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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS
INTERVIEW

IN THE MATTER OF:

The Interview of
ERIC A. DeBARBA

Wednesday,
March 6, 1996

Room 2
Training Building
Millstone Station
Rope Ferry Road
Waterford, CT

The above-entitled interview was conducted at
1:40 p.m.

BEFORE:

KEITH LOGAN, Investigator
United States Regulatory Commission
Office of Investigations
475 Allendale Road
King of Prussia, PA 19406

On Behalf of Interviewee:

of: JAY M. GUTIERREZ, Esquire
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036-5869
(202) 467-7466

B/2

CASE NO.

- 95 - 040

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EXHIBIT 57
PAGE 1 OF 75 PAGE(S)

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

8:54 a.m.

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INVESTIGATOR LOGAN: Raise your right hand

please.

Whereupon,

ERIC A. DeBARBA

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

INVESTIGATOR LOGAN: Mr. DeBarba, thank you
for coming. We last spoke on October 19, 1995. However,
for the record, would you please state your full name and
spell your last name?

MR. DeBARBA: Yes. It's Eric A. DeBarba, D-E-
N-A-R-B-A.

INVESTIGATOR LOGAN: And as with last time you
are appearing here today with counsel, is that correct?

MR. DeBARBA: Yes, that's correct.

INVESTIGATOR LOGAN: Mr. Gutierrez?

MR. GUTIERREZ: Yes, for the record my name is
Jay M. Gutierrez. I am a partner at Morgan, Lewis &
Bockius, and I am here in the same capacity and under the
same conditions as set forth in the October 19th
transcript.

INVESTIGATOR LOGAN: And Mr. DeBarba, it is
still your desire I understand, to have multiple

1 representations of Mr. Gutierrez to have him here today as
2 counsel, is that correct?

3 MR. DeBARBA: Yes, it is.

4 INVESTIGATOR LOGAN: Okay. And for the record
5 my name is Keith Logan and I'm a special agent with the
6 U.S. Regulatory Commission, Office of Investigations, King
7 of Prussia, Pennsylvania.

8 Mr. DeBarba, I'd like to talk to you about a
9 few issues today. They all relate to Mr. George
10 Betancourt, which was the subject of my last interview and
11 his allegation that he has been discriminated as a result
12 of his involvement in protected activities while at
13 Northeast Utilities.

14 I'd like to say that because of the nature of
15 some of the questions I'm going to ask and the different
16 points that I refer back to during the course of this
17 interview it may seem somewhat disjointed in time, and
18 your involvement with Mr. Betancourt.

19 I'd like to go over a few points, and the
20 first one I'd like to talk to you about is a memo which I
21 guess has been referred to as the chilling effect memo.
22 It's a memo that was sent from Mat Kapinsky to Mario
23 Banaca with cc to John Gersey and yourself. It is
24 captioned "Lessons learned MP1C29 safety concern." And
25 I'd like to discuss it with you briefly.

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1 I'm going to give you an opportunity to look
2 at the memo and you can tell me if you recognize it.

3 (Whereupon, the witness examines the
4 document.)

5 MR. DeBARBA: Yes, I recognize this memo.
6 This is a draft. As I understand it, it was never issued
7 in its final form, but it was listed as a draft memo.

8 INVESTIGATOR LOGAN: Certainly while it was
9 listed as a draft it has had wide circulation?

10 MR. DeBARBA: Oh, yes.

11 INVESTIGATOR LOGAN: And do you recall
12 receiving a copy of it?

13 MR. DeBARBA: Yes.

14 INVESTIGATOR LOGAN: And did you meet with
15 anyone to discuss the contents of this memo?

16 MR. DeBARBA: I don't recall whether I met
17 with anybody to talk about the contents of this memo
18 specifically, but following the 1CU29 discussion on
19 operability it ultimately led to declaring the valve not
20 operable and isolating the clean-up system.

21 I did request that we have a round table
22 discussion to talk about lessons learned. And a lot of
23 the points that we discussed, and I led the discussion,
24 with all the parties involved in the decision process to
25 come to the operability/inoperability decision had to do

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1 with items that were in here. My comments to people was
 2 that we needed to do a much better job in terms of what I
 3 phrased "senders and receivers" and that we had to have
 4 200 percent accountability at the interface with senders
 5 and receivers.

6 And my expectation was that we needed to do a
 7 really good job in listening, and we had to a real good
 8 job on sending messages to make sure that we had
 9 connection all the way across. And my expectation is that
 10 people improve in that area that are communications --
 11 this was an example our communications were not as good as
 12 they needed to be.

13 I did point out that we had made quite a bit
 14 of progress on the last time there was discussion on this
 15 particular valve. For instance that in looking at this
 16 particular issue that I complemented the people on
 17 retaining a technical expert to provide insight on the
 18 valve that ultimately led to the decision of it to be non
 19 operable. And that while it took, I forget what the time
 20 period is, days or a couple of weeks, whatnot, to reach
 21 that decision, it clearly is better than the length of
 22 time it had taken previously to reach a conclusion and it
 23 turned out not to be the most conservative conclusion you
 24 could reach.

25 So I thought that they had done a better job,

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1 but there were still examples where people were not
2 listening effectively to the discussion that was going on.

3 INVESTIGATOR LOGAN: Part of the reason I
4 bring up this issue, aside from CU29 which has, I guess,
5 taken on a life of its own currently beyond the actual use
6 as a check valve in the system. There are some comments
7 that are included, if you look on page two, top paragraph,
8 it says "This is a cultural issue which continues to be
9 exhibited by the organization. It is noted the
10 organization tended to come up with excuses and delayed
11 the problem recognition and acceptance until May 17th 1995
12 and so forth and so on."

13 The memo while it's addressing CU29 has been
14 offered to me as a commentary not just on CU29, but on
15 problems that are faced by individuals who raised
16 concerns, particularly those who raised them through the
17 REF process. The memo goes on to talk about the year end
18 reward system, talks about continuing in this third
19 paragraph now, continuing to treat a person or a group
20 that brings forth a concern in a negatively reinforced
21 fashion as exhibited in the early stages of this issue,
22 being CU29. And even down to the second to the last
23 paragraph it says "A chilling environment existed.
24 Personnel," and there's a cross-out there, the cross is,
25 and I quote "Is reluctant and afraid," and handwritten is

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1 written in there "Personnel were apparently reluctant and
2 afraid to opening deviate from management views." That's
3 the end of the quote.

4 Mr. Betancourt offers this as a commentary on
5 his plight of having raised concerns with Northeast
6 Utilities since 1988, and it's the chilling environment
7 that exists at Northeast Utilities which is part of the
8 problem that he has encountered with his reassignments and
9 his change in responsibilities at work.

10 Now, is it your understanding about this memo
11 that it was designed to talk about a chilling environment
12 which exists at NU generally?

13 MR. DeBARBA: No, no.

14 INVESTIGATOR LOGAN: What is your
15 understanding on that?

16 MR. DeBARBA: I think that this letter is an
17 example of the organization wanting to probe itself and
18 learn lessons from an experience that provided some really
19 good lessons. And that's why I asked for some lessons
20 learned. Apparently in this case, I can't remember the
21 genesis, whether it was Matt doing this or Mario doing
22 this, that it's indicative of an organization that's
23 taking a real hard look at itself, and we want to get
24 things out in the open and make sure that we take a full
25 look at exactly what happened here.

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1 I think what this is, is a matter of saying
2 that here are some things that we've got to focus on as we
3 move forward. We've got clear opportunities to improve in
4 these particular areas. And that I don't think there is
5 any indication here that, you know, this is a negative or
6 some sort of clandestine type of thing. I think this is
7 out in the open and it's saying that here are some things
8 that we have to be aware of, here is how some people might
9 have felt in this particular case and, you know, what we
10 need to focus on in the future, whether it's team work or
11 it's communications or it's a reward system, you know,
12 that type of thing.

13 And again I think that these reflect
14 somebody's perspective on it having gone, you know,
15 through things. You know, for instance the reward system,
16 our reward system does balance plant operation versus
17 nuclear safety. 50 percent of our reward system is
18 operational excellence objectives which are safety
19 related. 50 percent is going for costs and how well the
20 plant is run. So there is a balance between safety and
21 operation.

22 INVESTIGATOR LOGAN: But if we look at your
23 reward system several people have, I guess at different
24 points in time, talked to you about the issues raised
25 particularly Mr. Galatis with regard to CU29 by Mr. Cizek,

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1 and I believe also Mr. Betancourt's name has been
2 mentioned as individuals who have gone ahead and pressed
3 on issues. Recommendations have been made to reward them,
4 but I guess it's called a spot increase or something, a
5 spot award, or recognition?

6 MR. DeBARBA: Right, we have spot recognition
7 awards.

8 INVESTIGATOR LOGAN: And yet even though
9 several people have raised that as an issue, nothing has
10 been done. So isn't that negative reinforcement, a
11 negative reward system by ignoring comments like that and
12 not saying George Galatis, you know, you did right by
13 bringing this forward?

14 MR. DeBARBA: No, I think we do reward people
15 for bringing things forward, and we have done that. I
16 think there are folks in our organization who have
17 received either positive letters or spot recognitions,
18 those types of things. I can't recall any specific
19 instances if these individuals ever received any or not, I
20 just don't recall. But it's possible. I know as an
21 organization we have done that. We reward people for
22 actions that we believe merit that kind of reward.
23 Typically, I mean the denominations themselves are not all
24 that significant, but it is meaningful to people that they
25 be singled out and given some recognition for what they

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1 do.

2 And we have used those cases where people have
3 stood up and raised issues on our behalf. And we also use
4 them for people who go beyond what we consider the call of
5 duty in solving problems and getting things squared away.

6 INVESTIGATOR LOGAN: It's my understanding
7 that Mr. Chatfield has endorsed Mr. Partlow's
8 recommendation that Mr. Cizek, Mr. Galatis, and Mr.
9 Betancourt be recognized and looked to you for endorsement
10 on that and nothing was done.

11 MR. DeBARBA: I'm not sure about looking to me
12 for endorsement. I don't recall that.

13 INVESTIGATOR LOGAN: I think he said that his
14 group didn't have the budget to support that spot
15 recognition, and I think you took it under advisement?

16 MR. DeBARBA: I don't recall.

17 MR. GUTIERREZ: Keith, just for the record are
18 you clear that Chatfield and Partlow extended the
19 recommendation relative to Mr. Betancourt?

