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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

-----x

IN THE MATTER OF:

NC

INTERVIEW OF

~~REDACTED~~

:
: Docket No.
: (not provided)
:

(CLOSED)

-----x

Thursday, May 20, 2004

Location: (Not provided)

The above-entitled interview was conducted
at (time not provided).

BEFORE:

Special Agent (Not provided).

2003-045

EXHIBIT 45
PAGE 1 OF 25 PAGE(S)

L-12

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

PROCEEDINGS

(11:11 a.m.)

SPECIAL AGENT: It's May 20th. The year is 2004. It's 11:11 in the morning. This is a continuation of yesterday's interview of [REDACTED]

[REDACTED] I want to remind you're under oath. Do you understand that?

[REDACTED]: Yes.

SPECIAL AGENT: Okay. And you're still represented by counsel, Jeff. Correct?

COUNSEL: Yes, that's correct.

SPECIAL AGENT: [REDACTED] is represented by you. I think that maybe didn't come out right, but you represent [REDACTED] today.

COUNSEL: That's correct. I am representing [REDACTED] and PSE&G Nuclear in a joint capacity, same as I described yesterday.

SPECIAL AGENT: Okay. [REDACTED] this is a continuation of yesterday afternoon's interview. During the course of that interview, I asked if you could provide some documentation showing when certain documents were created; one of those documents being the separation agreement, when it was generated. And I've gotten actually two documents provided to me today; one is the separation agreement, another one is

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1 in Microsoft Excel spreadsheet. Okay.

2 [REDACTED]: Yes.

3 SPECIAL AGENT: And both are regarding Kim
4 Harvey, or Kim Ritigliano as it shows on these
5 documents. Do you remember me asking for those
6 documents?

7 [REDACTED]: Yes.

8 SPECIAL AGENT: Okay. And how were these
9 documents provided today? Who was involved, and how
10 was that done?

11 [REDACTED]: Based off of the other
12 question yesterday, I asked [REDACTED] our secretary, if
13 she knew how to show on the computer when a document
14 was created. And she showed me on her computer how we
15 go into a file, down to properties, and the screen
16 pops up and the information is there. So I went back
17 to my office, and pulled up those documents that we
18 talked about yesterday, and did exactly what she had
19 told me to do. And then I provided screen prints here
20 in reference to when those documents were created.

21 SPECIAL AGENT: Okay. What's [REDACTED]'s last
22 name?

23 [REDACTED]

24 SPECIAL AGENT: Okay. And what's a screen
25 print?

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[REDACTED] Screen print, without knowing
the computer --

SPECIAL AGENT: Print screen?

[REDACTED]:) Print screen.

SPECIAL AGENT: Okay. All right. Let's
talk about the first document. If you can go to -- I
guess, let's go to sheet one, document described as
sheet one, which is a Microsoft Excel Admin Support
Sep Worksheet. Sep, is that abbreviation for
separation?

[REDACTED] Correct.

SPECIAL AGENT: Okay. And there's a list
of names on there, one being Kim Ritigliano, the
others are [REDACTED]
[REDACTED] Do
you see that?

[REDACTED] Yes.

SPECIAL AGENT: And in the middle of this
document there's like a pop-up there, and it shows the
document was created on Friday, December 20th, 2002 at
5:46 p.m. Do you see that?

[REDACTED] Yes.

SPECIAL AGENT: Do you remember if you're
the one that actually produced that on that day, or
created it?

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[REDACTED]

Yes.

SPECIAL AGENT: Okay. And how can you say that you created it? What's your basis for saying that? Is it because it was on your computer?

[REDACTED]

It was on my computer, and I remember working, preparing the spreadsheets for the finance group, as well as just getting all the information in one centralized location.

SPECIAL AGENT: Okay. And some of those names that I've read that are included on this document also appear on the list of people who have reduced -- a reduction in force list provided to me earlier by Jeff. But some of the people's names don't appear on the actual reduction of force, [REDACTED]

being one, and [REDACTED]

[REDACTED]

Correct.

SPECIAL AGENT: Did they find alternate positions before the 45 days were up?

