

EXHIBIT 31

B/4

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF: :

INTERVIEW OF ERIC DeBARBA :

(CLOSED) :

-----x

Northeastern Utilities

100 Seldon Street

Berlin, CT

Tuesday, December 9, 1997

The above-entitled matter came on for interview,
 pursuant to notice, at 4:10 p.m.

BEFORE:

KRISTIN MONROE, Investigator

KEITH LOGAN, Investigator

APPEARANCES:

On behalf of the Interviewee:

MICHAEL A. PUTETTI, Esquire

Morgan, Lewis & Bockius, LLP

101 Park Avenue

New York, NY 10178

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EXHIBIT 31
 PAGE 1 OF 101 PAGE(S)

CASE NO.

1-07-007

C O N T E N T S

WITNESS

EXAMINATION

ERIC DeBARBA

BY MS. MONROE AND

MR. LOGAN

4

E X H I B I T S

NUMBER

IDENTIFIED

RECEIVED

[None.]

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P R O C E E D I N G S

[4:10 p.m.]

MS. MONROE: The time is approximately 4:10 p.m., and the date is Tuesday, December 9th, 1997. My name is Kris Monroe. I am a special agent with the NRC Office of Investigations in King of Prussia, Pennsylvania. The interview this afternoon is with Eric DeBarba, and present today are?

MR. LOGAN: My name is Keith Logan. I'm also a special agent with the U.S. Nuclear Regulatory Commission Office of Investigations, King of Prussia, Pennsylvania.

MR. PUTETTI: My name is Michael Putetti. I'm with the law firm Morgan, Lewis & Bockius in New York, and I'm representing Mr. DeBarba for the purposes of this interview today.

MS. MONROE: Okay. And it's okay if I call you Eric?

MR. DeBARBA: Yes. That's fine.

MS. MONROE: Would you please state your full name for the record and spell your last.

MR. DeBARBA: Sure. It's Eric Arthur DeBarba. It's D-e-B-a-r-b-a.

MS. MONROE: Okay. And prior to going on the record, I indicated that we would conduct the interview under oath. Do you have any objection to being interviewed

1 under oath?

2 MR. DeBARBA: I do not.

3 Whereupon,

4 ERIC DeBARBA,

5 the Interviewee, was called for examination and, having been
6 first duly sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MONROE:

9 Q The interview this afternoon regards an allegation
10 that [REDACTED] who is a former [REDACTED]
11 at Millstone Unit 2, was terminated in [REDACTED] due to his
12 affiliation with the [REDACTED] and the fact that he was a
13 [REDACTED] for that project, and [REDACTED] felt that there was
14 some connection between his [REDACTED] termination and the
15 fact that he received what he perceived to be a threat from
16 [REDACTED] that if he extended the length of the [REDACTED]
17 [REDACTED] or impacted the refueling outage, that he would be
18 fired, and he felt that Ray Necci, who was the manager at
19 that time, also reinforced that threat.

20 So that's how we got to where we are today.

21 Eric, if you just could describe the function of
22 Mike and how you came to choose him as your counsel this
23 afternoon.

24 MR. PUTETTI: Just before we do that, I wanted to
25 just, Kristin, put on the record, Mr. DeBarba is appearing

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1 voluntarily. We would like to confirm that this interview
2 is being conducted under the auspices of the Nuclear
3 Regulatory Commission Office of Investigations, that he's
4 not the target of any criminal investigation in connection
5 with this [REDACTED] matter, and that in light of the fact that
6 your questions and his answers will undoubtedly involve
7 personnel-related matters, that we would ask that it be
8 treated as confidential under the applicable regs, 2. --
9 what is it? -- 790, I guess.

10 MS. MONROE: Okay. This is an interview being
11 conducted by the Office of Investigation under our
12 jurisdiction, and to my knowledge, Eric is not the target of
13 any criminal investigation in connection with [REDACTED] Your
14 request for 2.790 will be noted for the record.

15 MR. PUTETTI: Thank you.

16 MS. MONROE: Okay.

17 THE INTERVIEWEE: And your question was how did I
18 retain Mr. Putetti?

19 BY MS. MONROE:

20 Q Right. Is Mr. Putetti acting as your personal
21 counsel today?

22 A Yes, he is.

23 Q And how did you come to retain him as your
24 personal counsel?

25 A Well, he was representing the company that I

1 worked for previously.

2 Q Okay.

3 A And I have been provided counsel through that same
4 firm before.

5 Q And that company you used to work for was
6 Northeast Utilities?

7 A Northeast Utilities, that's correct.

8 Q Okay.

9 MS. MONROE: And Mike, your responsibilities here
10 today?

11 MR. PUTETTI: Yes, I'm representing Mr. DeBarba
12 for purposes of this investigation involving Mr. [REDACTED] as I
13 have other employees whom you have interviewed in the past. xc

14 MS. MONROE: Okay. And will there be the
15 opportunity that you could share the substance of this
16 interview today with anyone from the NU management
17 structure?

18 MR. PUTETTI: And Mr. DeBarba understands that.

19 MS. MONROE: Okay.

20 BY MS. MONROE:

21 Q And Eric, you understand that you can meet
22 privately or independently with the NRC?

23 A Yes.

24 Q And you understand that --

25 A Yes.

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1 Q -- Mr. Putetti is representing both you and the
2 company?

3 A Yes, I do.

4 Q Okay. Will Mr. Putetti's presence today in any
5 way hinder your testimony?

6 A Not at all.

7 Q Okay. All right. And your date and place of
8 birth?

9 A [REDACTED] Waterbury, Connecticut.

10 Q And your social security number?

11 A [REDACTED]

12 Q Okay. And your current home address and telephone
13 number.

14 A [REDACTED]

15 Q Two words?

16 A It's one word. Well, [REDACTED] is one word.

17 Q [REDACTED] right. Okay.

18 A [REDACTED] in [REDACTED]

19 [REDACTED]

20 Q And home telephone number?

21 A [REDACTED]

22 Q Okay. And your current employer?

23 A [REDACTED]

24 Q [REDACTED]

25 A Yes.

P. Putetti

1 Q And your title at [REDACTED]?

2 A Vice president.

3 Q Okay. And what type of business or firm is
4 [REDACTED]?

5 A It's a failure analysis, engineering management
6 consulting firm.

7 Q Okay. Is it involved in nuclear activities?

8 A A portion of its work is.

9 Q In your direct role as vice president, are you
10 affiliated with any -- working with any nuclear plants or
11 nuclear --

12 A Somewhat.

13 Q -- licensees?

14 A Somewhat. That's not my primary focus.

15 Q Right. And your primary focus would be what?

16 A Industrial sector.

17 Q What nuclear affiliation do you have with what
18 plants or what companies that are licensed for nuclear power
19 plants?

20 A I guess I'm not sure I understand your question.
21 In other words, I --

22 Q Your primarily involved on the industrial side?

23 A I work on business development and that type of
24 thing.

25 Q Right.

1 A I have been -- I've worked at a number of
2 facilities, both with [REDACTED] and for myself as a consultant
3 since I've left Northeast Utilities.

4 Q Okay. And those facilities would be what that
5 you've worked with with [REDACTED] and since you've left on your
6 own?

7 A You mean you want to know specifically by plant
8 name?

9 Q Yes.

10 A I worked for Zion Nuclear Plant in Illinois, I
11 worked at St. Lucie, Crystal River. I'm not sure if there
12 are other plants I worked directly for.

13 Q Okay. And when you say worked for myself, are you
14 a --

15 A Well, I -- actually, I have worked for
16 Philadelphia Electric for the -- in the Maine Yankee
17 acquisition.

18 Q Are you an independent contractor on your own?
19 When you said I worked --

20 A I was.

21 Q Okay.

22 A I was until I joined [REDACTED] in May of 1997.

23 Q Okay. And prior to working for [REDACTED] and then
24 yourself as a contractor or a consultant, who was your
25 employer?

1 A Northeast Utilities.

2 Q Okay. And how long were you employed by Northeast
3 Utilities?

4 A Twenty-four and a half years.

5 Q And period of time -- when did you leave Northeast
6 Utilities?

7 A I left at the end of December of '96.

8 Q Okay. And the reason for leaving Northeast
9 Utilities?

10 A Management changed. They decided to bring in a
11 new management team.

12 Q And your title at the time you left in December of
13 '96?

14 A Vice president of nuclear technical services.

15 Q Is that for one specific unit or would that be for
16 the Millstone Unit, Seabrook and Connecticut Yankee?

17 A All five.

18 Q Okay. What was your reporting structure at the
19 time you left in December '96?

20 A I reported to ^{Ted} ~~Tim~~ Feigenbaum.

21 Q And his title?

22 A He was the chief nuclear officer.

23 Q Okay. Your educational background post-high
24 school.

25 A A bachelor of science from Northeastern University

1 in mechanical engineering.

2 Q Okay.

3 A A masters degree in mechanical engineering from
4 Rensselaer, and a masters degree in business from the
5 Hartford Grad Center.

6 Q Okay. And what is your address? I would like to
7 get that for [REDACTED]

8 A [REDACTED]

9 Q And the zip?

10 A It is [REDACTED]

11 Q And your phone number there as long as the card is
12 out.

13 A [REDACTED]

14 Q The period of time I'm --

15 A I don't know if you want my cards --

16 Q That would be perfect. Thank you.

17 The period of time I'm focusing on, the specific,
18 in interview this afternoon relates to November of '94 when
19 [REDACTED] received what he perceived as a threat to be
20 terminated, and then his actual termination in [REDACTED]

21 So what was your reporting -- what was, first,
22 your title between November '94 and August '95?

23 A November '94?

24 Q Or in that time frame.

25 A I think it was the same as I --

1 Q You would have been the vice president for nuclear
2 technical services?

3 A I think so. There were --

4 Q Or was it VP engineering?

5 A Yes. It might have been. There were a few
6 changes right in that time frame.

7 Q Okay.

8 A But I was always a services vice president. It
9 was either nuclear technical services or engineering.

10 Q Okay.

11 A It could have been engineering vice president.

12 Q Okay. And the reporting structure then would have
13 been you directly to Ted Feigenbaum?

14 A Earlier, it would have been directly to Opeka.

15 Q Okay.

16 A In that time frame, I would think it would have
17 been Opeka.

18 Q And Opeka's title would have been?

19 A He was chief nuclear officer.

20 Q Okay.

21 A He was executive vice president.

22 Q Okay. And going down, who would have been your
23 direct reports as the vice president? I think your title,
24 if I'm not mistaken, was for engineering services at that
25 period of time.

1 A It could have been vice president, engineering
2 services.

3 Q Right. So who would your direct reports have been
4 at that point?

5 A I have one for each unit.

6 Q Okay.

7 A So on Millstone 2, Ray Necci.

8 Q Okay.

9 A Do you want the others?

10 Q Sure.

11 A Millstone 1, Bud Risley. Millstone 3, George
12 Pittman.

13 Q Okay.

14 A Connecticut Yankee was John Haseltine, and then
15 Corporate Nuclear Group, Mario Bonaca.

16 Q Okay. How long did you know or interface with

17 [REDACTED]
18 A I have known [REDACTED] probably for 20 years.

19 Q Okay. How frequent was your interaction with him?
20 Were you close to a peer level at some point in time
21 together at Northeast Utilities?

22 A I would say early on in our careers that we
23 probably were --

24 Q Okay.

25 A -- pretty close that.

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1 Q And when you became a vice president, what was the
2 frequency of your interface with [REDACTED]

3 A Oh, it varied. I mean, there were probably
4 periods where I didn't see [REDACTED] or speak with him for
5 months.

6 Q Okay.

7 A Maybe even years. But there were other periods
8 where it might be daily.

9 Q Okay. Who did he report to directly, if you
10 recall, in '94-95 time frame?

11 A This is the time frame when [REDACTED] --

12 Q Correct.

13 A -- was in the organization?

14 Q So he would have reported to [REDACTED]

15 A He reported to [REDACTED]

16 Q [REDACTED] reported to Ray Necci?

17 A That is correct.

18 Q And then so he was two -- I guess two management
19 levels below -- one, two -- three management levels below
20 you.

21 A Right.

22 Q Okay. Focusing in on November 1994, around
23 November 15th or 16, [REDACTED] had a meeting in which he believed
24 that [REDACTED] made a threat to him that if he extended the
25 length of the [REDACTED], he would be fired or replaced,

1 and both those words were used. The first indication into
2 [REDACTED]'s personal log was the word "replaced," and the
3 next day, he indicated "fired."

4 When did you become aware of what [REDACTED]
5 perceived as a threat and what were you tasked, if anything,
6 to do about it?

7 A Well, I'm not really certain other than in
8 preparation for this meeting, in reviewing some documents, I
9 did see some information. But I'm not really -- I don't
10 really recollect.

11 Q Okay. You don't recall if you were required to do
12 something or contacted or had to counsel somebody or --

13 A No, other than just in preparation for this
14 meeting that it was -- I saw some information that suggested
15 that I had talked with [REDACTED] or Ray, some of those folks, to
16 tell them that they ought to be careful on what language
17 they used in the company.

