

EXHIBIT 17

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1 APPEARANCES:2 ON BEHALF OF NORTHEAST UTILITIES AND ERIC DEBARBA:

3 CHARLES C. THEBAUD, JR., ESQ.

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9:30 a.m.

COURT REPORTER: Raise your right hand please.

Do you swear or affirm that the testimony that you're about to give will be the truth, the whole truth, and nothing but the truth?

MR. DEBARBA: Yes, I do.

SPECIAL AGENT LOGAN: Thank you, Mr. DeBarba.

If you would please state your full name for the record, spelling your last name.

MR. DEBARBA: Sure. Eric A. DeBarba, D-e-B-a-r-b-a.

SPECIAL AGENT LOGAN: Thank you. My name is Keith Logan; I'm a special agent with the U.S. Nuclear Regulatory Commission, Office of Investigations, King of Prussia, Pennsylvania. Mr. DeBarba, you're appearing today with counsel, is that correct?

MR. DEBARBA: Yes, I am.

SPECIAL AGENT LOGAN: Mr. Thebaud.

MR. THEBAUD: Yes, I'm Charles C. Thebaud, Jr., the law firm of Morgan, Lewis and Bockius, L.L.P, and we're representing Mr. DeBarba individually in this case, as well as the company. I believe in an earlier interview with where Mr. Gutierrez was also present today, he had an appearance on behalf of the firm representing both the

1 company as well as Mr. DeBarba, and at that time explained
2 on the record the nature of the dual representation.

3 All that information, we understand, he is
4 well aware of, understands. We've certainly not seen any
5 evidence to suggest there's a conflict between him
6 individually and the company, but should one arise in the
7 unlikely event, we, of course, would have the obligation
8 of notifying him immediately of that conflict, and then
9 with his approval, we'd be able to withdraw from him
10 representing -- be able to withdraw from representing him
11 individually, but could continue with the company.

12 As I say, we're not aware of any such
13 circumstances which would lead to that at this point. Jay
14 probably wants to enter his appearance right now, too.

15 MR. GUTIERREZ: Just for the record. My name
16 is Jay M. Gutierrez, and I am here in the same capacity as
17 Mr. Thebaud just indicated and I previously indicated in
18 earlier transcripts.

19 DIRECT EXAMINATION

20 SPECIAL AGENT LOGAN: Thank you. Mr. DeBarba,
21 bearing in mind that Mr. Thebaud and Mr. Gutierrez do
22 represent the corporation as well as other individuals
23 that we have interviewed during the course of this
24 investigations and others, is it still your desire to have
25 them here as counsel today?

1 MR. DEBARBA: Yes.

2 SPECIAL AGENT LOGAN: Thank you. And for the
3 record, we have met on two prior occasions and those
4 interview transcripts are dated -- I believe it's October
5 19, 1995, and March 6, 1996. And you've had an
6 opportunity before going on the record today to review
7 both of those transcripts with counsel, is that correct?

8 MR. DEBARBA: Yes.

9 SPECIAL AGENT LOGAN: And I believe you
10 indicated also that you wanted to clarify a point that was
11 mentioned on a couple of the pages in the March 6, 1996,
12 transcript, is that correct?

13 MR. DEBARBA: Yes, that is.

14 SPECIAL AGENT LOGAN: Please identify the
15 pages of the transcript, and I will attach them to this
16 interview and this report of investigation, and your
17 clarification will be noted in the course of this
18 interview.

19 MR. DEBARBA: Yes, it's page 33 through
20 approximately page 35. It might continue on through 36.
21 And the general topic is "Selection Process for the
22 Supervisors During the 1993 Reorganization." During that
23 discussion, I alluded to the fact that -- I alluded to
24 ratings being used, and I was referring to matrices that
25 we had developed and prepared consistent with an action

1 plan, 1.2.3 that was specified in that interview.

2 But I was incorrect in how I portrayed that.
3 It was -- those matrices were used at the director level
4 and at the manager level, and we spent a lot of time, many
5 days, working on those selection criteria at the manager
6 and director level.

7 To the best of my recollection and knowledge
8 for the supervisors, we did not actually use ratings. For
9 those people who were not previously supervisors, we did
10 have some reviews performed by the Hay Management Company
11 to go out and actually gather some data as to how well
12 these people would perform in supervisory areas. But we
13 did not, to the best of my recollection and knowledge,
14 actually fill out selection rating forms that gave weights
15 in numerical numbers for all the supervisory people or
16 really for any of the supervisory people.

17 SPECIAL AGENT LOGAN: It was a totally
18 different process that was used for the supervisors as you
19 had used for the vice presidents, directors, and managers;
20 is that correct?

21 MR. DEBARBA: Yes.

22 SPECIAL AGENT LOGAN: And it's my
23 understanding that for those individuals who had not been
24 supervisors, the Hay Group did, in fact, put together
25 quartile ratings, which separated the group of, I guess,

1 potential candidates into four quartile rating groups; is
2 that correct?

3 MR. DEBARBA: Yes, that is consistent with my
4 recollection.

5 SPECIAL AGENT LOGAN: Okay. So there were
6 ratings used in each; however, they are separate and
7 distinct. Is that correct?

8 MR. DEBARBA: Yes.

9 SPECIAL AGENT LOGAN: Okay. I think that the
10 record, certainly with other interviews, is also clear
11 that there was a different process used when it came to
12 selection of supervisors as opposed to the selections of
13 the group of managers, directors, and vice presidents. Is
14 there anything else that you wanted to clarify from your
15 prior interviews at this time?

16 MR. DEBARBA: Not at this time.

17 SPECIAL AGENT LOGAN: All right. I'd like to
18 -- if you would, please state for the record your current
19 position with Northeast Utilities.

20 MR. DEBARBA: I'm vice president of Nuclear
21 Technical Services.

22 SPECIAL AGENT LOGAN: I believe that's a
23 different position than you held the last time we spoke,
24 is that correct?

25 MR. DEBARBA: No. I think the last we spoke

1 was in March of this year, Keith?

2 SPECIAL AGENT LOGAN: March. So that was
3 effective in February?

4 MR. DEBARBA: So that was effective February
5 1st.

6 SPECIAL AGENT LOGAN: Okay. I've got to kind
7 of keep track with the changes that are taking place with
8 Northeast. Okay. I just wasn't sure if that was the same
9 one or not. All right. I would like to go over with you
10 just a couple of points, I guess, that's an outgrowth of
11 the prior interview, most certainly; the first one that's
12 a continuation of our March 6th discussion.

13 It has to do with spot recognitions. And I
14 asked you at that time whether you were aware of whether
15 or not Mr. [REDACTED] Mr. [REDACTED] and Mr. Galatis had been
16 recommended for spot recognitions. I think I talked about
17 the fact that it was my understanding that perhaps Mr.
18 Partlow had recommended them as well as Mr. Chatfield.
19 It's those points I'd like to go over with you at this
20 time.

21 Let me ask the question again: are you aware
22 of whether or not those three individuals have been
23 recommended for spot recognitions?

24 MR. DEBARBA: You know, I do recall there were
25 some discussions around recognitions for individuals, but

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1 as I stated in the previous interview, I didn't recall
2 anything specific as a recommendation, something that was
3 -- perhaps was contained in a report that was an action
4 item for me to reward people with a spot recognition, for
5 instance, as a formal recommendation or any specific
6 recommendation that I had received in any specific way,
7 rather than maybe just a discussion, an informal
8 discussion, "Gees, maybe you ought to consider this," that
9 type.

10 I think that -- I don't recall anything that
11 was a formal recommendation. There may very well have
12 been informal discussions where that --

13 SPECIAL AGENT LOGAN: I'm not aware of any
14 action item that you've indicated earlier about, that you
15 indicated in prior interview. I'm not aware that there
16 was an action item, per se. But I am aware that Mr.
17 Partlow in his correspondence did recommend to Mr. Kacich
18 -- have you read the Partlow memos to Kacich on
19 recognition of individuals? It actually was not captioned
20 that way. I'll be happy to share that with you.

21 Since we're going into that -- I hate to break
22 it up -- let me just do this. I've got a March 7 memo,
23 1994, it's Bates stamped GAL-0777 and it's through 0783;
24 it's a memo from Partlow to Kacich. It talks about the
25 resolution of nuclear safety issues raised by George

1 Galatis.

2 There are a couple of issues in here and I've
3 highlighted them. They talk about addressing the
4 deficiencies about plant operations and about the
5 perception of originators -- perceptions held by
6 originators of REF's. And what I'd like you to do is to
7 for a minute if you'd just take a look at certainly the
8 first memo, March 7th, and tell me if you recognize that
9 memo and if you've seen it before.

10 MR. DEBARBA: There's two memos here, you just
11 --

12 SPECIAL AGENT LOGAN: Yes, the first one --
13 the first one is the one I'd kind of like for you to just
14 take a look at for the time being. Now you can look at
15 both now and refresh your recollection.

16 The second memo is dated January 17, 1994. It
17 is attached to that one.

18 MR. DEBARBA: Okay.

19 SPECIAL AGENT LOGAN: And that's followed up
20 with a memo, a GAL-0788, 0789, dated March 15, 1994, from
21 Mr. Partlow to Mr. Kacich. Paragraph 4 on the second
22 page, Mr. Partlow indicates: "I believe that management
23 should favorably recognize George Galatis for his
24 willingness to work within the NU system over a long
25 period of time in seeking resolution of an issue which

1 caused him to question his management's actions versus
2 their avowed policies."

3 While that's not directed to you, it's to Mr.
4 Kacich. My understanding is that this was brought to your
5 attention. The record should note that Mr. DeBarba's
6 currently reviewing that document.

7 MR. DEBARBA: Okay.

8 SPECIAL AGENT LOGAN: In addition, Larry
9 Chatfield wrote you an E-mail dated August 10, 1995, and
10 it says: "Reminder of spot recognitions." Take a look at
11 that. It's GAL-1184.

12 You'll note that Mr. Chatfield has indicated
13 that there were other discussions in addition to the E-
14 mail message that he sent to you with regard to spot
15 recognitions.

16 Go back to my original premises next. Spot
17 recognitions or some sort of recognitions for a Mr.
18 Galatis, Mr. [REDACTED], or Mr. [REDACTED]. Do you recall
19 discussing with anyone the suggestion that any or all of
20 those three individuals receive a spot recognition for the
21 work that they had done at Northeast Utilities? 74

22 MR. DEBARBA: There's several correspondence
23 there, and I think as you read those that you reflect back
24 on them, and you say, "Okay, I do remember having read
25 this before." The one that was specifically --

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1 SPECIAL AGENT LOGAN: That's why I brought
2 them with me to kind of help you out.