[REDACTED]

Yes.

SPECIAL AGENT: Okay. Under the created line it says Friday, December 20, 2002 at 5:46 p.m. And modified there's a line, the next line says modified Thursday, May 20th, 2004. What, if anything, was modified?

[REDACTED]

That I don't know what was

1 modified, outside of just pulling it up and printing
2 it.

3 SPECIAL AGENT: Well, I'm going to ask
4 you, did you modify anything on the document?

5 [REDACTED] No.

6 SPECIAL AGENT: All right. It shows that
7 something was modified.

8 [REDACTED] Yes.

9 SPECIAL AGENT: As opposed to the other
10 document, the Ritigliano separation agreement. That's
11 created Saturday, February 1, 2003 and shows it was
12 modified February 26th, 2003, accessed today. But
13 it's not showing any modification on that. I'm just
14 wondering, can you explain why on sheet one of the
15 spreadsheet it shows it was modified this morning at
16 9:12 a.m.?

17 [REDACTED] No, I can't explain that.

18 SPECIAL AGENT: And you testified that you
19 didn't modify anything on there. Is that correct?

20 [REDACTED] That's correct.

21 SPECIAL AGENT: All right. Do you
22 remember why you included Kim Ritigliano's name on
23 this document created December 20th, 2002, why her
24 name was included on there?

25 [REDACTED] I believe her name was

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1 included in there was because she was also going to be
2 included, I guess at the time that we were looking to
3 separate the Admin Support Group.

4 SPECIAL AGENT: And she was going to be
5 included in that group as far as separation goes?

6 (REDACTED): Correct.

7 SPECIAL AGENT: Is there anything else you
8 can tell me about her name being put on that list in
9 December of 2002? We didn't come upon that yesterday,
10 you knowing about her separation that early, I don't
11 think.

12 (REDACTED): No, I had forgotten, but
13 everything has been a whirlwind. I know we were
14 preparing for the Administrative Support Group, and
15 I'm sure there was a request to add her name to the
16 overview to all the information so we would have the
17 numbers created as far as this spreadsheet also shows
18 the medical, the four weeks, the severance and all of
19 that.

20 SPECIAL AGENT: Is that what's shown as
21 Sheet Two? Is that what you were talking about, the
22 continuation?

23 (REDACTED): Yes.

24 SPECIAL AGENT: And what would Sheet Two
25 be?

TK

1 (b) Sheet Two is just an
2 additional sheet added to this from Sheet One. It's
3 the same file, but it just provides Kim Ritigliano's
4 information, not the remaining folks.

5 SPECIAL AGENT: Sheet Two is specific to
6 Kim Ritigliano.

7 (b) Correct.

8 SPECIAL AGENT: And do you know why the
9 name is Ritigliano and not Harvey?

10 (b) That's how she was in the HR
11 system. She was known as Kim Ritigliano.

12 SPECIAL AGENT: All right. Look at Sheet
13 Two again. It shows creation date of Friday, December
14 20, 2002 at 5:46 p.m., and it shows the next line
15 modified Thursday, May 20, 2004 at 9:12:39 in the
16 morning. Did you modify that document before printing
17 it out and providing it to Jeff?

18 (b) No.

19 SPECIAL AGENT: No? Do you know why it
20 shows that it was modified?

21 (b) No, I don't know. I mean, I
22 could literally go in there and do this again if you
23 wanted me to, to show another date and time. I don't
24 know.

25 SPECIAL AGENT: Right. I hope there's not

1 another date and time.

2 (redacted) The date would be the same,
3 but the time should be different.

4 SPECIAL AGENT: Meaning what?

5 (redacted) That I actually opened up the
6 document.

7 SPECIAL AGENT: Okay.

8 COUNSEL: Correct me if I'm wrong, but
9 you're saying if you go in and open it again, would it
10 also show a modified date?

11 (redacted): That's what I'm thinking,
12 yes.

13 COUNSEL: You're thinking that if you
14 reopen it, it's going to show a modified date. We're
15 certainly agreeable to that.

