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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : Docket No.

ERNEST ORAL POARCH : (not assigned)

:

-----X

Wednesday, January 18, 1995

Training Building

St. Lucie Nuclear Plant

7585 South Highway A1A

Jensen Beach, Florida 34957

The above-entitled interview was conducted at

9:00 a.m.

BEFORE:

VANESSA SELEWSKI Investigator

EXHIBIT 4

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FOIA- 76-425

70 p. 1000

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1 APPEARANCES:

2

3 On Behalf of the Nuclear Regulatory Commission

4

5 VANESSA SELEWSKI, Investigator

6 U.S. Nuclear Regulatory Commission

7 Office of Investigations

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

2 9:00 a.m.

3 MRS. SELEWSKI: For the record, it is January
4 18th, 1995. This is the transcribed interview of Ernie
5 Poarch, P-O-A-R-C-H?

6 MR. POARCH: Correct.

7 MRS. SELEWSKI: Do you have a middle name?

8 MR. POARCH: It's Oral, O-R-A-L.

9 MRS. SELEWSKI: Okay.

10 MR. POARCH: And the first name is Ernest,
11 E-R-N-E-S-T.

12 MRS. SELEWSKI: Ernest.

13 MR. POARCH: Yes.

14 MRS. SELEWSKI: Poarch. This interview is being
15 conducted at St. Lucie Power Plant and present at this
16 interview is Mr. Poarch and Investigator Vanessa Selewski
17 with NRC Office of Investigations.

18 I'm going to go ahead and ask that you raise your
19 right hand to swear you in.

20 Whereupon,

21 ERNEST ORAL POARCH,

22 being duly sworn by the Investigator, was examined and
23 testified as follows:

24 DIRECT EXAMINATION

25 MRS. SELEWSKI: Okay. Go ahead and get your

1 full name on record, your address and your telephone
2 number.

3 MR. POARCH: Ernest, E-R-N-E-S-T, Oral, O-R-A-L,
4 Poarch, P as in Paul, O-A-R-C-H. My address is [REDACTED]
5 [REDACTED]
6 Phone number [REDACTED] 70

7 Social Security number?

8 MRS. SELEWSKI: We could put that on record, if
9 you want.

10 MR. POARCH: [REDACTED]

11 MRS. SELEWSKI: Okay. Are you military?

12 MR. POARCH: No.

13 MRS. SELEWSKI: Ex-military, I should say.

14 MR. POARCH: No.

15 MRS. SELEWSKI: I'll go ahead and ask that you
16 tell us what your position is here at St. Lucie and how
17 long you've held that position.

18 MR. POARCH: I am the Area Construction
19 Supervisor by company title, Construction Superintendent
20 on this job in charge of construction activities of the
21 Construction Services Department, in charge of the
22 construction, field engineering and welding departments.

23 MRS. SELEWSKI: Okay. And how long have you
24 been in this position?

25 MR. POARCH: I think about two years.

70 10 11 12

1 MRS. SELEWSKI: Okay. And who are your
2 subordinates at this point? Who do you supervise?

3 MR. POARCH: Field Engineering.

4 MRS. SELEWSKI: Uh-huh.

5 MR. POARCH: You want it by name?

6 MRS. SELEWSKI: Yes. Is it a small group of
7 people or is it --

8 MR. POARCH: Well, I have one FPL employee who's
9 the project field engineer, the lead engineer. And then I
10 have several contractors, and they vary in number,
11 depending on whether we're in an outage or not, that work
12 for him. Jerry Kunkel and Dale --

13 MRS. SELEWSKI: Jacobs?

14 MR. POARCH: Dale Jacobs. They are the two
15 welding engineers that work for me and they also have
16 contracted welding engineers during an outage.

17 MRS. SELEWSKI: Okay. And --

18 MR. POARCH: I also have a construction group,
19 which consists of about four FPL employees that supervise
20 the contractor, and that also increases during an outage.

21 MRS. SELEWSKI: Okay. And are you FP&L
22 yourself?

23 MR. POARCH: Yes.

24 MRS. SELEWSKI: Okay. So you're not a
25 contractor?

1 MR. POARCH: No.

2 MRS. SELEWSKI: And prior to coming here to St.
3 Lucie you were at Turkey Point for a while?

4 MR. POARCH: Correct.

5 MRS. SELEWSKI: How long were you there?

6 MR. POARCH: From '80 -- June of '86 until, I
7 think it was about November of '91.

8 MRS. SELEWSKI: And you came straight here from
9 Turkey Point?

10 MR. POARCH: Yes.

11 MRS. SELEWSKI: Let me go ahead and get on
12 record what the allegation is and we'll get a little more
13 information about your position at Turkey Point.

14 MR. POARCH: Okay.

15 MRS. SELEWSKI: Norman Hallenbeck, who you
16 previously supervised, I guess as recently as July of '94,
17 I think he was -- he resigned sometime in July of '94, has
18 alleged that he has been given some negative performance
19 appraisals by you and demoted from his supervisory
20 position, welding supervisor, because he insisted on
21 correct work in welding procedures, and was basically
22 saying that you intimidated, harassed him over a period of
23 time and he felt that that was -- that intimidation,
24 harassment resulted in his demotion and the negative
25 appraisals that he got. And, you know, that that was a

1 form of discrimination because he had voiced those work
2 procedure concerns or that he was trying to insist on
3 correct work practices.

4 That's the basic allegation.

5 MR. POARCH: Uh-huh.

6 MRS. SELEWSKI: And I've got a whole list of
7 concerns that he's given me and that we will discuss and
8 get real detailed on times and --

9 MR. POARCH: Uh-huh.

10 MRS. SELEWSKI: -- dates as much as you can
11 recall.

12 MR. POARCH: Right.

13 MRS. SELEWSKI: Okay. So you said you were at
14 Turkey Point from June of '86 to November of '91?

15 MR. POARCH: Correct.

16 MRS. SELEWSKI: And you said you supervised
17 there while you were out there, the whole time?

18 MR. POARCH: Yeah. I went there on loan to
19 Engineering for 18 months. Had one employee. Then I went
20 from -- We had a quality improvement program and I was a
21 quality improvement coordinator for a year or two.

22 And then I took over -- or started the security
23 upgrade procedure. I mean, not procedure, but the
24 security upgrade. And that was my project, which was a
25 \$88 million security project. Yes.

1 MRS. SELEWSKI: Okay. And what was your reason
2 for transferring from Turkey Point to St. Lucie?

3 MR. POARCH: I was offered this job. And it was
4 a less than equitable job because it was more than 15
5 miles from home. I was offered this job or I could take a
6 separation from the company. And that's the reason I'm
7 here.

8 MRS. SELEWSKI: Okay. And who offered you the
9 position here at St. Lucie?

10 MR. POARCH: Dick Sipos.

11 MRS. SELEWSKI: Okay. And was the separation
12 from the company considered a termination for you or --

13 MR. POARCH: It would have been a layoff.

14 MRS. SELEWSKI: Layoff.

15 MR. POARCH: Yeah.

16 MRS. SELEWSKI: And they were laying off
17 others --

18 MR. POARCH: Yes.

19 MRS. SELEWSKI: -- at the same time?

20 MR. POARCH: Correct.

21 MRS. SELEWSKI: Part of the concern, and we'll
22 go ahead and talk about this since we're talking about
23 Turkey Point --

24 MR. POARCH: Uh-huh.

25 MRS. SELEWSKI: -- was that someone at Turkey

1 Point had alleged that you had intimidated and harassed
2 them there while you worked there.

3 Do you remember --

4 MR. POARCH: That's not true.

5 MRS. SELEWSKI: You said it's not true?

6 MR. POARCH: No.

7 MRS. SELEWSKI: Did you ever have anyone talk to
8 you about any concerns related to being -- that thought
9 they were being intimidated and harassed by you?

10 MR. POARCH: No. I had a contractor that was
11 working for the head of security for a while and then they
12 put him on my payroll on the construction end of the job.
13 I had charged the young man with coming up with a turnover
14 in that procedure and making us into -- we had probably a
15 hundred turnovers.

16 And, oh, about three weeks -- I'm guessing now,
17 but several weeks after he was into the project he had
18 written a letter saying that the project was behind
19 schedule, which had nothing to do with what I had charged
20 him with doing, had nothing to do with quality of the
21 product.

22 So I told him I no longer needed his services.
23 So, I thought he was a troublemaker.

24 In that instance, the head of security there
25 called the head of security in Juno and alleged that I had

1 violated the SPEAKOUT procedure, which was governed at
2 that point by NP-100, I think, was our internal procedure.

3 And in that procedure I had not violated it and
4 so there's -- there was no question about the quality or
5 safety, nuclear safety of anything to do with that
6 situation.

7 But, at that point I was relieved of my duties as
8 head of the security upgrade and went to work with the
9 start up supervisor in dealing with the outage.

10 MRS. SELEWSKI: Okay.

11 MR. POARCH: So that was not any harassment. It
12 was a cut and dry, easy, early situation.

13 MRS. SELEWSKI: Okay. So the contractor, what
14 was his or her name?

15 MR. POARCH: I don't remember. It was a he.
16 And I could find that out, I think.

17 MRS. SELEWSKI: So as far as you know, there was
18 no allegation made by the contractor to SPEAKOUT, or was
19 there an allegation made to the --

20 MR. POARCH: There's a whole SPEAKOUT file
21 concerning this matter.

22 MRS. SELEWSKI: Okay.

23 MR. POARCH: Which you probably can get.

24 MRS. SELEWSKI: Okay.

25 MR. POARCH: Because, to my knowledge, my people

1 went to SPEAKOUT about my treatment.

2 MRS. SELEWSKI: Okay.

3 MR. POARCH: I didn't personally.

4 MRS. SELEWSKI: Okay. And as far as you know,
5 that was not intimidation and harassment allegations?

6 MR. POARCH: No. No.

7 MRS. SELEWSKI: More a SPEAKOUT concern?

8 MR. POARCH: No. It was not a SPEAKOUT concern.
9 I terminated his services.

10 MRS. SELEWSKI: Uh-huh.

11 MR. POARCH: And it ended up in SPEAKOUT after I
12 was pulled off the job. My people --

13 MRS. SELEWSKI: Okay. And you went to SPEAKOUT.

14 MR. POARCH: No. The people that worked for me
15 went to SPEAKOUT about my bad treatment. To my knowledge,
16 I think my people were the first ones to go to SPEAKOUT.

