17 and get this difficult response. I felt like in a lot  
18 of ways I had become the problem for believing these  
19 guys.

20 SPECIAL AGENT NEFF: Before, Jeff was  
21 going point to point on your draft complaint. This  
22 brings us to about point 10 it looks like on or about  
23 October 2 where you advised [REDACTED] of the concerns  
24 that had been brought to your attention by the Salem  
25 operators.

1 THE WITNESS: Right.

2 SPECIAL AGENT NEFF: Who makes disparaging  
3 remarks about the [REDACTED]

4 THE WITNESS: [REDACTED]

5 SPECIAL AGENT NEFF: That's [REDACTED]

6 SPECIAL AGENT TEATOR: Maybe we can use  
7 that as a guideline when you talk about your  
8 discrimination.

9 THE WITNESS: Okay.

10 SPECIAL AGENT NEFF: Right. And if there  
11 is information that isn't included on here, please  
12 make us aware of it.

13 THE WITNESS: Okay. We can follow this.

14 SPECIAL AGENT NEFF: You documented that  
15 he makes disparaging remarks about that [REDACTED]

16 [REDACTED] What were the remarks? Do you  
17 recall?

18 THE WITNESS: He's the whiner. Whiner was  
19 the word he used for [REDACTED] and one of our weaker

20 [REDACTED] I don't think he said SRO. We didn't call them  
21 shift managers either back then. It was weaker OSS  
22 and that he couldn't control his guys. So he saw this  
23 as a failure on [REDACTED] part.

24 SPECIAL AGENT NEFF: Okay. At this point,  
25 you just indicated that the world has shifted. Now

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1 you have the rating of a three. Have you had anything  
2 like this expressed before to you by [REDACTED]

3 THE WITNESS: Yes, but not with this  
4 intensity and not with the anger that went along with  
5 it. [REDACTED] was all over the place frankly about  
6 whether people were good or whether they were bad and  
7 whether they were the problem or management was the  
8 problem. This was the first time that it really  
9 struck me in the arena of safety.

10 A lot of times before when we would have  
11 those dialogues, it wasn't about safety issues. It  
12 was about work packages, or it was about what was  
13 going on in the field. But it wasn't safety focused  
14 like this was. This was in some ways quite startling  
15 to me that here it is the head guy now thinks these  
16 guys are wrong and these guys are the problem. I  
17 couldn't fathom how he could condone [REDACTED]  
18 behavior.

19 SPECIAL AGENT NEFF: Do you think that he  
20 had a complete picture of what the concerns were here  
21 in [REDACTED] behavior and the union's concerns? Do  
22 you think he have a full understanding of what it was  
23 you were bringing to him?

24 THE WITNESS: Yes, I don't have any doubt  
25 about that.

1 SPECIAL AGENT NEFF: You went through the  
2 union grievance. I think this is where you indicated  
3 that there was some verification of the concerns.

4 THE WITNESS: Someone came in and  
5 interviewed all the people who had been at that  
6 meeting with me. The notes that I provided from  
7 [REDACTED] this was a transcript of the handwritten  
8 key points that [REDACTED] made in his conversation  
9 with [REDACTED] about that.

10 SPECIAL AGENT NEFF: Then you later meet  
11 with [REDACTED]

12 SPECIAL AGENT TEATOR: Bullet 12.

13 SPECIAL AGENT NEFF: How far apart are  
14 these meetings do you think?

15 THE WITNESS: Let's see. There was a  
16 meeting in January and there was one in early  
17 February, so they weren't all that far apart.

18 SPECIAL AGENT NEFF: Looking at number 12,  
19 I'll give you a chance to look at it so you know when  
20 this occurred.

21 THE WITNESS: Okay. This meeting on point  
22 12 I believe was January 26 or there about.

23 SPECIAL AGENT TEATOR: '03.

24 THE WITNESS: Yes.

25 SPECIAL AGENT NEFF: Is this just between

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1 yourself and [REDACTED]?

2 THE WITNESS: Yes.

3 SPECIAL AGENT NEFF: Is that the case also  
4 for the October 2 meeting where it's just yourself and

5 [REDACTED]

6 THE WITNESS: Yes, it always was just the  
7 two of us.

8 SPECIAL AGENT TEATOR: Halfway through  
9 point 12, you tell [REDACTED] "conversations by NRC  
10 licensed senior reactor operators at Salem and Hope  
11 Creek felt management was inconsistent in promoting  
12 conservative decision making regarding nuclear  
13 safety." Did you tell him who specifically?

14 THE WITNESS: No, I did not, and he didn't  
15 ask.

16 SPECIAL AGENT TEATOR: Did you tell him  
17 who from management was viewed as being inconsistent  
18 in promoting conservative decision making? Did you  
19 provide him names?

20 THE WITNESS: Ask your question again  
21 please.

22 SPECIAL AGENT TEATOR: Yes, when it talks  
23 in here about "Salem and Hope Creek operators felt  
24 management was inconsistent in promoting conservative  
25 decision making," did you tell [REDACTED] who

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1 specifically from management was viewed that way?

2 THE WITNESS: [REDACTED]

3 SPECIAL AGENT TEATOR: [REDACTED]

4 SPECIAL AGENT NEFF: [REDACTED]

5 THE WITNESS: Yes.

6 SPECIAL AGENT TEATOR: Did you share that  
7 with [REDACTED] is my question, those specific names.

8 THE WITNESS: I don't recall that I did.  
9 I don't recall that I didn't. But I don't recall is  
10 the truth.

11 SPECIAL AGENT TEATOR: Reading down  
12 further in point 12, you said that you told [REDACTED]  
13 [REDACTED] that "Only one of three directors was fully  
14 engaged in doing his job." Who was that individual?