20 INVESTIGATOR LOGAN: Yes, I believe he did.

21 MR. GUTIERREZ: And that went to Mr. DeBarba?

22 INVESTIGATOR LOGAN: Yes.

23 MR. DeBARBA: I don't recall ever having a
24 conversation with Mr. Partlow about that.

25 INVESTIGATOR LOGAN: I believe Mr. Partlow put

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1 it in writing. And I don't have the paper with me today
2 or I'd be happy to share it with you.

3 MR. DeBARBA: I just don't recall ever having
4 that as an action. If I had it as an action I would have
5 kept it on a punchlist and made a decision about it to do
6 it.

7 INVESTIGATOR LOGAN: Okay. Now, when you say
8 as an action, you mean if Larry Chatfield talked t o you
9 about it, that would be an action, or would something else
10 have had to have been done to make it an action?

11 MR. DeBARBA: Well, I think something else.
12 In that case that report might have gone to Mr. Opeka for
13 instance, who would identify a list of actions associated
14 with that report. You know, typically if a report has a
15 series of recommendations in it somebody ends up taking
16 responsibility for each of those recommendations. I don't
17 remember the details of that report, but --

18 INVESTIGATOR LOGAN: Well, I don't think it
19 was a report, it was a memo.

20 MR. DeBARBA: Okay.

21 INVESTIGATOR LOGAN: And I think with regard
22 to Larry Chatfield, it was a conversation.

23 MR. DeBARBA: I see.

24 INVESTIGATOR LOGAN: I don't recall him
25 mentioning that he put something in writing at this point.

1 MR. DeBARBA: All right.

2 INVESTIGATOR LOGAN: But you're not aware of
3 anything that was done, and I think your statement to me
4 was you don't recall having had that conversation with Mr.
5 Chatfield, is that correct?

6 MR. DeBARBA: I've had a lot of conversations
7 with Mr. Chatfield. Whether he said that or not I just
8 don't remember.

9 INVESTIGATOR LOGAN: Okay. So you don't
10 recall having that conversation?

11 MR. DeBARBA: Right.

12 INVESTIGATOR LOGAN: Okay.

13 Why don't we go off the record for a minute.

14 (Whereupon, at 2:12 p.m., off the record until
15 2:14 p.m.)

16 INVESTIGATOR LOGAN: Okay, we're back on the
17 record.

18 In your discussions, let's talk about this
19 memo just a little bit more, in your discussions with
20 Mario Banaca, and you haven't indicated you have, but I'm
21 willing to bet you did, right? It was addressed to Mario
22 Banaca with a cc to you. Do you recall talking to Mario
23 about it?

24 MR. DeBARBA: Not specifically. Mario may
25 have been in the meeting that I gathered in I think it was

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1 late May.

2 INVESTIGATOR LOGAN: It was --

3 MR. DeBARBA: The meeting was held on May 25th
4 it said --

5 INVESTIGATOR LOGAN: Well, let's talk about
6 the meeting. Do you recall the comments being made at the
7 meeting that the chilling environment that's referred to
8 here is not one that's limited to CU29, but extends to
9 other areas within NU?

10 MR. DeBARBA: I don't remember that
11 specifically. The discussion --

12 INVESTIGATOR LOGAN: Anything similar?

13 MR. DeBARBA: -- the discussion was really
14 more surrounding the interactions, inner relationships
15 between the people who were involved here and the Berlin
16 based organization with Millstone One based engineering
17 organization. It was really those two groups that were
18 the focus of the discussion.

19 INVESTIGATOR LOGAN: Do you recall a
20 discussion as to why the right decision wasn't made in the
21 '92, '93 time frame when the issue was first raised?

22 MR. DeBARBA: There was, I recall, some
23 discussion. I'm not familiar with the specifics of it,
24 but there was some discussion about the fact that as an
25 organization they had retained a legal firm to help

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1 understand the fine points of the regulation.

2 INVESTIGATOR LOGAN: -- valve --

3 MR. DeBARBA: Yes.

4 INVESTIGATOR LOGAN: Go ahead?

5 MR. DeBARBA: And that that appeared to be in
6 contrast to what was done this time where they hired a
7 technical expert to gain some insight into the valve
8 itself, which was viewed as much more positive. In other
9 words instead of looking at a regulatory legalistic
10 approach to some operability judgement. We were now using
11 and relying upon and trying to understand how the valve
12 physically was working and whether it was working or not
13 working.

14 And, if I recall, there were some differing
15 professional opinions as it related to this valve expert's
16 wear calculations and how realistic those were versus the
17 actual plant data which said as measured leakage was such
18 and such.

19 And there were two differing opinions that
20 were being wrestled out here in the absence of very
21 concrete exacting information and that one seemed to be
22 more, you know, in terms of the regulation, while the
23 latest thing you had was some data which said that you
24 passed a certain test, it was satisfactory and you passed
25 it and therefore you met that regulation.

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1 Then the next question was well, but what if
2 you extrapolate and, if you extrapolate, maybe you have a
3 problem. And there were questions about well how does
4 that extrapolation occur and what does that say about this
5 data, do they correspond, could you have this leakage if
6 you had that kind of wear. So there were some differing
7 opinions. I don't know all the details of it, but I do
8 remember that there were some fairly strong opinions on
9 both sides.

10 INVESTIGATOR LOGAN: Okay.

11 MR. DeBARBA: I do recall in the meeting that
12 people had commented that it was a good exercise to go
13 through and learn lessons from having gone through that
14 exercise. And I think the very last sentence in this
15 particular memo I think summarized that fairly well where
16 it says "It is hoped that this is not construed in a
17 negative manner, but as a genuinely intended effort to
18 provide an honest assessment that we can learn from and
19 which will make our organization better." I think it was
20 in that spirit that we were doing this.

21 INVESTIGATOR LOGAN: Okay. Calling your
22 attention again I guess to our last interview, and the
23 reason I asked you to focus on it is for the timing of it.
24 We had talked on October 19th of '95 about Mr. Betancourt
25 and his interactions with you and (b)(7)(C) and others. FX
7C

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1 Did Mr. Betancourt ever talk to you about being reassigned
2 to your staff?

3 MR. DeBARBA: Reassigned, what do you mean by
4 my staff?

5 INVESTIGATOR LOGAN: To become a special
6 assistant or an assistant to you?

7 MR. DeBARBA: This is since October?

8 INVESTIGATOR LOGAN: Since October.

9 MR. DeBARBA: Since October.

10 INVESTIGATOR LOGAN: That's why we put that
11 caveat on there.

12 MR. DeBARBA: Yes. You know, I'm not sure
13 because over the years, and particularly in the last
14 several years I think Mr. Betancourt has approached me
15 with numerous suggestions about how he could be assigned
16 or reassigned. And that all the way from becoming part of
17 the nuclear fuels group to not wanting to be part of [REDACTED] EX7C
18 [REDACTED] group, to wanting to be part of a task force, EX7C
19 to not wanting to be assigned to [REDACTED] and to be reporting EX7C
20 to me or to report to other people. So that he has had
21 numerous conversations about assignments over several
22 months. Whether it occurred in the last couple of months,
23 Keith, I'm not a hundred percent sure.

24 INVESTIGATOR LOGAN: Okay. Well, if it helps
25 to expand it, I guess I'm interested in whether or not you

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1 and he talked about him reporting to you directly and not
2 to [REDACTED] or anybody else. If it's the October EX 7C
3 19th time frame that puts a punch on your determination,
4 then let's take that out of there.

5 MR. DeBARBA: Yes, I think he did. I think he
6 did mention that at one time that he -- I know he did not
7 want to report to [REDACTED]. EX 7C

8 INVESTIGATOR LOGAN: I think the record is
9 clear on that.

10 MR. DeBARBA: And he had some suggestions to
11 report different places. I think one of those was that he
12 report to me somehow, some way.

13 INVESTIGATOR LOGAN: And when he brought up
14 that suggestion --

15 MR. DeBARBA: I have way too many direct
16 reports now and I am not looking to have more direct
17 reports.

18 INVESTIGATOR LOGAN: Was that the only reason
19 because of the number --

20 MR. DeBARBA: It's not proper --

21 INVESTIGATOR LOGAN: -- of direct reports to -

22 -

23 MR. DeBARBA: -- well, it would not be proper.

24 He was serving a function reporting to [REDACTED] and EX 7C
25 I'm holding [REDACTED] accountable for managing the project. EX 7C

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1 And George is an integral piece of the project, and I
2 don't want to break up the project and put myself as
3 interface. I'd become the project manager and that's not
4 what I want to do.

5 INVESTIGATOR LOGAN: All right. I'd just like
6 to go over some comments with you that have been made by
7 George, so if you kind of bear in mind it's going to take
8 a little bit more time as I tag them forward.

9 MR. DeBARBA: Okay.

10 INVESTIGATOR LOGAN: This issue came up in an
11 earlier interview, and again it's not designed to trick
12 you in between statements, but I'd just like to explore a
13 little bit more with you. George Betancourt told me that
14 he had a conversation with you on April 11th wherein he
15 told you that he didn't want to speak to the NRC and that
16 he wanted you to send him on a vacation. Do you recall
17 that?

18 MR. DeBARBA: Send him on a vacation?

19 INVESTIGATOR LOGAN: Right.

20 MR. DeBARBA: Well, I don't recall that.

21 INVESTIGATOR LOGAN: It's a double statement.
22 He said he didn't want to speak to the NRC, and he said he
23 wanted you to send him on a vacation or make him, I guess
24 the reference is, make him unavailable?

25 MR. DeBARBA: I don't remember that at all.

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1 INVESTIGATOR LOGAN: You don't, okay.