16 SPECIAL AGENT: Modified date of what?
17 What date do you think would show up on it?

18 ~~COUNSEL~~ When it's reopened the access
19 date would change consistent with -- the modified date
20 and the access date would change at the same time.

21 SPECIAL AGENT: Oh.

22 COUNSEL: And I understand there's a
23 difference in the Word document, but (redacted) testified
24 she doesn't understand why that occurred. We'd be
25 open to going right out on her computer and seeing if

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1 it replicates that function.

2 SPECIAL AGENT: Okay. There are two
3 different kinds of documents. One is a spreadsheet
4 and one is a Word document.

5 [REDACTED] Correct.

6 SPECIAL AGENT: Okay. That may be part of
7 the reason why it did that. I don't know. Let's talk
8 about -- and I might take you up on that after we're
9 done here. Let's talk about the Kim Ritigliano Sep
10 Agreement, Microsoft Word. Again, Sep Agreement
11 stands for what?

12 [REDACTED] Separation.

13 SPECIAL AGENT: And this shows as a
14 Microsoft Word document. Did you pull this document
15 off your computer this morning?

16 [REDACTED] Yes.

17 SPECIAL AGENT: And it shows that it was
18 created on Saturday, February 1, 2003 at 6:21 p.m.?

19 [REDACTED] Yes.

20 SPECIAL AGENT: Would it have been created
21 by you?

22 [REDACTED] Yes.

23 SPECIAL AGENT: Do you normally work
24 Saturday evening?

25 [REDACTED] Not normally.

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1 SPECIAL AGENT: Okay.

2 [REDACTED] But I put my time in. I do
3 what's needed to get done.

4 SPECIAL AGENT: All right. Okay.

5 [REDACTED] I have a laptop computer.
6 I'm either here or I take it home with me.

7 SPECIAL AGENT: Can you access your saved
8 document file here from home?

9 [REDACTED] Yes.

10 SPECIAL AGENT: So you can dial in?

11 [REDACTED] Yes, I can dial in.

12 SPECIAL AGENT: Okay.

13 [REDACTED]: Remote access.

14 SPECIAL AGENT: Is this on your C drive,
15 your hard drive?

16 [REDACTED]: This is on my D Drive.

17 SPECIAL AGENT: Okay. It's on your
18 computer drive.

19 [REDACTED] Correct.

20 SPECIAL AGENT: So you wouldn't need to
21 dial into a centralized access point to access this
22 document.

23 [REDACTED] No.

24 SPECIAL AGENT: Might you have done this
25 on your laptop at home and then brought it in on a

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1 disk?

2 () No, I would have saved it on
3 my computer.

4 SPECIAL AGENT: Your laptop?

5 () My laptop, yes.

6 SPECIAL AGENT: Okay. You don't have a
7 work station in your office? You do everything off
8 your laptop?

9 () Correct.

10 SPECIAL AGENT: Okay.

11 COUNSEL: You have a docking station.

12 () I have a docking station.

13 SPECIAL AGENT: All right. So when you
14 pulled this document up this morning, did it come off
15 your laptop?

16 () Yes.

17 SPECIAL AGENT: Okay. All right. Do you
18 sometimes do work at home on weekends?

19 () Yes.

20 SPECIAL AGENT: All right. You think you
21 did this at home this document we're talking about, do
22 you think you created it while you were home on a
23 Saturday in February, or you think you came into the
24 plant?

25 () I was probably at home.

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1 SPECIAL AGENT: Okay. And do you know why
2 you created the document on February 1, 2003? Why
3 specifically that day or that date?

4 [REDACTED] Pretty much because I was
5 requested to prepare a draft package by [REDACTED]

6 SPECIAL AGENT: Okay. I think we did talk
7 about that yesterday.

8 [REDACTED] Yes.

9 SPECIAL AGENT: All right. Okay. And
10 this would have been the initial draft, this document?

11 [REDACTED] Yes.

12 SPECIAL AGENT: Okay. And it shows the
13 modification date, Wednesday, February 26th, 2003.
14 Might that be the document that we talked about
15 yesterday that had February blank, 2003?