3 MR. DEBARBA: Right. The one that was
4 specifically from Mr. Partlow has a very specific
5 recommendation in there.

6 SPECIAL AGENT LOGAN: Yes, it does.

7 MR. DEBARBA: And what it recommends is that
8 Mr. Opeka sit down over a cup of coffee with Mr. Galatis
9 in a very non-showing, very soft way to recognize George,
10 and that during that meeting that Mr. Kacich and two other
11 people should be present.

12 SPECIAL AGENT LOGAN: I believe it's Mr.
13 Bonaca and Mr. Chatfield. The memo you're referring to --

14 MR. DEBARBA: Right.

15 SPECIAL AGENT LOGAN: -- is March 15, 1995.

16 MR. DEBARBA: Right. Right. I'm not aware of
17 if that ever happened or didn't happen or not. I don't
18 recall any specific recommendation to me, Keith, that I
19 needed to be involved with that activity or that I ought
20 do something specific coming out of the Partlow
21 recommendation.

22 If, you know, if Mr. Opeka had the
23 recommendation that I follow up on that action, I'm sure I
24 would have been given an assignment to do that.

25 SPECIAL AGENT LOGAN: Right.

1 MR. DEBARBA: And that -- I don't recall ever
2 having had an assignment to do that. If there was some
3 recommendation that I follow up on that was done
4 informally, I don't recall it.

5 SPECIAL AGENT LOGAN: Okay.

6 MR. DEBARBA: That's specific to that item.

7 SPECIAL AGENT LOGAN: All right. I just
8 wanted to --

9 MR. DEBARBA: Now, you want to move on to
10 this?

11 SPECIAL AGENT LOGAN: To Larry Chatfield's E-
12 mail memo and his discussions with you on spot
13 recognitions. And that's, again, GAL-1184.

14 MR. DEBARBA: Right. I've had a lot of
15 conversations with Larry Chatfield over the period of time
16 he's been quite active in these matters; he's got opinions
17 on matters. In looking at this, this does -- this does
18 trigger a recollection of him talking about his viewpoint;
19 that he thought that, perhaps, a spot recognition might be
20 helpful.

21 I don't recall ever awarding any spot
22 recognitions; but at least, as I think back now, it
23 strikes me as thinking -- and I think I talked to Larry
24 about this -- a concern of how that would be viewed by the
25 organization. And my concern was that it would be viewed

1 as disingenuous, that given what had transpired with these
2 situations, that these individuals would not feel that it
3 was being awarded to them in a way that it was originally
4 intended.

5 But more it was, because the situation had now
6 gained a lot of attention, that was why it was being done.
7 I think it would have been a wrong message to them; I
8 think it would have been a wrong message to the
9 organization. And I think that the fact that I did not
10 give spot recognitions, and I don't think I did to any of
11 these individuals, doesn't strike me as being inconsistent
12 as I sit here and think and reflect over maybe some of
13 these conversations that have occurred between myself and
14 Mr. Chatfield.

15 SPECIAL AGENT LOGAN: So I take it that your
16 feeling is that a spot recognition would not have been the
17 right decision for the reasons you've indicated.

18 MR. DEBARBA: Yes, I think as I sit here now,
19 I don't think that that would have been the right -- in my
20 opinion, I don't think that that would have been the right
21 thing to do.

22 SPECIAL AGENT LOGAN: Were your feelings
23 uniform across the board with regard to Mr. [REDACTED]
24 Mr. [REDACTED], and Mr. Galatis, or were they perhaps different
25 with regard to Mr. [REDACTED]? I think it's alluded to a

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1 little in that memo.

2 MR. DEBARBA: Are you referring to the part
3 where it talks about his reservations?

4 SPECIAL AGENT LOGAN: Yes. I just want to
5 make sure that your comments apply to all three and not
6 just to perhaps two of the three.

7 MR. DEBARBA: It may have been for some
8 slightly different reasons. You know, I think in the case
9 of -- in the case of Mr. [REDACTED] I think it would have
10 been viewed by the organization at large as being almost 7C
11 folly to grant [REDACTED] an employee spot recognition award.

12 For the other people, it would not have been
13 that way; I would have been more concerned about their --
14 how they would have received that. I think that they
15 would have received it negatively. And I think that
16 that's also indicative of Mr. Partlow's comments that it
17 ought to be -- if it were done, it ought to be done in a
18 very quiet, discreet way -- in a way that does not, you
19 know, gain a lot of attention.

20 So in terms of -- in terms of that I think it
21 is consistent that -- that the spot recognition has a lot
22 to do with how it's received and how it's viewed more so
23 than just the, you know, hundred dollar award. The award
24 itself is not significant.

25 SPECIAL AGENT LOGAN: I believe, and I'll have

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1 to check that memo for a minute, but I believe Mr.
2 Chatfield also suggested Mr. [REDACTED] for a spot
3 recognition for the work that he did, his perseverance, as
4 well. Would your comments also apply to him?

5 MR. DEBARBA: I don't recall. I don't recall
6 recommendations relative to Mr. [REDACTED].

7 MR. THEBAUD: Keith, what did you say that
8 this referred to?

9 SPECIAL AGENT LOGAN: I don't have it in front
10 of me now. Let me just check. I can -- no, this one does
11 not, but Mr. Chatfield did, in fact, relate to me that he
12 had grouped Mr. [REDACTED] in at least during one of his
13 conversations with you that with regard to Mr. [REDACTED] Mr.
14 Galatis, Mr. [REDACTED] and Mr. [REDACTED] that they --
15 using his words -- persevere through thick and thin to
16 bring their issues forward, and that he thought that Mr.
17 [REDACTED] should have been recognized with a spot
18 recognition.

19 He went on to, certainly, indicate that his
20 organization, nuclear concerns -- nuclear safety concerns
21 -- does not have the ability, I guess, with their funding
22 and so forth to go ahead and make those kinds of awards to
23 people and that was why he brought it to your attention.
24 I believe that conversation takes place approximately July
25 21st of '95.

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1 And I guess your answer is you don't recall a
2 discussion with regard to a spot recognition for Mr.

3 [REDACTED]

4 MR. DEBARBA: Oh, he may have; I just don't
5 recall it.

6 SPECIAL AGENT LOGAN: All right. Mr. [REDACTED] 7c
7 -- ah, excuse me, Mr. Partlow also mentioned in his March
8 7th letter, and you had an opportunity now to read that,
9 and I'd be interested in your comments on his comments.
10 They start at the bottom of page of GAL-778 and carry on
11 to the first couple of paragraphs on GAL-0779, which is
12 the March 7, 1994, memorandum.

13 And he talks about integration of the NU
14 nuclear organization into a team where "an intrusive
15 engineering organization is welcomed and respected by the
16 staff." And he goes on to indicate "the strongest nuclear
17 organizations which I have seen are those in which the
18 engineering and operating staffs are both strong and well-
19 balanced in carrying out nuclear safety work.

20 "In these organizations the engineering
21 department not only serve the operating staff by
22 addressing known deficiencies and plant requests, but they
23 are pro-active in questioning the status quo in seeking
24 out ways to improve plant operations," skipping a
25 sentence.

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1 "My discussion with some members of the NU
2 engineering staff had given me the impression, at least
3 preliminarily, that the Millstone Station does not enjoy
4 these attributes; at least, that is the perception of
5 some. Instead, their perception is that those who
6 question the operability of equipment or identify the need
7 to correct plant deficiencies are not treated as good,"
8 excuse me, "are not treated as a member of the Millstone
9 team. They sense that the message to them is that good
10 engineering team members are those who find a way to
11 concur in plant staff decisions and are willing to defer
12 to those with long experience in plant operations." Next
13 paragraph.

14 "I noted this perception in reviewing the
15 history of REF-9273, as well as in talking with those
16 involved in REF-9284 regarding the containment isolation
17 system and REF-9315 concerning excessive flow through the
18 TBSCCW heat exchanger. The long period needed to resolve
19 the issues and the nature of the communications with the
20 originators apparently has left the impression that these
21 REFs were not viewed as being necessary and could result
22 in a need for plant modifications which were not
23 considered necessary by the plant staff."

24 Having read that, I'd like for you to take a
25 look at the memo again, and I'd be interested in your

1 comments with regard to Mr. Partlow's comments. Why don't
2 we just go off the record and give you a chance to do
3 that.

4 (Whereupon, the foregoing matter went off the
5 record at 9:58 a.m. and went back on the
6 record at 10:00 a.m.)

7 SPECIAL AGENT LOGAN: Mr. DeBarba, now that
8 you've had a chance to look at that, I'd appreciate any
9 comments that you care to make with regard to Mr.
10 Partlow's comments.

11 MR. DEBARBA: As he's stated in here, these
12 are his preliminary impressions of things that are
13 perceptual in nature that address the operating staff and
14 the engineering staff. And I think on reflection it's
15 quite clear in the engineering organization that we have
16 been working very hard over the last several years to make
17 sure the engineering organization is intrusive -- I
18 personally used those words -- with our staff to make sure
19 that that is clearly understood.

20 I think that it is clear that we did not have
21 the best of communications between the corporate
22 organization and the site based organization for a number
23 of reasons, and that is exactly why we decided in the
24 early '90's to bring the organizations together. And I
25 think that Mr. Partlow clearly recognizes that the notes

1 in here that differences in judgments about the issues
2 were observed and this is expected.

3 It is true that we do get differences in
4 judgments -- that's okay -- but that we had some questions
5 around roles and responsibilities, and I think those got
6 clouded. And I think our whole idea of moving the
7 organizations to the site was to make sure our roles and
8 responsibilities were clear and that people were able to
9 see each other eyeball to eyeball, understand what their
10 jobs were individually and be able to work out these
11 things expeditiously so that they -- they didn't take a
12 longer time to address.

13 He specifically mentions in here: "Prompt
14 attention to issues raised by employees in good
15 communication will in the future improve the Station's
16 perception of management's performance." He goes on to
17 say: "As more engineering personnel are transferred to the
18 site caution needs to be exercised to ensure that
19 engineering maintains a questioning attitude and the
20 checks and balances found in a traditional site and
21 corporation organization arrangement are not lost."

22 We've been working very hard on that, and I
23 think we've been able to do that by really focusing on
24 roles and responsibilities of a system engineering
25 organization versus a design engineering organization as

1 well as a licensing organization. I think we've helped
2 clarify that, and I think it's helped the situation a lot.

3 SPECIAL AGENT LOGAN: Are you familiar with
4 REF-9315 concerning the excessive flow through the TBSCCW
5 heat exchanger?