2 MR. GUTIERREZ: Just so we're clear, he's
3 alleging that he told Eric on April --

4 INVESTIGATOR LOGAN: 11th.

5 MR. GUTIERREZ: -- 11th --

6 INVESTIGATOR LOGAN: 1995.

7 MR. GUTIERREZ: -- that he did not want to
8 talk to the NRC and was hoping the company would-maybe
9 accommodate that by sending him on a vacation was the gist
10 of --

11 INVESTIGATOR LOGAN: That's the gist of it.

12 MR. GUTIERREZ: Okay.

13 INVESTIGATOR LOGAN: And you're now being
14 asked, do you remember saying words to that effect?

15 MR. DeBARBA: I just don't recall that, I
16 don't recall that.

17 INVESTIGATOR LOGAN: Now, let me read you the
18 paragraph. This has to do with a conversation that George
19 has with [REDACTED] and it concerns the fact that he EX 7C
20 reports to [REDACTED]. And apparently he said that "I told EX 7C
21 him," meaning [REDACTED] "that I was directed by Eric in a EX 7C
22 memo at a meeting that Eric had with my management," and
23 they chose to have him present "where Eric stated clearly
24 that I was not down there to work for contractors, I was
25 down there to direct contractors." This is referring to

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1 his work assignments and his direction while working with

2 ~~REDACTED~~ EX 7C

3 Do you recall telling George Betancourt that
4 he was to be down there to direct contractors?

5 MR. DeBARBA: Well, what I told him his
6 responsibility was one of technical direction.

7 INVESTIGATOR LOGAN: Okay.

8 MR. DeBARBA: And he worked for ~~REDACTED~~ EX 7C
9 you know, he had responsibility for technical direction of
10 the project.

11 INVESTIGATOR LOGAN: And what do you mean by
12 technical direction of the project?

13 MR. DeBARBA: In other words he's the one who
14 is providing the direction on strategy, how we are going
15 to deal with, you know, license issues, license amendment
16 issue, what our strategy is going to be in terms of, you
17 know, Boraflex, what the strategy is going to be relative
18 to approaches on getting the pool licensed, that type of
19 thing, but not actually managing the project, not actually
20 buying equipment, not overseeing the vendor, that type of thing.

21 But in any project given that type of
22 situation, at any point in time the expectation is people
23 were working together so that you could very well find
24 yourself taking some direction from somebody and providing
25 technical direction back. So that if you have a project

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1 engineer at Millstone One and one on Millstone Two and one
2 on Millstone Three, and one Trans Shipment. Some of those
3 may be contractors, some of those may be in house
4 employees. They have the responsibility for the project
5 leads on those. And George might be taking some project
6 direction from them. He might be providing some -- he
7 would be providing some technical direction to them. But
8 his [REDACTED] in EX-7C
9 terms of the person who is doing performance reviews,
10 watching out for, you know, his compensation and that type
11 of thing.

12 INVESTIGATOR LOGAN: And did --

13 MR. DeBARBA: The contractors did not have any
14 responsibility for that.

15 INVESTIGATOR LOGAN: Now, what you just
16 explained to me, did you ever explain that to George
17 Betancourt?

18 MR. DeBARBA: I believe that we talked about
19 that in one of those round table discussions that we had.

20 MR. GUTIERREZ: Just so I'm sure, is the
21 suggestion in your question, Keith, that a senior engineer
22 with 16 years experience in this company needs that basic
23 message explained to him by a vice president?

24 INVESTIGATOR LOGAN: I guess I'm trying to get
25 past what the assumptions are in fact the directions are.

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And if your answer is going to be Counsel's point of clarification or a rhetorical question almost, but if that's your answer, fine, but what I'm trying to understand is whether you specifically had the kind of discussion with George Betancourt that you just had with me in terms of what his responsibilities would be in this case.

And I just that the reason for asking is that I think you and he have had numerous discussions and I think the subject of many of these discussions has been what his responsibilities are. And he certainly has portrayed to me what his understanding is. And what I'm trying to ascertain from you is whether or not it was a situation where you both thought the other knew what was to be done but never said it, or in fact whether you're telling me that, Logan, I told you this today and I can just about say 99 percent positive that I would have had this conversation with George Betancourt and I would have told him the same thing. I mean if that's true, fine. If it's not, I'd like you to tell me?

MR. DeBARBA: I can't say a hundred percent, with a hundred percent certainty that we had that specific conversation. I do recall lots of questions from George over the period time all associated with roles and

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1 responsibilities on the project and basically him not
2 wanting to take direction from [REDACTED], wanting to EX 7C
3 report through the Berlin organization, not being part of
4 the project team.

5 And that I can remember talking very
6 specifically about examples where we had done this in the
7 past and how it had worked. Specifically the steam
8 generator replacement project on Millstone Two, and the
9 condenser replacement project on Millstone One. And those
10 are examples specifically that I remember talking about.

11 INVESTIGATOR LOGAN: I mean you've been fairly
12 clear with me on what you describe your expectations to be
13 of the kind of way that he would interact with
14 contractors. And what I'm trying to understand is were
15 you as specific with him as to the responsibilities that
16 he would have. And that in the course of performing those
17 responsibilities that he would in fact have to take some
18 direction from another project engineer assigned perhaps
19 to a different unit who may in fact be a contractor.

20 MR. DeBARBA: I don't recall if I had
21 specifically articulated that. I just can't be sure.

22 INVESTIGATOR LOGAN: So there is the
23 possibility then that it wasn't clear, or do you feel that
24 in spite of that it was clear what his responsibilities
25 were?

1 MR. DeBARBA: I think it was clear. I think
2 it was clear from years of experience having been there,
3 having seen those other projects, having understood it,
4 having had discussions with him.

5 We had a group meeting at one point in time,
6 laying out roles and responsibilities. I met with the
7 entire spent fuel project group talking about jobs and how
8 things worked. And I don't recall ever having left one of
9 those meetings with unanswered questions. And I would
10 think that if there were people in that room who did not
11 understand what had been articulated in those meetings
12 that they would have been left with open questions, and I
13 just don't recall any open questions coming out of those
14 meetings.

15 INVESTIGATOR LOGAN: Mr. Betancourt has
16 indicated to me that he has been systematically excluded
17 from participation in safety related activities. And the
18 way he's done that or the way that has been done to him,
19 has been treatment by [REDACTED] and by you after EX7C
20 identifying problems to NRC representatives and/or Larry
21 Chatfield. Would you care to comment on that?

22 MR. DeBARBA: I'd say it's categorically
23 false. He is involved in safety related matters right
24 today.

25 INVESTIGATOR LOGAN: One of the things that

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1 has come up, and I think he's mentioned it, he says I know
2 I raise an issue and they tell me to file it and move on
3 to something else. If he's concerned about something
4 shouldn't he have the right to proceed and develop that
5 concern?

6 MR. GUTIERREZ: Are you asking Mr. DeBarba
7 whether Mr. Betancourt has a legal right to proceed
8 without regard to what the company wants him to do, or are
9 you asking him for his management judgment there?

10 INVESTIGATOR LOGAN: How he interprets the
11 question is going to be judged by his answer. I'm asking
12 him, doesn't he think that he has a right, or doesn't Mr.
13 Betancourt have a right to follow up on concerns that he's
14 raised?

15 MR. DeBARBA: Oh, sure, he has the right to
16 follow up on matters, but he does not have -- you know,
17 but that right also has to consider the rights that the
18 company has to expect a fair day's work for a fair day's
19 pay. And management doesn't give up its right to manage
20 an employee. And as a supervisor in this case (REDACTED) EX 7C
21 (REDACTED) or myself or anybody else or is managing employees EX 7C
22 has certain expectations for employees to perform certain
23 work, and we are the ones who decide what work they are to
24 work on. Employees don't decide, okay I'm going to work
25 on (X), but meanwhile in order to resolve a plan issue

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1 with we need (Y) done, then it's (Y) that we might assign
2 that person to work and not (X).

3 INVESTIGATOR LOGAN: So you don't feel it's
4 discriminatory or it's retaliatory or it's in any way a
5 form of harassment once an employee raises an issue that
6 that employee is not permitted to do follow-up
7 investigation or follow-up work to resolve that issue?

8 INVESTIGATOR LOGAN: Well, I won't say not
9 permitted.

10 INVESTIGATOR LOGAN: Not permitted on company
11 time?

12 MR. DeBARBA: I think that certainly it would
13 be permitted to follow up on items that are of safety
14 significance that they felt appropriate, but not permitted
15 to dictate to management their schedule for what they work
16 on during normal business hours or what their management
17 is assigning them to do. That, you know, as a company, as
18 management, you don't give up your right to manage a
19 person.

20 INVESTIGATOR LOGAN: Okay. One of the things
21 that Mr. Betancourt has told me, he said senior engineers
22 are supposed to be self-motivated and take the initiative
23 to go out there and seek the work that is for the
24 improvement of the plant. Now, he's being provided with a
25 different direction, and that's that he's to be spoon fed

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EX7C
1 by [REDACTED]. Are senior engineers, my question, are
2 senior engineers to be self-motivated and take the
3 initiative to go out and to find work for the improvement
4 of the plant?

5 MR. DeBARBA: Senior engineers, really all
6 engineers are expected to have initiative to get things
7 done without a lot of management direction. In terms of
8 active solicitation for work, people are expected to
9 generate ideas and thoughts. In terms of active
10 solicitation, we have processes that we go through to
11 determine what work gets done and what work is really
12 responsive to our customer focus, which is really
13 operating those units. As an organization really we have
14 one customer and that is the operations organization.
15 We're an operations driven organization.

16 And our shift managers are people who are
17 running the plant day in and day out, need to know and
18 need to set the priorities for what is important for the
19 engineering organization to be working on. In this case
20 we're saying that what is important is to be able to
21 safety store spent fuel for the license life of our
22 plants, and we've come up with a strategy on how to do
23 that, and now the question is how do we implement that
24 strategy. And yes our senior engineers are expected to be
25 self-motivated to get in there with a minimum amount of

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1 supervision and to make that happen and to meet
2 regulations and to do it safely.

3 INVESTIGATOR LOGAN: Well, let's do I guess I
4 hypothetical.

5 MR. DeBARBA: Okay.

6 INVESTIGATOR LOGAN: Connecticut Yankee has a
7 similar project that's been through a pool project, and
8 George Betancourt talks to people at CY and finds work for
9 himself down there. Is that what you would expect him to
10 do?

11 MR. GUTIERREZ: Is this a hypothetical?

12 INVESTIGATOR LOGAN: Hypothetical.

13 MR. GUTIERREZ: Could you add to the
14 hypothetical what this hypothetical person is otherwise
15 assigned to do?

16 INVESTIGATOR LOGAN: No, because then it might
17 not be hypothetical.

18 I mean would you expect a senior engineer to
19 do that or would expect a senior engineer to react in
20 another manner?

21 MR. DeBARBA: No, I would expect people to
22 operate and discharge their responsibilities within their
23 areas of expertise and their areas of responsibility. And
24 if you have a person who has a particular role and
25 responsibility in the organization, that role and

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1 responsibility need to be discharged for all units. So if
2 you have that role and responsibility and there is a
3 project ongoing at CY, and you have abilities that are
4 important to that project and you are a part of that
5 project team, yes you have to discharge your knowledge and
6 your abilities to help make that project successful.

