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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

-----X
IN THE MATTER OF: :
INTERVIEW OF : Docket No.
ANDY DE SOIZA : (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

0116

2-94-016

In accordance with the Freedom of Information

Act, exemptions 7C
FOIA- 96-485

9702210183 970219
PDR FOIA
BINDER96-485 PDR

EXHIBIT 8
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Continued

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 4:30 p.m.

3 MRS. SELEWSKI: For the record, it is January
4 18th, 1995, and this is the transcribed interview of Andy
5 De Soiza. That's D-E- --

6 MR. DE SOIZA: S-O-I-Z-A.

7 MRS. SELEWSKI: Okay. -- who is a Human
8 Resources Manager at Turkey Point Power Plant --

9 MR. DE SOIZA: That's St. Lucie Nuclear Plant.

10 MRS. SELEWSKI: Excuse me. St. Lucie Nuclear
11 Plant. This interview is being conducted at St. Lucie
12 Power Plant/Nuclear Plant. Mr. De Soiza is present, as
13 well as Investigator Vanessa Selewski of the NRCOI.

14 This allegation basically concerns Norma
15 Hallenbeck, and he has voiced some concerns to our office,
16 or to NRC that got channeled down to our office --

17 MR. DE SOIZA: Okay.

18 MRS. SELEWSKI: -- relating to intimidation and
19 harassment. He feels that over a period of time he was
20 intimidated and harassed by Ernie Poarch, Herman Fagley,
21 and because he had voiced some concerns and insisted on
22 correct work in welding procedures that he had been
23 demoted and decreased performance valuation given to him.

24 MR. DE SOIZA: Okay.

25 MRS. SELEWSKI: That's the basic concern.

1 MR. DE SOIZA: Okay.

2 MRS. SELEWSKI: I'm going to ask that you raise
3 your right hand to swear you in.

4 Whereupon,

5 ANDY DE SOIZA,

6 being first duly sworn by the Investigator, was examined
7 and testified as follows:

8 DIRECT EXAMINATION

9 MRS. SELEWSKI: Will you give your full name,
10 address and telephone number.

11 MR. DE SOIZA: My full name is Andrew De Soiza.

12 My address is [REDACTED] 7C
13 [REDACTED] zip code (34952.) Home phone number is area code
14 [REDACTED]

15 MRS. SELEWSKI: Okay. And what is your present
16 position officially here?

17 MR. DE SOIZA: I am the Site Human Resources
18 Manager here at St. Lucie.

19 MRS. SELEWSKI: And how long have you --

20 MR. DE SOIZA: About four and a half years.

21 MRS. SELEWSKI: Okay. Were you resource --
22 Human Resources Manager elsewhere prior to here at St.
23 Lucie?

24 MR. DE SOIZA: Yes, I've been with Florida Power
25 & Light since 1972, which about 18 years has been in Human

7C Portman

1 Resources corporate functions, primarily compensation,
2 benefits, EEO, records, the different aspects of that and
3 this is now where I've got line accountability.

4 MRS. SELEWSKI: Okay. What was your first
5 contact with Mr. Hallenbeck related to some concerns he
6 brought to you, I believe, at some point?

7 MR. DE SOIZA: Yeah. (Examining documents.)

8 My records show that my first meeting with Mr.
9 Hallenbeck occurred on November 5th of 1993. Mr.
10 Hallenbeck met with me to voice his concerns about his
11 current supervision.

12 Should I go on?

13 MRS. SELEWSKI: Yeah, I have a copy, I think, of
14 what you're reading from.

15 MR. DE SOIZA: Okay.

16 MRS. SELEWSKI: It's just kind of a time line --

17 MR. DE SOIZA: Yes.

18 MRS. SELEWSKI: -- that was prepared, for the
19 record, prepared by Ed O'Neil?

20 MR. DE SOIZA: Yes.

21 MRS. SELEWSKI: Who was your subordinate?

22 MR. DE SOIZA: Yes. Yes.

23 MRS. SELEWSKI: And it's dated June 2nd, 1994.

24 If you can just kind of summarize your contacts and --

25 MR. DE SOIZA: Okay. That document Ed prepared

1 from my personal notes as well as notes from Mr. Fagley
2 and Mr. Poarch.

3 What I had in that meeting was Norman was
4 extremely upset. He felt that he was having problems with
5 his supervision, in particular Ernie Poarch. Apparently
6 in that meeting there was history between Ernie and Norman
7 that went back to Turkey Point. It was obvious that there
8 was a distaste on the part of Norman for Ernie and that it
9 was really something that was causing him some pain. He
10 felt that neither Ernie or Herman understood his work and
11 that they were unable to adequately provide the
12 supervision that he needed.

13 MRS. SELEWSKI: Okay. And you had a meeting
14 again with him that you arranged on November 22nd, 1993?

15 MR. DE SOIZA: On November 22nd, '93, I met with
16 Ernie Poarch to follow up on Mr. Hallenbeck's concern and
17 to try to get a better understanding from the management
18 side of the equation.

19 At that time Ernie did acknowledge that there was
20 a problem with Norman, that Norman was very difficult for
21 him to supervise, that Norman had his own agenda, he
22 basically set his own priorities, which meetings he
23 attended, which he didn't. And Ernie portrayed the image
24 to me that he was trying to broaden Norman and he was
25 trying to relieve some of the stress of the job by making

1 him go out of the office, attend meetings, but that that
2 wasn't working very well.

3 MRS. SELEWSKI: And that was a meeting between
4 you and Poarch or among you and --

5 MR. DE SOIZA: That was between myself and
6 Poarch.

7 MRS. SELEWSKI: Okay. This wasn't with
8 Hallenbeck present also?

9 MR. DE SOIZA: No. No.

10 MRS. SELEWSKI: I may have a different copy
11 here. Let's see. (Examining documents.)

12 Yeah, I've got one that mentions a meeting among
13 the three of you. Let's see. You must be -- you're
14 probably reading from this other copy that's dated June
15 7th, 1994.