18 Q Okay. Did you keep any personal type of journal

19 --

20 A No.

21 Q -- a Daytimer log?

22 A No.

23 Q What kind of documents did you review? Was it
24 another individual's testimony or would it have been notes
25 to -- in preparation for this interview, what did you

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two
pages

1 review?

2 A We saw -- I reviewed -- was it -- it was some
3 notes or a letter.

4 MR. PUTETTI: We reviewed the grievance --

5 THE INTERVIEWEE: That's what it was.

6 MR. PUTETTI: -- that Mr. --

7 MS. MONROE: That Mr. [REDACTED] filed?

8 MR. PUTETTI: That Mr. [REDACTED] had filed, correct.

9 MS. MONROE: Okay.

10 THE INTERVIEWEE: That's what it was. Okay.

11 MS. MONROE: Okay.

12 BY MS. MONROE:

13 Q Is there some reason you wouldn't recall this?

14 The length of time or --

15 A I think it's length of time, but, you know, I
16 mean, I've known [REDACTED] for 20 years, and I think if he had
17 asked me what -- you know, I -- it wouldn't be unusual in an
18 organization where I have 500 people reporting to me that if
19 somebody would say, geez, something is troubling me or
20 bothering me, and if he explained that to me, I would say
21 yeah, I think that's reasonable, and I would go down and
22 talk to people and say, do you know what's going on, you
23 know, what's happening?

24 Q Do you recall if he came to you directly to
25 request --

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1 A I don't really recall.

2 Q -- your interface?

3 A I don't recall.

4 Q Okay. This is my understanding of the situation,
5 and maybe this will refresh your recollection. [REDACTED]

6 received what he perceived to be threat from Mr. [REDACTED]

7 He then went with Mr. [REDACTED] to Mr. Necci to see if this

8 was, in fact, the case, that he would be fired or replaced,

9 and in [REDACTED] mind, that was reinforced by Mr. Necci.

10 [REDACTED] had a conversation with [REDACTED], who

11 was the project engineer for [REDACTED]. They tried to figure out

12 the best way -- should they go to the NRC? Should they take

13 it to the Nuclear Safety Concerns Program? They went to

14 Larry Chatfeld.

15 Does this refresh your recollection --

16 A Yes. Yes.

17 Q -- at any point?

18 A Vaguely. Yes, I do recollect something about
19 that.

20 Q Okay. Do you recall Larry Chatfeld coming to you
21 requesting -- you know, talking to you, speaking to you
22 about what [REDACTED] perceived to be a threat?

23 A I vaguely recall Larry saying something about [Jeff]
24 or [REDACTED] had been to see him and they were concerned about
25 some [REDACTED] stuff, and they weren't sure where to turn to,

1 and so they had talked to him.

2 Q What did you -- do you remember what you did next,
3 what you -- after --

4 A I was trying to understand what it was, because I
5 was thinking, geez, do they have a nuclear safety concern,
6 and I recall thinking that, is there really -- I couldn't
7 tell if there was really any safety concern. In other
8 words, it struck me there really wasn't a safety concern,
9 and Larry didn't say that, geez, these guys had a safety
10 concern, but more from the standpoint of, you know, these
11 guys are, you know, they're bothered by some things that are
12 going on and they thought they would just, you know, talk to
13 Larry because they've known Larry for a long time like
14 they've known me for a long time.

15 Q Okay. Were you aware there were any difficulties
16 with the [REDACTED] project to begin with, either the installation
17 or the testing process of that particular system?

18 A Now you're talking in the October-November time
19 frame of that?

20 Q Correct.

21 A I don't think I really knew that much about it.

22 BY MR. LOGAN:

23 Q Do you know what the [REDACTED] project is?

24 A Yes.

25 Q What is it?

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The [REDACTED]

And is that a safety-related system?

Oh, yes, it is. Very much so.

So if Mr. [REDACTED] had problems with the implementation or the operation of that system, wouldn't that be a nuclear safety concern?

Yes. If he voiced concerns about that, yes, I would say that would be.

Okay.

MS. MONROE: Okay.

BY MS. MONROE:

Do you recall having a meeting with Mr. [REDACTED] and Mr. Necci to get to the essence of what was said to [REDACTED] and counsel them or give them any advice in any way, admonish them in any way?

I don't recall. Not to say that I didn't. I may have.

Have there been other instances? Is this an occasion where, you know, this happens so frequently that someone is concerned about being threatened on a project that it blends together, or --

No.

-- would you consider this to be an isolated incident?

Very much.

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1 Q It just doesn't -- you don't recall it because
2 your interaction was so limited or --

3 A It was pretty limited in that vein. I just don't
4 recall. I may have. I may have had some discussions with
5 them, but it's just not something that I recollect.

6 Q Okay. Were you requested by Larry Chatfeld to
7 admonish either Mr. [REDACTED] or Mr. Necci? What do you
8 recall is your direction you were supposed to -- what were
9 you supposed to do with this once you got this information?

10 A I just don't -- I don't remember. I don't
11 remember what I was supposed to do, if anything.

12 Q Okay.

13 A Unless there was something written from Mr.
14 Chatfeld, I don't think that -- you know, I think -- it
15 wouldn't be something like where he would tell me I had to
16 do something. I mean, I might in my own mind say, geez,
17 this is something that I need to clear up.

18 I do remember having discussions with [REDACTED] in
19 particular and [REDACTED]

20 Q And the nature of those discussions were what?

21 A I think the fact that they were concerned about
22 the project in some way, shape or form, and I can't remember
23 the details of that, but if anything, just telling them to
24 just, you know, calm down and focus on the work, and
25 moreover, that if you need some help, we'll get you help.

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1 Q Okay.

2 A In other words, [REDACTED]'s job was to make that
3 project successful, and my job and [REDACTED]'s job and Ray's job
4 was to help him to be successful.

5 Q Had you --

6 A But he needed to take a leadership role and do
7 that. I mean, if he did that, he had nothing to be
8 concerned about.

9 Q Did you feel he was weak in the leadership role in
10 any capacity?

11 A I think, as time progressed, it became obvious
12 that [REDACTED]

13 Q But at the focus in time when the threat was made
14 in November '94, were you aware of any weaknesses that he
15 was having as a [REDACTED] on the [REDACTED] project?

16 A Specifically on that project, I don't think it
17 elevated to, you know, something that I was aware of.

18 Q Okay. You don't recall what you told [REDACTED]
19 relative to how he should treat comments or, you know, being
20 aware of comments that he made to subordinates about
21 phraseology of being replaced on a project or being
22 terminated?

23 A I don't -- I don't remember specifically, no.

24 Q Okay. Did you have any reaction to being informed
25 by Larry Chatfeld that there was this problem with [REDACTED] and

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1 his perception that he was being threatened with
2 termination?

3 A I don't recall specifically other than that I felt
4 that I needed to have a discussion at some point with [REDACTED]
5 and [REDACTED]

6 Q Okay. Were you irritated in any way that you
7 would be put in this position to have to deal with --

8 A I don't think irritated. I think that, if
9 anything, it probably struck me as a poor choice of words in
10 a moment where somebody was saying that all of us are at
11 risk here because this [REDACTED] outage isn't lining up well.

12 Q Okay. So your recollection, then, is that Mr.
13 [REDACTED]'s meaning of the comment was he directed it towards
14 all of us in the management chain being held responsible,
15 not focusing in on just Mr. [REDACTED] specifically?

16 A That's my recollection on it.

17 Q Okay. Did you report this up to your manager, Mr.
18 Opeka, that any type of -- that a threat had been received
19 by Mr. [REDACTED]?

20 A I don't remember.

21 Q Okay. Did Mr. [REDACTED]'s complaint relative to
22 [REDACTED]'s threat or Necci's threat impact you in any way,
23 in a negative way as far as --

24 A I'm not sure what you mean.

25 Q There is a problem in your organization where one

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1 of your -- not a direct report, but one of your subordinates
2 is making threats relative to a project that has been, we
3 agree, a safety-related type of project, and an individual
4 feels that he's being threatened with termination if he
5 doesn't make this project go forward. Did that make you
6 look bad in any way in the organization or unfavorably
7 impact you in any way?

8 A No. No. I think [REDACTED]'s comment was one of
9 making sure engineering supported operations and we were
10 successful in executing the job, and it had nothing to do
11 with, you know, somebody feeling threatened.

12 BY MR. LOGAN:

13 Q You said [REDACTED] said that engineering should
14 support operations?

15 A Well, I think we all felt that way.

16 Q Okay. How did that comment come to be made, that
17 you recall?

18 A Well --

19 Q When did [REDACTED] say that?

20 A What? That -- supporting operations?

21 Q Yes.

22 A I'm just describing the role that engineering had
23 on site. Engineering had been on site only a short period
24 of time at that point, and what had been -- the common theme
25 had been operations is engineer's customers and we need to

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1 support our customer, we need to deliver our projects and
2 deliver them in a way that satisfied the customer.

3 Q And the product in this case was?

4 A Was not satisfying the customer.

5 Q What was the product that wasn't satisfying the
6 customer?

7 A The [REDACTED]

8 Q [REDACTED]

9 A Yes.

10 Q Okay. And --

11 A The preparations for it and, you know, I guess the
12 details, the drawings, the PORC package, the plant operation
13 and review committee package, as I understand it, was either
14 behind schedule or was not in good shape, which prompted
15 [REDACTED] to apparently make the comments that he did.

16 BY MS. MONROE:

17 Q Wasn't there also -- my understanding is that [REDACTED]
18 [REDACTED] and [REDACTED] came down from Berlin headquarters
19 just before the outage in '94, in July of '94. They had
20 been individuals that didn't implement a project such as the
21 [REDACTED] in the past. My understanding was they did the design
22 of the project, passed it on to a project engineer at the
23 site to do the actual implementation of the system, and that
24 there was a little bit of a confusion as to who was
25 responsible for the project, who was supposed to get it

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1 going. [REDACTED] and [REDACTED] had no training or
2 direction on how to implement a project like [REDACTED]
3 especially with the size of [REDACTED] and there was some feeling
4 that they were being set up, you know, just from the fact
5 that there was no guidance on how to get them up and running
6 to get this project into place.

7 Are you aware of any of that kind of a chaotic
8 situation going on with them just coming down to the site
9 and this project going on?

10 A Well, in general, all of the people who moved to
11 the site, and I think there were several hundred of them --I
12 being one of them -- moved in, and in the process of moving,
13 we integrated a number of services. So there were some
14 questions and things that needed to be worked out.

15 I mean, we literally had hundreds of projects
16 being done by engineers under different roles and
17 responsibilities. I would think this project would have
18 been one of them. But nobody was an island out there.
19 Everybody had an opportunity to get some help. The people
20 who previously did the work were still around, so if they --
21 if people needed some help, they could have asked for help,
22 and got some help.

23 Q Okay. So the feeling that management should have
24 given them some direction or some training on how to fit
25 into the area now where they have to implement a project,

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1 you feel the guidance was out there if needed it?

2 A Well, there was guidance and there was direction,
3 but more than that, supervisors responsible to take the
4 leadership role to make sure.

5 Q So that would be -- [REDACTED] would be --

6 A Sure.

7 Q -- responsible to take the leadership role?

8 A [REDACTED] and all the other supervisors.

9 Q Okay. Did you have any feeling at this point in
10 time that there was undue pressure from [REDACTED] management on
11 -- and that would be Mr. [REDACTED] and Mr. Necci -- on [REDACTED]
12 [REDACTED] and [REDACTED] to get this project going?

13 A Undue pressure?

14 Q Right.

15 A No.

16 Q Okay.

17 A I wasn't aware of any.

18 Q Okay. Was your discussion with [REDACTED] an
19 admonishment? Would you consider you were admonishing him
20 for the words that he chose to use with [REDACTED] How
21 would you characterize your discussion with [REDACTED]?

22 A Well, since I don't specifically recollect, you
23 know, what I said or how I said it, it's kind of hard to
24 say.

25 Q Okay.

1 A I don't deny that I did have a discussion. I
2 probably did. I just don't recall the nature of it.

3 Q I just want to -- maybe this is a good time to
4 point out the seriousness of the interview with OI today,
5 and --

6 A Yes.

7 Q -- that if for some reason it's found out you're
8 not being truthful --

9 A Right.

10 Q -- in your recollection or responses to what I or
11 Keith are asking you today --

12 A Right.

13 Q -- under Title 18 US Code 1001 --

14 A Right.

15 Q -- you can be held responsible --

16 A Sure.

17 Q -- for making a false statement to a government
18 agent.

19 A Right.

20 Q So your testimony today is you just don't have any
21 specific recollection of --

22 A I'm not saying I didn't have a conversation. I
23 probably did.

24 Q But you don't remember the substance of --

25 A I just don't recollect the details of it.

1 Q -- that conversation?

2 A Right.

3 Q Okay.

4 MS. MONROE: Keith, do you have anything you want
5 to ask there?

6 BY MR. LOGAN:

7 Q You indicated just a couple of minutes ago that
8 Mr. [REDACTED] was [REDACTED] Why do you feel
9 he was?

10 A I think he was [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q And can you give me an example as to what failed
14 there that you drew the conclusion he was weak in comparison
15 to others?