7 INVESTIGATOR LOGAN: Would you expect that--

8 MR. DeBARBA: You have to be a self-starter.

9 INVESTIGATOR LOGAN: -- to be on the phone
10 soliciting the business or would you expect CY to be on
11 the phone soliciting his assistance, or would you expect
12 both?

13 MR. DeBARBA: I would expect both.

14 INVESTIGATOR LOGAN: Okay.

15 MR. DeBARBA: I would expect both in terms of
16 people understanding role and responsibilities in the
17 spirit of working together to get to the best product.

18 INVESTIGATOR LOGAN: Okay. A comment that was
19 made to me and Mr. Betancourt said that the IG report,
20 this is referring to the NRC IG report on December 5th,
21 and he says 4th, the IG report came out and it just
22 happened that he was interviewed by TV cameras. He told
23 the TV cameras that he had been diminished in capacity and
24 that work was being removed from him.

25 And he said then the following day he has a

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1 meeting with you, Mike Brown and [REDACTED] and he's EX7C
2 told to do what his supervisor, I guess in this case EX7C
3 [REDACTED], told him to do, and after that meeting he was EX7C
4 hustled off and Mr. Brown and a third party were then
5 conducting an investigation into wrongdoing on his part by
6 refusing to do work that his supervisor had assigned to
7 him.

8 This is being told to me by Mr. Betancourt and
9 that the action taken by [REDACTED] and Mr. Brown, and EX7C
10 you is a result of his having been interviewed at the IG
11 presentation at the Raddison and having made derogatory
12 comments about his work and you.

13 Now, I guess let me start off by, do you
14 recall at about that time frame having met with [REDACTED] EX7C
15 [REDACTED], Mike Brown, and George Betancourt? EX7C

16 MR. DeBARBA: Yes.

17 INVESTIGATOR LOGAN: And was that meeting
18 related to the fact that he had participated in the IG
19 presentation?

20 MR. DeBARBA: Not at all.

21 INVESTIGATOR LOGAN: Had you scheduled that
22 meeting before the IG presentation?

23 MR. DeBARBA: Just to refresh my memory, the
24 IG presentation was on?

25 INVESTIGATOR LOGAN: December 4th, 5th time

1 frame of '95?

2 MR. GUTIERREZ: I think we've provided you,
3 Keith, documentation that reflects not only the meeting
4 but the events leading up to that meeting. I don't know
5 if you brought them here today, but --

6 INVESTIGATOR LOGAN: They didn't come from
7 this department though, they were from other sources.

8 MR. GUTIERREZ: Right.

9 INVESTIGATOR LOGAN: And what I'm trying to
10 put on the record now is his understanding.

11 MR. GUTIERREZ: I got you, okay.

12 INVESTIGATOR LOGAN: To the extent you
13 remember?

14 MR. DeBARBA: I'm just trying to remember, the
15 IG meeting was on a --

16 INVESTIGATOR LOGAN: I think it was the 5th.

17 MR. DeBARBA: -- was it a Wednesday or so or a
18 Thursday?

19 INVESTIGATOR LOGAN: Well, you've already
20 testified the IG meeting played no role in holding that
21 meeting --

22 MR. DeBARBA: Right.

23 INVESTIGATOR LOGAN: -- with Mr. Betancourt.
24 So I'm not sure what the relevance of its sequence is at
25 this point.

1 MR. DeBARBA: Well, you asked the timing, you
2 know, that it had happened before, did I have a meeting.
3 I think your question was, did I have a meeting --

4 INVESTIGATOR LOGAN: No, I asked had you done
5 anything prior to the IG presentation which was in
6 preparation for the meeting that was being held after the
7 IG?

8 MR. DeBARBA: I guess I was going to say there
9 was preparation for that meeting. When in time that
10 preparation meeting occurred relative to the IG report, I
11 don't know.

12 INVESTIGATOR LOGAN: 1995 December 5th was a
13 Tuesday, December 4th was a Monday, and what Mr. --

14 MR. DeBARBA: And when was the meeting with
15 Mr. Betancourt?

16 INVESTIGATOR LOGAN: -- Mr. Betancourt hasn't
17 provided a date in that statement to me, but he said it
18 was a result of that. And it was after that meeting, I
19 would assume within the next seven days, he says the
20 following day, which could have been either Wednesday or
21 Thursday.

22 MR. DeBARBA: I see. Well, there's no
23 relationship at all to the IG meeting. We did have a pre-
24 meeting to discuss it. When that pre-meeting is exactly,
25 I can't tell you here, but I'm sure that we could find

1 that out.

2 INVESTIGATOR LOGAN: All right.

3 MR. GUTIERREZ: Would you like us to
4 supplement this interview, Keith, with the documentation
5 or at least point to you the documentation we've already
6 provided?

7 INVESTIGATOR LOGAN: No, that's not necessary.
8 A question, and this goes back to the August time frame,
9 1995, I believe it's '95, if that's not correct, you can
10 tell me, and it has to do with the report that was issued
11 by Jan Rancaiole. Just let me check the date on that.

12 Let's go off the record for a minute.

13 (Whereupon, at 2:43 p.m., off the record to
14 examine documents until 2:45 p.m.)

15 INVESTIGATOR LOGAN: Again calling your
16 attention to the time frame of August 1995, and I believe
17 there is a report that was generated by Jan Rancaiole on
18 EEO investigation that is dated June 1995, and I think we
19 discussed that report in our last interview. And Mr.
20 Betancourt has led me to believe that his EEO concerns,
21 the ones that were raised by him in his dealings with Mr.
22 Costa and Mr. Schmidt and perhaps the dealings with EEO
23 that were raised or covered in the June 1995 report are
24 still open matters with regard to NU. And I guess my
25 question to you is, are you aware of any open matters with

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1 regard to either the concern raised to Mr. Schmidt while
2 Mr. Betancourt was working for Wolf Costa, or with regard
3 to the matter that was investigated by Jan Rancaioli?

4 MR. DeBARBA: No, I'm not aware of any open
5 matters. I thought they were closed.

6 INVESTIGATOR LOGAN: Another point that I'd
7 like to talk about concerns a comment that Mr. Betancourt
8 has made attributable to Mr. Costa. Mr. Betancourt has
9 said something to the effect that his [REDACTED] EX7C
10 [REDACTED] and he taught Wolf how to deal EX7C
11 with troublesome people like George Betancourt. Do you
12 know whether or not Mr. Costa has ever made a comment like
13 that?

14 MR. DeBARBA: I don't know if he did. I do
15 know that Mr. Betancourt had claimed that he had made that
16 comment.

17 INVESTIGATOR LOGAN: Mr. Betancourt has
18 indicated that he filed a grievance, and I'll read you his
19 statement. It says "At that point in time," this is with
20 regard to that statement, "I decided that I was going to
21 take my concerns on the road and I fashioned my grievance
22 not as a personal grievance against Wolf Costa, but as a
23 grievance identifying to the company that I think there
24 was a problem in the way that they reorganized my work.
25 As such I think they were in violation of affirmative

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1 action in equal opportunity consistent with the way that
2 they violated equal opportunity and affirmative action in
3 the past, but that was the source of the grievance. That
4 grievance is still open, it has never been resolved. It
5 has never been elevated to the air at DeBarba level, it
6 went as far as Mario."

7 Are you aware of any grievance with regard to
8 Wolf Costa with regard to that statement?

9 MR. DeBARBA: I think George had a grievance
10 that I recall at that time period. But my recollection
11 was that he withdraw it or it was responded to or
12 something happened. I thought, my understanding was it
13 was closed, it was no longer an issue, it was withdrawn.

14 INVESTIGATOR LOGAN: The bottom line is you're
15 not aware of any open grievance with regard to Mr.
16 Betancourt's tenure with Mr. Costa?

17 MR. DeBARBA: Right.

18 INVESTIGATOR LOGAN: Let's go off the record
19 for a minute.

20 (Whereupon, at 2:50 p.m., off the record until
21 2:51 p.m.)

22 INVESTIGATOR LOGAN: Going back to that
23 statement, Mr. DeBarba, that we just talked about which
24 Mr. Betancourt has attributed to Mr. Costa. In my
25 conversation with Mr. Betancourt he told me, and this is a

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1 quote, "Eric told me that he had gotten admission from
2 Wolf on the statement. However, that Wolf claims that I
3 had taken the statement out of context. Eric
4 specifically, I'll tell you the statement, okay." He goes
5 on and he says "The statement was, you know, George, my
6 [REDACTED] EX 7C
7 [REDACTED] and if there's one thing that he taught me it's he
8 taught me how they deal with troublesome people like you."
9 There are other points of clarification.

10 And my question to you is, did you talk to
11 Wolf about that statement?

12 MR. DeBARBA: I recall George making the
13 statement to me, and upon hearing it I recall going back
14 and talking with, I believe it was Wolf, if not Dick
15 Schmidt, I know it was Mario Banaca, about that. And the
16 feedback that we got, whether directly from Wolf or
17 through the other people, was that that is not what he
18 said.

19 And that in fact that there were references in
20 the group that was upsetting to Wolf because he had said
21 that George had been making comments in the group calling
22 Wolf [REDACTED], and that it was upsetting to Wolf. And that EX 7C
23 I had people in Wolf's group come to me and wanted to meet
24 with me, and I met with them, complaining about George's
25 behavior and the fact that there was foul language. One of

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1 the females was crying and very upset with his -- the
2 overall behavior in the group.

3 So I did follow up on that. I followed up
4 with Mario and I guess what I found was that that is not
5 what Wolf said had happened, but that in fact on exploring
6 it further there was information coming out of the group
7 of George very openly telling people that Wolf [REDACTED]. EX7C

8 INVESTIGATOR LOGAN: So his statement to me
9 that Wolf admitted to you to making the statement is not
10 correct?

11 MR. DeBARBA: Yes, I don't recall Wolf
12 admitting that to me. What I recall was him saying that
13 in fact that is not what he had said. What I can't recall
14 is if Wolf said that or if Mario said that based on the
15 follow up.