16 MR. DE SOIZA: Yeah, that's the one on -- yeah.
17 Yeah, that's the one --

18 MRS. SELEWSKI: So, did you meet with all of
19 them on the same day and maybe Poarch first and then --

20 MR. DE SOIZA: No, okay, I'll correct that.
21 This is -- it makes more sense. It was the three of them.

22 MRS. SELEWSKI: On November 22nd?

23 MR. DE SOIZA: Yes. Yes, it was the three of
24 them. And Herman, you know, was the department head and
25 that's when they did express that it was Norm's way,

1 normal way, and that's where they were showing
2 inflexibility to me. Yeah. Now, this is better.

3 MRS. SELEWSKI: Okay. Then we'll go ahead and
4 go by that document for now then.

5 MR. DE SOIZA: Okay. And in there we did reach
6 a consensus that the supervision felt that they could work
7 things out among them and that Ernie Poarch did commit to
8 continue working with Hallenbeck. Yeah. I thought that
9 at that time that he had raised the issue of bringing them
10 together, trying to work it out among the three of them
11 would resolve the issue. And at that moment in time I
12 thought it was resolved.

13 MRS. SELEWSKI: Okay. But it didn't get
14 resolved at that time.

15 MR. DE SOIZA: No. No.

16 MRS. SELEWSKI: Now, there was a meeting with
17 just Poarch also on November 22nd where he, Poarch,
18 discussed his subordinates coming to him about Hallenbeck
19 and problems with Hallenbeck?

20 MR. DE SOIZA: I have a feeling that this is not
21 correct.

22 MRS. SELEWSKI: Okay. But the meeting with just
23 Poarch on the 22nd is not correct?

24 MR. DE SOIZA: Yes. Yes, I think not.

25 MRS. SELEWSKI: Okay.

1 MR. DE SOIZA: Because I don't remember at that
2 meeting talking about subordinates and any problems with
3 the subordinates. I remember at that early stage that I
4 thought we had a problem between Norman and his higher
5 management. And what I was trying to do then was to get
6 them in sync and try to understand that they were having
7 difficulties among them.

8 MRS. SELEWSKI: Okay. So this copy that I'm
9 reading from is dated June 7th, '94, it's labeled Norman
10 Hallenbeck Chronological History. Who prepared that?

11 MR. DE SOIZA: Also Ed O'Neil.

12 MRS. SELEWSKI: Okay. So it's just a little
13 inaccurate --

14 MR. DE SOIZA: Yeah.

15 MRS. SELEWSKI: -- regarding the meeting between
16 you and Mr. Poarch on the 22nd?

17 MR. DE SOIZA: Yes. .

18 MRS. SELEWSKI: Okay.

19 MR. DE SOIZA: Yes.

20 MRS. SELEWSKI: Okay. Do you remember the date
21 -- was there a meeting between you and Mr. Poarch about
22 that subject later in the time frame?

23 MR. DE SOIZA: No. No. That November 22nd
24 meeting was just one meeting, but I never remem -- I
25 honestly never remember a meeting with Ernie individually

1 in regard to Norman. Anytime I met with Ernie, Herman
2 Fagley was present.

3 MRS. SELEWSKI: Okay. What was the next contact
4 or actions on your part or the Management's part regarding
5 Hallenbeck?

6 MR. DE SOIZA: Okay. Apparently something had
7 flared up again, and I think that was when they had asked
8 Norman to attend a meeting and he didn't go and that got
9 Ernie Poarch upset with him.

10 And apparently at the same time Norman had gone
11 to Mr. Fagley and tried to make a organizational
12 recommendation that he not report to Ernie Poarch but
13 report directly to Herman. Herman turned that option
14 down.

15 And in this meeting, when we got together again I
16 could see that they were right back to where we were and
17 that no progress was made. And I tried to set out some
18 conditions acting as a facilitator. And I clarified to
19 Norman that he was not empowered to make organizational
20 changes. He had mentioned in other companies that he
21 worked for they dealt with personalty conflicts different
22 than Florida Power & Light. That once they were raised,
23 that the organization remedied that by making exchanges.
24 And I told him that that's not the way we do business in
25 this area. That we had no reason to question Ernie

1 Poarch's supervisory abilities at that time. And that I
2 supported the Management.

3 Again, this had to do with the meeting, and then
4 Norman was talking about the stress, the work load, the
5 significancies and importantcies of what he was
6 responsible for.

7 At that time I really got into what I saw as the
8 root cause of the problem was that there was just no trust
9 among them, that they weren't a team, and apparently there
10 was very poor communication between the players and that
11 was contributing to make the problem get worse. And that
12 they had to work on establishing those three things in
13 order to be able to work it out.

14 MRS. SELEWSKI: And that was a meeting on
15 January 13th, 1994?

16 MR. DE SOIZA: Yes. Yes.

17 MRS. SELEWSKI: Okay. Okay. And what was the
18 next involvement that you had related to their problems?

19 MR. DE SOIZA: Okay. The next meeting then was
20 a subordinate of Norman came to me, a fellow named Dale
21 Jacobs. And Jacobs also appeared or communicated to me
22 that it was a very stressful work environment under Mr.
23 Hallenbeck. He felt that Hallenbeck was continuously
24 making derogatory statements about the Management team.
25 That he was a very insecure individual and that he didn't

1 want to be challenged because of his insecurity, and he
2 had built this wall up around his little organization.
3 And Jacobs was feeling that there was an amount of stress
4 because he couldn't feel comfortable talking to the
5 Management, he felt very uncomfortable talking or
6 interfacing with other departments, which they're relying
7 upon Q.C. and others because they didn't know -- he didn't
8 know how Hallenbeck would react to that. He felt that we
9 had a problem with Norman and that it was really causing
10 tremendous problems in that area.

11 MRS. SELEWSKI: And then you followed that up
12 with a phone call to Jerry Kunkel who validated Jacobs'
13 concerns?

14 MR. DE SOIZA: Yes. Yes. It was at this moment
15 in time that my thinking began to change. I felt at the
16 time that since we had just a communication problem up the
17 chain of command we could continue to work through that as
18 long as the Management were willing to work through that
19 and they felt that Norman had sufficient technical
20 abilities and attributes that it was something that was
21 worthy of it.