15 THE WITNESS: [REDACTED]

16 SPECIAL AGENT TEATOR: Did you tell him  
17 that?

18 THE WITNESS: Yes, I did, and I drew a  
19 picture for him that I have here in my notes that I  
20 will leave with you.

21 SPECIAL AGENT TEATOR: Okay.

22 SPECIAL AGENT NEFF: What was his reaction  
23 to this concern? You were expressing this was  
24 inappropriate and it's jeopardizing the site. What do  
25 you recall that he said about that?

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1 THE WITNESS: He shook his head  
2 affirmatively. I know. [REDACTED] working on it.

3 SPECIAL AGENT TEATOR: [REDACTED]

4 THE WITNESS: Yes.

5 SPECIAL AGENT NEFF: Is that it?

6 THE WITNESS: Yes.

7 SPECIAL AGENT NEFF: Are there any other  
8 conversations, meetings, documents where you raised  
9 concerns to your management, to the site management of  
10 this nature or along these lines? Between this  
11 meeting in January and your next meeting with him in  
12 February, did you have any further discussions with  
13 him?

14 THE WITNESS: Not with [REDACTED], no.

15 SPECIAL AGENT NEFF: Anyone else?

16 THE WITNESS: I had daily conversations  
17 with [REDACTED]. He and I worked very closely together  
18 at this point, but they weren't specifically about  
19 these issues.

20 SPECIAL AGENT NEFF: At this point in  
21 time, what are you working on with [REDACTED]  
22 primarily?

23 THE WITNESS: How to get the board of  
24 directors to do their job and run the site. I was  
25 spending a lot of time with [REDACTED] and [REDACTED]

1 [REDACTED] wasn't there very much. I was  
2 trying to get them and [REDACTED] on the same page because  
3 they definitely weren't, and that was working havoc  
4 with the management team.

5 SPECIAL AGENT NEFF: On February 24, you  
6 were called to a meeting with [REDACTED] The idea  
7 was you were told you were going over your bonus.

8 THE WITNESS: Yes.

9 SPECIAL AGENT NEFF: You meet with [REDACTED]  
10 [REDACTED] and he asked for an update. You describe once  
11 again the concerns about the management issues,  
12 concerns about operational decision making, and the  
13 nuclear equipment officers at Salem's concerns. All  
14 of this is reiterated at that meeting.

15 THE WITNESS: Right. Pretty much what I  
16 said the previous month.

17 SPECIAL AGENT TEATOR: One on one again  
18 with [REDACTED]

19 THE WITNESS: Yes.

20 SPECIAL AGENT TEATOR: What made you think  
21 that the meeting was to discuss your bonus?

22 THE WITNESS: The secretary called and  
23 told me.

24 SPECIAL AGENT TEATOR: Who is his  
25 secretary?

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THE WITNESS: [REDACTED]

SPECIAL AGENT TEATOR: Is she still there  
as far as you know?

THE WITNESS: Yes.

SPECIAL AGENT TEATOR: Thanks.

SPECIAL AGENT NEFF: I see here that it's  
documented he asked you if there was anything else.  
Do you recall any other reaction to your concerns at  
this point?

THE WITNESS: No, it was clear the meeting  
was shifting gears.

SPECIAL AGENT NEFF: That was it.

THE WITNESS: Yes.

SPECIAL AGENT TEATOR: What made you think  
it was clear the meeting was shifting gears? What  
makes you say that?

THE WITNESS: As I was giving my report,  
instead of engaging with me like [REDACTED] would normally  
do with a dialogue, what do you think about this, and  
what do you think about that, this was just him  
listening. It was almost like he couldn't wait for me  
to finish. There was no real dialogue. There was no  
brainstorming together like we would often do. It was  
clear something else was on his mind.

SPECIAL AGENT TEATOR: What happened?

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1 THE WITNESS: He said I have some bad  
2 news. I'm eliminating your position. I just looked  
3 at him. He took out this folder and handed me this  
4 letter and said something like it's not about you,  
5 it's about the numbers.

6 COORDINATOR VITO: So the letter was  
7 already put together. Take your time. Usually  
8 secretaries put their initials on stuff. Were there  
9 initials on that letter? You couldn't see them.

10 THE WITNESS: I said to him does [REDACTED] know?  
11 Because we had plans that when [REDACTED] left I would  
12 report to [REDACTED] I was going to relocate. I had  
13 already started looking for a home in the area. I was  
14 tired of [REDACTED] for five years.  
15 I said does [REDACTED] know. He said I told him right before  
16 you came in.

17 I didn't cry like I am now. I didn't want  
18 to give him the satisfaction. I was shocked. He said  
19 no one else knows except [REDACTED] that HR  
20 person which frankly turned out to be a lie. He said  
21 I won't be telling anyone. It's up to you. He said  
22 go give [REDACTED] a call. Then I got up and left.

23 SPECIAL AGENT NEFF: You're saying that he  
24 made the statement I'm eliminating your position.

25 THE WITNESS: Yes.

1 SPECIAL AGENT NEFF: Is it your  
2 understanding this was his decision?

3 (No response.)

4 SPECIAL AGENT NEFF: Did anyone else have  
5 any input?

6 THE WITNESS: Because that was a critical  
7 question for me, I went back later to find out. It  
8 made no sense. Of all the people, it just made no  
9 sense. I didn't know if it was a polite firing or if  
10 he had been ordered by [REDACTED] or someone.  
11 Later on I went back to [REDACTED] and asked him point  
12 blank. I've heard all these rumors. I've heard  
13 different stories. Tell me the real reason.