16 [REDACTED] No, the document with the
17 February blank, 2003 was when I initially created the
18 document. And then on February 26th, 2003 was when I
19 went in that morning and changed it, modified it to
20 reflect actual dates.

21 SPECIAL AGENT: March 3rd.

22 [REDACTED]: The March 3rd, yes.

23 SPECIAL AGENT: Okay. And even though
24 when you met with Kim that day, the one document was
25 dated March 3rd, she actually signed the

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1 acknowledgement of getting the letter and the
2 separation agreement on 2/26/03. Correct?

3 [REDACTED] Correct.

4 SPECIAL AGENT: All right. Is there
5 anything more you wanted to add about these two
6 documents that might help me understand something? I
7 don't know. Something you could point out?

8 [REDACTED] On this document, not that I
9 have anything else.

10 SPECIAL AGENT: Okay. We talked a little
11 bit yesterday about the decision to move up Kim's
12 departure date. Okay. I want to finish with that,
13 and then go into my closing questions. All right.

14 [REDACTED] Yes.

15 SPECIAL AGENT: Before I do that, though,
16 is there anything you want to add regarding
17 yesterday's testimony?

18 [REDACTED] Not that I thought of.

19 SPECIAL AGENT: Okay. All right. I think
20 you indicated yesterday you first learned that Kim's
21 last day at the site was going to be moved up, you
22 first learned this on or about March 24th. Is that
23 still correct?

24 [REDACTED] That's correct.

25 SPECIAL AGENT: And let's go from that

1 date forward. What involvement did you have from that
2 date forward in that process, Kim leaving the site by
3 the end of the week? Can you tell me what you
4 remember what your involvement was regarding that?

5 ([REDACTED]) My involvement was to conduct
6 the HR exit interview on her last day, the 28th.

7 SPECIAL AGENT: Right.

8 ([REDACTED]) And the preparation in
9 getting to March 28th instead of February, getting
10 there. I believe I was scheduled for a meeting with
11 her and ([REDACTED]) on March 24th, as well as I was in
12 the lunch room in our HR library, in the lunch room
13 when I heard ([REDACTED]) pretty much
14 inform ([REDACTED]) that it was very important to make
15 sure that she was off-site by Friday, Kim was off-site
16 on Friday.

17 SPECIAL AGENT: Hang on for a second.
18 What lunch room are you talking about, right down the
19 hall here?

20 ([REDACTED]) Right across here, the HR
21 library. We eat lunch in there.

22 SPECIAL AGENT: People eat their lunch in
23 there?

24 ([REDACTED]) Yes.

25 SPECIAL AGENT: Okay. So you were sitting

1 in there and you overheard this conversation?

2 ([REDACTED]) Yes.

3 COUNSEL: We can show you the lunchroom.

4 It's a very small lunch room where only HR people sit.

5 It's not open to the general population.

6 ([REDACTED]) No.

7 SPECIAL AGENT: Oh, it's not here just
8 outside the door?

9 ([REDACTED]) No, not in this big area.

10 SPECIAL AGENT: Okay.

11 ([REDACTED]) Not like the bull pen. It's
12 just another room just like this.

13 SPECIAL AGENT: Okay.

14 ([REDACTED]) We have file cabinets in
15 there, a conference table, large size table, chairs
16 around that.

17 SPECIAL AGENT: All right.

18 ([REDACTED]) It used to be an office.

19 SPECIAL AGENT: So you were in there?

20 ([REDACTED]) Yes.

21 SPECIAL AGENT: Were [REDACTED]

22 in there also?

23 ([REDACTED]) Yes.

24 SPECIAL AGENT: They were in there with
25 you.

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1 () We were all having lunch.

2 SPECIAL AGENT: Okay. You were all having
3 lunch together.

4 () Yes.

5 SPECIAL AGENT: All right. And what date
6 do you think that conversation occurred? Monday would
7 be March 24th, Friday would be the 28th.

8 () I'm not really sure of the
9 exact day, whether it was a Tuesday, Wednesday,
10 Thursday. I don't want to -- but I remember the
11 conversation.