22 When I then began to realize that this problem
23 was not only up the organization but then down through the
24 subordinates, it make me rethink the whole scenario and
25 ask why is this individual, Mr. Hallenbeck, in a

1 supervisory position. It seems like he has a lot of
2 technical strengths, but certainly there's some real
3 failure in his supervisory abilities.

4 MRS. SELEWSKI: Did you talk to Poarch or Fagley
5 on January 19th at any point or soon --

6 MR. DE SOIZA: No.

7 MRS. SELEWSKI: -- after that regarding Dale
8 Jacobs meeting with you and Jerry Kunkel's concerns voiced
9 to you on that date?

10 MR. DE SOIZA: Yeah, I did.

11 MRS. SELEWSKI: Okay. Was it that same day that
12 you communicated this to Poarch?

13 MR. DE SOIZA: Let me just refresh myself.

14 (Examining documents.) Okay.

15 At that time I didn't. I think Mr. Jacobs wanted
16 me to just be aware of it, but he was so pressured at that
17 time that he just more or less wanted me to hear about it.
18 He didn't want me to get involved in the department
19 because it would explode again and he, being on the low
20 end of the totem pole felt like all of this would
21 backfire. So at that time I think I just recorded that
22 meeting and took no action. And I think I was still under
23 the impression that they were working with Norman.

24 MRS. SELEWSKI: Okay. So there wasn't a meeting
25 with Poarch or a conversation with Poarch or Fagley --

1 MR. DE SOIZA: No.

2 MRS. SELEWSKI: -- anytime soon after that
3 January meeting?

4 MR. DE SOIZA: Not that I remember.

5 MRS. SELEWSKI: Okay. Because it looks like
6 there was some meeting at some point, and there's kind of
7 a gap here in the history because -- well, you do have a
8 note about --

9 MR. DE SOIZA: Yeah, I think that occurred in
10 April.

11 MRS. SELEWSKI: -- working with Fagley and
12 Poarch.

13 MR. DE SOIZA: Yeah.

14 MRS. SELEWSKI: Well, let's go to the April
15 11th, 1994 meeting --

16 MR. DE SOIZA: Yeah.

17 MRS. SELEWSKI: -- and we'll go on from there.

18 MR. DE SOIZA: Okay. Yeah, I think at that time
19 I didn't act on it, but in April then when Kunkel came in
20 and the other subordinate, and states that he and Jacobs
21 feel that the present situation is no longer tolerable;
22 Kunkel states that he has been in the EAP for stress as a
23 result of lax management style. He thinks it's really
24 scary.

25 I think that one really got to me. At the

1 beginning I think I was more of the opinion that that is a
2 stressful department, that something was going on and a
3 lot of times people come over to H.R. to vent, you know,
4 80 percent of the people I see vent. I wasn't really
5 getting the magnitude of it and I think it hit me in this
6 next meeting.

7 And that's when I realized that we had to take
8 some action. And that's when I sat down with Fagley and
9 Poarch and began to explore what kind of organizational
10 changes can we make to, you know, hold on to Ernie -- I
11 mean to Norman, yet remove him from the supervisory chain.

12 I remember at that time some of the difficulties
13 were they were a very small organization. There was only,
14 you know, two subordinates, a supervisor and the manager.
15 So that you really couldn't carry people off on the side
16 like that. We looked at our Juno organization to see if
17 there was a way that we could move Norman into that as an
18 advisor, to play on his technical skills. And that option
19 didn't work.

20 Also at that time FP&L was looking at downsizing
21 in general, so I began to explore the possibility if there
22 was no position for Norman and we had to restructure this
23 department would he be eligible for a severance package,
24 things like that. So we began to brainstorm all different
25 opportunities.

1 Also in that meeting I began to explore the
2 personnel file in detail. And what I noticed in there is
3 that Norman and Herman had a lot of incidences involving
4 Norman and his performance and his way. A lot of that was
5 there, but there was no documentation in any of the
6 performance appraisals. They reflected that Norman was
7 doing a very good job in all categories. So that for us
8 to be looking at a discipline mode or some type of action
9 like that just didn't seem to be warranted based on the
10 performance record of Norman.

11 Again, that's when they started telling me about
12 their shop being kind of more of a little family unit,
13 that they take care of business not necessarily the way
14 that we in Human Resources would like it but -- But at
15 that time I realized that something had to be done, that
16 it was going to be a difficult situation.

17 MRS. SELEWSKI: Okay. In your note where you
18 said since the meeting of April 11th with Kunkel, you
19 know, you'd been working with Fagley and Poarch about
20 options --

21 MR. DE SOIZA: Yeah.

22 MRS. SELEWSKI: -- did you document certain
23 meetings you had with Poarch and Fagley during that time
24 frame or was it basically telephone conversations, your
25 visits?

1 MR. DE SOIZA: There were visits in my office,
2 just them and I.

3 MRS. SELEWSKI: Okay. Do you have dates on
4 those visits?

5 MR. DE SOIZA: No, I don't. I don't have --

6 MRS. SELEWSKI: They're not in your planner, the
7 dates?

8 MR. DE SOIZA: No.

9 MRS. SELEWSKI: Sometimes those dates are
10 helpful to see how events transpired.

11 And you have mentioned looking at the Juno --

12 MR. DE SOIZA: Yes.

13 MRS. SELEWSKI: -- office. What were you
14 looking at over there that could have been an option for
15 Hallenbeck?

16 MR. DE SOIZA: Well, they have a welding
17 organization in Juno that supports both plants and, of
18 course, those folks are technical in nature, maybe not
19 necessarily in the supervisory roles. So, it was
20 mentioned to Herman to maybe explore that, maybe there was
21 a way we can transfer Norman into Juno and bring one of
22 their people over here. And they explored that and told
23 me that that wasn't feasible.

24 MRS. SELEWSKI: Who -- Fagley is "they" is who
25 you're referring to?

1 MR. DE SOIZA: Yeah, excuse me, yes. Yes,
2 Fagley.

3 MRS. SELEWSKI: Okay. And the severance
4 package, was there a point in time when Hallenbeck came to
5 you earlier on and asked about an early out or some type
6 of retirement package?