16 INVESTIGATOR LOGAN: Well, Wolf never made an
17 admission here is what you're telling me?

18 MR. DeBARBA: That's right.

19 INVESTIGATOR LOGAN: Okay. The next part of
20 this statement is that Mr. Betancourt says "Eric
21 specifically recounted back to me that in his conversation
22 with Wolf, Wolf said I must have been misunderstood what
23 he said, which is a defensive response on his part. So
24 for him to tell you that he denied making the statement,
25 "I'm not surprised," he's lying, but I had many many

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1 conversations with Eric over this, and in fact I had an
2 agreement with Eric that I would not bring forth charges
3 against Wolf and I'd let Eric deal with him. Just get me
4 out from underneath him." Is that true?

5 MR. DeBARBA: We had conversations about that
6 statement. It was obvious to me that George was very
7 agitated with the situation, had broken down, people in
8 the group could not stand George being there, that Mario -
9 - discussion that there were irreconcilable differences
10 between George and Wolf and that something had to be done.

11
12 And that in the interest of really giving
13 George every opportunity for a new start, we basically
14 gave George an assignment away from Wolf. We thought that
15 was in the best interest of Wolf and the people in his
16 group which really are our first priority and it was also
17 in the best interest of George in the long term in giving
18 him the opportunity for a new start under someone that we
19 believe that he could work with. And that up until this
20 point it was quite clear that he was unwilling or
21 incapable of working with or for Wolf.

22 INVESTIGATOR LOGAN: The statement he makes is
23 that he had an agreement with you that he would not bring
24 forth charges against Wolf and he'd let you handle the
25 situation.

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1 MR. DeBARBA: I think those are his words,
2 those are not my words.

3 INVESTIGATOR LOGAN: There was no agreement?

4 MR. DeBARBA: No. I think he had an agreement
5 in his mind. We took the actions that we did based on
6 what I told you why we did it.

7 INVESTIGATOR LOGAN: Okay. Do you know
8 whether or not the [REDACTED] that was issued by Mr. Costa EX7C
9 is still in Mr. Betancourt's personnel file?

10 MR. DeBARBA: I'm not sure. I think it is.

11 INVESTIGATOR LOGAN: Did you ever agree to
12 have that [REDACTED] removed at any point in time? EX7C

13 MR. DeBARBA: I don't think so, I don't think
14 so. We did put him on a [REDACTED] EX7C
15 and we reinstated his compensation increase after some
16 period of time, six months or something like that, some
17 period of time. That, we did reinstate.

18 INVESTIGATOR LOGAN: But was any of that--MR.

19 DeBARBA: But I don't think anything about --

20 INVESTIGATOR LOGAN: -- a condition --

21 MR. DeBARBA: -- [REDACTED] EX7C

22 INVESTIGATOR LOGAN: -- for taking the
23 [REDACTED] out of his file? EX7C

24 MR. DeBARBA: Not that I recall. If I recall,
25 Mario ended up writing some summary level type of document

1 that had five or six points to it as to what the
2 conditions were. And I don't know if you have that, but
3 you know that should have clearly spelled out what the
4 conditions were.

5 INVESTIGATOR LOGAN: Okay. But what he's
6 talking about though are conversations he had with you and
7 he said "I've been in conversations with Eric as to I
8 would like my [REDACTED] if in fact we go through EX7C
9 with this [REDACTED], and Mike Hills can attest EX7C
10 to that," so forth and so on. What I hear you telling me
11 is that you did not have an understanding with George as
12 to when and if that [REDACTED] would be removed from his EX7C
13 file, is that correct?

14 MR. DeBARBA: I do recall George wanting that
15 [REDACTED] removed. That was quite clear he wanted it EX7C
16 removed. And after discussions with Mario Banaca what we
17 concluded was those points that Mario had articulated. So
18 whatever Mario wrote down, that was the agreement. Only
19 what you see there in writing is what we agreed to after
20 consideration of everything. I had no other agreement.

21 INVESTIGATOR LOGAN: So whatever is elaborated
22 in Mr. Banaca's letter is in fact --

23 MR. DeBARBA: Right.

24 INVESTIGATOR LOGAN: -- your agreement --

25 MR. DeBARBA: That is the agreement.

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1 INVESTIGATOR LOGAN: -- there were no side bar
2 agreements made?

3 MR. DeBARBA: Right.

4 INVESTIGATOR LOGAN: Let's go off the record
5 for a minute.

6 (Whereupon, at 3:00 p.m., off the record until
7 3:02 p.m.)

8 INVESTIGATOR LOGAN: Were you involved with
9 any of the transfers of Mr. Betancourt after 1990 other
10 than to Mike Hills and to ~~XXXXXX~~? Which I guess EX 7C
11 leaves us really only one and that's the transfer to Wolf
12 Costa. Do you recall playing any role in designation of
13 the fact that Mr. Betancourt would be transferred from --
14 to Wolf Costa?

15 MR. DeBARBA: Other than the role of vice
16 president of the whole division, and along with every else
17 we were really looking at functions, not the people.

18 INVESTIGATOR LOGAN: Do you recall the reason
19 why the function that Mr. Betancourt was involved in in
20 the 1991 time frame from 1989 through 1991 was moved
21 around?

22 MR. DeBARBA: As I recall we were looking to
23 consolidate back into the fuel cycle functions. Wolf had
24 responsibility for low level waste and we thought that
25 consolidating low level waste and high level waste

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1 togehter in one business group would make sense, would
2 make technical sense.

3 INVESTIGATOR LOGAN: In Mr. Betancourt's
4 comment, he said low level waste, he said that's
5 tantamount to tissues and diapers and not an appropriate
6 place for high level waste such as he was working on.

7 MR. DeBARBA: I take exception to that. I
8 think that there is some very good engineers in Wolf's
9 group on low level waste to work on low level rad waste
10 systems that are very involved and very important in
11 keeping these plants operational.

12 INVESTIGATOR LOGAN: I guess the theory being
13 that this is high level waste and Wolf was low level waste
14 and not an appropriate mix?

15 MR. DeBARBA: That was his opinion.

16 INVESTIGATOR LOGAN: Okay.

17 MR. DeBARBA: And not one that we shared.

18 INVESTIGATOR LOGAN: Did you ever talk to Mr.
19 Chris Singh from Oltec about George Betancourt?

20 MR. DeBARBA: I've spoken to Chris Singh on
21 several occasions. I don't recall if any of them had to
22 do with George himself as a --

23 INVESTIGATOR LOGAN: Do you recall his name
24 coming up in the course of the conversation?

25 MR. DeBARBA: Whose?

1 INVESTIGATOR LOGAN: with Chris Singh, George
2 Betancourt's name?

3 MR. DeBARBA: I don't recall that. I don't
4 recall that. I have probably spoken to Chris probably
5 three times in my life.

6 INVESTIGATOR LOGAN: All right. Mr.
7 Betancourt has mentioned that he was the program manager
8 for a \$15 million program with the Electric Power Research
9 Institute. That he was the company spokesman, he was the
10 organizer, the coordinator, and that he used to deal with
11 the Electric Power Research Institute and every single
12 utility that was associated with them as well as the
13 Department of Energy in proposals, technical sit-downs,
14 justifications, presentations, so forth and so on.

15 He talks about Richland, Pacific Northwest
16 Labs, Betel, Oak Ridge as well as the fact that he is a
17 nationally recognized expert that was invited to speak to
18 other experts and scientists.

19 And he says in light of all of this he finds
20 it very implausible that the company is complaining about
21 his [REDACTED] And I guess I'm interested now EX
22 in your comments? 7C

23 MR. DeBARBA: I think that in terms of his
24 technical knowledge of spent fuel racks and re-racking of
25 spent fuel pools, clearly he's got a lot to offer. He's

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1 very knowledgeable in that area.

2 But in thinking back through the years of his
3 participation in those committees which we viewed as
4 important in a lot of ways, there were many examples where
5 people complained about George's performance and behavior
6 in those meetings.

7 I recall back all the way to the point when,
8 even in some of the earlier days of us getting that
9 contract, of having to insist that his supervisor, Tom
10 Lawson, play a very active role working with EPRI and that
11 in fact Tom became the point of contact with a fellow
12 named, I think it was Ray Lambert, who was the EPRI
13 project coordinator there because George had behaved quite
14 poorly in several of the settings. So that Tom was placed
15 in a position of being a lot more active in the project
16 management role to deal with [REDACTED] shortcomings EX7C
17 that George had.

18 Technically he was sharp and capable, but his
19 behavior and performance at some of the meetings and with
20 some of the people was [REDACTED] EX7C

21 INVESTIGATOR LOGAN: You know, I listen to
22 what you tell me about George's performance, as you just
23 have, and I listen to what some other people have told me
24 over a period of time, I'm led to believe that Mr.
25 Betancourt has shown a definite problem in the area of

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1 [REDACTED] EX7C

2 MR. DeBARBA: Yes.

3 INVESTIGATOR LOGAN: My question is, if this
4 was such a problem over the years, why wasn't something
5 done about it and why wasn't it more reflected in his
6 evaluations over the years?

7 MR. DeBARBA: Well, I think that's an
8 excellent question, and I think you will probably find
9 some pattern in there where people did try to address it
10 but they met with [REDACTED] EX
11 [REDACTED] 7C
12 [REDACTED] because they knew how [REDACTED]
13 [REDACTED] and they thought it was not going to be worth the
14 hassle to try to deal with. And that beyond that they
15 thought that let's give him every opportunity to be
16 successful. So let's not write the guy off, he's
17 technically good so, you know.

18 As an organization we very much valued
19 technical capability, and I think in retrospect far too
20 tolerant of poor behavior and inter-personal, [REDACTED] EX7C
21 [REDACTED] and lack of respect and dignity for EX7C
22 others. We just had such a focus on technical excellence
23 that we didn't pay as much attention to the other part as
24 we could. Thinking all along that in the interest of
25 trying to help the person along that we were doing the

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1 right thing. In retrospect maybe we weren't really
2 helping him at all.

3 INVESTIGATOR LOGAN: Because certainly from my
4 perspective he talks about having raised safety issues,
5 having been involved in the REF process, having certainly
6 to date a fair amount of visibility as someone who is
7 talking about safety concerns, and the comment back to me
8 is my [REDACTED] were so bad, why am I still EX7C
9 here? How have I been able to survive all this time, and
10 show me the [REDACTED] The only one that was out of EX
11 context then was Wolf Costa. 7C

12 MR. DeBARBA: Well, I think in the context of
13 --

14 MR. GUTIERREZ: Just to correct the record, I
15 think Mr. Honan was browbeaten into correcting an
16 otherwise [REDACTED] EX7C 7C

17 INVESTIGATOR LOGAN: Bottom line is that what
18 Mr. Honan wrote and what Mr. Honan signed and what Mr.
19 Honan passed forward is [REDACTED] It doesn't EX7C
20 reflect a need for [REDACTED] Excuse me, that EX7C
21 show --

22 MR. GUTIERREZ: Improvement --

23 INVESTIGATOR LOGAN: -- the [REDACTED] EX7C
24 [REDACTED] area. And that's EX7C
25 the issue that's being presented to me.