16 A I think that a [REDACTED] I
17 know on one occasion came to see me to voice --

18 Q And who would that be?

19 A I think [REDACTED] was one. I think -- I
20 can't remember all the people in his group, but it was a
21 number of people. I think [REDACTED] was in that group.
22 I think [REDACTED] -- I can't remember [REDACTED]'s last name -- was in
23 that group.

24 Q And they came to see you individually or as a
25 group?

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1 A As a group.

2 Q And what issues did they raise with you?

3 A They felt they were disconnected from the
4 organization.

5 Q Mr. [REDACTED]'s group was disconnected from the
6 organization?

7 A Correct.

8 Q And the organization that you're talking about
9 was?

10 A The [REDACTED] the [REDACTED]

11 Q Okay.

12 A And there were a number of issues on their mind
13 that I -- I'm sure I don't recall them all, but I think it
14 was issues like over time, the fact that a number of
15 engineers from that group had left and gone elsewhere, that
16 they were feeling like, you know, they were -- there were a
17 lot of demands being placed on them, but they're not getting
18 any help, and they're also not getting any information.
19 They ask questions about overtime, but they don't get any
20 explanation other than [REDACTED] saying yeah, you're right,
21 that's a good question, but, you know, doing nothing about
22 it.

23 So it struck me that they really were [REDACTED]

24 [REDACTED]

25 BY MS. MONROE:

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1 Q In the sense of the administrative task so far as
2 overtime and explanations, but were they feeling they were
3 without effective leadership as far as technically getting
4 projects implemented in the technical aspect? Did they feel
5 that he was weak or addressed concerns in that area?

6 A I don't recall if they had any concerns in that
7 area.

8 Q So there's were more along administrative --

9 A Administrative lines, that I recall.

10 Q You know, that he wasn't communicating, maybe,
11 necessarily well --

12 A Right.

13 Q -- the management philosophy or reasons for not
14 being paid overtime or whatever their issue was
15 administratively.

16 A That he was behaving as a senior engineer in their
17 group.

18 Q Okay. But no complaints relative to his technical
19 guidance to them?

20 A I don't recall any.

21 Q Okay.

22 BY MR. LOGAN:

23 Q Do you specifically recall bringing these issues
24 to the attention of Mr. [REDACTED]?

25 A I don't.

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1 Q But you do recall that his [REDACTED] brought
2 them to your attention?

3 A That's right.

4 Q Was there some reason that they brought them to
5 your attention and not Mr. [REDACTED] or Mr. Necci?

6 A You know, I don't know. I'm not sure. I don't
7 know if they had talked with Mr. [REDACTED] or Mr. Necci.

8 Q It's my recollection that -- I think in possibly
9 another conversation that we've had -- that the chain of
10 command was a very important part of the structure, and that
11 if there were concerns, the concerns should be raised up to
12 the next level.

13 I'm just wondering why this doesn't stick out in
14 your mind at this time that here you have several
15 individuals from Mr. [REDACTED]'s group coming to you directly as
16 opposed to going to Mr. [REDACTED] and Mr. Necci who would
17 have been that next logical step to solve the problem.

18 A But I think in the organization, we were promoting
19 openness and openness from the standpoint of anybody can
20 come see anybody at any time. It wouldn't be unusual. I
21 had people come see me a lot of times that were -- had
22 nothing to do with the chain of command, and that's
23 something that I promoted.

24 Q Did you talk to Mr. [REDACTED] then?

25 A About?

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1 Q About the problems that were brought to your
2 attention?

3 A I'm sure I did. I'm sure I talked to Mr. Necci.
4 I'm not sure I spoke to Mr. [REDACTED]

5 Q Do you recall what Mr. Necci's response was?

6 A I don't remember the details of the discussion.

7 Q So over these administrative matters, you felt
8 that was a basis to conclude that Mr. Necci was in a [REDACTED]
9 [REDACTED] -- was a weak --

10 MS. MONROE: [REDACTED]

11 MR. LOGAN: I'm sorry.

12 BY MS. MONROE:

13 Q Mr. [REDACTED] was a [REDACTED]

14 A The fact that a [REDACTED] would come
15 out and express the concerns that they did to me was an
16 indication that his [REDACTED] It was a
17 data point.

18 Q All right.

19 MR. LOGAN: Go ahead.

20 MS. MONROE: Okay.

21 BY MS. MONROE:

22 Q Moving on to the [REDACTED] termination of
23 [REDACTED] what is your knowledge of why Mr. [REDACTED] was
24 terminated and who made that decisions to terminate him?

25 A The reason for the termination was that, as a

1 supervisor, he was not -- he was not cutting it.

2 Q Okay. Any specific -- who did you learn -- how
3 did you learn that as a supervisor, Mr. [REDACTED] wasn't cutting
4 it aside from the [REDACTED]?

5 A I think it was specifically from Mr. Necci.

6 Q Okay. What specifically did Mr. Necci relate to
7 you about Mr. [REDACTED]'s weaknesses?

8 A Well, his [REDACTED]

9 Q Were there specific examples that he gave you?

10 A Well, I think the [REDACTED] project and its failures.

11 Q Okay. And who made the decision to terminate Mr.

12 [REDACTED]
13 A Mr. Necci and Mr. [REDACTED], I believe, are the
14 ones who decided that Mr. [REDACTED] was unsatisfactory to be in
15 the position.

16 Q What was your involvement, if any, in the decision
17 to terminate Mr. [REDACTED]?

18 A Well, I think it was in discussion at that time,
19 we were preparing for a -- we were preparing for a review of
20 our entire organization, looking at a reduction in force
21 that was going to be fairly significant, and we had already
22 begun doing some preliminary work on attributes for rating
23 and ranking people.

24 Q What period of time are we discussing?

25 A This is in the August time frame.

1 Q Right. Okay.

2 A And so we knew that there was going to be a
3 reduction and the very senior levels of the organization had
4 indicated that we were no longer going to place people who
5 were not cutting it in supervisory jobs into staff positions
6 or lower-level positions, that if they could not perform
7 adequately in their positions, then we would release them.

8 Q Is that what's called -- referred to I guess as
9 the no fallen angel, no fallen soldier?

10 A Right. That was a quote from one of the
11 executives.

12 Q And what executive was that?

13 A I believe that was Mr. Busch.

14 Q What time frame was that? I guess in a
15 chronological sense, what I understand, the sequence
16 relative -- leading up to the '96 terminations was -- and
17 this is from past testimony I reviewed of yours -- around
18 December of -- late '94, in late '94, you became involved in
19 strategic planning for the '96 terminations, okay? Then in
20 spring of '95, some numbers were reviewed for the '96
21 terminations.

22 A Right.

23 Q And then in June '95, there was a memo from Mr.
24 Kacich relative to the numbers that would be laid off --

25 A Right.

1 Q -- in '96, '97, engineering having 35.

2 A Okay. This is happening in '95 as well.

3 Q Right.

4 A [REDACTED]'s --

5 Q [REDACTED]'s termination was in --

6 A Was in '95?

7 Q -- [REDACTED] of '95.

8 A Okay. So it's in the same time frame.

9 Q So at what point in time did the new management
10 philosophy come down about no more fallen angels?

11 A I'm not sure exactly, Kris.

12 Q You don't remember when that would be?

13 A I don't remember when -- it was -- I think it was
14 in that time frame.

15 Q So your testimony is that Mr. [REDACTED] and Mr.
16 Necci made the decision to terminate Mr. [REDACTED]

17 A Well, I'm saying that they judged that he was [REDACTED]
18 [REDACTED] in that position.

19 Q Okay.

20 A And I think that based on the information we had
21 in the organization, there was no alternative.

22 Q Do you remember a conversation with Mr. [REDACTED]
23 -- it would have been probably in the July '95 time frame
24 shortly after there was a problem in Mr. [REDACTED]'s group with
25 the [REDACTED] and [REDACTED] was a project engineer and he

1 encountered some difficulty with performing the [REDACTED] test.
2 And Mr. [REDACTED] has testified that discussion about Mr.
3 [REDACTED] and he had -- Mr. [REDACTED] was considering removing
4 him as a supervisor or wasn't sure how long he would remain
5 as a supervisor, that you were the individual -- you made
6 the comment that Mr. [REDACTED] would be fired and that there
7 would be no more fallen angels.

8 Do you recall that?

9 A I think I -- you know, I don't remember the
10 specifics of it, but I do recall the incident that involved
11 Mr. [REDACTED] and if Mr. [REDACTED] said that Mr. [REDACTED] is not [REDACTED]
12 to be a supervisor, I would suspect my response would be
13 well, with the policy, that means that he doesn't have a
14 position in the company.

15 Q Okay. [REDACTED]'s testimony was that you broached
16 the subject of [REDACTED]'s termination, and that -- [REDACTED]
17 said that the discussion with you relative to [REDACTED] being
18 terminated caught him off guard, by surprise.

19 Do you normally get involved in the termination of
20 a supervisor several levels below you? And what I mean --
21 involved -- in discussion about it or the recommendation
22 that he should be terminated?

23 A I think there are very few cases of a supervisor
24 being terminated, in that sense.

25 Q Okay. And why was that? Is that before this new

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1 management philosophy?

2 A Yes. Yes. Because I think this was the first.
3 person that I can recall that was in that position.

4 Q And you can't specifically recall when this
5 discussion or directive came down on the new management
6 philosophy?

7 A No, but it was in that time frame.

8 Q Meaning the summer of -- July '95?

9 A Right.

10 Q Why? Why did this management philosophy change at
11 that point in time? What was the motivating factor for it?

12 MR. PUTETTI: What was his understanding of it, a
13 motivating factor.

14 MS. MONROE: Yes.

15 THE INTERVIEWEE: My understanding? My
16 understanding was that we were having a reduction in force
17 that was fairly significant, and it was -- it wasn't
18 something where we could say, well, it's all the people who
19 are the first-line workers who are going to feel the pain,
20 that it's got to be commensurate throughout the
21 organization, and so even the very most senior people of the
22 organization if they're not doing their job.

23 BY MS. MONROE:

24 Q Was the reduction in force to lower the number of
25 employees or was it to get rid of individuals that were not

1 giving a good contribution to the organization? And I'm
2 talking about in 1996.

3 A Yes. I think I already testified to this matter
4 before.

5 Q But your recollection of the --

6 A My recollection was it's business reasons.

7 Q Okay.

8 A We're looking at a reduction in numbers.

9 Q Okay. How was the new management philosophy
10 communicated? Was it documented, you know --

11 A I don't think so.

12 Q -- was it on a piece of paper that said we have
13 the new -- you know, no more -- you know, we will start
14 holding supervisor accountable? Was there a memo or --

15 MR. PUTETTI: Kris, I think you have confused him
16 with the question. He started to answer in the middle of
17 your question. Do you want to try to start that over,
18 maybe?

19 MS. MONROE: Okay.

20 BY MS. MONROE:

21 Q I'm talking about the management philosophy.

22 A This is the no fallen angels management
23 philosophy?

24 Q Right. How was that communicated?

25 A I think it was verbally.

1 Q Okay. Was there any documentation of the new
2 philosophy?

3 A I can't -- I don't recall. I doubt it.

4 Q Okay. Who was it communicated to? What level of
5 management would have been made aware of this new -- the new
6 management philosophy?

7 A I think that certainly the officer group as well
8 as the director level group, I would suspect.

9 Q All right.

10 A How much further it went beyond that, I'm not
11 sure.

12 Q Okay. And your testimony is that (b)(7)(C) was
13 the first individual to be caught up in this new management
14 philosophy?

15 A Well, in the engineering side, I think that that's
16 true.

17 Q Okay. What other side would there be?

18 A Well, I think that right in that same time frame,
19 that there was an operator who was terminated with the
20 company.

21 Q Okay.

22 A And I believe it was on (b)(7)(C) as well.

23 Q And the operator would not be a management
24 individual, though; is that correct?

25 A I don't recall if it was an exempt person or not.

1 Q Operators can be supervisors?

2 A They could be supervising operators, right.

3 Q Okay. In [REDACTED], there was a supervisor by
4 the name of [REDACTED] who was a peer or [REDACTED] but
5 reported to [REDACTED] and [REDACTED] was permitted to
6 step down as a supervisor to a senior engineering position
7 within his own organization. Were you aware of this?

8 A It was brought to my attention in preparation for
9 this.

10 Q Okay. Did you have any input into the decision
11 that [REDACTED] would be permitted to step down rather than
12 being fired?

13 A I don't remember. I don't recall.

14 Q Do you know why [REDACTED] would be permitted to
15 step down in January --

16 A Well, I think just in --

17 Q -- and --

18 MR. PUTETTI: Why don't you wait until Kris
19 finishes her question. It's going to work better that way.

20 THE INTERVIEWEE: Right.

21 BY MS. MONROE:

22 Q [REDACTED] could step down to a
23 senior engineering position. In [REDACTED]
24 is fired because of the new management philosophy.

25 Do you know if the management philosophy impacted

1 [REDACTED] What happened in that six-month period to make the
2 philosophy change that [REDACTED] could stay and [REDACTED] was fired?