17 MRS. SELEWSKI: Okay. Was there any particular
18 person that you're talking about, a subordinate?

19 You said, your people. Was there one person that
20 went or two people in your group?

21 MR. POARCH: There was more than one. And I can
22 get those names for you. But I don't know if I have got
23 it. One of the gentlemen that worked for me there works
24 for me here. And he probably could help me put the list
25 together. He probably knows more about it than I did. I

1 never asked anybody about it. I just -- I just know that
2 our people -- my people went to SPEAKOUT about that.

3 MRS. SELEWSKI: Okay. I understand. What --
4 Did you ever hear of the contractor going to NRC and
5 complaining about any type of --

6 MR. POARCH: Not to my knowledge, no.

7 MRS. SELEWSKI: -- problem with you --

8 MR. POARCH: No.

9 MRS. SELEWSKI: -- or intimidation, harassment?

10 MR. POARCH: No.

11 MRS. SELEWSKI: Okay. And what was -- What did
12 you do before you were at Turkey Point?

13 MR. POARCH: I went to Seabrook. I was
14 contracted out as a consultant to Seabrook to finish the
15 Seabrook Plant. I had worked on Unit Two here. And the
16 project manager, Bill Derrickson, had about three of us
17 that work -- he took over at Seabrook. And I was up there
18 for 18 months until we loaded fuel. And then I went to --
19 back to Turkey Point.

20 MRS. SELEWSKI: Okay. I'm going to start going
21 to some specific incidences Mr. Hallenbeck has mentioned
22 or talked about.

23 MR. POARCH: Uh-huh.

24 MRS. SELEWSKI: And just -- Mainly, just tell
25 you what he'd claiming --

1 MR. POARCH: Uh-huh.

2 MRS. SELEWSKI: -- and allow you your chance to
3 explain --

4 MR. POARCH: Sure.

5 MRS. SELEWSKI: -- what happened.

6 There was a Fall 1993 outage in which
7 Mr. Hallenbeck said that he held up the work schedule
8 because of an unacceptable weld on the Bergen-Patterson
9 Support for the component cooling water system.

10 Does that -- Do you remember that incident?

11 MR. POARCH: Yeah. I remember that because he
12 went -- SPEAKOUT had -- he went to SPEAKOUT with the same
13 concern. And I remember the incident. And I recovered
14 all the paperwork for SPEAKOUT and they have it.

15 It was handled in a proper way. It was a bad
16 weld and we were buried.

17 MRS. SELEWSKI: Okay. Okay.

18 MR. POARCH: But I didn't -- What was the
19 allegation?

20 MRS. SELEWSKI: Okay. I'm going to go more
21 into --

22 MR. POARCH: I don't understand what the
23 allegation is. And that's true, there was a problem
24 there.

25 MRS. SELEWSKI: I just wanted to be sure you

1 recalled that --

2 MR. POARCH: Yes, I do.

3 MRS. SELEWSKI: -- time frame so that I can go
4 into details about what his concern was there.

5 MR. POARCH: Okay.

6 MRS. SELEWSKI: He directed -- Mr. Hallenbeck
7 directed the weld to be removed, which showed this three-
8 eighth inch opening in a wrong Bergen-Patterson part. And
9 of course, he claimed that you became very upset with his
10 actions in trying to stop the work and look at the
11 problem, and that you tried to convince everyone,
12 including the Juno engineer -- and I don't have a name of
13 who that is, you may remember -- to accept the weld as it
14 was without replacing it or taking it and looking at it.

15 MR. POARCH: I don't recall any of that. But I
16 would say -- any part of trying to convince anybody to
17 accept it. But I know that that, in some cases it
18 wouldn't be uncommon because if a -- if something is not
19 per the drawing, then engineering can do a safety
20 evaluation and the calculations on what weld metal is
21 there versus the load.

22 And sometimes it's acceptable, even though it's
23 not per the drawing, and then you write a discrepancy
24 report on it. And it's used as is because, you know,
25 there's certain safety factors built into everything and

1 they've calculated that you don't need to repair it.

2 And I don't recall that, but I do know that there
3 was a discrepancy report or a nonconformance report
4 written on it. And I think we had to repair it and it was
5 repaired, but that's what engineers do. If they can't
6 accept it, they tell you to repair it. There's nothing
7 uncommon about that.

8 MRS. SELEWSKI: Okay. Do you remember getting
9 upset or angry with Mr. Hallenbeck about that incident?

10 MR. POARCH: No.

11 MRS. SELEWSKI: Okay. So do you remember what
12 was said? Did he say, hey, we need to stop work? And did
13 you -- Did you just have some questions about it, you
14 know, well, is there something we can do to -- if you can
15 recall any conversation?

16 MR. POARCH: I don't recall that much detail. I
17 do recall the problem, though.

18 MRS. SELEWSKI: Okay.

19 MR. POARCH: And I was probably upset that we
20 had a problem. That's -- There was -- That system, it
21 usually gets on critical path at one time or another. But
22 I get upset if I have a flat tire. But --

23 MRS. SELEWSKI: Uh-huh.

24 MR. POARCH: But not -- I don't recall getting
25 upset at him. No.

1 MRS. SELEWSKI: Okay. Okay. He said that -- He
2 doesn't give any specifics at this point. And I'll have
3 some specifics a little bit later --

4 MR. POARCH: Okay.

5 MRS. SELEWSKI: -- that I'll go into.

6 In general he said that after that incident, he
7 felt that he was harassed by you -- and again, I don't
8 have any specifics --

9 MR. POARCH: Uh-huh.

10 MRS. SELEWSKI: -- at this point -- because the
11 train swap was delayed which made you look bad.

12 MR. POARCH: It didn't make me look bad. And
13 the train swap wasn't delayed for the -- because of that
14 hanger, to my knowledge.

15 If I recall right, well, we didn't hold -- the
16 Construction Services Department didn't hold train swap up
17 anyway. Mechanical Maintenance didn't finish part of
18 their work, and that held the train swap.

19 It didn't make me look bad. I think it's -- You
20 know, it's not true.

21 MRS. SELEWSKI: Do you recall anything that
22 could have been perceived as intimidation or harassment on
23 your part to Mr. Hallenbeck after that incident, any type
24 of confrontations between the two or you or anything he
25 could have perceived as intimidating, harassing, or --

1 because he spoke up about that?

2 MR. POARCH: No. Not because he spoke up about
3 that did we have a confrontation. One confrontation, two
4 confrontations. But it had nothing to do with that
5 incident. And I don't even know if it was before or after
6 that incident.

7 MRS. SELEWSKI: Okay. And we may get into the
8 specifics of those confrontations.

9 MR. POARCH: That's fine.

10 MRS. SELEWSKI: He may have brought those up.

11 MR. POARCH: Okay.

12 MRS. SELEWSKI: Well, go ahead. And what
13 confrontations were those? Do you remember what those
14 were related to?

15 MR. POARCH: At one -- At some point, and I
16 don't recall, it was during a non-outage period, my boss
17 wanted me to get Norm and meet him at the South 40 Weld
18 Test Facility and look at cleaning it up, repairing it,
19 and so forth.

20 I had asked Norm to meet us at a certain hour. I
21 think it was 9:00 o'clock in the morning. And at 9:00
22 o'clock in the morning he wasn't there. So I went back
23 and I found him. He was in Engineering. I reminded him
24 of our appointment with my boss.

25 So my boss and I went on out to the South 40. He

1 said he'd be right there. And we were out there 20
2 minutes and did our job, did our deal, and Norm never
3 showed up.

4 When I got back, I asked him what he was doing
5 that he couldn't show up. Well, he said, I've taken care
6 of problems and doing what I'm paid to do.

7 I said, there was no emergency then. He said,
8 no. And he said right in front of my office in the
9 hallway where other people can hear it -- another guy did
10 hear it and thought it was ridiculous -- why are you
11 always harassing me, buddy.

12 And that was the one and only time I'd ever heard
13 harassment until the allegations came up.

14 MRS. SELEWSKI: Uh-huh.

15 MR. POARCH: The other incident, which happened
16 early on, prior to the outage, he was always on the back
17 porch smoking. I call it the back porch. It's a little
18 area, smoking area. And he'd hold meetings out there, and
19 so forth.

20 And I made a comment, something to the effect,
21 and in jest, I thought -- well, it was in jest, that I was
22 going to try to get them to help the construction guys out
23 because welding was slow and give you guys something to
24 do.

25 Well, he took offense at that and told me that he

1 did take offense at it.

2 I told him that I would -- I apologized if it
3 hurt his feelings, and I would never say anything in jest
4 again, and that if I had something to say, he better pay
5 attention.

6 And that was the only two instances, other than
7 when we came over to H.R. and some other things that we'll
8 probably get into later.

9 MRS. SELEWSKI: Uh-huh.

10 MR. POARCH: Okay.

11 MRS. SELEWSKI: Okay. When he mentioned to you
12 -- The first incident you just mentioned about the 9:00
13 o'clock meeting and him not showing up --

14 MR. POARCH: Right.

15 MRS. SELEWSKI: -- what was your response when
16 you (sic) said, you're harassing me, buddy, or however he
17 put that?

18 MR. POARCH: I said, I'm not harassing you. I'm
19 asking you legitimate questions and I expect a legitimate
20 answer.

21 MRS. SELEWSKI: Uh-huh.

22 MR. POARCH: And I think that was the end of it.
23 And then I came over -- He had been over to see Andy prior
24 to that because he didn't want to report to me. He wanted
25 to report directly to my boss. And I called Andy DeSoiza,

1 the gentleman you met earlier. And I says, you're going
2 to be getting a call from Norman. He says I'm harassing
3 him again.

4 MRS. SELEWSKI: Uh-huh.

5 MR. POARCH: And sure enough, there was. And
6 subsequently, we had a meeting with my boss, Norman, and
7 Andy over here.

8 MRS. SELEWSKI: Okay. And we'll get more into
9 that in just a short while.

10 MR. POARCH: Okay.

11 MRS. SELEWSKI: Do you remember at what time
12 frame that was? And I may have it in my notes.

13 MR. POARCH: I couldn't -- I tried to recall it
14 when I went to SPEAKOUT to answer Norm's allegations. And
15 I think I took a guess at it at that point. But I
16 wouldn't venture a guess right now.

17 If you want those documents, SPEAKOUT documents,
18 I'm sure you can get those.

19 MRS. SELEWSKI: Okay.

20 MR. POARCH: It was during a non-outage time, is
21 all I remember.

22 MRS. SELEWSKI: Okay. What about the time frame
23 for that second incident that you just mentioned, do you
24 recall that time frame?

25 MR. POARCH: That was -- That was earlier than

1 the first one we talked about. And I don't recall that
2 one either. It was shortly after I took over the job.