6 MR. DEBARBA: I'm not familiar with the
7 specific REF number; I'm familiar with the technical
8 issues.

9 SPECIAL AGENT LOGAN: And the person who was
10 involved in that technical issue, do you recall who that
11 was?

12 MR. DEBARBA: Ah, yes.

13 SPECIAL AGENT LOGAN: Who was that?

14 MR. DEBARBA: [REDACTED] as well as
15 people from Millstone 1 engineering staff.

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16 SPECIAL AGENT LOGAN: Mr. Partlow notes that
17 long periods were needed to resolve these issues, and he
18 did refer to the TBSCCW as one of those issues. Do you
19 recall why it took so long to resolve the heat exchanger
20 issue?

21 MR. DEBARBA: Just from a high level viewpoint
22 I do.

23 SPECIAL AGENT LOGAN: Okay. Why was that?

24 MR. DEBARBA: Because on the one hand you had
25 somebody who was very technically competent analytically

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1 who had shown through calculations, predictions, that the
2 two vibrations were excessive. The two vibrations would
3 be excessive given the flow rates that that heat exchanger
4 was now seeing, on the one hand.

5 On the other hand, you had people who were
6 site based, field oriented, who worked side by side with
7 that heat exchanger day in and day out, basically took it
8 out of service during refueling outages and had done a
9 number of inspections, as I understand it, and their
10 conclusion was the heat exchanger physically looked in
11 great shape.

12 And so the two were inconsistent. You had an
13 analytical model that was saying this heat exchanger is
14 not working, it's not right. And you had the other people
15 saying, "Well, I understand that, but practically, this
16 thing is performing fine. We have no evidence whatsoever
17 hardware-wise that there's any indication that there's
18 trouble here."

19 So you had two different camps that looked at
20 the same problem from different angles and it took quite a
21 while to get that sorted out.

22 SPECIAL AGENT LOGAN: Wasn't there also an
23 issue in the heat exchanger matter that it was rated for
24 900 gpm's and it was operating well in excess of that?

25 MR. DEBARBA: Well, I think that that's what I

1 was alluding to, was that the calculations showed that by
2 virtue of going to higher flows you now put yourself into
3 a vibration regime which was going to effect the
4 structural integrity of the tubes. And the hands-on
5 people looking at it saying, "Well, I can understand the
6 calculations, but the hardware looks fine." And maybe
7 there's something that's not quite right in the
8 calculation. Maybe the models aren't really predicting
9 the vibration as well as they should because there may be
10 some other factors that haven't been considered.

11 SPECIAL AGENT LOGAN: Was that the same heat
12 exchanger that had been in operation since the plant was
13 licensed?

14 MR. DEBARBA: I believe so.

15 SPECIAL AGENT LOGAN: Okay. Moving ahead.
16 The '93 engineering integration effort -- again, we talked
17 about that briefly on March 6th, I'd like to get into that
18 a little bit more right now. And concentrate, if you
19 will, on the supervisory selection process.

20 I've had an opportunity to talk to some of the
21 people who were involved in that process which I hadn't
22 had an opportunity to deal with the last time we spoke.
23 And I think the last time, in general, we talked about the
24 entire selection process, vice presidents down to
25 supervisors.

1 If we could just go back a minute and revisit
2 the supervisory issues, and if you could explain for the
3 record how the supervisory selections were made within
4 your organization. And I believe if we look at the
5 organization charts -- we're looking at chart 2 which is
6 CIZ-0634 as the primary chart and starting off point.
7 There were, I believe, five directors that reported to you
8 under the new organization: Bud Risley, Ray Necci, George
9 Pitman, Haseltine -- I don't recall his first name.

10 MR. DEBARBA: John.

11 SPECIAL AGENT LOGAN: John. And Mario Bonaca.
12 And what I'm trying to identify is which of these
13 individuals was involved in the selection of the
14 subordinate supervisors and whether or not any managers
15 were also involved?

16 MR. DEBARBA: Okay. To the best of my
17 recollection, that the discussions that were held looking
18 at supervisors for this new organization, which was a much
19 flatter organization, there were fewer positions available
20 than what had been in the previous organization -- and it
21 was a new organization with a different focus -- that the
22 people who were present in that included my boss at the
23 time, John Opeka, as well as myself.

24 To the best of my recollection it was the
25 other officers who were there at the time -- and I was

1 just thinking who those other officers were -- I think it
2 was Steve Scace, Wayne Romberg, perhaps, and John Stetz --
3 I think.

4 I believe we had somebody from our human
5 resources group as well as the Hay management group. We
6 had a representative there.

7 SPECIAL AGENT LOGAN: Sam Madoono?

8 MR. DEBARBA: Yes, that's correct. And I
9 believe the people who were present during at least some
10 of these discussions included Mr. Risley, Mr. Necci, Mr.
11 Pitman -- I don't think Mr. Haseltine was an employee at
12 that time; I think we brought him after that. But I think
13 Mr. LaPlatney had been designated as the person to be the
14 CY person. So I think Mr. LaPlatney was there. And Mr.
15 Bonaca may or may not have been -- I don't recall if he
16 was or was not.

17 SPECIAL AGENT LOGAN: I haven't heard anybody
18 indicate they recall him being there yet. But, I guess --

19 MR. DEBARBA: Yes, he may not -- I don't
20 recall him being there --

21 SPECIAL AGENT LOGAN: Do you recall --

22 MR. DEBARBA: -- which strikes me that --

23 SPECIAL AGENT LOGAN: -- why?

24 MR. DEBARBA: Maybe he wasn't available, he
25 was out of town or on vacation. I don't know. Don't

1 know.

2 SPECIAL AGENT LOGAN: I understand that, in
3 fact, you did make offers to Risley, Necci, and Pitman to
4 serve in their new director positions prior to the time
5 they were invited to attend the selection meetings?

6 MR. DEBARBA: I believe Mr. Opeka did that,
7 yes.

8 SPECIAL AGENT LOGAN: I thought that you also
9 did that.

10 MR. DEBARBA: I think that -- I don't think
11 so.

12 SPECIAL AGENT LOGAN: No?

13 MR. DEBARBA: I don't think so. I might have
14 -- I might have done some follow-up after Mr. Opeka did.
15 I think he did it as best of my recollection. I think
16 that also included Mr. LaPlatney.

17 SPECIAL AGENT LOGAN: And that Mr. Bonaca was
18 not so advised. Did you make any effort -- did you recall
19 to have Mr. Bonaca attend any of that -- any of those
20 supervisory meetings or supervisory selection meetings?

21 MR. DEBARBA: I just don't recall. I just
22 don't recall.

23 SPECIAL AGENT LOGAN: Do you recall consulting
24 with Mr. Bonaca in terms of filling supervisory positions
25 which would have been under him or manager positions which

1 would have been under him and -- his chart is 2-E and it's
2 on 0648. I believe that includes Kupinski, Schmidt, Dube,
3 and Guerci. Do you recall discussions with Mr. Bonaca
4 about those positions?

5 MR. DEBARBA: Yes. Yes, I do.

6 SPECIAL AGENT LOGAN: Prior to the time they
7 were filled?

8 MR. DEBARBA: Yes.

9 SPECIAL AGENT LOGAN: Okay. And did Mr. --
10 what were Mr. Bonaca's comments about those manager
11 positions?

12 MR. DEBARBA: Well, I think that he was --
13 just trying to remember in time here -- the organization
14 that we were coming from --

15 SPECIAL AGENT LOGAN: I believe there's also a
16 chart there too. It's -- the counsel has that. It starts
17 on 0564. It's also chart 2.

18 MR. THEBAUD: Which one was that?

19 SPECIAL AGENT LOGAN: 0564. That's where
20 chart 2 starts. Bonaca starts down on that. That's 0579.

21 MR. DEBARBA: 0579. Right. And I recall
22 having discussions with Mr. Bonaca on the reorganization.
23 He was the director of nuclear engineering prior to the
24 change, and he was the director of nuclear engineering
25 after the change. So in the grand scheme of things his

1 job changed very little compared to the others. In fact,
2 in some ways it didn't change.

3 There were some shifts though. And I remember
4 -- I recall Mr. Bonaca having a lot to say relative to
5 what the new organizational alignment would be. He had
6 some specific input into the fuels area, as well as the
7 manager of safety analysis function and the manager of
8 radiological assessment. And as you could see on the
9 selection, ultimately, the people who ended up getting in
10 those positions, Don Dube, was somebody that Mario had a
11 lot of input into, relative to the selection of Don Dube.
12 Don Dube was some person that he knew and had a lot of
13 confidence in in terms of being in that manager position.

14 The person who was in fuels before that was [REDACTED]
15 [REDACTED] and he was somebody that didn't report directly
16 to Mario. And Mario had voiced to me on several occasions
17 dissatisfaction with Mr. [REDACTED] and felt
18 that on a going forward basis that Mr. Guerci, who was one
19 of the supervisors, would be a better choice.

20 And ultimately he was -- Mario had a lot of
21 input relative to those particular positions. I do recall
22 him saying he was less familiar with this group called
23 Nuclear Engineering Support, and he -- while he knew Mr.
24 Kupinski, he did not know him that well. And so I think
25 his comment was that in that area he didn't know Matt, he

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1 didn't know the people in that group, he had regard for
2 the people in that group, but that he, you know, he was
3 looking for other people's opinion as well, rather than
4 his own because he had less knowledge of the individuals.

5 SPECIAL AGENT LOGAN: Now moving down from the
6 management level to the supervisor level. Did you have a
7 similar discussion with Mr. Bonaca with regard to
8 supervisors?

9 MR. DEBARBA: I don't recall that. I don't
10 recall the specifics on the supervisors. Are you talking
11 about all supervisors in nuclear engineering?

12 SPECIAL AGENT LOGAN: His supervisors. The
13 ones who would report to Kupinski, Schmidt, Dube, and
14 Guerci. In particular, you have a new supervisor, Nelson
15 Azevedo, a new supervisor, Bo Pokora -- those were the two
16 new supervisors that would report to Mr. Kupinski. And
17 you also had, I believe, Ms. Oswald --

18 MR. DEBARBA: Right.

19 SPECIAL AGENT LOGAN: -- who would be a new
20 supervisor. And I guess the question is did you discuss
21 their appointments as well as the ones that you previously
22 discussed at the managerial level?