3 A Well, I don't know other than nothing sticks out
4 in my mind of [REDACTED] having failed in his role.

5 Q Okay.

6 A I mean, I hardly know [REDACTED] but there's not much
7 in -- there's nothing in my recollection that said that
8 [REDACTED] was a failure.

9 Q Okay. Were you aware that [REDACTED] had been
10 working towards removing [REDACTED] as a supervisor?

11 MR. PUTETTI: What time frame?

12 BY MS. MONROE:

13 Q In the July '95 time frame apparently when he had
14 this conversation with you, you made the statement that he
15 would be -- you know, why are we keeping this guy here,
16 there will be no fallen angels, you know, we're going to
17 fire him.

18 Were you aware at the time of that conversation
19 that [REDACTED] was working towards removing him as a
20 supervisor?

21 A I knew that [REDACTED] had -- [REDACTED] and Ray both had
22 very-serious concerns about [REDACTED]'s performance and were
23 looking at making some alteration.

24 Q Okay. Do you know if those alterations involved
25 termination?

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Portions
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1 A I'm not so sure about termination in their minds.
2 In other words, I think that they were thinking he would be
3 removed as a supervisor.

4 Q Right.

5 A I'm not so sure that, in their minds, they were
6 saying, well --

7 Q In their minds, they weren't -- in their
8 testimony, they weren't thinking of termination. You were
9 the individual that came up with -- that he would be fired.

10 A Uh-huh.

11 Q Why was termination the only option?

12 A Well, because of this policy of we're not going to
13 have fallen angels. If somebody fails, that we're not just
14 going to put them on as a consultant.

15 Q Are you familiar with MARC process?

16 A MARC.

17 Q It's an acronym for -- before you terminate
18 someone, there is the process where they are placed on a
19 performance and improvement program, their performance is
20 documented, and then if they don't improve or meet
21 management expectations, they're fired.

22 Were familiar with MARC at the time?

23 A Yes.

24 Q Why wasn't MARC an option for [REDACTED] Why
25 wasn't he permitted to go through the MARC process?

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1 A I'm not sure of the timing of MARC coming in,
2 whether it was --

3 Q MARC was in place at the time.

4 A -- whether it was in broadly or if it was in only
5 for the operations side of the business at that time. I
6 don't know.

7 Q MARC was --

8 A At one time, it got -- it became very broad, and
9 I'm not sure what the time frame for that was.

10 Q So what I understand you're saying, you're not
11 sure if MARC was a process that was applicable to --

12 A Well, how widespread it was.

13 Q Engineering?

14 A At one point, it became very widespread where
15 people talked about things like discretionary management
16 actions and things like that, but I think that might have
17 been subsequent to that. I just don't know.

18 Q What other options went through your mind other
19 than your feeling --

20 A We'll have him be a senior engineer. I mean, that
21 was an option that was clearly in our mind.

22 -Q Was that in your mind?

23 A Sure.

24 Q Because my understanding is, from Mr. [REDACTED] and
25 Necci, that was not an option in your mind, that --

1 A Well, no, they don't know what was in my mind.

2 Q From their discussions from you, that the question
3 first with Mr. [REDACTED] was you broached the subject of
4 [REDACTED] termination, you said that the [REDACTED] situation in July
5 was another indication of a historical performance problem
6 with [REDACTED]'s group and that he should be terminated, and then
7 also with Mr. Necci, but Mr. Necci indicated that he hadn't
8 decided where to ^{put} [REDACTED], in his conversation with
9 you. Mr. Necci indicated that he had decided -- he hadn't
10 decided where to put [REDACTED] in his conversation with you.
11 When Necci said [REDACTED] was not going to be a supervisor
12 anymore, you commented that the company had moved towards
13 higher standards of accountability for management people and
14 that [REDACTED] would not remain with the organization.

15 Both my understanding from [REDACTED] and Ray
16 Necci was they didn't want to terminate the guy and had told
17 -- you know, had communicated that to you.

18 Why did you make the decision to terminate [REDACTED]
19 when your direct report and his direct report who oversaw
20 [REDACTED] did not want that to happen?

21 A I guess what I'm saying is that obviously
22 termination is a significant step, and -- in all of our
23 minds, Ray Necci's mind, [REDACTED]'s mind, my mind. We
24 would think of, are there alternatives.

25 Q But the two men did not want him terminated and

1 had apparently been considering other options. You made the
2 decision, from my understanding, to terminate him anyway.

3 A I think we all felt that it was a tough step but a
4 step that needed to take place.

5 Q But if you had input from Ray Necci and [REDACTED]
6 [REDACTED] that they didn't -- they weren't sure where to put
7 him, but they didn't want him fired, why would you go ahead
8 with the recommendation or the determination that he had to
9 be fired above what was coming from your direct reports?

10 A Well, we had -- you know, there was an expectation
11 from senior management that we have a higher level of
12 accountability and that particularly engineers who were new
13 to the site needed to be held to that same level of standard
14 as the operations people, and where you have an operations
15 person who is fired for -- I don't recall what the event
16 was, that we have engineering who was working on an [REDACTED]
17 project, which is very important, which is failing over and
18 over and over again, over a period of many months, that how
19 can we not take action on a situation like that?

20 Q Right. Taking action, I agree with; but my
21 understanding is neither [REDACTED] or Necci wanted him fired.
22 You made the direction to be fired.

23 My question was, if you had input from these two
24 people that didn't want him fired, what was your reasoning
25 to go ahead and, you know, overstep their feeling, you know,

Portions withheld - Ex 7C

1 go beyond what -- you know, you took your higher position
2 and took your decision --

3 MR. PUTETTI: Kris, could I just ask -- you're
4 starting a question with if, and maybe you should ask him
5 the first question, and that is what was their
6 recommendation.

7 MS. MONROE: I thought we had -- okay.

8 BY MS. MONROE:

9 Q What was the recommendation of [REDACTED] and Necci,
10 your understanding of their recommendation on what to do
11 with [REDACTED]?

12 A My understanding, their recommendation was that he
13 could not be a supervisor.

14 Q Right.

15 A Right.

16 Q They also did not want him fired.

17 A I don't think they had -- my recollection is that
18 they did not have a specific recommendation that says [REDACTED]
19 should go into spot X. They didn't have that. My
20 recollection was that they were aware of the no fallen
21 angels policy, that they had some discomfort in that
22 situation, as I had some discomfort, but we also had a
23 responsibility to the organization and to our senior
24 leadership who basically said that accountability needs to
25 be, you know, needs to be taken, and so that collectively,

Portions withheld - EX7C

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1 we reached the decision on termination of [REDACTED]

2 I don't recall anybody saying that, I will not
3 take part in this termination, this is unacceptable, I will
4 not do it. I don't recall that at all. I don't think
5 anybody did. Did people feel uncomfortable about it? Sure.
6 I felt uncomfortable about it. I had known [REDACTED] for 20
7 years. I didn't feel real comfortable about it. It was a
8 very difficult thing to do.

9 Q Did you interface with human resources to find out
10 if you had the appropriate documentation and the information
11 necessary to make the jump to termination?

12 A I believe there was interface with human
13 resources. I don't remember directly --

14 Q Did you interface with human resources?

15 A No, I don't recall. I don't recall if I did or
16 not.

17 Q So --

18 A I believe Ray did.

19 Q Your testimony is that you -- the way I understand
20 it is that you did not overrule input from Necci and
21 [REDACTED] that they did not want him terminated and you made
22 that decision anyway?

23 A Could you restate that, Kris?

24 Q My understanding is that [REDACTED] did not want

25 [REDACTED] terminated and that Necci did not want [REDACTED]

Portions
7c

Portions withheld - EX 7c

1 terminated, and did you overrule their desire not to have
2 him terminated and say, go ahead and terminate him anyway?
3 Did you force them to terminate [REDACTED]?

4 A I think force is too strong.

5 Q Did you push them? Did you --

6 A No. I think --

7 Q -- highly recommend?

8 A I think what they recommended was that he not be a
9 supervisor. They did not recommend an alternative. To
10 recommend somebody not be fired is not a recommendation.

11 Q So how do you make the jump from recommendation
12 not being a supervisor to terminating the guy completely?

13 A Because there is no alternative. There was no
14 alternative.

15 Q There had been an alternative for --

16 A He either is a supervisor or he is not an
17 employee. That was the direction. There was a new standard
18 for accountability, it encompassed everyone, and
19 unfortunately, [REDACTED] was in a situation where his project
20 failed miserably and he was held accountable for that.

21 BY MR. LOGAN:

22 -Q And this new standard was an oral standard; it
23 wasn't documented in writing anywhere.

24 A That's my understanding, Keith. You know, I don't
25 recall anything in writing, although it's possible there was

1 some. I don't think so.

2 Q It seems like a pretty harsh standard to suddenly
3 pass down verbally to someone: Oh, by the way, if someone
4 can't cut in their current job, they're on the street. This
5 seems like a major departure, as you have indicated, from
6 prior past conduct. It seems rather amazing that nothing
7 would have come down, and you're not aware of anything?

8 A I'm not aware of it, but just by your comments,
9 you used the phrase yourself, so obviously other people have
10 stated it, so -- the no fallen angels.

11 Q I think it's attributable to you.

12 A No, I don't think so.

13 BY MS. MONROE:

14 Q It's attributable to Busch above, but the
15 statement was used in a conversation that you had with Necci
16 that there would be no fallen angels. You used that
17 terminology.

18 A Right.

19 Q In the July-August '95 time frame, connecting to
20 -- where was the termination process for January 1996? At
21 what stage -- what was going on with the '96 terminations?

22 -A In what time frame? In August?

23 Q [REDACTED] time frame before [REDACTED] was
24 fired.

25 A I think there was a task force that was formed.

Portion withheld - EX 7C

1 Each of the vice presidents had a member on that task force
2 and I think human resources and legal might have had a
3 representative on that task force, and they were in the
4 process of developing the methodology, the attributes, the
5 ranking methodology.

6 Q All right. That was for the matrices?

7 A Yes. I think it was in that stage of development.

8 Q Was there any consideration by you to hold off on
9 [REDACTED]'s termination and have it go through the matrix process
10 and be a part of the January '96 termination?

11 A Not that I recall.

12 Q Why? Why wouldn't -- I mean, this is such a short
13 time frame. [REDACTED] he's terminated, and the process is
14 in place, the matrices were completed by managers in the
15 October -- by managers in the October-November time frame.

16 Why not just put [REDACTED] in as part of the matrix
17 process? What was the rush to have him fired in [REDACTED] of
18 '95 if this other process was already ongoing and in place
19 to remove those that weren't providing a valuable
20 contribution to the organization?

21 A Well, the other was a business reduction. If we
22 had somebody who clearly was failing, that waiting for a
23 matrix evaluation was not -- is not a suitable alternative.
24 You need to take action based on the performance that you
25 see.

Portions withheld - Ex 7C

*Portion
7C*

1 Q But the [REDACTED] problems developed back in the '94
2 time frame, almost 18 months later. What was the necessity
3 to move [REDACTED] on that particular [REDACTED] '95, [REDACTED]
4 date?

5 MR. PUTETTI: I'm sorry, Kris. Did you say 18
6 months or eight months?

7 MS. MONROE: About 18 months from the [REDACTED] project
8 -- according to Mr. Necci, that he had been supervising and
9 watching Mr. [REDACTED] and reporting on his weaknesses for an
10 18-month period, and that the termination was a result of
11 difficulties that Mr. [REDACTED] had had for 18 months.

12 BY MS. MONROE:

13 Q And you had indicated that you knew there were
14 some problems with the [REDACTED] project that Mr. [REDACTED] was
15 involved in. What was the necessity to let him go on the
16 second without, you know, going through a MARC process or
17 giving him an opportunity to improve his performance as a
18 supervisor?

19 A Well, the [REDACTED] job had failed miserably, you know.
20 It was not only in --

21 Q Solely on --

22 -A -- November of 1994, but it was during that whole
23 period of time.

24 Q But is that --

25 A It was one event after another event where the

1 system would not perform the way it was supposed to perform
2 and where the engineering was lax, the insight was very
3 shallow, very poor, the support team was either non-existent
4 or wasn't capable of, you know, doing its job. We had to
5 bring in other people from the outside.

6 I ended up getting personally involved on a daily
7 basis with Ray Necci on meetings on the job because it had
8 taken on that, you know, that extent. The unit had been
9 shut down for an extended period of time only for this
10 issue, and it just brought it to a real highlight.

11 Q Why wasn't any action taken with Mr. [REDACTED] at that
12 point in time? Why was there such a length of time before
13 he was finally fired on [REDACTED]?

14 A Well, I think it was. I don't know when the -- I
15 can't recall when [REDACTED] restart was, but it's -- I thought
16 it was right in that time frame.

17 Q Okay.

18 A You know, it was in the summer of '95. So --

19 Q Mr. [REDACTED]'s subordinates came to him with concerns
20 about his administrative abilities. Was there some reason
21 he wasn't removed from the project or removed from his
22 supervisory position earlier? Why would you let a guy that
23 -- you know, why would you let him make mistakes two or
24 three times before removing him? You know, there was the
25 [REDACTED] problem and then the [REDACTED] problem followed after that.