3 MRS. SELEWSKI: Which was in '92 or --

4 MR. POARCH: I came in, say, December of '91.

5 And we were finishing an outage when I came here. Then we
6 had one more outage. And right after that, the second
7 outage, Herman and I were promoted at the same time, or
8 given the jobs at the same time. Well, actually, it
9 wasn't a promotion. But I was given that job.

10 MRS. SELEWSKI: Okay. We'll go back to that
11 incident which you talked about the Bergen-Patterson
12 Support and where he said you got upset with him and --

13 MR. POARCH: Uh-huh.

14 MRS. SELEWSKI: -- written up.

15 He said that following that incident you would
16 not speak to him and purposely excluded him from meetings
17 that were scheduled.

18 MR. POARCH: Not true. In fact, I had to remind
19 him to come to meetings. We have a meeting, a daily
20 meeting. I don't -- Sometimes at 9:00 o'clock. And we've
21 changed it since to 2:00 o'clock, where we go over
22 everything that's going to be done the next -- the next
23 day.

24 And I thought he should attend that. And any
25 discussion -- anything about meetings, he was usually

1 reminded he should come, instead of excluding him. He was
2 never intentionally excluded from any meeting.

3 MRS. SELEWSKI: Okay. Then he mentions an
4 incident where -- related to a Spring '94 Unit One outage
5 relating to the DEH System on the turbine deck.

6 What does -- Does DEH have a -- does that stand
7 for anything?

8 MR. POARCH: It does. But it's a control system
9 for the turbine, part of the turbine movable oil system.
10 And I don't recall what it stands for.

11 MRS. SELEWSKI: He mentions that time frame,
12 Spring '94, where he stopped welding work on an instrument
13 line, and he mentions that system, because the welding
14 procedure required an amendment before continuing work.

15 And he said that on March 9th, 1994, a welding
16 engineer presented a problem to him about the weld on the
17 DEH System. And then he explains what that was.

18 Do you recall that period of time and what the
19 problem was with the DEH?

20 MR. POARCH: Yeah. I have some sketchy
21 regulation -- Regulation.

22 MRS. SELEWSKI: Recollection?

23 MR. POARCH: Recollection. Because it really
24 wasn't something that required a lot of attention, in that
25 it was not on critical path, to my knowledge. And I knew

1 there was a problem there. And I know vaguely what the
2 problem is.

3 There was some insufficient engagement in some
4 tubing socket welds. And I think, and I can't -- Well, I
5 shouldn't think, I guess. This is going on record.

6 But I didn't think that Norman caught that
7 problem. And we ended up radiographing the joints to see
8 if there was sufficient engagement. And there was not.
9 And we cut it apart and repaired it.

10 And being upset, I don't recall being upset about
11 it, except that it's other than you don't like to redo
12 work. That's all. It's an efficiency thing. You don't
13 mind -- You redo it if it's wrong, but what's upsetting is
14 that it was done wrong the first time.

15 And we repaired all the welds. And there's also
16 documentation on that that I provided to SPEAKOUT. That
17 was well documented and taken care of.

18 MRS. SELEWSKI: So did you get upset with
19 Hallenbeck for the work having to stop to get the
20 procedure amended?

21 MR. POARCH: No. And I don't recall the
22 procedure having to be amended. Maybe it did. I recall
23 having to redo the welds because we had insufficient
24 engagement. I didn't know there was a problem with the
25 procedure, or I don't recall it.

1 MRS. SELEWSKI: Yes. He did mention that the
2 Juno Beach Office took about two or three hours to amend
3 the procedure. And he explained to you that this would
4 have to be done. And he said that you told him -- you
5 asked him, well, who else knew about the problem. And
6 Hallenbeck said himself, the welder, and the welding
7 engineer.

8 And you told him that if nobody else knew about
9 it, to keep welding while the procedure was being revised.

10 MR. POARCH: Not true.

11 MRS. SELEWSKI: You didn't tell him that?

12 MR. POARCH: No.

13 MRS. SELEWSKI: Do you remember telling him
14 anything that's similar to that --

15 MR. POARCH: No.

16 MRS. SELEWSKI: -- that he may have mistake --
17 mistook for --

18 MR. POARCH: No. I don't. I don't recall it
19 and I don't think I would have said it. Well, I know I
20 wouldn't have said it.

21 MRS. SELEWSKI: And Mr. Hallenbeck said, well,
22 that can't be done. We can't -- We have to just place the
23 welding on hold until the revision is complete.

24 He said that you became angry with him because of
25 having to wait.

1 MR. POARCH: No.

2 MRS. SELEWSKI: Okay. Were you angry at
3 something else at that time frame that he may have --

4 MR. POARCH: I have --

5 MRS. SELEWSKI: -- misunderstood what you were
6 angry about?

7 MR. POARCH: I don't know if I was angry or
8 happy that day. I don't remember.

9 MRS. SELEWSKI: Okay. Then he says after that
10 incident regarding the DEH System that you harassed him
11 about not attending meetings and you began giving his
12 employees directions directly from you to his employees,
13 instead of going through him.

14 MR. POARCH: I guess you'd have to ask him his
15 definition of harassment. Because I stated earlier I'd
16 have to remind him to attend meetings. And I don't
17 consider it harassment.

18 And, no, I didn't go directly to his employees.
19 In fact, he had his employees so afraid to talk to anyone
20 else that if I had gone directly to his employees, it
21 would have gone to him immediately.

22 MRS. SELEWSKI: Uh-huh.

23 MR. POARCH: No. I might have seen one in the
24 hall and asked him a question. But I do that anyway. And
25 I don't know if that's -- No, I didn't circumvent his

1 authority at all.

2 MRS. SELEWSKI: And we'll get more into the
3 employee relationship then in a while.

4 And then he said that he was accused of not
5 staying abreast of the work activities. I don't have any
6 specifics on what he means by that, other than --

7 MR. POARCH: Well, the only thing I can think
8 of, if he was surprised by a welding job coming up the
9 next day, I might have told him if he had attended the
10 daily meeting, he would know that. I might have. I
11 probably did. But that's not harassing him.

12 MRS. SELEWSKI: He felt that this harassment --
13 And again, that's a real generic term.

14 MR. POARCH: Uh-huh.

15 MRS. SELEWSKI: -- resulted from his not doing
16 what you directed or wanted.

17 MR. POARCH: There was no harassment. Period.
18 Zip. Point. No harassment.

19 MRS. SELEWSKI: He felt that he did not fit into
20 the new regime because he did not want to bend rules to
21 cut cost.

22 MR. POARCH: He chose not to fit and to battle
23 the new regime.

24 MRS. SELEWSKI: Why do you think he did that?

25 MR. POARCH: I have no idea. It might have --

1 You know, it's guessing. He was here for five or six
2 years and here comes somebody in three or four years after
3 he'd been here and gets a higher job. Maybe that was it.
4 I have no idea.

5 MRS. SELEWSKI: When you first started here
6 supervising Mr. Hallenbeck, you started supervising him
7 in, what, '92 when you -- in '91?

8 MR. POARCH: I think it was '92. July of '92, I
9 think.

10 MRS. SELEWSKI: Do you recall if there -- in the
11 beginning of your supervising him that he had any problems
12 with you or any disagreements, or that you had any with
13 him in the very beginning?

14 MR. POARCH: Only the one I mentioned earlier
15 when he -- when I -- that we talked about earlier. And
16 that was the -- when I said I'm going to give him
17 something -- give his guys something to do during a
18 non-outage time.

19 MRS. SELEWSKI: Do you recall from the very
20 beginning a personality conflict with Mr. Hallenbeck?

21 MR. POARCH: Only that incident.

22 MRS. SELEWSKI: The incident which you mentioned
23 before?

24 MR. POARCH: Correct.

25 MRS. SELEWSKI: Then he goes into talking about

1 that he felt that you poisoned the thinking of his welding
2 engineers, which I'm assuming he's talking about Jerry
3 Kunkel and Dale Jacobs.

4 MR. POARCH: Correct.

5 MRS. SELEWSKI: Because he's saying for --

6 MR. POARCH: Not correct that I poisoned them.
7 Correct as to the name.

8 MRS. SELEWSKI: As the name. Okay.

9 MR. POARCH: Yeah.

10 MRS. SELEWSKI: That they were -- He said they
11 were loyal employees and they turned a hundred percent
12 against him. Everything was going real smoothly until
13 April of '94 when Hallenbeck was placed on third shift to
14 assist with a 24-hour coverage of a pressurizer crack
15 repair and Dale Jacobs was placed on first shift. And
16 there was an incident between he and Mr. Jacobs during
17 that time frame.

18 Do you recall hearing about that, where they had
19 a confrontation?

20 MR. POARCH: Yes, I do.

21 MRS. SELEWSKI: If you can summarize what that
22 is.

23 MR. POARCH: I think it should go back a little,
24 leading up to the situation.

25 Norm had gone -- come over to see Andy and said

1 he could not work for me. Andy talked to myself and my
2 boss and we decided that he wanted -- Well, Norm wanted to
3 work directly for Herman Fagley.

4 And I told -- Or we discussed it. And Andy said,
5 you cannot have this man setting your organization for
6 you. You're not his employee. He's yours until this
7 terminates.

8 And we had another confrontation, the one about
9 where he did not attend -- show up to a meeting that
10 Herman had requested. And the four of us were here. And
11 he said, I can't work with Ernie. There's no way.

12 And he was told that he had to make some choices
13 then.

14 So the next day -- or I think there was a weekend
15 in between -- he came in and said he was sorry that he had
16 brought this to a such high level. It was -- It had
17 gotten out of control. And he apologized and he could
18 work with me.

19 Everything went fine, I thought, for three, six
20 months. And I went on vacation. After the outage, the
21 one that he was placed on third shift -- Not by me, but by
22 the project leader of that team, who was the -- Chuck
23 Geier. I had nothing to do with him going to third shift.

24 And I got back off of vacation and I found out
25 that Jerry Kunkel had been over here and he had been --

1 Norm had been trying to fire him. I guess it started
2 about six months after he hired him, had been trying to
3 fire Jerry.

4 And then I guess he had harassed -- had done
5 something to Dale. Dale got in his face. And when I got
6 back, Herman told me about it. I had a talk with Dale. I
7 had a talk with Jerry.

8 And I told Herman at that point, I said, I've got
9 to do something. I can take -- I can deal with whatever
10 his problem is with me, but he's not going to beat other
11 people up.

12 So I came over and talked to Andy about what
13 should be done. And we decided, well, he -- first of all,
14 he was going to look for another place for Norm. That
15 didn't work out.

16 Then, let's see. The -- Norm felt -- I talked to
17 Norm about the situation. He felt he was ineffective as a
18 supervisor at that point because his employees hated him.
19 That's a quote from him. So we couldn't find another
20 place for Norman.