23 MR. DEBARBA: You know, I don't recall. I
24 don't recall having had those discussions with Mario other
25 than I do recall him saying somewhere along the lines,

1 particularly in the Kupinski group, that he knew the
2 people less. How that manifested itself in terms of
3 ultimate selections I don't recall. And even in that
4 case, if you look at Elizabeth Oswald, I'm not -- it's not
5 clear to me what Mr. Bonaca's role was in appointing Ms.
6 Oswald to that position or even having her screened for
7 selection. I just don't recall.

8 SPECIAL AGENT LOGAN: Now, I think we've
9 talked -- and certainly you said there were a number of
10 meetings which took place during the filling of the
11 vacancies -- looking, if you will --

12 MR. DEBARBA: Which vacancies, Keith?

13 SPECIAL AGENT LOGAN: All of the vacancies in
14 the new organization.

15 MR. DEBARBA: You mean from vice presidents --
16 all the way down. Okay.

17 SPECIAL AGENT LOGAN: But I'd like for you to
18 focus on the meeting where you started to fill the
19 supervisors. And I think you did earlier on. What was
20 the input for Mr. Bonaca's group then? If he wasn't there
21 who was making suggestions? And was that your job, was
22 that Necci, Risley, Pitman, how did that process work if
23 Mario wasn't there?

24 MR. DEBARBA: I think what we were doing
25 overall was we were looking at all supervisors in all

1 departments and everybody who was at that meeting was
2 participating in the discussion and talking about who
3 would be a good supervisor, who would be a high potential
4 candidate for consideration in that particular arena; in
5 other words, who had the technical skills and who did
6 people view as having good interpersonal skills who would
7 be considered for those particular groups?

8 So I think that it was everybody who was at
9 those meetings was having input. In fact, I think that
10 there was fairly lively discussion during that as to who
11 might be a good candidate.

12 SPECIAL AGENT LOGAN: Wasn't it also true that
13 most of the people there deferred to you when it came to
14 filling your supervisory positions? Because I know that's
15 what Mr. Opeka said.

16 MR. THEBAUD: Can I ask you a question? When
17 you say "filling your supervisory positions," are we now
18 talking what?

19 SPECIAL AGENT LOGAN: The supervisory
20 positions under Mario Bonaca, under Bud Risley, any of the
21 supervisory level -- not manager, not director, not vice
22 president.

23 MR. DEBARBA: I think that if people had
24 input, they knew the people, their skills and what not,
25 then they spoke up, is best of my recollection. I guess

1 it wouldn't be that surprising to me that Mr. Opeka
2 wouldn't know some of the people here. So in that case if
3 he didn't know he wouldn't have much input because, you
4 know, how could he comment on that type of thing?

5 Certainly I knew all these people. I had some
6 input. And the other people I named I believe all knew
7 these people. So I think they all had input as well. The
8 other officers, I think, to a varying degree, depending on
9 the person, knew some and didn't know others.

10 SPECIAL AGENT LOGAN: Would it be incorrect to
11 say that you were -- you were really the de facto
12 selecting official for the supervisory positions within
13 your area which would have been engineering services,
14 Nuclear Engineering Services?

15 MR. DEBARBA: I don't think so. I think it
16 was more collegial than that. I think that there were
17 inputs gained from a number of people. And as I recall,
18 at least the first meeting, we had identified a number of
19 people we thought were high potential candidates to fill
20 positions. But that meant we wanted to go out and get
21 some additional information before any selection was made.

22 And so I know for instance in the case of,
23 say, Elizabeth Oswald -- well, my impressions of Elizabeth
24 Oswald were pretty good. I didn't know her that well. I
25 think she was regarded well in the organization. Probably

1 not a lot of people there knew Ms. Oswald, but that we
2 wanted to get a Hay assessment profile or ranking on Ms.
3 Oswald before we ultimately made a final selection.

4 What I don't know is that along the course of
5 the way what were the other inputs. For instance, did
6 Mario Bonaca have an input into that?

7 SPECIAL AGENT LOGAN: And I don't think we can
8 establish he was there yet.

9 MR. DEBARBA: Well, either there then in that
10 snapshot in time or the dialogue that occurred afterward
11 that ultimately led to the selection.

12 SPECIAL AGENT LOGAN: The dialogue between you
13 and Mario at a non-meeting time?

14 MR. DEBARBA: Or at another meeting. I don't
15 know. I just don't recall.

16 SPECIAL AGENT LOGAN: I haven't found anyone
17 who recalls him being there. So I thought perhaps you
18 might have had a conversation with him one on one that --

19 MR. DEBARBA: I might have. It's just that,
20 you know, it is -- it would be surprising to me that any
21 of these selections would ultimately have made their way
22 to paper without Mario knowing about it or having input
23 into it or having had some discussion or some input. It
24 just would be surprising to me.

25 SPECIAL AGENT LOGAN: It was surprising to me,

1 too, because I asked him about some of them, and he said
2 he wouldn't have made the selections that were made for
3 them, and that he didn't make those selections.

4 MR. DEBARBA: Really?

5 SPECIAL AGENT LOGAN: Yes. The -- Larry
6 Chatfield had an opportunity to respond to a concern
7 raised by ([REDACTED]) and he did his investigation
8 which, I guess, did not substantiate ([REDACTED])'s concern
9 that he was discriminated against as a result of the '93
10 reintegration.

11 And you were interviewed by Mr. Chatfield, and
12 I was provided with a copy of the notes that you prepared
13 and what I'd like you to do -- I'm having trouble reading
14 these notes, they're handwritten notes and I'm sure you'd
15 have just as much trouble with my handwriting probably as
16 I'm having with yours. If you could kind of walk me
17 through the notes -- and I'll be happy to share them with
18 you -- I'll give you an opportunity to look at them as
19 well. Let's just go off the record.

20 (Whereupon, the foregoing matter went off the
21 record at 10:25 a.m. and went back on the
22 record at 10:32 a.m.)

23 SPECIAL AGENT LOGAN: All right. Mr. DeBarba,
24 you've had an opportunity now to review the three pages
25 which I believe constitute notes that you have prepared on

1 a, I guess, a memo from Larry Chatfield dated September
2 12, 1994; your comments back to him are dated, I believe,
3 September 28 of '94. If we could start on page -- well,
4 it's page 2 of the document, one of two of the actual
5 questions.

6 And if you could kind of read this into the
7 record. And while the questions that are down here, Mr.
8 Chatfield's questions, are clear, it would probably help
9 to clarify the record if you would also read them as well
10 as the written response.

11 MR. DEBARBA: Right. Just to put it in
12 context, I was responding to a request that Larry had
13 given me relative to a concernee who had brought a
14 question to him, and he was asking for my help or support
15 in responding to the questions that he'd receive. Do you
16 want me just to read these bullets --

17 SPECIAL AGENT LOGAN: Read the bullets --

18 MR. DEBARBA: -- and then my handwriting?

19 SPECIAL AGENT LOGAN: -- and then the comments
20 after the bullets.

21 MR. DEBARBA: Okay. First one: "In
22 conjunction with concernee statement number 2," concernee
23 statement number 2 -- it doesn't say what that is. "The
24 concernee questioned the memory and the truthfulness of
25 the selection committee." And my response, my handwritten

1 response: "The report reflects my memory very accurately.
2 PEP action plan 1.2.3 on selection was clearly used to
3 avoid potential for favoritism -- the reason the PEP
4 action plan was undertaken to begin with.

5 "Also, the selection process was patterned
6 after a similar process used" -- broken off there, but --
7 "in CSO, Customer Service Organization, who had gone
8 through a downsizing and deselection. Worksheets were
9 used during the process but were not retained to the best
10 of knowledge for confidentiality reasons." That was the
11 first point.

12 SPECIAL AGENT LOGAN: Okay. Now, were you
13 talking about -- for all the positions or just the
14 supervisor positions?

15 MR. DEBARBA: Right. No, I was talking about
16 the process that was set up that, to be clear, that
17 process was a process that was used at the vice president,
18 the director, and the manager level; at the supervisory
19 level it ended up being different.

20 SPECIAL AGENT LOGAN: Okay. I just wanted to
21 make sure I understand which process you went back
22 addressing here.

23 MR. DEBARBA: Go on to the next one?

24 SPECIAL AGENT LOGAN: Yes.

25 MR. DEBARBA: It says: "Please provide the

1 names of all the people who had any input in the selection
2 process as it applied to the concernee."

3 SPECIAL AGENT LOGAN: Do you know who the
4 concernee was?

5 MR. DEBARBA: I believe I did.

6 SPECIAL AGENT LOGAN: Okay.

7 MR. DEBARBA: I believe I did. Yes, I did.
8 Yes, I would have had to otherwise I couldn't have
9 addressed it.

10 SPECIAL AGENT LOGAN: Well, it makes sense,
11 but I just wanted to make sure.

12 MR. DEBARBA: Right. Right. I put, "To the
13 best of my recollection, Opeka, Romberg, Scace, Stetz,
14 DeBarba, Eckenroth, Madoono, LaPlatney, Risley, Necci,
15 Pitman," and there's a circle around Bonaca with a
16 question mark.

17 SPECIAL AGENT LOGAN: Okay.

18 MR. DEBARBA: All right. "In conjunction with
19 concernee statement number 3, the concernee states, 'In
20 the absence of any objective candidate evaluation process,
21 the selection process most likely became a popularity
22 contest.' Can you comment on the concernee's conclusion
23 that the selection process became a popularity contest?

24 "There was nothing popular at all about
25 deselecting or having to release long-term employees who

1 had made contributions to the company over the years. It
2 was a tough unpleasant job that had to be done and was
3 done using the best tool that we had while moving ahead
4 quickly."

5 Where are here? Right here? "In conjunction
6 with concernee statement number 4, the fact that no one in
7 the selection process can recall the concernee's name
8 being mentioned is disturbing to the concernee. In
9 conjunction with this thought, the concernee would like to
10 know why he was not mentioned or considered as a candidate
11 for various management positions. Did management believe
12 that he was not qualified for any of the managerial or
13 supervisory positions. If this belief is true, what is
14 the basis of the belief?"

15 And in handwritten, "I believe he was
16 considered amongst many others; however, his name doesn't
17 stand out, but frankly, no one's does. The discussions
18 were business-like, frank, and direct. We operated on a
19 belief that he was qualified but decided that others would
20 be more successful."

21 Next bullet. "In conjunction with statement
22 number 4, the concernee is of the opinion that his
23 deselection was based on his unpopular but correct
24 position on safety sensitive issues that had come to a
25 head around the time the selection process was going on.