Portions withheld - ETC

1 If there was a weakness with him, why was he permitted to
2 stay on as a supervisor to let the [REDACTED] situation develop?

3 A Well, I think Ray Necci and [REDACTED] were
4 working with him to, you know, work with him as their direct
5 report.

6 BY MR. LOGAN:

7 Q Do you think they were working with him? Is that
8 based on conversations you had?

9 A Well, I mean, he's their direct employee.

10 Q So you assumed it.

11 A Well, I think I did more than that. I think that,
12 you know, that -- I can recall having meetings with large
13 groups of people in the area, and I think on [REDACTED] I had
14 group meetings that included all of the folks to make sure
15 that those types of issues got aired.

16 Q Those types being?

17 A Administrative issues, if people had
18 administrative issues on their mind. So the short-term need
19 for those things was taken care of, and meanwhile, I knew
20 that [REDACTED] and Ray were addressing, you know, [REDACTED] s
21 situation. They were addressing the fact that he had
22 weaknesses.

23 Q And when did they first bring to your attention
24 Mr. [REDACTED] s weaknesses?

25 A I don't recall. I don't recall the time frame.

1 Q Was it the -- what system was it? The [REDACTED]
2 system, was that the one that first brought it to your
3 attention?

4 A That was the one that was up close and personal
5 because I ended up getting involved with it because it had
6 such high visibility.

7 Q And was Mr. [REDACTED]'s handling of that system or the
8 handling of the implementation of that system the basis for
9 his termination?

10 A I think that was a big part of it.

11 Q What was the rest of it?

12 A I think the fact that he was a weak supervisor.

13 Q And if Mr. [REDACTED] was mishandling the
14 implementation of the [REDACTED] system and was terminated and
15 this handling, mishandling of it occurred over a period of
16 time, why wasn't someone else held accountable as well as
17 Mr. [REDACTED]?

18 A Well, I think someone else was.

19 Q And who was that?

20 A For the --

21 Q Failure to properly implement the [REDACTED] system over
22 a period of time.

23 A Well, I think Mr. [REDACTED] and Mr. Necci both had
24 some responsibilities in that regard.

25 Q But they weren't terminated.

*Portions
7c*
Portions withheld- EX 7c

1 A They weren't terminated, no.

2 Q Why wasn't Mr. [REDACTED] held to the same standard
3 of Mr. [REDACTED]

4 A Because he had other projects he was responsible
5 for.

6 Q Didn't Mr. [REDACTED] have other projects also?

7 A I don't know if he had -- I don't know what his
8 direct involvement was, but I think that he had not -- Mr.
9 [REDACTED] had not displayed the fact that he was not a
10 competent manager.

11 Q And --

12 A Mr. [REDACTED] had.

13 - Q And the basis for not being a competent in this
14 case supervisor was the [REDACTED] project?

15 A The [REDACTED] project and his failure to administer his
16 group at more than being one of the people in the group.

17 Q The decision to terminate him or to remove him as
18 a supervisor, obviously that was effective in [REDACTED]
19 but the problem with the [REDACTED] system, as Ms. Monroe has
20 indicated, was one that developed over a period of at least
21 18 months.

22 - Why wasn't something done about Mr. [REDACTED] sooner
23 if it was such a significant system? Why was it let run for
24 that period of time?

25 A I think that the -- when you're working on these

Portions withheld - Ex 7c

1 systems, it may be 18 months in preparation, but you don't
2 necessarily see the results until implementation, and I
3 think that the refueling outage was -- I don't know when it
4 began, but it began in late '94, if I recall, and he had
5 --as is typical in project work, you work on these projects
6 months in advance, doing the calculations and the design
7 reviews and drawing reviews and that type of thing. They
8 lead up to a successful project.

9 Those people that are successful do really good
10 jobs on their calculations and their specs and their
11 drawings, their interface with the operations people, and so
12 when it comes time to implement, they implement smoothly,
13 and there are people there who do that routinely.

14 In this case, the preparation work was behind
15 schedule. The preparation work did not meet the customer's
16 expectations. There were some adjustments and changes that
17 were made, I know, because Mr. Necci, I know, was watching
18 that job closely, but it didn't manifest itself fully until
19 they actually implemented and did testing, and then when the
20 testing occurred, they found that the system was not
21 performing properly.

22 - Q Mr. [REDACTED] was responsible for supervising the work
23 being done on the [REDACTED] system?

24 A That's correct.

25 Q Who was the engineer who had the lead on that

1 system?

2 A I believe it was Mr. [REDACTED]

3 Q Was he terminated as a result of his failure to do
4 the work properly?

5 A I don't believe so.

6 Q Why not?

7 A I don't think that it was viewed that he was -- he
8 had performed unacceptably as an engineer or as a senior
9 engineer.

10 Q So the person -- the actual engineer responsible
11 for the system that doesn't work is kept at NU, the manager
12 who's responsible for overseeing the supervisor is kept in
13 his current position, and only the supervisor who oversees
14 the engineer is fired. Isn't there some disparity, in your
15 mind, about how that works?

16 A I think that the supervisor ended up failing as a
17 supervisor, all right? The senior engineer didn't fail as a
18 senior engineer. I'm not sure exactly, I can't recall
19 exactly what, if anything, was done with Mr. [REDACTED] in
20 his performance reviews and that type of thing. I'm also
21 not sure what was done with Mr. [REDACTED] in his performance
22 reviews, if anything. But it does not stand out in my mind
23 that either of those folks failed at their specific job.

24 [REDACTED] as a manager -- he had only been a manager a
25 short period of time -- it wasn't evident that he had failed

Portions
7c

Portions withheld - EX 7c

1 across the board. Clearly, this was not a success story.
2 It was not a success story for Mr. Necci; it was not for me,
3 either.

4 BY MS. MONROE:

5 Q Did you have input from anyone else in the unit
6 that there were difficulties with Mr. [REDACTED] and his
7 abilities as a supervisor from outside of the [REDACTED]-Necci
8 --

9 A I do recollect some input from the operations
10 folks that they were unhappy with his performance.

11 Q Okay. And could you explain to me your reasoning
12 for getting involved on your level with Mr. [REDACTED]'s
13 termination? As a vice president, why you had such a close
14 involvement with his termination, someone that was three
15 structures down from you in the management chain.

16 A I think I would be involved with any termination.
17 I think what was unusual about this circumstance was that we
18 had a person who was being removed as a supervisor, and with
19 the new policy that we had on accountability, that there was
20 no other place for that person to go.

21 Q Was there any thought given to how this new policy
22 would impact -- you know, [REDACTED] has been removed --
23 what the impact would be on the organization and how there
24 was -- there didn't appear to be any documentation to
25 support [REDACTED] weaknesses, and how a decision on this new

1 management philosophy, how it could be supported?

2 A The recollection was that that would be viewed as
3 positive because it sends a message on accountability, and
4 particularly to the operations people, who were very upset
5 about this whole event, to the point of making comments to
6 senior management about why isn't somebody from engineering
7 fired because of this?

8 Q So again, your testimony was that you weren't sure
9 if the MARC program process was -- how wide it was, if it
10 was specifically -- if it was being used within engineering;
11 is that my understanding?

12 A Well, just how widespread it was throughout the
13 organization. I don't recall at that time where it was.

14 Q Why wouldn't be -- if there's a process in place
15 for individuals to be put in a process to improve their
16 performance, why wouldn't it be throughout the organization?

17
18 A It's just that things -- we had -- MARC program
19 had been in the company probably for ten years, but at a
20 --you know, used mostly for bargaining unit people, I
21 recollect, a long time ago at Connecticut Yankee. I think
22 that it progressed to the point where it was used very
23 widespread in the 1996 time frame.

24 Q Okay.

25 A I don't know where it was during that period of

1 time.

2 Q What other process was in place, then, to help an
3 individual -- a supervisor improve their performance if
4 there was a weakness --

5 A We had a performance review process.

6 Q Okay. That's the performance appraisal?

7 A Right.

8 Q And did you review any of Mr. [REDACTED]'s performance
9 appraisals?

10 A I don't recall.

11 Q Okay. Because his performance appraisals are
12 pretty -- overall, he received a [REDACTED] rating, which would
13 indicate he was doing a quality job, and if your performance
14 appraisal indicates you're doing a quality job, and there is
15 nothing in-between to counsel you or help bring you up to
16 speed, that doesn't seem to be very fair.

17 If the performance appraisals are a record of your
18 performance and you think you're doing okay with maybe one
19 [REDACTED] in an area that needs improvement, but otherwise you
20 think you're doing okay, and you're not getting a lot of
21 coaching or counseling from your immediate manager --

22 A Right.

23 Q -- what else is in place to let you know as the
24 supervisor you're not doing a good job? Was there anything
25 else in place?

Portions withheld - Ex 7C

1 A I think he had -- in this case, Mr. [REDACTED] had many
2 discussions with his supervisor along the way about his
3 performance on this particular project.

4 Q Can performance on one project end your career and
5 lead to termination? I mean, [REDACTED] was the weakness he had;
6 can that one project and deficiency alone --

7 A I think if it highlights somebody's weakness. I
8 think in this case, it demonstrated that Mr. [REDACTED] did not
9 have appropriate supervisory skills.

10 Q Okay. Were you aware that Mr. [REDACTED] grieved his
11 termination through the NU process?

12 A I was aware in preparation for this. I think I
13 was aware of it before I left the company.

14 Q Okay. Because you left December of '96?

15 A Well, actually my last day actually on site was in
16 September.

17 Q Okay. Because ultimately, the grievance committee
18 concluded that the process leading to the grievant's
19 termination was flawed, and they concluded that the
20 grievant's deficiencies as a supervisor had not been
21 adequately communicated to him, and corporate and
22 departmental guidelines for performance improvement plans
23 were not followed.

24 So apparently there were some corporate and
25 departmental guidelines in place for performance improvement

1 plans, but you were not aware if that was specifically for
2 the nuclear side and for non-bargaining people?

3 A I think we're getting some things mixed up.

4 Q The committee ultimately determined that the
5 process was flawed, that there apparently was some process
6 in place for Mr. [REDACTED] to be able to improve his
7 performance. That had not been followed, those guidelines,
8 and that was why he was ultimately [REDACTED]

9 [REDACTED]

10 MR. PUTETTI: Kris, do you want to let him read
11 that?

12 MS. MONROE: Sure.

13 MR. PUTETTI: I mean, you could ask him if he saw
14 it before, but I think --

15 MS. MONROE: It's a December 13th, 1996 document
16 to Kenney, Noyes and Sabatino from Richters; subject:

17 [REDACTED] It's three pages.

18 We'll go off the record.

19 MR. PUTETTI: Just so he can be looking at what
20 you're asking him questions about.

21 [Discussion off the record.]

22 MS. MONROE: We'll go on the record at
23 approximately 5:25 p.m.

24 BY MS. MONROE:

25 Q Eric, you had an opportunity to review this

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7C

1 December 13th, 1996 memo with the two-page revised decision
2 and the grievance attached to it.

3 Before reading this today, did you have an
4 opportunity to review this before?

5 A Yes. In preparation for this meeting.

6 Q Okay. What we can agree is on page 2 of the
7 document, it says, the committee concluded, however, that
8 the process leading to the grievant's termination was
9 flawed. The committee concluded that the grievant's
10 deficiencies as a supervisor had not been adequately
11 communicated to him and corporate and departmental
12 guidelines for performance improvement plans were not
13 followed.

14 And I believe early in the interview, you
15 indicated that you weren't aware if engineering had any type
16 of departmental guidelines for performance improvement
17 plans; is that correct?

18 A I think we have two things maybe mixed up a little
19 bit, and let me try to explain that. We have talked about
20 MARC as one type of performance or discipline process to
21 follow.

22 Q Okay.

23 A We also talked about performance evaluations, I
24 think you called it, or I forget what the terminology was
25 for the performance review form.

1 Q Okay.

2 A Was it performance evaluation form?

3 Q Performance review.

4 A Performance reviews?

5 Q Performance management program is actually the
6 title.

7 A PMP. Okay. That I believe they are referring to
8 the PMP there, not MARC.

9 Q And what would lead you to make you believe that
10 that's what they're referring to?

11 A Well, because I think they're using it in the
12 general term of, you know, the performance management
13 program, didn't provide opportunity for a performance
14 improvement, opportunity or something --

15 Q But is a performance management program, is that a
16 performance improvement plan?

17 A A part of that could be a performance improvement
18 plan.

19 Q And why would it be part of the -- how could a
20 performance improvement plan be part of a performance
21 management program?

22 A Because your performance management says that you
23 have failed in an area or collectively, and now you have a
24 performance improvement plan put together that evaluates
25 how, you know, how well you're doing or if, you know, if you

1 were successful in improving your performance.

2 Q So MARC is not the vehicle to do that?

3 A I think MARC is guidelines on how to conduct
4 discipline and how to do some other things, but it's not
5 specific -- it's not specific to this. The performance
6 management program has been in place for ever.

