



**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

2000-0207

1

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Paul M. Blanch

DATE

AUG 30 2000

**PART I. -- INFORMATION RELEASED**

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **A** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **A** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

**PART I.A -- FEES**

AMOUNT \*

\$

\* See comments for details

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS (Use attached Comments continuation page if required)**

In your e-mail dated May 3, 2000, you narrowed the scope of your request to a copy of the OI Investigation report only. The report is enclosed.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

2000-0207

AUG 30 2000

**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
**A**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
  - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
  - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
  - 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
  - The information is considered to be confidential business (proprietary) information.
  - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
  - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
  - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
  - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
  - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
  - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
  - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
  - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Guy P. Caputo	Director, Office of Investigations	Appendix A	<input checked="" type="checkbox"/>		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX A  
RECORD BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	05/27/99	Report of Investigation - Diablo Canyon Nuclear Power Plant: Discrimination Against Shift Foreman by Management for Reporting Safety Concerns. (137 pages) <b>EX. 5 (Attorney-Client Privilege) and EX. 7C</b>

CASE No. 4-1998-029

**United States  
Nuclear Regulatory Commission**



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# Report of Investigation

**DIABLO CANYON NUCLEAR POWER PLANT:**

**DISCRIMINATION AGAINST SHIFT FOREMAN BY  
MANAGEMENT FOR REPORTING SAFETY CONCERNS**

Office of Investigations

Reported by OI: **RIV**

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5 + 7C  
FOIA- 2000-0207

A/1

Title: DIABLO CANYON NUCLEAR POWER PLANT:

DISCRIMINATION AGAINST SHIFT FOREMAN BY MANAGEMENT FOR  
REPORTING SAFETY CONCERNS

Licensee:

Pacific Gas and Electric Co.  
P.O. Box 7442  
San Francisco, CA 94120

Docket No.: 50-275/323

Reported by:

Case No.: 4-1998-029

Report Date: May 27, 1999

Control Office: OI:RIV

Status: CLOSED

Reviewed and Approved by:



Virginia Van Cleave  
Senior Special Agent  
Office of Investigations  
Field Office, Region IV



E. L. Williamson, Director  
Office of Investigations  
Field Office, Region IV

Participating Personnel:

Jonathan Armenta, Jr.  
Senior Special Agent, OI:RIV

Dennis Boal  
Special Agent, OI:RIV

David H. Thompson, Physical  
Security Specialist, NRC:DRS

WARNING

DO NOT DISSEMINATE, PLACE IN THE PUBLIC DOCUMENT ROOM, OR  
DISCUSS THE CONTENTS OF THIS REPORT OF INVESTIGATION OUTSIDE  
NRC WITHOUT AUTHORITY OF THE APPROVING OFFICIAL OF THIS  
REPORT. UNAUTHORIZED DISCLOSURE MAY RESULT IN ADVERSE  
ADMINISTRATIVE ACTION AND/OR CRIMINAL PROSECUTION.

## SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on June 23, 1998, to determine if a shift foreman (SFM) at Pacific Gas & Electric's (PG&E) Diablo Canyon Nuclear Power Plant (DCNPP) was discriminated against by management for reporting safety concerns.

Based on the evidence developed during the investigation, documentation, and testimony, the allegation that an SFM at DCNPP was discriminated against for identifying safety concerns was not substantiated.

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Case No. 4-1998-029

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Case No. 4-1998-029

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# Operations

OPERATIONS  
PCC 10562

---

DIRECTOR  
B GARRETT  
WBG1@OPS@DCPP 3208

RTNE PLANT CLERK  
K MASON

SR OPERATIONS  
SUPERVISOR  
B LEWIS

SR OPS ENGINEER  
J GRIFFIN

SCHED SHIFT SUPV  
J DYE

SR OPS ENGINEER  
(STD TECH SPEC  
PROJECT)  
J SKAGGS

LRN SVCS LIAISON SHIFT  
SUPERVISOR  
G GOELZER

QUALITY FOREMEN  
F BARTHELL  
M CRAIG

SHIFT  
SUPERVISORS

SHIFT TECH. AD  
S DERKS  
C DUNLAP  
C HIEB

OPERATIONS FOREMAN  
J WELSCH

RELIEF CONTROL ROOM  
ASSISTANTS  
K CHAPMAN  
A ORLANDO  
J WILSON

OPERATIONS  
FOREMEN  
H GROGG  
O OLIVER

P SNAVELY

CLEARANCE  
COORDINATORS  
B BOEHNING  
M BEREZNAI  
J HUTCHERSON  
T KENSINGER  
T OHARA  
R RUIZ

LICENSE CLASS  
G STURGEON  
J EWART  
G DEARDORFF  
S HACKLEMAN  
J WHETSLER

RW FOREMAN  
J FERRARI

WORK WEEK MGRS  
D EFRON  
J HELM  
M RHODES  
D WILLIAMS

NUCLEAR OPERATORS  
D CHERINGTON  
H CLARDY  
J SANDS

ON ROTATION  
W DAVIS

ON LOAN TO INPO  
S HIETT

**WORKFORCE:**

PG&Es	=	162
CONTRACTORS	=	0
VACANCIES	=	0
ON ROTATION	=	2

Case No. 4-1998-029

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# Diablo Canyon Power Plant Operations Services (OPS)

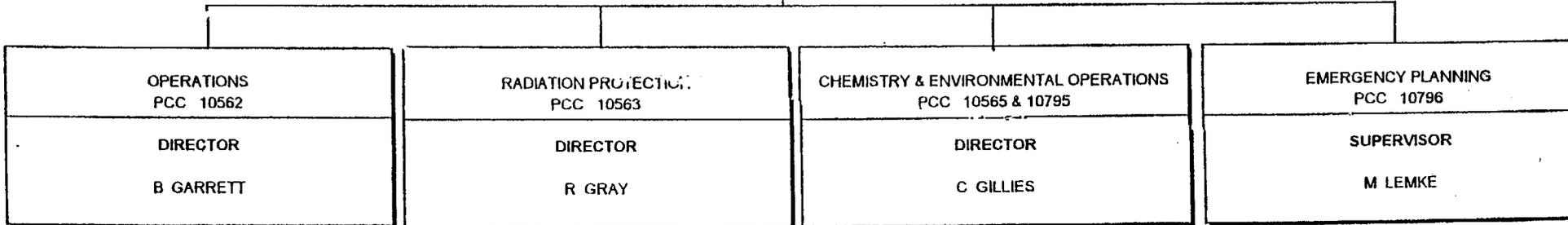
**VP & PLANT MANAGER**  
D OATLEY

**OPERATIONS SERVICES (OPS)**  
PCC 10561

---

**MANAGER**  
J MOLDEN  
JEM1@MGMT@DCPP 4336

**SECRETARY B**  
C LYON  
CLS1@MGMT@DCPP 4734



# Operations

SHIFT SUPERVISORS  
ROTATING SHIFTS

CREW A

D PATTY

CREW B

R MAGRUDER

CREW C

J RAAB

SHIFT FOREMEN

A CHITWOOD  
F TOSTE

SHIFT TECH. AD

S RUSSELL

SR CONTROL OPERATORS

B ARELLANO  
M JACOBSON  
R GASPARRELLI  
G DEARDORFF

CONTROL ROOM ASSISTANT

T DOHERTY

CONTROL OPERATORS

G HAVALÉ  
G LUGO  
M LUGO

NUC. OPERATORS

G MCMULLEN  
B MURACH  
G PETERSEN  
B RAINBOLT  
R REYES  
D SAVARD  
G DRUMMOND  
J BAMBAS  
S SILVA  
T WRIGHT

SHIFT FOREMEN

S WESTCOTT  
D BAHNER

SHIFT TECH. AD

M ABRAMOVITZ  
C HARBOR

SR CONTROL OPERATORS

J EWART  
B KLINE  
F WOLTMAN

CONTROL ROOM ASSISTANT

H DAVIS

CONTROL OPERATORS

A DURACHER  
R HAMILTON  
W FIANI

NUC. OPERATORS

A CAPPELLUTI  
H DARINGTON  
D DAVIES  
S GOLDMAN  
A HALVERSON  
J KISER  
J LOWRIE  
M MAREK  
J MCCANN  
J NEEL

SHIFT FOREMEN

M KENNEDY  
S WILSON

SH.FT TECH. AD

J DIAMONON

SR CONTROL OPERATORS

S HACKLEMAN  
J PAULSON  
M WHITING

CONTROL ROOM ASSISTANT

S O'NEAL

CONTROL OPERATORS

R JANES  
R KATZ  
D MCKENNA  
J MOYER

NUC. OPERATORS

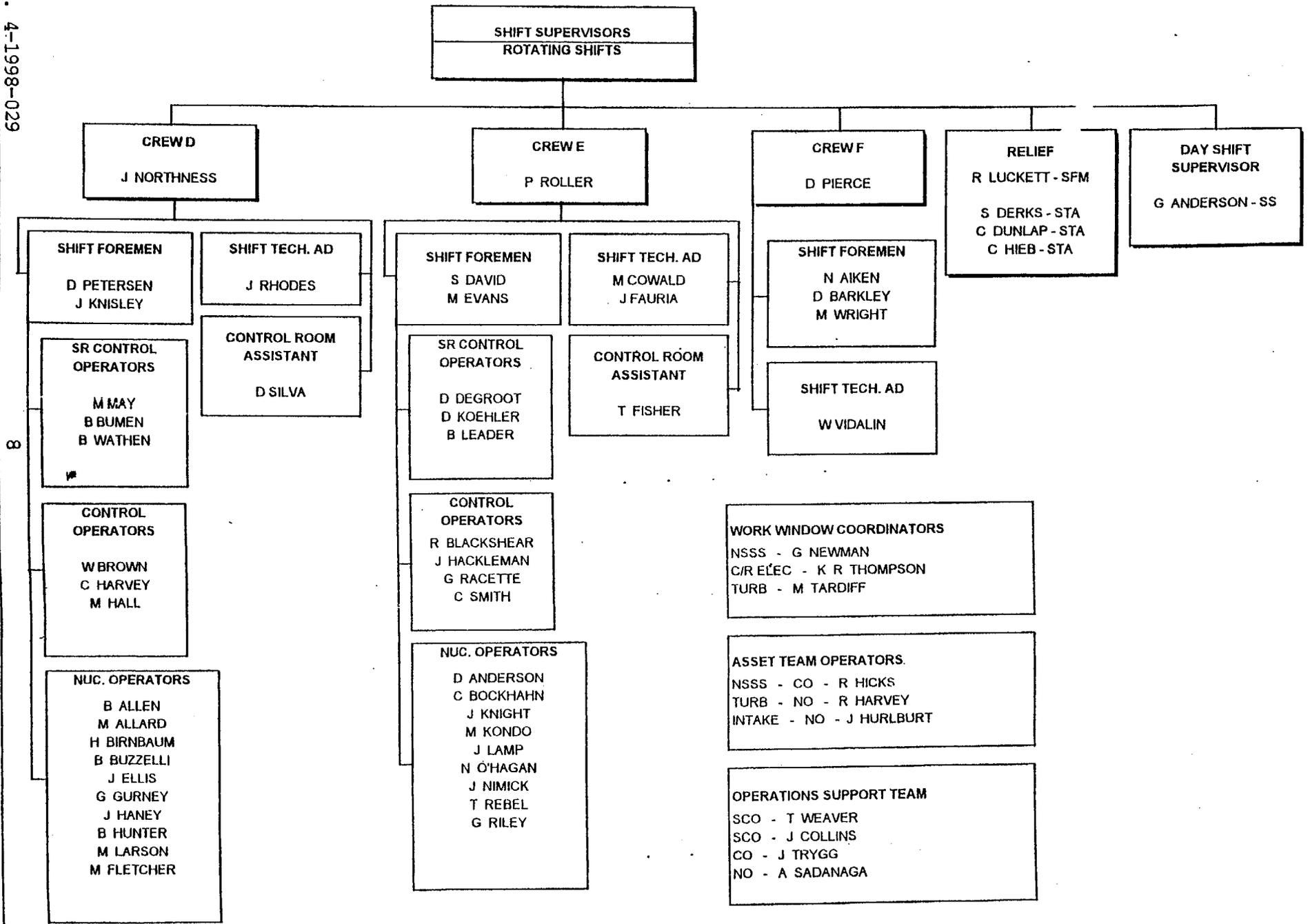
G BALDOVINO  
M HAUPTLI  
W HENRETTY  
J LORENZ  
T MARTIN  
J POLEWCZAK  
M QUITTER  
B THOMAS  
T WINANS  
J FRENCH

CASE NO. 4-1998-029

# Operations Services Operations

JULY 24, 1998

Case No. 4-1998-029



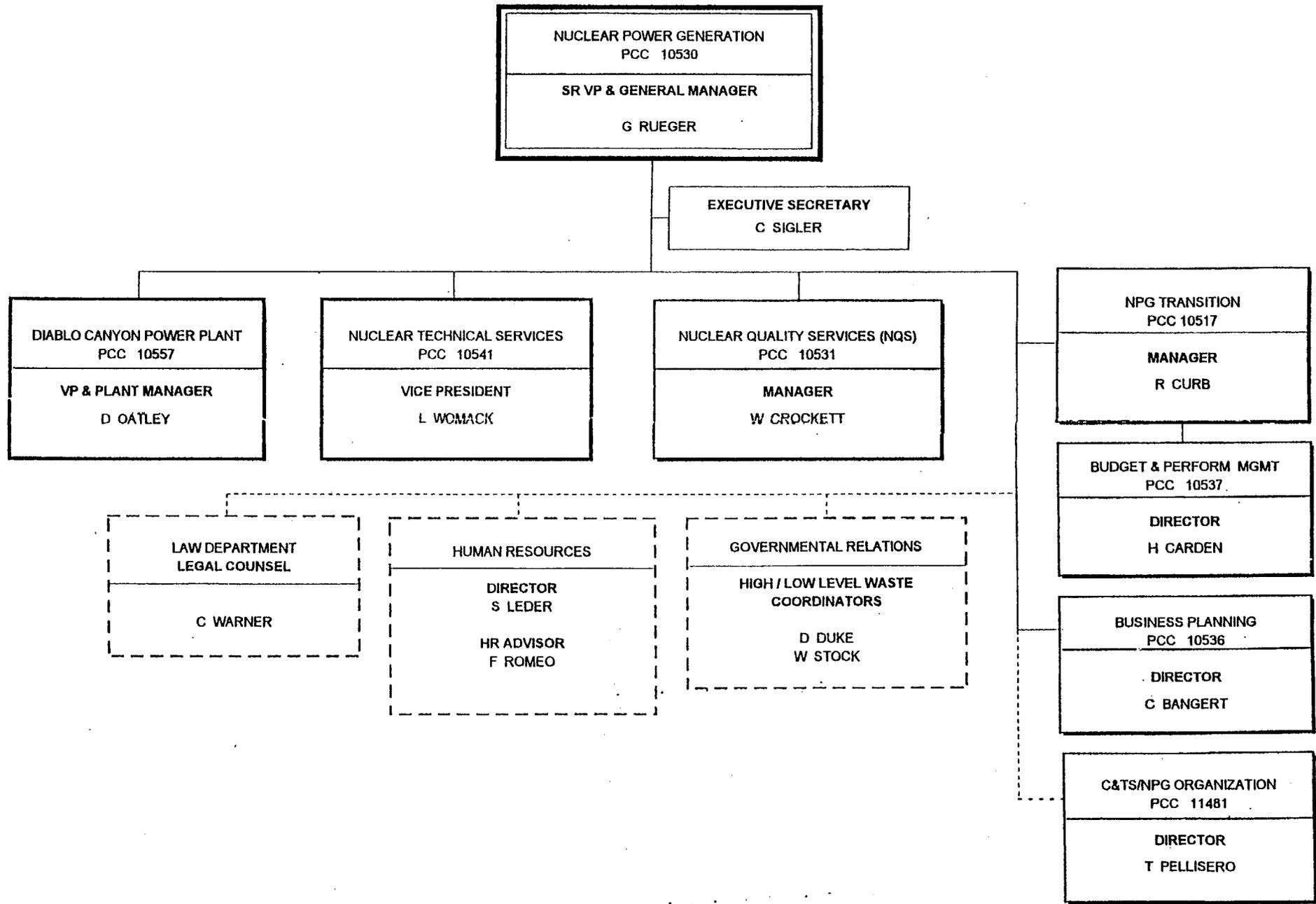
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# Nuclear Power Generation Business Unit

JULY 16, 1998

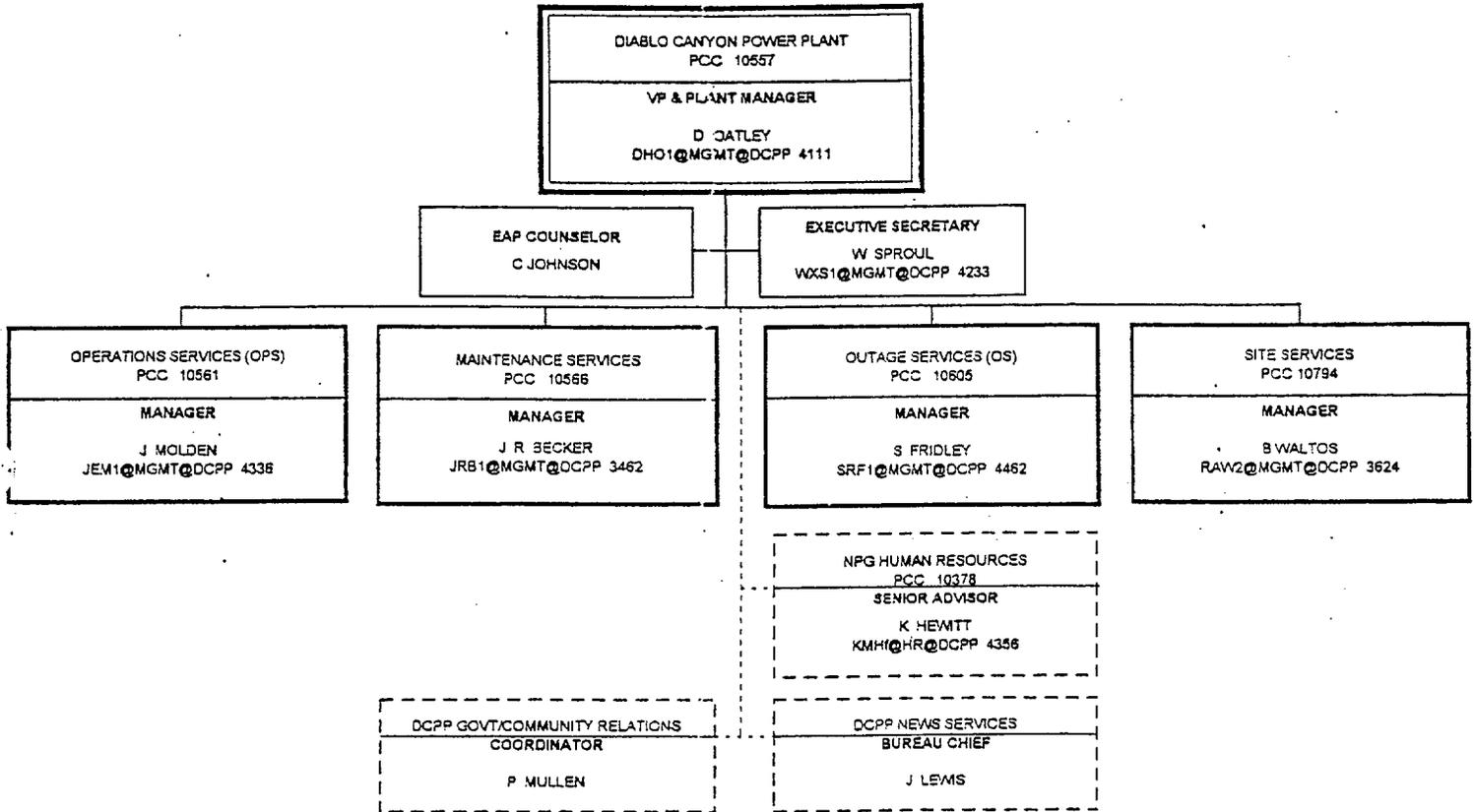
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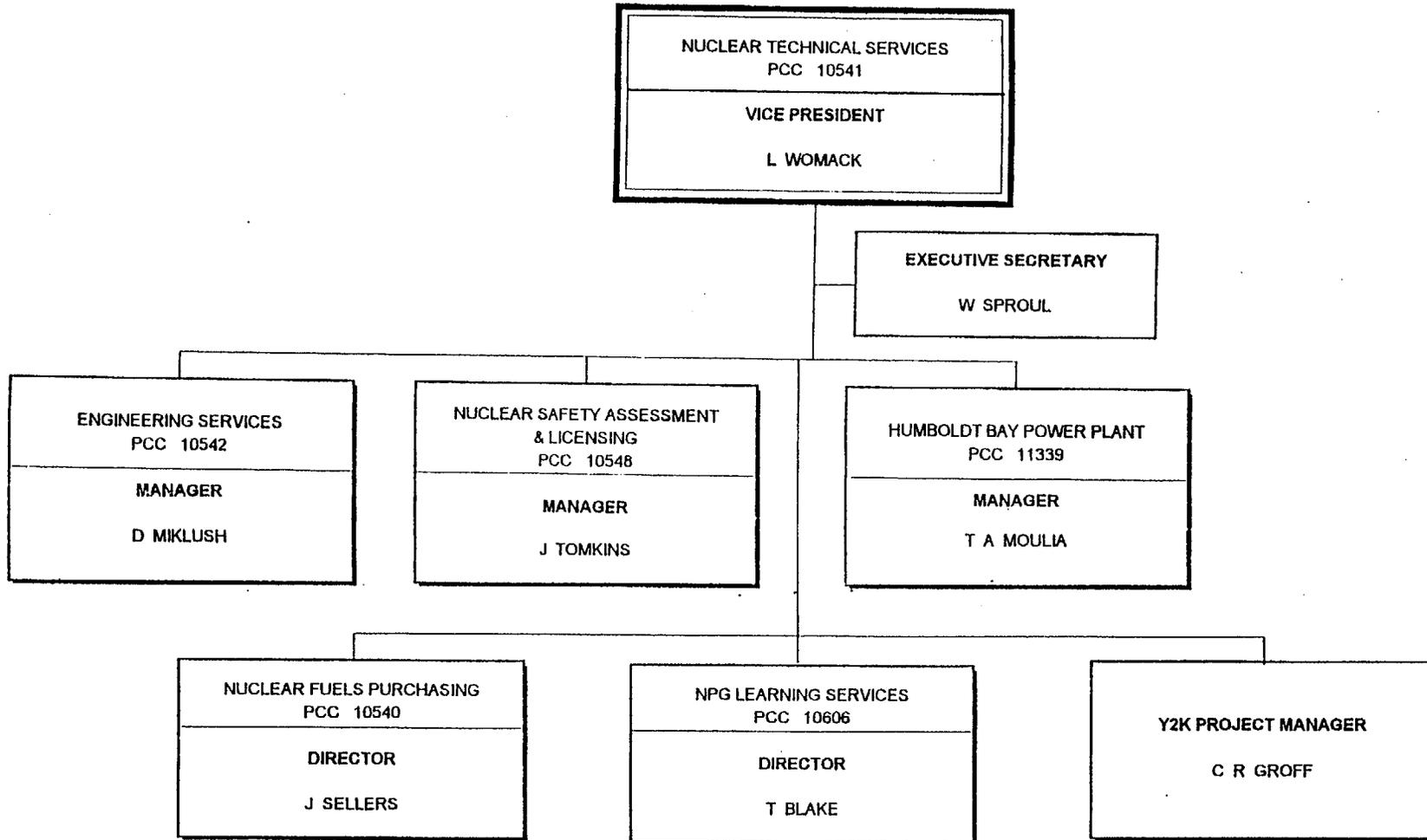


**Nuclear Power Generation  
Diablo Canyon Power Plant**

SEPTEMBER 10, 1998



# Nuclear Power Generation Nuclear Technical Services



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Case No. 4-1998-029

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LIST OF INTERVIEWEES

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## DETAILS OF INVESTIGATION

### Allegation

Discrimination Against Shift Foreman by Management for Reporting Safety Concerns

### Applicable Regulations

10 CFR 50.7: Employee Protection (1998 Edition)

### Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on June 23, 1998, to determine if Neil J. AIKEN, Shift Foreman (SFM), Pacific Gas & Electric's (PG&E) Diablo Canyon Nuclear Power Plant (DCNPP), was discriminated against by management for reporting safety concerns (Exhibit 1).

### Background

On June 15, 1998, Howard WONG, Chief, Reactor Projects Branch E, NRC:RIV, was contacted by AIKEN, who stated that his protected area access was revoked on June 12, 1998, by the licensee pending medical and psychological examination. AIKEN stated he believed his access was revoked as a result of his raising safety concerns. AIKEN also speculated that his participation in a security test [successfully getting a gun through the search train at DCNPP] and subsequent discussions with personnel about potential "insider" threats may have been taken out of context and misconstrued by the licensee as his personal intentions. AIKEN stated he had discussed this with James E. MOLDEN, Operations Services Manager, DCNPP, who stated his access revocation was unrelated to the security test. On June 22, 1998, the NRC:RIV Allegation Review Board (ARB) requested OI:RIV interview AIKEN and obtain details regarding his concerns.

AGENT'S NOTE: AIKEN's safety concerns and, in part, his employment discrimination concerns, were the subject of two previous OI reports: 4-96-013 and A4-97-030.

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On June 25, 1998, OI:RIV spoke with AIKEN who agreed to an interview on July 8, 1998, at 5:00 p.m. (Exhibit 2). Approximately 15 minutes later, AIKEN telephoned and left a voice mail message stating he had changed his mind and did not wish to be interviewed by the NRC at this time. He called a few minutes later and told the reporting agent that he was not interested in being interviewed by the NRC on his access revocation issue. He believed his access would be reinstated following his interview with a psychiatrist, so this would be a "moot point and a distraction" from his significant technical and safety issues. AIKEN said if the NRC wanted to investigate anything, the reporting agent should read a document he prepared called "Going Critical" which outlined his significant concerns. The reporting agent asked AIKEN to contact her if additional action was taken by DCNPP regarding his access revocation, but he did not commit to doing so.

On July 6, 1998, the NRC:RIV ARB recommended no further action be taken by OI:RIV. On July 9, 1998, the NRC:RIV was informed by DCNPP that a forensic psychiatrist had concluded [REDACTED] and his access would not be restored. 7C

On September 1, 1998, Russell WISE, Senior Allegations Coordinator, NRC:RIV, received a copy of a petition signed by 42 employees of the Operations Department at DCNPP in support of AIKEN (Exhibit 3). This was followed on September 4, 1998, by a letter from Gregory M. RUEGER, Senior Vice President (VP), PG&E, to the NRC:RIV, stating PG&E had received a copy of the petition [without names] and intended to review and evaluate the issues raised in it (Exhibit 4). According to RUEGER, PG&E would provide the NRC with the results of their review and actions they would be taking to reinforce DCNPP's safety culture. On September 8, 1998, the NRC:RIV ARB recommended the NRC respond in writing to PG&E's letter and review the licensee's response to their culture survey when received.

On October 22, 1998, WISE spoke with AIKEN, in response to an inquiry from Dave LOCHBAUM, Union of Concerned Scientists, who stated he had been contacted by AIKEN and told that the NRC had not addressed his [AIKEN's] concerns (Exhibit 5). AIKEN told WISE that PG&E had used the Fitness-for-Duty (FFD) process as a means of retaliating against him for reporting safety concerns. AIKEN further stated he had been contacted by a quality control (QC) inspector who told him his [AIKEN's] access revocation had

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created a "severe chilling effect" at DCNPP, and employees were afraid to report safety concerns lest they be subjected to similar retaliatory actions.

On November 2, 1998, the NRC:RIV ARB recommended OI:RIV recontact AIKEN and interview him regarding his access revocation. On November 3, 1998, OI:RIV spoke with AIKEN who agreed to be interviewed on November 17, 1998, with the proviso that the reporting agent read a document he had prepared called "Going Critical" prior to the interview.

On November 12, 1998, WISE received notification that AIKEN had filed a complaint of discrimination, under Section 211 of the Energy Reorganization Act, 42 U.S.C. 5851, with the Department of Labor (DOL) (Exhibit 6).

On November 16, 1998, A. Alene ANDERSON, Attorney, Project on Liberty and the Workplace (Project LAW), sent a letter by facsimile to OI:RIV outlining a list of demands to be met before Project LAW would consent to allow AIKEN to talk to the NRC (Exhibit 7). This was forwarded to the reporting agent who was in California for the interview of AIKEN scheduled for the morning of November 17, 1998.

Interview of Alleger (AIKEN) (Exhibit 8)

AIKEN was interviewed on November 17, 1998, by OI:RIV and WISE. A. ANDERSON was present, representing AIKEN. This interview was preceded by a lengthy discussion about OI's projected investigation into AIKEN's concerns; whether or not A. ANDERSON would allow OI to interview AIKEN, and if so, with or without a court reporter; and Project LAW's request that the NRC's Office of the Inspector General (OIG) handle this investigation. Following a 2-hour discussion on policies, procedures, interview scope, conditions, etc., A. ANDERSON said she would not allow AIKEN to be interviewed with a court reporter, but she would allow him to present some "general" information in a limited interview.

AIKEN said he began working for PG&E at DCNPP on November 13, 1974. He first reported safety concerns on September 16, 1995, when he attended a meeting about scheduling work and moving transformers past a power source. AIKEN explained his concerns about this issue which was previously reviewed by the NRC.