21 And at that point we were redoing our weld
22 program. We were computerizing it. And that was taking a
23 lot of time. So in order -- He said he couldn't be their
24 supervisor, so I made him -- appointed him to a special
25 project completing the computerization of the weld program

1 -- welding program, which was not a demotion, by the way.

2 And at that point did not make Dale Jacobs the
3 supervisor. I made him the lead welding engineer. And
4 shortly after that is when he resigned, I think.

5 MRS. SELEWSKI: Okay.

6 MR. POARCH: I also did an interim evaluation on
7 him. We -- He's having these problems. They have to be
8 pointed out and to be monitored closely. And that was --
9 Again, that was consulted with Human Resources, how to
10 handle it.

11 So that's that story.

12 MRS. SELEWSKI: And that was, let's see, prior
13 to the April '94 incident when Jacobs had a confrontation
14 with Hallenbeck?

15 MR. POARCH: What was prior?

16 MRS. SELEWSKI: This interim performance review.

17 MR. POARCH: No.

18 MRS. SELEWSKI: When you did the change in
19 positions for Mr. Hallenbeck, it probably was what, May?

20 MR. POARCH: I guess. I would guess that, yes.

21 MRS. SELEWSKI: Okay. And I have specific
22 questions about that --

23 MR. POARCH: Uh-huh.

24 MRS. SELEWSKI: -- that decision in -- a little
25 bit later.

1 MR. POARCH: Uh-huh.

2 MRS. SELEWSKI: So that -- But that position
3 where he was placed in charge of this project with the
4 computers, decoding or some -- doing something with the
5 welding program --

6 MR. POARCH: Right.

7 MRS. SELEWSKI: -- wasn't a demotion?

8 MR. POARCH: No.

9 MRS. SELEWSKI: Was he a supervisor still? Or
10 would he have been in --

11 MR. POARCH: Well, his title was still
12 supervisor. In fact, we had -- he had complained about
13 just being a supervisor when his counterpart in the plant
14 was called superintendent. So we changed his title for
15 him, called him a superintendent.

16 And I think in the company at that time he was
17 called a -- No. His title was not changed officially with
18 the company. It was not changed in the organization,
19 other than to upgrade his title. And his money was not
20 changed.

21 MRS. SELEWSKI: Okay. Well, he felt it was a
22 demotion because he did admit that he --

23 MR. POARCH: It was --

24 MRS. SELEWSKI: -- talked to you about not
25 supervising anymore.

1 MR. POARCH: Right.

2 MRS. SELEWSKI: He felt that maybe he should --
3 that that was not something he wanted to do anymore.

4 MR. POARCH: Right.

5 MRS. SELEWSKI: And that he was -- You know, he
6 felt that --

7 MR. POARCH: Let me ask you a question. Do you
8 understand that logic, Hailenbeck's logic?

9 MRS. SELEWSKI: Well, I can't say one way or
10 another.

11 MR. POARCH: Okay.

12 MRS. SELEWSKI: I'm here to --

13 MR. POARCH: All right.

14 MRS. SELEWSKI: -- get the facts --

15 MR. POARCH: I understand.

16 MRS. SELEWSKI: -- and ask you the questions --

17 MR. POARCH: Sure.

18 MRS. SELEWSKI: -- and investigate his
19 allegations --

20 MR. POARCH: Uh-huh.

21 MRS. SELEWSKI: -- and make a determination.

22 MR. POARCH: Yeah.

23 MRS. SELEWSKI: But he did -- And I think you
24 even have it documented where he mentioned he thought he
25 should step down or be --

1 MR. POARCH: Uh-huh.

2 MRS. SELEWSKI: -- you know, put in another
3 position.

4 MR. POARCH: Right.

5 MRS. SELEWSKI: And he did say that he was
6 thinking of resigning.

7 Do you remember him talking to you about that,
8 that he felt like he had lost control of the welding
9 department?

10 MR. POARCH: Yes. I think I remember. It was
11 in the conversation in this room with Herman and Andy
12 where he wanted to know if he could get an enhanced
13 package, layoff package, and get some severance pay and so
14 forth.

15 And I think that's where I heard it, in this
16 room.

17 MRS. SELEWSKI: Whose decision was it to place
18 him in this computer position?

19 MR. POARCH: Well, Herman and I discussed what
20 we could do. He evidently couldn't work with his
21 employees. He couldn't work with his superiors. The
22 Quality Control people were complaining about him. He
23 didn't have a working relationship with -- He did not have
24 an acceptable working relationship with most anybody I can
25 think of.

1 So we discussed it. And the determination was
2 made. Both of us came to that conclusion, as I recall it.

3 MRS. SELEWSKI: Okay. Was there any other
4 alternative for him to place him somewhere else or to do
5 anything else with --

6 MR. POARCH: Andy had looked for a place for
7 Norm within the company and was unsuccessful finding
8 another place for a welding engineer or a welding
9 supervisor.

10 MRS. SELEWSKI: And didn't at some point you
11 discuss some training for Mr. Hallenbeck?

12 MR. POARCH: I discussed with him at the
13 performance review, which I did shortly before or after
14 making that assignment, that he needs some -- needed some
15 supervisory skills and some supervisory training.

16 And his reply to that was, I've had all that
17 stuff. I don't need that. You know, I've had hundreds of
18 those, I think was his quote, at Bechtel, when he worked
19 for Bechtel, and he didn't need any of that.

20 MRS. SELEWSKI: I'm going to go more into the
21 evaluations in a little while --

22 MR. POARCH: Uh-huh.

23 MRS. SELEWSKI: -- the details of that after I
24 go through more -- summarizing more of Hallenbeck's
25 concerns, which is basically the next subject, performance

1 appraisals.

2 He said that he had always gotten good
3 evaluations until you became a supervisor in early 1993.
4 Well, he says 1993.

5 Was it '92 that you first became a supervisor?

6 MR. POARCH: I -- I think so. Yeah. I think it
7 was --

8 MRS. SELEWSKI: So do you recall about how many
9 performance evaluations you conducted with him?

10 MR. POARCH: No. But I can tell you
11 specifically, you probably have all of them there.

12 MRS. SELEWSKI: I have -- I think I have all of
13 them. I've gotten bits and pieces.

14 Here's one, a review period -- this is a
15 Performance Planning and Review Worksheet.

16 MR. POARCH: Uh-huh.

17 MRS. SELEWSKI: I don't know that this is the
18 complete package. Dated from 1/1/92 to 12/31/92.

19 Now, we'll take a moment. Go off the record for
20 Mr. Poarch to review that.

21 (Whereupon, Mr. Poarch reviewed the document off
22 the record, after which the following proceedings were
23 had:)

24 MRS. SELEWSKI: Is this your first evaluation of
25 Mr. Hallenbeck?

1 MR. POARCH: It probably was.

2 MRS. SELEWSKI: Okay. Was this the complete
3 evaluation, this one page?

4 MR. POARCH: I think so.

5 MRS. SELEWSKI: Okay.

6 MR. POARCH: I don't -- I think so. There are
7 two pages to it now, but I -- when we first started, I
8 don't -- I think we only had one.

9 MRS. SELEWSKI: And it's got a rating system
10 from one to four.

11 MR. POARCH: Uh-huh.

12 MRS. SELEWSKI: And I suppose one is the best
13 or --

14 MR. POARCH: No.

15 MRS. SELEWSKI: The worst?

16 MR. POARCH: I think one is -- one is the worst.
17 Four is the best. Somewhere on here they -- Well, I know
18 that. It's one's -- One's bad. Two's good. Two is
19 you're doing your job. And I can provide you that
20 information. It's on this document. This is a copy. It
21 wasn't copied on there.

22 Two is you're doing your job. Three is you
23 frequently exceed expectations. And four, you walk on
24 water.

25 MRS. SELEWSKI: Okay. I can probably get that

1 from Mr. DeSoiza --

2 MR. POARCH: Sure.

3 MRS. SELEWSKI: -- as far as what those ratings
4 mean.

5 MR. POARCH: Uh-huh.

6 MRS. SELEWSKI: Okay. It looks like you rated
7 him fairly well on this one. You had a three for
8 supervising a welding program. You said that he was
9 proactive in all upcoming welding activities.

10 And then you rated him a 2.7 where he supervises
11 the welder qualification and training for JCS.

12 What does JCS stand for?

13 MR. POARCH: Juno Construction Services.

14 MRS. SELEWSKI: And you said, "The success of
15 Norm's program is evidenced by the jobs turned over to us
16 where others have failed." And that was a 2.7 rating.

17 So this was probably when you first started
18 supervising him?

19 MR. POARCH: Correct.

20 MRS. SELEWSKI: Okay. Do you remember any
21 discussions with Mr. Hallenbeck at that time related to
22 this particular evaluation?

23 MR. POARCH: The previous regime had given up
24 big numbers and they started -- And I said, I don't know
25 what your -- you've gotten in the past, but we're using

1 just like the chart says, two, you're doing your job.

2 It's no problem.

3 And I know that some employees -- and I don't
4 recall if Norman was one of them -- complained that their
5 evaluations were lower than they had been previously. And
6 I explained to them that the ones that were acceptable
7 were good, it's just got a new base. We're not going to
8 start with -- everyone with frequently exceeds
9 expectations. We're going to start with the base work.
10 And if you do exceed, it could be a little different. And
11 not to take offense at it.

12 And I might have had that conversation with Norm.
13 I don't recall. But that is a better-than-average
14 evaluation.

15 MRS. SELEWSKI: Okay. And as far -- And there
16 were other employees that had received really good
17 evaluations under the old management and were -- and
18 voiced concerns to you about --

19 MR. POARCH: Yes.

20 MRS. SELEWSKI: -- receiving a little bit lower
21 under --

22 MR. POARCH: Lower. Still good, but lower. And
23 lower number-wise, but not a lower in my mind than what
24 they got from the other person, because we tried to get a
25 -- like I say, a baseline that was realistic.

1 MRS. SELEWSKI: Okay. Let's see. We'll go on
2 to the -- I think that's the next one, performance
3 evaluation from 1/1/93 to 1/1/94. I'll give you a moment
4 to review that.

5 (Whereupon, Mr. Poarch reviewed the document off
6 the record, after which the following proceedings were
7 had:)

8 MRS. SELEWSKI: It looks like you had more key
9 responsibility areas. That's the KRA's that you graded
10 him on.

11 Do you want to just explain --

12 MR. POARCH: Yeah.

13 MRS. SELEWSKI: -- in this evaluation what
14 your --

15 MR. POARCH: Prior to doing an evaluation you
16 sit and negotiate acceptable goals for performance with
17 the employee.