7 MR. DE SOIZA: Yes, there had been some mention
8 on his part that he couldn't take it, that he, you know,
9 he would think about that. At that -- Whenever we
10 discussed that I never acknowledged a yes or no, but I
11 knew that that was an option that maybe could be a win/win
12 situation for both parties.

13 MRS. SELEWSKI: Do you know what time frame that
14 was when Hallenbeck brought that up to you about if he was
15 eligible for some type of retirement or --

16 MR. DE SOIZA: I can't tell you exactly, but it
17 had to be probably in this meeting -- I would probably --
18 my best guess would be in this January meeting when we
19 were brainstorming.

20 MRS. SELEWSKI: Okay. So, once the options had
21 been looked at, looks like you were looking at the
22 personnel file and there was some documentation related to
23 Hallenbeck's performance that wasn't necessarily positive,
24 but it wasn't in his performance reviews?

25 MRS. SELEWSKI: So --

1 MR. DE SOIZA: Right. Right. What they had was
2 a lot of verbal, you know, insubordination of Norman
3 always going to Herman, Norman not communicating with
4 Ernie, the atmosphere of Norman in regard to other
5 departments. They seemed to be well aware of it being a
6 problem, but they didn't do a very good job of addressing
7 it in the performance appraisals.

8 And that's when I recommended to them that when
9 they saw something that is such a delta between the
10 performance on the appraisal and the performance that
11 they're seeing now, that that would justify an internal
12 review to provide the feedback to let the individual know
13 exactly where he was on the -- in their perception of his
14 performance. So I asked Ernie Poarch to prepare a
15 internal review.

16 MRS. SELEWSKI: It looks like that was done on
17 May 10th, '94 --

18 MR. DE SOIZA: Yes.

19 MRS. SELEWSKI: -- the interim performance
20 appraisal?

21 MR. DE SOIZA: Yes. And --

22 MRS. SELEWSKI: So that basically --

23 MR. DE SOIZA: That's about when everything
24 exploded, I guess, in my opinion. When that appraisal was
25 given to Norman and there was so dramas -- dramatically

1 different than previous appraisals. In his perceptions,
2 he believed then that they were now beginning to prepare
3 the documentation to terminate him, so he felt that there
4 was a conspiracy to go out and try to get him, you know.

5 MRS. SELEWSKI: Is this something that he said
6 to you or you in your -- that was indicated --

7 MR. DE SOIZA: It was a perception, yeah.

8 MRS. SELEWSKI: Okay.

9 MR. DE SOIZA: Yeah. He was suspicious of Ernie
10 all along.

11 MRS. SELEWSKI: Uh-huh. And the May 10th
12 interim, was there any -- was there meetings between you
13 and Poarch and Fagley after that interim was given, or,
14 I mean, how did you know how the interim resulted?
15 They just came to you afterwards and said, here it is,
16 here's --

17 MR. DE SOIZA: Yeah, I was a little disappointed
18 because I didn't get to review the interim review prior to
19 it being given, and then I wasn't communicated to
20 immediately after.

21 MRS. SELEWSKI: Do you normally review those
22 interims in this kind of situation or --

23 MR. DE SOIZA: Yes, I do. Since I was so
24 involved in this case I would have liked to see the input
25 to make sure, you know, that it really addressed the

1 problem and that there was some way of showing that if
2 there was a positive response that we had some
3 recommendations to work with Mr. Hallenbeck, you know, so
4 that it wasn't a final type of scenario. And there's a
5 lot in the deliverance of that review that I would have
6 liked to have, you know --

7 MRS. SELEWSKI: Did they say why they not
8 involve you in reviewing that review?

9 MR. DE SOIZA: No. No. I think -- I hate to do
10 this on record, but I think --

11 MRS. SELEWSKI: In your opinion, if you will.

12 MR. DE SOIZA: In my opinion I think they felt
13 comfortable, that they knew what they needed to do, that
14 they needed to do the review, and not being Human
15 Resources types they did it based on their -- on their
16 norms, so that they never really felt at that time that
17 they needed to come back for, you know, a session.

18 MRS. SELEWSKI: Okay. Did you see anything in
19 the review that was questionable or, I mean, if you had
20 seen that would you have approved it being given in the
21 form it was given? I have a copy somewhere. (Examining
22 documents.) Here's a copy here dated, it's the '94/'95
23 review.

24 MR. DE SOIZA: Yes, if I had a chance to input
25 this, have input to this I would have made quite a few

1 recommendations. The KRAs as explained here, I would have
2 spent -- I would have directed them to try to keep them to
3 the accountabilities in the job description and evaluate
4 him against that. To me the KRAs here should be the what,
5 what is it that the person is expected to perform.

6 And then there's the series of competencies which
7 is the how the person performs the job. And my personal
8 recommendation was that apparently Mr. Hallenbeck gets to
9 work on -- he does the welding and apparently he does
10 pretty good at the welding. That the emphasis of the
11 interviews should have been on his competencies and how he
12 performs his job. And that also I would have probably
13 recommended that there has to be some things he does well
14 as in addition to things that he does poorly, so that it
15 appears to be a fair evaluation and not a -- not a message
16 of total incompetence.

17 MRS. SELEWSKI: Well, it looks like they focus a
18 lot on interpersonal skills and relationships with his
19 employees, which I can see where that is a concern and
20 part is probably his supervisory goals.

21 MR. DE SOIZA: That's the feedback they were
22 trying to give him. I mean, honestly, that's the meat of
23 it, so they went right at the meat of it. Them being line
24 folks they focused on the problem and not all of the soft
25 skills that are associated with an appraisal.

1 MRS. SELEWSKI: Okay.

2 MR. DE SOIZA: But what happens with that is
3 what did happen and the person then takes that and is
4 unable to respond positively but reacts negatively.