14 He said it was 100 percent his decision  
15 which obviously has been refuted by others now. It  
16 wasn't for performance. It wasn't because I didn't do  
17 a good job. It was strictly because of numbers, and  
18 it was now going to be knock down, drag out with the  
19 union. I couldn't help with that, and I was even a  
20 detriment to that.

21 SPECIAL AGENT NEFF: Okay. Before we get  
22 there, when he says "it's because of the numbers,"  
23 what does he mean by that?

24 THE WITNESS: A couple months before they  
25 started a force reduction. By that time, I think 12

1 pe' ple's jobs had been eliminated.

2 BRANCH CHIEF LORSON: I'll be right bac! .

3 THE WITNESS: First of all, those  
4 positions were publicly announced that those positions  
5 were going to be eliminated. The organization was  
6 rallied to help those people find jobs within the  
7 organization. I felt then, as I do now, that my  
8 position eliminated was handled very differently from  
9 any of the ones that have preceded or now have  
10 followed my situation.

11 COORDINATOR VITO: Was that part of the  
12 program, that announced effort to help people find  
13 other positions, the other jobs that were before you?

14 THE WITNESS: It was announced at a  
15 management meeting, yes. If you have a job opening,  
16 be sure to give these people the first shot.

17 COORDINATOR VITO: But you got no offer  
18 like that.

19 THE WITNESS: I got no offer of that and  
20 found out subsequently that all the positions were  
21 frozen, and I had nowhere to go because ~~\_\_\_\_\_~~  
22 had frozen all the positions anyway. So anything that  
23 I could have applied for, I was frozen out of anyway.

24 SPECIAL AGENT NEFF: At the point that  
25 this happened for you in late February, are you saying

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1       tha' these 12 people that were affected by prior  
2       position cuts were a couple of months before?

3               THE WITNESS: It started in December.

4               SPECIAL AGENT NEFF: It started in  
5       December. What about by the time you were getting  
6       your information that your position was getting cut?  
7       Are they ongoing, or are you out alone in a field of  
8       one person being cut?

9               THE WITNESS: In fact, I was told I was a  
10       party of one. That was the phrase that was used to me  
11       by [REDACTED] of HR because my attorney said ask [REDACTED]  
12       where the demographics are so we can see how you are  
13       being treated compared to others, ask [REDACTED] where the  
14       criteria is that they have to use, et cetera. [REDACTED]  
15       response was we don't owe you any of that because you  
16       are a party of one. I said how can you say on the one  
17       hand I'm part of the force reduction and then on the  
18       other hand say I'm a party of one. I said I should  
19       not be penalized for working for [REDACTED]

20               SPECIAL AGENT TEATOR: [REDACTED] is saying  
21       this.

22               THE WITNESS: [REDACTED] was saying all that to  
23       me, and I was saying that back to [REDACTED]

24               SPECIAL AGENT TEATOR: When [REDACTED] is  
25       telling you this, he specifically told you then that

1 your employment was being terminated as a result of a  
2 position elimination effective April 16, 2003.

3 THE WITNESS: Correct. I had 45 days like  
4 everyone else to find a job, continue my job. It was  
5 my choice to spend the 45 days however I chose to  
6 spend it. My plan even from the time I left [REDACTED] 7c  
7 office was find a way to work this out because my  
8 mission wasn't done. I was there not for a job but  
9 for a mission, to make this a healthy work place.

10 SPECIAL AGENT NEFF: At this point in  
11 time, you said there were more cuts after. Are you  
12 talking about anything that's happening more recently?

13 THE WITNESS: More recently.

14 SPECIAL AGENT NEFF: In the past two or  
15 three months or so.

16 THE WITNESS: Yes, I don't know that  
17 anybody else left after my situation on February 26  
18 which was the date [REDACTED] informed me. I don't know of  
19 anybody else who had to leave before [REDACTED] came 7c  
20 in. There was a concerted effort in my view to be  
21 sure I was out before the new guy came on board such  
22 that they even escalated my departure date.

23 SPECIAL AGENT NEFF: There was another  
24 comment that you made that I would like to go back to.  
25 It had to do with tying your termination to union

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1           concer s.

2                         THE WITNESS: Yes.

3                         SPECIAL AGENT NEFF: What was that?

4                         THE WITNESS: When  told me I was a  
5                         detriment, what that clearly brought to my mind was I  
6                         go out on a limb, I speak up for the Salem NEOs all  
7                         last fall and early January who had nobody speaking up  
8                         for them, nobody fighting for their concerns, and  
9                         suddenly now me whose area just got a strength from  
10                        INPO for union-management work together a year before,  
11                        suddenly I'm a liability. He said you're a detriment.  
12                        The only thing I specifically spoke up to him about  
13                        that would have me be a detriment were the safety  
14                        issues because that's what I was bringing him.

15                        SPECIAL AGENT NEFF: That's the only thing  
16                        that you can associate it with.

17                        THE WITNESS: Yes.

18                        SPECIAL AGENT NEFF: He didn't give you  
19                        anything more specific other than "you're a  
20                        detriment."

21                        THE WITNESS: No, he didn't give me any  
22                        reasons in the first conversation. I want to be sure  
23                        we get this. The conversation where he handed me the  
24                        letter and said I'm eliminating your position was a  
25                        one minute, maybe 90 second conversation. Then I got

1 up and 1 ft. There was no dialogue, no nothing.