1 OE103B. In this light, the concernee is trying to
2 understand how the process was applied to his individual
3 case."

4 I wrote in there: "We looking" -- it's written
5 incorrectly. It should have said "we're looking." "We're
6 looking for the best available candidate to fill a new
7 position that was predominately site-based and less
8 specialized, i.e., mechanical/civil engineering, not
9 balance of plant engineering or engineering mechanics. It
10 was a new," underlined, "organization for which there were
11 no incumbents." I think that's the end of it.

12 SPECIAL AGENT LOGAN: Does that second line
13 also address concernee?

14 MR. DEBARBA: Oh, yes, I think it does go on.
15 Right. "The concernee was highly specialized, analytical,
16 and corporate focused. The committee was looking for
17 candidates using the assessment criteria who provided a
18 new business focus as a compliment to technical skills.
19 The concernee in this regard was no different than Mr.
20 Cizek, Hodge, Cornelius, or McMullen."

21 All right. "Can you comment further" -- oh, I
22 guess that's the same part of the same question.

23 SPECIAL AGENT LOGAN: Yes, I think so. Yes.

24 MR. DEBARBA: Do you want me to read that --
25 "Can you comment"?

1 SPECIAL AGENT LOGAN: No, that's okay.

2 MR. DEBARBA: "As a final issue in this area,
3 the concernee mentions being confused as to why management
4 now holds him in high regard and would consider him for
5 future positions. Can you comment on his question as to
6 what has changed between then and now, and does it imply
7 that he was not held in high regard at the time of the
8 reorganization? If so, why?"

9 The response: "Nothing has changed. Always
10 have held him high regard. He simply was not our choice
11 for those," underlined, "positions at that," underlined,
12 "time. I believe he could very well be a good choice for
13 supervisor somewhere some time."

14 Next item. "In conjunction with concernee
15 statement number 6, the concernee mentions three projects
16 which were taken away from him after he raised concerns or
17 took positions not popular with management. Can you
18 comment on the concernee's reassignments on the projects?
19 Note." Comment is: "See previous page. Only reassignment
20 I'm familiar with is MOV's."

21 And it says, "Can you comment on what his
22 safety concerns or unpopular positions might have been?"
23 The response: "They were not unpopular with me. It's not
24 unusual in engineering space to have differing technical
25 views. The only one that I am aware of is with TBSCCW

1 wherein analysis apparently showed the heat exchanger to
2 be operating beyond their flow velocity design point.

3 "While others believe that from a practical
4 standpoint that the heat exchanger had operated
5 satisfactorily in this regime for many years, including
6 inspections during refueling outages, the question
7 surrounded tube flow velocity as a specific design
8 criteria, I believe."

9 The last item. "In conjunction with
10 concernee's statement number 7, the concernee suggested a
11 corporate culture punitive in nature. Can you comment on
12 this opinion?" The comment: "I'm not sure, but he may be
13 referring to the situation involving P. Blanch. I
14 personally don't believe that culture existed within
15 engineering services at that time or now.

16 "I have personally taken and supported many
17 positions which had direct impact on operations of the
18 plants without being chastised. I would not tolerate such
19 within my organization. I am, however, tolerant of
20 differing technical positions and bringing such to a
21 conclusion."

22 SPECIAL AGENT LOGAN: Is there anything with
23 regard to your comments that you'd like to change or
24 elaborate on at this point based on what you know today?

25 MR. DEBARBA: I think we did clarify the point

1 on the supervisory selection, the selection criteria as it
2 relates to supervisors being different from that of
3 directors and managers. I think I've clarified that
4 before.

5 SPECIAL AGENT LOGAN: What about corporate
6 culture? You still feel there's no corporate culture that
7 tends to discriminate or is punitive in nature?

8 MR. THEBAUD: What time period are you
9 referring to? Now? Or are you referring to when Mr.
10 DeBarba wrote this back in early 19 -- well, in September
11 --

12 SPECIAL AGENT LOGAN: He wrote this September
13 28, 1994.

14 MR. THEBAUD: Right. So are you asking him
15 whether --

16 SPECIAL AGENT LOGAN: Well, his opinion as of
17 today -- does he still believe that that's the case at
18 Northeast Utilities?

19 MR. DEBARBA: From my --

20 SPECIAL AGENT LOGAN: He might not have been
21 aware of it in 1994. But are you aware of anything today
22 that would have changed your opinion with regard to '94?

23 MR. DEBARBA: No. From my experience, I don't
24 believe that there is a corporate culture that is punitive
25 in nature. I do know that there are perceptions on the

1 part of people who have voiced during surveys and the
2 like, maybe lack of trust and concerns of retaliation and
3 that type of thing, so I think that there are some
4 perceptions out there.

5 I am not aware, nor do I believe that there is
6 a culture that is punitive in nature that is intentionally
7 looking to punish people for raising concerns. My
8 experience has not been that.

9 SPECIAL AGENT LOGAN: What about in terms --
10 if we don't just talk about it in raising concerns -- I
11 think that's a pretty black and white issue -- but it's
12 taking positions which are not the popular positions. I
13 think one of the issues that came up was raised by George
14 Galatis and George Betancourt as they talked about the
15 spent fuel pool and, I guess, what, I guess a fairly
16 visible one is a full core offload, I think.

17 I mean, that was something that was pressed --
18 that full core offload was being done, it shouldn't have
19 been done, it wasn't safe. I think as it turned out that
20 the full core offload was not approved by the NRC, but was
21 eventually approved after the request went in. I think
22 that's the case, isn't it? The NRC did approve it
23 eventually?

24 MR. DEBARBA: Yes, it did.

25 SPECIAL AGENT LOGAN: You know, so the -- I

1 think the issue concerned following up on what appeared to
2 be a discrepancy in the license and the culture is not
3 responsive to that. And so, I'm not saying that, you
4 know, it's you raised a safety concern, I'm going to step
5 on you. It's a question of not being responsive much like
6 Mr. Partlow talked about in his letter.

7 MR. DEBARBA: Well, timeliness was something
8 that Mr. Partlow talked about, and we agreed, timeliness
9 has been an issue. We've made progress in that area. We
10 do some things much different than we've done before.
11 That is an issue. But, I don't think it's correct to
12 construe timeliness and a punitive culture in the same
13 way; they're not the same. And what I do not see are
14 things done in a punitive way. Certainly some things
15 could have been done in a more timely way. It does not
16 mean that they were done to punish. It's not -- that's
17 not the case. It's not my experience.

18 SPECIAL AGENT LOGAN: How would you compare
19 that to the memo that Matt Kupinski wrote to Mario Bonaca
20 talking about a chilling environment? Do you recall that
21 memo? It was several years after the reorganization
22 concerning CU-29, generally, but it did reference back to
23 the 1992, '93 time frame on the CU-29. How would you
24 compare that kind of environment? If you'd like I'll get
25 the memo so you can read it again.

1 MR. DEBARBA: Well, I responded to that in one
2 of the previous interviews.

3 SPECIAL AGENT LOGAN: You did. You did. And,
4 I guess, I'm asking you in terms of -- you said timeliness
5 and not punitive nature, and yet, clearly what's talked
6 about there is a chilling environment which -- I mean, can
7 that be a result of timeliness and not being punitive?

8 MR. THEBAUD: Do you want to get the memo?

9 SPECIAL AGENT LOGAN: It's here some place. I
10 know counsel's got it too just in case I don't --

11 MR. THEBAUD: To be honest with you I don't
12 have it with me.

13 SPECIAL AGENT LOGAN: It does date back to the
14 '92, '93 time frame. I think in the beginning there
15 that's why I asked that.

16 MR. DEBARBA: Okay.

17 SPECIAL AGENT LOGAN: We were talking, I
18 guess, the chilling environment that was referred to in
19 the Kupinski memo, the timeliness versus punitive nature.
20 I'm getting a feeling that timeliness in some way is
21 relevant to punitive in that I think Tim Martin has talked
22 about engineering problems away; I think other people have
23 said you can pencil whip a problem; procrastinate long
24 enough it goes away. Isn't that all a part of the timing
25 of a response to an issue? Didn't that chilling

1 environment exist in '92 at about the time, '92, '93, when
2 this reorganization was taking place?

3 MR. DEBARBA: No, I think that -- first off,
4 the memo that we're looking at is a draft memo from
5 Kupinski to Bonaca with copies to Guerci and myself, and
6 it has to do with lessons learned on the Millstone 1 CU-
7 29. And after we had a review of the CU-29 -- this was in
8 the 1995, June of '95 time frame, May and June -- that
9 that decision was made to declare one CU-29 not operable
10 which was a very conservative based decision. It involved
11 lots of people in the organization.

12 And we view those situations where you have a
13 fairly charged environment that makes a critical decision
14 like this as a real opportunity to go in and assess
15 ourselves. And part of our culture has been to improve
16 ourself and looking at ourselves right at the moment when
17 you have situation to find ways to improve ourselves. So
18 I think this is indicative of a healthy, questioning
19 attitude of going back and saying, "Let's tear this apart
20 and see what we can learn from this and where we might be
21 able to improve ourselves."

22 This is a perspective that Matt shared with
23 the group and there was a discussion upon it. Certainly
24 his opinions might differ and did differ from perspectives
25 of other people of other parts of the organization,

1 particularly at the site-based part of the organization.

2 And he specifically uses words in there of
3 senders and receivers were words that I specifically used.
4 And that's all in the idea of making sure that we all keep
5 our ears open, and we become very good listeners, and we
6 become good communicators back and forth, and we have two
7 hundred percent accountability at every interface to make
8 sure we don't lose things in the crack.

9 I complimented the people for doing a good job
10 in this case of coming to a technical decision not based
11 on lengthy periods of time and using a -- I forget what
12 words were used previously -- technically arrogant way of
13 pursuing something or a legalistic approach to something.
14 Here's a case where people actually went out and hired
15 technical experts to provide opinion, extrapolated that
16 data and made a conservative decision in a period of days
17 or a week or two as opposed to months or longer than might
18 have taken in previous years.

19 And so I think a lot had been improved. And
20 this was all in a broader context of migrating our
21 organization ultimately to be site-based where our roles
22 and responsibilities were a lot clearer. So I think that
23 there were really lessons learned here to improve our
24 performance overall. I get people so they can talk openly
25 and directly about these issues without a situation

1 becoming polarized where there are accusations.

2 I don't think that anybody in this entire
3 situation was viewed as being pointed a finger at and
4 saying that you're a bad person in some way, shape or
5 form. There were questions: could we do things better and
6 will we listen better? But not in the context that
7 somebody -- somebody is being punished in any way, shape,
8 or form.

9 SPECIAL AGENT LOGAN: Well, I think you talked
10 about this -- see it going on as an issue that was
11 resolved in a very short period of time. I think the memo
12 points out that it took a very long period of time to
13 finally resolve this issue.