5 MRS. SELEWSKI: And as far as you know was he
6 forced to resign -- not necessarily forced to resign but
7 forced to say he wanted to be relieved of his supervisory
8 responsibilities or --

9 MR. DE SOIZA: No.

10 MRS. SELEWSKI: Was that basically from your
11 understanding his voluntary statement?

12 MR. DE SOIZA: Yes. Yes.

13 MRS. SELEWSKI: So about what time frame did you
14 get a chance to review this review, this performance
15 appraisal?

16 MR. DE SOIZA: I can't tell you. (Examining
17 documents.) I believe I next get involved somewhere in
18 May. I believe it was May 26th when there was a certified
19 letter sent to Ernie Poarch from an attorney representing
20 Mr. Hallenbeck. I believe at that time Ernie Poarch come
21 over and brought the letter to me. And then that's when I
22 began to realize that there was an organizational change
23 was made and that -- and that Norman had been calling in
24 sick and that there was this review. It's about the next
25 time I was involved with it.

1 MRS. SELEWSKI: But he started taking sick leave
2 right after he received that performance evaluation?

3 MR. DE SOIZA: Yes. There was some other
4 conversation I think that I had with Poarch. (Examining
5 documents.) Okay.

6 Somewhere, I believe probably it was May 24th, it
7 might not be in my notes here, but Ernie Poarch had come
8 over and mentioned that Norman had been calling in sick
9 and that he was getting this from Mr. Hallenbeck's wife
10 and that he had no personal contact with Norman. And at
11 that time I did advise him that he was Mr. Hallenbeck's
12 supervisor, that he had every right to pursue that
13 contact, to make contact with Norman at home since he is
14 the employee and try to get a handle on, you know, exactly
15 what was going on. But to fault he needed to understand
16 that until -- if there was something wrong with Norman we
17 needed to see if there was any way we could help him. So
18 I instructed him to be aggressive in pursuing the contact
19 with Mr. Hallenbeck.

20 MRS. SELEWSKI: Let's go back a little bit on
21 the reassignment that was made by Poarch and Fagley.
22 Dated May 17th there was a notice put out reassigning
23 Hallenbeck to the new computerized welding program
24 project, taking him from his supervisory duties.

25 Did you have any input into that decision

1 regarding his reassignment?

2 MR. DE SOIZA: Yeah, I did. They did discuss
3 that with me and I don't know exactly when, but I know it
4 was prior to that. We did kind of come up with the fact
5 that there was no way to transfer Mr. Hallenbeck out of
6 St. Lucie at this time, that if there was a way that
7 Herman could work it out among his own organization. At
8 that time he did feel that the expertise of Norman in the
9 welding area would blend with this need that they had so
10 that they were able to move him to the side. It would be
11 a comparable job at the same level of pay and same job
12 level that he was currently in, it just would not be in a
13 management role. I thought that that would be an option
14 that Norman would be receptive to. And so we did agree
15 that that would be acceptable.

16 MRS. SELEWSKI: Okay. And then after that he
17 started -- you started getting communication from
18 Hallenbeck through some form about his --

19 MR. DE SOIZA: Yeah, I got it two ways, from his
20 attorney and then also his treating mental health
21 professional, Jerry Smith, EAP counselor.

22 MRS. SELEWSKI: Well, basically once there was
23 some communications with employee concern -- not employee
24 concerns, Employee Assistance Program --

25 MR. DE SOIZA: Yes.

1 MRS. SELEWSKI: -- and Hallenbeck's attorney and
2 FP&L's attorney, Mr. Bramnick, and then at some point
3 there was an agreement worked out.

4 MR. DE SOIZA: Yes, between Florida Power &
5 Light and Norman Hallenbeck and his attorneys.

6 MRS. SELEWSKI: Okay.

7 MR. DE SOIZA: The EAP counselor advised me that
8 she had some ([REDACTED]) evaluations done on *TC*
9 Mr. Hallenbeck because she had been counseling him and
10 that he wasn't in a position to work. She had asked for I
11 believe it was a two to three week leave of absence. At
12 that time she was going to look at -- meet with him one
13 more time, for the eighth visit, re-evaluate him. When
14 she did that, she then also felt that at that time that he
15 needed more time, so she asked for an extended leave of
16 absence. She kind of shared with me that she was
17 counseling Norman into the career -- in the career
18 counseling arena, that maybe the stress was job related,
19 maybe if he worked in another environment. So he was
20 looking at all options.

21 She was pretty fair, I think, from what I've seen
22 of her.

23 MRS. SELEWSKI: So it looks like as of July
24 something he officially resigned --

25 MR. DE SOIZA: Yeah.

TC portfolio

1 MRS. SELEWSKI: -- from FP&L.

2 MR. DE SOIZA: Yeah. I don't have that in my
3 notes, but I think there was -- that was the exit
4 interview in July.

5 MRS. SELEWSKI: That's not in these notes
6 either.

7 MR. DE SOIZA: I thought I saw it here.
8 (Examining documents.) Oh, I know what that is. There's
9 another -- (Examining documents.) Okay.

10 Yeah, July 13th, '94. I met with Norman and I
11 had my technician, Kim Nelson, attend the meeting. And
12 the purpose of that meeting was to perform the exit
13 interview, which is a standard that we do with all
14 employees that leave our employment. At that time, Norman
15 returned his badge, his I.D. cards, his beeper. He and I
16 discussed his benefits, his plan, life insurance, medical,
17 all of his different options there.

18 There was some detail regarding the effective
19 date of his resignation and the contract that he signed
20 where he was to get the severed eight days following the
21 date of the signature of the contract. We had some
22 discussion on sick leave, but that's not really relative,
23 bvc we did end up resolving it in his favor.

24 I did note in my notes that this entire interview
25 with Norman was very professional, he wasn't emotional.

1 He seemed a lot more in control than in any previous
2 meetings that I had been involved with him. He seemed
3 content at that point in time.

4 MRS. SELEWSKI: So, your first meeting with
5 Hallenbeck, he really didn't voice the concern of
6 intimidations or harassment to you regarding Poarch or
7 Fagley.

8 MR. DE SOIZA: No.

9 MRS. SELEWSKI: Just from what you have
10 documented it looks like he voiced some management and
11 personnel issues to you at that time.