18 Norm and I agreed with each other that those were
19 acceptable or achievable smart -- They call them smart
20 goals. They have to be achievable and something that you
21 can measure. And I forget the other three or four things.
22 It's right up -- It's on that form there.

23 MRS. SELEWSKI: Okay.

24 MR. POARCH: So you sit and you ask the person
25 what he feels. And, you know, you discuss it and come to

1 an agreement that, yeah, that's -- that's what you should
2 have as your goal for this year.

3 MRS. SELEWSKI: Okay.

4 MR. POARCH: So then subsequently you grade the
5 individual on how he did toward those goals.

6 MRS. SELEWSKI: And this evaluation is dated
7 2/10/94 and he received a two, a three, a 2.5. And these
8 are, of course, different areas, a 3.3, 2.2, 3.

9 MR. POARCH: Nothing below you're doing your
10 job.

11 MRS. SELEWSKI: Do you remember any -- You did
12 put in the comment section that, "Norm needs to learn to
13 put more trust in others."

14 Do you remember discussing that with Norm?

15 MR. POARCH: Yeah. I don't remember discussing
16 it, but I had to have discussed it with him. And trust in
17 others was -- I had -- My construction supervisors had
18 problems with the welding department.

19 For instance, Jerry Kunkel was on the night shift
20 and he was told not to trust Fred Gigele. He was told not
21 to trust Billy Ulbin. They were bad people and would do
22 bad things. And --

23 MRS. SELEWSKI: He was told by Hallenbeck?

24 MR. POARCH: Jerry Kunkel was told by Norm
25 Hallenbeck.

1 And he would not let his employees have private
2 conversations with other people. He was afraid -- I don't
3 know his motives. I shouldn't say that.

4 But he would get very upset if he caught one of
5 his employees talking with someone else without him being
6 present.

7 MRS. SELEWSKI: And that was why you put that on
8 there in the comment section?

9 MR. POARCH: Yes.

10 MRS. SELEWSKI: Do you remember Mr. Hallenbeck
11 being upset about that comment or saying anything in his
12 defense?

13 MR. POARCH: No. He -- Any of his reviews --
14 All of his reviews he would read them, say, okay, and sign
15 them. He never wanted to discuss them.

16 MRS. SELEWSKI: Okay. And then there's the,
17 probably the, I suppose the last performance evaluation
18 that you did on Mr. Hallenbeck, which is dated 1995 --
19 well, '94 to '95.

20 MR. POARCH: Yes. This is after his employees
21 had been to Human Resources. They had had confrontations
22 with him. And after he had had confrontations with me,
23 Herman, and we had been to Human Resource -- or been over
24 to see Andy at Human Resources about different problems
25 with him.

1 And we decided at that point that we had to
2 document his poor performance because you can't just keep
3 doing it by word of mouth. I tried to be more than
4 lenient in some cases. When in any doubt, I gave the
5 employee a better grade. And as you can see from his
6 other appraisals, I had always given him above average
7 appraisals.

8 So I documented in this appraisal the areas he
9 needed to improve in. And that is this appraisal, the
10 last one.

11 And his comments, what I related before, he's
12 been to numerous supervisory schools.

13 Not everything that I wrote under the results
14 section is true. And he does not feel that he can
15 supervise the welding department any longer.

16 And that -- I reported his comments on there.
17 And you can see the appraisal I gave him, which is below
18 average.

19 MRS. SELEWSKI: Okay. And this is not
20 specifically dated. Let's see.

21 Was that -- Would that have been the April-May
22 '94 time frame?

23 MR. POARCH: Yeah. That's probably May time
24 frame.

25 MRS. SELEWSKI: And this is when you gave him

1 specific comments and rated him related to his
2 relationship with his employees. And you asked -- You
3 said that you would try to get him in a company course on
4 supervision. You rated him a one on his employee
5 development and interpersonal -- Well, it doesn't say
6 interpersonal skills. It just says employees'
7 development.

8 MR. POARCH: The reason for that comment, Jerry
9 -- he would fire -- he wanted to fire Jerry Kunkel, but
10 he, according to Jerry, would never try to give him
11 adequate training. And when Jerry would try to discuss
12 something with him, he would blow up and walk away.

13 So he -- That's not the way to develop an
14 employee.

15 And by the way, Jerry Kunkel is a very good
16 employee. He's -- We've given Jerry additional training
17 and he's doing a good job.

18 MRS. SELEWSKI: Okay. And you gave him a one
19 regarding being part of the team and not a stand-alone
20 participant. Well, you mentioned that his employees were
21 afraid to see them talking to other employees. "You told
22 your employees not to trust several of their co-workers."
23 And then specifics about who he told.

24 Bill Ulbin. "You told Bill Ulbin that Ernie
25 Poarch was trying to get him fired, which is not true."

1 Who's Bill Ulbin?

2 MR. POARCH: Bill Ulbin is the catalytic lead
3 mechanical supervisor. And when that came to light, I had
4 mentioned to an FPL supervisor that works for me that
5 worked closely with Bill Ulbin I wasn't sure about letting
6 Bill take that position. And -- But I went ahead and let
7 Bill have -- take that position.

8 And about two months after he'd been in the
9 position I mentioned to Fred that I was really pleased
10 with the way Bill Ulbin performed and I'm glad that Fred
11 had promoted or pushed for Bill to get the position.

12 And he said -- He looked surprised. And I said,
13 what's wrong. He said, well, Norm Hallenbeck told Bill
14 Ulbin you're trying to get him fired.

15 So I went to Bill Ulbin and made sure he
16 understood that that wasn't true. And then he said -- So
17 the only thing I knew was he was trying to create trouble
18 for me. Norm. So that's not the way to get along in an
19 organization, to create strife.

20 MRS. SELEWSKI: And you told him in your -- in
21 the evaluation that, "Your actions indicate that you do
22 not want to get along with your employees, peers, or
23 supervisors."

24 MR. POARCH: Correct.

25 MRS. SELEWSKI: So this is where you

1 specifically documented some problems with Hallenbeck and
2 his employee relations and getting along with people,
3 interpersonal skills.

4 MR. POARCH: Correct.

5 MRS. SELEWSKI: Was this a problem that had been
6 building up over years, or did it just happen --

7 MR. POARCH: It would -- It would come in
8 spurts, I guess. His peers -- The Quality Control people
9 had -- The head of Construction Quality Control come in my
10 office and shut the door and said, you got to do something
11 with this nut. He's going over and trying to get us to do
12 his work, and when we refuse, he says he'll go to the NRC
13 on us. And he's nuts. He's going to create problems.

14 I said, I can't prevent him from going anywhere
15 and doing anything.

16 So they didn't get along with him. His peers
17 didn't -- I mean, his employees didn't get along with him.
18 And he didn't like his supervisors. So, yeah, he had a
19 problem in all three areas.

20 MRS. SELEWSKI: So it was over a period of time
21 that this developed?

22 MR. POARCH: It had to have been.

23 MRS. SELEWSKI: It wasn't like one day he came
24 in and all of a sudden he's a different person and started
25 having problems with his employees and co-workers?

1 MR. POARCH: No. He had problems with his
2 employees from day one. In fact, it's -- he -- ever since
3 he worked for me he had been trying to fire Jerry Kunkel.
4 And that was six months after Jerry was hired.

5 And I informed him at that point that he's going
6 to have to work with Jerry because six months -- you
7 campaigned for more than six months to get him hired. And
8 you're going to turn around and fire the young man without
9 giving him a chance.

10 And it -- So, yeah. It -- That had been going on
11 from day one.

12 MRS. SELEWSKI: Do you remember any other
13 discussions on this particular evaluation, this last one,
14 when Mr. Hallenbeck said, well, I just -- that he felt he
15 could not supervise the welding department any longer?

16 Do you remember did he say why that he could
17 not --

18 MR. POARCH: He said he -- Well, I'm not
19 supposed to use the exact language he said. But he --

20 MRS. SELEWSKI: We can put the exact language on
21 the record.

22 MR. POARCH: Well, he -- Well, it's -- No. I
23 won't need to. He said that his employee had been in his
24 face and called him a rotten person, a no good person, and
25 that he didn't feel like he could supervise those people

1 anymore and he wouldn't be effective as a supervisor.

2 And it was after this evaluation that Herman and
3 I talked. And Andy had previously failed -- I think that
4 at this point Andy had failed to find him another location
5 within the company.

6 And so Herman -- This is the point that after
7 this evaluation Herman and I said, well, we agreed with
8 him, he can't effectively supervise. And for right now
9 the best thing -- you know, the only thing we could think
10 of to -- for Norman was to finish this special project on
11 the computerization of the welding program.

12 MRS. SELEWSKI: So if he had not stated that he
13 felt he could not supervise any longer, would he have --
14 had the decision been made at that point to place him in
15 that computer position?

16 MR. POARCH: No, it had not. Something had to
17 be done. And at that point we did not know what to do
18 because -- Well, I said I'd send him to supervisor
19 courses. If he was -- would try to do better with his
20 relations with other people, then we could give him
21 training and maybe he would be salvageable. I don't know.

22 But when I didn't think it would be effective and
23 he didn't think he would be effective, it would be silly
24 to put him supervisory -- supervising people. So that's
25 when we decided to make him a special project manager.

1 MRS. SELEWSKI: But if he had not said, I can't
2 -- I don't want to be a supervisor anymore, would he have
3 continued supervising to a point, if he had not
4 voluntarily stated that he did not want to supervise or
5 that he did not --

6 MR. POARCH: I don't know.

7 MRS. SELEWSKI: -- feel that he could?

8 MR. POARCH: I don't know. At the point I wrote
9 that, I was willing to send him to supervisor school. So
10 I assumed that we were going to try to make him a usable
11 part of the organization at that point, or I wouldn't have
12 written that.

13 MRS. SELEWSKI: Anything else on this evaluation
14 you remember that was discussed with Mr. Hallenbeck
15 that --

16 MR. POARCH: Everything on that evaluation was
17 discussed.

18 MRS. SELEWSKI: I mean, anything other than what
19 you put in your comment section, do you recall?

20 MR. POARCH: No.

21 MRS. SELEWSKI: Was Mr. Hallenbeck angry during
22 this evaluation? Was he -- What was his demeanor?

23 MR. POARCH: I'm sure he was angry. I don't --
24 I can't speak -- I can't tell you what I'm -- I don't know
25 what was in his mind.

1 If I got it, I would be angry or upset. I'd
2 probably be upset that I was held in such low esteem by my
3 peers and my supervisors and my employees.