14 MR. DEBARBA: Relative to what?

15 SPECIAL AGENT LOGAN: Several years. I think
16 that's why it points by saying that this -- that this
17 issue first arises in the '92, '93 time frame. But my
18 understanding is that Mario Bonaca asked Matt Kupinski to
19 do a lessons learned on this because it took so long. He
20 had expected the period of time even when they had the, I
21 guess the, the Kelsey Study in that it still took several
22 weeks after that for them to resolve the issue, and in his
23 mind it was anything but a short period of time; it was an
24 extended period of time, and that's why he told Matt
25 Kupinski to write this memo in the first place.

1 MR. DEBARBA: Let me just give you my
2 perspective on that because I think that you've actually
3 tied a couple of things together. In the 1992, '93 time
4 frame, we had organizations that were not reporting
5 together. We had a site-based organization, we had a home
6 office based organization, and during that period of time
7 the information that existed at that time is not the same
8 information that existed now.

9 A decision was made in the 1992, '93 time
10 frame -- I'm not sure exactly how long it took -- but it
11 concluded that that valve was operable to the best of my
12 understanding and recollection.

13 SPECIAL AGENT LOGAN: There were lots of
14 decisions in the 1993 and '94 time frame.

15 MR. DEBARBA: Well, no, this is -- I'm talking
16 specifically in the '92, '93 time frame on this when it
17 came up. And it was based at least in part on legal input
18 and what not into that ultimate decision that this issue
19 appeared again in 1995 based on some new input.

20 And based on that new input in a new
21 organization that had combined engineering basically
22 through that 1993 reorganization that we talked about
23 earlier in this interview got to a conclusion that was
24 totally technically based and ended up being a
25 conservative decision in a much shorter period of time

1 well within the guidelines that we have within our
2 organization procedurally for doing operability reviews.

3 And from our judgment it was a good step
4 forward. Are we 100 percent satisfied that that's good
5 enough? No. We're always looking for ways to improve
6 ourself. And that's what the context of this letter is.
7 In fact, I think Matt's closing comment is: "It should be
8 acknowledged that this also includes constructive inputs
9 and observations from Al Cizek. It is hoped that this is
10 not construed in a negative manner, but as a genuinely
11 intended effort to provide an honest assessment that we
12 can learn from and which will make our organization
13 better."

14 So I think that's clearly indicative of the
15 context that this is viewed in .

16 SPECIAL AGENT LOGAN: Okay. Why don't we just
17 go off the record for a minute.

18 (Whereupon, the foregoing matter went off the
19 record at 10:59 a.m. and went back on the
20 record at 11:01 a.m.)

21 SPECIAL AGENT LOGAN: Your feeling is then,
22 Mr. DeBarba, that in light of the fact that the memo --
23 again, we're talking about the Kupinski memo -- that even
24 though it mentions the issue first existed in '92, '93
25 time frame, that that was an issue which was distinct from

1 the one that was resolved in 1995 and was the basis for
2 this memorandum?

3 MR. DEBARBA: Correct.

4 SPECIAL AGENT LOGAN: One of the points that
5 Mario Bonaca made to me, he said that "The plant should
6 have given more attention to Cizek because of his
7 expertise with check valves. In addition, another
8 engineer with even more expertise than Cizek was asked to
9 make a call on the condition of the valve.

10 "After review of the second opinion supporting
11 Cizek's conclusions regarding CU-29, instead of taking the
12 action the issue was assigned to yet another individual
13 and no remedial action was taken." He said, "At that
14 point, CU-29 issue should have been resolved in a few
15 days, not three weeks." And that was one of the reasons
16 that he directed Matt Kupinski to write what we looked at
17 earlier as the June 6, 1995, memo.

18 So I guess his position was it was not a rapid
19 reconciliation of a problem; it was one that had dragged
20 out longer than it should have, and he did point out that
21 the issue did start in the '92, '93 time frame although it
22 was resolved, I guess, intermittently and did arise again.
23 But even at the point when it arose again, he felt it
24 still took too long based on the information that was
25 available.

1 MR. DEBARBA: That's why I focused so much on
2 this idea of senders and receivers and 200 percent
3 accountability because one of the things that we've come
4 to understand as an organization is that that's an area
5 that we need to focus on. And if you look at the training
6 programs we now are going to be putting all our people
7 through, this "Covey Seven Habits of Highly Effective
8 People," habit number 5 is -- says something like: "Seek
9 first to understand before you seek to be understood,"
10 which says a lot about senders and receivers.

11 And I think that it's easy for people to reach
12 a conclusion quickly that they were dismissed or they
13 weren't heard or what not. But the question really is:
14 have you done everything that you need to do to
15 understand? In other words, seek first to understand, ask
16 some questions yourself. Have you really understood this
17 issue yourself and done what you should? It's easy to be
18 a victim or to point the finger at yourself. It's more
19 appropriate, I think, to make sure you have 200 percent
20 accountability at those interfaces. That's what we're
21 trying to really promote here.

22 SPECIAL AGENT LOGAN: So back to the selection
23 of supervisors. Let me ask you again. Was Al Cizek one
24 of those individuals that you considered for a supervisory
25 assignment in 1993 in the new organization?

1 MR. DEBARBA: Well, when you say consider, I
2 think that basically everybody in the organization had,
3 you know, was on equal footing in that sense of
4 consideration. We selected the people we felt were the
5 best, the best candidates for those positions regardless
6 of where they were previously.

7 SPECIAL AGENT LOGAN: Well, did that mean that
8 you did consider him specifically as opposed to
9 generically? I think you've given me sort of a generic
10 answer -- yes, everybody was a candidate; however we made
11 the best selections. That doesn't really get to the issue
12 of did I consider Al Cizek, did I look at him in terms of
13 could he have taken the job that, for instance, went to
14 Azevedo to Oswald to Pokora -- did I say is Cizek a good
15 candidate for this job or is, perhaps, Pokora a better
16 one? I mean that kind of an analysis not --

17 MR. DEBARBA: We didn't do that -- we didn't
18 do that kind of analysis. Our analysis was really given
19 this position, who do we feel is a good candidate for that
20 position? Who were the people who were good candidates or
21 who is a good selectee for that particular position? And
22 we had some discussion on it. So it wasn't a matter of
23 consideration of is there an incumbent because there
24 really are no incumbents for these jobs that we're talking
25 about here.

1 SPECIAL AGENT LOGAN: Well there were a few
2 incumbents that lost their jobs along the way. Not in
3 your organization, per se, but in the --

4 MR. DEBARBA: Right, for most of the
5 engineering jobs we're talking about here there weren't
6 real incumbents. But we're really talking who were the
7 best people available for those positions as opposed to
8 who had been a supervisor before -- that really didn't
9 enter into the discussions.

10 SPECIAL AGENT LOGAN: Was there a list put on
11 a board that said this is our pool of incumbents and this
12 is our pool of possibles or did it go that far?

13 MR. DEBARBA: I don't think it went that far.
14 I don't think we did that.

15 SPECIAL AGENT LOGAN: Just this is the
16 position --

17 MR. DEBARBA: Right. Here is the new
18 organizational structure. Who do we have in the
19 organization that might be a good fit or might be a high
20 potential candidate who is not currently in any kind of
21 management rank?

22 SPECIAL AGENT LOGAN: So by the same token, if
23 you'd been having problems with a particular person -- and
24 I use the term "problems" in a very general sense, but if
25 you had had problems with a particular person, that person

1 would not have been one that you would have raised their
2 name for consideration. Whether the problem was based on
3 the fact that they were a poor performer or whether the
4 problem was based on another issue their names instead of
5 being raised would have just been left tabled. You
6 wouldn't have offered them as a candidate for this new
7 position.

8 MR. DEBARBA: I think that what we were
9 looking at were who are the people who had the best
10 capability of -- for doing these jobs. We were not
11 looking at historical matters. I don't recall any
12 discussion coming up at all about previous performance
13 people taking unpopular decisions, which I think you're
14 alluding to -- just didn't enter the picture.

15 SPECIAL AGENT LOGAN: It didn't enter the
16 picture in that -- you're saying no one mentioned it, not
17 that it didn't come in saying, "Well, let's consider
18 Subhash Chandra," and someone said, "Well, you know, what
19 about the TBSCCW and how he handled that" -- that type of
20 thing you said didn't come up -- did not come up. Right?

21 MR. DEBARBA: Right.

22 SPECIAL AGENT LOGAN: Okay.

23 MR. DEBARBA: Right.

24 SPECIAL AGENT LOGAN: But, the selection
25 process was more of who do we want as opposed to who don't

1 we want.

2 MR. DEBARBA: Well, it's a matter of who would
3 be the best fit for that particular position. We got some
4 new positions here that had some characteristics that we
5 were looking for, and we were trying to fit the best
6 people into those positions and do it quickly. Time was
7 important here.

8 SPECIAL AGENT LOGAN: You were also looking
9 for team players, right?

10 MR. DEBARBA: Looking for the best people in
11 the positions. People could work with others, yes, that's
12 important.

13 SPECIAL AGENT LOGAN: Team players,
14 predictable, performance --

15 MR. DEBARBA: You want high performers, yes.

16 SPECIAL AGENT LOGAN: Non-threatening.

17 MR. DEBARBA: Non-threatening? You want
18 people who can work with each other.

19 SPECIAL AGENT LOGAN: Would you say that
20 someone would not be considered if they had been taking
21 strong positions against management?

22 MR. DEBARBA: I don't know. I don't think it
23 was viewed that the people you're talking about took
24 strong positions against management. In fact, if
25 anything, I think the people that you're referring to are

1 soft spoken people, are not threatening.

2 SPECIAL AGENT LOGAN: Al Cizek, Subhash
3 Chandra?

4 MR. DEBARBA: Yes. I don't think I view them
5 as threatening; they're very soft spoken. I mean, I can
6 see other people in the organization as being far more
7 outspoken than that.

8 SPECIAL AGENT LOGAN: I certainly can, too.
9 So just let me clear it up. I think we've covered it, but
10 just let me clear it up now. Cizek's name wasn't
11 mentioned, as you recall.

12 MR. DEBARBA: As the best of my recollection,
13 that's correct.

14 SPECIAL AGENT LOGAN: It wasn't mentioned
15 either for a position, and it wasn't mentioned negatively
16 in any respect. It just wasn't mentioned.

17 MR. DEBARBA: Right. Right. And I would say
18 the same probably for all the people who were deselected,
19 the vast majority of them. I'm just kind of thinking
20 through the names of the people who were deselected --
21 like [REDACTED] a number of them.