2 SPECIAL AGENT NEFF: So it was later when  
3 you went back to him for clarification where he tells  
4 you it was 100 percent his decision to do that.

5 THE WITNESS: Yes.

6 SPECIAL AGENT TEATOR: Is that the  
7 conversation you have on tape?

8 THE WITNESS: Yes, and let me just  
9 explain. I needed to know if I had a chance with the  
10 new guy or not. (REDACTED) retirement was going to be  
11 effective April 1, and the new guy was coming in. So  
12 I had two weeks where I could win over (REDACTED)  
13 I had enough people on the management team advocating  
14 for me to stay and willing to go to (REDACTED) the  
15 first week or so that he was there to say we need to  
16 keep this person.

17 But I needed to know if I had been  
18 blackballed from corporate or (REDACTED) or  
19 somebody and therefore had no chance. If that was the  
20 case, I needed to start looking for work. I had  
21 planned to go and see (REDACTED) the morning that I went to  
22 him which was March 20. I had planned to go just to  
23 talk about that issue. Why? Give me the straight  
24 talk. Tell me why.

25 It was the day before and that morning

1 that [REDACTED] had come to me and said we're  
2 dangerous. So that's what led to the second piece of  
3 the conversation. Just how [REDACTED] reacted to that, it  
4 was like all the dominos fell. I knew. I could see  
5 the whole picture then that I had in some ways been  
6 blind to before then. Does that make sense?

7 SPECIAL AGENT TEATOR: "The whole picture"  
8 meaning what?

9 THE WITNESS: That [REDACTED] was taking this  
10 action against me because I was speaking up on behalf  
11 of the union guys and on behalf of the management guys  
12 who were afraid to speak up for themselves about  
13 industrial and nuclear safety. How do you say  
14 bullshit to somebody when they come to you about  
15 nuclear safety? How do you say we have operators who  
16 don't know shit from shinola? Then he called the head  
17 of HR and said I want her out of here.

18 SPECIAL AGENT TEATOR: How do you know  
19 that happened?

20 THE WITNESS: [REDACTED] told me. No,  
21 [REDACTED] did not use those words. He said he got a  
22 call from [REDACTED] after I spoke with him. That  
23 conversation is also on tape.

24 COORDINATOR VITO: After the January 26  
25 conversation or after the March 20 conversation?

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1 SPECIAL AGENT NEFF: The second one where  
2 you recorded. You recorded at this point in time.  
3 Right?

4 THE WITNESS: Yes.

5 SPECIAL AGENT TEATOR: On the advise of  
6 counsel.

7 THE WITNESS: On the advise of counsel.

8 SPECIAL AGENT NEFF: After you left that  
9 meeting, was this supposed to have taken place on the  
10 same day? [REDACTED] tells you.

11 THE WITNESS: Say that again. I'm sorry.

12 SPECIAL AGENT NEFF: Did his call to [REDACTED]  
13 [REDACTED] happen on the same day that you had that  
14 meeting?

15 THE WITNESS: Yes.

16 SPECIAL AGENT NEFF: You have also some  
17 recordings involving [REDACTED] you have indicated.  
18 Right?

19 THE WITNESS: Yes, what those recordings  
20 reveal is that [REDACTED] after I left him,  
21 said accelerate her departure, wanted to be sure that  
22 I was gone by the last day that he was there which was  
23 March 28. I met with [REDACTED] on Monday, and I'm supposed  
24 to be out by Friday which contradicts what's in the  
25 [REDACTED] letter that says my departure date was made

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1 by HR. [REDACTED] point blank told me it was made by

2 [REDACTED]  
3 It also contradicts that the decision to  
4 eliminate my position was made in fall 2002 which also  
5 is in the [REDACTED] letter. Now if they made it in the  
6 fall of 2002, it may be possible. That's when I was  
7 bringing him the safety concerns from the NEOs to  
8 begin with.

9 SPECIAL AGENT NEFF: But initially back in  
10 the fall. But [REDACTED] told you it was his  
11 decision, and he communicates that in February 2003.

12 THE WITNESS: Correct.

13 SPECIAL AGENT NEFF: Prior to late  
14 February 2003, what was your understanding of what  
15 your length of employment was going to be with PSEG?

16 Did you have a contract of any sort?

17 THE WITNESS: I didn't have a contract.

18 SPECIAL AGENT NEFF: Any end date? Did  
19 they tell you how long you would be on-site?

20 THE WITNESS: No, I was under a year at a  
21 time when I was on the corporate payroll. I  
22 understood that I was on a year at a time when I was  
23 on the corporate payroll and on loan to nuclear. This  
24 is really important. At the end of 2001, in December,  
25 [REDACTED] decided to save money because corporate was

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1 marking up my rates to \$60,000. He wanted me on his  
2 payroll and reporting to him.

3 I made it clear to him at the time - and  
4 it was understood as far as I knew - that now I was  
5 part of nuclear, and I was not on a one year at a time  
6 deal. I would have never taken it because if I would  
7 have stayed at corporate, I would have an organization  
8 in essence to go back to if I had been on rotation as  
9 they call it.

10 So I come to nuclear thinking I'm going to  
11 relocate. He said I'm not going to pay your expenses  
12 anymore because you're part of my team now and blah  
13 blah. As I said, ( [REDACTED]

14 [REDACTED]  
15 [REDACTED] So there was no end  
16 date. As I had talked with ( [REDACTED] ) about, as  
17 soon as [REDACTED] was gone, I was going to report to him.