4 But, no, I can't comment to what -- how he felt.

5 MRS. SELEWSKI: Were there any other evaluation
6 forms of Mr. Hallenbeck that you recall, or just these
7 three?

8 MR. POARCH: I don't recall. But I can go -- I
9 can look it up, I think.

10 What do we have? We have '90. That was done in
11 '92. This one was done 12/31/92, which is actually the
12 first of '93. And then the first of '94. And then the
13 interim one.

14 I think that's all.

15 MRS. SELEWSKI: Okay. I'm going to go back a
16 little bit to the Jacobs --

17 MR. POARCH: Let's get a cup of coffee and a
18 glass of water.

19 MRS. SELEWSKI: We can do that.

20 MR. POARCH: Okay.

21 MRS. SELEWSKI: Take a break.

22 MR. POARCH: Thanks.

23 (Whereupon, a recess was taken at 10:06 a.m.,
24 after which the proceedings resumed at 10:15 a.m. as
25 follows:)

1 MRS. SELEWSKI: We're back on the record after a
2 short break.

3 I was going to go into the Jacobs incident again
4 in which there's a confrontation --

5 MR. POARCH: Uh-huh.

6 MRS. SELEWSKI: -- between Mr. Jacobs and
7 Mr. Hallenbeck in April of '94. And you gave me some
8 background information earlier.

9 Were you aware of this confrontation that they
10 had when Mr. Jacobs basically was calling Mr. Hallenbeck
11 some names and telling him he was a liar and --

12 MR. POARCH: I -- I was on my vacation. I was
13 looking for a farm to buy in Tennessee. So I was away
14 from work for at least a week.

15 And I came back and that's when I found out about
16 it. It had happened while I was gone.

17 MRS. SELEWSKI: Okay. How did you find out
18 about it when you came back?

19 MR. POARCH: Herman told me first. Herman's my
20 boss. So I went and talked to both of them, the
21 employees.

22 MRS. SELEWSKI: Okay. What did Herman tell you,
23 that you --

24 MR. POARCH: He told me that Jerry had gone,
25 Jerry Kunkel had gone to Human Resources, and that Dale

1 Jacobs had had a confrontation with Norm. And things were
2 bad.

3 MRS. SELEWSKI: What details did he give you
4 about the confrontation between Jacobs and Hallenbeck?

5 MR. POARCH: None, as I recall.

6 MRS. SELEWSKI: Just that they had an argument
7 or a confrontation?

8 MR. POARCH: Yeah. And I guess Dale Jacobs had
9 gone to Herman in my absence and told him that it had
10 occurred.

11 MRS. SELEWSKI: Okay. Did at some point you
12 discuss with Mr. Jacobs what was on Mr. Hallenbeck's
13 performance appraisal, that supposedly being the last one,
14 when you were preparing it?

15 MR. POARCH: No. In fact, that was -- I did the
16 last performance appraisal after the confrontations.

17 MRS. SELEWSKI: Okay.

18 MR. POARCH: That was because -- or the main
19 reason that I had to document something, because it would
20 -- the combative attitude was spreading in all directions.

21 MRS. SELEWSKI: Some of the problems that you
22 were having with Mr. Hallenbeck relating to his deleting
23 the welding files from the computer, I suppose -- it looks
24 like Jacobs mentioned to Hallenbeck, you know, you deleted
25 computer files, and Hallenbeck said, no, that's a lie, I

1 didn't do that, and he explained his side of that.

2 He felt like that some of what was on his
3 performance evaluation had been communicated to Jacobs.
4 Hallenbeck felt like, you know, that was personal
5 information that either you or Fagley told Jacobs about,
6 about his problems with employees and interpersonal
7 skills.

8 MR. POARCH: No. I think Dale Jacobs -- If I
9 recall right, Dale Jacobs told me about the deleted files
10 after I got back from vacation, after the confrontation.

11 MRS. SELEWSKI: So you didn't mention to Jacobs
12 anything about Hallenbeck's performance evaluation and
13 what would be on it --

14 MR. POARCH: No. No.

15 MRS. SELEWSKI: -- and that -- about the
16 computer files being deleted?

17 Did that happen while you were on --

18 MR. POARCH: No. Dale mentioned it to me.
19 He --

20 MRS. SELEWSKI: Okay.

21 MR. POARCH: He informed me that the files had
22 gone missing and that we have a computer specialist in the
23 office. He had gone into the LAN System and there's a
24 program that tells you when and what was deleted. And he
25 told me that they were deleted at -- in the middle of the

1 night, at same time that Norm was on the third shift with
2 his welding problem with the pressurizer.

3 So I was informed by Dale that this had happened.

4 MRS. SELEWSKI: So was -- Did you ever accuse
5 Mr. Hallenbeck of purposely deleting welding files?

6 MR. POARCH: I asked him about the welding
7 files. And he says, I don't know what happened. And I --
8 I didn't say any more because I couldn't -- Well, it was
9 done under his personal ID at a time when he was on site.

10 I never brought it up again because I -- when you
11 get into the LAN System and you walk away from your desk
12 and you do not get back out, someone could come in and
13 delete anything they wanted to out of your files.

14 So there's no proof and there's no reason to say
15 any more about it. But I did ask him about it. And he
16 said, no, he didn't do it. He don't know what happened.
17 That was the end of the conversation.

18 MRS. SELEWSKI: So you didn't accuse him and --

19 MR. POARCH: No.

20 MRS. SELEWSKI: -- make a big deal out of that?

21 MR. POARCH: Huh-uh. No.

22 MRS. SELEWSKI: Was his deleting the computer
23 files, was that part of the reason for putting him in
24 charge of this computer --

25 MR. POARCH: No.

1 MRS. SELEWSKI: -- decoding project that he was
2 going to be placed in?

3 MR. POARCH: No.

4 MRS. SELEWSKI: Back to the performance
5 evaluations, are there other employees that you supervised
6 that have similar evaluations as far as being lower than
7 what they -- And you did mention that before.

8 Are there specific people that you've given this
9 type of evaluations to that are under your supervision
10 that can -- I can compare?

11 And showing consistent treatment is what I'm
12 getting at.

13 MR. POARCH: There's no one that I -- This
14 final evaluation --

15 MRS. SELEWSKI: Uh-huh.

16 MR. POARCH: -- where I gave him two one's,
17 there's nobody in my organization that's got one of those.

18 Now, you can compare these two --

19 MRS. SELEWSKI: Uh-huh.

20 MR. POARCH: -- with others. Sure.

21 MRS. SELEWSKI: Okay. So you feel like you've
22 been consistent in how you've evaluated your employees --

23 MR. POARCH: Yes.

24 MRS. SELEWSKI: -- over a period of time?

25 MR. POARCH: In fact, I'll give you the name of

1 the other employee that complained that his scores were
2 low. And I explained to him that they weren't low, that
3 they were average and above average. And that was (b)(6)

4 (b)(6)

5 MRS. SELEWSKI: (b)(6)

6 MR. POARCH: (b)(6)

7 MRS. SELEWSKI: (b)(6)

8 MR. POARCH: (b)(6) That's as far as I can
9 go. (b)(6) it may be.

10 MRS. SELEWSKI: Okay. Yes. I know it ends in
11 (b)(6) That's for sure.

12 Okay. Let's see. You just -- Again, we'll go
13 back a little bit to the meeting that you had with
14 Hallenbeck and Fagley was present. And he's got the date
15 at -- of May 10th, 1994, when he was called in to your
16 office and you and Mr. Fagley discussed his evaluation.

17 MR. POARCH: He was not called into my office.
18 Herman and I gave him the evaluation together in Herman's
19 office.

20 MRS. SELEWSKI: Okay. And then he said that you
21 and Fagley made accusations -- that was his words -- about
22 being combative with his employees, not listening to his
23 employees, deleting computer files, instructing his
24 employees to not talk during meetings and not talk to
25 other employees.

7C

7C further

1 MR. POARCH: Jerry Kunkel had stated that he was
2 told when he came to a meeting at the plant to listen and
3 not say anything. I think we brought that up. Yes, I
4 think that was discussed.

5 There were no allegations about being combative.
6 It was written on the evaluation that he was combative.

7 And the other, I don't recall. We had a
8 conversation concerning the evaluation that probably
9 lasted ten or fifteen minutes. And I don't recall what
10 all was said in that period of time.

11 MRS. SELEWSKI: Okay. And you didn't document
12 any of that anywhere?

13 MR. POARCH: It was documented on the --

14 MRS. SELEWSKI: Other than the evaluation?

15 MR. POARCH: Other than the evaluation. Yes, it
16 was documented on there.

17 MRS. SELEWSKI: Okay. But no -- not in notes
18 that you kept?

19 MR. POARCH: No.

20 MRS. SELEWSKI: Okay. He said that those
21 accusations were not true, that he told you and Mr. Fagley
22 they weren't true and they were taken out of context.

23 MR. POARCH: And I so reflected that on my
24 comments on the evaluation.

25 MRS. SELEWSKI: He said that when he was

1 assigned to debugging the new computer program, the new
2 welding computer program, that you knew he did not know
3 anything about programming, that he didn't understand why
4 he was placed in that position.

5 MR. POARCH: He didn't understand why?

6 MRS. SELEWSKI: He said that you, Mr. Poarch,
7 did not -- that you knew that he did not know anything,
8 that Hallenbeck did not know anything about computer
9 programming, and he didn't know why you had put him in
10 that position with -- because he didn't have the
11 experience, is basically what he's saying.

12 MR. POARCH: Do you want me to comment on what
13 he felt?

14 MRS. SELEWSKI: Yes.

15 MR. POARCH: Okay.

16 MRS. SELEWSKI: Your replies to what he's
17 claiming here.

18 MR. POARCH: Well, Norm was building tables that
19 a welding engineer would have to build. And he would
20 build a table of what metal to what metal requires what
21 procedure, what -- for filler metal, preheat or no
22 preheat. And that comes from the welding manual.

23 And he was building this table -- these tables
24 for the programmers. He was not being asked to do any
25 programming. He was being asked to support the building

1 of a program.

2 And he said that the work was -- there was so
3 much to do. And so I said -- We elected to put him on it
4 full time, for various reasons, which we've discussed.

5 MRS. SELEWSKI: Okay. So it wasn't actual
6 programming where he had to know a certain --

7 MR. POARCH: No. He did not have to do any
8 programming.

9 MRS. SELEWSKI: -- computer languages and this
10 and that?

11 MR. POARCH: Correct.

12 MRS. SELEWSKI: Okay. When you assigned him to
13 that position -- and I've got the letter here somewhere --
14 of debugging the new computer program, did you discuss
15 that with him?

16 MR. POARCH: It's not debugging a program,
17 because he didn't program anything, so he couldn't debug
18 it. He would have to catch the errors where the tables
19 were incorrect and make that notation so that the computer
20 operator or the computer programmer could debug the
21 program.