12 MR. DE SOIZA: Yes.

13 MRS. SELEWSKI: At what point did you become
14 aware that he had voiced some intimidation/harassment
15 concerns to either Poarch or Fagley or anyone, NRC?

16 MR. DE SOIZA: The first time I had heard of the
17 words "intimidation" and such was when I had been informed
18 that he had -- through his attorney, that he had been in
19 contact with the NRC.

20 MRS. SELEWSKI: Yeah, I think his attorney sent
21 someone a letter --

22 MR. DE SOIZA: Yeah.

23 MRS. SELEWSKI: -- advising them of some
24 contacted NRC?

25 MR. DE SOIZA: Yeah. (Examining documents.)

1 Yeah, June 6th I received a certified letter from his
2 attorney. The purpose of the letter was to inform me that
3 his client had contacted NRC regarding the welding program
4 at St. Lucie plant.

5 That began to get us involved and we began to try
6 to find out did he file any SPEAKOUT issues, where is this
7 harassment coming from.

8 MRS. SELEWSKI: When did you first learn he had
9 filed some SPEAKOUT issues?

10 MR. DE SOIZA: It was right around that time
11 frame, probably a couple of days afterward. And I don't
12 have it committed to notes, but if I recall this he hadn't
13 filed a SPEAKOUT per se, but SPEAKOUT had contacted him
14 once they were aware that he had or supposedly was
15 contacted the NRC. And so they were trying to find if
16 there was an issue. And at that was the first time we
17 heard the words "harassment" and those -- those entered my
18 notes.

19 MRS. SELEWSKI: Okay. Were there any other
20 notes or recollections on your part that could fill in any
21 gaps that are in this -- these two histories that I have?

22 MR. DE SOIZA: No, not really. I looked at this
23 extensively last night and I looked at my notes. There
24 might have been a few more short meetings. I think really
25 the gist of it is in here. Some of the timing of exactly

1 when we talked about this versus that I think maybe is
2 there, but I think this is pretty accurate.

3 MRS. SELEWSKI: At the time that you learned of
4 his allegation about intimidation and harassment from his
5 attorney, did you have any opinion one way or another
6 based on what facts you had --

7 MR. DE SOIZA: My opinion?

8 MRS. SELEWSKI: -- whether Mr. Hallenbeck had
9 been harassed or intimidated by Mr. Poarch or Mr. Fagley?

10 MR. DE SOIZA: Yeah. I feel strongly to this
11 day that there was a big personality conflict between Mr.
12 Poarch and Mr. Hallenbeck. I believe it was not solely
13 attributed to either one of them. I believe that there
14 was some fault on both sides. I think Norman was one,
15 from his personality, seemed to carry a lot of stress. I
16 think he was one that was very insecure. I think a lot of
17 this was brought on himself. I believe he did have some
18 kind of need for some outside assistance. In fact, I
19 think I mentioned early on on seeing a counselor, we have
20 a program.

21 My opinion is I don't believe Ernie Poarch is my
22 prototype of a manager or supervisor. His style added to
23 this problem. Apparently he did not have the ability to
24 communicate properly with Norman or to get him to respond
25 positively. He wasn't able to deal with the performance

1 problem. He allowed it to go on much longer before he
2 reacted to it, and then when he reacted to it it was such
3 a dramatic change from the norm that it set off an alarm
4 in a very sensitive person and it completely exploded.
5 That's my gut feeling.

6 I don't think there was a agenda in there where
7 they were harassing him to achieve some ulterior motive.
8 I never -- was never able to get any of that through any
9 conversations with Norman. And, you know, he talked about
10 safety, and I looked into safety and it turns out that
11 there was an accident report filed and immediately upon
12 that they did act on the accident report.

13 Like, I had some informal conversations with my
14 boss and we both kind of acknowledged that Mr. Hallenbeck
15 was our lead welding engineer. He had all the power he
16 needed to ensure that the integrity of this welding
17 program was at a high standard. If it wasn't, then the
18 accountability had to rest with him too, for him not to
19 take action on it or whatever just didn't add up. It just
20 didn't add up.

21 And when I asked him about why did you do this,
22 why did you make a big deal out of him not making the
23 meeting, their explanations seemed pure to me. They knew
24 he was stressed, they knew that he was confined and locked
25 up. They wanted to get him out in the plant, get him some

1 air, you know, force him to walk around with them to -- I
2 had no reason to question any of that. I still don't.

3 MRS. SELEWSKI: Okay. So in your opinion it was
4 really more of a personnel management issue with
5 communications and documenting certain information on Mr.
6 Poarch's part that really wasn't done.

7 MR. DE SOIZA: Yes.

8 MRS. SELEWSKI: And it really caused the chain
9 of events to occur --

10 MR. DE SOIZA: Yes. Yes.

11 MRS. SELEWSKI: -- and personality conflict.

12 MR. DE SOIZA: Yes. (Pause.) I've never seen
13 anything from Norman that would talk about what specific
14 areas in our welding program was he asked to compromise or
15 what jobs was he asked not to do or circumvent. SPEAKOUT
16 wasn't able to get that from him. The NRC allegation
17 doesn't really contain any specifics like that. In our
18 conversations they were primarily driven around the real
19 despise that Norman had for Mr. Poarch. I mean, there was
20 real bitterness there. I saw that more on a very personal
21 nature than being able to touch it to the job
22 requirements.

23 MRS. SELEWSKI: Did Kunkel mention intimidation
24 or harassment when he talked to you or was it just more,
25 you know, "I can't take this any more" with Mr.

1 Hallenbeck?

2 MR. DE SOIZA: Yeah, what I kind of got from
3 Kunkel was he was stuck down there at the lower end of
4 this thing and all of this battle around him between them
5 put him in a position where he didn't know who to talk to
6 or what to do, and then other department supervision was
7 seeing, a lot of them, Norman, you know, short
8 temperedness, and it was a bad reflection on them as a
9 department. So they were almost rendered, you know, in
10 the capacity of bearing the brunt of all of this because
11 they're out in the field having to get the work done. And
12 it seemed to just eat away at them. And I think it began
13 to get to the point of frustration, how can Management and
14 what are you going to do about this, you know.