18 Now ( [REDACTED] ) and I had both for two months  
19 asked ( [REDACTED] ) to confirm that's what was going to  
20 happen, that I was going to transfer to ( [REDACTED] ) and report  
21 to ( [REDACTED] ) never gave either of us an answer. So  
22 it wasn't locked in, but it was certainly what the  
23 expectation was. ( [REDACTED] ) was as shocked as I was to find  
24 out my position was being eliminated.

25 SPECIAL AGENT NEFF: He reportedly learned

1 this the same way you did.

2 THE WITNESS: He did. I saw him come out  
3 of [REDACTED] office looking ashen. He looked at me, and  
4 then I went in. 7C

5 SPECIAL AGENT NEFF: In terms of your  
6 employment, you are switched from corporate over to  
7 nuclear. Is any of that documented?

8 THE WITNESS: Yes.

9 SPECIAL AGENT NEFF: Is that type of thing  
10 contained in your personnel file?

11 THE WITNESS: It should be. I've never  
12 seen my personnel file. It definitely should be  
13 because my paycheck changed. It's definitely  
14 documented.

15 SPECIAL AGENT NEFF: The effect was it  
16 took you off this year to year rotational assignment.  
17 Now you are a permanent nuclear on-site at --

18 THE WITNESS: Yes, and even on my  
19 performance appraisal where I talk about my goals, my  
20 goal was to become a staff member in the operations  
21 organization. I was going to be there.

22 SPECIAL AGENT TEATOR: Who wrote your  
23 appraisal? Was it [REDACTED] 7C

24 THE WITNESS: The last time around it was  
25 [REDACTED] which was another issue. I'll bring you a copy.

1           SPECIAL AGENT TEATOR: We'll get your  
2 official personnel file.

3           THE WITNESS: Okay.

4           SPECIAL AGENT NEFF: Prior to him writing  
5 the performance appraisals --

6           THE WITNESS: I'd gotten top rated  
7 appraisals from the person I reported to at corporate.

8           SPECIAL AGENT NEFF: Let me just look at  
9 this. You had a conversation with [REDACTED] who  
10 did not know you were being terminated.

11          THE WITNESS: Correct.

12          SPECIAL AGENT NEFF: We got into how the  
13 actual date of the termination was shortened. This  
14 happens the week of March --

15          THE WITNESS: Yes, can I just say one  
16 thing before then? This is the piece of the puzzle I  
17 don't understand. Maybe we'll find out. Maybe we  
18 won't. On February 5 - and I have some emails that  
19 document this - I write [REDACTED] about an invitation I  
20 had received to be on the assessment team at the three  
21 Duke INPO plants. I build a case, and it's going to  
22 take roughly six to eight weeks of my time. [REDACTED]  
23 sends back a note saying I think this would be good  
24 for you. So that's February 5.

25          A couple days later we're at the Peller

1 Leadership Conference for the top 100 people in the  
2 enterprise to go and hear [REDACTED] and [REDACTED]  
3 [REDACTED] and [REDACTED] and others. I was there  
4 also. I was there filling in for a vacancy and wasn't  
5 on the original invitee list. But nevertheless I was  
6 there and that's a lot of secret corporate  
7 information, financials, and all that.

8 So it's inconceivable to me how 20 days  
9 later roughly I'm being told we don't want you  
10 anymore. I don't know what happened. I've always  
11 been left wondering. I will get into what [REDACTED]  
12 [REDACTED] told me. He said they are out to get you.  
13 I've never been able to ascertain who the "they" is.

14 SPECIAL AGENT TEATOR: So those are two  
15 indications to you that your employment was secure at  
16 that point.

17 THE WITNESS: Yes.

18 SPECIAL AGENT TEATOR: The issue you  
19 mentioned about that meeting that you attended, do you  
20 have some sort of documentation regarding that?

21 THE WITNESS: That I went?

22 SPECIAL AGENT TEATOR: That you went and  
23 what was talked about.

24 THE WITNESS: Sure, yes.

25 SPECIAL AGENT TEATOR: The INPO assessment

1 that you were going to be a member of, when was that  
2 to take place again?

3 THE WITNESS: The first visit was the week  
4 of April 5. The second one was April 16. The third  
5 was in May.

6 SPECIAL AGENT TEATOR: You had the go  
7 ahead from [REDACTED] at least initially that it sounds  
8 like a good idea. Correct?

9 THE WITNESS: Yes.

10 SPECIAL AGENT TEATOR: Good.

11 THE WITNESS: Now when I meet with [REDACTED]  
12 [REDACTED] she said [REDACTED] said you should still do your  
13 trip. That's part of your job. I said but two of  
14 them happen after my exit date. She said you'll have  
15 to work that out with him. So it's like something  
16 weird. Something is weird here.

17 SPECIAL AGENT TEATOR: Do you have any  
18 other indications during that time period that led you  
19 to believe that your employment was going to be  
20 secured for the foreseeable future?

21 THE WITNESS: Yes, I have one other thing.  
22 When you asked what I was working on, in January,  
23 [REDACTED] had put together  
24 what we called the hundred day initiative. I had done  
25 a lot of research and dreamed this up that how we

1 could move the organization forward where each  
2 director would lead up a hundred day initiative.

3 [REDACTED] was in management engagement,  
4 getting management really engaged with workers which  
5 was critical. [REDACTED] had one related to  
6 operations leadership. [REDACTED] had one related  
7 to union management partnerships. We were going to  
8 take this process and continue it all the way up until  
9 INPO came back next summer. So it was going to go all  
10 the way through 2003 to 2004.