12 SPECIAL AGENT: Okay. You could go ahead
13 and share with me a little bit more about what you
14 remember of the conversation.

15 () From what I heard in the
16 conversation, apparently () had been informed before
17 that they wanted to have Kim off-site prior to her end
18 date, the April 16th end date. () was told by ()
19 () that she had wanted her out of here before, that
20 based on what we had going down here with a couple of
21 arbitrations, () was not able to meet that
22 commitment, and he then assured () that he would
23 have Kim off-site, and we were working on getting her
24 off-site by the 28th, March 28th.

25 SPECIAL AGENT: During that discussion,

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1 did [REDACTED] say why it was important to have Kim off-
2 site by Friday?

3 [REDACTED] No.

4 SPECIAL AGENT: All right. What did [REDACTED]
5 say? What do you recall him saying?

6 [REDACTED] He was in agreement with
7 [REDACTED] that it needed to be done, and just make sure it
8 happened.

9 SPECIAL AGENT: Did [REDACTED] say in that
10 conversation why he thought it was important for that
11 to occur by Friday?

12 [REDACTED] I believe they wanted to have
13 Kim off-site prior to [REDACTED] coming on-site.

14 SPECIAL AGENT: When was [REDACTED] coming in,
15 the following week?

16 [REDACTED] That I don't know.

17 SPECIAL AGENT: Okay. Was anybody else in
18 the room?

19 [REDACTED] [REDACTED]
20 [REDACTED], I'm not sure of anyone else.

21 SPECIAL AGENT: How sure are you that
22 those two people were in there to hear this
23 conversation?

24 (Off the record.)

25 SPECIAL AGENT: Okay. We're good to go.

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1 We're on tape 2. It's 11:35 in the morning. The
2 interview is continuing with (b) (6) (b) (7)(C) you
3 made a comment to the question that I asked you. Was
4 there anything unusual with the moving up of Kim's
5 last day. You said yes, it was a little unusual. Can
6 you tell me what was unusual?

7 (b) (6) It was a little unusual
8 because she had been working. She was notified in
9 February that her position was eliminated. I was not
10 aware of what (b) (6) had communicated in reference to
11 whether she was going to be working and on-site for
12 the 45 days or if he was going to be released;
13 however, still being paid for the 45 days, so when we
14 were told to do an exit interview it was like in the
15 middle of her 45 days, so I don't know what occurred
16 or what happened.

17 SPECIAL AGENT: Was the unusual part that
18 you found she was still working? Was that what you
19 meant by what was unusual, because she was still
20 reporting to work even though she had gotten her 45-
21 day letter? Is that what you found to be unusual?

22 (b) (6) Yes, because it was the
23 middle of the period, the 45-day period. She had been
24 working up until that point.

25 SPECIAL AGENT: Right.

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1 [REDACTED]) And then it was well, they
2 decided that she was not going to be working.

3 SPECIAL AGENT: Okay. I'm going to get to
4 that.

5 [REDACTED]) Okay.

6 SPECIAL AGENT: Do you know who made that
7 decision that she would not be working the full 45
8 days?

9 [REDACTED]) No, I do not.

10 SPECIAL AGENT: Okay. Have you heard why
11 that decision was made, where she would not be working
12 the full 45 days?

13 [REDACTED]) No.

14 SPECIAL AGENT: Okay. You don't know why
15 that was --

16 [REDACTED]) No.

17 SPECIAL AGENT: Okay. Do you know why her
18 last day there on-site was moved up to March 28th?

19 [REDACTED]) No, I do not.

20 SPECIAL AGENT: All right. Now during the
21 exit, who was there, you and [REDACTED]

22 [REDACTED]) Correct.

23 SPECIAL AGENT: Is it [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Special AGENT: Okay. All right. During
2 that discussion did Kim make a statement that she
3 thought, number one, her job had been eliminated
4 because she raised safety concerns?

5 ([REDACTED]) No.

6 SPECIAL AGENT: Okay. Did she relate her
7 job elimination to her view that there's an over-
8 emphasis on production over safety in the plant?