7 Q Okay. Mr. --

8 A And I believe that's what they were talking about
9 in this.

10 Q Although it --

11 [Pause.]

12 BY MS. MONROE:

13 Q Let me -- just to clarify this, maybe this will
14 help your memory a little bit, Mr. [REDACTED] testified that
15 he had been working toward removing [REDACTED] as a supervisor.
16 Were you aware of that?

17 A Generally, I was aware that he and Ray were
18 dissatisfied with [REDACTED]'s performance as a supervisor and
19 felt that a change was going to be needed.

20 Q Okay. Mr. [REDACTED] testified that he had
21 discussion with Ray Necci about [REDACTED]'s supervisory
22 capabilities, but no MARC process was in motion.

23 The next step with respect to documentation of a
24 performance issue, according to Mr. [REDACTED] was MARC, and
25 there would be an improvement plan.

1 Does that clarify for you that it appeared to be
2 that MARC was part of the engineering organization at that
3 time?

4 A I think that that is part of the organization.
5 The performance management program is what's
6 institutionalized. I think MARC is something that was
7 specifically part of the nuclear organization. ^{The performance management} ~~that is~~ all program
8 of Northeast Utilities. ^{for}

9 BY MR. LOGAN:

10 Q When you say that is all of Northeast Utilities --

11 A Performance management program.

12 Q Okay.

13 BY MS. MONROE:

14 Q So if there were weaknesses, then, in Mr. [REDACTED]'s
15 supervisory capabilities, they should have been specifically
16 identified in the performance management program, the
17 appraisal for that year?

18 A That's part of it. I think MARC ended up
19 dovetailing with that process sometime, you know, during
20 this period of years. I'm not sure exactly when.

21 Q Okay. Because Mr. [REDACTED]'s understanding at
22 least was that you had been working towards removing him as
23 a supervisor, but no MARC process was in motion, and that
24 was the next step with respect to documentation is what Mr.
25 [REDACTED] understood to be the next way to work towards

1 removing [REDACTED] as a supervisor. 7c

2 A Okay.

3 Q Does that help you out at all?

4 A Yes. We had a number of people who had gone
5 through MARC training, you know, probably in that time
6 frame. So I think MARC was a tool to be used.

7 Q Okay. So did you go through MARC training?

8 A I don't believe I did.

9 Q Okay. Because earlier you had testified you
10 weren't sure if that was part -- you know, if that was just
11 a bargaining unit thing, but now can we agree that it looks
12 like MARC was more organizationally wide?

13 A What I don't know is how -- if it was
14 institutionalized. I know that the performance management
15 program was institutionalized. It was in the NU procedures,
16 human resource guidelines and that type of thing. I don't
17 know about MARC, the extent to which that was
18 institutionalized.

19 BY MR. LOGAN:

20 Q When you say institutionalized, you're referring
21 to the entire NU organization or just nuclear?

22 A ~~Or~~ In the nuclear ^{organization} applicable in this case, to MARC *ced*

23 Q Okay.

24 A Whether there was a procedure that said thou shalt
25 do X, Y or Z using MARC, I don't recall.

1 MS. MONROE: Okay.

2 BY MS. MONROE:

3 Q Do you recall a conversation with Mr. [REDACTED]
4 relative to Mr. [REDACTED]'s performance? Do you recall having a
5 discussion with Mr. [REDACTED] about [REDACTED]'s performance in
6 the July '95 time frame?

7 A You have to help me a little more than that.

8 Q Okay.

9 A I think over the course of many months, we had
10 numerous discussions.

11 Q Okay. Mr. [REDACTED] testified that when -- after
12 the -- you started looking at [REDACTED]'s performance again
13 after the [REDACTED]

14 A Okay.

15 Q -- evolution in July '95, and he was viewing it as
16 another example in a long line of performance issues of
17 [REDACTED]'s group that he was responsible for.

18 Mr. [REDACTED] said that he did not recommend that
19 Mr. [REDACTED] be fired. He said, in fact, the initial broach of
20 that subject to me came from Eric DeBarba.

21 Do you recall recommending shortly after the [REDACTED]
22 that [REDACTED] be fired?

23 A I do -- now that you say it with [REDACTED] I mean,
24 that -- there was another example. In other words, you had
25 [REDACTED] you had [REDACTED] you had [REDACTED] you had a lot

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1 of different projects, all of which had gone sour under
2 [REDACTED]'s leadership, and each one of those was another
3 indication that he was failing.

4 Q Okay.

5 A I do recall at some point in time, and I'm not
6 sure exactly of the point in time, [REDACTED] Ray or both
7 telling me that [REDACTED] needed to be removed from his position.

8 Q Okay. As a supervisor?

9 A As a supervisor. And my comment to them, I'm sure
10 it would have been that if you remove him from supervisor,
11 we don't have another place to put him.

12 Q Okay. And meaning that he would have to be fired?

13 A Meaning he's terminated from the company.

14 Q And he could not be placed in a senior engineering
15 position?

16 A That's correct.

17 Q Because?

18 A Because of the higher standards of accountability,
19 because operations fired somebody who made a mistake on one
20 thing, one time. We're part of the team and we have to hold
21 ourselves to the same level of accountability.

22 Q Okay. Was the higher level of accountability in
23 any way created to remove Mr. [REDACTED] Was the philosophy
24 formed in order to remove Mr. [REDACTED] from his job?

25 A What do you mean? You mean him specifically?

Portions withheld - Ex 7C

Portions
7C

1 Q The higher accountability, was that you know, made
2 a mandate specifically to remove Mr. [REDACTED] from his job?

3 A Absolutely not. Absolutely not.

4 Q In your mind --

5 MR. PUTETTI: Kris, can I have a minute? Just
6 personal.

7 MS. MONROE: Okay. We'll go off the record.

8 [Discussion off the record.]

9 MS. MONROE: We'll go back on. It's 5:35.

10 BY MS. MONROE:

11 Q So what I'm understanding, then, Eric, is that
12 [REDACTED] and Ray both told you that they had a problem with Mr.
13 [REDACTED] as a supervisor and they didn't have any other plan
14 for him? Are we correct up to that point?

15 A Right. That's my recollection.

16 Q In lieu of that plan, you directed what?

17 A That we have no alternative but to terminate Mr.

18 [REDACTED]
19 Q Okay. If Mr. Necci had come up with another plan
20 -- for instance, we'll drop him down to a senior engineer --
21 would that have been an acceptable option for you?

22 A I don't recall any discussions. I don't recall
23 him telling me that's what he wanted to do or submitting
24 paperwork or saying that he would not work with the process
25 or he was going to appeal it. I don't recall anything like

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1 that.

2 Q But if he had, it's a hypothetical, what --

3 A I don't about the -- I don't know how to respond
4 to a hypothetical in that case.

5 Q So you don't recall him coming up to you with any
6 other option or plan?

7 A No.

8 Q Okay. How would you -- could you comment on the
9 fact that Mr. [REDACTED] was taken off guard by your statement
10 that [REDACTED] would have to be terminated or fired?

11 A It would be my -- I guess -- [REDACTED] was fairly new
12 as a manager, and I think that that was the first time that
13 he had probably ever been involved with something where
14 somebody was to be let go from the company, and the harsh
15 reality of it probably struck him pretty hard.

16 Q The [REDACTED] project, as you testified, was a failure;
17 is that correct?

18 A [REDACTED] and some of these others as well.

19 Q How did that impact you as the vice president of
20 the engineering organization?

21 A How did it --

22 Q How would the failure of a project like [REDACTED] and
23 [REDACTED] that's under your --

24 A Well, as I explained --

25 Q -- direction --

Potlows withheld - EX 7C

*Part 101
7C*

1 A -- engineering is responsible for supporting
2 operations as the customer, providing them with high-quality
3 solutions to their technical problems. They had a technical
4 problem with [REDACTED] and [REDACTED] and the [REDACTED]; it was
5 our responsibility to get it fixed and get it done right,
6 and over and over again, we were not doing it well, so it
7 looked -- it was a very bad reflection on engineering.

8 Q And was that, in turn, a bad reflection on you as
9 the vice president?

10 A I think ultimately, yes. It's a bad reflection on
11 everybody in the company, you know, or anybody in
12 engineering.

13 Q Okay.

14 MS. MONROE: You have a question?

15 MR. LOGAN: Yes.

16 BY MR. LOGAN:

17 Q What I have here is I have a performance
18 management program for performance year. It talks about the
19 management ratings that Mr. [REDACTED] received for 1994. The
20 evaluation is dated I believe in February of 1995. Mr.

21 [REDACTED]'s overall rating is [REDACTED]

22 Prior to coming here today, Mr. DeBarba, did you
23 have an opportunity to review Mr. [REDACTED]'s 1994 performance
24 evaluation?

25 A I think in the preparation for this meeting, my

Portions withheld - EX 7C

para 1221
7

1 counselor had it. I don't recall having read it, though.

2 MR. LOGAN: Do you have an extra copy with you,
3 counselor?

4 MR. PUTETTI: I don't have one down here.

5 MR. LOGAN: Okay.

6 MR. PUTETTI: I may have one upstairs.

7 MR. LOGAN: That's okay. We'll try and work with
8 the one copy for the moment.

9 BY MR. LOGAN:

10 Q What takes me back, Mr. DeBarba, is the statements
11 that you have made that point to [REDACTED] who was not
12 performing as a supervisor and not performing as a
13 supervisor over a period of time, and in the course of this
14 interview, I gather that period of time extends more than
15 just the six months prior to his termination; is that
16 correct?

17 A Could you --

18 Q Problems with Mr. [REDACTED] --

19 A Right.

20 Q -- were there for longer than the six months prior
21 to his termination.

22 A I think that they increasingly became more acute
23 during that period of time.

24 Q But they existed prior to February of 1995.

25 A I'm not so sure how recognized they were in the

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EX 7C

Portions
7C

1 organization, to be honest with you. I think that they were
2 recognized probably to some degree. I don't know the
3 details of that review that was conducted.

4 Q We'll go over that.

5 A Right.

6 Q It's just that you indicated that [REDACTED] was a
7 problem and was one of the major reasons that Mr. [REDACTED] --
8 that Mr. [REDACTED]'s handling of the [REDACTED] was one of the major
9 reasons he was terminated --

10 A And again --

11 Q -- as well as others that you have discussed with
12 Ms. Monroe here.

13 A Yes. That was in the time frame of '95.

14 Q Solely in '95?

15 A Well, you know, the outage began in late '94,
16 right? October '94 or so? And problems started to manifest
17 themselves in January, February, and then escalated very
18 significantly throughout the spring and summer months. That
19 performance review you're reading from is for the calendar
20 '94?

21 Q 1994 performance year. The date that it is signed
22 is February 8, 1995, by Mr. [REDACTED] --

23 A Okay.

24 Q -- and Mr. [REDACTED] on the same date, Mr. Necci two
25 days later.

Portions withheld - EX 7C

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7C*

1 A I see.

2 Q Let me go through some of the things in here that
3 I guess are surprising to me.

4 First of all, the overall rating is a [REDACTED] and not an
5 [REDACTED]. Mr. [REDACTED] received ratings
6 of [REDACTED] in teamwork [REDACTED] being exceptional. 7c

7 A Uh-huh.

8 Q He [REDACTED] which is quality, for quality,
9 quantity, customer service orientation, interpersonal
10 relations, planning and organization, decisionmaking,
11 oral/written communications, initiative and innovation, and
12 problem-solving and analytical skills. Those are all under
13 I guess general competencies.

14 Moving down to supervisory competencies, he
15 receives a [REDACTED] for all of them, which include leadership,
16 employee supervision, delegation, affirmative action,
17 performance management, business strategies, and informing,
18 with nothing in the [REDACTED] area.

19 MR. PUTETTI: Keith, there is an [REDACTED] on that
20 evaluation.

21 MR. LOGAN: There is, but not in the supervisory
22 ones. The [REDACTED] -- we were talking about supervisory
23 competencies. To go back to the general competencies, there
24 is an [REDACTED] and it's monitoring and controlling work progress.
25 But again, we're coupling that with [REDACTED] in all the other

Portions withheld - EX 7c

1 areas.

2 BY MR. LOGAN:

3 Q And examples of competencies, there's a paragraph
4 that says, [REDACTED] needs to monitor and control work in
5 progress better. As we know, that's the area that he
6 received the [REDACTED] in, as counsel just pointed out.

7 It says, [REDACTED] needs to monitor and control work in
8 progress better. This will allow the accomplishment of more
9 tasks in a more timely manner. [REDACTED] need -- it should be
10 needs to work with his personnel and establish expectations
11 in this area. Some examples include: -- I'll go down to
12 number two -- the [REDACTED] project was over budget and not on
13 schedule. While some of the factors involved in this effort
14 were beyond his group's control [outage and standdown]
15 others were controllable. Numerous part delays and
16 procedure rewrites were necessary to implement design.
17 Parts procurement and dedication occurred very late in the
18 design effort. Some of it occurred during the
19 implementation phase.

20 That was the only section that I -- and that's the
21 end of the quote, obviously -- but that was the only section
22 I saw that related to [REDACTED] but for a one liner under
23 paragraph 11 says, and I quote, "Provided a second shift
24 engineer for the [REDACTED] project to keep this critical path
25 moving, and that was a positive sign on [REDACTED]."