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AIKEN said after 1995, his supervisors and managers began holding him responsible for negative events and placing comments about them in his performance appraisals, when others involved in similar incidents were not held accountable. As an example, AIKEN said a 1-hour surveillance was not completed, and he was held responsible. Several months later, a friend [NFI] of Steven A. HIETT, former Operations Director, DCNPP, now on loan to the Institute of Nuclear Power Operations, failed to perform a similar surveillance. AIKEN claimed this failure was not reflected in this individual's performance appraisal, although he admitted he had never seen the performance appraisal.

AIKEN said the next position he could be promoted to was shift supervisor (SS). Until approximately 2 years ago, the SS position required a college degree, which he [AIKEN] lacked. He said during the last 2 years, senior reactor operators (SROs), with less experience and no college degree, were promoted to SS, and he was not promoted, at least partially because he had reported safety concerns.

AIKEN said he had [REDACTED] performance appraisals until 1996. He said he did not keep all of his performance appraisals, and when he recently asked PG&E for copies of them, he was told they were missing. AIKEN said he was the subject of [REDACTED] Also, supervisors were required to complete annual psychological evaluations of employees, and [REDACTED]. The last evaluation, completed by HIETT, said he [REDACTED].

AIKEN said in the beginning of 1998, he was moved from C Crew to what was characterized as the "F Troop." Although all crew shifts were rotating shifts, the "F Troop" changed rotation every 5 weeks, and you never knew which rotation you would be on from one shift rotation to the next. AIKEN said his transfer to the "F Troop" was solely because he was "not supportive of management directives." This was not the first time the "F Troop" had been used as a disciplinary tool. According to AIKEN, [REDACTED] had been placed on "F Troop" because management had been unhappy with him. AIKEN admitted the other RO on the "F Troop" liked that crew because he did not have any administrative duties but drew the same pay as other SFM. AIKEN said HIETT failed to provide him with specifics as to why he was

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being placed on the "F Troop" nor did he provide him with any criticisms of his performance. AIKEN commented that, although he initially viewed his transfer to the "F Troop" negatively, it was "not so bad" because he got to work with all the shifts and got to know all Operations Department personnel.

AIKEN said he met with MOLDEN in March 1998 about a throttled condensate valve that caused the loss of a unit. AIKEN said he told MOLDEN he was disappointed that "the system" had not worked and he [AIKEN] had to "take on" this issue. AIKEN discussed this issue, which was previously reviewed by the NRC.

AIKEN said MOLDEN told him he [AIKEN] was transferred to "F Troop" because he failed to support management directives. AIKEN claimed MOLDEN told him he [AIKEN] failed to support moving the SFM's desks into the CR, saying this would be a distraction, and he [AIKEN] was against using two "super crews" during outages because breaking up Operations Department crews would distract from teamwork.

AIKEN said that on June 11, 1998, he met with MOLDEN; Melanie J. CURRY, Human Resources (HR) Advisor, PG&E; and William F. RYAN, Access Authorization (AA) and FFD Supervisor, PG&E. AIKEN said MOLDEN read from a prepared statement and told him, effective immediately, his access to DCNPP was being revoked, pending a psychological evaluation of him. He was told RYAN would guide the process. AIKEN said despite his repeated questions, MOLDEN refused to tell him why an FFD evaluation was required. AIKEN said he agreed to submit to a psychiatric evaluation, as well as to a physical examination, although he was "bothered and worried," as anyone would be. AIKEN said he did so because he had no alternative, other than resigning his position at DCNPP. Also, he believed any psychiatric evaluation would find him fit-for-duty and his access would be restored. AIKEN said during this meeting, he asked MOLDEN if his [AIKEN's] participation in a security exercise, in May 1998, had anything to do with his access revocation, and MOLDEN said that incident had nothing to do with his access revocation.

AIKEN said he had repeatedly asked for feedback regarding his job performance and was told nothing negative; the June 11, 1998, meeting came as a "complete surprise." He had no clue there was any question about his FFD. AIKEN said at the time of this meeting, he was unaware that Threat Assessment Group, Inc. (TAG), had evaluated certain "evidence" to determine if an FFD

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evaluation of him should be undertaken. Approximately 6 weeks later, during the appeals process, PG&E provided him with a letter from Park DIETZ, M.D., Ph.D., TAG, dated June 9, 1998, recommending that an FFD evaluation be conducted because [REDACTED] 7c

AIKEN said shortly after the June 11, 1998, meeting, he went for a complete physical examination and received a [REDACTED] 7c  
[REDACTED] AIKEN said about 2 weeks after the June 11, 1998, meeting, he met with S. Miles ESTNER, M.D., forensic psychiatrist and PG&E consultant, for 1 ½ to 2 hours. AIKEN said ESTNER later declared him [AIKEN] not fit-for-duty.

AGENT'S NOTE: A. ANDERSON stated she would not allow AIKEN to provide the NRC with specific information regarding ESTNER's findings or a copy of ESTNER's written report, which PG&E had provided to AIKEN. A. ANDERSON reiterated that AIKEN would not provide the NRC with a waiver allowing them to review his medical files at DCNPP, if such a waiver was required.

AIKEN said, after he was notified by PG&E that ESTNER had determined him unfit-for-duty, he filed an appeal by letter dated June 23, 1998. AIKEN said he requested that the review psychiatrist not be a forensic psychiatrist or closely associated with PG&E. Shortly after filing this appeal, he was provided with the TAG letter and ESTNER's evaluation of him. He said when he read those documents, he became more concerned about his situation and contacted Marietta "Cindy" JOHNSON, Employee Assistance Program (EAP) Counselor, DCNPP. AIKEN said he subsequently met with C. JOHNSON and asked her if he could get another psychiatrist to provide an independent evaluation of him. AIKEN said C. JOHNSON seemed sympathetic, but 2 days after their meeting, she telephoned him and asked to be disassociated from his case because she was [REDACTED] 7c

AIKEN said, following receipt of his appeal, Joseph S. DeMARTINI, Senior Labor Relations Representative, PG&E, asked a PG&E manager [NFI] in San Francisco for assistance in locating another psychiatrist. AIKEN said he was referred to Steven RAFFLE, M.D., a forensic psychiatrist, who interviewed him in early August 1998. He was subsequently notified by DeMARTINI

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that RAFFLE deemed him unfit-for-duty, and DeMARTINI provided him with a copy of RAFFLE's evaluation report.

AGENT'S NOTE: A. ANDERSON stated she would not allow AIKEN to provide the NRC with specific information regarding RAFFLE's findings or a copy of RAFFLE's written report, which PG&E had provided to AIKEN.

AIKEN said in late August 1998, he met with CURRY who told him he could go on long-term disability, at 50 percent of his pay or seek a job elsewhere in the PG&E system. Long-term disability required reevaluation of his situation every 6 months, wherein he would have to prove continuing disability. AIKEN said since DCNPP was currently downsizing and with a question about his FFD, he was not optimistic about finding another job within PG&E. CURRY told him she would provide him access to a computer, help him with his resume and job applications, and keep him informed of PG&E job openings.

AIKEN said he also looked into workman's compensation, which would be 2/3 of his pay. However, he felt uncomfortable with that option because he had to swear under penalty of perjury that he had this disability, and he did not believe he had any [REDACTED]. Therefore, he did not feel this was a viable option because it would require him to commit perjury. He said early retirement was not an option because the earliest age that was allowable was 55, and it would be 18 months before he reached 55. 7c

AIKEN said he recently went to another psychiatrist who was recommended to him, whose name he could not recall. He met with her and asked if she would write a letter for him authorizing long-term disability. She refused, saying long-term disability required a [REDACTED]. AIKEN did not provide any documentation supporting this evaluation. 7c

AIKEN said he had been on [REDACTED] both at full pay. However, his 7c

[REDACTED] so he was hoping for a resolution of his situation by that time.

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AIKEN said he was aware of a petition circulated at DCNPP by John PAULSON, SCO, and someone else [NFI]. According to AIKEN, PAULSON asked him to review the petition, but he [AIKEN] had not instigated it. When PAULSON initially showed the petition to him, it contained four items. He said he and PAULSON discussed it and the petition was revised, incorporating his [AIKEN's] input. AIKEN said he believed many Operations employees refused to sign the petition because they were afraid of repercussions, but he provided no names.

AIKEN said if PG&E was using the presentation he made to the shareholder's meeting in April 1998 as a basis for questioning [REDACTED] that was improper. He said he only went to the meeting because he had been unsuccessful in getting PG&E or the NRC to adequately address his concerns, and James D. SHIFFER, former Vice President, PG&E, recommended he [AIKEN] address the shareholder's meeting since those were the people who could influence PG&E. AIKEN said he was allotted 5 minutes to speak, and he read his letter to the shareholders. He said about 20 others spoke at the meeting, but they were probably not PG&E employees.

AIKEN provided a list of names of individuals he believed would support his position that he is [REDACTED] and/or that DCNPP is using the FFD program to get rid of him because he reported safety concerns.

#### Documentation Review

AIKEN PG&E Employment Application, dated August 19, 1974  
(Exhibit 9)

The application showed AIKEN was [REDACTED] and was applying for an auxiliary operator position. According to the application, AIKEN's highest level of education was an A.A. in Liberal Arts conferred in 1971.

E-mail from James BECKER to File, dated November 17, 1993  
(Exhibit 10)

BECKER noted that a team of five members, including AIKEN, was tasked with improving DCNPP's supervision of on-crew operators and evaluating the division of supervisory responsibilities. Several recommendations were made by the team, including moving

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SFM into the control room. Several items were considered by the team but not adopted, including deleting the degree requirement for the SS.

E-mail from HINDS to BECKER, dated November 7, 1995 (Exhibit 11)

HINDS stated as input to AIKEN's merit rating, AIKEN was a

[redacted] although he sometimes displayed a [redacted] " [redacted]

E-mail from BECKER to AIKEN, dated May 20, 1996, and Response, dated May 26, 1996 (Exhibit 12)

BECKER asked AIKEN if he was still interested in a rotation to training, as he had expressed earlier that year. AIKEN responded that he had never actually requested a rotational assignment, and it was important that he continue on watch to address his concerns and work on other projects.

E-mail from BECKER to File, dated July 24, 1996 (Exhibit 13)

BECKER stated he met with AIKEN who told him PG&E and the NRC were not adequately addressing his concerns. AIKEN told him that he wanted to be told in a straightforward way if an investigation did not support his concerns.

Memorandum from AIKEN regarding discussions between him and David CORPORANDY, NRC, on September 4-5, 1996, undated (Exhibit 14)

AIKEN said he told CORPORANDY he was meeting with his congressional representative about his concerns because PG&E and the NRC had not timely or adequately addressed them nor had they let him be involved in the resolution process. AIKEN said he would also be discussing the DOL's slowness in addressing his letter of complaint. AIKEN said he continued to seek a "fair hearing" on his "growing list of issues and concerns." AIKEN said he identified and discussed several concerns with CORPORANDY.

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E-mail from Mark LEMKE, Emergency Planning Supervisor, to MOLDEN, dated October 4, 1996 (Exhibit 15)

LEMKE stated AIKEN used [redacted] during the first 3 quarters of 1996. Other SFM used from [redacted] who had back surgery]. LEMKE stated no [redacted] used over [redacted] during this same time period.

E-mail from LEMKE to Robert J. MAGRUDER, SS, dated October 4, 1996 (Exhibit 16)

LEMKE stated DCNPP considered over [redacted] use in 1 year to be excessive. He asked that "Bob" talk with [redacted] thus far in 1996.

E-mail from LEMKE to MOLDEN, dated October 23, 1996 (Exhibit 17)

LEMKE stated that an SFM on C Crew [AIKEN] was using an "inordinate" amount of shift time reviewing tech specs, FSARs, procedures, etc., which did not pertain to running the power plant. The same SFM had "(supposedly) demonstrated/

According to LEMKE, supervisors were reluctant to point out this [redacted]. Also, the same SFM was trying to encourage others to act in the same way. LEMKE stated he had received this information third hand and had no personal knowledge of these events. LEMKE said this [redacted] was becoming an area of concern and suggested attempting to [redacted] corroborate these claims. 7C

E-mail from HINDS to LEMKE, dated October 26, 1996 (Exhibit 18)

HINDS said he spoke with AIKEN about his [redacted] AIKEN acknowledged he had [redacted]

[redacted] as a result of pursuing concerns. HINDS' E-mail was in response to an E-mail from LEMKE asking him to talk with AIKEN about [redacted]

E-mail from HINDS to BECKER, dated October 27, 1996 (Exhibit 19)

HINDS, as input to AIKEN's merit rating, stated that AIKEN had a [redacted]

HINDS stated AIKEN was, nonetheless, [redacted]

HINDS

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suggested working with AIKEN to

E-mail from HINDS to BECKER, dated October 27, 1996 (Exhibit 20)

HINDS, as input to ROLLER's merit rating, stated ROLLER was

E-mail from BECKER to AIKEN, dated November 8, 1996 (Exhibit 21)

BECKER stated that, despite AIKEN's concern about HIETT being made C Crew's SS, he was being assigned to that position. BECKER stated AIKEN should not hesitate to come forward should any work-related concerns arise. He also told AIKEN that his [AIKEN's] job assignment could be changed, if he so desired.

E-mail from AIKEN to Tim KING, Training, dated December 10, 1996, and forwarded to MOLDEN on March 3, 1997 (Exhibit 22)

AIKEN stated it was "business as usual" in obtaining exam banks in advance, despite his expressed expectations about this. AIKEN stated there was no excuse for this, but it was "the kind of support I have come to expect." AIKEN disagreed with a trainer's interpretation of a "mocking" scenario stating, "Lets (sic.) get this stuff straight."

E-mail from AIKEN to KING, dated December 10, 1996, and forwarded to MOLDEN on March 3, 1997 (Exhibit 23)

AIKEN stated he had done nothing inflammatory or out of control [regarding a training session], but he would "not misrepresent the situation to suit some manipulative agenda." AIKEN stated it was appropriate to start the annual exam project in a timely manner. He said, "Maybe we can come up with another excuse next year. I'll bet that's legal!"

This E-mail was forwarded by KING to HIETT on May 31, 1997, and by HIETT to CURRY on June 3, 1997 (Exhibit 24).

E-mail from HINDS to Record, dated January 21, 1997 (Exhibit 25)

HINDS stated AIKEN was responsible for three "attention to detail type events" in 1996 for which he received  
These were: (1) failure to

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perform dedicated shutdown panel check; (2) clearing CCW HX without meeting fast restoration requirements; and (3) failure to perform reverse rotation check.

AIKEN's Report to the Diablo Canyon Independent Safety Committee (DCISC), dated February 5, 1997 (Exhibit 26)

AIKEN stated he was at odds with significant situations at DCNPP. AIKEN said he was concerned about the management and operations of DCNPP, but it was important that he remain in his position in the control room. He said he had been powerless to affect the employee concerns process and shut out of having successful input into DCNPP management's ethical or technical-ethical misconduct. AIKEN stated the NRC had not evaluated his concerns and their position on them was an "example of the [NRC's] frustrating duplicity." AIKEN talked about specific technical or safety related concerns. He said he had reported his concerns to the Employee Concerns Program (ECP) which was a "travesty." He believed they were "looking for criteria to cast doubt on my statements." AIKEN said he was precipitating a crisis by communicating about his issues publicly, and he might not "be able to guide this crisis now that it is set loose."

AIKEN admitted he intentionally violated procedures during a problem with a centrifugal charging pump breaker. He had tried to get managers to acknowledge the procedural adherence problem, but "again denial and avoidance behavior characterize PG&E management's and the NRC's reaction."

Supervising AIKEN, dated February 20, 1997 (Exhibit 27)

This document, written by HIETT, stated AIKEN had expressed a concern about being supervised by him [HIETT] since one of AIKEN's concerns involved [REDACTED] AIKEN also stated some members of C Crew were concerned about HIETT being [REDACTED] AIKEN had used a meeting as a platform to explain why it was necessary to go to extreme measures against PG&E management. HIETT stated C Crew members appeared supportive of AIKEN and were influenced by his comments that PG&E management could not be trusted. HIETT also believed AIKEN had helped cultivate [REDACTED]

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E-mail from BECKER to MOLDEN, dated February 24, 1997  
(Exhibit 28)

BECKER stated he met with AIKEN, ROLLER, and HIETT about training issues raised with C Crew. BECKER stated he and HIETT later discussed AIKEN's disparaging comments and failure to model management expectations.

Note from HIETT, dated February 27, 1997 (Exhibit 29)

HIETT stated he talked to AIKEN about the crew's attitude in training, and AIKEN agreed to keep his allegations out of the discussion. HIETT said AIKEN missed a surveillance due to [REDACTED] AIKEN had to complete [REDACTED] about this as well as another event related to a clearance. AIKEN commented to him [HIETT] that [REDACTED] was laughing at him. HIETT noted that did not seem to be the case, but [REDACTED] HIETT stated when he told AIKEN there was nothing he could do about [REDACTED] AIKEN began swearing and said he would no longer tell him anything, but AIKEN later apologized.

Memorandum from HIETT to CURRY, dated March 5, 1997 (Exhibit 30)

HIETT provided CURRY with Exhibit 29 and added AIKEN had stated, "I'd like to shove this right up [REDACTED]" HIETT said AIKEN was [REDACTED] regarding future communication with him [HIETT].

E-mail from BECKER to HIETT, dated March 13, 1997 (Exhibit 31)

BECKER recommended giving AIKEN an [REDACTED] for the I-1C incident, which was consistent with similar incidents involving other SFM.

E-mail from AIKEN to BECKER, dated March 15, 1997, with Comments by MOLDEN and HIETT (Exhibit 32)

AIKEN asked to be paid overtime during his days off to discuss his concerns with the NRC and others. MOLDEN stated AIKEN's participation in these interviews had already been disruptive to the crew and he should be off-crew or attend such interviews as part of his 40-hour workweek. HIETT stated AIKEN's special assignments resulted in a stream of reliefs which was detrimental to crew performance. In addition, it would be

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unwise for AIKEN to work a significant amount of overtime and still be assigned the responsibilities of an SFM due to errors caused by fatigue.

E-mail from HIETT to BECKER, with Comments by MOLDEN, dated March 24, 1997 (Exhibit 33)

HIETT said AIKEN  
AIKEN had used  
5 quarters, as well as 4 days of vacation during the last  
HIETT said AIKEN had been

HIETT believed AIKEN was  
setting a poor example for the crew, and there had been no  
change in AIKEN's

HIETT asked  
such that he should not be on shift, and he  
asked for help in dealing with the situation. MOLDEN responded  
by asking how compared to that of other  
SFM. He also stated since Operations had to approve vacation,  
if they let AIKEN schedule vacation in conflict with the plant,  
that was management's problem.

E-mail from AIKEN to MOLDEN, with HINDS' Comments, dated March 28, 1997 (Exhibit 34)

AIKEN withdrew his request for overtime for NRC and other  
interviews, stating he would conduct them during his time off.  
HINDS stated that was probably the result of his [HINDS] telling  
AIKEN he [HINDS] believed AIKEN should not be paid overtime for  
interviews because that conflicted with PG&E overtime policy and  
was inconsistent with the way other employees were treated.

E-mail from [redacted] to HIETT, dated April 10, 1997, forwarded by HIETT to BECKER on April 28, 1997 (Exhibit 35)

in response to HIETT's request, described an incident that  
took place between [redacted] and AIKEN. [redacted]  
tried to brief AIKEN on a minor work order, AIKEN said in a loud  
voice, he "didn't have time for this sort of thing." [redacted] said  
this occurred during an inadvertent boration, and AIKEN later  
"apologized for yelling at me."

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E-mail from AIKEN to BECKER, dated April 27, 1997, forwarded by BECKER to MOLDEN, and by MOLDEN to Bruce TERRELL on April 28, 1997 (Exhibit 36)

AIKEN declined to participate in the "committee," stating he had wasted his time with his involvement in the ECP and had no more time "to waste on nonproductive activities." AIKEN said he would "monitor [the committee's] progress and effectiveness in dealing with plant problems." MOLDEN stated he did not understand why AIKEN was declining to participate and asked TERRELL, ECP Supervisor, if new issues had caused this reaction.

E-mail from HIETT to MOLDEN, dated April 29, 1997, with attached E-mail from Glenn LeBLANC to HIETT, dated April 27, 1997 (Exhibit 37)

LeBLANC stated that one of his journeymen made a required call to the control room, and the person answering the telephone was unprofessional and hung up on him. [NOTE: It is unclear from the E-mail how they determined the person who answered the telephone was AIKEN.]

MOLDEN asked HIETT if he had discussed "these two events" with AIKEN. [NOTE: Information related to the first event was apparently redacted by attorneys.] HIETT responded to MOLDEN, saying he planned to discuss communications with AIKEN during the PMP discussion. HIETT said AIKEN was [REDACTED]

[REDACTED] HIETT stated they should see some improvement in AIKEN by August or he would not be on shift. 7 -

E-mail from LEMKE to HIETT, dated May 9, 1997, and forwarded by HIETT to CURRY on June 3, 1997 (Exhibit 38)

LEMKE sent an E-mail to SFM explaining they should receive calls from craft in a professional manner. In the E-mail to HIETT, LEMKE said some craft had complained that SFM were [REDACTED] when they [craft] were simply trying to do their jobs.

E-mail from HIETT to AIKEN, dated May 16, 1997 (Exhibit 39)

With this E-mail, HIETT attached AIKEN's first trimester PMP review to provide him feedback to help the C Crew management team assure high performance.

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E-mail from RUEGER to HIETT, dated May 26, 1997 (Exhibit 40)

RUEGER stated WARNER would respond to his [HIETT's] concern, but they had to be "VERY cautious" in reassigning AIKEN. AIKEN could only be reassigned for valid reasons, which must be well documented. The positive discipline should be fully used, and AIKEN should be treated like any other SFM with job related problems. The only other ways a reassignment could be affected would be at AIKEN's request or as a result of an FFD evaluation pronouncing him unfit-for-duty. RUEGER stated the consequences of not guarding AIKEN's rights would be "far worse than working with him to address his shortfalls on crew."

Facsimile Cover Sheet to Dr. [Dennis] JOHNSON from VARNEY, dated May 28, 1997 (Exhibit 41)

Attached to this fax was a copy of AIKEN's February 5, 1997, presentation to the DCISC (Exhibit 26).

E-mail from [Ronald G.] TODARO to [Robert T.] POWERS, dated May 29, 1997 (Exhibit 42)

TODARO stated, [REDACTED] spent 2 ¼ hours talking about AIKEN with his supervisor. On May 29, 1997, D. JOHNSON stated he did not believe there was enough information at that time to indicate AIKEN was [REDACTED]. He suggested that the BRG focus on performance, conduct, and attendance, gather documentation regarding problems in those areas, and forward it to him. The BRG agreed to that course of action.

E-mail from HIETT to C. JOHNSON, dated May 31, 1997 (Exhibit 43)

HIETT stated an individual placed two calls to the control room, and AIKEN was the person who would have received those calls. AIKEN let the telephone ring three times, picked it up, and hung up. HIETT stated he was concerned that "Neil may not be [REDACTED]"

E-mail from [REDACTED] to HIETT, dated May 31, 1997 (Exhibit 44)

[REDACTED] in response to a request from HIETT, stated he had noted several instances during the last 2 years when AIKEN's behavior was [REDACTED] said he believed AIKEN's [REDACTED]

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[REDACTED] stated he had been keeping a record of AIKEN's behavior and job performance for quite awhile, but he had deleted it. [REDACTED] stated, "My hope in writing this is that Neil might get the help that I believe he needs."

E-mail from CRAIG to HIETT, dated June 1, 1997, and forwarded by HIETT to CURRY on June 3, 1997 (Exhibit 45)

CRAIG stated he had found Work Order C0152474 attached to an incorrect Tech Spec Tracking Sheet. CRAIG stated, although he could not prove it, he believed AIKEN was responsible for that, stating, [REDACTED] 7C

E-mail from CURRY to Kenneth YANG, Chief Counsel, HR, PG&E, dated June 6, 1997 (Exhibit 46)

CURRY stated [REDACTED] and [REDACTED] had recently become concerned about AIKEN's [REDACTED] and had spoken with D. JOHNSON about his [AIKEN's] [REDACTED]. D. JOHNSON did not believe there was [REDACTED]

E-mail from TODARO to POWERS, dated June 6, 1997 (Exhibit 47)

TODARO stated that he, C. JOHNSON, and RYAN spoke with D. JOHNSON on June 6, 1997, who recommended addressing the issue with AIKEN through the performance and disciplinary process. The BRG agreed to review the situation with company attorneys, provide coaching to AIKEN's supervisor, and have AIKEN's supervisor review performance concerns with AIKEN and offer him [REDACTED]

AGENT'S NOTE: There is no documentary or testimonial evidence that [REDACTED] was ever offered to AIKEN.

Memorandum from TODARO to File, undated (Exhibit 48)

TODARO stated he met with POWERS on May 27, 1997, to discuss an [REDACTED] expressed by [REDACTED] about AIKEN. TODARO spoke by telephone with [REDACTED] who said [REDACTED] concerns were based on AIKEN's [REDACTED] 7C

TODARO said he; C. JOHNSON; H. VARNEY, Access

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Coordinator; CURRY; Karen HEWITT, HR Representative; and BECKER held a BRG. On May 29, 1997, the BRG called D. JOHNSON and he and C. JOHNSON discussed [REDACTED] concerns after they faxed a brief overview of concerns about AIKEN and his presentation before the DCISC. D. JOHNSON stated there were valid reasons to be concerned about AIKEN's [REDACTED] and requested documentation regarding AIKEN's performance, conduct, and attendance. These items were sent to D. JOHNSON, and the BRG held a conference call with him on June 10, 1997. D. JOHNSON said, in his opinion, this matter could be handled as a performance issue and AIKEN's supervisor should be counseled on how to address conduct issues.

E-mail from Joseph M. HAYNES, Training Leader, PG&E, to HIETT, dated August 1, 1997, and forwarded by HIETT to MOLDEN on August 3, 1997 (Exhibit 49)

HAYNES stated he had come to work on July 22, 1997, at 0430 and found AIKEN walking through the training building. HIETT told MOLDEN he had received this and one other E-mail [the second one apparently redacted by Legal and not provided to OI:RIV] documenting [REDACTED]

E-mail from MOLDEN to HIETT, dated August 8, 1997 (Exhibit 50)

MOLDEN told HIETT not to discuss AIKEN's early morning visit to the training building as part of a discussion about his performance. He also told HIETT that, if he discussed failure to perform plant observations with AIKEN, he needed to discuss it with all employees failing to do them. MOLDEN also said "Chris gave me... advice about how to move people around in shift management..." that he wanted to discuss with HIETT and BECKER.

E-mail from MOLDEN to HIETT, dated August 18, 1997 (Exhibit 51)

MOLDEN said he had spoken with Paul ROLLER and AIKEN regarding [REDACTED] [NFI] performance. ROLLER and AIKEN told him [REDACTED] had a history of marginal performance, seemed unable to read procedures error free, was a liability in his position, and should be assigned to a different job.

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E-mail from MOLDEN to HIETT, dated August 23, 1997 (Exhibit 52)

This E-mail was written following receipt of AIKEN's second trimester PMP review, which HIETT stated was [REDACTED] than the former one. MOLDEN told HIETT to put more detail in his PMP regarding AIKEN's providing field supervision, being a positive role model, and improving his communications with other departments. MOLDEN also asked if AIKEN's [REDACTED] were challenged when they occurred. 72

E-mail from [REDACTED] to HIETT, dated August 24, 1997, and forwarded by HIETT to MOLDEN, BECKER, and WARNER on August 25, 1997 (Exhibit 53)

[REDACTED] stated his overall assessment of AIKEN's performance as an SFM was [REDACTED] [REDACTED] believed SFM should handle all "command and control" decisions on their units, but he had to prompt AIKEN to perform routine actions. [REDACTED] believed AIKEN was immature, not self-directed, had high standards for everyone but himself, and wanted decisions to be "spoon-fed to him." [REDACTED] also stated AIKEN had excellent writing and speaking abilities, handled shift briefs well, and supported the maintenance schedule. HIETT responded by stating [REDACTED] assessment of AIKEN's job performance matched his own.

E-mail from Jim DYE (NFII) to HIETT, dated August 25, 1997, and forwarded by HIETT to WARNER, MOLDEN, and BECKER on August 26, 1997 (Exhibit 54)

DYE stated that on June 3, 1997, he told AIKEN to audit 1 month of risk assessments in preparation for an NRC audit. DYE said AIKEN never turned in the assignment, and on July 14, 1997, after completion of the NRC audit, he [DYE] asked AIKEN for the package, which AIKEN returned to him with no work done on it.

Memorandum from RUEGER to NPG, dated September 1, 1997 (Exhibit 55)

This memorandum outlined the roles and responsibilities of the SS and SFM at DCNPP. The SFM were responsible for the control room command function.

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BECKER asked for feedback on the performance of SFM on each SS's crew. David PIERCE noted [REDACTED] were both above average performers, provided stable crew direction, and supported Operations' goals and policies. Gary [NFI] noted [REDACTED] was an excellent SFM with great plant knowledge who worked well with others and modeled management expectations. Gary stated [REDACTED] was a top notch performer, worked well with everyone, and supported management expectations. David PATTY stated [REDACTED] had answered his own questions about [Bruce A.] LEWIS [NFI] by giving him an SS qual card. PATTY said [REDACTED] performance was excellent, he had a strong sense of command and control, took Operations' initiatives seriously and accepted change. Bob MAGRUDER said [REDACTED] was an excellent SFM who had shown "great improvement" in command and control. MAGRUDER stated [REDACTED] was an excellent performer who was decisive and conscientious.