9 ([REDACTED]) No.

10 SPECIAL AGENT: Did she say she felt her
11 job had been eliminated because she felt the
12 management of the site in and of itself was a safety
13 issue or safety concern?

14 ([REDACTED]) No.

15 SPECIAL AGENT: Did she make a statement
16 to the effect that she thought her job was eliminated
17 because she believed or told others that there was
18 non-conservative decision making in the plant
19 regarding safety issues?

20 ([REDACTED]) No.

21 SPECIAL AGENT: All right. Did she make
22 any such statement that she thought her last day was
23 moved up because she had raised those concerns which
24 I just described to you?

25 ([REDACTED]) No.

1 SPECIAL AGENT: Okay. Did she bring up
2 safety concerns at all during the exit, that she had
3 safety concerns?

4 ([REDACTED]) No.

5 SPECIAL AGENT: Did she make any statement
6 to the effect that she thought she was being
7 discriminated against?

8 ([REDACTED]) Yes.

9 SPECIAL AGENT: She did. Go ahead and
10 tell me about that.

11 ([REDACTED]): Discriminated against because
12 her position was eliminated. She was -- there's only
13 one or two other females still within the plant
14 working management level within the plant, and that it
15 was just not fair.

16 SPECIAL AGENT: Gender discrimination, is
17 that what she was claiming?

18 ([REDACTED]) Yes.

19 SPECIAL AGENT: Anything, did she make any
20 statement with respect to she thought her position was
21 eliminated and her last day moved up because she
22 engaged in NRC protected activity? Did she make any
23 such statement at all?

24 ([REDACTED]) No.

25 SPECIAL AGENT: What else did she say

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1 about her feeling that she thought she was being
2 discriminated against? Anything more there?

3 [REDACTED] Just, I mean, pretty much we
4 just had a maintenance manager, a female maintenance
5 manager who had resigned and took another position
6 some place else, and there was not that many females
7 in the management ranks.

8 SPECIAL AGENT: All right. It's 11:40.
9 I'm going to stop just a minute, then we're going to
10 finish up.

11 (Off the record.)

12 SPECIAL AGENT: Okay. It's 11:41. We're
13 back on the record. [REDACTED] at some point did you
14 become aware that Kim Harvey had sent a letter to [REDACTED]
15 [REDACTED] outlining concerns she had with why her
16 position was eliminated and other safety concerns at
17 the plant? Did you become aware she sent a letter
18 containing that type of information to [REDACTED] 7c

19 [REDACTED]: Yes.

20 SPECIAL AGENT: Do you remember when you
21 first became aware of that?

22 [REDACTED] That was January of '04.

23 SPECIAL AGENT: Okay. How did you become
24 aware in January '04?

25 [REDACTED] Communications throughout the

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1 island that there had been a letter received around
2 safety conscious workplace environment.

3 SPECIAL AGENT: Okay. Would that be a
4 letter received from the NRC?

5 (REDACTED) Yes.

6 SPECIAL AGENT: Okay. Did Kim Harvey ever
7 say to you in your presence that she felt, or she
8 wondered whether she had been blackballed down here at
9 the site? You know what the term blackballed means.

10 (REDACTED) Yes.

11 SPECIAL AGENT: Had she ever made such a
12 statement to you, or such a --

13 (REDACTED) Not that I recall.

14 SPECIAL AGENT: I don't have anything
15 further. It's 11:42. (REDACTED) is there something you
16 want to add to the record?

17 (REDACTED): Not that I'm -- no.

18 SPECIAL AGENT: No? Are you sure?

19 (REDACTED) Yes.

20 SPECIAL AGENT: All right. If you think
21 of something let Jeff know, and we can get back
22 together.

23 (REDACTED) Okay.

24 COUNSEL: Yes. I think it's conclusive for
25 us. We do again offer if you want to take a look at

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[REDACTED] computer relative to the screen prints, we could try to do that.

SPECIAL AGENT: Okay. We'll do that.

It's 11:43. This interview is concluded. Thank you.

[REDACTED] Thank you.

(Off the record.)

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