22 But he could find errors and the flaws by
23 comparing the tables with the program. And if I used the
24 term debugging the program itself -- I don't know. What
25 did I say?

1 MRS. SELEWSKI: Well, let me --

2 MR. POARCH: You've got the letter.

3 MRS. SELEWSKI: Let me get the letter.

4 MR. POARCH: Sure.

5 MRS. SELEWSKI: I'm looking for it. This is the
6 letter dated May 17th, 1994, related to Mr. Hallenbeck
7 being assigned to this other position.

8 MR. POARCH: (Examining document.) Okay.

9 MRS. SELEWSKI: So you did say that it was a
10 debugging?

11 MR. POARCH: Yes, I did. I said full time
12 debugging and implementing the new computerized welding
13 program. And debugging, I meant finding errors in the
14 tables that the computer programmer would put in the
15 program.

16 I knew he wasn't doing any programming. We had a
17 contractor doing the actually program.

18 MRS. SELEWSKI: Okay. Did you discuss this new
19 assignment with Mr. Hallenbeck prior to issuing this
20 letter dated May 17th?

21 MR. POARCH: I don't recall.

22 MRS. SELEWSKI: You don't recall discussing it
23 with him?

24 MR. POARCH: No.

25 MRS. SELEWSKI: Do you remember if Mr. Fagley

1 discussed it with him --

2 MR. POARCH: No.

3 MRS. SELEWSKI: -- said, here's what we're going
4 to do, we're going to offer -- you know, place you in this
5 position and here's why?

6 MR. POARCH: I do not recall having -- or him
7 discussing that.

8 MRS. SELEWSKI: Okay. When you say you don't
9 recall, you don't recall or you definitely didn't have a
10 discussion?

11 MR. POARCH: I don't recall. I don't know if we
12 did or did not.

13 MRS. SELEWSKI: Okay. And he was --
14 Mr. Hallenbeck was under the impression that Jacobs had
15 taken over his job. And you said earlier that basically
16 he was a welding -- he wasn't a welding supervisor, but he
17 was a --

18 MR. POARCH: Lead welding, and lead engineer is
19 what we called Dale at that point. There were two people
20 in the department. Dale was the more experienced, so I
21 put Dale in as the lead to take charge of the day-to-day
22 operation, as explained in the letter.

23 MRS. SELEWSKI: Then he goes -- Mr. Hallenbeck
24 goes into some general intimidation, harassment concerns
25 saying that he would attempt to explain welding situations

1 to you, Mr. Poarch, and you would respond with smart
2 remarks and verbal abuse.

3 MR. POARCH: Incorrect.

4 MRS. SELEWSKI: You didn't do that?

5 MR. POARCH: No.

6 MRS. SELEWSKI: Was there any time when he may
7 have perceived that you were being --

8 MR. POARCH: I can't answer that.

9 MRS. SELEWSKI: -- of having smart remarks or --

10 MR. POARCH: Can't answer that.

11 MRS. SELEWSKI: -- verbal abuse?

12 MR. POARCH: I don't know what he perceived.

13 MRS. SELEWSKI: He just said that you didn't
14 like telling him -- that you didn't like Hallenbeck
15 telling you what could and couldn't be done regarding
16 codes, specifications, and requirements.

17 MR. POARCH: That's totally wrong. That's the
18 reason I hired him, to keep the welding program straight.
19 If I was an expert welding engineer, maybe I would not
20 like somebody telling me my business. But that's not my
21 business. I hired him for that.

22 MRS. SELEWSKI: He says, "Additionally, whenever
23 cost or production was a factor," regarding the codes or
24 specifications, and Hallenbeck speaking up, "that you
25 would scream, yell, and talk to him like he was a dog."

1 MR. POARCH: False.

2 MRS. SELEWSKI: Okay. So you're saying you
3 never screamed or yelled at him in --

4 MR. POARCH: No.

5 MRS. SELEWSKI: -- in that way?

6 MR. POARCH: Yes. Yes, I'm saying that I never
7 screamed or yelled. Yes.

8 MRS. SELEWSKI: Okay.

9 MR. POARCH: Or talked to him like a dog.

10 MRS. SELEWSKI: Okay. I'm going to go into some
11 specific notes that were made by Mr. Hallenbeck --

12 MR. POARCH: Okay.

13 MRS. SELEWSKI: -- giving real specific
14 instances in which he felt he was having a problem with
15 intimidation and harassment.

16 He's saying that it began in 19 -- early 1993
17 when you and Mr. Fagley became -- took the place of
18 Mr. Sipos and Parks.

19 MR. POARCH: Uh-huh.

20 MRS. SELEWSKI: He said that on several
21 occasions you and Mr. Fagley called him a prima donna, and
22 that that's what you thought of most welding personnel.
23 That, I -- It appears he's considering that as a harassing
24 label or form of intimidation.

25 MR. POARCH: I don't recall calling him a prima

1 donna. I can't speak for Mr. Fagley.

2 MRS. SELEWSKI: He said that -- He said that you
3 thought that the Nuclear Welding Manual and various
4 welding codes and specifications were filled with
5 ridiculous overkill and welding personnel were nothing but
6 empire builders.

7 Just get your response on that. Did you ever --

8 MR. POARCH: I don't feel that way. I have -- I
9 don't know what he felt I felt. But I can't comment on
10 that. But I don't feel that way, no.

11 MRS. SELEWSKI: These are all instances, as I've
12 mentioned, where he's feeling --

13 MR. POARCH: And you want me to comment every
14 time you --

15 MRS. SELEWSKI: Yes.

16 MR. POARCH: -- tell me what he felt?

17 MRS. SELEWSKI: Whether you felt that.

18 MR. POARCH: Oh, okay.

19 MRS. SELEWSKI: Whether that was true. Whether
20 you said that.

21 MR. POARCH: Okay.

22 MRS. SELEWSKI: Whether you did that.

23 MR. POARCH: Okay.

24 MRS. SELEWSKI: This is you' chance to --

25 MR. POARCH: Sure.

1 MRS. SELEWSKI: -- defend some concerns that
2 he's made against you.

3 And he mentions the evaluations. We've already
4 discussed that.

5 Did he ever talk to you about his mental health
6 or his physical health being impaired because he felt like
7 he was under -- being intimidated and harassed?

8 MR. POARCH: No. He did say he was under the
9 Employee's Assistance Program, and did not mention what
10 kind of assistance. I didn't know, you know, if it was
11 alcohol or nerves or whatever.

12 But he did reflect and insinuate that his job was
13 -- And he -- He said, I think in front of DeSoiza over
14 here, his job was overwhelming, the responsibility, and it
15 was just a tremendous burden to bear, and it was -- his
16 nerves were frayed.

17 And he said that the whole welding program was on
18 the brink of disaster. And I said, why, I don't have any
19 -- I don't know of any problems with it. And he said,
20 well, we're going to be audited by Q.A. I said, fine. If
21 we have a problem, we need to fix it.

22 But he took something like a Q.A. audit or an NRC
23 audit as something that was terrible. And maybe he felt
24 overwhelmed.

25 Harassment. Did not mention the harassment,

1 except for one time, as we mentioned before, why I was
2 always harassing him.

3 And that he felt overwhelmed by his position. He
4 stated that.

5 MRS. SELEWSKI: And that was what period of
6 time? Was that during the meeting with Mr. DeSoiza and
7 you --

8 MR. POARCH: Yes.

9 MRS. SELEWSKI: -- and Mr. Fagley?

10 MR. POARCH: Correct.

11 MRS. SELEWSKI: He said that on 7/9/93,
12 July 9th, 1993, there was a disagreement between you and
13 him, Mr. Hallenbeck, when he approached you with the
14 welding department staffing requirements for the upcoming
15 fueling outage.

16 Do you recall a disagreement about that
17 particular subject?

18 MR. POARCH: We've had discussion on
19 requirements, on budgets, on the staffing requirements. I
20 don't recall that one date, but we have had discussions.

21 I know at one point he wanted X number of welding
22 engineers for the outage. And I think, if I recall right,
23 I said we had to have one less.

24 And if that's -- Yeah. I guess that's a
25 disagreement. He says, I need, for instance, ten, and I

1 said, no, you can't have but nine.

2 MRS. SELEWSKI: Okay. He said that you
3 challenged every statement he makes about welding
4 problems, which I've mentioned before, and that you were
5 starting to embarrass him in front of his employees and
6 humiliated him in front of co-workers.

7 MR. POARCH: Not to my knowledge. I did not do
8 that. I -- It's a -- No one humiliates their employee in
9 front of their employees intentionally in that way.

10 MRS. SELEWSKI: Did he ever discuss that with
11 you, hey, you know, I feel like you're embarrassing me in
12 front of my employees or co-workers?

13 MR. POARCH: No.

14 MRS. SELEWSKI: Then he mentions a date of
15 7/14/93 where he approached you to sit with him, discuss
16 the problems, which you agreed to do. I think you may
17 have touched on that meeting with him at some point.

18 And he said -- Mr. Hallenbeck said he told you
19 his responsibilities and why certain activities have to be
20 done a certain way, and asked if you had a problem with
21 the way he was doing things, Mr. Hallenbeck, the way he
22 was doing things.

23 Do you remember that meeting, July 14th, '93?

24 MR. POARCH: No.

25 MRS. SELEWSKI: And he said that you responded

1 by stating, you're not going to scare me off.

2 MR. POARCH: Yes, I recall that meeting now.

3 MRS. SELEWSKI: Okay.

4 MR. POARCH: That was the meeting where I had
5 mentioned to him that I would -- I could use some of his
6 welding engineers, give you guys something to do, maybe
7 let your welding engineers work as one of my construction
8 supervisors, cross train.

9 And he asked me to step in his office and told me
10 that he was very much offended by me thinking he didn't
11 have anything to do, and that -- He got loud and
12 boisterous.

13 And I said, Norm, if I said anything to offend
14 you, I apologize. And I told him that he's not going to
15 run me off. I am still the supervisor. And him calling
16 me into his office to chew me out was fine, but still
17 understand the relationship.

18 And that's when -- Yes, I did say, you're not
19 going to run me off. You're not going to scare me off by
20 doing this. And, yes, I do recall that.

21 MRS. SELEWSKI: Then he's got a note
22 December 2nd, 1993, where he said he tried to make peace
23 with you and went into your office to discuss staffing
24 requirements for the upcoming outage. And then you talk
25 about the shifts.

1 And he --- And Mr. Hallenbeck said he needed a
2 certain amount of people. And you disagreed with that and
3 reduced his staff and outage budget without even knowing
4 what the requirements were.