1 MR. GUTIERREZ: Right, right.

2 INVESTIGATOR LOGAN: I have all this paper,
3 I've participated in all these high level meetings, and
4 Mr. Betancourt says beyond that I've raised safety
5 concerns. Now, looking at the documents I'm then asked to
6 believe the documents aren't accurate and there's really
7 more to it, and it's [REDACTED] which -- EX7C

8 MR. GUTIERREZ: Right, right, right, you're
9 saying --

10 INVESTIGATOR LOGAN: -- I mean what am I
11 supposed to do as the investigator to contradict the
12 signed documents from supervisors who don't, aside from
13 Mr. Costa whose evaluation never became finalized and who
14 have criticized Mr. Betancourt --

15 MR. GUTIERREZ: Right, right, right. Well,
16 Keith, in terms of what are you supposed to do as the
17 investigator, it seems that the elements of a claim are
18 that he now has to somehow show where it has been that he
19 has been harassed and intimidated as he's claimed. And
20 he's still a senior engineer, he's still being encouraged
21 to work productively within the organization. To the
22 extent people have asked me to sit in the management team,
23 you're left wondering where's the beef, where is the
24 harassment and intimidation. The man says those words,
25 but now you seem to be asking Eric what are you led to

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1 believe.

2 I'm not sure what Eric is trying to defend or
3 explain because I don't see the elements to the allegation
4 of harassment and intimidation. Maybe if you confront
5 Eric with that, he could give you a response.

6 INVESTIGATOR LOGAN: Well, the point is, and I
7 appreciate your testimony on the matter, Mr. Gutierrez --

8 MR. GUTIERREZ: Well, no, I'm just trying to
9 focus it in terms of your asking what to believe and given
10 the nature of the allegation --

11 INVESTIGATOR LOGAN: And the testimony by Mr.

12 DeBarba that this is a man who has [REDACTED] EX7C
13 problems and that any actions that have been taken against

14 Mr. Betancourt including [REDACTED] including 7C

15 [REDACTED] including reassignments or not being given EX7C

16 certain assignments, or not being a senior engineer, or

17 not being selected for a licensing position. I mean

18 you've heard other comments raised by Mr. Betancourt that

19 this is due to the pretext of a condition called [REDACTED] EX7C

20 [REDACTED] or the lack thereof.

21 And I guess how do we overcome what the
22 paperwork on his performance tends to indicate?

23 MR. DeBARBA: Well, I think you'll find EX7C
24 examples throughout his longevity of [REDACTED] at

25 meetings, specific events, challenges to individuals

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1 against specific events, having difficulty working with
2 EPRI, poor judgment in dealing with some DOE people, a
3 number of incidents and events that in retrospect probably
4 were not fully addressed in performance reviews. And in
5 terms of speculating as to why people did not address
6 those, I think with the exception of Mr. Costa and with
7 the exception of the fact that he was put on a [REDACTED] EX
8 [REDACTED] because it was recognized that he had TC
9 those characteristics.

10 INVESTIGATOR LOGAN: I think the plan was also
11 cash in the [REDACTED] -- EX 7C

12 MR. DeBARBA: Yes.

13 INVESTIGATOR LOGAN: -- planner so that it was
14 not just improvement, but it was also development. Which
15 I think Mr. Betancourt has noted also addresses the fact
16 that he was being groomed, not just retrained but groomed
17 by having gone through, I guess a course that calls a
18 knife and a fork course, as to how to be a better manager.

19 MR. DeBARBA: Well, that's what I always said,
20 he had good technical abilities and if he could improve EX 7C
21 and reach out and improve on his [REDACTED] he
22 could be one hell of a senior engineer, he could be
23 extraordinary, but.

24 INVESTIGATOR LOGAN: Okay. Let's go off the
25 record for a minute.

1 (Whereupon, at 3:17 p.m., off the record until
2 3:30 p.m.)

3 INVESTIGATOR LOGAN: We've taken a short break
4 and I'd like to go back on with a couple of short
5 questions. The last time we met you provided me with a
6 file of notes and documents, and when I say notes and
7 documents they're all either typed documents or forms that
8 have been completed by hand. The package of documents
9 that I received did not include any handwritten notes. At
10 our last meeting when you provided me with these
11 documents, what was your understanding about what I was
12 looking for at the time?

13 MR. DeBARBA: Well, my understanding was that
14 you were looking for records that I had in my possession
15 that were related to any sort of issue that could be
16 construed as involvement George Betancourt, particularly
17 as it involved the question of intimidation and harassment
18 in the work place. But more generally information that I
19 had in my possession relevant to George Betancourt.

20 INVESTIGATOR LOGAN: Okay.

21 MR. DeBARBA: And given that would I -- first
22 off I keep very few records myself, very few. And within
23 the confines of my office, my desk, I have one place that
24 I keep things that I feel are significant items, either
25 confidential or relevant in some way that I should retain,

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1 and I probably have six inches worth of correspondence.
2 There may be one or two handwritten things in there, but
3 very few handwritten things that I save. And then I have,
4 outside of my office, I have a secretary who keeps records
5 of basically every employee. So every employee has a
6 jacket with their name on it with information --

7 INVESTIGATOR LOGAN: The 600 employees that
8 you referred to earlier?

9 MR. DeBARBA: Right, 500, 600.

10 INVESTIGATOR LOGAN: Okay.

11 MR. DeBARBA: That each has a jacket with
12 information in it. That is not the official personnel
13 file, but it contains a lot of information relative to
14 performance reviews, payroll, that type of thing, any
15 other kind of significant memo that might pertain to that
16 individual in that particular file.

17 And so what I did was I went through my six
18 inch file to determine if there was anything in there that
19 was relevant to Mr. Betancourt and pulled out a few things
20 and asked my secretary to make a copy of George's file,
21 and that was what I gave to you.

22 MR. GUTIERREZ: Just because I think the
23 record is unclear now, that six inch file of personal
24 stuff you were talking about, that's not six inches
25 relative to George Betancourt, is it?

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1 MR. DeBARBA: Oh, no, it's things throughout
2 the years that I have kept that may be of a sensitive
3 nature. You know, not all, and in fact a very small
4 fraction of it related to George Betancourt.

5 INVESTIGATOR LOGAN: I think the record is
6 clear.

7 MR. GUTIERREZ: Okay.

8 MR. DeBARBA: What I did not include for
9 instance was any kind of, I didn't go through any kind of
10 old notebooks or, you know, day time recorders or anything
11 to see if there was any kind of meeting identification
12 that was specifically listed to George. I didn't go
13 through to see if I could find such a thing or to check if
14 such a thing existed. You know, I didn't go into that
15 detail to try to find if there was some reference
16 somewhere to a meeting in some calendar or something like
17 that.

18 INVESTIGATOR LOGAN: Okay. One of the reasons
19 I bring up that issue is that I've been told that at
20 meetings that you're a very very good note taker and that
21 you take extensive notes at long meetings. And that Mr.
22 Betancourt certainly has also indicated that during the
23 meetings that he's had with you and others that you have
24 taken rather extensive notes and that certainly when the
25 documents were provided to me there were no handwritten

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1 notes in there.

2 MR. DeBARBA: It's not unusual for me in a
3 meeting to take notes. I mean typically this is a
4 notebook that I carry around with me all the time and what
5 I'll do in the course of a meeting I'll jot down things on
6 there and I'll asterisk things that are actions for me to
7 take care of before I close them out. Some themes, cost -
8 - a phone number, here's a item we've got a meeting coming
9 up, a public meeting 2/12/6, make sure Joe Vargas attends
10 the meeting, all right. So I take notes and I make sure
11 all these things are done and I throw them away. I don't
12 keep them. So I basically keep running lists of things
13 that have to be done, some notes to myself, and make sure
14 the actions are taken and then I don't save it. I have no
15 reason to save those types of things.

16 I don't know if you'd call that extensive. I
17 take things that I believe are actionable and then make
18 sure the actions are taken. And once I know that the
19 actions are taken, either there's a commitment assigned to
20 it, if it's that level thing, or that I've notified
21 somebody and identified something that needs to be done.

22 Here's another example, talked to John
23 Demella, make sure that nuclear performance improvement,
24 the nuclear incentive plan, reflects the most on one
25 extended shutdown. So I met with John Demella, talked to

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1 John Demella, told him what I needed, told him I needed it
2 next Tuesday, and the expectation that he's going to get
3 back to me next Tuesday with a strawman on how we're going
4 to do that.

5 So that's the extent of my note taking. I
6 take notes, make sure that I get actions, make sure that
7 the actions are communicated to people who have to take
8 them, and then make sure those things get done.

9 INVESTIGATOR LOGAN: So in the course of all
10 your meetings with regard to George Betancourt, all the
11 issues that came up, what you're telling me is you have no
12 handwritten notes from those meetings?

13 MR. DeBARBA: No, I don't. First, I don't
14 recall taking extensive notes at any meeting with George.
15 In fact most of the discussions I recall with George are
16 first listening and talking with George. In fact that's
17 what I do at a preponderance of meetings, particularly
18 with employees, is really focus on the person and try to
19 talk to them as a person and get at whatever issue or
20 matter is central to them and not, you know, be distracted
21 or deflected by taking lots of notes.

22 When I do take notes typically they're fairly
23 short and to the point and focused on what actions I'm
24 going to take. I don't, you know --

25 INVESTIGATOR LOGAN: Okay.

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1 MR. DeBARBA: -- and it's rare that I keep
2 notes.

3 INVESTIGATOR LOGAN: I'm just surprised with
4 all that's going on with Mr. Betancourt that there aren't
5 more notes that were kept because I can assure you he's
6 kept his series of notes.

7 Talking in terms of the reorganization that
8 occurred in 1993, and I believe it may have also been
9 described as a re-engineering --

10 MR. DeBARBA: I think we called it engineering
11 integration.

12 INVESTIGATOR LOGAN: -- engineering
13 integration, I guess that resulted in the reassignment of
14 engineers from Berlin to Millstone?