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1 I take it back. There were a few other ones. Let
2 me read those. It's under the paragraph 11, which starts
3 out: [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED] established several support structures for
11 key projects. These included: 1) established a procedure
12 support network for the [REDACTED] project; and under 3) provided
13 a second shift engineer for the [REDACTED] project to keep
14 critical path moving.

15 That would show that, I guess, Mr. DeBarba, that
16 there were positive sides to the work he was doing, and in
17 this -- there are a summary narrative of four pages, all
18 which result in quality performance for 1994. This seems to
19 be inconsistent with the picture that you've painted of Mr.
20 [REDACTED] as someone who is failing as a supervisor, and the
21 only alternative if he fails as a supervisor between January
22 and August is to terminate him, unless, of course, there was
23 another reason why he was terminated, which is what brings
24 us to the table, the issue being that his performance wasn't
25 that bad as is reflected in the 1994 evaluation. What was

Portions withheld - Ex 7C

portions
7C

1 bad was that Mr. [REDACTED] raised safety concerns. He raised
2 issues with regards to the [REDACTED] project and how more effort
3 had to be made.

4 When he brought concerns to his supervisor, then
5 suddenly, he was ineffective as a supervisor and had to be
6 terminated. And how was that done? It was not done in
7 compliance with the performance management program; it was
8 done in the implementation of a new project, or -- excuse me
9 -- a new policy that said that there will be no fallen
10 soldiers, that we're going to eliminate the people who can't
11 work in their current position, of which the only one that
12 we have seen within engineering services is Mr. [REDACTED]

13 Can you explain how Mr. [REDACTED] received a quality
14 performance evaluation in 1994 and was terminated as a
15 supervisor in [REDACTED]. And I'll let you for the
16 moment look at his evaluation.

17 MR. LOGAN: Let's go off the record.

18 [Discussion off the record.]

19 BY MR. LOGAN:

20 Q Mr. DeBarba, I believe the question we asked was
21 how Mr. [REDACTED] went from a [REDACTED] rating at the end of 1994 to
22 being on the street in [REDACTED]. What was it that
23 happened? What was it that was going on that caused him to
24 be terminated?

25 A Well, I think Mr. [REDACTED] and Necci did the

Portions withheld, EX-7C

*Don't know
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1 performance review and they are closer to his work
2 performance.

3 In 1994, you know, there are a number of comments
4 in there, and -- you know, under the guise of needs
5 improvement in a particular area, which for a supervisor is
6 probably somewhat unusual, to receive an [REDACTED], even if it's in
7 one category.

8 Q Under general competencies, not supervisory
9 competencies.

10 A Yes. Overall, you know, I think, as a company,
11 not many [REDACTED] given at all. I'm not saying that's good or
12 bad, but it's just the way it has been.

13 Q But wasn't there a policy, though, at about this
14 time to give more [REDACTED]?

15 A I think there was -- there was an initiative to
16 try to give more [REDACTED] overall.

17 Q As a way of providing --

18 A Right.

19 Q -- positive direction to areas where employees
20 could improve.

21 A Right. I think that that was the direction we
22 were trying to force with accountability, is to get more [REDACTED]
23 in there. But I'm just saying historically, as a company,
24 we were not good in terms of using "needs improvement",
25 identifying areas where things needed to be done. I think

Portions withheld - E/X7C

1 that that is a reflection of Mr. [REDACTED] review of [REDACTED] s
2 performance in that calendar year. I have no reason to
3 believe it's not correct, for the 1994 time frame. He did
4 point out some shortcomings, and some of those are the ones
5 that came home to roost on managing and planning work.

6 Q But by the same token, with regard to [REDACTED] he
7 pointed out some strengths and some actions which Mr. [REDACTED]
8 took that facilitated the project.

9 A Well, that was a snapshot at the time, and he said
10 -- I guess I would take from that -- overall, you're doing a
11 satisfactory job, quality job as a supervisor. You've got
12 some areas that we're going to be paying attention to and
13 where you need some improvement. And that -- I think that's
14 what he told him.

15 Q Told him about one area under general
16 competencies, gave him an overall [REDACTED] evaluation because if
17 you look, there's also an [REDACTED] for teamwork, --

18 A Yeah.

19 Q -- so it clearly all averages out.

20 A Right.

21 Q And before he gets his next performance appraisal,
22 he's been fired.

23 A Right.

24 Q For performance.

25 MR. PUTETTI: Do you want him to continue to

1 answer your --

2 BY MR. LOGAN:

3 Q Is there more to it?

4 A Well, I think that's more to it is that Mr.

5 [REDACTED] and Mr. Necci concluded that he was not
6 satisfactory to be a supervisor. He had demonstrated it
7 through the course of the [REDACTED] outage, which was very
8 visible on several jobs, [REDACTED] and
9 probably others, I don't know, that he was not capable of
10 supervising that group successfully and that they could not
11 stand by and allow that to continue.

12 Q Could Mr. [REDACTED] have reassigned projects from
13 Mr. [REDACTED] to somebody else during the course of the year?

14 A He probably could have done some things along
15 those lines, but Mr. [REDACTED] had a responsibility for the
16 [REDACTED] area, and he was the supervisor responsible for
17 that function.

18 Q Mr. [REDACTED] raised issues of short-staffing, didn't
19 he?

20 A I believe there was some mention of that in there,
21 in what I just read.

22 Q Okay. And in talking to Mr. [REDACTED] and Mr.
23 Necci, the decision was made based on their conversation
24 with you to terminate Mr. [REDACTED] I just find it difficult
25 to understand how Mr. [REDACTED] could have gone from [REDACTED] rated

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Portions withheld-EX7C

1 employee, a quality, someone who meets or exceeds in quality
2 and quantity the requirements of that job, and in that
3 statement is expected that most employees will attain this
4 rating. He measured up. He measured up to what the
5 company's expectations were, and before he was able to
6 finish the year, he was fired.

7 A I don't think there was any denying in 1994,
8 that's what Mr. [REDACTED] said. He measured up to what his
9 expectations were in 1994, and then come 1995, he repeatedly
10 failed on a number of jobs and demonstrated that he could
11 not be kept in a supervisory position, and I had no reason
12 to dispute what Mr. [REDACTED] and Necci were saying when they
13 said he had to be removed.

14 It was consistent with my observations of Mr.
15 [REDACTED]'s performance as well, that during the [REDACTED] outage,
16 he had failed very, very badly, and that we collectively had
17 no alternative.

18 Q You had no alternative because of what reason?

19 A Because of the policy of the accountability, that
20 if you're -- just because you're in a supervisory position
21 doesn't mean you can go be a consultant or be demoted in
22 some particular rank, you know, an opportunity that might
23 not exist for somebody who is a rank and file mechanic or an
24 operator who fails in some way doesn't have an opportunity
25 to go a lower classification, and the newer accountability

Portions
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Portions withheld - Ex 7c

1 was that if you fail in your job, you're not going to just
2 be able to fall like an angel into some lower position. I
3 think that was articulated on several occasions by very
4 senior management.

5 Q Was Mr. [REDACTED] ever [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 A Well, I'm not sure exactly what Mr. [REDACTED] you
9 know, did with Mr. [REDACTED] along the way. I'm sure he had
10 numerous discussions. It looks to me like he [REDACTED]
11 [REDACTED]

12 Q When you say there, you're referring to the --

13 A The performance management program, by giving him
14 an [REDACTED] with some written information. I think that's a
15 degree of [REDACTED] right there. What additional he did,
16 I'm not sure.

17 Q Do you know how Mr. [REDACTED] compared with other
18 supervisors in terms of his ratings for 1994?

19 A Overall, I don't. I would suspect the vast
20 majority of supervisors were rated [REDACTED]

21 Q Were there any supervisors, to your knowledge, who
22 were rated less than [REDACTED] in 1994?

23 A I don't know. I don't know. I'm not sure.

24 MR. PUTETTI: I think Mr. Logan's question were
25 you aware of any who were rated less than [REDACTED]

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1 MR. LOGAN: Yes.

2 THE INTERVIEWEE: Not as I sit here right now.

3 MR. LOGAN: Okay.

4 THE INTERVIEWEE: I was just thinking through my
5 mind was there somebody was there that pops, you know, to
6 mind and say, oh, yeah, there was somebody who was clearly

7

8 BY MS. MONROE:

9 Q Did you review the evaluations of each of your
10 subordinate supervisors?

11 A Did I review them? No, I didn't review them.

12 Q On a routine basis.

13 A No, I didn't review them as, you know, signatures.
14 I might have --

15 Q I mean, obviously you didn't sign this one, but I
16 was wondering whether you reviewed them to get a feeling for
17 how your managers and unit directors were doing.

18 A Usually I did end up looking through the
19 performance reviews of the people in the organization,
20 particularly through the supervisory rank, occasionally
21 through senior engineers and some of the engineering folks
22 as well.

23 Q And your impression again? I thought you stated
24 that Mr. [REDACTED] was someone who had a history of problems in
25 the 1994 time frame which were compounded upon in 1995? Is

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1 that a --

2 A Well, the history is what Mr. [REDACTED] is pointing
3 out there, that he's got some preparation problems for the
4 upcoming outage is what he's saying. At that time, they
5 were actually in the outage when he did that review.

6 Q Do you think this -- as far as your understanding
7 of Mr. [REDACTED]'s performance, do you think this evaluation is
8 a fair and accurate evaluation?

9 A Well, I have no reason to dispute Mr. [REDACTED]
10 He was a lot closer to it than I was.

11 BY MS. MONROE:

12 Q Now just one more question. Between [REDACTED]
13 1995, after [REDACTED] was removed, terminated as a
14 supervisor, did any other supervisor -- was any other
15 supervisor terminated after [REDACTED] under this new
16 philosophy of no fallen angels?

17 A I have to think for a minute here.

18 You know, without going through a list of who was
19 terminated, it's hard for me to say.

20 Q Unrelated to the January '96, between [REDACTED],
21 1995 and when the layoff occurred in January of 1996, was
22 any other supervisor terminated --

23 A What time period?

24 Q Between [REDACTED] 1995 --

25 A Yes.

1 Q -- and when the terminations occurred January
2 11th, 1996 via the matrix process --

3 A Yes.

4 Q -- was any other supervisor terminated as a result
5 of the new management philosophy of no fallen angels?

6 A None come to my mind.

7 MS. MONROE: I don't have any more questions. Do
8 you need a minute, Mike?

9 MR. PUTETTI: Yes. Let's just take a minute.

10 MR. LOGAN: Let's go off the record.

11 [Discussion off the record.]

12 MS. MONROE: Okay. We'll go back on.

13 BY MS. MONROE:

14 Q Was the reason you terminated [REDACTED] related
15 to the fact that he raised questions and problems with the
16 [REDACTED] project?

17 A No.

18 Q Did you terminate [REDACTED] because he had raised
19 problems with the [REDACTED] project and because you didn't want
20 individuals in your organization raising problems --

21 A Absolutely --

22 Q -- raising safety concerns?

23 A Absolutely not. And to this day, I'm not aware of
24 concerns that [REDACTED] has raised. I'm not sure what safety
25 concern [REDACTED] has ever raised.

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Portions withheld - Ex 7c

1 Q Okay.

2 A It's not apparent to me what that concern is.

3 Q Okay.

4 MR. LOGAN: Mr. Putetti, you said you wanted to --

5 MR. PUTETTI: Well, I mean, I think Mr. DeBarba
6 wanted to add something in response to one of Kris'
7 questions.

8 THE INTERVIEWEE: Yes. I think you had
9 characterized Mr. [REDACTED] and Mr. Necci saying they opposed
10 the firing. My recollection of the discussions back and
11 forth was not quite that strong. My recollection was the
12 recommending to me that Mr. [REDACTED] not continue to be a
13 supervisor and all of us discussing the fact that we've got
14 this new reality of not having fallen angels, and under the
15 new accountability, we have no alternative but for him to be
16 terminated, and there were numerous people involved as well
17 as myself, Mr. Necci, Mr. [REDACTED] human resources, and
18 executive management people who were well aware of the fact
19 that Mr. [REDACTED] would be terminated. I don't recall a single
20 person objecting and saying that's unacceptable.

21 I certainly felt myself and I'm sure Mr. Necci and
22 Mr. [REDACTED] felt that this was harsh and this was difficult
23 and it was not easy, and I would agree with that. It was
24 ~~not~~ all of those. But all of us were basically supporting
25 the company directive that we were not going to have fallen

Portions withheld - EX 7C

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1 angels, that engineers were going to be held to the same
2 level of accountability as the operators, and just because
3 you're in a supervisor or management role didn't excuse you
4 from poor performance.

5 BY MR. LOGAN:

6 Q Who in personnel was aware of that new policy, or
7 human resources, I guess?

8 A I'm not sure who in human resources participated
9 in it, but any termination, you'll always have human
10 resources people --

11 Q I thought you might have talked to somebody --

12 A I don't recall who was there at the time, whether
13 it was Virginia Fleming or not. I think she headed up the
14 HR group.