11 We were going to be able to take a lot of  
12 ground. Our dream was to get an INPO two because of  
13 this initiative. So we had a plan laid out. I was  
14 accountable for that initiative with the directors and  
15 [REDACTED]. We were going to have this case to show  
16 INPO how we turned around or how we had made these  
17 great strides. That was in the works.

18 SPECIAL AGENT TEATOR: Think about other  
19 instances which showed you down the road that your  
20 employment here was secure and you were going to be  
21 there for quite a while. Think about that.

22 THE WITNESS: Okay.

23 SPECIAL AGENT NEFF: Did your switch from  
24 corporate to the site involve any kind of a paid  
25 relocation?

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1 THE WITNE 3: No.

2 SPECIAL AGENT NEFF: We had gotten up to  
3 the week of March 28. Now you were given an  
4 accelerated date for departure.

5 THE WITNESS: Yes.

6 SPECIAL AGENT NEFF: The conversations  
7 that you documented here, is this essentially  
8 everything that we should know? You said some of  
9 these are recorded. I think you transmitted some of  
10 those on email to me.

11 THE WITNESS: Right. I wanted to state  
12 this for the record and give you my word. On March  
13 19 and March 20, [REDACTED] tells me about this  
14 bypass valve issue, the -- from corporate, that we  
15 were dangerous, and if the NRC knew what we were  
16 doing, they would take the keys away. [REDACTED] are you  
17 going to talk to somebody about this. No, it won't do  
18 any good. The conversation is along this ilk. It's  
19 not exact quotes.

20 So me, having already planned to go and  
21 see [REDACTED] includes this in my conversation with him,  
22 the nuclear safety concerns production over safety.  
23 By now, I have heard from a number of Hope Creek  
24 people about this abysmal debate that took place  
25 between corporate and Enterprise. [REDACTED] basically

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1 says what he says. I don't need to go through that  
2 again.

3 I leave there and had a long conversation.  
4 Remember earlier today I referenced a very long three  
5 or four hour conversation with [REDACTED] This  
6 follows my meeting with [REDACTED] I see that he shares  
7 many of the concerns. Friday I get a call from [REDACTED]  
8 [REDACTED] secretary saying [REDACTED] wants to meet with you.  
9 I said what's it about. It's about your lay off. I'm  
10 thinking to myself they want to pressure me to sign  
11 the voluntary severance agreement documents.

12 So I didn't think anything of it. I  
13 called my attorney. I'm driving to the shore. I'm  
14 trying to figure out is this so bad I need to go to  
15 the NRC or I need to take additional action. He asked  
16 me a lot of very good questions. I basically come  
17 down to I have to alert [REDACTED] to this, but it's not  
18 so grave that I have to come directly to the NRC.

19 So I called [REDACTED] who is a friend  
20 of mine at corporate, a [REDACTED]  
21 organization. I said [REDACTED] I need your help. I met  
22 with [REDACTED] I have nuclear safety concerns. He said  
23 that's a bunch of bullshit. I want to reach [REDACTED]  
24 What do you think I should do, thinking [REDACTED] would  
25 give me [REDACTED] home number. It's a Friday night.

1 [REDACTED] says go to emplc\_ee concerns. That's the  
2 process.

3 So I spent the weekend writing [REDACTED]  
4 [REDACTED] a letter because I understand he's going to  
5 be on-site Monday. I'm trying to weigh all of this.  
6 I'm having lots of conversations with a couple of  
7 people that I confide in. I wrote this very extensive  
8 letter that talks about these issues. I have somebody  
9 lined up to help me get to [REDACTED] on Monday.  
10 Well, [REDACTED] doesn't show up where he's supposed  
11 to show up, so that nixes that.

12 Then I get this meeting with [REDACTED]  
13 and get told we're escalating your departure. So if  
14 it wasn't clear before, it certainly has become clear  
15 now. I read the NRC regulations on the website. I  
16 thought this is really over the line. So I changed my  
17 letter, and I wrote to [REDACTED] instead. The  
18 protocol is you go to your boss's boss. Right? He  
19 happens to be the [REDACTED]

20 I faxed that letter to his office about  
21 5:00 p.m. I told his secretary please be sure he gets  
22 it because it's about nuclear safety issues. She  
23 assures me he does. I go to [REDACTED]. I read him the  
24 letter and have a discussion with him. He assures me  
25 he will treat this appropriately, won't inform [REDACTED]

1 will go directly to corporate about this because  
2 obviously it involves his boss.

3 The next morning I get a call from my  
4 attorney telling me that (a) somebody from Winston &  
5 Strawn wants to meet with me and (b) that my badge and  
6 my access to the company is going to be severed on  
7 Friday. So instead of me turning in all my stuff on  
8 April 16, I have to turn it in on the 28th.

9 SPECIAL AGENT TEATOR: Your attorney is  
10 telling you all this.

11 THE WITNESS: Yes.

12 SPECIAL AGENT TEATOR: They guy who is  
13 here today.

14 THE WITNESS: No, I had a different  
15 attorney.

16 SPECIAL AGENT TEATOR: Did the company  
17 know you were represented at that point?

18 THE WITNESS: In the letter to [REDACTED]  
19 [REDACTED] it says I have counsel.

20 SPECIAL AGENT TEATOR: Okay. Thanks.

21 THE WITNESS: The piece I skipped was that  
22 [REDACTED] called me Wednesday morning - and I have  
23 this on tape I believe - and said he talked to [REDACTED]  
24 and [REDACTED] and they want me out by Friday. So I should  
25 bring all my stuff and prepare to turn in my badge.