15 MR. DeBARBA: Right.

16 INVESTIGATOR LOGAN: Okay.

17 MR. DeBARBA: Yes. Predominantly that was --
18 you know, I mean that wasn't the specific purpose of it.

19 INVESTIGATOR LOGAN: What was the purpose of
20 it, why don't you put that on the record?

21 MR. DeBARBA: Yes, I think as a business
22 organization within the nuclear group we were really at
23 John Opeka's direction he formed a new strategic business
24 function headed up by Ray Necci. And Ray Necci had a
25 small group of people who looked for some opportunities to

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1 improve our cost competitiveness in the nuclear business,
2 and specifically identified two areas that would be probed
3 for some possible consolidation and some reductions where
4 we felt we had lots of overlap. That was in engineering,
5 and the other one is maintenance and construction.

6 And so Ray basically spearheaded an
7 engineering integration study and a plan for engineering
8 integration and a construction test and maintenance
9 integration plan and study.

10 On the engineering integration one he ended up
11 contracting an outside firm called Powers -Perrin to help
12 him put together, you know, the overall plan on how we
13 were going to go about doing this and came up with a
14 proposal after having a task force work specifically on
15 this for a period of a couple of months. And they came up
16 with a recommendation to the nuclear officers on some
17 approaches to engineering integration, and I have given a
18 couple of those approaches.

19 The approach that was finally selected and
20 championed by Mr. Opeka was one where we ended up with a
21 single engineering organization that where we had
22 previously two engineering organizations, one that was in
23 the operations side of the house and one which was
24 basically Berlin based organization.

25 And this was for the first time taking all

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1 those engineering forces and putting them together in one
2 organization, and in the process of doing that, flattening
3 the organization, if you will, in other words making,
4 looking at the layers of management that we had in there.
5 And looking at the number of people and functions that we
6 needed and going forward, we ended up needing less
7 supervision.

8 And so having that new organization rolled out
9 by Ray, you know, our mission was then to implement it.
10 And what we did to implement that organization was use a
11 selection criteria that had been developed through the PEP
12 program, the performance enhancement program, in 1992, '93
13 time frame, and there was a particular selection criteria
14 that had been established and we ended up using that
15 selection criteria working with our human resources group.

16 INVESTIGATOR LOGAN: Do you recall who in
17 human resources was the representative to that?

18 MR. DeBARBA: I'm not sure. It might have
19 been Linda Singer. Ann Johnson-Bly I think was one of the
20 persons. You know, I'm not sure, I'm not sure.

21 INVESTIGATOR LOGAN: Do you have a copy of the
22 results of that re-engineering study?

23 MR. DeBARBA: There was a blue binder book
24 that we have, yes.

25 INVESTIGATOR LOGAN: You mean Towers-Perrin?

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1 MR. DeBARBA: The engineering integration. I
2 don't know about the Towers-Perrin, but there is an
3 engineering integration book in a blue binder that goes
4 through each of the sections of what has to be on it.

5 INVESTIGATOR LOGAN: Okay.

6 MR. DeBARBA: It does not focus on section of
7 people.

8 INVESTIGATOR LOGAN: That's my next question.

9 MR. DeBARBA: Right.

10 INVESTIGATOR LOGAN: That addresses the
11 positions?

12 MR. DeBARBA: Correct. The organization, what
13 needs to be accomplished.

14 INVESTIGATOR LOGAN: Okay.

15 MR. DeBARBA: What are the strategic functions
16 that we're trying to achieve, what are the outstanding
17 issues, that kind of thing.

18 INVESTIGATOR LOGAN: All right.

19 MR. DeBARBA: And it had a series of
20 recommendations in it.

21 INVESTIGATOR LOGAN: Okay. And the next
22 question is, at what point did you determine what
23 positions would be in existence as a result of this
24 restructuring?

25 MR. DeBARBA: Well, the study basically

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1 outlined what the organization consists of.

2 INVESTIGATOR LOGAN: As well as right down to
3 the individual engineer --

4 MR. DeBARBA: No, no, no.

5 INVESTIGATOR LOGAN: -- senior engineer?

6 MR. DeBARBA: No, no, organizational
7 structure. You have a unit director, then you have a
8 manager, a design and a manager of systems engineering,
9 and then each of those functions would have these kind of
10 supervisory positions.

11 INVESTIGATOR LOGAN: So it went as --

12 -- MR. DeBARBA: So basically --

13 INVESTIGATOR LOGAN: -- supervisory positions?

14 MR. DeBARBA: -- right, right. And --

15 -- INVESTIGATOR LOGAN: Not below --

16 MR. DeBARBA: -- then the number of people in
17 those various areas.

18 INVESTIGATOR LOGAN: So there was discussion
19 of FTEs?

20 MR. DeBARBA: Correct.

21 INVESTIGATOR LOGAN: Okay. How was the
22 decision made as to who would fill what block?

23 MR. DeBARBA: Like I said, we used that
24 selection matrix and we rated people based on a series of
25 attributes that we felt were pertinent to the organization

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1 we were putting in place.

2 INVESTIGATOR LOGAN: Do you have those
3 ratings?

4 MR. DeBARBA: I don't know, we didn't keep
5 those. I didn't keep them.

6 INVESTIGATOR LOGAN: Do you know who would
7 have kept them?

8 MR. DeBARBA: I'm not sure they were kept.
9 I'm not sure they were kept. I'm not sure there was any
10 purpose to keep them.

11 MR. GUTIERREZ: Would you like us to check?

12 MR. DeBARBA: I mean I just don't know.

13 INVESTIGATOR LOGAN: Yes.

14 MR. GUTIERREZ: Just so I understand, Keith,
15 are you asking for the rating attributes or as they were
16 applied to all the people affected by the reorganization?

17 INVESTIGATOR LOGAN: Both. As well as the
18 blue book.

19 MR. DeBARBA: Yes, the blue book we definitely
20 have. You know, what we have relative to ratings and
21 scores and, you know, process, worksheets, whatever, I
22 don't know.

23 INVESTIGATOR LOGAN: Was there any
24 consideration given at the time the selections were being
25 made as to individuals who had raised safety concerns?

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1 MR. DeBARBA: None whatsoever.

2 INVESTIGATOR LOGAN: So whether a person was a
3 whistleblower or not was not a factor which was reviewed
4 in determining whether that person should be retained or
5 not retained as a supervisor?

6 MR. DeBARBA: Yes, I don't recall that as
7 being a criteria at all. It was not a criteria to the
8 best of my recollection.

9 INVESTIGATOR LOGAN: And it wasn't part of any
10 review process to insure that as selections were made
11 there wasn't any disparate impact on individuals?

12 MR. DeBARBA: Well, there was an independent
13 review at the back end, if I recall, by I guess the
14 executive review committee or something, Exactly what
15 they did for review I'm not so sure, I wasn't part of
16 that.

17 INVESTIGATOR LOGAN: Is there a record of who
18 was on that executive review committee?

19 MR. DeBARBA: I don't know. I suppose there
20 is somewhere. I don't know.

21 INVESTIGATOR LOGAN: You don't have it?

22 MR. DeBARBA: No, no.

23 INVESTIGATOR LOGAN: Okay.

24 MR. DeBARBA: I don't think I do, you know.

25 INVESTIGATOR LOGAN: Okay. Well, if you would

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1 check. What role did you have in the selection of
2 individuals for management and supervisory positions?

3 MR. DeBARBA: For management and supervisor
4 positions, the vice presidents ended up getting together
5 and doing the rankings of the directors. So collectively
6 we came up with scores on the various directors.

7 INVESTIGATOR LOGAN: On who the directors
8 would be?

9 MR. DeBARBA: Pardon me?

10 INVESTIGATOR LOGAN: And you make selections
11 for the directors?

12 MR. DeBARBA: We made selections on the
13 directors for the new organization. And this was in the -

14 -

15 INVESTIGATOR LOGAN: Did you also --

16 MR. DeBARBA: -- 1993 time frame, right?

17 INVESTIGATOR LOGAN: Right.

18 MR. DeBARBA: So this was, say, November of
19 1993?

20 INVESTIGATOR LOGAN: Okay.

21 MR. DeBARBA: Is that right --

22 INVESTIGATOR LOGAN: Yes, that's my
23 understanding too.

24 MR. DeBARBA: -- this time? Okay, because
25 consistent with that and at that same time, we through

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63
1 that selection process we ended up terminating the
2 employment of, I want to say, eight to ten directors.

3 INVESTIGATOR LOGAN: And did you also have a
4 say in the selection for the managers?

5 MR. DeBARBA: Yes, the directors and --

6 INVESTIGATOR LOGAN: Directors and management
7 supervisors --

8 MR. DeBARBA: -- right, the directors ended up
9 getting together and rating the managers. And I believe
10 it was the directors also ranking people for supervisory
11 positions with some input from the managers, to the best
12 of my recollection, it was that kind of a process.

13 INVESTIGATOR LOGAN: And did you review the
14 selections for managers and supervisors?

15 MR. DeBARBA: Yes, yes, yes, I was in there
16 with the other people making sure that I understood how we
17 were ranking people and what the aggregate scores were and
18 the like.

19 INVESTIGATOR LOGAN: It's my understanding
20 that there were approximately 16 individuals who were
21 supervisors who were displaced and --

22 MR. DeBARBA: I think the number is higher
23 than that.

24 INVESTIGATOR LOGAN: -- 22 perhaps?

25 MR. DeBARBA: Yes, I'd say it's probably in

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1 that range.

2 INVESTIGATOR LOGAN: Okay. And that there
3 were several people who had never been supervisors who
4 were promoted to supervisory positions as a result of that
5 change?

6 MR. DeBARBA: Correct.

7 INVESTIGATOR LOGAN: It's also my
8 understanding that those individuals who were presently
9 supervisors were not interviewed as part of that process,
10 but that individuals who had not been in supervisory
11 positions were interviewed during that process?

12 MR. DeBARBA: Yes, I think that that is
13 correct, I believe. And the reason for that was that for
14 those people who had been supervisors they judgement was
15 that we knew enough about their performance in terms of
16 managing people, which was, you know, some of the
17 characteristics there are, you know, management oriented,
18 how are you doing in terms of managing people. There was
19 enough experience where you could rate those, whereas if
20 you had somebody else who was perhaps a senior engineer
21 who hadn't been a supervisor before, you really couldn't
22 appropriately rank them based on just experience.