NORTHNESS stated [REDACTED] performance was below mediocre. He had to be prompted to perform routine activities and was not self-directed. NORTHNESS said [REDACTED] engaged the crew in discussions about the ignorance and stupidity of PG&E management, the NRC, and ECP. NORTHNESS believed [REDACTED] open contempt and disdain for the people who were trying to address his concerns was "inflammatory, untrue, totally unacceptable," and was damaging to Crew's command structure and morale. NORTHNESS recommended [REDACTED] be reassigned "to SFM deep relief" because he "has severely poisoned the command structure and morale of Crew [REDACTED] and if he was placed on [REDACTED] he would have the opportunity to negatively influence all the crews. NORTHNESS stated [REDACTED] was an above average performer who was conscientious, self-directed, and supportive of Operations.

Meeting Minutes of DCISC, dated September 24, 1997 (Exhibit 57)

AIKEN told the DCISC he was disappointed that he had received no reply from the DCISC to the concerns he raised during the February 1997 DCISC meeting. He stated his issues had not been satisfactorily addressed, and he would continue to seek avenues to pursue his concerns. The DCISC members told him the DCISC did not independently investigate concerns, but they had addressed the ECP process at DCNPP. AIKEN stated the NRC and PG&E were not investigating procedural violations.

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E-mail from AIKEN to BECKER, dated October 26, 1997 (Exhibit 58)

AIKEN stated Glenn GOELZER said some things about his [AIKEN's] conduct during training which he [AIKEN] believed were not true. GOELZER accused him [AIKEN] of "mocking" the standard, failing to support standards, and trying to divide management and the operators, when AIKEN said he only asked for an explanation of procedure applicability. AIKEN questioned forbidding expressing ideas or discussion during training and said GOELZER's reprimand was offensive and off base. AIKEN said he would refrain from talking during training in the future which should please them.

Note by BECKER, dated November 6, [1997] (Exhibit 59)

BECKER stated he told AIKEN he would be placed on F Crew the following year based on SS feedback on SFM's performance. AIKEN was being placed on F Crew as a result of his supervisory performance, the negative impact he was having on crew attitude and morale, and his [failure to] support management policies and practices. According to BECKER's note, AIKEN stated he did not agree with this, and his crew had high morale. AIKEN said he believed his transfer to F Crew was "punitive." BECKER said he reiterated it was based on SS review of his performance and was not punitive.

E-mail from MOLDEN to WARNER, dated December 31, 1997 (Exhibit 60)

MOLDEN stated he had met with AIKEN on December 31, 1997. AIKEN said he would be pursuing actions with outside agencies and expressed his dissatisfaction with the NRC:IG. AIKEN said there was an analogy between his current situation and the Vietnam War, although he stated the outcome would not be as severe. AIKEN discussed two technical concerns, and MOLDEN told AIKEN he would look into them. MOLDEN subsequently referred these two issues to William CROCKETT [NFI] by E-mail dated January 6, 1998 (Exhibit 61). AIKEN also discussed his reassignment to the "F Troop," stating BECKER told him this was a punitive action. MOLDEN noted he later asked BECKER about this, and BECKER said AIKEN was the one who indicated his reassignment was a punitive action. MOLDEN noted he set up a later meeting to discuss this specific issue with AIKEN.

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AIKEN's Report to the DCISC, dated January 1998 (Exhibit 62)

In this document, AIKEN implied there was a conspiracy by the NRC and PG&E to fail to address his concerns. He claimed the NRC was inattentive to management misconduct, which implied they condone it or were unable to correct it, and the NRC and PG&E had "formed an inappropriately close relationship...." AIKEN also stated his recent assignment to "F Troop" was unjust. He stated the ECP report about the 4KV breaker replacement was deceptive, inaccurate, and allowed "political correctness" to overshadow objective documentation. The consulting firm used by PG&E to address this issue included two ex-NRC officials who were part of the "too-close relationship" that existed between the NRC and DCNPP. AIKEN also discussed two signs that had been placed in a control room window, which he said the NRC first laughed about, then falsified a report about that was harshly critical of the operators involved, and omitted their [NRC's] involvement.

AIKEN claimed he was intimidated during an NRC interview with an investigator and inspector and when he asked to see the transcript of this interview which had been taped, the "harsh treatment" by the NRC had been deleted. The NRC IG also interviewed him, and the transcript of this interview "has literally hundreds of dialogue deletions." AIKEN stated the transcripts and tapes could be evaluated for tampering but that might not be possible "in an environment where power is abused in [this] manner." AIKEN compared his situation to the alleged falsification of government and military reports during the Vietnam War. AIKEN said the "cooperation and mutual protection between the regulators and the nuclear industry... continues except when circumstances force it to be breached... deception follows deception." AIKEN concluded by stating time was working against the NRC and PG&E and closing off options. "Dishonesty, misrepresentation, and hypocrisy [by the NRC] are a total violation" of the foundation of American government.

Handwritten Notes by MOLDEN, dated January 14, 1998 (Exhibit 63)

MOLDEN referenced a meeting with AIKEN where they discussed "2 previous events" as well as why AIKEN was removed from shift. AIKEN said BECKER made decisions and shut down debate, and HIETT had spread rumors about AIKEN's being removed from shift. AIKEN expressed concern about being in an administrative group.

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E-mail from HIETT to MOLDEN and WARNER, dated April 11, 1998  
(Exhibit 64)

HIETT stated he had noticed AIKEN's name frequently appeared on the [REDACTED], but he personally had noticed nothing unusual about AIKEN's behavior or conduct.

E-mail from MOLDEN to GARRETT, dated April 23, 1998 (Exhibit 65)

This E-mail was written in response to an E-mail from GARRETT to MOLDEN stating he had talked with AIKEN who had given him a copy of "Going Critical" and who, he believed, wanted to trust him. GARRETT said he did not want to "blow it" if he was being presented with a way to reach AIKEN. MOLDEN responded, saying he would never discourage an open exchange with AIKEN, but GARRETT needed to be aware that if he made a decision AIKEN found objectionable, he may not be able to win him over.

AIKEN's [REDACTED] from BECKER's  
Files, undated (Exhibit 66)

This document reviewed events and comments, mostly negative, associated with AIKEN. The [REDACTED] Section listed [REDACTED] with AIKEN's [REDACTED] from February 10, 1997, to May 31, 1997. The [REDACTED] Section noted AIKEN used [REDACTED]. [REDACTED] Page 2 of this document stated: "Dates of Discussions 5 29 97; 6 4 97; 6 5 97 RPP."

Review of AIKEN's Performance Appraisals, Letters of  
Commendation, Pride Votes, and Employee Performance Records

OI:RIV review of files at DCNPP failed to disclose all of AIKEN's performance appraisals. Testimony indicated there is no requirement to maintain these appraisals. AIKEN stated, although he had been provided with copies of his appraisals, he was unable to locate all of them.

Performance Review for Control Operator, dated August 20, 1982  
(Exhibit 67)

AIKEN received [REDACTED] in all assigned job categories. It was noted AIKEN was performing his duties very well and was training to assume a senior control operator position. It was also noted that AIKEN had used a relatively high amount of [REDACTED].

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AIKEN denied any [redacted] and stated he would try to improve in this area.

Letter from James A. SEXTON, Director of Operations to AIKEN, dated January 31, 1983 (Exhibit 68)

This letter noted that AIKEN had incurred high rates of

Performance Review for Senior Control Operator, dated April 26, 1983 (Exhibit 69)

AIKEN received [redacted] in four assigned job categories and [redacted] in the remaining five assigned job categories, with the notation that he had been an SCO for 6 months. It was noted that all SFM had been polled as to possible SFM candidates, and AIKEN's name appeared on all SFM's lists. During the next rating period, AIKEN would be considered for that position. It was noted that AIKEN had been counseled for using excessive [redacted] during his last review, and he had improved in this area.

Management Performance Summary for SFM, dated September 10, 1985 (Exhibit 70)

AIKEN was given the [redacted] in four out of five categories, and his overall performance was rated [redacted]. It was noted that AIKEN demonstrated

[redacted] based on a scale of "1, 1-, 2+, 2, 2-, 3+, 3, 3-, 4+, 4, 4-, and 5+."

Job Expectations Worksheet for AIKEN, dated April 21, 1986 (Exhibit 71)

The SFM was responsible for exercising control over all power plant facilities in a professional, diligent manner to maximize plant generation and minimize reportable occurrences. "Management work" constituted 35 percent of the total job responsibility.

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Letter from SEXTON to AIKEN, dated July 1, 1986 (Exhibit 72)

SEXTON commended AIKEN on his work on the startup of Unit 2.

Management Performance Summary for SFM, dated January 9, 1987 (Exhibit 73)

AIKEN was rated [redacted] rating in all five categories, and his overall performance was rated [redacted] rating, out of six possibilities. No additional notations were made on this appraisal. AIKEN was given a merit rating of [redacted].

Individual Performance Management Summary, dated May 15, 1987 (Exhibit 74)

This computer generated report showed that AIKEN's overall job responsibilities, management skills, and technical skills were all rated

Management Performance Summary for SFM, dated August 28, 1987 (Exhibit 75)

AIKEN was rated [redacted] in four out of five categories; [redacted] rating in Supervising, Assisting, and Training Operators; and his overall performance was rated [redacted] rating, out of six possibilities. It was noted that AIKEN was an effective SFM, respected by all. AIKEN was not given a merit rating on this appraisal.

Letter from SEXTON to AIKEN, dated November 12, 1987 (Exhibit 76)

SEXTON commended AIKEN for his work during a "disconnect in the isophase bus duct due to arcing at the MOD contacts." A letter from SEXTON to AIKEN, dated December 30, 1987 (Exhibit 77), indicated AIKEN also received [redacted] award for his actions during this event.

Individual Performance Management (IPM), dated August 22, 1988 (Exhibit 78)

AIKEN was rated [redacted] rating, in three out of five categories, [redacted] rating, in two out of five

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categories, and his overall performance was rated a [redacted] rating out of five possibilities. AIKEN was not given a merit rating on this appraisal.

IPM Summary, dated November 10, 1988 (Exhibit 79)

This computer generated report showed that AIKEN's overall management skills, competitive performance skills and technical skills were all rated [redacted]

IPM Summary, dated December 13, 1990 (Exhibit 80)

This computer generated report showed that AIKEN rated as [redacted] in every category. He was recommended for senior coordinator and supervisor positions.

Both PG&E and AIKEN stated they were unable to locate AIKEN's performance appraisals from 1991 to 1996. However, PG&E provided Merit Increase Payroll Change forms (Exhibit 81) which reflected AIKEN's merit rating as follows:

1988 -  
1989 -  
1990 -  
1991 -  
1992 -  
1993 -  
1995 -

Employee Performance Record, dated April 11, 1996 (Exhibit 82)

HINDS provided [redacted] of AIKEN for [redacted] when performing STP reviews.

First Trimester, 1997 PMP Review, sent to AIKEN via E-mail from HIETT on May 16, 1997 (Exhibit 83)

This stated AIKEN needed to [redacted]

Second Trimester, 1997 PMP Review, undated (Exhibit 84)

This stated AIKEN was [redacted]

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about PG&E and the NRC, and he [redacted] a trainer and was disruptive in class. AIKEN [redacted] in two areas: setting a [redacted]

Third Trimester, 1997 PMP Review, dated December 1997  
(Exhibit 85)

This stated AIKEN had [redacted] in all three areas identified for improvement during the first trimester, including using only [redacted] during the third trimester, preventing [redacted]

[redacted] AIKEN should continue to minimize [redacted]

[redacted] as he had done this trimester. This evaluation was completed by Glenn GOELZER.

PMP, dated May 27, 1998 (Exhibit 86)

This stated areas for [redacted] included [redacted] although it was noted AIKEN had improved in both of those areas. The evaluation also stated AIKEN needed [redacted]

Records indicate AIKEN received Pride Program Performance Awards, which are awards voted on by employees' peers, for the following time periods: Fourth Quarter 1989; July 19, 1990; June 2, 1994; First Quarter 1997; Second Quarter 1997; Third Quarter 1997; Fourth Quarter 1997; First Quarter 1998; and Second Quarter 1998 (Exhibit 87). A typed list of comments made by coworkers about AIKEN for Pride votes from the first quarter of 1997 to the second quarter of 1998 is included as Exhibit 88.

Graph and [redacted] Totals for SFM for 1997, undated  
(Exhibit 89)

This document has a handwritten note by HIETT stating AIKEN had been counseled on his use of [redacted] and 1997 was his best year in some time. This document indicated AIKEN used [redacted] in 1997. [redacted] for 1997. Testimony by CURRY indicated [redacted]

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Reports for SFM from 1990 to 1997, Computer Run dated June 11, 1998 (Exhibit 90)

This document indicated AIKEN used [REDACTED] in 1996 and [REDACTED] in 1997. However, he also used [REDACTED] in 1993.

AGENT'S NOTE: Exhibit 90 does not match Exhibit 89. Testimony from CURRY indicated Exhibit 90, which was generated from payroll records, was the more accurate record. PG&E provided a computer record of AIKEN's [REDACTED] by pay period from 1987 to December 1998. Due to its length, this record is not being included as an exhibit but is being retained in the OI:RIV offices and is available for review.

Operations Manager and Director Evaluations for SFM Crew Assignments for 1998 (Exhibit 91)

This document listed each SFM with comments about his technical performance, supervisory performance, and recommended position for 1998. It stated AIKEN had "average plant knowledge" and needed to [REDACTED] AIKEN was placed on "F Troop."

Manager and Director Evaluations for SFM for 1997 (Exhibit 92)

This document, with the SFM names redacted by attorneys, was provided by CURRY and appeared to be her version or an earlier version of Exhibit 91. It stated AIKEN was a [REDACTED] AIKEN was placed on "F Troop."

Supervisors Annual Documentation of Behavioral Observation Forms for AIKEN from January 1, 1984, to December 31, 1997 (Exhibit 93)

This form was required to be completed annually by an employee's supervisor verifying there were no indications of untrustworthy or unreliable behavior on an employee's part. From 1984 to 1996 these forms were signed by AIKEN's supervisor [REDACTED] The form for 1997, signed on February 2, 1998, by HIETT, verified he had observed [REDACTED] However, HIETT attached a paragraph stating, [REDACTED]

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particularly in communicating with others. AIKEN's was \_\_\_\_\_, and he stated he was \_\_\_\_\_  
However, HIETT stated, |

Letter from AIKEN, Vice President and Corporate Secretary, PG&E, dated March 23, 1998, with Attachments (Exhibit 94)

This letter, received at PG&E on March 26 or 27, 1998, was AIKEN's notification that he planned to address the 1998 annual PG&E shareholder's meeting on April 15, 1998. He stated he had been reporting safety concerns about DCNPP for 2 ½ years but had received a deficient response from the NRC and PG&E. AIKEN said he was taking "these actions only because none other have been productive." Attached to this letter were his reports to the DCISC on February 5, 1997 (Exhibit 26), and January 1998 (Exhibit 62) and letters to the NRC dated February 9, 1998, February 17, 1998, February 23, 1998, and March 9, 1998.

In his February 9, 1998, letter to the NRC, AIKEN stated the NRC was ineffective, incomplete, out of focus, and tried not to see or hear what he [AIKEN] was telling them.

In his February 17, 1998, letter to the NRC, AIKEN discussed two events at DCNPP wherein procedures were not followed. He stated the NRC congratulated PG&E in their response to one incident when good operating practices were not followed. AIKEN stated, "The true nature of that response was either not divulged to the regulatory agency or they too were involved in the cover-up that followed and that continues to this day. That veil of secrecy was not uncalculated and involved premeditation that is truly reprehensible and more than likely could be considered near criminal conduct."

In his February 23, 1998, letter to the NRC, AIKEN stated the NRC demonstrated "an indefensible ambivalence" towards PG&E. AIKEN provided several examples of the NRC's allegedly inappropriate behavior towards PG&E and stated he was dubious about the NRC's true sense of responsibility.

In his March 9, 1998, letter to the NRC, AIKEN stated the agreement between the NRC and PG&E regarding a clearance procedure could be seen as a subversion to the principle of safety, although they are probably relying on the concept that

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not following procedures was sometimes the right thing to do. AIKEN discussed incidents where DCNPP personnel had to violate procedures and became the subject of significant disciplinary actions, which AIKEN considered oppressive and chilling to the work environment.

Following receipt of AIKEN's letter to PG&E's corporate secretary (Exhibit 94), a chain of events began which ultimately resulted in AIKEN's access revocation. The following documents relate to those events.

E-mail from MOLDEN to POWERS, dated March 31, 1998 (Exhibit 95)

MOLDEN told POWERS that "Neil AIKEN has been a very hot topic today, from the highest office of our company - Bob GLYNN and Gordon SMITH." MOLDEN stated AIKEN had submitted a document to the secretary of the board which included many documents he [MOLDEN] and POWERS had already seen, as well as letters AIKEN had sent to the NRC. MOLDEN said GLYNN was surprised AIKEN was still working in the control room, and "in fact, I think Bob GLYNN wants him removed." MOLDEN also stated "Greg [RUEGER] is trying to calm people down." MOLDEN suggested turning over this document, of which he had a copy, to "an independent evaluator to see if Neil meets a threshold to have him reevaluated. I don't think they would think so."

PG&E Investigation Report, including Check List, Chronological Log, Disposition Sheet, Report of Interviews, and Complaint Form, dated June 18, 1998 (Exhibit 96)

This report indicated that on April 1, 1998, at 8:00 a.m., YANG called Lyman H. SHAFFER, PG&E Director of Corporate Security, to request a review of correspondence from AIKEN to determine if an FFD evaluation should be conducted. SHAFFER contacted DIETZ' office at 2:00 p.m. on April 1, 1998. SHAFFER interviewed MOLDEN on April 2, 1998, and sent materials to DIETZ on April 3, 1998. On April 8, 1998, SHAFFER and YANG spoke by telephone with DIETZ and agreed to provide him additional information, which they did that same day. On April 14, 1998, SHAFFER and YANG discussed "diagnosis with Dr. DIETZ." On April 15, 1998, at 2:00 p.m., SHAFFER faxed DIETZ the material AIKEN handed out at the shareholder's meeting. On April 20, 1998, at 2:30 p.m., SHAFFER met with YANG, RUEGER, POWERS, and G. SMITH about "safety concerns about AIKEN." On April 28, 1998, SHAFFER conferred with DIETZ about additional materials and scheduling

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conferences with plant officials. On April 30, 1998, DIETZ stated Daniel A. MARTELL, Ph.D., would be going to DCNPP to conduct interviews ( MARTELL interviewed \_\_\_\_\_ in person on May 11, 1998, and \_\_\_\_\_ by telephone on May 20, 1998. DIETZ provided a draft report to YANG on June 8, 1998. On June 12, 1998, YANG told SHAFFER the final report had been received from DIETZ, DCNPP management had decided to seek FFD evaluation of AIKEN, and no further involvement was required by corporate security. SHAFFER closed this case on June 18, 1998.

According to SHAFFER's interview report of MOLDEN, MOLDEN stated AIKEN was able to perform his job, but he appeared to be under \_\_\_\_\_ and had been involved in conflict with the plant staff over safety issues. MOLDEN said the NRC and PG&E had investigated AIKEN's concerns, but AIKEN was convinced he was right and everyone else was wrong. According to SHAFFER's report, MOLDEN said he was becoming more concerned about AIKEN because he had seen \_\_\_\_\_ in his [AIKEN's] ability to articulate his concerns before the DCISC and the ECP. MOLDEN said one of the DCISC commissioners expressed concern over AIKEN's mental stability. MOLDEN believed AIKEN was becoming increasingly \_\_\_\_\_ and cited AIKEN's allegations that the NRC and PG&E were in collusion, NRC:OI had altered tapes, and PG&E caused him to fail a test. MOLDEN said AIKEN's continued assertions that he should have the ability to deviate from procedures also caused him concern about having AIKEN in a supervisory capacity. 7C

Letter from YANG to DIETZ and Attachments, dated April 3, 1998  
(Exhibit 97)

YANG requested that DIETZ provide an independent assessment of whether AIKEN should be referred for a formal FFD evaluation under applicable NRC requirements. YANG explained that AIKEN began raising safety concerns at DCNPP a few years before, and each concern had been evaluated and resolved by PG&E. AIKEN was not satisfied with this and unsuccessfully pursued his concerns with the NRC and other entities. AIKEN alleged a conspiracy between the NRC and PG&E and accused the NRC of altering audio tapes of an interview with him. YANG stated that AIKEN's day-to-day work performance had been satisfactory, but his supervisors had reported a change in his behavior over the last few years, including less articulate speech, belief that management caused him to fail an exam, and increased

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disagreement with others over matters of little consequence. YANG provided DIETZ with a copy of the letter AIKEN sent to PG&E's corporate secretary with attachments (Exhibit 94) and an E-mail from MOLDEN to SHAFFER, dated April 3, 1998, with attached E-mail from MOLDEN to WARNER, dated December 31, 1997 (Exhibit 60).

Memorandum from SHAFFER to DIETZ, dated April 8, 1998  
(Exhibit 98)

This memorandum stated SHAFFER was faxing DIETZ additional information regarding the AIKEN matter. Documents faxed were the 1996 AIKEN memorandum regarding his discussions with CORPORANDY (Exhibit 14); a letter to DOL dated September 19, 1996, claiming discrimination for reporting safety concerns; a letter to his Congressional representative dated October 16, 1996; documents related to AIKEN's performance and behavior; DCNPP's FFD policy; and a letter from Leslie H. EVERETT, Corporate Secretary, PG&E, to AIKEN, dated April 8, 1998, stating AIKEN was welcome to attend the shareholder's meeting, but policy did not allow the distribution of written material inside the auditorium, and everyone was asked to limit their questions or comments to 3 minutes.

"Going Critical" by AIKEN, undated (Exhibit 99)

AIKEN handed out this document at the PG&E shareholder's meeting on April 15, 1998. It contained the following items:

1. An introduction which stated AIKEN was challenging NRC's authority on technical and moral grounds and taking issue with injustice against the American public. AIKEN stated PG&E was jeopardizing safe operation by focusing on profits. This document then discussed the 4KV breaker issue.
2. Letter from AIKEN to PG&E Shareholders, dated April 15, 1998. AIKEN stated PG&E inhibited serious dissent and opposition, but he had concluded more dramatic and aggressive measures were needed to persuade those in power to move forward on his issues. He reiterated his belief that the NRC and PG&E were in collusion and stated PG&E and NRC actions "mock the true standards of morality and ethical behavior."

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3. Letter from AIKEN to PG&E vice president and corporate secretary, dated March 23, 1998 (Exhibit 94).
4. Letter from AIKEN to Representative Lois CAPPs, dated April 13, 1998. AIKEN stated events had occurred at DCNPP which had compromised nuclear safety. Several management decisions had disastrous results and were followed by NRC complicity as evidenced by ineffective inquiries and bias towards PG&E.
5. Letter from AIKEN to U.S. Attorney General, dated April 15, 1998. AIKEN stated NRC had repeatedly ignored relevant information to the advantage of PG&E and obstructed justice by preventing identification of misconduct. AIKEN said the NRC and PG&E found an expert witness to do what they wanted him to do regarding altered SFM log entries.
6. Letter from AIKEN to California State Attorney General, dated April 15, 1998. AIKEN requested they review possible conflicts of interest within the DCISC. AIKEN requested that PG&E be required to show "just cause" prior to "further sidelining of me in my job function as a licensed control room supervising foreman" because he needed to remain in the mainstream and observe daily control room functions.
7. AIKEN's report to the DCISC, dated February 5, 1997 (Exhibit 26).
8. AIKEN's follow-up report to the DCISC, dated January 1998 (Exhibit 62).
9. Letters from AIKEN to NRC, dated February 9, 17, 23, and March 9, 1998.
10. Responses by NRC to AIKEN. AIKEN included parts of letters from the NRC to him and commented they were typical NRC replies. AIKEN said the NRC claimed they would evaluate his concerns, but he had waited months for them to do so. He said since the NRC had done nothing with what he had provided to them, he had no intention of providing them with additional information.
11. Letter from AIKEN to NRC Chairwoman Shirley Ann JACKSON, dated April 15, 1998. AIKEN stated he had a "categorical imperative" in matters regarding the nuclear industry and

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had determined the outlet for his dissent and disenchantment might be the U. S. Congress. AIKEN claimed some NRC action had "gone to the point of dishonesty," and the NRC "dropped the ball again."

12. Conclusion. AIKEN stated the NRC had fought him all the way and he believed his conflict with DCNPP management and the NRC must be played out. AIKEN said he had little confidence the NRC would act in good faith. AIKEN stated his issues involved calculated violations of trust against the American public. AIKEN said he "must be allowed to continue in my present job... unfair demands on myself and my time should not be allowed." He further stated, "The policy I have chosen has looked to the exhaustion of all reasonable measures before resorting to any stronger ones."

Memorandum from SHAFFER to DIETZ, dated April 15, 1998  
(Exhibit 100)

With this memorandum, SHAFFER enclosed "Going Critical" for DIETZ' review. SHAFFER stated AIKEN read the letter to PG&E shareholders from "Going Critical" in a calm and deliberate way.

Partial Transcript of PG&E's 1998 Annual Meeting, dated  
April 15, 1998 (Exhibit 101)

This partial transcript shows AIKEN's speech to the shareholder's during which he read the letter included in "Going Critical" (Exhibit 99).

Letter from DIETZ to POWERS, dated June 9, 1998 (Exhibit 102)

DIETZ stated he had evaluated evidence concerning AIKEN to determine if an FFD evaluation should be conducted. DIETZ and MARTELL reviewed numerous documents, and MARTELL interviewed four PG&E employees who were familiar with AIKEN's behavior and job performance. They did not interview AIKEN because their purpose was not diagnosis of AIKEN, but risk management consultation. DIETZ stated MARTELL concluded AIKEN may be suffering from a [REDACTED] and recommended a clinical examination of AIKEN "to rule out these diagnoses, provided a differential diagnosis, and/or recommend appropriate treatment options." DIETZ stated, after consulting with MARTELL and on the basis of his review of the matter, he concurred with

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MARTELL's conclusions. DIETZ said there was ample evidence that AIKEN demonstrated at least five of the characteristics of persons with

DIETZ stated persons suffering from

DIETZ stated they had identified at least three possible

DIETZ recommended conduct of an FFD evaluation because there was evidence that AIKEN had a history of that might cause a significant defect in his judgment or reliability. DIETZ stated "the safety of the facility... requires... such an evaluation... despite the risks of... misinterpretation and any resulting litigation."

DIETZ' Curriculum Vitae, dated October 1995 (Exhibit 103)

DIETZ received an A.B. in psychology from Cornell University in 1970, an M.D. from Johns Hopkins University School of Medicine in 1975, an M.P.H. from Johns Hopkins in 1975, and a Ph.D. from Johns Hopkins in sociology in 1984. DIETZ is a consultant with several academic and adjunct appointments, numerous awards, and honors. He is a member of numerous professional societies and has published and lectured extensively. He served as consultant in John HINCKLEY, Jr., Jeffrey L. DAHMER, Lyle and Erik MENENDEZ, Richard DAVIS, Susan SMITH, and other notable cases.

"The Workplace" by Anastasia TOUFEXIS, dated April 25, 1994 (Exhibit 104)

In this article about workplace violence, DIETZ is quoted as saying that relying on a generic profile to detect potentially dangerous employees is risky. DIETZ stated more accurate predictors "would be a worker acting paranoid, depressed or suicidal, and continually filing unreasonable grievances and lawsuits."

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Talking Points - Medical Review Referral Meeting (Exhibit 105)

This document was prepared by attorneys and used by MOLDEN during his meeting with AIKEN on June 12, 1998, to tell AIKEN that his unescorted access was being temporarily suspended pending results of a medical review under DCNPP's FFD program. According to MOLDEN's handwritten notes, AIKEN wanted to know the basis for the medical review and what behavior was in question. AIKEN questioned that if PG&E picked the doctor, there might be bias. He linked his protected activity with being required to submit to a medical review.

Informal Handwritten Meeting Notes by CURRY (Exhibit 106)

These notes were taken by CURRY during various meetings she attended about AIKEN. They are discussed in Exhibit 164.

Employee Concern Report (ECR) 98-21, undated (Exhibit 107)

This ECP report noted that two unassociated employees reported a concern to the ECP about AIKEN's behavior and "Going Critical." ECP shared these concerns with POWERS and RUEGER. The FFD procedure was followed [regarding AIKEN] for reasons independent of these concerns and upon the FFD process completion, these concerns were closed out.

Memorandum from TODARO to File, dated June 16, 1998  
(Exhibit 108)

TODARO stated he received a call from POWERS on June 9, 1998, advising him that they expected a report from DIETZ, and he [TODARO] should be ready to initiate a BRG to review this report, if further action was required. On June 11, 1998, a BRG was convened, read DIETZ' report, and discussed it for 3 hours. They later called and spoke with DIETZ who told them he had significant concerns regarding AIKEN's [REDACTED]. DIETZ indicated he was especially concerned that AIKEN's [REDACTED].

Based on the DIETZ report and the conversation with DIETZ, the BRG recommended FFD evaluation of AIKEN, and POWERS concurred with this decision. TODARO said he placed AIKEN's access on hold pending the outcome of the evaluation.

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E-mail from GARRETT to Operations SS, dated June 24, 1998  
(Exhibit 109)

Attached to this E-mail was an E-mail to all DCNPP employees regarding an article that appeared in the newspaper regarding actions taken with respect to AIKEN's site access. GARRETT stated he appreciated Operations employees' support and offered to meet with anyone who had questions about this matter.