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1 Well, that hurt me even more because I had lined up  
2 work at corporate. I was actually going to do some  
3 leadership coaching in (redacted) organization my  
4 final weeks here. Now they were going to take my  
5 badge. They were going to take my voicemail and my  
6 email. Even though I'm still an employee until April  
7 15, they tell me that's in name only because I've lost  
8 all my access to the company.

9 SPECIAL AGENT TEATOR: Were you paid  
10 through April 16?

11 THE WITNESS: Yes, I was paid, but I  
12 wanted to work. I didn't want to get paid. It wasn't  
13 about the money. I wanted to do my work. Just to  
14 make it clear, it looks now like not only did (redacted)  
15 (redacted) take retaliatory action. But I follow the  
16 process and go to employee concerns and I go to my  
17 boss's boss and there's more retaliatory action the  
18 next day.

19 SPECIAL AGENT NEFF: You make that  
20 connection based on the fact that they want you out by  
21 Friday. I don't want to assume here, but (redacted)  
22 didn't give you any other reason. Did he?

23 THE WITNESS: No.

24 SPECIAL AGENT NEFF: What's documented  
25 here is complete.

1 THE WITNESS: Wh: : point is that?

2 SPECIAL AGENT NEFF: [redacted] tells you  
3 [redacted] and [redacted] want you out by Friday.

4 SPECIAL AGENT TEATOR: Number 20.

5 SPECIAL AGENT NEFF: Yes, point 20, the  
6 company badge would have to be turned in on Friday,  
7 March 28 and not the 16th. Once again, you see this  
8 as retaliation for your actions of reporting your  
9 concerns. There's nothing in between there. He  
10 doesn't give you any further information.

11 THE WITNESS: Not that I recall. It's on  
12 tape, but I don't recall any.

13 SPECIAL AGENT NEFF: What about  
14 conversations with anybody else? Any further  
15 conversations with [redacted] or [redacted]

16 THE WITNESS: I went to [redacted] the next day.  
17 I walked in to his office. I'm upset by now. Now not  
18 only is it [redacted] but now they are saying [redacted]  
19 [redacted] So this was the first time that I heard that  
20 [redacted] went in on this.

21 SPECIAL AGENT TEATOR: Do you think he was  
22 in on this?

23 THE WITNESS: I think he knew more than he  
24 told me. He admits that in the conversation with me.  
25 And he knows who the "they" is. There's no doubt in

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1 my mind there's way more to th' ; story than he's told  
2 me. I don't have any doubt about that. So I was in  
3 nis office 45 minutes maybe.

4 SPECIAL AGENT NEFF: This is the one on  
5 one meeting.

6 THE WITNESS: Yes, this is taped. This is  
7 when he makes it all very clear to me. He says they  
8 are out to get you and they are out to get others. He  
9 implies that he's in that pot as well. This is when  
10 he talks about not having any power and not being able  
11 to do this.

12 SPECIAL AGENT TEATOR: Did he state who  
13 the "they" was that was out to get you?

14 THE WITNESS: No.

15 SPECIAL AGENT TEATOR: All right. You  
16 have that whole conversation on tape.

17 THE WITNESS: Yes.

18 SPECIAL AGENT TEATOR: Good.

19 SPECIAL AGENT NEFF: You also indicated he  
20 thinks he's part of the people that they are after.  
21  is in the same position.

22 THE WITNESS: Yes, he said he thought he  
23 would be gone within 90 days, and he was right.

24 SPECIAL AGENT NEFF: March 28 was your  
25 final day of employment there.

1 THE WITNESS: Yes.

2 SPECIAL AGENT NEFF: Do you have any other  
3 documents to add to this, Dr. Harvin? Any other  
4 information that we should be aware of?

5 SPECIAL AGENT TEATOR: We're going to look  
6 through this stuff, Dr. Harvin.

7 SPECIAL AGENT NEFF: Yes, you also  
8 indicated at the time you were making these decisions  
9 in terms of who to write to where you had changed and  
10 gone from one individual to [REDACTED] that you had 7c  
11 confided in some people. Are these people who were  
12 on-site? Who were you confiding in at this point in  
13 time?

14 THE WITNESS: I was confiding in my  
15 attorney. I also have a friend who is an attorney in  
16 Illinois. I was talking with her.

17 SPECIAL AGENT NEFF: Okay. A personal  
18 friend not connected with the site.

19 THE WITNESS: Right.

20 SPECIAL AGENT NEFF: Did we get the name  
21 of your attorney at this point in time?

22 THE WITNESS: Stephen Long at Drinker,  
23 Biddle, and Reath.

24 SPECIAL AGENT TEATOR: Where are they out  
25 of?

1 THE WITNESS: Florhar Park.

2 SPECIAL AGENT TEATOR: New Jersey.

3 THE WITNESS: Yes.

4 SPECIAL AGENT TEATOR: We got from you  
5 that [REDACTED] told you it was 100 percent his  
6 decision to terminate your employment April 16. I  
7 think we have gotten from you who you believe caused  
8 that date to be made earlier, to escalate that date.  
9 [REDACTED] is that correct? Do you believe he was  
10 involved in that decision to move it up? Who do you  
11 believe was involved in the decision to move up the  
12 date of your departure?

13 THE WITNESS: I have no doubt that [REDACTED]  
14 [REDACTED] was. He made that clear to [REDACTED].

15 SPECIAL AGENT TEATOR: Right.

16 THE WITNESS: I suspect the other part of  
17 the "they" - whoever the "they" was - and I really  
18 don't know. To have my access to the company sites --  
19 I wrote [REDACTED] with it. Who would make that  
20 decision?

21 SPECIAL AGENT TEATOR: Let me ask you who  
22 you think made that decision. We're going to talk to  
23 [REDACTED] of course about who the "they" are.