23 So what we did with them is we ended up hiring
24 somebody, I think it was Hay Management Group or one of
25 the consulting firms that's expert in management

1 development to go out and actually do some structured
2 interviews of people to get an assessment of their
3 abilities to manage people.

4 INVESTIGATOR LOGAN: Are those records that
5 were retained?

6 MR. DeBARBA: I don't know.

7 INVESTIGATOR LOGAN: Did you end up talking to
8 any of the displaced supervisors?

9 MR. DeBARBA: Most of them.

10 INVESTIGATOR LOGAN: Most of them.

11 MR. DeBARBA: I think with very few exceptions
12 I talked them all, the ones that were in engineering.

13 INVESTIGATOR LOGAN: Do you recall having a
14 conversation with [REDACTED] EX7C

15 MR. DeBARBA: I don't recall.

16 INVESTIGATOR LOGAN: Do you recall having a
17 conversation with [REDACTED] EX7C

18 MR. DeBARBA: Yes, I do, I do remember that.

19 INVESTIGATOR LOGAN: Do you recall why he
20 wasn't selected for a position in the new organization as
21 a supervisor?

22 MR. DeBARBA: Well, I think his rating ended
23 up being [REDACTED] than other people's, and that -- EX7C

24 INVESTIGATOR LOGAN: On that scale that you
25 were using?

1 MR. DeBARBA: Right, right. And as I
2 explained to people the purpose of my discussion with them
3 was really twofold. One was one of reassurance that don't
4 view this as your a bad person, that you failed, there's
5 something wrong here, that is is a business decision.
6 We've got a new organization and we're putting people into
7 these positions. The old position, the old jobs have gone
8 away, disappeared. We have a new organization reappearing
9 that is more operationally focused, it's plant based, it's
10 specifically related to working in and around a nuclear
11 plant, more hands on.

12 And so those people who were less hands on,
13 more paper oriented, more home office oriented generally
14 scored less well. That's probably not the right English,
15 but they didn't score as well as those people who were
16 more hands on oriented, who were more related to the
17 operations of the plant.

18 And it was also to understand from them how
19 they felt going forward about being in a new position. In
20 other words did they feel that they could satisfactorily
21 function as a senior engineer in the organization.

22 The fact that we had, you know, talked to them
23 about their compensation, how the compensation system
24 would work and also, you know, assure them that they had a
25 job but they were counted on to work and did they have any

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1 reservations about doing this. In other words did they
2 feel that they could support the organization and move
3 forward and work within the confines or the context of
4 the organization that we put in place.

5 And I think of my interviews I think every
6 person, although some had some disappointment, believed
7 that they could and would be supportive of the
8 organization.

9 INVESTIGATOR LOGAN: I asked a similar
10 question obviously of Mr. [REDACTED] And bear with me please. EX 7C
11 Mr. [REDACTED] told me that you informed him that his
12 performance had no bearing on the fact that he was not
13 selected as a supervisor. Do you recall making that
14 statement?

15 MR. DeBARBA: I think in my explanation I was
16 explaining that this is not a performance oriented change,
17 this is a business oriented change. We made a business
18 decision to change the organization and to integrate the
19 engineering organizations, and in the process of doing that
20 a new organization has emerged and we're looking for the
21 skill sets that best fit the positions that we need to
22 have fulfilled, and it was not strictly who had performed
23 best. It wasn't that at all.

24 INVESTIGATOR LOGAN: Are you aware that his
25 performance evaluations were [REDACTED] or better? EX 7C

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1 MR. DeBARBA: Yes, I would suspect that all of
2 the supervisors were at least in that category. But in
3 general the people who worked in and around that
4 department including the director, [REDACTED] was no longer a director, including, you know, he was a special
5 assignment on motor operative valves. And I think of the
6 supervisors, [REDACTED]
7 [REDACTED] I mean there were a number of people right in
8 and around that area who were no longer supervisors.

10 INVESTIGATOR LOGAN: And your comment about
11 performance not being an issue in their non selection as
12 supervisors, does that apply to all of them?

13 MR. DeBARBA: Well, no, performance was one
14 weighted attribute. It was one of the attributes that had
15 some weighting and had a score associated with it. So the
16 fact that he had a [REDACTED] I think it was the last two reviews,
17 and we'd give him a score and you'd give him a weighting
18 and you add up the total points, I think that that as
19 reflected in there. I'm sure it was. But that wasn't the
20 only characteristic, there were other characteristics that
21 were also weighted.

22 INVESTIGATOR LOGAN: What were some of those
23 other characteristics?

24 MR. DeBARBA: I can't recall specifically, but
25 I think if you were to look in the PEP action plan, and I

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1 think it was action plan 1.2.3, you will find the
2 selection criteria in the PEP action plan. And I believe
3 that was the criteria that was used.

4 INVESTIGATOR LOGAN: PEP action plan criteria
5 1.2.3?

6 MR. DeBARBA: Right. It was the selection
7 criteria that came out.

8 MR. GUTIERREZ: Do you want us to provide
9 those, Keith?

10 INVESTIGATOR LOGAN: Please.

11 Moving down from the supervisor level to the
12 individual engineer level, how did you determine, and when
13 I say "you" I mean it's the big you, how did you determine
14 which engineers would fall into which slots, was that
15 decision made by supervisors, managers or directors, how
16 was that done?

17 MR. DeBARBA: It was, my recollection is, that
18 was gone really as a group with -- I know the managers
19 were involved, the managers and the directors, and the
20 supervisors were likely involved as well. And what we did
21 was we asked all the employees for their preference as to
22 where they would rather work, in the new organization what
23 was their preference where they would rather work,
24 Millstone One, CY, Millstone Two. And I think those were
25 pretty much the choices were unit based.

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1 I don't know, I think that what was Mario
2 Banaca's group at that time I don't think changed all that
3 much. Although it might have. No, there was also a
4 Berlin, yes, there was a Berlin component to it as well.
5 So we were giving people -- we were looking for orders of
6 preference for people where they felt that they would
7 prefer to work.

8 INVESTIGATOR LOGAN: Did everybody get their
9 choice?

10 MR. DeBARBA: No, no. I think what we asked
11 for was first, second, and third choice, that type of
12 thing. And what we did was we took the preferences and
13 then, you know, kind of put these all on a board for each
14 of the units and then took a look at the need of the
15 organization.

16 So for instance, if we had lots of preference
17 for people to go to unit three, but we were missing talent
18 on unit two that we would have to make some adjustments.
19 But perhaps somebody who had a number one preference for
20 unit three may have had a second preference for unit two
21 and we needed that skill so we moved that person over to
22 unit two. So there was a lot of adjustments back and
23 forth.

24 But basically the two components of that were
25 preference of the individual and need of the organization.

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1 And those were the two things that we were trying to work
2 with in terms of coming up with the overall selection.

3 INVESTIGATOR LOGAN: Is there any record as to
4 which individual was made, which choices and what
5 selections were finally made for them?

6 MR. DeBARBA: Well, what was finally made for
7 them is the organization chart that came out.

8 INVESTIGATOR LOGAN: So --

9 MR. DeBARBA: That was --

10 INVESTIGATOR LOGAN: -- is there any
11 correlation that John Doe selected unit one, two and three
12 and you assigned --

13 MR. DeBARBA: I don't --

14 INVESTIGATOR LOGAN: -- him to Berlin?

15 MR. DeBARBA: -- I don't know. I'm not sure
16 that --

17 INVESTIGATOR LOGAN: Where that likely be, if
18 it were retained?

19 MR. DeBARBA: I don't know. If it were
20 retained, human resources possibly. Your Honor,

21 INVESTIGATOR LOGAN: Okay.

22 MR. DeBARBA: I'm not sure.

23 INVESTIGATOR LOGAN: All right. It's 4:00
24 o'clock now and I think you indicated you have a 4:30
25 meeting.

1 MR. DeBARBA: Yes.

2 INVESTIGATOR LOGAN: There are probably a
3 couple of additional questions I'd like to go over with
4 you, and I'd also like to have an opportunity to look at
5 that study and some of the material that's laid out in
6 there, and that might help us move through the other
7 questions a little bit better.

8 So as not to make you, I guess, make you to
9 late for the 4:30 meeting that you said you wanted to make
10 --

11 MR. DeBARBA: Right, right.

12 INVESTIGATOR LOGAN: -- is there anything that
13 you would like to put on the record, and if not we'll
14 break at this time. Is there anything you'd like to add
15 right now, Mr. DeBarba?

16 MR. DeBARBA: No.

17 INVESTIGATOR LOGAN: Mr. Gutierrez?

18 MR. GUTIERREZ: Keith, just for clarification,
19 the additional questions you have would be in the area of
20 this last line of questioning --

21 INVESTIGATOR LOGAN: Yes.

22 MR. GUTIERREZ: -- on the '93 reorganization?
23 Are you essentially, so far as now, complete with the
24 earlier line of questioning relative to Mr. Betancourt?
25 Recognizing that you have to review --

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1 INVESTIGATOR LOGAN: I have to sit down --

2 MR. GUTIERREZ: -- this material.

3 INVESTIGATOR LOGAN: -- and go over it again,
4 yes. But predominantly those questions are asked and
5 answered.

6 MR. GUTIERREZ: I only have one clarifying
7 question, Eric. When Keith asked you about whether or not
8 you had said to [REDACTED] that the performance had no
9 bearing on his rating in reorganization, I took it to mean
10 that you suggesting that his movement or the movement of
11 other supervisors from supervisor to maybe senior engineer
12 was not a for-cause action, is that what you mean?

13 MR. DeBARBA: Yes, that's correct. And when I
14 specifically told them not to take this as they failed as
15 a supervisor.

16 MR. GUTIERREZ: That it had to do with these
17 changing standards as reflected in PEP action plan 1.2.3?

18 MR. DeBARBA: That's correct. And
19 specifically that I didn't see a reason why they could not
20 be a supervisor again in their career. So this was not to
21 say that you failed as a supervisor and you could never
22 ever again be a supervisor, it was not that at all.

23 MR. GUTIERREZ: Okay.

24 MR. DeBARBA: It was a business decision.

25 MR. GUTIERREZ: That was the only

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Name of Proceeding: INTERVIEW OF ERIC A. DEBARBA

Docket Number: NOT ASSIGNED

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