Document List for ESTNER (Exhibit 110)

This document indicated PG&E provided ESTNER with the DIETZ report, "Going Critical," 10CFR26, 10CFR73.56, Regulatory Guide 5.66, and PG&E Procedure OM11.DC4, Rev.3A, in preparation for his interview with AIKEN.

ESTNER's Curriculum Vitae, dated November 1998 (Exhibit 111)

ESTNER received a B.A. from Haverford College in 1980 and an M.D. from the University of Pittsburgh School of Medicine in 1984. He performed internship and residency in medicine and surgery from 1984-1989, residency in psychiatry from 1990-93 at the University of California at San Diego, and a fellowship in Forensic Psychiatry from 1993-94 at the University of California at San Francisco.

E-mail from ██████████ to CURRY, dated June 21, 1998 (Exhibit 112)

██████████ stated MOLDEN was setting AIKEN up on the "FFD BS." AIKEN was a sane and conscientious person, and the company was trying to discredit him because he insisted upper management take responsibility for their actions that jeopardized safe operation at the plant. CURRY responded to this E-mail by recommending ██████████ speak to his supervisor or the ECP. By E-mail dated June 24, 1998, ██████████ responded to CURRY by stating, "Everyone I know who has dealt with Employee Concerns gets whitewashed. It's very clear the program is not effective. It's politically very dangerous to 'get involved'...."

E-mail from Catherine LYON [NFI] to DCNPP SRO License Holders, dated July 1, 1998 (Exhibit 113)

This E-mail forwarded a job announcement, opening on July 2, 1998, for an SFM at DCNPP.

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Letter from ESTNER to RYAN, dated July 6, 1998 (Exhibit 114)

ESTNER stated he interviewed AIKEN for 2 hours and reviewed material provided by PG&E, including DIETZ' report and "Going Critical," to determine if AIKEN suffered from a mental condition that compromised his safety in the workplace. ESTNER concluded that AIKEN suffered from a

ESTNER based his conclusion on AIKEN's discussions indicating that people from his workplace, the NRC, and the government at large were trying to harm him because of his beliefs that PG&E was taking unsafe shortcuts. ESTNER stated AIKEN's

Supervisor's Documentation of Behavior Observation Upon Termination, undated (Exhibit 115)

This showed AIKEN's name, period covered as 1/1/98 to 6/13/98, and LEWIS' name typed on the form as the supervisor. The form was neither signed nor dated and LEWIS testified that he had never seen this form.

Letter from RYAN to AIKEN, dated July 9, 1998 (Exhibit 116)

This form letter, Subject: Revocation of Access, indicated AIKEN's access was revoked based on [REDACTED]. The letter stated AIKEN had 10 days from July 13, 1998, to appeal this decision and provide additional information or documentation for consideration.

AIKEN's DCNPP Access Data Form, dated July 9, 1998 (Exhibit 117)

This form indicated AIKEN's access at DCNPP was terminated on July 9, 1998.

Letter from RYAN to AIKEN, dated July 22, 1998 (Exhibit 118)

This letter was written to confirm AIKEN's right to appeal PG&E's decision to terminate his unescorted access at DCNPP and to provide additional information or documentation, including a

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separate medical evaluation. The initials "NJA" and date "7/23/98" indicate this letter was hand delivered to AIKEN.

Letter from AIKEN to DeMARTINI, dated July 23, 1998  
(Exhibit 119)

AIKEN stated the basis for his appeal was there was nothing questionable enough about his conduct to warrant access revocation. AIKEN further stated, [REDACTED] professional opinions were based on the incorrect assertion that his written allegations were unfounded. AIKEN asked DeMARTINI to read "Going Critical," to review his technical issues with his [AIKEN's] participation and to consider his Pride Votes and 24-year record at DCNPP. AIKEN also requested to meet with DeMARTINI.

Notes from DeMARTINI to File, dated July 29, 1998 (Exhibit 120)

DeMARTINI met with AIKEN to discuss the appeals process, the sequence of events, and AIKEN's views. AIKEN stated he did not accept ESTNER's findings for several reasons. AIKEN stated he was psychologically evaluated because he challenged plant authority. He also speculated the psychological evaluation could have been performed as a result of comments he made to two coworkers [REDACTED] (NFI) concerning plant security after he [AIKEN] participated in a security exercise and was able to get a gun into the plant. AIKEN also stated "Going Critical" was taken too seriously and some of the phrases were taken from books. AIKEN continued to maintain the NRC, PG&E, and the DCISC were not adequately investigating his concerns and were engaged in cover ups.

Notes from DeMARTINI to File, dated July 31, 1998 (Exhibit 121)

DeMARTINI noted he had spoken with CURRY who told him she had no knowledge of a discussion between AIKEN, [REDACTED] and this was never discussed by the BRG.

Notes from DeMARTINI to File, dated August 4, 1998 (Exhibit 122)

DeMARTINI noted he had met with AIKEN for 3 hours. D. JOHNSON had recommended a second evaluation be conducted by a psychiatrist, and he [DeMARTINI] would schedule an appointment for AIKEN with RAFFLE. AIKEN told him he had been denied due process because DIETZ' evaluation relied on comments by individuals who had something against him, and he had no opportunity to provide input. DeMARTINI noted that AIKEN's

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presentation was confusing and centered on his concerns with the DIETZ and ESTNER reports and his belief that PG&E and the NRC never properly evaluated his safety concerns.

Notes from DeMARTINI to File, dated August 7, 1998 (Exhibit 123)

DeMARTINI noted he had spoken with ESTNER about each of AIKEN's concerns regarding ESTNER's evaluation. ESTNER stated he did not rely heavily on DIETZ' report, but DIETZ was highly respected. ESTNER said [REDACTED] were often good workers and well-liked and lay people were not the best judge of this type of [REDACTED]. Regarding AIKEN's safety concerns, ESTNER stated it was not if AIKEN was right or wrong about them that concerned him [ESTNER]. It was AIKEN's conclusions that the NRC, PG&E, and others evaluating his concerns were incompetent, he was being set up, and everyone was involved in a conspiracy, which were [REDACTED]. ESTNER stated he did not consider Pride votes important because AIKEN was a highly functional [REDACTED] individual and probably a good person to work with. ESTNER told DeMARTINI the diagnosis was not a close call, AIKEN's [REDACTED] and this created a danger in the workplace.

Notes from DeMARTINI to File, dated August 10, 1998 (Exhibit 124)

DeMARTINI stated that at AIKEN's request, he spoke with [REDACTED] who told him he had no direct knowledge of AIKEN's safety concerns or "how PG&E put me into it [NFI]," but he hoped AIKEN would be treated fairly because he [AIKEN] believed what he said and did was right.

Notes from DeMARTINI to File, dated August 11, 1998 (Exhibit 125)

DeMARTINI said he spoke with RAFFLE who indicated he was familiar with NRC regulations and had performed reviews for other nuclear utilities. RAFFLE stated he had read DIETZ and ESTNER's reports but would not speak with them.

Notes from DeMARTINI to File, undated (Exhibit 126)

DeMARTINI listed issues AIKEN had discussed with him. AIKEN believed the NRC, PG&E, and the DCISC had ignored his safety issues, and he wrote "Going Critical" to get attention,

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borrowing some phrases from books. The psychiatric evaluation was performed because he raised safety concerns, and this was a way to remove him from the mainstream. ESTNER did not perform a thorough examination, misinterpreted some of AIKEN's comments, and was paid by PG&E. DIETZ set AIKEN up and only spoke with employees who had something against him [AIKEN]. The PRG was biased because TODARO had something against him, and he had embarrassed security by getting a weapon inside the plant during a drill. AIKEN also stated he did not get along with MOLDEN, and DeMARTINI was not being fair by refusing to allow him to interview those who provided information to DIETZ.

Document List for RAFFLE (Exhibit 127)

This document indicated PG&E provided RAFFLE with the ESTNER report, the DIETZ report, "Going Critical," 10CFR26, 10CFR73.56, Regulatory Guide 5.66, and PG&E Procedure OM11.DC4, Rev.3, in preparation for his interview with AIKEN.

RAFFLE's Curriculum Vitae, undated (Exhibit 128)

RAFFLE received an A.B. in physiology from the University of California at Berkeley in 1962 and an M.D. from the Chicago Medical School in 1966. He performed his internship at Michael Reese Hospital and Psychiatric residencies at University Hospitals, Letterman General Hospital, and Herrick Hospital. He is in clinical practice and is an assistant clinical professor of psychiatry and orthopedic surgery at UCSF Medical School.

Letter from DeMARTINI to RAFFLE, dated August 12, 1998 (Exhibit 129)

DeMARTINI reviewed the regulatory requirements and AIKEN's employment situation at DCNPP and requested that RAFFLE evaluate AIKEN's medical condition. This document indicated RAFFLE was provided with the ESTNER and DIETZ reports, "Going Critical," 10CFR26, 10CFR73.56, Regulatory Guide 5.66, PG&E Procedure OM11.DC4, Rev.3, newspaper articles, AIKEN's appeal letter, and Pride Votes, in preparation for his interview with AIKEN.

Notes from DeMARTINI to File, dated August 19, 1998 (Exhibit 130)

DeMARTINI stated RAFFLE evaluated AIKEN on August 18, 1998, including a 4 1/2 hour interview and testing and discussed the

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case with his [REDACTED]  
[REDACTED] RAFFLE said AIKEN (

Notes from DeMARTINI to File, dated August 22, 1998  
(Exhibit 131)

AIKEN called DeMARTINI and asked him to provide RAFFLE with the February 1997 DCISC report, documentation from other operators supporting his position, his performance appraisals, and his annual behavioral observation forms. DeMARTINI noted AIKEN said RAFFLE did not take his issues seriously and did not provide a fair evaluation because he was a forensic psychiatrist, worked for PG&E, and had performed work for the NRC.

Letter from RAFFLE to DeMARTINI, dated August 26, 1998  
(Exhibit 132)

RAFFLE indicated he performed a comprehensive psychiatric evaluation of AIKEN, administered an MMPI-2 to AIKEN, and reviewed the information provided to him by PG&E.

RAFFLE stated AIKEN's MMPI-2 was [REDACTED]

The MMPI-2 indicated someone with [REDACTED]

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Notes from DeMARTINI to File, dated September 3, 1998  
(Exhibit 133)

DeMARTINI said he told AIKEN that RAFFLE had concluded he  
[AIKEN]  
On that basis,  
AIKEN's appeal was considered closed.

Letter from DeMARTINI to AIKEN, dated September 3, 1998, with  
attached Letter from DeMARTINI to RYAN, dated September 3, 1998  
(Exhibit 134)

DeMARTINI stated, based on RAFFLE's finding AIKEN  
AIKEN's access revocation should be upheld.

Letter from RAFFLE to DeMARTINI, dated September 3, 1998  
(Exhibit 135)

RAFFLE stated he had reviewed additional information provided to  
him regarding AIKEN, and it did not change his opinions in his  
evaluation and diagnosis report of AIKEN.

DCNPP Office Desk Guide, Observed Behavior Review Process, dated  
May 13, 1998 (Exhibit 136)

This document was a guide to be used by the AA/FFD group when  
someone reported a behavior concern. The document stated it was  
not intended to replace or supersede plant procedures. This  
document stated a BRG was to be formed to address the reported  
behavior and outlined the BRG members and function, stating the  
BRG's conclusion would be provided to DCNPP's plant manager.

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AGENT'S NOTE: In a memorandum to WARNER dated April 1, 1999 (Exhibit 137), RYAN stated the Desk Guide dated May 13, 1998, was the only version of this document. Prior to that date, a similar process was used for a BRG, but it was not formally documented.

DCNPP Site Access Process, Procedure OM11.ID1, Revision 6, Effective Date August 12, 1997 (Exhibit 138)

This procedure identified requirements that must be met prior to granting an individual access to DCNPP, including the access request process and the various screening activities. Section 5.9.1 stated that the BOP applied to all persons granted unescorted access to DCNPP. Section 5.8 discussed the process that will be followed should an individual whose unescorted access has been denied or revoked request a review of this decision. Section 5.8.6 stated that if denial or revocation of access was due to psychological noncertification, the Access Review Officer (ARO) shall coordinate a second psychological evaluation, the results of which "shall be final." The ARO makes the final decision regarding an individual's unescorted access, and this decision "shall be final and binding...."

DCNPP Criteria for Denial/Revocation/Suspension of Unescorted Security Access Authorization, Procedure OM11.DC4, Revision 3A, Effective March 14, 1997 (Exhibit 139)

Attachment 7.1 of this procedure stated that one specific factor that would result in the denial or revocation of unescorted access was "a psychological evaluation indicating that the individual was a risk in terms of trustworthiness and reliability. This included a history of mental illness or emotional instability that may cause a significant defect in the individual's judgment or reliability."

DCNPP Operator Petition, undated (Exhibit 3)

This petition included 41 names of personnel in the Operations Department at DCNPP who supported AIKEN and stated AIKEN was professional and competent, was not a threat to DCNPP, and had legitimate safety concerns. PG&E managers may have tried to discredit AIKEN, and their unwarranted actions against AIKEN created a "chilling effect" toward reporting safety concerns.

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Facts Relating to AA of AIKEN, undated (Exhibit 140)

This document was provided to OI:RIV by WARNER who stated it was prepared by PG&E's legal department for the DOL. The document provided background information about DCNPP, Federal Regulations, AIKEN, AIKEN's safety concerns, and AIKEN's FFD.

Letter from CURRY to AIKEN, dated September 17, 1998 (Exhibit 141)

CURRY stated AIKEN had [REDACTED] hours of available sick leave, [REDACTED] hours of vacation, and [REDACTED] hours of holiday pay. AIKEN could apply for long-term disability, which would provide him with half his base monthly salary or could apply for other jobs within PG&E. 7c

Letter from CURRY to AIKEN, dated October 2, 1998 (Exhibit 142)

CURRY told AIKEN that PG&E had placed him on [REDACTED] on September 18, 1998. CURRY reiterated that AIKEN could apply for long-term disability or he could apply for other jobs with PG&E.

Letter from A. ANDERSON to DOL, dated November 2, 1998 (Exhibit 6)

A. ANDERSON filed this complaint on behalf of AIKEN, alleging "unlawful retaliation" at DCNPP. A. ANDERSON stated AIKEN, a 24-year employee of PG&E, was denied promotions, involuntarily transferred, subjected to retaliatory and biased psychiatric exams, and removed from his position as SFM, after reporting safety concerns to PG&E, the NRC, the DCISC, and the shareholders. A. ANDERSON requested immediate reinstatement for AIKEN, front pay, back pay, restoration of vacation and sick leave, cessation of harassment and intimidation, compensation for emotional distress and pain and suffering, and all costs for the DOL action, including attorney fees.

E-mail from GARRETT to Operations, dated November 26, 1998 (Exhibit 143)

This document referenced the upcoming OI:RIV interviews of Operations personnel and encouraged everyone to participate.

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DCNPP Comprehensive Cultural Assessment, dated December 1998  
(Exhibit 144)

PG&E hired Synergy Consulting Services Corporation (Synergy) to evaluate the organizational culture at DCNPP, including the environment for addressing employee concerns. This evaluation was based on employee responses to a confidential written survey and selected employee interviews. Synergy concluded that DCNPP's nuclear safety culture was in the "adequate to good" range of all nuclear facilities surveyed by Synergy. Employee perception of the nuclear safety culture varied within specific DCNPP organizations. Synergy noted that "the recent removal from duty of an Operations Shift Foreman [AIKEN] was referenced frequently" and impacted the view of many employees in Shift Operations. Synergy suggested ways to improve certain areas within DCNPP.

Memorandum to OI:RIV File 4-1998-029, dated March 9, 1999  
(Exhibit 145)

Following receipt of information that AIKEN had been examined by a forensic psychiatrist and subjected to psychological testing by a clinical psychologist, both of whom determined him fit-for-duty, OI:RIV contacted A. ANDERSON and requested copies of any reports regarding these exams. A. ANDERSON told OI:RIV to obtain them from the DOL. She also stated she would ask AIKEN if he would authorize release of them to OI:RIV.

Letter from A. ANDERSON to OI:RIV, dated March 12, 1999  
(Exhibit 146)

A. ANDERSON refused to provide AIKEN's psychological evaluations to OI:RIV without additional information or assurances from the NRC, such as the NRC process, who would see the reports, if the NRC would be using its own psychiatric expert, and what input the NRC would have into DOL's investigation.

AGENT'S NOTE: On April 12, 1999, WARNER told OI:RIV that he had asked AIKEN's attorney to allow PG&E to release these two evaluation reports to OI:RIV, but she refused to do so. According to WARNER, she told him OI:RIV should ask her for them if the NRC wants them. WARNER also stated she refused to allow PG&E to provide them to AA at DCNPP for review.

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Letter from CURRY to AIKEN, dated March 12, 1999 (Exhibit 147)

CURRY stated AIKEN would exhaust all [redacted] benefits on March 12, 1999, and would begin using other/[redacted] benefits to continue his paid status, including/[redacted]

Letter from Robert C. SELDON, Project LAW, to PG&E, dated March 22, 1999 (Exhibit 148)

SELDON stated AIKEN had been examined by J. Michael GALLAGHER, a forensic psychiatrist, and Alan R. BREEN, a clinical neuropsychologist, both of whom concluded AIKEN was [redacted] and [redacted]. SELDON stated POWERS and other PG&E employees violated AIKEN's civil rights by "rigging" AIKEN's original psychiatric examinations. SELDON stated he would be filing suit on behalf of AIKEN seeking AIKEN's exoneration and reinstatement, compensatory and punitive damages, declaratory and injunctive relief, and attorneys' fees. 1C

Letter from SELDON to Shirley Ann JACKSON, Chairman, NRC, dated March 23, 1999 (Exhibit 149)

SELDON stated AIKEN had been examined by a forensic psychiatrist and a clinical neuropsychologist, both of whom concluded AIKEN was [redacted]. SELDON asked that JACKSON use "the power of [her] offices" to secure AIKEN's reinstatement. SELDON also requested that NRC:RIV "cease its investigation into Mr. Aiken's complaint...."

Letter from WARNER to OI:RIV, dated March 23, 1999 (Exhibit 150)

With this cover letter, WARNER provided documents to OI:RIV. WARNER also stated he had reviewed the agenda and minutes of the president's Nuclear Advisory Council and found no reference to AIKEN. If such discussions took place, they would have occurred during "executive session," in the presence of PG&E counsel, and thus were subject to attorney-client privilege.

#### Coordination with NRC Staff

During the week of December 1, 1998, David H. THOMPSON, Physical Security Specialist, Division of Reactor Safety, NRC:Region II,

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assisted OI:RIV in reviewing DCNPP's AA and FFD Programs and subsequently prepared an inspection report (Exhibit 151). D. THOMPSON evaluated the AA process, psychological reviews, regulatory guidance, and appeals process and concluded "the licensee was in compliance with the requirements of 10 CFR 73.56, NUMARC Guidelines 91-03, DCPD Site ACCESS Process, Procedure OM112.ID1, and Office Desk Guide...." D. THOMPSON further concluded DCNPP "appropriately followed implementing procedures with respect to the psychological review and appeals process and met the requirements of 10 CFR 26 and 10 CFR 73.56."

#### Coordination with Regional Counsel

In a memorandum from William BROWN, NRC:RIV Regional Counsel, to OI:RIV (Exhibit 152), BROWN stated, based on his review of transcripts, reports of interview and other documents, AIKEN

#### Testimony/Evidence

##### Interview of RONALD G. TODARO (Exhibit 153)

TODARO was interviewed by OI:RIV and D. THOMPSON on December 1, 1998. TODARO, Director, Security Services, said he has been employed by PG&E at DCNPP since March 1, 1978.

TODARO said he first became aware of a question regarding AIKEN's employment suitability when POWERS, then vice president and plant manager, DCNPP, told him in May 1997 that, [REDACTED] had expressed concerns about AIKEN's FFD and suitability for working in his current position. POWERS asked him to serve as a facilitator for a Behavior Review Group (BRG) to look into [REDACTED] concerns. TODARO explained that FFD concerns about employees were usually brought before a BRG for review and recommendation although POWERS made the final decision as to appropriate action. However, TODARO said he had never previously served as a facilitator for a BRG. This was normally handled by RYAN, but he was on vacation. TODARO said he was unfamiliar with the process, so he reviewed the procedures and contacted RYAN at home for guidance. He said the BRG was not

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proceduralized, and POWERS had emphasized repeatedly that the review of AIKEN's case must be "handled consistent with other cases."

TODARO said he contacted [redacted] who explained that [redacted] was concerned about,

According to TODARO, [redacted] indicated [redacted] was concerned that AIKEN brought up these issues at this [redacted]

TODARO said a BRG that included him; C. JOHNSON; Henry VARNEY, then AA Coordinator; CURRY; Kathleen HEWITT, HR; and BECKER, former Operations Director, now Maintenance Manager, DCNPP, met on May 27, 1997. During this meeting, it was agreed that C. JOHNSON would meet with AIKEN's supervisor to obtain information about AIKEN's recent performance and conduct and prepare an outline of [redacted] and send it to Dr. Dennis JOHNSON, Ph.D., Behavior Analysts and Consultants, for his review. 72

TODARO said on May 29, 1997, a conference call was held with D. JOHNSON to discuss [redacted] concerns. [redacted] outline of [redacted], as well as a document prepared by AIKEN and provided to the Diablo Canyon Independent Safety Committee (DCISC), had been previously faxed to D. JOHNSON. TODARO recalled that D. JOHNSON stated, based on his review thus far, there were potential concerns about AIKEN, but he did not believe there was an immediate threat to the plant. D. JOHNSON recommended he perform a review of AIKEN's performance, conduct, and attendance, and AIKEN be subjected to enhanced behavioral observation. TODARO said later that day, he, C. JOHNSON, VARNEY, CURRY, and BECKER met and decided CURRY would gather and provide the information requested by D. JOHNSON.

TODARO said on June 6, 1997, he, RYAN, and C. JOHNSON called D. JOHNSON after he had reviewed the requested information regarding AIKEN's performance, attendance, and conduct. They discussed some

TODARO said D. JOHNSON stated he believed they

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should continue to monitor the situation and handle it as a performance issue. The BRG told D. JOHNSON that HIETT was getting frustrated trying to respond to AIKEN's concerns, and D. JOHNSON recommended that counseling and guidance be provided to HIETT and that he report any inappropriate conduct by AIKEN.

TODARO said, based on D. JOHNSON's recommendations, the BRG concluded that AIKEN was fit-for-duty and recommended no further action. TODARO said he conveyed this information verbally to POWERS, who agreed with the recommendation and took no further action at that time. TODARO said he had no further involvement with AIKEN for approximately 1 year.

TODARO said sometime prior to June 9, 1998 [NFI], when RYAN was again on vacation, POWERS called him and said there were new concerns about AIKEN's FFD which PG&E was having reviewed by DIETZ. TODARO said he had no involvement in this decision and when POWERS notified him of it, it was a "done deal." TODARO said he did not know who referred the issue to DIETZ or what precipitated that decision. TODARO said POWERS asked him to set up interviews for DIETZ's associate with [REDACTED] but he [TODARO] was never interviewed by any doctor about AIKEN. 7C

TODARO said early on June 9, 1998, POWERS told him to be ready with a BRG if further action should be required on the AIKEN issue because he [POWERS] expected to hear from DIETZ shortly. On June 10 or 11, 1998, POWERS told him he had received DIETZ's report and to convene a BRG. TODARO said on June 11, 1998, a BRG consisting of himself, CURRY, C. JOHNSON, and MOLDEN met, read, and discussed the DIETZ report for approximately 3 hours. TODARO said the BRG and POWERS called DIETZ, who was clear that he had concerns regarding AIKEN's judgment and reliability. TODARO said DIETZ was especially concerned that AIKEN might question information given to him by a supervisor and ignore it or refuse to follow orders. That might lead to inappropriate actions at a possibly critical time and could negatively impact the plant. TODARO said DIETZ recommended that AIKEN be clinically evaluated and interviewed by a psychiatrist. TODARO said the BRG told POWERS they recommended further FFD evaluation be conducted of AIKEN. TODARO said POWERS decided to request further evaluations of AIKEN, and he [TODARO] was told to place AIKEN's unescorted access on hold pending the outcome of these evaluations. TODARO said RYAN was assigned to facilitate this process. TODARO said he had no further involvement in this

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matter, other than helping AIKEN complete an expense voucher, and he had no input into the decision to revoke AIKEN's access.

TODARO was shown HIETT's Continual Behavior Observation Program (CBOP) form on AIKEN, dated February 2, 1998, in which HIETT [REDACTED] TODARO said he had never seen that form before. 7C

Interview of William F. RYAN (Exhibit 154)

RYAN was interviewed by OI:RIV and D. THOMPSON on December 1, 1998. RYAN, FFD and AA Supervisor, Security Services, DCNPP, said he has been employed by PG&E at DCNPP since August 1984.

RYAN stated he knew AIKEN, in passing, and they had slight business interactions. The first time he recalled any question about AIKEN's employment suitability was in May 1997 when he was on vacation, and TODARO called him at home. TODARO told him PG&E had requested a BRG to look at concerns which had been raised about AIKEN's mental state. Since TODARO had never attended a BRG [this was ordinarily handled by RYAN], he wanted to be sure he was taking appropriate action. RYAN explained that a BRG usually included representatives from AA/FFD, HR, and the department in which the individual in question worked. The BRG discussed and reviewed the issue and recommended an appropriate course of action to the vice president and plant manager, who made the final decision, and did not have to accept the BRG's recommendation.

RYAN said TODARO handled the 1997 concern about AIKEN's behavior, and he [RYAN] was not familiar with the specifics of the case. He said TODARO briefed him about it when he returned from vacation, and he had a vague recollection of attending a later BRG about the matter, but he had no specific recollection about the discussion with TODARO or the BRG meeting. He recalled that the BRG contacted D. JOHNSON and forwarded documents such as AIKEN's performance appraisals and time sheets to him for his review. RYAN recalled that D. JOHNSON saw no basis for concern about AIKEN's behavior, but stated his [AIKEN's] supervisor and others should carefully watch him as part of the CBOP.

RYAN explained that PG&E used the CBOP to ensure deviant or bizarre behavior exhibited by employees with unescorted access would be reported to someone in authority so it could be

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reviewed and dealt with appropriately. He said any supervisor or manager could report a concern about an employee's behavior to AA/FFD. He said a CBOP form was required to be completed annually on all employees with unescorted access. This form was sent to AA/FFD and reviewed by clerical personnel. If the form was marked "confidential" or if there appeared to be a question about it, it was given to the security coordinator. RYAN said he was usually briefed by the security coordinator if there was any question about a CBOP.

RYAN recalled that he reviewed the February 2, 1998, CBOP form on AIKEN prepared by HIETT which stated that AIKEN stated on the form that AIKEN

RYAN said he talked to HIETT about either when HIETT prepared this CBOP form or after he [RYAN] received it. RYAN said HIETT told him the issues he was referring to had been discussed and reviewed in the spring of 1997 and nothing about AIKEN's behavior had changed since that time. RYAN said since HIETT clearly stated there was nothing new about AIKEN's behavior and these issues had been reviewed and resolved, he elected to take no further action. He said he did not discuss this decision with TODARO and placed the CBOP form in AIKEN's AA/FFD file with the previous ones.

RYAN said in April or May 1998, [redacted] gave him a copy of a document written by AIKEN called "Going Critical" and said some of the language in it concerned [redacted] and [redacted] was afraid AIKEN might "do something stupid." By that, RYAN said [redacted] believed AIKEN might cause a minor incident that could culminate in losing his job, not that he would cause a major problem at the plant. RYAN said both he and [redacted] had vacations planned and agreed to meet and discuss AIKEN upon their return to DCNPP. However, RYAN said while he was on vacation in June 1998, a BRG was convened to discuss AIKEN, and TODARO attended it. RYAN said he believed this was the result of a referral to TAG. RYAN said he had never heard of TAG and had no idea how they became involved in this process. RYAN speculated, based on rumors he had heard [NFI], that POWERS may have referred the concerns about AIKEN to TAG. RYAN said if POWERS did so, this

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was the first time someone at his level, rather than AA/FFD, had handled this type of referral.

RYAN said, as a result of TAG's recommendation, AIKEN's unescorted access was "pulled." RYAN said he was charged with facilitating FFD evaluations for AIKEN, who was referred to a clinic for a physical examination and to ESTNER, a forensic psychiatrist on contract to PG&E, for a psychological evaluation. RYAN said he met with AIKEN briefly to provide him information on where to go for his evaluations, but they did not discuss the situation. RYAN said ESTNER interviewed AIKEN and concluded that he was suffering from some sort of [REDACTED] and posed a potential risk to the work place.

Consequently, PG&E revoked AIKEN's access to DCNPP. RYAN said he, MOLDEN, and CURRY met with AIKEN on July 9, 1998, and conveyed this decision to him. RYAN said AIKEN asked for specifics, and MOLDEN later arranged for AIKEN to discuss the issue with ESTNER. RYAN said AIKEN was provided with a standard PG&E letter stating his unescorted access was revoked because [REDACTED]. This letter notified AIKEN that he could appeal this decision within 10 days, and with his request for appeal, he should include pertinent additional information or documentation.