22 SPECIAL AGENT LOGAN: Right. When the names
23 were blocked in -- who actually wrote the names in? Was
24 that something John Opeka himself did or was someone
25 acting as sort of a scribe for him during that meeting?

Portion withheld, Ex 7c

1 MR. DEBARBA: You know, I don't recall.

2 SPECIAL AGENT LOGAN: All right. When you say
3 that the names were offered and it was based on a
4 consensus -- you indicated that earlier -- was there a
5 vote taken at the meeting? Was a consensus --

6 MR. DEBARBA: No.

7 SPECIAL AGENT LOGAN: How did the discussion
8 get to putting, say, Bo Pokora's name or Nelson Azevedo's
9 name actually in that little box?

10 MR. DEBARBA: I think that typically there
11 would be a discussion on the merits of the person that's
12 being proposed. And there may be some discussion that
13 ensued. And if somebody had a question about somebody,
14 that question was pursued. Somebody might -- I can't
15 remember any specific instances -- but there may have been
16 someone's name proposed and somebody said, "Oh, gees, you
17 know, I've worked with that person," or, "That person
18 worked for me at one point in time, and I've observed
19 this."

20 You know, "How has his performance been
21 lately? Are you still observing that characteristic?
22 I've got this question in my mind," or, "Yes, you got that
23 person, but what about this person? Did you consider that
24 person because I think that person would be a good
25 candidate, too, for that job." So it was with those kind

1 of discussions that ultimately led to a consensus relative
2 to, "Okay, we've got that person or persons as candidates
3 -- any questions? Yes, there's some questions" --
4 questions get answered. Either a change is made or it's
5 left. That's the way it went.

6 SPECIAL AGENT LOGAN: And getting back to
7 Mario Bonaca's group. Do you recall any of the
8 discussions which regarded -- or which concerned the
9 filling of those vacancies in Bonaca's group?

10 MR. THEBAUD: Let's turn to it so we know who
11 we're talking about. Among the supervisors?

12 SPECIAL AGENT LOGAN: Among the supervisors
13 that's below the manager level.

14 MR. DEBARBA: Among the three supervisors?

15 SPECIAL AGENT LOGAN: Well, there were several
16 supervisors. I think there were three that we talked
17 about briefly -- Pokora, Azevedo, and Oswald -- but there
18 may be a fourth.

19 MR. DEBARBA: No, Tuthill, Pokora, and Azevedo
20 -- Klisiewicz was a later addition to Kupinski's group. I
21 think that those names were -- whether it was on a board
22 or a sheet or something were there, I think that there
23 probably was a discussion. Generally, best of my
24 recollection that these people were positively viewed by
25 everybody to the best of my recollection.

1 SPECIAL AGENT LOGAN: Do you recall what, if
2 any, comments Bud Risley may have had with regard to
3 people who were being selected for Mario Bonaca's group?

4 MR. DEBARBA: No, I don't. I don't remember
5 specific comments.

6 SPECIAL AGENT LOGAN: With regard to Mr.
7 Risley, he's now on an assignment to INPO?

8 MR. DEBARBA: Yes, he is.

9 SPECIAL AGENT LOGAN: Is that a promotional
10 assignment?

11 MR. DEBARBA: No, it's not.

12 SPECIAL AGENT LOGAN: What kind of an
13 assignment is it?

14 MR. DEBARBA: It's a learning assignment.
15 It's a training assignment. It's experiential. And it's
16 also to help us in our relationships with INPO. We have
17 for some time been really trying hard to promote this
18 loanee reverse loanee program that INPO offers. We
19 basically pay every year for two people to basically take
20 that position. And if we don't have anybody go down you
21 still pay for it. So I think that for us not to take
22 advantage of that, we're missing an opportunity.

23 And most other utilities have fairly senior
24 people spend periods of time at INPO and then return back
25 to their organization. In the past we have not been able

1 to take advantage of that, and we've been really pushing
2 to do that. I stated an opinion I would like to see all
3 of our directors at some point in time do a stint at INPO
4 for a year, a year and a half period of time.

5 And I think it was in mid-95 that we had this
6 discussion in talking to each one of them -- I asked each
7 one of them to consider it, and some of the people
8 responded back that well, they'd like to do but they
9 couldn't do it right now. I think Mr. Necci's and Mr.
10 Pitman had some comments along that line that they
11 couldn't do it right now because of personal family
12 reasons.

13 And Mr. Risley said that although it would be
14 difficult that he could do it and felt that he would be
15 interested in doing that. He was interested in INPO; he
16 had gone to a summer course at MIT that was sponsored by
17 INPO in one of their executive management leadership
18 development courses and was interested in going out and
19 finding out what the best in the industry are doing and
20 bringing that knowledge and experience back to NU, and
21 also using this as an opportunity to try to help shape in
22 those beliefs and feelings of NU.

23 If you have no one there to understand what NU
24 is all about people might come away with a wrong
25 impression. And I think part of his job there is to help

1 make sure that we as a company are clearly understood in
2 that line. So I think it's a lateral. He has no paid
3 degradation; his pay grade is the same. And we've told
4 him that upon his return he would be returning to a
5 similar or higher position -- that's our expectation.
6 I've told that to the INPO managers down there.

7 I visit periodically. I was in Atlanta less
8 than a month ago at a conference and, you know, speak with
9 Mr. Risley, talked to his superiors, see how he's doing.
10 And it's, you know, he still reports to me in that regard.
11 So I'm still concerned for his development and the like.

12 SPECIAL AGENT LOGAN: Okay. Talked to you a
13 little bit about the Connecticut Yankee Turbine
14 Replacement that was done, I guess, in the '93 time frame.
15 Are you familiar with that?

16 MR. DEBARBA: Yes, I am.

17 SPECIAL AGENT LOGAN: I understand that Al
18 Cizek had a hand in the decision to repair it as opposed
19 to replace it.

20 MR. DEBARBA: That's correct. You're
21 referring to the high turbine on CY? Yes.

22 SPECIAL AGENT LOGAN: Who -- if you could just
23 walk through that with me for a minute. It's my
24 understanding that the decision was made initially to
25 replace that high pressure turbine and then after analysis

1 that was done by the staff at the corporate level, that
2 decision was backed off on and a decision was then made to
3 go forward with the repair of that turbine; is that
4 correct?

5 MR. DEBARBA: Yes, that's correct.

6 SPECIAL AGENT LOGAN: What -- if you could
7 kind of summarize for me why that decision was changed.

8 MR. DEBARBA: Why was it changed from a --

9 SPECIAL AGENT LOGAN: From replacement to
10 repair.

11 MR. DEBARBA: -- from a replace to a repair?
12 I think when they looked at the economics of the decision
13 and the needs analysis. When we're making large
14 expenditures like that our practice is to look at
15 alternatives that if they looked at the alternatives on a
16 cost justified basis, on an economic analysis, it showed
17 that the repair option was preferred over the replacement
18 option. I think there was a fairly detailed economic
19 analysis done on the two options -- that's to the best of
20 my recollection.

21 SPECIAL AGENT LOGAN: Do you recall who had
22 the lead on that?

23 MR. DEBARBA: On doing the economic analysis?

24 SPECIAL AGENT LOGAN: Yes.

25 MR. DEBARBA: I believe it was our Capacity

1 Planning Group typically does that work. I'm not sure if
2 that's what they are currently called. It may be
3 something similar to that.

4 SPECIAL AGENT LOGAN: Do you recall what role
5 Al Cizek had in that?

6 MR. DEBARBA: Al was involved from the
7 standpoint that -- let's see -- I think -- I'm not sure
8 how he directly connected into it, but I know he was -- he
9 was either asked to participate by the plant staff or --

10 SPECIAL AGENT LOGAN: I thought he was doing
11 an economic analysis on that.

12 MR. DEBARBA: Well I'm not sure who asked him
13 to do it or how he became involved. That's not clear to
14 me how he was involved. But I know Al was involved, and I
15 know Al was, in looking at it, was of the belief that the
16 repair option economically made more sense.

17 SPECIAL AGENT LOGAN: Do you recall what the -
18 - what the savings were in dollars for repair versus
19 replacement?

20 MR. DEBARBA: You mean the cumulative present
21 worth of the revenue requirements? I don't remember
22 specifically, but I know we run those kind of analyses.
23 My recollection is that it favored the repair option.

24 SPECIAL AGENT LOGAN: I guess at one point Mr.
25 Opeka had gone to the board. I guess they went overseas -

1 - Connecticut Yankee --

2 MR. DEBARBA: That's correct.

3 SPECIAL AGENT LOGAN: -- and had made a pitch
4 or explained to them that, in fact, the turbine was going
5 to be replaced, and that he then had to go back and say
6 that, I guess, at some point further consideration was
7 done and now it was going to be repaired. Are you
8 familiar with those two meetings?

9 MR. DEBARBA: No. No. I don't attend CY
10 board meetings. I knew that both options were being
11 looked at -- where in sequence of time, who communicated
12 with whom I'm not real familiar.

13 SPECIAL AGENT LOGAN: Okay. Do you recall
14 endorsing the repair option?

15 MR. DEBARBA: Yes, I recall that it was --
16 there were some very strong opinions on the matter and
17 that I supported Al Cizek's opinion from an economic
18 analysis standpoint that the repair option was the
19 preferred choice. Even though you can't argue with a new
20 turbine being better because the problems of the past are
21 gone; I mean, you've got something that's brand new. It's
22 like buying a brand new car versus --

23 SPECIAL AGENT LOGAN: We know how many lemons
24 there are in the new car market.

25 MR. DEBARBA: Well, you don't know. But I

1 think if you ask most people they would rather have a new
2 car than they would have a used car. And can you fix your
3 used car so that it will be all right? Yes, you can. And
4 is it less expensive? Yes, it is less expensive, but you
5 always have these questions. If you're the plant
6 operator, you want the new car; right? That's quite
7 clear. If I were a plant operator I would want the same
8 thing.

9 So that engineering -- in fact, my role was to
10 make sure that if we say the repair option is the economic
11 option, that it is a robust decision that can be
12 supported; because if it doesn't work, then engineering
13 has failed in its responsibility. We had to make sure
14 that that repair option was the right one. And it's
15 obvious that the operators will always want a new thing.
16 You know, I think most people would.

17 SPECIAL AGENT LOGAN: And I'll just show you
18 for the record a memo that you wrote and signed from your
19 office to John Opeka, July 20, 1993, which endorses that
20 second option. Would you take a look at it for just a
21 minute?

22 The reason I'm showing you this is the
23 question has to do with buyer endorsements. Was there a
24 prior endorsement that you had made for replacement of the
25 turbine which would have preceded this memo?