15 MRS. SELEWSKI: It appears from what Hallenbeck
16 has said that he went to Fagley on several occasions and
17 voiced his concern about Poarch, that he was having some
18 problems and, you know, Mr. Hallenbeck just felt that
19 nothing was being done by Management over a period of time
20 to help what he perceived as the problems, take care of
21 some problems, resolve some issues. Maybe if that had
22 been done from day one in working with him and
23 communications and this and that -- of course, the ship
24 has already sank and you can sit here and -- forever --

25 MR. DE SOIZA: Yeah, we can quarterback this

1 tomorrow, you know.

2 MRS. SELEWSKI: Yes.

3 MR. DE SOIZA: I know that, I mean, I really in
4 every conversation and some of the reason why we looked at
5 these severance packages that Management did not
6 completely do their job. When it comes to the proper
7 evaluation of performance, that's a Management
8 accountability. If there were these problems, they
9 certainly should have been reflected in the performance
10 ratings. This old school, we take care of it in the back
11 room between us boys, I think has no place in this plant
12 at this point in time. I believe they're learning that
13 and certainly this will be an extremely valuable lesson
14 for them.

15 I also wrestle with what is a normal welding
16 shop, you know. I'm a Human Resources professional and
17 these are blue collar, you know, workers, and so I'm still
18 trying to grasp what do they comprehend when it comes to
19 my side of the house in the Human Resources work. How do
20 those folks solve problems. I don't know.

21 MRS. SELEWSKI: Yes. Very informally it
22 appears, and verbally.

23 MR. DE SOIZA: Yeah.

24 MRS. SELEWSKI: There were a few concerns
25 regarding your communicating with Mr. Hallebeck that Mr.

1 Hallenbeck voiced. And I'll go through just a few things
2 that he mentioned.

3 MR. DE SOIZA: Okay.

4 MRS. SELEWSKI: Let me review these notes here.
5 (Examining documents.) He goes into detail about a
6 meeting that he had with you on November 5th, '93, and
7 what he said to you. It's basically the same thing that
8 you mentioned.

9 MR. DE SOIZA: Okay.

10 MRS. SELEWSKI: About respect and how he started
11 having problems with Poarch as soon as he came on board.
12 And that you would look at the problem and get back with
13 him. And he said you told him that you could not help,
14 you didn't think that you could help because he was
15 battling two levels of management. And that's when you
16 recommended the Employee Assistance Program, management
17 stress.

18 MR. DE SOIZA: Okay. Do you want me to comment
19 on that?

20 MRS. SELEWSKI: Yes, if you have anything that
21 may be incorrect in your view of what he said.

22 MR. DE SOIZA: I don't have specific notes on
23 that, but if I could probably readdress the way I would
24 have stated it versus what he would have said is that
25 whenever I see a subordinate who has his supervisor and

1 that supervisor's supervisors in concurrence about the
2 individual's performance, I generally see those as very
3 difficult prob -- or issues for the lowest person in the
4 chain to be able to make drastic changes. It's basically,
5 you know, two levels of Management's opinion against this
6 one individual. And the Management is paid to observe the
7 performance of the individual. So I was basically
8 implying to him that he had a very difficult one for him
9 to be able to make things happen the way he wanted. That
10 we did have an Employee Assistance Program. That they do
11 provide this kind of counseling.

12 I think that's more of the gist of how I would
13 handle him.

14 MRS. SELEWSKI: Okay.

15 MR. DE SOIZA: As opposed to telling him, hey,
16 you don't have a shot, you know.

17 MRS. SELEWSKI: All right. Then he just
18 mentions dates after his first contact with you. He
19 mentions a November 11th, '93 date in which he had gone to
20 Employee's Assistance and that he still had not heard back
21 from you. He made notes about not hearing back from you
22 on a couple or three occasions.

23 That was -- appeared to be a real concern of his,
24 that as of that November 18th, '93 he still had not heard
25 back from you. Then he mentioned December 18th, '93,

1 still no word from Mr. -- from Andy De Soiza.

2 I think he felt like he just wasn't being given
3 any feedback as to what his concerns were initially in
4 November to you.

5 Do you have any response?

6 Let's go off the record for a moment.

7 (Off the record.)

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

9 He just felt like you weren't responding. Is
10 there any reason that there was a gap? It really looks
11 like there was about a month's gap up to this point,
12 December 18th. Do you have records of responding back to
13 him about his concern or did it just --

14 MR. DE SOIZA: No, I -- probably it's -- from my
15 memory, I think I underestimated the significance of the
16 problem the first time I met with Mr. Hallenbeck. He came
17 in, he was really uptight. We had just come out of an
18 outage and I get a lot of people in there post outage that
19 come in for all different reasons. I'd say a majority of
20 them just want another voice to either I want the H.R.
21 manager to record this, in case something happens I've got
22 it on record. I kind of went into that mode, that this
23 was just somebody more or less bringing me an issue, but
24 more or less wanting to have me hear it as opposed to
25 immediately looking for a solution or a resolution. I

1 might have misread that.

2 So at that time I might have -- I'm sure I had
3 other issues that I was dealing with and I think this one
4 fell lower in my priority than maybe it should have, is
5 probably my best explanation.

6 MRS. SELEWSKI: Okay. He makes another note,
7 January 4th, '94, still no word from you regarding his
8 concern.

9 I think he just felt like, you know, he was not
10 being given feedback and didn't understand why.

11 MR. DE SOIZA: And rightfully so.

12 MRS. SELEWSKI: We'll go off the record for a
13 moment and I'll review --

14 (Off the record to review documents.)

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

16 One other concern that Mr. Hallenbeck documented,
17 he felt like you ignored his concerns and that you were
18 pro Management and didn't care what the consequences might
19 be.

20 Let's get your response to that. That he felt
21 like, you know, that you were on Management's side
22 regarding his concern and that possibly could have been
23 the feedback -- the lack of feedback talking there.

24 MR. DE SOIZA: No.

25 MRS. SELEWSKI: He doesn't give any specifics

1 about why he felt that way, he just makes that one
2 statement.