15 BY MS. MONROE:

16 Q This is Mr. Necci's testimony relative to he had
17 returned from [REDACTED], he had been informed by [REDACTED]
18 [REDACTED] of the conversation he had with you and that [REDACTED]
19 was to -- move in the direction of termination of [REDACTED]

20 [REDACTED]
21 Mr. Necci said, "And I think that when I got back
22 from [REDACTED] is when I discussed with Eric what my plans
23 were in terms of dealing with [REDACTED] and my decision was to
24 remove him as a supervisor. I hadn't really decided where
25 to put him. Clearly, in my mind, what I said was that he

Portions withheld - EX 7C

1 was not qualified, in my mind, to be a supervisor.

2 "I think as part of that same discussion, when I
3 said he is not going to be a supervisor here anymore, Eric's
4 comment was that the company had essentially moved towards
5 some higher standards of accountability for management
6 people and one of the complaints that senior management here
7 always hears from working level employees is that when
8 management people are removed from their positions, you put
9 them into other positions in the company.

10 "So the new philosophy in terms of holding people
11 more accountable was if you made it up to the management
12 rank, which was supervisor and on up, you couldn't cut it as
13 a supervisor, that meant you had to go into position -- they
14 were going to release you from the company."

15 It doesn't sound, from what Mr. Necci's testimony
16 was, that it was a discussion; it was more your response to
17 the fact that [REDACTED] was going to be removed as a
18 supervisor, and you explained to him that new management
19 philosophy.

20 A I guess what I'm saying is I believe Mr. Necci
21 understood that management philosophy and although it may
22 have been difficult, it's something that he ultimately
23 accepted, that he accepted it as part of something that
24 needed to be done in the organization that he could support.

25 Q Did he have a choice of whether he accepted the

Portions withheld-EX7C

1 new management philosophy or not?

2 A Well, did I? I mean --

3 Q Did Mr. Necci have a choice of whether he accepted
4 your explanation --

5 A I don't recall him voicing any opposition to it.

6 Q Right. But would he have had a choice to voice
7 opposition?

8 A I think we could have discussed it. I think -- I
9 have known Mr. Necci for years and years and years and had
10 made discussions with him. We could have discussed numerous
11 things. But I don't recall anybody saying that's
12 unacceptable.

13 BY MR. LOGAN:

14 Q You could have discussed it, but your position was
15 he wouldn't be reassigned if he was removed as a supervisor.

16 A I think very senior management positions were
17 exactly that, and we were --

18 Q But that is the case, though.

19 A -- supporting it. We were supporting, yes, that
20 position.

21 Q Mr. Necci could have discussed it, but your
22 position wasn't changing.

23 A Well, that was -- that was --

24 Q I mean, I --

25 A You're bringing up a hypothetical. I'm saying

1 anybody can bring up any issue any time and we would be glad
2 to discuss it. Could somebody bring something up that could
3 ultimately change our mind? Yeah, I think they probably
4 could. On this one, is it possible? I kind of doubt it,
5 but if they -- if there were some relevant facts that we
6 weren't aware of, that they said, you're not aware of this,
7 therefore you shouldn't go along this step --

8 Q So it wasn't a hard and fast policy, then; it was
9 only suggested policy?

10 A I think it was a policy that was set at the very
11 senior levels of our organization and said this is our
12 expectation of you.

13 MR. PUTETTI: I think what Mr. DeBarba was trying
14 to respond to was some of the -- a prelude to some of Kris'
15 questions about -- she asked the question did Mr. Necci and
16 Mr. [REDACTED] oppose the termination, and I think what he was
17 trying to do was --

18 MS. MONROE: You were responding --

19 MR. PUTETTI: Responding to that part of the
20 question.

21 MS. MONROE: The question, and then --

22 THE INTERVIEWEE: Right.

23 MS. MONROE: -- you presented it as more of a
24 discussion, and I pointed out in Mr. Necci's testimony that
25 it was more he hadn't decided what to do with [REDACTED] he

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Portions withheld - EX 7C

1 knew he had to be removed as a supervisor, and you related
2 the new management philosophy to him, and one could infer
3 from that that there was no more discussion because you said
4 this was the new --

5 THE INTERVIEWEE: Right.

6 MS. MONROE: -- management philosophy.

7 THE INTERVIEWEE: I was responding to your
8 characterization of opposition, he opposed it. I'm talking
9 about the nature of the opposition. The nature of the
10 opposition isn't that, this is unacceptable, it's not right,
11 you know, I won't stand for this. You almost characterized
12 it that way.

13 MS. MONROE: Okay. And then I was --

14 THE INTERVIEWEE: And I wanted to be sure that it
15 was not that.

16 MS. MONROE: Okay. And then I was just responding
17 back that you indicated that there were discussions ongoing
18 between Necci and [REDACTED] but the way Mr. Necci testified
19 about the conversation was that it was in response to not
20 knowing what to do with [REDACTED] he had to be removed, then you
21 told him of the new management philosophy, that there was a
22 higher accountability.

23 So I was trying to point out that there didn't
24 seem to be really a discussion about the accountability
25 aspect, that that was, you know, told to Mr. Necci by you

Portions withheld- ETC

1 and that seemed to be the end of the discussion.

2 THE INTERVIEWEE: Yes. I guess either I
3 reinforced something that he had already been told, or he
4 had no questions with it, it made sense to him. I'm not
5 sure exactly what.

6 MS. MONROE: Okay.

7 BY MR. LOGAN:

8 Q Mr. DeBarba, just one more question about the
9 December 13th, 1996 memo which [REDACTED]

10 On page 2 of the decision, it says, and I quote,

11 [REDACTED]
12 [REDACTED]

13 [REDACTED] " Close quote.

14 What kind of an opportunity do you think he should
15 have been given?

16 MR. PUTETTI: Can he have an opportunity to read
17 that?

18 MR. LOGAN: Sure.

19 MR. PUTETTI: Which portion are you directing him
20 to? That's that same sentence you read earlier.

21 MR. LOGAN: Right.

22 BY MR. LOGAN:

23 Q Is it something that you would have given to him?
24 Someone else would have given to him?

25 A What these three gentlemen are saying is that he

portions withheld - Ex 7C

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1 should have been given another opportunity, and the
2 opportunity is the performance management plan, that a plan
3 should --

4 Q Do you agree with that?

5 A -- a plan should have been put together.

6 Q Do you agree with that?

7 A As I sit here today?

8 Q As you sit here today.

9 A Yes, I think he should have been given another
10 opportunity.

11 MR. LOGAN: Okay.

12 MS. MONROE: I have no more questions, and we'll
13 conclude the interview at 6:20.

14 Thank you.

15 [Discussion off the record.]

16 MS. MONROE: Okay.

17 BY MS. MONROE:

18 Q You left the company officially in December of
19 '96, but you were actually off the site -- not on the site
20 since September of '96?

21 A Yes, that's right.

22 Q At the time you left Northeast Utilities, what was
23 Mr. [REDACTED]'s position?

24 A Mr. [REDACTED]'s position in 1996.

25 Q Was he still the [REDACTED]

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Portions withheld-EX7C

1 A I don't think so. I don't think so.

2 Q And why was he not the [REDACTED]

3 What were the circumstances that led to his change in
4 position?

5 A I don't recall. I don't recall where he went. I
6 think he went to Unit 3.

7 Q As a manager?

8 A I don't know. I don't know. I -- probably not.

9 Q I asked Mr. [REDACTED] was he held accountable in
10 any way for the [REDACTED] event that occurred [REDACTED]

11 [REDACTED] He said, "I did not get disciplinary action that I
12 know of, but I can tell you this: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Going back to the no fallen angel philosophy, Mr.

16 [REDACTED] is no longer a [REDACTED] he's a [REDACTED]. How

17 could you explain how Mr. [REDACTED] could be given the

18 opportunity -- I mean, he didn't succeed -- by his own

19 understanding, he's no longer the [REDACTED] He's a

20 [REDACTED] He wasn't fired.

21 How would you explain that?

22 A Well, I'm not sure of the circumstances of his
23 movement, but it doesn't strike me in my mind that [REDACTED]

24 [REDACTED] failed as a [REDACTED] I didn't get -- if you said

25 to me, you said, well [REDACTED] obviously failed as a

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Portions withheld - EX 7C

*Portions
7C*

1 [REDACTED] I'm not sure of that. I don't know if he requested
2 to be transferred to a different job, somebody asked for him
3 to come over to Unit 3 to take on a challenge -- I really
4 don't know what the circumstances were.

5 Q So when you left in September '96, you don't know
6 if he was a [REDACTED]?

7 A I think he was a [REDACTED]. My best recollection
8 is he was a [REDACTED]

9 Q And you don't know the circumstances of why he's a
10 [REDACTED]?

11 A Right. Right.

12 Q But by his own -- I asked him, [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 How long -- when you left in September of '96, was
17 the new management philosophy of no fallen angels still in
18 place?

19 A Well, I guess I'm a living example of that.

20 Q Meaning?

21 A That I didn't have my job in the company, in the
22 nuclear group.

23 Q I don't know the circumstances of why you left.
24 You were also a victim of --

25 A I wasn't a victim. I'm just a --

pon hant
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Belton's withheld - EX7C

1 Q Or the --

2 A -- you know, that -- in the organization, the
3 organization's performance was not where it needed to be, an
4 consistent with how a lot of management organizations work
5 in this country, that if you don't perform well, somebody
6 else is going to come in and see if they can turn it around
7 and improve.

8 Q Okay.

9 A And I understand that harsh reality. After 25
10 years, it's difficult, believe me.

11 Q Okay.

12 MS. MONROE: I don't have any more questions. Do
13 you have anything?

14 BY MR. LOGAN:

15 Q Did you have any role in Mr. [REDACTED]'s change
16 from a [REDACTED] to another position as a [REDACTED]

17 A If it were in that time frame, I would have. I
18 would have had some responsibility, yes.

19 Q You don't recall how he came to move from a
20 [REDACTED] position to a [REDACTED] position?

21 A No, I -- you know, we had a lot of movement,
22 particularly at that time frame, because we had a layoff
23 occur, we had lots of change that was going on, and I think
24 the circumstances were very volatile in that time period.
25 We had all units down, we were placed on the watchlist. So,

portion
7c

Portion withheld - EX-7C

1 you know, it's hard for me to focus on one event and say,
2 well, that's because we had this policy. It was very
3 chaotic in that period of time.

4 Q But you don't recall Mr. [REDACTED] coming to you
5 and asking for an opportunity to move to a lower graded
6 position?

7 A Like I say, Keith, I really don't recall the
8 circumstances under which [REDACTED] moved over there or somebody
9 moved him or he requested to be moved or somebody requested
10 him to go. I don't recall.

11 Q Okay.

12 A But what -- it doesn't strike me that [REDACTED]
13 obviously failed in his job and had to be moved. That does
14 not -- that is not consistent with my understanding of [REDACTED]

15 [REDACTED]

16 MR. LOGAN: Okay.

17 MS. MONROE: I don't have anything more.

18 MR. LOGAN: Mr. Putetti?

19 MR. PUTETTI: Did you want to put a request on the
20 record?

21 THE INTERVIEWEE: Yes. We wanted to -- I wanted
22 to request -- get a copy of the transcript so that I could
23 review it to make sure that it's consistent with my
24 knowledge and understanding.

25 MS. MONROE: The NRC policy is we won't release a

Options withheld- EX 7C

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*per home
7C*

1 copy of the transcript, but what I'm understanding that
2 you're asking me, as part of your compliance with the
3 voluntary interview, you would like to review your
4 transcript; is that correct?

5 THE INTERVIEWEE: I believe it is, yes.

6 MS. MONROE: Okay.

7 THE INTERVIEWEE: Yes.

8 MS. MONROE: Okay.

9 THE INTERVIEWEE: Which means that I sit with you
10 and review it?

11 MS. MONROE: And you want to review it for
12 accuracy, and that was one of the --

13 THE INTERVIEWEE: Yes.

14 MS. MONROE: We had talked about that before going
15 on the record --

16 THE INTERVIEWEE: Yes.

17 MS. MONROE: -- that one of the conditions of your
18 agreeing to the voluntary interview --

19 THE INTERVIEWEE: Right.

20 MS. MONROE: -- was that you be afforded the
21 opportunity to review your transcript.

22 THE INTERVIEWEE: Right.

23 MS. MONROE: And that's your request?

24 THE INTERVIEWEE: Yes, that is the request.

25 MS. MONROE: Thanks.

1 We can go off the record at 6:40 p.m.

2 [Whereupon, at 6:40 p.m., the interview was
3 concluded.]

4 The transcript has been reviewed
5 and is accurate as amended.
6
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10 El De Barba 4/9/98
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REPORTER'S CERTIFICATE

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

NAME OF PROCEEDING: INTERVIEW OF ERIC DeBARBA
 (CLOSED)

DOCKET NUMBER:

PLACE OF PROCEEDING: BERLIN, CT

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.

A handwritten signature in cursive script, reading "Joel Rosenthal", is written over a horizontal line.

Joel Rosenthal

Official Reporter

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