1 MR. DEBARBA: I don't see any reference. If I
2 had I think I would have referenced it. Yes, but I don't
3 think that that was my report. Usually if I had a
4 reference I would have included it in a reference here.
5 Your question, Keith, was did I --

6 SPECIAL AGENT LOGAN: Had you endorsed in
7 writing the replacement of the turbine prior to this time?

8 MR. DEBARBA: I don't recall. I do indicate
9 here that there was some new information from Westinghouse
10 -- Westinghouse -- repair options for the seal repair. So
11 it looks like maybe some new information came in at this
12 time frame. But quite clearly, we're recommending the
13 repair replacement choice.

14 SPECIAL AGENT LOGAN: The work that was done,
15 and the savings that were done, was there any
16 consideration given to the people that had worked on the
17 study to show the economic savings involved in the repair
18 of the turbine? Were there any spot recognitions, letters
19 of appreciation, or anything else that had gone out to any
20 of the players involved in that?

21 MR. DEBARBA: I don't recall. Not for me.

22 SPECIAL AGENT LOGAN: Okay. You indicated
23 that you thought that it was clear that there was kind of
24 an effort to repair a turbine as opposed to replacing it -
25 - it was not the first choice of the operators or managers

1 at Connecticut Yankee. Do you think there was any
2 animosity as a result of that decision?

3 MR. DEBARBA: Animosity? I think there was
4 disappointment. I think that they would have preferred to
5 have a new high pressure turbine. I don't think there was
6 any animosity. I certainly never felt it, and I was the
7 one that made the recommendation.

8 SPECIAL AGENT LOGAN: Well, there were
9 certainly others that made the recommendation to you which
10 you then endorsed. So, you didn't feel that there was
11 anything coming back to you nor to any of the other
12 individuals who worked on that?

13 MR. DEBARBA: No, I know people -- I worked at
14 CY for four years, so I knew. I was in charge of
15 replacing the whole low pressure turbine with an ABB
16 turbine. So I know how people feel about it and at times
17 that is the right thing to do; it's a lot simpler to do
18 that than it is to repair one.

19 So, yes, you know, we're familiar with the
20 fact that people would be disappointed about that, that
21 they would just like to have the new device in there and
22 running and not have to be concerned about it anymore.

23 SPECIAL AGENT LOGAN: Last point again --
24 let's go back to that '93 reorg again. When decisions
25 were being made to place supervisors in those new slots --

1 were there supervisory or performance evaluations
2 available on those individuals who were current
3 supervisors? Were they available to you for review or for
4 anyone to review if they had questions?

5 MR. DEBARBA: I don't think so. I mean, if
6 somebody ultimately wanted them, could they get them?

7 SPECIAL AGENT LOGAN: No, no.

8 MR. DEBARBA: Yes, they could.

9 SPECIAL AGENT LOGAN: Were they available?

10 MR. DEBARBA: Were they in the room or
11 something? No.

12 SPECIAL AGENT LOGAN: Most likely have things
13 here in this room. No. Okay.

14 MR. DEBARBA: I don't recall that at all.

15 SPECIAL AGENT LOGAN: You don't recall Cizek's
16 name being mentioned one way or the other with regard to
17 Chandra, if we can just briefly again about him? Do you
18 recall his name as point of discussion for any of the
19 supervisory slots?

20 MR. DEBARBA: I really don't recall that.

21 SPECIAL AGENT LOGAN: And did you consider
22 him? Obviously you didn't nominate him that we've heard
23 so far. But you considered him for a position in the new
24 organization in '93.

25 MR. DEBARBA: You know, I don't recall his

1 name being, you know, discussed, or his name appearing on
2 a chart or proposing his name.

3 SPECIAL AGENT LOGAN: I think one person said
4 they thought his name was discussed.

5 MR. DEBARBA: It's possible. I just don't
6 recall it. Don't forget, we're talking --

7 SPECIAL AGENT LOGAN: I understand.

8 MR. DEBARBA: -- you know, probably, I don't
9 know, fifty names here during the course of the
10 discussion, maybe more.

11 SPECIAL AGENT LOGAN: It was a couple years
12 ago. So.

13 MR. DEBARBA: Right.

14 SPECIAL AGENT LOGAN: I understand. I thought
15 with maybe all the memory recollection and refreshing
16 that's been going on that it might have all popped up.

17 MR. DEBARBA: No.

18 SPECIAL AGENT LOGAN: No?

19 MR. DEBARBA: No.

20 SPECIAL AGENT LOGAN: Okay. That's all the
21 questions that I have at this time. Is there anything
22 that you'd like to add to the record?

23 MR. THEBAUD: We'd like to take a break and
24 come back and let you know.

25 SPECIAL AGENT LOGAN: I guess we can do that.

1 Let's go off the record.

2 (Whereupon, the foregoing matter went off the
3 record at 11:33 a.m. and went back on the
4 record at 12:05 p.m.)

5 CROSS EXAMINATION

6 SPECIAL AGENT LOGAN: Mr. Thebaud, there's a
7 couple items that you indicated you wished to place on the
8 record at this time.

9 MR. THEBAUD: Yes, there are. Thanks very
10 much for the opportunity to do that. Earlier in your
11 discussion with Keith he was talking about a conversation,
12 apparently, that he had with Mario Bonaca -- I don't have
13 the exact quotes, obviously, that were used -- but
14 something to the effect that Mario would not have made
15 necessarily the selections that were made of him that
16 arose out of the 1993 reorganization.

17 MR. DEBARBA: Yes.

18 MR. THEBAUD: Did you ever comment on that?

19 MR. DEBARBA: Yes. It's one of surprise in
20 that to this day I'm not aware of Mario's displeasure with
21 the selectees absent one, a possibility, and that would be
22 with Mr. Kupinski. I do recall during discussions of the
23 manager selectees of him raising questions relative to
24 both Mr. Cretella who was the manager of the fuels groups
25 and Mr. Kupinski who was somebody that was being proposed

1 for this new manger position, and him ultimately
2 concluding that he felt that -- he felt positive about Mr.
3 Cretella not being there and that Mr. Guerci taking that
4 position.

5 I know he felt that way. I know he felt
6 somewhat uneasy about Mr. Kupinski, but in general viewed
7 that given the overall circumstances, that he was willing
8 to work with Mr. Kupinski to give him every opportunity to
9 be successful. But I'm not aware of any other concerns
10 that he may have had about any of the other selectees.

11 MR. THEBAUD: Was is it during the time that
12 he was expressing concerns about either Mr. Kupinski or
13 Mr. Cretella? Did he say he also had specific concerns
14 with some of the supervisors?

15 MR. DEBARBA: I have no recollection on that.

16 MR. THEBAUD: Do you know whether at the time
17 of this reorganization was occurring in the November,
18 December 1993 time frame -- do you know whether Mr. Bonaca
19 knew Bo Pokora?

20 MR. DEBARBA: Yes, I do know.

21 MR. THEBAUD: How do you know that?

22 MR. DEBARBA: Well, Mr. Pokora, prior to that,
23 had been for a number of years -- ten years or more --
24 been in the reactor plant systems group and was a
25 principal engineer in that organization, fairly high

1 ranking. His job as a reactor plant systems principal
2 engineer was one to interface with the nuclear engineering
3 group a lot.

4 He had come from combustion engineering, had
5 extensive background in reactor systems, and interfaced
6 routinely with people from Mario's group and was viewed as
7 a technical expert in that particular area and was viewed
8 very positively by people in the nuclear engineering
9 organization. So, in that sense, I would say that Mario
10 would have known and did know Bo and viewed him
11 positively.

12 MR. THEBAUD: You were just describing a
13 little bit in your answer Bo's background -- can you tell
14 me whether or not at the time that Bo was slotted to the
15 position that he obtained as a supervisor in the 1993
16 reorganization, you supported his selection for that
17 position?

18 MR. DEBARBA: Yes, I did.

19 MR. THEBAUD: Can you tell us without
20 repeating everything you just said why you thought he was
21 the right choice for the job?

22 MR. DEBARBA: Sure. I think, you know, Bo had
23 an outstanding technical background in that particular
24 area. That function included some systems work as well as
25 programs. Bo was the expert we had in the company on

1 appendix R which is a big fire and nuclear plant systems
2 based program that had come out in the 1980's.

3 He had extensive experience and knowledge of
4 all of our plants from a nuclear systems standpoint. He
5 had been acting supervisor for a number of years. He was
6 easy to work with. People enjoyed working with him. He
7 had a real keen insight into plant systems and was very
8 good at getting -- a good questioning attitude, real good
9 at insights into design changes, was sought out for his
10 opinion quite often.

11 He was already a principal engineer, high
12 position, grade 17, basically the same level as a
13 supervisor and was viewed very positively in terms of a
14 person for that kind of a slot.

15 MR. THEBAUD: During the time again of the
16 reorganization or shortly thereafter, did Mr. Bonaca ever
17 express the opinion to you that either Mr. Cizek or Mr.
18 Chandra should have been given supervisory positions?

19 MR. DEBARBA: No.

20 MR. THEBAUD: Changing the subject slightly.
21 Towards the end of the interview with Mr. Logan, you were
22 talking about the replacement or the repair of the CY high
23 pressure turbine in 1993 -- in that time frame, and you
24 mentioned that at one point I think there was a document
25 that reflected a memorandum that you had sent, putting

1 forward your recommendation -- do you know whether Mr.
2 Opeka reacted favorably or unfavorably to the
3 recommendation to repair versus replace?

4 MR. DEBARBA: He was very favorable to having
5 a repair option.

6 MR. THEBAUD: Why was that?

7 MR. DEBARBA: Well, I think he wanted to have
8 options that included different scenarios rather than
9 having only one choice, and that was the most expensive
10 investment of capital -- one that was more spread out over
11 time that included lower levels of expenditures timed over
12 a longer period of time. So I think he was looking at --
13 he was pleased to see a second option.

14 MR. THEBAUD: I think that's everything. Just
15 let me double check here. That's all. Thank you.

16 SPECIAL AGENT LOGAN: Okay. Mr. Gutierrez?

17 MR. GUTIERREZ: I have nothing.

18 SPECIAL AGENT LOGAN: Mr. DeBarba, is there
19 anything else that you'd like to place on the record at
20 this time?

21 MR. DEBARBA: No, not at this time.

22 SPECIAL AGENT LOGAN: Thank you for coming.

23 MR. DEBARBA: Thank you.

24 (Whereupon, the above interview of Eric
25 DeBarba came to a conclusion at 12:15 p.m.)