3 MR. DE SOIZA: I can understand his statement.
4 In my dealings with Norman is he basically has his demands
5 of how he would like to see the problem resolved. And it
6 was clear to me from day one that he wanted to get out of
7 his reporting relationship with Ernie Poarch. And that
8 would have been the only thing that I could have given to
9 him to show that I felt he was right, that what he said
10 was substantiated. And that would have been what he would
11 have felt to be the winning situation.

12 I am a member of Management. I do have the
13 obligation of looking at both sides of this.

14 When I interviewed Herman Fagley, who I know
15 pretty well to my working relationship, I put a lot of
16 credibility into the statements that he made to me. He
17 assured me that Ernie was not dealing with this in any
18 kind of unprofessional manner. I couldn't find anything
19 based on what Norman gave me to show that there was some
20 mistreatment of him other than he was not going to respond
21 because of his deep dislike of Poarch to -- was ever going
22 to respond to what we recommended. That it was really a
23 matter of I felt like if you don't like your supervision
24 and your Management, then you need some counseling. You
25 maybe need to work in another place. There's, you know,

1 no chains on you here. I don't know if that's wrong or
2 right, but that's how I interpreted the situation.

3 MRS. SELEWSKI: Okay. Do you have anything else
4 you want to add or anything that I may have missed that
5 you want to fill in regarding this whole situation and his
6 allegation and any relations out of any contacts you had
7 with Hallenbeck or anyone else that would be helpful for
8 me to look at the whole picture?

9 MR. DE SOIZA: No, I think you do have a pretty
10 good chronological history of the events. I think you've
11 talked to the right people.

12 Again, I feel it was more a personality driven.
13 I think it could have avoided becoming as serious an issue
14 as it did if handled differently. Based on what you said
15 there, if I had been a little bit more responsive and
16 sensitive to him, who knows, it could have changed. If
17 the appraisal had been done a little bit more tactfully,
18 maybe that could have done it. But it seemed to me all
19 along that this fellow Norman was a boiling pot. He was
20 going to boil steam somewhere, you know, and hopefully it
21 would have been with our EAP trained professionals. But
22 it never went that route. He went in all different areas.

23 He always left me as a very -- my impression is
24 he's a very intelligent individual, very technically
25 competent.

1 MRS. SELEWSKI: We're almost off the record,
2 unless you want --

3 MR. DE SOIZA: I did feel at the end when Norman
4 left that he really wanted to move on, that everything was
5 behind him, that he seemed very satisfied with the
6 agreement, he seemed to carry no more bitterness other
7 than he wanted to put distance between this plant and
8 himself.

9 So I really thought that when you called me and
10 mentioned that he still wanted this looked at I was
11 completely surprised. It caught me completely off guard.

12 MRS. SELEWSKI: Okay. Anything else you want to
13 add?

14 MR. DE SOIZA: No.

15 MRS. SELEWSKI: Okay. Did you give this
16 statement voluntarily today?

17 MR. DE SOIZA: Yes, I did.

18 MRS. SELEWSKI: Okay, we'll go ahead and
19 conclude the interview.

20 (Whereupon, the interview was concluded at 5:45
21 o'clock p.m.)

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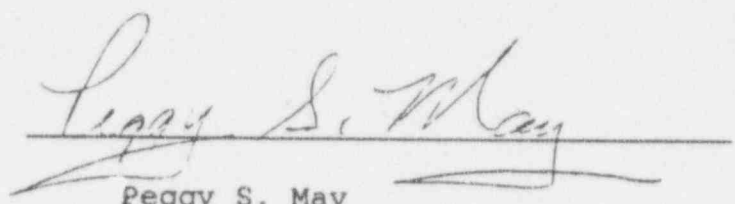
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C E R T I F I C A T E

This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission in
the matter of:

Name of Proceeding: Interview of Andy De Soiza
Docket Number(s): (not assigned)
Place of Proceeding: St. Lucie Nuclear Plant,
Jensen Beach, Florida

were held as herein appears, and that this is the original
transcript thereof for the file of the United States
Nuclear Regulatory Commission taken by me and, thereafter
reduced to typewriting by me or under the direction of the
court reporting company, and that the transcript is a true
and accurate record of the foregoing proceedings.



Peggy S. May

Official Reporter

Neal R. Gross and Co., Inc.

Norman J. Hallenbeck

Construction Supvr. E-7

Employee Name

Employee Soc. Sec. No.

Employee Classification

Review Period
From To

Ernest O. Poarch

Area Construction Supervisor

PSL/929

4041

1/1/94

1/1/95

Reviewer Name

Reviewer's Classification

Mail/Pay Location

Phone

Key Responsibility Area: Use the area's business plan and the individual's position description to 1) select 2-4 key responsibility areas and 2) identify 1-2 SMART goals for each KRA. Record these in the space provided.

Actual Results/Comments: Record on-going comments or related data and the actual results of the individual efforts on the stated goals. State objectively whether the individual has exceeded, fulfilled or fallen short of expectations.

Rating
1.0 - 4.0

1. KRA Motivate and develop employees to become better in their field.
SMART Goal During non-outage, spend a specified amount of time per week for training on the FPL Welding Manual, and the new computer program.

[REDACTED]

2. KRA Be a part of the team, not a stand alone participant.
Smart Goal Attend daily Construction meetings and planning meetings. Conduct yourself such that people do not mind conducting business with you.

[REDACTED]

3. KRA

[REDACTED]

[REDACTED]

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EXHIBIT 10

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Public Law 104-190, 105-3, 106-915
Freedom of Information Act

Norman J. Hallenbeck

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Key Responsibility Area: Use the work business plan and the individual's position description to 1) select 2-4 key responsibility areas and 2) identify 1-2 SMART goals for each KRA. Record these in the space provided.

1. KRA Motivate and develop employees to become better in their field.
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Rating
1.0 - 4.0

2. KRA Be a part of the team, not a stand alone participant.
Smart Goal Attend daily Construction meetings and planning meetings. Conduct yourself such that people do not mind conducting business with you.

KRA

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EXHIBIT 10

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File 96-445

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