5 Do you remember that meeting? And you told ---

6 MR. POARCH: Yeah. I remember the meeting where
7 we discussed staffing, as I mentioned before. And it
8 probably was that meeting where he wanted X number of
9 people and I said that he couldn't have -- that we weren't
10 budgeted for that many.

11 We went through a budget cut and we reduced our
12 budget by 15 percent. And, yeah, I recall that.

13 MRS. SELEWSKI: Okay. He said that you told
14 him, you know, this is what you get and you'll have to
15 make it work.

16 MR. POARCH: Okay.

17 MRS. SELEWSKI: And that you told him that
18 that's the way it is, and if necessary, you would have
19 another supervisor who knows absolutely nothing at all
20 about welding assist in preparing the weld documentation.

21 Do you remember discussing that with him or
22 saying that to him?

23 MR. POARCH: No. I did not say that to him. If
24 I had said that to him, I wouldn't phrase it like that:
25 I'll give you somebody that knows absolutely nothing about

1 what's going on. No.

2 I might have mentioned that if there's something
3 that someone else could do that could help him, we might
4 get him some more help.

5 But, no, I didn't say that.

6 MRS. SELEWSKI: Let's go off the record.

7 (Whereupon, the proceedings continue on tape
8 number two as follows:)

9 MRS. SELEWSKI: We're back on the record.

10 On January 12th, 1994, he mentions that at that
11 point that you were challenging everything he said about
12 welding, he's always -- that you were always asking him to
13 get around some requirement, or, how can we get around it.

14 And then Mr. Hallenbeck tells you, well, we
15 can't, and that you get very upset with Mr. Hallenbeck and
16 harass him even more.

17 MR. POARCH: That's not true. I always ask for
18 alternatives. If there's not an alternative, there's not
19 much you can do about it. And getting mad and harassing
20 him because there's not an alternative is incorrect and
21 false.

22 It's my job to look at alternatives, see if
23 there's a better way of doing something or a more
24 efficient way of doing it. And if I don't ask those
25 questions, I'm not doing my job.

1 MRS. SELEWSKI: Then he mentions January 14th,
2 '94, he approached you and asked about working things out.
3 And I think you may have mentioned --

4 MR. POARCH: Yes.

5 MRS. SELEWSKI: -- when that happened. And how
6 he explained his responsibilities to you, and that, you
7 know, that you agreed to try to get along with each
8 other.

9 MR. POARCH: Correct.

10 MRS. SELEWSKI: And he said he left your office
11 with an uneasy feeling, but figured he'd give it a try.
12 And he invited you to come into the welding department and
13 spend some time and see what he did.

14 And you agreed, but you did not attempt to do
15 that or come over and try to understand what his
16 responsibilities were.

17 Do you remember him inviting you to, you know, do
18 that?

19 MR. POARCH: No. But he probably did. He
20 probably did.

21 MRS. SELEWSKI: Is there any particular reason
22 he wanted you to do that? Was that something that he felt
23 you didn't understand, what his responsibilities were?

24 MR. POARCH: In my mind, I think Norman wanted
25 me to feel that his job was overwhelming and taxing or --

1 I've been around welding engineers since I've been in the
2 business, which has been since I got out of school.

3 And I'm not a welding engineer, but I understand
4 what they do.

5 MRS. SELEWSKI: Do you remember going over there
6 and looking and saying, yeah, I see what you do?

7 MR. POARCH: I was in his office every -- you
8 know, every -- almost every day. At least once or twice a
9 week, if not every day. And he always informed me what he
10 was doing. He would show me the tables that he was
11 building. He would show me the reports of the number of
12 weld travelers he issued, the number of weld repair
13 reports. Yeah, I was there.

14 MRS. SELEWSKI: And he's got a date of
15 February 23rd, 1994, that he says everything -- that
16 things have been deteriorating with --

17 MR. POARCH: January what?

18 MRS. SELEWSKI: He's got a date of
19 February 23rd, 1994.

20 MR. POARCH: Uh-huh.

21 MRS. SELEWSKI: He says that you will not allow
22 him to do anything without your concurrence. And the two
23 welding engineers who report to him are starting to fear
24 for their jobs and are taking more directions from you.

25 MR. POARCH: No. Not true. I don't know if

1 they were fearing for their jobs, but I don't know -- The
2 one employee that he had been trying to fire might have
3 been fearing for his job.

4 But, no, that's not true.

5 MRS. SELEWSKI: Do you remember not allowing him
6 to do anything without your concurrence and maybe what
7 reason that would have been? He doesn't specify what that
8 is.

9 MR. POARCH: No.

10 MRS. SELEWSKI: Was that after the meeting with
11 Andy relating -- or was that before, relating to Mr. --

12 MR. POARCH: Was what before?

13 MRS. SELEWSKI: The February '94 time frame, was
14 that before your meeting with Andy about Mr. Hallenbeck --

15 MR. POARCH: Yes. Yes, that's before.

16 MRS. SELEWSKI: Okay. Was that normal for you
17 to be sure that everything goes through you regarding
18 concurrence?

19 MR. POARCH: You say, was that normal?

20 MRS. SELEWSKI: Yes. He says that you would not
21 allow him to do anything without your concurrence. And
22 I'm assuming he's talking about --

23 MR. POARCH: Going to the bathroom?

24 MRS. SELEWSKI: No. Probably not that. But
25 documents being approved or certain welding being

1 approved. He doesn't specify.

2 MR. POARCH: How do I know what he's talking
3 about? I know of one instance where he was -- he would go
4 to my boss and share problems. And he would write letters
5 directly to my boss.

6 And I gave him -- And actually, Herman handed me
7 a letter one day written to him -- to him from Norm. And
8 I was on the distribution. And he said -- Herman said,
9 tell him to address this correctly and go through the
10 channels and we'll read it.

11 So I took it back to him and I said, this letter
12 comes to me and you can copy Herman, if you want to, of
13 which he did change that.

14 MRS. SELEWSKI: Okay.

15 MR. POARCH: I assume that's what he's referring
16 to.

17 MRS. SELEWSKI: We'll go ahead and go off the
18 record for a moment. Let me review a few things before we
19 continue.

20 (Whereupon, documents were examined off the
21 record, after which the following proceedings were had:)

22 MRS. SELEWSKI: We're back on the record.

23 Another concern that Mr. Hallenbeck voiced was
24 that you nitpicked him on a day-to-day basis telling him
25 that he was not a team player.

1 Do you recall --

2 MR. POARCH: No. I did not tell him he was not
3 a team player and insinuate it on a day-to-day basis.

4 MRS. SELEWSKI: Okay. So these actions that
5 were taken regarding his reassignment position in May of
6 '94 and his decreased performance appraisal in -- I think
7 that was January of --

8 MR. POARCH: No. It was probably May of --

9 MRS. SELEWSKI: Well, it's not in July -- or May
10 of --

11 MR. POARCH: May of '94.

12 MRS. SELEWSKI: -- '94.

13 Were those actions taken against -- or taken
14 because Mr. Hallenbeck had voiced concerns --

15 MR. POARCH: No.

16 MRS. SELEWSKI: -- to you or to anyone else that
17 you're aware of?

18 MR. POARCH: No.

19 MRS. SELEWSKI: When was it that you first
20 learned that he was voicing some concerns about you and
21 intimidation or harassment or any type of different
22 treatment? Was that back when he discussed with you, hey,
23 buddy, you're harassing me? Was that when you first
24 became aware of him --

25 MR. POARCH: No. I think he had been to see

1 Andy DeSoiza prior to that. And that's when I became
2 aware of it.

3 MRS. SELEWSKI: When you first visited Andy's
4 office about some of the concerns is when you became aware
5 of it?

6 MR. POARCH: Uh-huh.

7 MRS. SELEWSKI: Okay. Mr. Poarch, have you had
8 training related to employees' rights to voice safety
9 concerns --

10 MR. POARCH: Yes.

11 MRS. SELEWSKI: -- at a nuclear plant?

12 MR. POARCH: Absolutely.

13 MRS. SELEWSKI: When do you remember the -- Is
14 that something regular that you have here, or was that
15 something when you first started?

16 MR. POARCH: No. That's a refresher at least
17 once a year here.

18 MRS. SELEWSKI: Okay. And what do they discuss
19 during that training? Is this something that they bring a
20 group in and talk about that?

21 MR. POARCH: Yes. You're informed that the
22 employee has a concern. You encourage them to see their
23 supervisors, but if they don't want to, they can go to the
24 department head, to the vice president, or they can go to
25 the NRC without any reprisal against the employee.

1 And that's at least at a minimum once a year. In
2 fact, we had put posters around in different places so
3 they -- they'd have your phone number and how to get in
4 touch with.

5 MRS. SELEWSKI: Okay. While Mr. Hallenbeck was
6 under your supervision did you at any time intimidate,
7 harass because he had voiced safety concerns --

8 MR. POARCH: No.

9 MRS. SELEWSKI: -- over this whole period?

10 MR. POARCH: No.

11 MRS. SELEWSKI: We'll go off the record for a
12 moment.

13 (Whereupon, these proceedings went off the record
14 briefly, after which the following proceedings were had:)

15 MRS. SELEWSKI: We're back on the record.

16 We touched on this before, Mr. Poarch, about
17 welding codes and requirements.

18 Did you ever compromise welding code requirements
19 by asking Mr. Hallenbeck to take a shortcut or to continue
20 welding?

21 We did discuss this, but I want to get this in
22 general on record. Intentionally or --

23 MR. POARCH: No.

24 MRS. SELEWSKI: Do you have anything you want to
25 add? Did I miss anything regarding your side of the story

1 related to Mr. Hallenbeck's concerns?

2 MR. POARCH: No.

3 MRS. SELEWSKI: Do you want to summarize
4 anything as to why actions were taken in the way that they
5 were related to Mr. Hallenbeck?

6 MR. POARCH: No.

7 MRS. SELEWSKI: So these actions that were
8 taken, in your mind, were they personnel related --

9 MR. POARCH: Correct.

10 MRS. SELEWSKI: -- and not related to voicing
11 safety concerns?

12 MR. POARCH: No. They were -- That's correct.
13 They were strictly personnel related, how to make
14 Mr. Hallenbeck a more useful part of the organization, and
15 get along with people.

16 MRS. SELEWSKI: Did you feel that he did have
17 some contributions in the welding department --

18 MR. POARCH: Yes, he did.

19 MRS. SELEWSKI: -- related to his skills and his
20 expertise?

21 MR. POARCH: Yes. He was very familiar with the
22 welding codes, with our welding manual. And we never had
23 a question about his technical ability. He could have
24 been a valuable member of the team.

25 MRS. SELEWSKI: Anything else that you want to