24 THE WITNESS: [REDACTED]

25 SPECIAL AGENT TEATOR: [REDACTED]

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THE WITNESS: I suspect it was [REDACTED] [REDACTED] counsel decided that I was too dangerous to have around.

SPECIAL AGENT TEATOR: Okay.

SPECIAL AGENT NEFF: Anything else to add at this point in time, after March 28 when you leave the site?

THE WITNESS: Yes, I just want to let you guys know that I did not turn in two company laptops because they had considerable evidence on them. I was requested by the company to return them, and I chose not to. I just want to be up front with you about that. I never entered into any kind of negotiations. My offer was going to be to buy them more, turn them over to you guys or something. But we did not have a single bit of negotiation.

SPECIAL AGENT TEATOR: You indicated that during the phone conversations of the last couple of days that you had copied onto disks all of that information. Did you do that? If so, we would like to have a copy of the disk. Did you download all of that onto a floppy disk?

SPECIAL AGENT NEFF: Did you explain to me that's what you had been doing, you were taking some information off that was relevant?

1 THE WITNESS: The hard drive.

2 SPECIAL AGENT NEUF: Right, the hard  
3 drive.

4 THE WITNESS: Yes, I brought you a set of  
5 disks.

6 SPECIAL AGENT TEATOR: Okay. There are  
7 copies for us too. Those disks contain everything.

8 THE WITNESS: Not everything yet.

9 SPECIAL AGENT TEATOR: But at this point,  
10 we can take possession of those two disks.

11 COORDINATOR VITO: I know you have to  
12 leave soon. Just two more.

13 THE WITNESS: That's fine.

14 COORDINATOR VITO: I'm trying to set all  
15 this up. We had a conversation on Friday. Toward the  
16 end of the conversation, you made a comment about this  
17 reorganization or whatever you want to call it.

18 THE WITNESS: Yes, thank you.

19 COORDINATOR VITO: At least in your  
20 opinion, you think it's sort of a guise to get rid of  
21 people that are more vocal than others. If you want  
22 to expand on that a little and get it on the record,  
23 it might help.

24 THE WITNESS: I've heard from several  
25 parties that there's a points system that they are

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1 using to ascertain who stays and who goes. What  
2 comprises the point system? I'm not definitely sure.  
3 I know it's education, background, work experience, I  
4 believe performance appraisals, et cetera.

5 They have the company lawyers and HR  
6 involved to be sure everything's "kosher." However  
7 when I hear the names of some of the people who no  
8 longer have jobs, they are people who I would consider  
9 to have been vocal about safety and leadership issues.  
10 They are not people who were necessarily good  
11 troopers. People who come to mind are (b) who  
12 who has lead one of the premier RP departments in the  
13 whole world and (b) who while I for a long  
14 time believed he was not the right guy to be (b)  
15 (b) he did in many cases try to fight back  
16 when the vice presidents were misguiding the site. (b)  
17 (b) who (b)  
18 (b) is another person I heard doesn't have a job  
19 and who I would put in that same category as someone  
20 who spoke up time and time again saying this isn't  
21 right. I don't know if the impressions I have have  
22 any bearing, but I do believe it's something that  
23 should be looked at.

24 COORDINATOR VITO: I believe in our  
25 conversation you also put (b) in that group.

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1 THE WITNESS: Yes, I would put Mr.  
2 ~~██████████~~ in that group. He's definitely, especially 7c  
3 very recently, taken a lot of heat for fighting  
4 production over safety. I think if it wasn't for him  
5 fighting the way he did that day --

6 COORDINATOR VITO: So you don't really  
7 have any concrete evidence but from some of the people  
8 that are being released, you see a pattern.

9 THE WITNESS: Yes, I've also been told  
10 that there's a class action lawsuit being filed on  
11 behalf of those parties for discriminatory firing  
12 practices or whatever you want to call it.

13 COORDINATOR VITO: Do you know what that  
14 suit is based on? Is it on raising issues or on age  
15 or several things?

16 THE WITNESS: It may be a combination of  
17 things.

18 BRANCH CHIEF LORSON: How does ~~██████████~~ fall  
19 into this group? ~~██████████~~ also without a job. 7c

20 THE WITNESS: He had a five year contract.

21 BRANCH CHIEF LORSON: So it was a planned  
22 retirement.

23 SPECIAL AGENT NEFF: He did plan to leave  
24 at that particular time.

25 THE WITNESS: He planned to leave. I

1 believe his departure was escalated also

2 SPECIAL AGENT TEATOR: Dr. Harvii., there  
3 is a lot of documents on the table here still. We  
4 haven't had a chance to go through them. Is it okay  
5 if we maintain those until we get back together with  
6 you? Is that how you would like to handle this?  
7 There's a lot here. Do you feel comfortable with  
8 that?

9 THE WITNESS: Sure, that's fine.

10 SPECIAL AGENT TEATOR: Thank you.

11 SPECIAL AGENT NEFF: Is everybody else  
12 okay if we go ahead and close the interview?

13 SPECIAL AGENT TEATOR: At this point,  
14 we'll close.

15 COORDINATOR VITO: Thank you.

16 BRANCH CHIEF LORSON: Thank you.

17 THE WITNESS: Thank you.

18 SPECIAL AGENT NEFF: Thank you for your  
19 time.

20 SPECIAL AGENT TEATOR: This interview is  
21 closed. It's 4:15 p.m. Off the record.

22 (Whereupon, the above-entitled matter  
23 concluded at 4:15 p.m.)

24

25