Ryan said when PG&E did not receive an appeal from AIKEN, at the "suggestion" of Christopher J. WARNER, Chief Counsel, Law Department, PG&E, he [RYAN] prepared a personal letter to AIKEN reiterating his appeal rights. At WARNER's direction, RYAN said he hand delivered this letter to AIKEN on July 23, 1998. RYAN said never before or since had he prepared a second appeal letter for anyone or hand delivered such a letter to anyone. RYAN said AIKEN told him he was going to appeal and gave him a copy of "Going Critical" saying, "This is why this is happening to me." RYAN said they had little further conversation.

RYAN said he did not handle AIKEN's appeal or referral to Steven RAFFLE, M. D., a forensic psychiatrist. He said that was handled by DeMARTINI, as is typical, and DeMARTINI got a referral for AIKEN to RAFFLE from PG&E's corporate EAP. RYAN said he had never heard of RAFFLE before this referral and did not believe DCNPP had used him in the past. However, he did not know if PG&E corporate used RAFFLE or if he was under contract to them.

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Interview of Marietta "Cindy" JOHNSON (Exhibit 155)

C. JOHNSON was interviewed by OI:RIV and D. THOMPSON on December 2, 1998. C. JOHNSON, a licensed clinical social worker since 1982, said she began working for PG&E at DCNPP on December 8, 1986, as an EAP Counselor, her current position.

C. JOHNSON said on March 3, 1997, RUEGER told her AIKEN had reported safety concerns which PG&E believed they had adequately addressed, but their actions did not satisfy AIKEN. RUEGER gave her the text of AIKEN's presentations before the DCISC and asked her how to handle an employee like him. C. JOHNSON said she reviewed the DCISC documents provided to her by RUEGER but did not see anything in them that concerned her regarding AIKEN's mental health. C. JOHNSON said Hyla CASS, M.D., a psychiatrist, and Bill KASTENBERG, Ph.D., consultants to the DCISC, said the DCISC had investigated AIKEN's concerns, but AIKEN believed their actions were inadequate, and they did not know what it would take to satisfy AIKEN. She said they expressed no concerns about AIKEN's mental health at that time [1997].

C. JOHNSON said \_\_\_\_\_ all came to her about problems they had dealing with AIKEN. C. JOHNSON said prior to her receipt of these concerns in the 1997-98 time frame, some of AIKEN's coworkers had contacted her on occasion and commented that AIKEN was \_\_\_\_\_ and mentioned certain examples. C. JOHNSON refused to provide further information about these concerns or identify the coworkers, saying this was confidential. She said she found nothing unusual about these comments, and they did not cause her any concern because she was frequently the recipient of negative comments about employees by coworkers.

C. JOHNSON said in mid-1997, \_\_\_\_\_ told her \_\_\_\_\_ was concerned about AIKEN as a result of two events AIKEN had related to which had occurred \_\_\_\_\_

\_\_\_\_\_ C. JOHNSON said she was concerned about this because it was unusual for someone to have that type of \_\_\_\_\_

C. JOHNSON said because she viewed AIKEN as "high profile," she discussed the \_\_\_\_\_ with POWERS and RYAN.

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She said this was one of the few times she reported a concern to POWERS. C. JOHNSON said either POWERS or RYAN told her they needed to convene a BRG to discuss this problem. She said the BRG met on May 27, 1997, discussed AIKEN's behavior, and contacted D. JOHNSON. The BRG provided D. JOHNSON with additional information and discussed AIKEN's behavior with him again after he reviewed it. C. JOHNSON said D. JOHNSON was concerned but did not believe AIKEN was a threat to the plant and recommended continuing to observe AIKEN's behavior and counseling HIETT on how to deal with him.

C. JOHNSON said she did not agree with D. JOHNSON's decision, although the BRG accepted it and recommended to POWERS that they continue to observe AIKEN and counsel HIETT. She believed D. JOHNSON should have placed AIKEN on leave from his job because AIKEN apparently repeatedly said he was [REDACTED]. She said she was more concerned about AIKEN's [REDACTED] than she had ever been about anyone at DCNPP. She said she believed DCNPP was AIKEN's "baby," and "all PG&E had to do was run it the way he told them to," and he would be happy. She believed AIKEN's [REDACTED].

C. JOHNSON said also in mid-1997, [REDACTED] asked her for a medical consult with whom [REDACTED] could discuss methods of dealing with someone like AIKEN. She said she referred [REDACTED] to ESTNER. She believed [REDACTED] talked with ESTNER about how to deal with AIKEN, and ESTNER told them he did not view AIKEN as a particular problem or threat to the plant.

When asked about others at DCNPP who may have had mental health problems, C. JOHNSON admitted DCNPP, in her opinion, used to "enable" alcoholics and others with mental health problems. However, DCNPP had always held operators and security employees to a higher standard. She admitted operations services had some employees who were "different," including one who suffered from Post Traumatic Stress Syndrome from his service in Vietnam and dropped to the floor whenever there was a loud sound. C. JOHNSON said, in her opinion, operations was full of people with the type of personality that could lead to the mental health condition diagnosed in AIKEN because that was the type of person attracted to the job. C. JOHNSON said operations stuck together, and most employees supported AIKEN in the access revocation issue but did not support his position on safety concerns.

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C. JOHNSON said "everyone" kept telling her nothing PG&E did satisfied AIKEN, and he repeatedly told supervision and management that his issues were never handled or investigated properly by PG&E or the NRC. C. JOHNSON said she had been told AIKEN had been a "highly esteemed SRO," so initially she thought this was a communication problem. However, as things progressed and issues continued to arise, she began to believe, as she now does, that AIKEN is [REDACTED]

[REDACTED] However, C. JOHNSON admitted she had never examined or diagnosed AIKEN.

C. JOHNSON said after the BRG in May 1997, AIKEN continued to make negative remarks and talk about his safety concerns, but there was not a marked change in his behavior, and things continued "status quo." Then on April 15, 1998, AIKEN attended PG&E's shareholder's meeting and passed out a document he had written called "Going Critical." C. JOHNSON said she first saw this document on about May 1, 1998, when a DCNPP employee brought her a copy and told her [REDACTED] She reviewed the document and noticed two particular statements that concerned her and raised a red flag. Both related that PG&E must not be allowed to remove him [AIKEN] from his position at DCNPP. Until then, she had believed he would never do anything to hurt DCNPP. However, she became concerned that AIKEN might take some action to try "to prove his point" that PG&E was not safety conscious. She took "Going Critical" to the monthly FFD meeting and asked the attendees to read it because she was concerned and believed PG&E needed to take some action regarding AIKEN. She also lodged an official safety concern with the ECP about "Going Critical."

C. JOHNSON said shortly thereafter, sometime in May 1998, POWERS asked her if she knew DIETZ, and she told him she had never heard the name. POWERS told her PG&E had or was going to have DIETZ look at documentation and review the plant's concerns about AIKEN. C. JOHNSON said she did not know "where DIETZ came from;" this was "very hush hush," and no one knew how or why the issue was referred to DIETZ. She did not know who decided to hire DIETZ, but she did not believe it was POWERS because when he talked to her about it, "he did not look very happy."

C. JOHNSON said she got the impression DCNPP was not consulted about this decision, and that it had come from PG&E corporate, but she had no proof.

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C. JOHNSON said she attended a BRG in June 1998 after PG&E received a document from DIETZ recommending further evaluation of AIKEN. During the BRG, they called DIETZ, who said his function was to determine if AIKEN posed a possible threat to the workplace. DIETZ said he believed AIKEN had a mental health problem and could be a threat to the workplace. C. JOHNSON said she felt "validated" because she had believed that for some time. In DIETZ' opinion, the most likely scenario was that AIKEN would decide his supervisors were in on "the conspiracy" and refuse to follow their orders, which could cause problems with the plant. C. JOHNSON said after this recommendation from DIETZ, "PG&E could not have backed out [from having AIKEN evaluated] even if they wanted to." She said she recommended AIKEN be psychologically evaluated by ESTNER. She said she asked ESTNER if he could perform an unbiased medical evaluation on AIKEN. [REDACTED]

ESTNER told her he could, and he was selected to evaluate AIKEN. C. JOHNSON said after her conversation with ESTNER, this issue was placed in RYAN's "bailiwick," and she had no further direct involvement in it until AIKEN contacted her. She said she never read ESTNER's evaluation of AIKEN.

C. JOHNSON said AIKEN appealed ESTNER's diagnosis of him, and his case was referred to RAFFLE. She said she had been asked to provide the name of a psychiatrist outside the San Luis Obispo area, but told PG&E she knew of no one. RAFFLE was referred to DCNPP by an EAP counselor at PG&E headquarters in San Francisco. She said she never read RAFFLE's evaluation of AIKEN.

C. JOHNSON said she had only talked with AIKEN on one occasion, and this was after his unescorted access had been revoked by PG&E. She said he called her and asked for a mental health referral. C. JOHNSON said she provided a name to AIKEN, which she declined to give to the reporting agent. She said she knew AIKEN saw the psychologist because the psychologist called to thank her for the referral. She said the psychologist did not discuss AIKEN's case or diagnosis with her. C. JOHNSON said she would not be surprised if this psychologist found AIKEN to be "just fine" or diagnosed [REDACTED] because "off the street" AIKEN seemed fine. C. JOHNSON said her discussion with AIKEN, which she considered confidential, was congenial. However, about 2 days after her initial contact with AIKEN, C. JOHNSON said she called him and told him it would be better for her to "back out" of any involvement with him in this issue.

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because she was previously involved in it; it would be hard for her to "walk the line;" and it was causing her

C. JOHNSON said, in her opinion, AIKEN was

Interview with Bruce TERRELL (Exhibit 156)

TERRELL was interviewed by OI:RIV on December 3, 1998. TERRELL, ECP supervisor since February 1997, said he has been employed by PG&E at DCNPP since January 2, 1980.

TERRELL said AIKEN reported numerous safety concerns to the ECP, and they spent hundreds of hours looking into the issues. TERRELL admitted he found AIKEN difficult to deal with. He said many years ago, he had worked with AIKEN, and at that time, found him

TERRELL said it seemed to him after the transformer blew up, the "floodgates opened" for AIKEN, and he began reporting concerns about everything, some dating back 10 or 20 years. TERRELL said AIKEN seemed to recall everything that occurred in vivid detail and alleged a management cover-up even back then.

TERRELL said no matter to what length PG&E went to address his concerns, AIKEN refused to accept their resolutions. As an example, TERRELL said PG&E hired a forensic document examiner to address AIKEN's concern that logbook entries had been falsified. When the consultant found no evidence of falsification, AIKEN refused to believe him. TERRELL said AIKEN sent him and his employees abusive and insulting E-mail. When the reporting agent and TERRELL reviewed the E-mail together, TERRELL agreed it did not appear abusive. However, he said some of the E-mail looked reasonable on its face, but in reality, AIKEN was being sarcastic or "cutting," such as when he said, "Thank you for being there for me." TERRELL said AIKEN did not mean that because he did not believe ECP helped anyone at DCNPP.

TERRELL said AIKEN was put on a Managing in Nuclear Safety Team, which was formed to address his concerns that there were too

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many gray areas in the procedures. SHIFFER was hired as a consultant and formed this team solely to address AIKEN's concerns. TERRELL said AIKEN was "cool to the team" and refused to provide examples of poor procedures. In TERRELL's opinion, this was an opportunity for AIKEN to actively work on one of his concerns, but he refused to do so.

TERRELL said, after hours of discussions with AIKEN, he felt like he could not handle him because nothing PG&E or the NRC did satisfied him. TERRELL said he viewed AIKEN's actions as a personal attack against him and the ECP, and it put him under a [REDACTED]. In mid-1997, he asked [REDACTED] for guidance on how to handle this type of employee. According to TERRELL, [REDACTED] for assistance in dealing with AIKEN. TERRELL said [REDACTED]

[REDACTED] Their discussion centered on how to handle AIKEN and not on his mental stability, although he [TERRELL] asked [REDACTED] if they should be concerned about AIKEN's actions. [REDACTED] told [REDACTED] based on their discussion, he did not believe AIKEN was the type of person who would "try to bomb the place," but there was the possibility that he might try to "prove his point" in some way. According to TERRELL, [REDACTED] did not indicate he believed AIKEN should be psychologically evaluated or might be mentally ill. TERRELL said he was concerned about AIKEN's behavior in 1997, but did not discuss his concerns with POWERS or RUEGER at that time.

TERRELL said on May 21, 1998, [REDACTED] gave him a copy of "Going Critical," told him it concerned [REDACTED], and asked that it be considered an official concern. Shortly thereafter, another employee expressed similar concerns about "Going Critical" to the ECP. TERRELL said four or five employees brought a copy of "Going Critical" to the ECP, and numerous others talked to him about it. TERRELL said he met with RUEGER and POWERS to discuss "Going Critical," and they told him they were already aware of the document. TERRELL said it appeared that "everybody" knew about it the day after the shareholder's meeting. TERRELL said the document concerned him, as did AIKEN's presentations to the DCISC, which were becoming less coherent. TERRELL said the ECP never investigated anything about "Going Critical" because the concern was an FFD issue and should be handled by AA and FFD.

TERRELL said he was [REDACTED]

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He said

TERRELL said he believed a psychological evaluation of AIKEN was totally appropriate and was not performed because AIKEN had reported safety concerns to PG&E or the NRC. TERRELL said received full cooperation from PG&E in attempting to address all of AIKEN's concerns, even those of little significance. He "wholeheartedly" believed PG&E took appropriate action in AIKEN's case, adding they had an obligation to ensure AIKEN was mentally sound, particularly given his position in the control room. TERRELL said he did not know if PG&E would have taken the same action had AIKEN held a different position, but AIKEN's actions were clearly and totally unacceptable for someone in the control room of a nuclear plant. In his opinion, PG&E properly followed all processes and procedures in dealing with AIKEN. He said AIKEN was [redacted] from anyone else he had dealt with, professionally or personally. TERRELL said he knew of no other situation remotely similar to AIKEN's at DCNPP with which to compare PG&E's actions.

Interview of Robert T. POWERS (Exhibit 157)

POWERS was interviewed by OI:RIV on December 29, 1998. POWERS, Vice President and Plant Manager at DCNPP from July 1996 until July 1998, said he worked for PG&E from July 1982 to July 1998. POWERS said he knew AIKEN casually until 1995, when AIKEN first reported concerns to ECP. He subsequently had many conversations with AIKEN about his concerns.

POWERS said concerns were raised about AIKEN's mental stability, but he [POWERS] never had any concerns about his carrying out his job as SFM or SRC. According to POWERS, [redacted] brought up some concerns about AIKEN in the spring of 1997, and [redacted] and RUEGER talked to him [POWERS] about them. [redacted] told him [POWERS] that [redacted] told [redacted] AIKEN said [redacted]

He said [redacted] was concerned about that and the fact that nothing PG&E did seemed to satisfy AIKEN or address his concerns. [redacted] did not believe those behaviors were typical of people [redacted] POWERS said AIKEN was the only employee [redacted] ever expressed concerns about [redacted]

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to him. They referred \_\_\_\_\_ concerns to D. JOHNSON, who reviewed information provided to him. According to POWERS, D. JOHNSON said AIKEN was outside the \_\_\_\_\_, but there was not enough information to say he constituted a problem. D. JOHNSON recommended monitoring AIKEN for changes in behavior, attendance, and any problems. POWERS said he agreed with D. JOHNSON and decided to watch AIKEN's behavior for changes. POWERS said BECKER, HINDS, and/or LEWIS were told to monitor AIKEN's activities, watch his attendance, and be alert for abnormal behaviors. POWERS said BECKER, HINDS, and LEWIS never expressed concerns about AIKEN's behavior from a psychological standpoint but did have problems with him from a leadership standpoint.

POWERS said he was concerned about handling AIKEN's case consistently with other such cases. However, in his experience, no case could be compared to AIKEN's. POWERS viewed it as a dilemma, since he was responsible for ensuring both ECP and FFD were handled appropriately for someone who had reported concerns and engaged in protected activity.

POWERS said periodically operations management raised concerns about the effect AIKEN was having on crew morale and the difficulty they had keeping him focused on his job. POWERS said they expressed concerns that he was not espousing management standards or expectations or fulfilling leadership functions expected of SFM, and HIETT raised concerns about AIKEN's attendance and use of \_\_\_\_\_. POWERS said Operations management never raised a concern about AIKEN's mental stability.

POWERS said in early 1998, CASTENBURG and CASS expressed concerns about understanding AIKEN's issues. According to POWERS, \_\_\_\_\_ said AIKEN was different, problematic and strange, but \_\_\_\_\_ never offered a diagnosis or recommended an FFD evaluation.

POWERS said PG&E management became concerned about AIKEN's actions, particularly his discussions before the DCISC and in "Going Critical." POWERS said during a President's Nuclear Advisory Committee meeting in 1996, he and RUEGER briefed Bob GLYNN, CEO, PG&E Corp., and G. SMITH, CEO, PG&E, the utility, about AIKEN, and asked if they had any advice or concerns about how they were handling the situation. According to POWERS, it was not typical to brief the CEO about an employee

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going to [REDACTED], but this was atypical due to the quantity of issues and PG&E's inability to satisfy AIKEN. G. SMITH and GLYNN offered support and told them to take whatever appropriate actions were necessary. POWERS said GLYNN and G. SMITH told him to protect the public and the plant, and if he ever believed AIKEN was not fit-for-duty, he had their support to take whatever actions were necessary, knowing AIKEN was in a protected status, and this was a difficult situation.

POWERS said he first became aware of "Going Critical" in early 1998, when AIKEN gave him a copy. AIKEN also handed it out at a shareholder's meeting. POWERS said he read "Going Critical," but did not attend the shareholder's meeting. POWERS said, after reading "Going Critical," he had a growing concern that AIKEN was developing a conspiracy theory, rooted in the belief that the NRC was in collusion with PG&E plant management. POWERS believed AIKEN seemed to be saying he should use his own judgment in conducting his duties, and adherence to procedure was sometimes counter productive to his duties as SRO and SFM. POWERS said he had been aware of AIKEN's view about procedures, but it did not concern him until it was coupled with his conspiracy theory.

POWERS said sometime after the shareholder's meeting, G. SMITH paged him and asked him if AIKEN was still in the control room. When POWERS said yes, G. SMITH asked him why. POWERS said he told G. SMITH because there was nothing to indicate AIKEN could not perform his duties as SRO. According to POWERS, G. SMITH said he understood that, asked POWERS if he had read "Going Critical," and if anything in there concerned him. POWERS said G. SMITH seemed very concerned about nuclear safety, asking for assurance that AIKEN was not going to do anything to prove his point or get someone's attention. POWERS said he told G. SMITH if he believed that might happen, he would remove AIKEN from duty.

POWERS said a day or two after his conversation with G. SMITH, he participated in a meeting with G. SMITH, RUEGER, SHAFFER, PETERS [attorney], WARNER, maybe LOCK [attorney], and possibly others. They discussed how to handle the issue about AIKEN's FFD and if they should attempt to clarify if AIKEN had a mental problem. POWERS said there was a lot of discussion, and they looked at the "preponderance of the evidence." PG&E was using a great deal of energy to address AIKEN's concerns unsatisfactorily, and they began to wonder if something else was

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going on. The meeting attendees believed AIKEN castigated ECP, NRC, QA, PG&E management; everyone who did not agree with him was written off. POWERS said the group discussed PG&E's hiring a forensic analyst to look at some log books AIKEN said had been falsified, who said there was no evidence of falsification, but AIKEN refused to accept that, and AIKEN's contention that the NRC changed the tape recording of interview with them. POWERS said the totality of the evidence, including AIKEN's saying everyone was wrong, no one was responding to his concerns, his conspiracy theory, "Going Critical," [REDACTED] led to PG&E's decision to refer his actions to a psychiatrist. POWERS admitted initially he believed nothing had changed since they had referred AIKEN to D. JOHNSON. As the discussion progressed, he came to see the patterns and evidence and to believe referring AIKEN's actions to a professional was the right thing to do.

POWERS said, after much discussion, G. SMITH decided to present the information AIKEN had written to a forensic psychiatrist, who would interview some of AIKEN's coworkers, but not AIKEN, and provide PG&E management with his/her opinion if AIKEN had a problem that needed further evaluation. According to POWERS, the group decided they needed a preeminent psychiatrist with impeccable credentials because they knew if he indicated AIKEN should be evaluated further, that decision would be questioned, and they did not want a misdiagnosis.

According to POWERS, SHAFFER was told to find the "best and brightest" to evaluate AIKEN, and he recommended DIETZ. POWERS said, after reviewing DIETZ' Curriculum Vitae, he felt comfortable that DIETZ was the best and could withstand scrutiny should he determine AIKEN needed further evaluation. POWERS said because "this was a unique one of a kind situation," FFD at DCNPP was not involved in the referral to DIETZ, although under ordinary circumstances, it would have gone to RYAN, TODARO, and D. JOHNSON. What was extraordinary was the decision that they needed somebody extraordinary to make the decision if AIKEN should be psychologically evaluated, given the fact the FFD and ECP "were on a collision course." POWERS knew of no other instance in which G. SMITH was involved like this, regarding an employee.

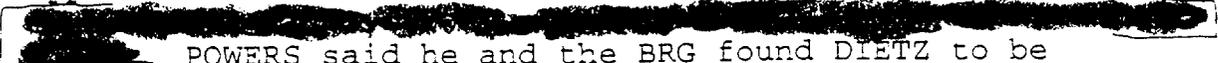
POWERS said he contacted DIETZ to set up interviews, and he gave him the "big picture." DIETZ' associate interviewed three or four people off site - [REDACTED] POWERS

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could not recall exactly but believed he or MOLDEN selected the people to be interviewed. POWERS said if he selected them, he would have picked people who had worked with AIKEN and had a lot of contact with him. POWERS said AA and FFD at DCNPP first became aware of the issue when SHAFFER selected DIETZ, and POWERS asked TODARO to help set up the interviews.

POWERS said, after DIETZ completed his work, SHAFFER told him that DIETZ had some concerns about AIKEN, and a report would be forthcoming. POWERS said when he received DIETZ' report, he read it and convened a BRG. POWERS said he wanted to be fair to AIKEN, but he also wanted to be sure he [POWERS] was not out "there on my own," that there was corporate involvement "moving this thing forward." He made sure he kept corporate informed, and at some point, he talked to G. SMITH about DIETZ' report, but he could not remember if that was before or after the BRG. POWERS said when he received DIETZ' report recommending further psychological evaluation of AIKEN, he knew he had to do something; he could not ignore the issue and it would not go away.

POWERS said he convened a BRG consisting of MOLDEN, C. JOHNSON, CURRY, and TODARO or RYAN. Before they met, he outlined the circumstances and history because he "wasn't about to... send them to the wolves," and told them "senior management takes responsibility to why [DIETZ'] report exist(s)." The BRG met for about 3 hours and then told him they recommended AIKEN's access be pulled and he be evaluated. POWERS said he wanted to talk with DIETZ before he made a final decision because he still did not feel comfortable about this. Consequently, he and the BRG later spoke with DIETZ. POWERS said he told DIETZ he did not see irrational behavior by AIKEN manifested on a day-to-day basis. POWERS said he told DIETZ that AIKEN was intelligent, coherent, logical, and he [POWERS] believed everyone in Operations would say AIKEN's behavior on shift was normal. POWERS said he wanted to know how DIETZ arrived at his diagnosis. According to POWERS, DIETZ said, unequivocally, a person with AIKEN's diagnosis would look normal at work. One of the manifestations of this diagnosis was that to the outside world or someone interacting casually with AIKEN, he would appear rational. DIETZ also said AIKEN's condition probably

  
POWERS said he and the BRG found DIETZ to be professional, sincere, competent, and reserved. POWERS said he explained FFD and AIKEN's protected employee status to DIETZ and

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asked him if he was absolutely sure of his diagnosis. He said DIETZ told him he [POWERS] had a problem in AIKEN, whether he liked it or not, and his [DIETZ] recommendations for evaluation were not fuzzy. POWERS said he came away from his discussion with DIETZ believing to the outside world AIKEN could look normal, but

POWERS said he believed a preeminent psychiatrist had concerns about AIKEN's mental health, and it behooved him [POWERS] to have AIKEN evaluated. The BRG recommended and he agreed that AIKEN should be psychologically evaluated. POWERS also decided to revoke AIKEN's access pending psychiatric evaluation. POWERS said he spoke with RUEGER and possibly G. SMITH, but he [POWERS] made the decision to have AIKEN evaluated and his access revoked. POWERS said this was the only time he revoked someone's access pending psychological evaluation. POWERS believed AIKEN's situation was "so extraordinary and unique," he could not imagine there being anything to compare it to.

POWERS said about this time, expressed concerns to him about "Going Critical" and what saw as the conspiratorial nature of AIKEN's issues. POWERS said told him others had mentioned concerns about "Going Critical" to POWERS said no one else expressed any concerns about AIKEN to him.

POWERS said C. JOHNSON, RYAN, or TODARO selected ESTNER to evaluate AIKEN because he was a forensic psychiatrist in the area. Some concerns had been expressed about the safety of the person who would tell AIKEN he had been referred for psychiatric evaluation, so several individuals were sent, but AIKEN received the news calmly. POWERS said he was briefed that ESTNER confirmed DIETZ' diagnosis, but he [POWERS] left DCNPP the end of June and had little further involvement in this issue. He said he was aware of the appeals process and its outcome, but he had no direct involvement in it.

POWERS said he found AIKEN's situation to be the most difficult nontechnical business problem he had faced. POWERS said in retrospect maybe he should have been more concerned about the issues, but he dismissed them. POWERS said he never talked to AIKEN about his psychological evaluation or access revocation. POWERS stated AIKEN's access was revoked by PG&E because two psychiatrists said he suffered

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from one or more \_\_\_\_\_ This  
was a different issue from the safety concerns raised by AIKEN.

Reinterview of AIKEN (Exhibit 158)

On January 6, 1999, AIKEN telephoned OI:RIV and offered to provide copies of some of his performance appraisals. He stated he had no other psychological evaluations and did not believe he should have to provide additional evaluations, when he was going to be unemployed and could not afford to pay a psychiatrist. He said he had health insurance, but he did not believe it would pay for an evaluation, only for counseling and treatment. AIKEN said he wanted the NRC to stipulate that further psychiatric evaluation of his mental condition was required before they could make an unbiased determination as to his FFD. He said he wanted to select the doctor, but he wanted the NRC or PG&E to pay for it.

AIKEN said he met with C. JOHNSON in July 1998, and asked for a referral for psychological evaluation. According to AIKEN, she said she would help him, but did not provide a name to him at that time. AIKEN said he again contacted C. JOHNSON in September or October 1998 and asked for a referral for

\_\_\_\_\_ He said C. JOHNSON  
provided the name of a psychologist whom he

Reinterview of C. JOHNSON (Exhibit 159)

C. JOHNSON was reinterviewed by OI:RIV on January 13, 1999, to clarify information she previously provided.

C. JOHNSON said the two statements in "Going Critical" which concerned her were located on page 8, paragraph 3, and on page 37, paragraph 4. She believed AIKEN was telling PG&E what to do by stating they should not be allowed to place him on rotational assignments. In her opinion, that indicated a change in his attitude and might indicate he was no longer willing to follow PG&E directives or instructions. In addition, by stating he must not be removed from his position in the control room, it appeared he saw himself as the last bastion of safety between the plant and the public.

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C. JOHNSON said she met with AIKEN on July 31, 1998, for approximately 1 hour, at his request. This was the first and only time she met with him. AIKEN asked for a [redacted] and she provided him with the name of a/

She believed AIKEN mentioned the possibility of obtaining another psychological evaluation, but she could not recall specifically what was said. C. JOHNSON said she called AIKEN later, told him she could not work with him, and provided him with the name of the PG&E corporate EAP counselor. C. JOHNSON said she did not recall any other conversations with AIKEN and believed there were none because they would have "stuck in my mind."

Interview of Lyman SHAFFER (Exhibit 160)

SHAFFER, Director of Corporate Security for PG&E since 1982, was interviewed by OI:RIV on January 20, 1999.

SHAFFER said he first heard AIKEN's name in April 1998, when YANG asked him to review a letter and attachments from AIKEN regarding AIKEN's desire to speak at the shareholder's meeting. YANG told him PG&E had some concerns about AIKEN's fitness to continue in his position and asked him [SHAFFER] to review the documents and possibly speak with DCNPP employees. SHAFFER said his department was the lead for PG&E in assessing work place violence, although they did not typically get involved in DCNPP's FFD program.

SHAFFER said he read the documents sent by AIKEN and interviewed CURRY, Kathy HEWETT, HR, and MOLDEN. He said CURRY and HEWETT had little specific information, but MOLDEN had worked with AIKEN for a long time and expressed concerns about AIKEN's mental fitness. According to SHAFFER, MOLDEN believed AIKEN's behavior had over the last few years. MOLDEN told him AIKEN had become, about safety issues he had raised which were not resolved to his satisfaction, alleging a conspiracy between PG&E and NRC, and saying the NRC had changed or altered tapes. According to SHAFFER, MOLDEN told him AIKEN had spoken before the DCISC about a year ago and been very articulate, but had recently spoken and been SHAFFER said, according to MOLDEN, one of the DCISC members later told him [MOLDEN] "you ought to do something about that guy." SHAFFER said he did not know if MOLDEN had done anything about AIKEN, but at some earlier date, DCNPP had discussed the possibility of sending him for an FFD evaluation. SHAFFER

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believed they had not done so because they did not believe they had enough to justify that action, and they were afraid of being accused of violating whistle-blower provisions. SHAFFER stated MOLDEN told him he was concerned about AIKEN's [REDACTED] particularly in light of AIKEN's position. SHAFFER said MOLDEN provided him with several documents and correspondence from AIKEN.

SHAFFER said he decided PG&E should have a competent forensic psychiatrist evaluate the situation to see if there was a real basis for concern, given the whistle-blower provisions and potential for legal or regulatory complications. SHAFFER believed, solely on his conversation with MOLDEN, and given AIKEN's job, there was enough to ask a psychiatrist to evaluate AIKEN's written material to determine if there was a basis for concern. SHAFFER said he selected DIETZ, who specializes in threat potential assessment, adding PG&E had used DIETZ once or twice to determine if letters or documents were legitimate threats, but he was not on retainer or contract. In SHAFFER's opinion, DIETZ was the foremost expert in the U.S. at evaluating threat potential. DIETZ' function was to review AIKEN's documents, assess his mental state, and determine if he should be referred for a psychological evaluation.

SHAFFER said, on April 3, 1998, he sent AIKEN's written material to DIETZ, asked him to read it, and determine if there was a basis for concern. SHAFFER said he made that decision himself and did not discuss it with G. SMITH or anyone besides YANG. This referral to DIETZ occurred because by sending correspondence about the annual meeting to PG&E, AIKEN came to the attention of people outside of DCNPP. SHAFFER said DIETZ called him and YANG and said he believed AIKEN had a rigid personality, but he did not see any immediate threat and asked to look at additional documents. They sent more documents to DIETZ, who reviewed them and again spoke with SHAFFER and YANG. SHAFFER said one thing they were concerned about was if AIKEN represented a potential threat at the shareholder's meeting. DIETZ told them there was no basis for concern that AIKEN would pose a threat to others at that meeting. SHAFFER recalled that at some point prior to the annual meeting, DIETZ told them AIKEN demonstrated symptoms of a [REDACTED] and he wanted more facts. SHAFFER said he later provided DIETZ with documents AIKEN handed out at the shareholder's meeting, including "Going Critical."

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SHAFFER said he was present during the shareholder's meeting, AIKEN spoke, he was respectful, and caused no problems. SHAFFER said he did not really listen to AIKEN's speech because he was looking at body language because they were always concerned about someone rushing the stage.

SHAFFER said he first became aware of "Going Critical" at the shareholder's meeting. He read it, and it appeared AIKEN was stuck on an issue about which he was not going to change. AIKEN seemed to believe there was a conspiracy to keep his concerns from being reviewed. It appeared that AIKEN sent copies of documents to a lot of people and whoever did not agree with him became part of the conspiracy. SHAFFER said, in his opinion, AIKEN seemed to be moving toward [REDACTED]

SHAFFER did not recall speaking to G. SMITH about AIKEN until a conference call was held after the shareholder's meeting. At this call, they discussed if there was enough basis to be concerned about AIKEN. By that time, SHAFFER said he had sent three packets of information to DIETZ. According to SHAFFER, G. SMITH was aware that they had asked DIETZ to evaluate materials, but he did not have the specifics. SHAFFER stated from a regulatory and media perspective, PG&E was concerned about creating a chilling effect and being accused of violating whistle-blower statutes. However, once DIETZ said there was a potential for AIKEN having [REDACTED], PG&E had to make a decision. The purpose of the meeting was to decide how to proceed after they received DIETZ' final report. SHAFFER said G. SMITH was clear that, if DIETZ felt AIKEN should be evaluated, he would be evaluated. The group decided they would proceed and "let the chips fall where they may." After receiving DIETZ' report, DCNPP decided to have AIKEN psychologically evaluated, but he [SHAFFER] had no further involvement in the situation.

SHAFFER said, aside from drug and alcohol cases, he had participated in two aberrant behavior cases at DCNPP in his 17 years with PG&E. Typically this type of thing went through plant management. "The average access authorization issue does not get resolved by the CEO." SHAFFER said initially, FFD personnel at DCNPP were unaware of this issue because PG&E did not want to harm AIKEN's reputation by making it known they were looking into him. As things moved along, FFD and AA became involved.

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SHAFFER said AIKEN was handled in an atypical and extraordinary manner because if AIKEN had a [REDACTED] DCONPP needed someone with more expertise, such as himself, in dealing with threat assessment. 70

Interview of Gordon SMITH (Exhibit 161)

G. SMITH was interviewed by GURIV on January 20, 1999. G. SMITH, President and CEO of PG&E since June 1, 1997, has worked for PG&E since April 1970, primarily in financial jobs.

G. SMITH said he first became aware of AIKEN and his safety concerns in mid-1997 when he went to a meeting to discuss DCONPP issues, including the status of AIKEN's latest concerns. G. SMITH said he was briefed about AIKEN because he had gone to PG&E, the NRC, DCISC, and was still dissatisfied. G. SMITH said since he had no background in nuclear, this was included as an issue he faced as part of his new responsibilities. AIKEN was the only person he has been briefed about who has reported safety concerns at DCONPP. G. SMITH said he asked general questions about AIKEN, his position, how long he had been employed, but provided no recommendations. The discussion focused on AIKEN's concerns and there was no mention of his mental state.

G. SMITH said AIKEN was discussed at two or three other meetings he attended prior to the shareholder's meeting in April 1998. These were informal meetings, with the exception of the President's Nuclear Advisory Counsel. Each time AIKEN was discussed, it was in the context of the status of his issues. G. SMITH said it was a learning experience for him and it became apparent nothing was going to satisfy AIKEN.

G. SMITH said he never made any recommendations as to how to handle AIKEN, but he was concerned about the level of intensity of AIKEN's questions and correspondence. G. SMITH said, from his non-nuclear perspective, he believed AIKEN would never be satisfied and was becoming increasingly frustrated. In early 1998, G. SMITH said he spoke by telephone with POWERS and told him that if he [POWERS] ever believed AIKEN was a threat to the plant, he had management's support to take any necessary action. POWERS responded that AIKEN was different, but he did not believe he was a threat. G. SMITH said this conversation occurred prior to receipt of the annual meeting correspondence.

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G. SMITH said he wanted to be sure POWERS knew he had the full backing of PG&E if he believed AIKEN had crossed a line and become a threat to the company. G. SMITH said never in his 29 years with PG&E had he seen anyone like AIKEN and the volumes of correspondence he generated. G. SMITH said he had received complaints from employees, but either their issues were resolved or they "agreed to disagree," but this was different. G. SMITH said he was unfamiliar with nuclear operations and never spoke with anyone in Operations about AIKEN. G. SMITH said no one expressed any concerns to him about AIKEN's mental stability or FFD at that time, but he [G. SMITH] believed AIKEN was getting well beyond ██████████ in terms of raising concerns, and he [G. SMITH] was the one who became concerned about AIKEN's mental state. 7C

G. SMITH said he really became concerned when AIKEN sent a letter to PG&E in March 1998 saying he wanted to address the shareholder's meeting and hand out material. G. SMITH said he, RUEGER, POWERS, WOMACK, WARNER, and maybe SHAFFER, met and discussed AIKEN's letter. G. SMITH said he detected a high level of frustration by AIKEN, particularly in the last two pages of the document. It appeared to him [G. SMITH] that AIKEN implied he was going to have to do something to get attention because there was a conspiracy against the truth. In G. SMITH's opinion, AIKEN's tone was shriller than in previous documents. G. SMITH said, at this meeting, which was prior to the shareholder's meeting, he asked if anyone thought AIKEN was becoming a threat to the safety of the plant. G. SMITH said PG&E was well aware AIKEN was in a protected status, and they did not want to "go down Millstone's path." Nonetheless, he was concerned that AIKEN might have crossed the line in his ability to operate in the control room. G. SMITH said he was concerned about the public and if there was an accident, PG&E would be accountable. G. SMITH said he was trying to "walk through a mine field." G. SMITH said he "kept pushing the question," would the material in their possession lead a reasonable person to conclude that AIKEN had gone from being a difficult employee to being a threat to the plant? G. SMITH said they discussed that there seemed to be a "ramp up" of AIKEN's behavior and display of frustration, but they were at a loss to explain his behavior. During this meeting, it was suggested they have a professional observe AIKEN at the shareholder's meeting and review his correspondence to see if they would recommend an FFD evaluation. During this discussion, SHAFFER mentioned DIETZ' name, and G. SMITH ultimately decided to refer the matter to DIETZ.

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G. SMITH asked that DIETZ attend the shareholder's meeting, review AIKEN's correspondence, and determine if an actual exam of AIKEN was warranted. G. SMITH said PG&E wanted to determine if they were being worn down and frustrated by AIKEN or if a professional believed he warranted a psychiatric evaluation. DIETZ did not attend the shareholder's meeting, but did review AIKEN's material.

G. SMITH said he observed AIKEN at the shareholder's meeting, and he seemed articulate, committed, passionate, and frustrated. After hearing him speak, G. SMITH had only slight additional concern about his mental state. G. SMITH said this was not the first time a PG&E employee spoke at a shareholder's meeting, and it did not bother him. No one with PG&E responded to AIKEN's comments during the meeting. G. SMITH said he never read "Going Critical."

G. SMITH said DIETZ later formally recommended that AIKEN be psychologically evaluated. G. SMITH did not recall attending any meetings about AIKEN, other than the one referred to above, until DIETZ' report was issued. At that time, they met and determined to refer AIKEN for an FFD evaluation. G. SMITH said he never read DIETZ' report, although they discussed DIETZ' findings and recommendations during the meeting. He said everyone was worried that this would appear to be an overt act directed against a whistle-blower. G. SMITH said he asked everyone for their recommendation, but he ultimately decided they were morally obligated to refer AIKEN for a psychological evaluation. There was no dissension, only reminders by counsel that this would be scrutinized. G. SMITH said it became clear that AIKEN was a "man with a mission... it would probably lead to where we are today, and we were very careful not to violate procedures." G. SMITH said WARNER emphasized to do the right thing and not infringe upon AIKEN's rights.

G. SMITH said "the straw that broke the camel's back" was the information AIKEN sent to PG&E's VP. G. SMITH said he detected an increased level of frustration and was worried AIKEN might cross some line to [REDACTED]. G. SMITH said he had to balance AIKEN's rights with the rights of the PG&E shareholders and people who live in San Luis Obispo. G. SMITH said it was the documents AIKEN sent to EVERETT and not "Going Critical" that precipitated the referral to DIETZ. G. SMITH said he had never before been involved in referring an employee for psychological evaluation.

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G. SMITH said he received status reports after AIKEN was referred for psychological evaluation. He was told that the psychiatrist concluded AIKEN suffered from a mental condition, and AIKEN's access was restricted or revoked. G. SMITH said he made no further decisions, and DCNPP followed FFD procedures. G. SMITH said they referred AIKEN to a third psychiatrist who also concluded AIKEN had a mental condition. G. SMITH said he was ultimately responsible for having AIKEN's actions and written documentation referred to DIETZ.

Interview of Gregory RUEGER (Exhibit 162)

RUEGER was interviewed by OI:RIV on January 20, 1999. RUEGER, Senior VP and General Manager of Nuclear Power Generation since late 1991 or early 1992, began working for PG&E in July 1972.

RUEGER first became aware of AIKEN about 3 years ago when he raised concerns with the ECP. RUEGER said about 1 year after AIKEN initially raised concerns, he and POWERS met with him to discuss his concerns because he was unhappy with the results of the investigations and asked to meet with senior management. In RUEGER's opinion, AIKEN seemed to have little trust in PG&E management, he refuted everything they presented to him, and no resolution resulted from the meeting. RUEGER said it appeared AIKEN's overall concerns were centered on two areas: a belief that management insisted on procedure adherence, but AIKEN believed operators should have the authority to make decisions; and management did not always practice what they preached. RUEGER said he occasionally ran into AIKEN in the control room and talked with him, but they had no other formal meetings.

RUEGER said the ECP investigated every concern raised by AIKEN. [REDACTED] told him he was frustrated dealing with AIKEN and trying to address his concerns. In 1997, RUEGER said he formed a task force, headed by SHIFFER, to review "gray areas," and AIKEN participated in this. The team was formed to provide guidance for new employees and refresher training for others and to try to address AIKEN's broad issues within the plant.

RUEGER said, in late 1997 or early 1998, MOLDEN, BECKER, or HIETT, told him AIKEN had committed some errors, was negative with his crew about supervision, and they had assigned him to F Crew, following Operations yearly review of crew assignments. RUEGER said PG&E put their best people on regular crews and weaker employees on F Crew where they did not have as much

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direct impact on operations. RUEGER admitted there was a perception within Operations that the F Crew was less desirable because they rotated and had no permanent crew or permanent hours.

RUEGER said he [redacted] asked C. JOHNSON how to best deal with AIKEN since he [AIKEN] did not trust management, and she

[redacted] RUEGER said the first time he was aware of any concerns about AIKEN's mental stability was in mid-1997 when [redacted] raised some concerns about AIKEN's behavior after [redacted]

[redacted] RUEGER said [redacted] was concerned there might be an FFD issue, and [redacted] talked with the medical review officer (MRO) and provided him with documents about AIKEN. Apparently, the MRO said AIKEN was

[redacted] so PG&E dropped the issue. RUEGER said he was not involved with this and had no specific information about it. This was the only time [redacted] had discussed concerns about an employee with RUEGER. RUEGER said no one else raised any mental health concerns about AIKEN to him.

RUEGER said he attended all DCISC meetings, and AIKEN spoke at two or three about his issues. RUEGER viewed this as another indication that AIKEN would never be satisfied, and he became concerned about AIKEN's possibly increasing frustration level. RUEGER said he first started wondering if there was "a broader issue here" when AIKEN spoke for the second time before the DCISC, rambled and talked about Vietnam. However, RUEGER did not see AIKEN as an immediate danger to the plant. Members of the DCISC told RUEGER they did not know how to deal with AIKEN because he wanted them to review PG&E processes which was not their responsibility. RUEGER said [redacted] told him [redacted] had some concerns about AIKEN, but he believed this was after he told the DCISC that POWERS had referred AIKEN for a psychological evaluation.

RUEGER said he had briefed G. SMITH about AIKEN's concerns on two or three occasions. RUEGER said he normally briefed the president on general employee concerns, statistics, trends, but not on specific employees. Because AIKEN had gone public and been raising concerns for a long time, he thought G. SMITH should be aware of the issue. RUEGER recalled that in late 1996

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or early 1997, after a briefing that included AIKEN's concerns, GLYNN, then President, PG&E, told him [RUEGER] that their top priority was to run the plant safely. RUEGER stated GLYNN told him if he [RUEGER] believed they needed to take action, PG&E management would support him.

RUEGER said, after PG&E received a letter from AIKEN about speaking at the shareholder's meeting, he, POWERS, G. SMITH, WARNER, and maybe YANG met at G. SMITH's request. RUEGER said G. SMITH told the group he wanted to find out more about AIKEN because he believed AIKEN's going to the shareholder's meeting was unusual and might indicate AIKEN was growing frustrated. RUEGER said he believed G. SMITH also called the meeting to discuss what AIKEN might say and how to brief GLYNN in his response. It was typical to brief GLYNN about potential issues that might come up during the shareholder's meeting. RUEGER stated G. SMITH had never expressed any concerns about AIKEN's mental state to him [RUEGER] prior to this meeting. RUEGER said he read the information AIKEN sent to the corporate secretary, but he had already seen most of it, with the exception of the cover letter to PG&E and letter to the NRC. RUEGER said a statement by AIKEN in one of the letters that implied he might have "to go outside the normal bound of things" concerned him. However, RUEGER said he did not believe AIKEN would endanger the public because he saw himself as protecting the public, but he might damage plant equipment or unintentionally endanger the public in an effort to stop perceived wrong actions by PG&E.

RUEGER said G. SMITH asked the meeting attendees if AIKEN should be allowed to remain in the control room. RUEGER expressed his concern about FFD requirements. RUEGER said he was afraid if they asked AIKEN to go for an FFD evaluation, he would believe they were retaliating against him, and they would [REDACTED]. RUEGER said, realizing PG&E's primary responsibility was to protect public health and safety, AIKEN nonetheless had a right to raise concerns, and he questioned if they had enough objective evidence to ask AIKEN to go through a full FFD evaluation. RUEGER said following much discussion, the group determined they could not ignore their primary responsibility to protect the public, so their concerns about AIKEN's mental stability had to be addressed. They decided, rather than have AIKEN meet with a psychiatrist, they would have a psychiatrist review the documents AIKEN had provided and interview AIKEN's supervisors and people who worked with him. RUEGER said they wanted a professional opinion as to whether or not they should

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be concerned about AIKEN and if they should require him to undergo an FFD evaluation. They wanted someone with impeccable credentials and assigned the job of finding the right psychiatrist to one of the attorneys.

RUEGER said the group reached the decision to hire a psychiatrist based on a general concern about AIKEN, including his growing frustration level and comments in his letters to PG&E, the NRC, and the DCISC. They decided this was the prudent thing to do since none of them were psychiatrists. RUEGER explained that no single event caused them to reach this conclusion, but the issue came to G. SMITH's attention as a result of the material AIKEN sent to the PG&E Corporate Secretary. RUEGER said although G. SMITH had known about AIKEN, this was the first time he had read his writings. RUEGER said initially G. SMITH wanted a full FFD evaluation of AIKEN, but as the discussion progressed, G. SMITH agreed it would be better to first obtain a professional opinion. RUEGER said this was a joint decision made by him, G. SMITH, and POWERS. RUEGER said when he left the meeting, he believed AIKEN would be notified of his right to speak at the shareholder's meeting, and PG&E would identify a psychiatrist to perform a review of AIKEN's documents and interview his supervisors. The group also discussed having the psychiatrist present at the shareholder's meeting to observe AIKEN, but that did not happen. RUEGER said SHAFFER selected DIETZ, and he [RUEGER] reviewed DIETZ' credentials, but was not asked to approve his selection.

RUEGER said he heard AIKEN speak at the shareholder's meeting, and he said what he [RUEGER] expected him to say, including that DCNPP was not being run safely. AIKEN passed out "Going Critical" after the meeting. RUEGER said nothing AIKEN said during the meeting caused him any additional concerns, although "Going Critical" did after he read it. In RUEGER's opinion, the title indicated a potential problem, and [REDACTED] RUEGER said he became more concerned about AIKEN's frustration and that it might lead him to do something potentially serious. It was clear AIKEN believed no one, including PG&E, the NRC, or the DCISC, was adequately addressing his concerns. RUEGER thought AIKEN might convince himself that to protect the public he needed to damage the plant, which RUEGER believed could indirectly endanger the public. RUEGER believed "Going Critical" supported PG&E's earlier decision to have AIKEN's actions reviewed by a psychiatrist.

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RUEGER said he referred "Going Critical" to [REDACTED] for their review of any possible new safety concerns. RUEGER said he told [REDACTED] PG&E had some things in process to address concerns about AIKEN's mental state. According to RUEGER, [REDACTED] told him two or three employees had raised formal ECP concerns about "Going Critical."

RUEGER said DIETZ concluded AIKEN should be referred for a formal FFD evaluation. After they received DIETZ' report, RUEGER said he told POWERS to be sure to follow their procedures because he knew of no other situation similar to AIKEN's. RUEGER said, in his opinion, given DIETZ' response, PG&E had no option but to proceed with an FFD evaluation. He said POWERS told him they convened a BRG which recommended an FFD evaluation, but he [POWERS] did not recommend that action until he and the BRG spoke with DIETZ.

RUEGER said he had never taken part in this type of discussion about referring an employee for an FFD evaluation. He did not know when DCNPP's FFD and AA personnel became aware of this situation, but TODARO may have become aware of it just before the convening of the BRG. RUEGER said he made no recommendation to POWERS about AIKEN's access or the next step to take; it was POWERS' decision. RUEGER said he never spoke to AIKEN about his access revocation and had no further involvement in this issue, other than to be kept informed of the evaluation process.

RUEGER said AIKEN's access was revoked following receipt of two psychiatric evaluations. RUEGER said he believed that after reading those evaluations, PG&E had no other option. RUEGER said he did not believe AIKEN's access was revoked because he reported safety concerns, although it was in the process of his reporting various issues that questions arose about his mental stability. RUEGER said DCNPP was probably too cautious in proceeding against AIKEN because he had raised safety concerns. RUEGER knew of no other DCNPP employee whose access was revoked for psychological reasons, other than drug or alcohol abuse or criminal activity.

Interview of Melanie CURRY (Exhibit 163)

CURRY was interviewed by OI:RIV on February 3, 1999. CURRY, an HR Advisor at DCNPP since February 1997, began working for PG&E

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in 1982. CURRY said she met AIKEN when she came to DCNPP, but never talked to him until her recent conversations with him about benefits.

CURRY said she first recalled concerns being raised about AIKEN in May or June 1997 when HIETT told her AIKEN was [REDACTED] and he was concerned about AIKEN's behavior in the control room and his attitude toward other people. CURRY said [REDACTED] was not uncommon for supervisors to talk to HR about problems with their employees, and she may have recommended coaching and counseling. HIETT talked to her several times about concerns he had with AIKEN. According to CURRY, HIETT said AIKEN refused to perform a requested rotation, and he had hung up on an employee. CURRY said HIETT did not indicate he had problems with AIKEN in the past, other than to say AIKEN always had a short temper. CURRY said no disciplinary action had ever been taken against AIKEN, and HR had no disciplinary file on him.

CURRY said, also in mid-1997, MOLDEN told her [REDACTED] [REDACTED] told him [MOLDEN] that AIKEN spent a lot of time complaining to employees about management policies and procedures. CURRY said she also spoke with Glenn GELZER, [REDACTED] but he did not report any problems with AIKEN. CURRY said she and [REDACTED] talked about AIKEN as incidents came up during 1997. CURRY said she [CURRY] had no personal involvement with AIKEN or personal observations of his behavior.

CURRY said she participated in a BRG in May or June 1997 that discussed AIKEN's attendance, conduct, and performance problems. CURRY said, as is standard upon receipt of an FFD concern, she reviewed AIKEN's [REDACTED] and found he used over [REDACTED] in 1996 and 1997. They talked to D. JOHNSON about AIKEN, and sent some documents to him. CURRY said D. JOHNSON concluded this was a performance issue, not an FFD issue. She said she and HIETT or BECKER talked about discussing these issues with AIKEN.

CURRY did not recall any specific discussions about AIKEN from June 1997 until late 1997, when she attended the annual Operations discussion with MOLDEN and BECKER about SS and SFM crew make-up. CURRY said she typically attended shift assignment discussions because shift assignment was tied to performance. They talked about AIKEN's minor errors, attendance, performance, and conduct. CURRY stated AIKEN was

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assigned to the F Crew because Operations management believed his behavior, talking poorly about PG&E's senior VP and complaining about policies and procedures, was not in the best interest of control room performance. CURRY said an SFM's most important responsibility was commanding, controlling, and motivating his crew, although she admitted she did not recall MOLDEN or BECKER saying AIKEN was no longer in command or control of C Crew. From the discussion, she got the impression AIKEN had been a "very competent... good... shift foreman in the past." In her opinion, Operations management believed by taking AIKEN off crew, he would not have a long-term negative effect on one crew. CURRY agreed that assignment to F Crew was seen as a negative, although they received the same compensation.

CURRY said the next time she recalled specific discussions about AIKEN was in April 1998 when "Going Critical" came out. She said when she read that, she became concerned, particularly with AIKEN's comparison of the Vietnam War and DCNPP. She discussed her concerns with ██████████ who indicated ██████████ was also concerned about the document and AIKEN's mental stability.

CURRY recalled talking with SHAFFER about AIKEN in early 1998, but had no recollection of the specifics. CURRY said she had no involvement in the referral of AIKEN's actions to DIETZ, and she was unaware of the referral until the BRG she attended which reviewed "Going Critical" and DIETZ' report. She said DIETZ told the BRG and POWERS that if AIKEN worked at a Circle K, he would not be concerned, but being in the control room of a nuclear power plant, DIETZ was afraid AIKEN might refuse to perform a critical job because he believed they were trying to hurt him. CURRY said DIETZ told the BRG that AIKEN was ██████████ and becoming increasingly so as he aged. The BRG recommended AIKEN's access be temporarily removed pending an FFD evaluation.

CURRY said she, MOLDEN, and RYAN met with AIKEN, and MOLDEN told him his access had been revoked. She did not recall MOLDEN giving AIKEN a specific reason why his access was revoked, and AIKEN was dissatisfied with MOLDEN's response. CURRY said she had nothing to do with referring AIKEN for a psychological evaluation.

CURRY said she spoke with AIKEN several times and met with him after his access had been revoked to discuss his options and talk about sick leave, vacation, and computer access so he could look for another job within PG&E. She said AIKEN was put on

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paid administrative leave pending psychological exam. After that, he used sick leave and vacation time. In January 1999, he received [redacted] hours of sick leave, including [redacted] hours for 1999 and [redacted] hours of bonus sick leave, which employees received after a certain number of years if they have used less than a certain number of hours of sick leave. He was also credited with his normal 5 or 6 weeks vacation time for 1999. 7c

CURRY said AIKEN was eligible to apply for long-term disability, which was 50 percent of his base salary. That meant he was unable to work in the position he held at PG&E, but could work for another employer and still collect long-term disability from PG&E. CURRY explained that if a doctor deemed an employee fit to return to his former job, he was released from long-term disability, and PG&E returned him to his former job when they had a vacancy. Employees could stay on long-term disability if there was no vacancy until one became available. While on long-term disability, employees retained all their benefits. CURRY said the last time she spoke with AIKEN, he told her he did not want work comp or long-term disability because PG&E had made a mistake, he was not sick, and he hoped PG&E would return him to work. CURRY said she was aware of two other access revocations at DCNPP due to mental instability, unrelated to drugs or alcohol.

Reinterview of CURRY (Exhibit 164)

CURRY was reinterviewed by OI:RIV on April 13, 1999, to review handwritten notes she provided to OI:RIV following her earlier interview. She took these notes during meetings she attending about AIKEN, including two BRGs and the meeting with AIKEN during which he was told about his access revocation.

Interview of Joseph DeMARTINI (Exhibit 165)

DeMARTINI was interviewed by OI:RIV on February 3, 1999. DeMARTINI, Senior Labor Relations Representative at DCNPP since 1990, began working for PG&E in 1978. He has handled the access review appeals process since 1991.

DeMARTINI said he knew who AIKEN was but did not really know him. He first became aware of concerns about AIKEN's FFD when he read about it in the newspaper, but he had no discussions about AIKEN with anyone until he received AIKEN's appeal letter. He then obtained AIKEN's file from RYAN and reviewed DIETZ' and

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ESTNER's reports and asked TODARO to provide him with a verbal sequence of events. DeMARTINI said neither TODARO nor RYAN provided any advice or an opinion as to AIKEN's mental stability to him.

DeMARTINI said, at AIKEN's request, he read "Going Critical" before meeting with AIKEN. He said he did not typically meet with an employee, but in this case, he wanted to determine what problems AIKEN had with the first evaluation and be sure AIKEN clearly understood the appeals process. DeMARTINI stated that AIKEN told him he believed PG&E's action was in retribution for "Going Critical." According to DeMARTINI, AIKEN believed ESTNER was biased, relied heavily on DIETZ' report, did not give weight to his technical concerns or his pride votes from co-workers, did not understand the corporate environment, was a "hired gun" for PG&E, and did not administer an MMPI. AIKEN told him [DeMARTINI] that ESTNER claimed

but he [AIKEN] did not say that; he said she grew up  
AIKEN stated ESTNER said he

but he [AIKEN] said that was the way he always sat. AIKEN believed ESTNER misinterpreted "Going Critical" and was alarmed by some words in it. ESTNER also made too much about

AIKEN wanted DeMARTINI to throw out ESTNER and DIETZ' reports and start over. AIKEN wanted an objective review of the technical issues he had raised in "Going Critical" and interviews of people in the plant who supported his view of the problems. DeMARTINI stated AIKEN believed if he could prove his concerns were legitimate, it would prove he was not delusional and nothing was wrong with him.

DeMARTINI said he spoke with ESTNER about AIKEN's concerns with him [ESTNER]. He said ESTNER told him even if AIKEN's technical issues were substantiated, it would not change his evaluation and diagnosis of him. In fact, ESTNER refuted all of AIKEN's contentions, with the possible exception that AIKEN may have said. DeMARTINI said he met with MOLDEN, who told him PG&E had addressed AIKEN's technical issues, substantiating and correcting some and not substantiating others. DeMARTINI said he had a difficult time pinning AIKEN down on his issues and asked AIKEN to provide a written list of his concerns. AIKEN initially agreed to do this, but he never provided one.

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DeMARTINI said he faxed AIKEN's appeal letter and DIETZ' and ESTNER's reports to D. JOHNSON. After D. JOHNSON reviewed the material, DeMARTINI asked him if he would be interested in performing the second evaluation. According to DeMARTINI, D. JOHNSON said he was a psychologist and recommended PG&E use a psychiatrist.

DeMARTINI said he next met with RYAN and told him D. JOHNSON recommended a second psychological evaluation of AIKEN and that it be performed by a psychiatrist. They decided it would be best not to use someone closely associated with PG&E. DeMARTINI called PG&E's EAP in San Francisco who recommended RAFFLE. DeMARTINI said he spoke with RAFFLE before AIKEN saw him [RAFFLE], explained the reason for the evaluation and sent him some documents, including DIETZ' and ESTNER's reports, "Going Critical," AIKEN's pride votes, PG&E procedures, and NRC regulations. RAFFLE told him that he would administer an MMPI to AIKEN and asked for copies of any previous MMPIs. DeMARTINI said PG&E was unable to locate any because they did not keep records that far back. DeMARTINI said he told RAFFLE to perform a thorough examination and if he needed to see AIKEN more than once, PG&E would pay for it. DeMARTINI also told RAFFLE to feel free to speak with DIETZ or ESTNER, and RAFFLE indicated he would perform his own evaluation without talking to them.

DeMARTINI said when he told AIKEN he had set up an appointment for him with RAFFLE, AIKEN expressed concerns about RAFFLE being a forensic psychiatrist, saying they were biased towards whoever paid them and were "hired guns for the court." DeMARTINI said AIKEN had previously told him he did not want to go to a forensic psychiatrist, and when he [DeMARTINI] contacted EAP for a referral, he did not ask for a forensic or regular psychiatrist. DeMARTINI believed forensic psychiatrists performed more diagnoses and evaluations than treatment and would probably be the type of psychiatrist they needed in this case. He said AIKEN did not object to seeing RAFFLE.

DeMARTINI said a few days after AIKEN's appointment, RAFFLE called and told him that he spent 4 hours with AIKEN and believed he suffered from

According to DeMARTINI, RAFFLE said he believed AIKEN represented a \_\_\_\_\_ to the workplace, and he was going to recommend he not have access to a nuclear plant. DeMARTINI said shortly after he spoke with RAFFLE, AIKEN called

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him and said he wanted PG&E to provide RAFFLE with his performance reviews and last CBOP form. DeMARTINI said he was unable to locate all of AIKEN's performance appraisals. He said he contacted AIKEN and read the last CBOP form and last two performance appraisals to him, none of which were "glowing." After hearing them, DeMARTINI said AIKEN told him not to send them to RAFFLE, but did ask him [DeMARTINI] to send RAFFLE the petition from the operators [without the names], which he did.

DeMARTINI said he took no action until he received RAFFLE's formal report. DeMARTINI said, when he received RAFFLE's report, he called AIKEN and told him RAFFLE had determined his access should not be restored. He later hand delivered his letter denying AIKEN's appeal along with RAFFLE's report to AIKEN, but they had no discussion. DeMARTINI said that concluded his involvement with AIKEN.

DeMARTINI said it was standard practice for PG&E to pay for a second psychological evaluation if an employee asked for it, although it was not required by procedure. DeMARTINI said he told AIKEN he was surprised he [AIKEN] had not gotten his own psychiatrist, and AIKEN told him "there's nothing wrong with me. I don't... need one." DeMARTINI said he could only recall three other cases where an individual was declared psychologically unfit-for-duty. However, DeMARTINI said he would only be aware of those if the individual went through the appeal process.

DeMARTINI said he was concerned about the content of "Going Critical," particularly one statement where AIKEN said drastic action was needed to bring his issues to people's attention. He said he told AIKEN that, in his opinion, based on that document alone, had he been AIKEN's supervisor, he would have considered a psychological evaluation. DeMARTINI said, had he not read "Going Critical," he would have questioned PG&E's actions because AIKEN was a senior supervisor and well respected at DCNPP.

#### Interview of James E. MOLDEN (Exhibit 166)

MOLDEN was interviewed by OI:RIV on February 3, 1999. MOLDEN, Operations Services Manager since July 1996, said he began working for PG&E in 1977.

MOLDEN said, although he never socialized with AIKEN, he knew him very well and had frequently worked with him in the control

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room and work environment for 22 years. MOLDEN said, although they did not always agree on everything, he had no problems working with AIKEN in the early days and in fact, had no difficulty working with AIKEN until he [MOLDEN] became operations manager. MOLDEN said the problems began when AIKEN wanted to define procedure adherence and said he needed procedural flexibility. According to MOLDEN, AIKEN had met with Warren FUJIMOTO, former VP, DCNPP, about an issue that occurred during an outage when AIKEN [redacted]. MOLDEN said he was not present during AIKEN's discussion with FUJIMOTO, but AIKEN told him [MOLDEN] FUJIMOTO was inflexible, and he [AIKEN] wanted him [MOLDEN] to give him more latitude about procedure adherence. MOLDEN said he told AIKEN he agreed with FUJIMOTO, and AIKEN should have stopped and gotten the procedure changed in that instance. MOLDEN said he told AIKEN he expected him to comply with procedures, and AIKEN assured him he would do so, but he continued to talk and complain to the crew about management inflexibility and procedure adherence. MOLDEN said he began to wonder if AIKEN would comply with his directives and began to be concerned about AIKEN as a supervisor.

MOLDEN speculated that AIKEN's meeting with FUJIMOTO changed him. In MOLDEN's opinion, AIKEN believed management did not support him, so he was going to show them the same kind [lack] of support. MOLDEN said he believed FUJIMOTO told AIKEN if he ever did something like that again, he would fire him. MOLDEN said PG&E formed a task force which included AIKEN to address his [AIKEN's] procedural concerns, but AIKEN's participation was limited. 7-

MOLDEN said concerns were first expressed to him about AIKEN's mental stability in mid-1997 when [redacted] told him AIKEN claimed

MOLDEN said he discussed this with POWERS, and at some point, a BRG was held and concluded there was not enough information to be concerned about AIKEN's behavior or to take further action. MOLDEN said he was told to continue monitoring AIKEN's performance, conduct, and attendance, but he did not consider that to be different from what he would do with anyone under the CBOP.

MOLDEN said nonmanagement personnel in Operations had no problems with AIKEN. AIKEN worked very well with his crew, which was a tightly bonded group. However, MOLDEN said management, including HIETT, BECKER, HINDS, and NORTHNESS,

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expressed concerns about AIKEN's lack of commitment to management initiatives. MOLDEN said AIKEN did not support his [MOLDEN's] decisions to move SFM into the control room, to implement peer checking, and attempt to implement a supercrew during outages. Although AIKEN was not the only person who disagreed with these changes, he was the most vocal and persistently negative. MOLDEN believed with those three proposals, AIKEN went out of his way to show his lack of support as a member of the management team. MOLDEN was concerned about AIKEN's attitude because he believed Operations at DCNPP was behind the industry in some areas, and he did not want to have to battle with AIKEN about every change.

MOLDEN said HIETT told him AIKEN was using an excessive amount of \_\_\_\_\_ and made some errors, such as missed surveillances. MOLDEN said, at some point, AIKEN began to consider every issue \_\_\_\_\_ and no longer brought up concerns to his supervisor. He said he told AIKEN he would like him to also bring up these issues with supervision so they could address them, but AIKEN's response was since Operations was doing these things, he assumed supervision was aware of them.

MOLDEN said, during the annual meeting to discuss crew changes [in late 1997], he and BECKER decided to transfer AIKEN to F Crew primarily because of his failure to support management. MOLDEN said he had previously met with all SSS and SFM, including AIKEN, and explained his expectations about supervision supporting management. In MOLDEN's opinion, AIKEN was given ample opportunity to show he met management expectations before he was assigned to F Crew. MOLDEN said some people liked working F Crew and being primarily on day shift and some viewed it negatively because they were not in charge of a crew. MOLDEN related that others besides AIKEN, such as \_\_\_\_\_, have been taken off shift or placed on F Crew for failing to show crew leadership.

MOLDEN said, after AIKEN was assigned to F Crew, he [AIKEN] told him PG&E's action was punitive. According to MOLDEN, AIKEN told him that he was a protected employee, but he never plainly stated PG&E was retaliating against him for raising safety concerns by putting him on F Crew. However, MOLDEN said shortly thereafter, AIKEN addressed the DCISC and told them he had been removed from shift because he reported safety concerns.

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MOLDEN said he saw AIKEN's presentation before the DCISC in 1997, and he was very articulate, but when AIKEN addressed the DCISC in February or March 1998, he \_\_\_\_\_ and seemed unable to clearly explain his point. MOLDEN said he was concerned because AIKEN had always been articulate, but now seemed unable to express a \_\_\_\_\_ MOLDEN said AIKEN had:

MOLDEN said no one with the DCIS expressed any concerns to him about AIKEN, but POWERS told him \_\_\_\_\_ expressed concerns about AIKEN's presentation. MOLDEN said he did not raise his concerns with AA or FFD but did express them to POWERS. MOLDEN emphasized that during this whole process, he felt like he was walking a tightrope. PG&E was worried about AIKEN's protected status and possible FFD issues. MOLDEN said, "When you ask did I do anything.... Yeah.... a lot of talking." He said he did not know what to do, it was hard to figure out how to maneuver, and it was "agonizing." MOLDEN said if someone who had never raised a safety concern had given that same talk to the DCISC, he would have felt the same concerns but been less inhibited about seeking guidance. MOLDEN said the issue with AIKEN had been the most difficult challenge of his job, being fair to a protected employee but also fair to the FFD program.

MOLDEN said he frequently spoke with \_\_\_\_\_ about AIKEN, but \_\_\_\_\_ never said anything more than continue to watch him. MOLDEN believed everyone was perplexed about how to move forward. They did not know if there would be a trigger point or a "straw that broke the camel's back." Finally someone [NFI] decided to refer everything to a forensic psychiatrist to help decide "what is enough."

MOLDEN said he read "Going Critical" before AIKEN's presentation at the shareholder's meeting, but he could not recall where he got it. He did not believe it said anything new from what AIKEN had said during the last DCISC meeting, and it did not cause him any additional concern. MOLDEN said no one expressed concerns about "Going Critical" to him, but he heard from others that there had been comments about it.

MOLDEN said in April or May 1998, SHAFFER interviewed him about AIKEN for about 2 hours. He told SHAFFER that AIKEN was technically competent, sometimes failed to support management, was \_\_\_\_\_ He said he gave SHAFFER some performance appraisals, E-mails, letters, and referred him to TERRELL. According to MOLDEN, SHAFFER told him

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PG&E had some concerns about "Going Critical" and wanted to see if there were any FFD issues. MOLDEN said he had no involvement in the decision to refer AIKEN to DIETZ, which he learned about after the referral, but before DIETZ issued a recommendation. MOLDEN said he did not know who decided to refer AIKEN to DIETZ or who selected DIETZ. MOLDEN said he had nothing to do with selecting individuals for MARTELL to interview. He never spoke with MARTELL and never spoke with DIETZ until the BRG.

MOLDEN said when DIETZ' report was issued, POWERS asked him to form a BRG. The BRG reviewed DIETZ' report and recommended to POWERS that AIKEN be referred for further evaluation. MOLDEN said before POWERS made a decision, he and the BRG spoke with DIETZ for about an hour. DIETZ told them the deciding factor in his diagnosis was AIKEN's talking about the

MOLDEN said the BRG struggled with the issue, but in the end, decided to recommend referring AIKEN for psychological evaluation, and POWERS told them he agreed with that recommendation.

MOLDEN said he, CURRY, and RYAN met with AIKEN off site, and he [MOLDEN] told AIKEN he was being referred for medical evaluation for FFD and behavioral issues. MOLDEN admitted he never told AIKEN why he was required to have a psychological evaluation, not in any way that would satisfy most people. MOLDEN said he, with input from attorneys, prepared a written script to follow, and he tried to follow it. MOLDEN said AIKEN accepted the news calmly, although he was not satisfied with his [MOLDEN's] response. MOLDEN said he told AIKEN that he [AIKEN] would be working with RYAN who would set up appointments for physical and psychological evaluations. MOLDEN said he had no involvement in that, but he was kept apprised of events.

MOLDEN said he, CURRY, and RYAN met again with AIKEN after PG&E received ESTNER's report, and he told him his access would not be restored and explained his appeal rights. MOLDEN stated he made arrangements for AIKEN to speak later that evening with ESTNER so the doctor could answer his questions. MOLDEN said that was the last time he spoke with AIKEN.

MOLDEN said AIKEN's access was revoked based on the psychiatric diagnosis that he had a \_\_\_\_\_ and a belief that \_\_\_\_\_ which might conflict with his taking appropriate action, which appeared to be a \_\_\_\_\_ that was getting progressively worse. MOLDEN was unaware of any

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other instances where an individual's access was revoked as a result of being unfit-for-duty other than for alcohol abuse.

Interview of James R. BECKER (Exhibit 167)

BECKER was interviewed by OI:RIV on February 3, 1999. BECKER, Director of Operations from January 1, 1995, until November 1997, began working for PG&E at DCNPP in December 1982.

BECKER said he had known AIKEN since 1983, and in the 1980s, they were friends although he would no longer characterize them as friends. BECKER said as far as he knew, there were no problems with AIKEN until late 1995 or early 1996. BECKER said the only negative comments he received about AIKEN came from supervision; the crew never expressed concerns about AIKEN's performance. BECKER recalled that in 1995 or 1996, [REDACTED] told him, in an E-mail, that AIKEN had some attention to detail problems, including failing to conduct required surveillances, failing to properly complete paperwork, and attendance problems. [REDACTED] also told him that AIKEN sometimes mischaracterized events in the control room, putting a "sinister spin" on honest mistakes. [REDACTED] stated AIKEN was a conservative decision maker and an influential speaker. BECKER said, after reading [REDACTED] E-mail about AIKEN, it appeared to him [BECKER] that AIKEN's job performance had deteriorated, but he had no concerns about AIKEN's FFD or ability to conduct his job.

BECKER said in mid-1997, he received some negative input about AIKEN from HIETT, who was concerned about AIKEN's performance, attention to detail, paperwork errors, missed surveillances, and use of [REDACTED]. BECKER said HIETT told him AIKEN had been rude and unprofessional to coworkers and was setting a poor example for the crew. BECKER said nothing HIETT told him indicated he had a concern about AIKEN's FFD or caused him [BECKER] to have such a concern, although he [BECKER] was concerned that AIKEN's job performance was continuing to deteriorate. BECKER said HIETT counseled AIKEN about his performance issues.

BECKER said he first became aware of a concern about AIKEN's FFD in mid-1997 when someone raised concerns through the ECP about events [REDACTED]

BECKER said he attended some meetings to look at the issue, determine if there was an FFD concern and report to [REDACTED]

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management. According to BECKER, they provided information to D. JOHNSON, but he could not recall talking to D. JOHNSON or receiving a recommendation from him. BECKER said he read the FFD procedure for behavior issues, believed the decision lay with the person's immediate supervisor, and asked HIETT if he had a concern about AIKEN's FFD. According to BECKER, HIETT said "no," and he [BECKER] agreed with HIETT's assessment. BECKER said he told MOLDEN and TOWERS the group believed they had a performance issue with AIKEN but not an FFD concern. BECKER said he did not recall D. JOHNSON saying anything about watching AIKEN more closely, but AIKEN fell under the plant's CBOP program for FFD issues.

BECKER said he received no complaints or concerns about AIKEN between May-June 1997 and late 1997, when he and MOLDEN decided to move AIKEN from C Crew to "F Troop." BECKER said Crews A-E were considered better assignments by most people because they work with one crew. "F Troop" members received the same benefits, but were not with one crew all year, so sometimes were not seen as a member of "the team." BECKER stated one benefit was "F Troop" personnel did not have to do performance reviews or appraisals and had less administrative burdens, so some people liked it. One SFM, [REDACTED], was on "F Troop" for several years, at his request, according to BECKER.

BECKER said they put supervisors on "F Troop" who supervised poorly and did not set a positive example. He said AIKEN was placed on "F Troop" because of his supervisory performance. BECKER said he asked for feedback from all SSSs about SFM in areas of technical and supervisory performance. He said the SSSs indicated AIKEN was fair technically but less than fair in supervisory skills due to excessive use of [REDACTED], being rude to coworkers, and setting a bad example for the crew. BECKER said AIKEN's errors were not involved in his reassignment to "F Troop." BECKER said AIKEN's performance had gradually deteriorated, and they had four newly qualified SFMs who could be placed on crew. BECKER said he had no concerns about AIKEN failing to follow management initiatives, although feedback indicated AIKEN, while not opposing them, "sarcastically" enforced them.

BECKER said he told AIKEN he was being reassigned to "F Troop," as a result of poor supervisory performance. BECKER stated AIKEN told him he believed his reassignment was a punitive

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action by PG&E. BECKER said shortly after this discussion, he [BECKER] was assigned to Maintenance and had little or no further involvement with AIKEN.

BECKER said he was aware of "Going Critical," but he never read it or discussed its contents with anyone. BECKER said he never attended a DCISC meeting at which AIKEN spoke nor did he attend the April 1998 shareholder's meeting. He had no involvement in referring AIKEN for psychological evaluation and was "out of the loop" by that time. BECKER said he never spoke to AIKEN about his access revocation or psychological evaluations.

BECKER said AIKEN's access was revoked because psychiatric evaluation determined him unfit-for-duty. BECKER said he never had any concerns about AIKEN's mental stability, although he did have some concerns about his performance. BECKER was a "little surprised" when AIKEN's evaluation came back saying he was unfit-for-duty; however, he said he realized he was not a psychiatrist and might not recognize such a problem.

Interview of Brad C. HINDS (Exhibit 168)

HINDS was interviewed by OI:RIV on February 3, 1999. HINDS, Scheduling Director, DCNPP, said he began working at DCNPP in 1984, became an SS on C Crew in 1995, and worked with AIKEN for about 1 1/2 years from 1995 until 1996.

HINDS recalled that AIKEN was "a pretty good shift foreman" and tried to "do the right thing." HINDS said he talked with AIKEN about excessive [REDACTED] and attention to detail problems, such as paperwork reviews, inadequate surveillance test performance, and inadequate compensatory measures for removing equipment from service. HINDS related that AIKEN may have had an oral reminder by BECKER placed in his personnel file as a result of the inadequate surveillance test performance.

HINDS related that in 1996, AIKEN used [REDACTED] and the company policy was to review usage of more than [REDACTED] in 1 year. HINDS said he felt the "price of admission" as an SFM was some stress, and he did not see AIKEN being subjected to undue stress from his duties, but his concerns with management may have created [REDACTED]

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HINDS recalled that, as knowledge of AIKEN's concern about mixed management messages regarding verbatim procedure compliance became more "public," he [HINDS] became concerned about how to deal with AIKEN. HINDS said he discussed his concerns about how to treat AIKEN with BECKER, MOLDEN, and POWERS. HINDS said, in response to their questions, he told them he did not believe AIKEN would question procedural steps to bring outage activities to a halt, but AIKEN was showing increasing signs of frustration with management reactions to his concerns.

HINDS recalled an incident when he changed the SFM due to personnel availability, and AIKEN became upset with him and remained angry for hours. HINDS said he did not understand AIKEN's response to this minor incident and became concerned about future responses when interacting with AIKEN.

AGENT'S NOTE: HINDS was shown E-mails he sent to MOLDEN, dated November 7, 1995, and October 27, 1996 (Exhibits 11 and 20). HINDS said he had written the E-mails as a routine method of providing information to MOLDEN for yearly performance reviews.

HINDS said he "came off shift work" in December 1996 and had no more discussions about AIKEN because he no longer had daily contact with him.

Interview of Bruce A. LEWIS (Exhibit 169)

LEWIS was interviewed by OI:RIV on February 3, 1999. LEWIS, Operations Superintendent, DCNPP, said he began working at DCNPP in 1982. LEWIS explained he had been a trainer, operations foreman, SFM, and SS. The only time he supervised AIKEN was during a relief watch for 5 to 7 days in 1998. LEWIS said AIKEN asked him to make decisions about planned work that he [LEWIS] felt were within AIKEN's area of responsibility. LEWIS recalled once hearing AIKEN discussing an incident that occurred at a plant back east [NFI] but AIKEN said the incident occurred at DCNPP. LEWIS said he corrected the misstatement explaining the situation did not occur at DCNPP.

LEWIS said he had no concerns about AIKEN's ability to perform his duties as an SFM. LEWIS believed AIKEN had legitimate concerns and even though engineering had reviewed his concerns, he [AIKEN] continued to believe they were not resolved. LEWIS

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stated the only time he was asked his opinion of AIKEN's competency was after AIKEN left the site [1998] and operators questioned him about AIKEN's status.

AGENT'S NOTE: LEWIS was shown a PG&E document titled, "Supervisor's Documentation, Observation Upon Termination, for Neil J. Aiken, from January 1, 1998, to June 13, 1998" (Exhibit 115).

LEWIS said he did not recall seeing that document before, but he had signed about 149 similar documents a couple of weeks earlier. LEWIS explained that had he received the referenced document, he would have forwarded it to HIETT. LEWIS said he did not recall completing any kind of rating or comment form about AIKEN for the period he supervised him.

Interview of Steven A. HIETT (Exhibit 170)

HIETT was interviewed by OI:RIV on February 15, 1999. HIETT, Operations Director from November 1997 until June 1998, said he worked for PG&E from August 1972 until June 1975 and again from December 1978 until present.

HIETT said he knew AIKEN very well professionally, but they never socialized outside of work. He said he did not have any problems with AIKEN until he [HIETT] became his SS. At that time, he found AIKEN disgruntled because he had reported safety concerns to PG&E and the NRC, did not get satisfactory responses to his concerns, and appeared to be growing increasingly frustrated. In HIETT's opinion, AIKEN had communication problems with some people and became cross or short with employees in other departments. AIKEN used [REDACTED] in 3 or 4 months, an excessive amount, and HIETT frequently had to find a substitute SFM. HIETT said he counseled AIKEN, who told him he was [REDACTED] as a result of his safety issues. HIETT said he told AIKEN he should be a role model and keep his anger in check.

HIETT said he was contacted by several employees who told him AIKEN was difficult to work with, although no one from the bargaining unit complained about AIKEN or expressed any concerns about working with him. HIETT said he did not recall anyone expressing any concerns about AIKEN's mental state, just his job performance. HIETT said [REDACTED]

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told him AIKEN "chewed out" his crew for something that was not their fault. Another time, AIKEN hung up the telephone on a supervisor. HIETT said \_\_\_\_\_ told him he believed AIKEN was watching him to see if he could catch him violating any safety requirements, but in fact, AIKEN never complained about \_\_\_\_\_.

HIETT said he wanted AIKEN to encourage the crew to accept certain management initiatives, such as peer checking and three way communications, but AIKEN did not support management. It appeared to HIETT that AIKEN developed strong arguments against new initiatives and made negative comments about them. HIETT said he never noticed this type of negativity when he worked on shift with AIKEN as a peer.

HIETT said AIKEN's comments about his \_\_\_\_\_ as well as his behavior, concerned him. He said he discussed AIKEN with BECKER and MOLDEN. At one point [NFI], HIETT said he was concerned about AIKEN's mental stability and met with \_\_\_\_\_ who questioned him about AIKEN's specific behavior, such as anger expression or anything out of the ordinary. HIETT said he told \_\_\_\_\_ that attendance, negativity, "soap boxing," and angry outbursts were problems. \_\_\_\_\_ told him \_\_\_\_\_ would discuss his concerns with POWERS and to continue monitoring AIKEN, which HIETT said he would have done anyway.

HIETT said, in the spring of 1997, he asked to meet with someone to get a professional opinion on how to deal with a difficult employee [AIKEN] and if he should have any concerns about the employee's actions. HIETT said he and \_\_\_\_\_ met with ESTNER in the spring of 1997 to discuss AIKEN, although they never provided ESTNER with AIKEN's name. According to HIETT, ESTNER told them that he [ESTNER] did not believe the employee was a physical threat, but given unusual, uncertain, or extraordinary circumstances, he might behave in an unpredictable manner. HIETT said he discussed ESTNER's comments about AIKEN with BECKER who told him he would relay them to POWERS. HIETT said ESTNER did not give him any counseling or advice on what would constitute deviant behavior.

HIETT said, with his input, BECKER decided to put AIKEN on "F Troop" so he could work with different individuals and put an end to complaining or negatively influencing his crew. HIETT said they put their best people on crew, AIKEN's job performance

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had declined and was [redacted] and he showed a lack of support for management. AIKEN had several errors which led HIETT to believe he was not focused on his job. HIETT said some people preferred working F Crew, although most preferred having their own crew. HIETT said he had hoped switching AIKEN to "F Troop" would change AIKEN's environment and "snap him out of his funk."

HIETT said BECKER told AIKEN he was being put on "F Troop," and AIKEN asked to talk to him [HIETT] about it. HIETT said AIKEN told him [HIETT] his assignment to "F Troop" was punitive, and BECKER had agreed with that characterization. HIETT said BECKER later told him that was not true. HIETT said it may have been after this conversation that he spoke with ESTNER because AIKEN's recollection of his conversation with BECKER differed from BECKER's, and he [HIETT] was concerned about that.

HIETT said he only recalled two people expressing concerns to him about AIKEN while he was director of Operations from November 1997 until June 1998. [redacted] told him that AIKEN had been negatively outspoken against an instructor in training. [redacted] told him AIKEN had spoken negatively about PG&E management in the control room.

HIETT said he prepared AIKEN's CBOP forms for 1996 and 1997. During that time, HIETT said he had not noticed anything from a behavioral or psychological standpoint, that caused him to believe AIKEN was unfit-for-duty. HIETT said he had concerns, but since he was not trained in psychology, he had difficulty making a judgment about AIKEN's behavior. That was why he discussed it with several people, including [redacted]

HIETT recalled preparing a typed addendum to AIKEN's 1997 CBOP form, which he discussed with RYAN. He said RYAN told him the MRO would review any addendum to the CBOP form. HIETT said he decided the best thing to do was explain about AIKEN's behavior and let the MRO review it because his opinion, as a medical professional, would be more informed than his [HIETT's]. HIETT said he was never questioned by anyone about the CBOP form.

HIETT said he was not present when AIKEN addressed the DCISC or the shareholder's meeting. HIETT said he read "Going Critical," which AIKEN gave him, about the time of the shareholder's

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meeting. HIETT said he thought the document was unusual, but nothing in it caused him to have any additional concerns about AIKEN's mental health. HIETT said AIKEN had provided some of the information in "Going Critical" to him in the past. HIETT said by that time, his biggest concern about AIKEN was that he was never satisfied by anyone's response to his concerns, and he [HIETT] wondered what steps AIKEN might take next to resolve his concerns.

HIETT said he did not know who referred AIKEN's actions to DIETZ. HIETT said he was [redacted] after he had arrived at the Institute for Nuclear Power Operations (INPO). HIETT said either MOLDEN or CURRY called and asked him to [redacted]. He said, [redacted] did not provide him with information,

[redacted]

HIETT said he came to INPO on a temporary assignment on June 19, 1998, and had no involvement in AIKEN's access revocation. He was never asked his opinion or consulted about that decision and did not know who made it. However, HIETT said MOLDEN told him AIKEN's access was revoked as an FFD issue, following psychological evaluation. HIETT said he has not spoken with AIKEN since his access was revoked.

HIETT said he was unaware of any other FFD access revocations at DCNPP, other than for substance abuse.

#### Additional OI:RIV Interviews

During the week of December 1, 1998, OI:RIV interviewed or attempted to interview 68 DCNPP employees. These individuals, who are listed below, were all employed in the Operations Department and had job titles of Nuclear Operator (NO), Control Room Assistant (CRA), Control Room Operator (CO), Shift Supervisor (SS), Senior Control Room Operator (SCO), Relief Control Room Assistant (RCRA), Shift Foreman (SFM), and Shift Technical Advisor (STA). Their crews were alphabetically identified except for Special Projects (SPS), Operations (OPS) and SROs not assigned to a specific crew.

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The nine individuals listed below declined an interview by  
OI:RIV:

<u>NAME</u>	<u>TITLE</u>	<u>CREW</u>	<u>EXHIBIT NUMBER</u>
BAMBAS, James	NO	A	171
CHERINGTON, David	NO	SPS	172
KONDO, Mark	NO	E	173
ORLANDO, Anthony	CRA	F	174
RACETTE, Gary	CO	E	175
RAINBOLT, Brian	NO	A	176
SILVA, Steve	NO	A	177
SKAGGS, Joy	SS	OPS	178
SMITH, Craig G.	NO	E	179

The 59 individuals listed below were interviewed during the week  
of December 1, 1998 by OI:RIV:

<u>NAME</u>	<u>TITLE</u>	<u>CREW</u>	<u>EXHIBIT NUMBER</u>
ALLARD, Mark D.	NO	B	180
ANDERSON, Dennis	NO	E	181
ARELLANO, Robert	SCO	A	182
BAHNER, David I.	SS	B	183
BIRNBAUM, Herbert	NO	C	184
BLACKSHEAR, Ricky A.	CO	E	185
BUMEN, William K.	SCO	D	186
CHAPMAN, Kathleen A.	RCRA	F	187
CHITWOOD, Anthony J.	SFM	A	188
CLARDY Sr., Henry L.	NO	SP	189
COLLINS, Jerry R.	SCO	D	190
COWARD, Matthew G.	STA	E	191
CRAIG, Michael E.	SFM	SP	192
DAVIS, William J.	CO	A	193
DEARDORFF, Gary R.	SCO	SRO	194
DOHERTY, Terence M.	CRA	A	195
DRUMMOND, Raymond G.	NO	A	196
DURACHER, Herbert A.	CO	B	197
EVANS, Murrell R.	SS	E	198
FISHER, Teresa H.	CRA	E	199
FLETCHER, Mark J.	NO	D	200
GASPARRELLI, Richard R.	SCO	A	201
GOLDMAN, Steven S.	NO	B	202
HACKLEMAN, John	CO	E	203
HALL, Mark H.	CO	D	204

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HARBOR, Gary D.	STA	B	205
HARVEY, Richard W.	NO	D	206
HAVALE, George D.	CO	A	207
HELM, Jon R.	SFM	OPS	208
HICKS, Richard O.	SCO	SP	209
HURLBURT Jr., John S.	NO	OPS	210
JACOBSON, John M.	SCO	A	211
KATZ, Raymond D.	CO	C	212
KLINE Jr., Robert T.	CO	B	213
KNIGHT, James W.	NO	E	214
KOEHLER, Danny R.	SCO	E	215
LAMP, James A.	NO	E	216
LARSON, Michael K.	NO	D	217
LEADER, Brian F.	SCO	E	218
LORENZ, Joe E.	SCO	SRO	219
LUGO, Gregory E.	CO	A	220
MAREK, Michael B.	NO	B	221
McMULLEN, Gerald A.	CO	A	222
MURACH, Jr., Robert R.	NO	A	223
NIMICK, Jan A.	NO	E	224
NORTHNESS, James P.	SS	F	225
PAULSON, John S.	SCO	C	226
REBEL, Trevor D.	NO	E	227
RILEY, Gregory L.	NO	E	228
SAVARD, Donald P.	NO	A	229
SILVA, Deborah L.	CRA	A	230
STURGEON, Gregory C.	SCO	SP	231
TARDIFF, Mark A.	SS	A	232
THOMPSON, Kenneth R.	SFM	SP	233
TRYGG, Jack K.	CO	A	234
WHETSLER, J. Brian	SCO	SRO	235
WHITING, Michael C.	SCO	C	236
WOLTMAN III, Fred	SCO	B	237
WRIGHT, Thomas W.	NO	A	238

These interviews were conducted to acquire additional information about possible discriminatory acts by DCNPP management against AIKEN or others for reporting safety concerns. Additionally, the NRC had received a petition from some DCNPP employees expressing support for AIKEN, and this was also discussed during the interviews. The resultant transcripts of interview and interview reports were provided to the NRC:RIV staff for their review.

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OI:RIV attempted to interview two additional individuals, RHODES and Don ALEXANDER, but were unsuccessful. RHODES declined OI:RIV requests for an interview. ALEXANDER contacted OI:RIV on site at DCNPP the week of December 1, 1998, and requested to talk with them at a later time (Exhibit 239). Numerous attempts to contact him during a subsequent visit to DCNPP were unsuccessful.

The responses to the questions were graphically analyzed for significant patterns or indications of concerns. The employees interviewed acknowledged that due to privacy concerns DCNPP management might be unable to share with them all information pertinent to AIKEN's situation. Many employees expressed support for AIKEN from past work and personal associations. Some employees learned of the "AIKEN situation" from the newspaper, while others had discussed the matter with AIKEN. Some employees "felt" AIKEN was discriminated against. Others "felt" AIKEN had pursued his concerns too far. Interviewee responses were varied, but no one professed direct knowledge of any discriminatory acts by DCNPP management against AIKEN.

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A number of employees related that [redacted] had, in their opinion, experienced discrimination for bringing forth safety concerns.

AGENT'S NOTE: [redacted] allegation was investigated but not substantiated by OI Case No. [redacted].

The results of the 59 interviews conducted by OI:RIV at DCNPP during the week of December 1, 1998, were reviewed, summarized and converted into a table format for analysis. The pertinent responses are characterized as follows:

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%	# of Responses	Summary
35%	21	Felt strongly that AIKEN suffered discrimination.
32%	19	Felt that AIKEN's issues had safety significance.
28%	17	Reported signing a petition to show support for AIKEN.
27%	16	Felt that other employees had been discriminated against at DCNPP.
3%	2	Felt that management discouraged reporting of safety concerns.
3%	2	Felt that management did not encourage the reporting of safety concerns.
3%	2	Felt they did not have the liberty to report safety concerns.
3%	1	Expressed a hesitancy to report safety concerns.

Exhibit 240 reflects the responses to the 14 questions (Exhibit 241) asked of the 59 DCNPP Operations Department employees by OI:RIV, and is shown by crew and job title. The responses to Question 1, are VG for very good, G for good, E for excellent, U for unknown, NC for no comment, and one BA for below average. Questions 2 through 14 are answered with Y for yes, N for no, N/A for not applicable, U for unknown. Question 9 included [REDACTED], an individual some employees felt may have been the subject of employment discrimination as noted supra.

Agent's Analysis

An analysis of evidence was performed to determine if AIKEN was the subject of employment discrimination by PG&E management for reporting safety concerns.

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1. Protected Activity

AIKEN worked at DCNPP for approximately 24 years. Beginning in 1995, he began reporting safety concerns to DCNPP's ECP, the NRC, and the DCISC, thus engaging in protected activity.

2. Management Knowledge of Protected Activity

All employees interviewed by OI:RIV, from NOs to the PG&E CEO, admitted knowing that AIKEN had reported safety concerns, either within PG&E or to the NRC or both.

3. Adverse Action

In June 1998, AIKEN's unescorted access at DCNPP was temporarily suspended pending results of a medical review under DCNPP's FFD program. ESTNER, a forensic psychiatrist, interviewed and evaluated AIKEN on June 26, 1998, and on July 6, 1998, ESTNER notified DCNPP that he concluded AIKEN suffered from [REDACTED] and posed a [REDACTED]. Consequently, DCNPP terminated AIKEN's unescorted access at DCNPP on July 13, 1998, although he remained on sick leave/vacation time. AIKEN was given two options: go on workman's compensation or try to find another job within the PG&E system. Revoking AIKEN's access clearly constituted adverse action, in that AIKEN could no longer perform his regular job duties as an SFM and SRO.

4. Did the Adverse Action Result from AIKEN Engaging in Protected Action?

10 CFR 26.10 states FFD programs must "provide reasonable assurance that nuclear power plant personnel... will perform their tasks in a reliable and trustworthy manner and are not... mentally or physically impaired from any cause, which, in any way adversely affects their ability to safely and competently perform their duties..." 10 CFR 73.56(b) states that a "licensee shall establish and maintain an access authorization program granting individuals unescorted access to protected and vital areas with the objective of providing high assurance that individuals granted unescorted access are trustworthy and reliable, and do not constitute an unreasonable risk to the health and safety of the public including a potential to commit radiological sabotage." It further states that the AA program must include a

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psychological assessment and behavioral observation "designed to detect individual behavioral changes which, if left unattended, could lead to acts detrimental to the public health and safety."

AIKEN's unescorted access was revoked following evaluation and determination by three forensic psychiatrists that he suffered from a \_\_\_\_\_ and posed a \_\_\_\_\_

At that point, with three psychiatrists' evaluations, PG&E had no choice but to revoke AIKEN's access. Had they failed to take action in light of the psychiatrists' findings, they would have been in violation of 10 CFR 73.56 and 10 CFR 26. DIETZ is a nationally renowned expert in the area of threat assessment. Although testimony indicated he has been used on one or two occasions by PG&E, he has no contract with PG&E, and has never been used at DCNPP. ESTNER is a consultant to DCNPP and has a contract with PG&E, and has extensive credentials as a forensic psychiatrist. RAFFLE is not on contract to PG&E, has never been used at DCNPP, and also has extensive credentials as a forensic psychiatrist. There is no evidence to indicate or even hint that any or all of these psychiatrists were "bought off" by PG&E. Consequently, the actual revocation of AIKEN's access was a reasonable action by PG&E based on independent psychiatric evaluations.

Having determined that AIKEN's actual revocation was for legitimate nondiscriminatory reasons, the next logical question is why AIKEN was referred for psychological evaluation. AIKEN's actions were first referred to a psychologist, D. JOHNSON, in May 1997, when questioned AIKEN's mental state regarding the \_\_\_\_\_

Testimony by C. JOHNSON, POWERS, CURRY, and others clearly indicated that \_\_\_\_\_

raised questions about AIKEN's mental state, and following procedures, this was referred to a BRG. The BRG discussed the matter with D. JOHNSON, PG&E's Contract Psychologist, commonly used to review matters of this sort. Following discussions and a review of provided documents, D. JOHNSON determined that AIKEN's behavior, while \_\_\_\_\_, did not at that point constitute a safety hazard to the plant. No further action was taken following D. JOHNSON's determination until 11 months later. HIETT, based on \_\_\_\_\_

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D. JOHNSON's determination, completed AIKEN's CBOP form for 1997, and stated,

Testimony and documentation indicated that some PG&E supervisors within the Operations Department were concerned about AIKEN's mental state in 1997 and 1998, particularly the stress they believed he was under regarding his safety concerns. Nonetheless, they took no action to attempt to revoke AIKEN's access, refer him for psychological evaluation, or even lower his performance appraisal. During this time period, AIKEN was never rated below a

Testimony by MOLDEN, RUEGER, and others indicate plant managers seemed to be paralyzed by indecision. Although they were concerned about AIKEN's attitude and writings, they were afraid to take any action, knowing they would be accused of discrimination against a whistle-blower. Only after the AIKEN issue became elevated to G. SMITH did anyone at PG&E take action. G. SMITH, a 28-year employee of PG&E, had never worked at DCNPP or in the nuclear field when he assumed the position of CEO on July 1, 1997. AIKEN was discussed during G. SMITH's first meeting with PG&E management after his promotion, along with other significant issues about which PG&E believed the CEO should be aware. G. SMITH stated he was briefed about AIKEN on one or two subsequent occasions, always in the context that DCNPP had an individual with safety concerns whom they were unable to satisfy, regardless of the actions taken by PG&E or the NRC. G. SMITH testified that he was concerned about AIKEN and told POWERS in early 1998 that should he [POWERS] ever be concerned enough about AIKEN to remove him from the control room, he [POWERS] would have PG&E's full backing. POWERS testified to OI:RIV that, in hindsight, perhaps he should have taken action earlier regarding AIKEN, but he failed to recognize the potential seriousness of the situation.

The catalyst occurred when AIKEN sent a letter and attached documentation to the PG&E corporate secretary asking to speak at the shareholder's meeting on April 15, 1998. That letter was referred to PG&E's legal department and subsequently provided to G. SMITH. G. SMITH met with his nuclear managers, RUEGER and POWERS, and expressed serious concerns about the mental state of the individual who wrote those documents. G. SMITH told OI:RIV he was well aware, at the time of this meeting, that AIKEN was a "protected employee,"

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but his first and primary obligation was to the residents of San Luis Obispo and the employees of DCNPP. G. SMITH appeared to be genuinely concerned that AIKEN, by virtue of his position as an SRO and SFM, could take some action that might result in negatively impacting the public's health and safety and/or putting DCNPP workers at risk. G. SMITH wanted to immediately refer AIKEN for psychological evaluation, but RUEGER and POWERS were concerned about AIKEN's protected status and the fact that this was, to some extent, a judgment call. RUEGER stated repeatedly that since none of them were psychiatrists or trained in psychology, the best thing to do would be to refer AIKEN's writings to someone skilled in assessing threats. G. SMITH eventually agreed to take that action but stated he wanted someone with impeccable credentials, knowing if that individual believed AIKEN should be referred for psychological evaluation, such a decision would later come under close scrutiny. Since none of the participants at that meeting could suggest a psychiatric expert, they deferred that decision to SHAFFER. SHAFFER quickly selected DIETZ, a nationally renowned psychiatrist who had never been used at DCNPP but who had been used on one or two occasions at PG&E corporate to evaluate an individual's potential for workplace violence. It appears to have been a prudent action by PG&E to refer the documents that concerned them to a preeminent psychiatrist for review and determination if they were justified in their concerns. This step was not required by procedure and was an extra step taken because of AIKEN's status as a protected employee. It appears that G. SMITH's concern was reasonable and the referral to DIETZ a prudent and conservative action, given the very real threat of violence in today's workplace. Had DIETZ' threat assessment reported no concerns about AIKEN, PG&E would have had no reason to seek FFD evaluation.

It is difficult if not impossible to separate AIKEN's reporting of safety concerns from the referral of his writings to DIETZ. Had AIKEN never reported a safety concern, none of these actions would have been taken by PG&E. AIKEN was a long time employee at DCNPP, well respected, knowledgeable, and with a good performance record. Consequently, PG&E's referral to DIETZ was based, at least in part, on AIKEN's having reported safety concerns, albeit because he was never satisfied with NRC or PG&E responses to his concerns and appeared to believe a conspiracy existed between the NRC, PG&E, and others. This concerned PG&E management and caused them to question his mental state, resulting in the threat assessment by DIETZ.

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Conclusions

Based on the evidence developed during the investigation, documentation, and testimony, the allegation that AIKEN was discriminated against for identifying safety concerns was not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated June 23, 1998.
2	Memorandum from OI:RIV to File, dated June 25, 1998.
3	DCNPP Operator Petition, undated.
4	Letter from RUEGER to NRC:RIV, dated September 4, 1998.
5	Memorandum from WISE to File, dated October 22, 1998.
6	Letter from A. ANDERSON to DOL, dated November 2, 1998.
7	Letter from A. ANDERSON to OI:RIV, dated November 16, 1998.
8	Report of Interview with AIKEN, dated November 17, 1998.
9	AIKEN's PG&E Employment Application, dated August 19, 1974.
10	E-mail from BECKER to File, dated November 17, 1993.
11	E-mail from HINDS to BECKER, dated November 7, 1995.
12	E-mail from BECKER to AIKEN, dated May 20, 1996, and Response, dated May 26, 1996.
13	E-mail from BECKER to File, dated July 24, 1996.
14	Memorandum from AIKEN, undated.

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- 15 E-mail from LEMKE to MOLDEN, dated October 4, 1996.
- 16 E-mail from LEMKE to MAGRUDER, dated October 4, 1996.
- 17 E-mail from LEMKE to MOLDEN, dated October 23, 1996.
- 18 E-mail from HINDS to LEMKE, dated October 26, 1996.
- 19 E-mail from HINDS to BECKER, dated October 27, 1996.
- 20 E-mail from HINDS to BECKER, dated October 27, 1996.
- 21 E-mail from BECKER to AIKEN, dated November 8, 1996.
- 22 E-mail from AIKEN to KING, dated December 10, 1996.
- 23 E-mail from AIKEN to KING, dated December 10, 1996.
- 24 E-mail from AIKEN to KING, dated December 10, 1996, forwarded to HIETT and CURRY.
- 25 E-mail from HINDS to Record, dated January 21, 1997.
- 26 AIKEN's Report to DCISC, dated February 5, 1997.
- 27 Supervising AIKEN, by HIETT, dated February 20, 1997.
- 28 E-mail from BECKER to MOLDEN, dated February 24, 1997.
- 29 Note from HIETT, dated February 27, 1997.
- 30 Memorandum from HIETT to CURRY, dated March 5, 1997.

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31 E-mail from BECKER to HIETT, dated March 13, 1997.  
32 E-mail from AIKEN to BECKER, dated March 15, 1997.  
33 E-mail from HIETT to BECKER, dated March 24, 1997.  
34 E-mail from AIKEN to MOLDEN, dated March 28, 1997.  
35 E-mail from [REDACTED] to HIETT, dated April 10, 1997. 70  
36 E-mail from AIKEN to BECKER, dated April 27, 1997.  
37 E-mail from HIETT to MOLDEN, dated April 29, 1997.  
38 E-mail from LEMKE to HIETT, dated May 9, 1997.  
39 E-mail from HIETT to AIKEN, dated May 16, 1997.  
40 E-mail from RUEGER to HIETT, dated May 26, 1997.  
41 Fax to D. JOHNSON from VARNEY, dated May 28, 1997.  
42 E-mail from TODARO to POWERS, dated May 29, 1997.  
43 E-mail from HIETT to C. JOHNSON, dated May 31,  
1997.  
44 E-mail from [REDACTED] to HIETT, dated May 31, 1997. 71  
45 E-mail from CRAIG to HIETT, dated June 1, 1997.  
46 E-mail from CURRY to YANG, dated June 6, 1997.  
47 E-mail from TODARO to POWERS, dated June 6, 1997.  
48 Memorandum from TODARO to File, undated.  
49 E-mail from HAYNES to HIETT, dated August 1, 1997.  
50 E-mail from MOLDEN to HIETT, dated August 8, 1997.  
51 E-mail from MOLDEN to HIETT, dated August 18,  
1997.

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- 52 E-mail from MOLDEN to HIETT, dated August 23, 1997.
- 53 E-mail from [REDACTED] to HIETT, dated August 24, 1997.
- 54 E-mail from DYE to HIETT, dated August 25, 1997.
- 55 Memorandum from RUEGER to NPG, dated September 1, 1997.
- 56 E-mail from BECKER to SS, dated September 2, 1997, and Replies, Various Dates.
- 57 Partial DCISC Meeting Minutes, dated September 24-25, 1997.
- 58 E-mail from AIKEN to BECKER, dated October 26, 1997.
- 59 Note by BECKER, dated November 6, 1997.
- 60 E-mail from MOLDEN to WARNER, dated December 31, 1997.
- 61 E-mail from MOLDEN to CROCKETT, dated January 6, 1998.
- 62 AIKEN's Report to DCISC, dated January 1998.
- 63 Handwritten Notes by MOLDEN, dated January 14, 1998.
- 64 E-mail from HIETT to MOLDEN and WARNER, dated April 11, 1998.
- 65 E-mail from MOLDEN to GARRETT, dated April 23, 1998.
- 66 AIKEN's [REDACTED] undated.
- 67 AIKEN's Performance Review, dated August 20, 1982.

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- 68 Letter from SEXTON to AIKEN, dated January 31, 1983.
- 69 AIKEN's Performance Review, dated April 26, 1983.
- 70 AIKEN's Management Performance Summary, dated September 10, 1985.
- 71 Job Expectations Worksheet for AIKEN, dated April 21, 1986.
- 72 Letter from SEXTON to AIKEN, dated July 1, 1986.
- 73 AIKEN's Management Performance Summary, dated January 9, 1987.
- 74 AIKEN's IPM Summary, dated May 15, 1987.
- 75 AIKEN's Management Performance Summary, dated August 28, 1987.
- 76 Letter from SEXTON to AIKEN, dated November 12, 1987.
- 77 Letter from SEXTON to AIKEN, dated December 30, 1987.
- 78 AIKEN's IPM, dated August 22, 1988.
- 79 AIKEN's IPM Summary, dated November 10, 1988.
- 80 AIKEN's IPM Summary, dated December 13, 1990.
- 81 AIKEN's Merit Increase Payroll Change Forms for 1988-1993 and 1995, Various Dates.
- 82 AIKEN's Employee Performance Record, dated April 11, 1996.
- 83 AIKEN's First Trimester 1997 PMP Review, dated May 16, 1997.
- 84 AIKEN's Second Trimester 1997 PMP Review, undated.

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- 85 AIKEN's Third Trimester 1997 PMP Review, dated  
December 1997.
- 86 AIKEN's PMP, dated May 27, 1998.
- 87 AIKEN's Pride Awards, Various Dates.
- 88 Pride Vote Comments about AIKEN from 1997 to 1998.
- 89 Graph and [REDACTED] Totals for SFM for 1997,  
undated.
- 90 [REDACTED] Reports for SFM from 1990 to 1997, dated 7C  
June 11, 1998.
- 91 Operations Manager and Director Evaluations for  
SFM Crew Assignments for 1998.
- 92 Manager and Director Evaluations for SFM for 1997.
- 93 AIKEN's Annual CBOP Forms, Various Dates.
- 94 Letter from AIKEN to PG&E, dated March 23, 1998,  
with Attachments.
- 95 E-mail from MOLDEN to POWERS, dated March 31,  
1998.
- 96 PG&E Investigation Report, dated June 18, 1998.
- 97 Letter from YANG to DIETZ, dated April 3, 1998.
- 98 Memorandum from SHAFFER to DIETZ, dated April 8,  
1998.
- 99 "Going Critical" by AIKEN, undated.
- 100 Memorandum from SHAFFER to DIETZ, dated April 15,  
1998.
- 101 Partial Transcript of PG&E's 1998 Annual Meeting,  
dated April 15, 1998.
- 102 Letter from DIETZ to POWERS, dated June 9, 1998.

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103 DIETZ' Curriculum Vitae, dated October 1995.  
104 "The Workplace" by TOUFEXIS, dated April 25, 1994.  
105 Talking Points - Medical Review Referral Meeting.  
106 Informal Handwritten Meeting Notes by CURRY.  
107 ECR 98-21, undated.  
108 Memorandum from TODARO to File, dated June 16,  
1998.  
109 E-mail from GARRETT to Operations SS, dated  
June 24, 1998.  
110 Document List for ESTNER.  
111 ESTNER's Curriculum Vitae, dated November 1998.  
112 E-mail from [REDACTED] to CURRY, dated June 21, 1998.  
113 E-mail from LYON to SROs, dated July 1, 1998.  
114 Letter from ESTNER to RYAN, dated July 6, 1998.  
115 Supervisor's Documentation of Behavior Observation  
Upon Termination, undated.  
116 Letter from RYAN to AIKEN, dated July 9, 1998.  
117 AIKEN's DCNPP Access Data Form, dated July 9,  
1998.  
118 Letter from RYAN to AIKEN, dated July 22, 1998.  
119 Letter from AIKEN to DeMARTINI, dated July 23,  
1998.  
120 Notes from DeMARTINI to File, dated July 29, 1998.  
121 Notes from DeMARTINI to File, dated July 31, 1998.  
122 Notes from DeMARTINI to File, dated August 4,  
1998.

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- 123 Notes from DeMARTINI to File, dated August 7, 1998.
- 124 Notes from DeMARTINI to File, dated August 10, 1998.
- 125 Notes from DeMARTINI to File, dated August 11, 1998.
- 126 Notes from DeMARTINI to File, undated.
- 127 Document List for RAFFLE.
- 128 RAFFLE's Curriculum Vitae, undated.
- 129 Letter from DeMARTINI to RAFFLE, dated August 12, 1998.
- 130 Notes from DeMARTINI to File, dated August 19, 1998.
- 131 Notes from DeMARTINI to File, dated August 22, 1998.
- 132 Letter from RAFFLE to DeMARTINI, dated August 26, 1998.
- 133 Notes from DeMARTINI to File, dated September 3, 1998.
- 134 Letter from DeMARTINI to AIKEN, dated September 3, 1998, with Attachment from DeMARTINI to RYAN, dated September 3, 1998.
- 135 Letter from RAFFLE to DeMARTINI, dated September 3, 1998.
- 136 DCNPP Office Desk Guide, dated May 13, 1998.
- 137 Memorandum from RYAN to WARNER, dated April 1, 1999.
- 138 DCNPP Procedure OM11.ID1, Rev. 6, dated August 12, 1997.

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- 139 DCNPP Procedure OM11.DC4, Rev. 3A, dated March 14, 1997.
- 140 Facts Relating to AA of AIKEN, undated.
- 141 Letter from CURRY to AIKEN, dated September 17, 1998.
- 142 Letter from CURRY to AIKEN, dated October 2, 1998.
- 143 E-mail from GARRETT to Operations, dated November 26, 1998.
- 144 DCNPP Comprehensive Cultural Assessment, dated December 1998.
- 145 Memorandum to Case File 4-1998-029, dated March 9, 1999.
- 146 Letter from A. ANDERSON to OI:RIV, dated March 12, 1999.
- 147 Letter from CURRY to AIKEN, dated March 12, 1999.
- 143 Letter from SELDON to PG&E, dated March 22, 1999.
- 149 Letter from SELDON to JACKSON, dated March 23, 1999.
- 150 Letter from WARNER to OI:RIV, dated March 23, 1999.
- 151 NRC:DRS Inspection Report, dated February 19, 1999.
- 152 Memorandum from BROWN to OI:RIV, dated April 8, 1999.
- 153 Report of Interview with TODARO, dated December 1, 1998.
- 154 Report of Interview with RYAN, dated December 1, 1998.

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- 155 Report of Interview with C. JOHNSON, dated December 2, 1998.
- 156 Report of Interview with TERRELL, dated December 3, 1998.
- 157 Transcript of Interview with POWERS, dated December 29, 1998.
- 158 Report of Reinterview with AIKEN, dated January 6, 1999.
- 159 Report of Reinterview with C. JOHNSON, dated January 13, 1999.
- 160 Transcript of Interview with SHAFFER, dated January 20, 1999.
- 161 Transcript of Interview with G. SMITH, dated January 20, 1999.
- 162 Transcript of Interview with RUEGER, dated January 20, 1999.
- 163 Transcript of Interview with CURRY, dated February 3, 1999.
- 164 Report of Reinterview with CURRY, dated April 13, 1999.
- 165 Transcript of Interview with DeMARTINI, dated February 3, 1999.
- 166 Transcript of Interview with MOLDEN, dated February 3, 1999.
- 167 Transcript of Interview with BECKER, dated February 3, 1999.
- 168 Transcript of Interview with HINDS, dated February 3, 1999.
- 169 Transcript of Interview with LEWIS, dated February 3, 1999.

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- 170 Transcript of Interview with HIETT, dated February 15, 1999.
- 171 Report of Interview with BAMBAS, dated December 1, 1998.
- 172 Report of Interview with CHERINGTON, dated December 3, 1998.
- 173 Report of Interview with KONDO, dated December 2, 1998.
- 174 Report of Interview with ORLANDO, dated December 2, 1998.
- 175 Report of Interview with RACETTE, dated December 2, 1998.
- 176 Report of Interview with RAINBOLT, dated December 1, 1998.
- 177 Report of Interview with S. SILVA, dated December 1, 1998.
- 178 Report of Interview with SKAGGS, dated December 3, 1998.
- 179 Transcript of Interview with C. SMITH, dated December 2, 1998.
- 180 Transcript of Interview with ALLARD, dated December 2, 1998.
- 181 Transcript of Interview with D. ANDERSON, dated December 2, 1998.
- 182 Report of Interview with ARELLANO, dated December 2, 1998.
- 183 Transcript of Interview with BAHNER, dated December 4, 1998.
- 184 Transcript of Interview with BIRNBAUM, dated December 1, 1998.

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- 185 Transcript of Interview with BLACKSHEAR, dated  
December 2, 1998.
- 186 Transcript of Interview with BUMEN, dated  
December 1, 1998.
- 187 Transcript of Interview with CHAPMAN, dated  
December 2, 1998.
- 188 Transcript of Interview with CHITWOOD, dated  
December 1, 1998.
- 189 Transcript of Interview with CLARDY, dated  
December 3, 1998.
- 190 Transcript of Interview with COLLINS, dated  
December 3, 1998.
- 191 Transcript of Interview with COWARD, dated  
December 3, 1998.
- 192 Transcript of Interview with CRAIG, dated  
December 3, 1998.
- 193 Transcript of Interview with W. DAVIS, dated  
December 3, 1998.
- 194 Transcript of Interview with DEARDORFF, dated  
December 3, 1998.
- 195 Transcript of Interview with DOHERTY, dated  
December 1, 1998.
- 196 Transcript of Interview with DRUMMOND, dated  
December 1, 1998.
- 197 Transcript of Interview with DURACHER, dated  
December 4, 1998.
- 198 Transcript of Interview with EVANS, dated  
December 2, 1998.
- 199 Transcript of Interview with FISHER, dated  
December 2, 1998.

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- 200 Transcript of Interview with FLETCHER, dated  
December 2, 1998.
- 201 Transcript of Interview with GASPARRELLI, dated  
December 1, 1998.
- 202 Transcript of Interview with GOLDMAN, dated  
December 4, 1998.
- 203 Transcript of Interview with HACKLEMAN, dated  
December 2, 1998.
- 204 Transcript of Interview with HALL, dated  
December 1, 1998.
- 205 Transcript of Interview with HARBOR, dated  
December 4, 1998.
- 206 Transcript of Interview with HARVEY, dated  
December 3, 1998.
- 207 Transcript of Interview with HAVALE, dated  
December 1, 1998.
- 208 Transcript of Interview with HELM, dated  
December 3, 1998.
- 209 Transcript of Interview with HICKS, dated  
December 3, 1998.
- 210 Transcript of Interview with HURLBURT, dated  
December 3, 1998.
- 211 Transcript of Interview with JACOBSON, dated  
December 1, 1998.
- 212 Transcript of Interview with KATZ, dated  
December 3, 1998.
- 213 Transcript of Interview with KLINE, dated  
December 4, 1998.
- 214 Transcript of Interview with KNIGHT, dated  
December 2, 1998.

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- 215 Transcript of Interview with KOEHLER, dated  
December 2, 1998.
- 216 Transcript of Interview with LAMP, dated  
December 2, 1998.
- 217 Transcript of Interview with LARSON, dated  
December 2, 1998.
- 218 Report of Interview with LEADER, dated  
December 2, 1998.
- 219 Transcript of Interview with LORENZ, dated  
December 3, 1998.
- 220 Transcript of Interview with LUGO, dated  
December 1, 1998.
- 221 Transcript of Interview with MAREK, dated  
December 4, 1998.
- 222 Transcript of Interview with McMULLEN, dated  
December 1, 1998.
- 223 Report of Interview with MURACH, dated December 1,  
1998.
- 224 Transcript of Interview with NIMICK, dated  
December 2, 1998.
- 225 Transcript of Interview with NORTHNESS, dated  
December 1, 1998.
- 226 Transcript of Interview with PAULSON, dated  
December 3, 1998.
- 227 Transcript of Interview with REBEL, dated  
December 2, 1998.
- 228 Transcript of Interview with RILEY, dated  
December 2, 1998.
- 229 Transcript of Interview with SAVARD, dated  
December 1, 1998.

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- 230 Transcript of Interview with D. SILVA, dated December 1, 1998.
- 231 Transcript of Interview with STURGEON, dated December 3, 1998.
- 232 Transcript of Interview with JEFF, dated December 3, 1998.
- 233 Transcript of Interview with K. THOMPSON, dated December 3, 1998.
- 234 Transcript of Interview with TRYGG, dated December 2, 1998.
- 235 Transcript of Interview with WHETSLER, dated December 3, 1998.
- 236 Transcript of Interview with WHITING, dated December 3, 1998.
- 237 Transcript of Interview with WOLTMAN, dated December 4, 1998.
- 238 Transcript of Interview with WRIGHT, dated December 1, 1998.
- 239 Report of Interview with ALEXANDER, dated December 3, 1998.
- 240 Operations Responses to OI:RIV Questions.
- 241 OI:RIV Questions of Operations Personnel.

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