

Title: MILLSTONE NUCLEAR POWER PLANT, UNITS 2 AND 3:

DISCRIMINATION AGAINST A SENIOR ECP INVESTIGATOR FOR HAVING
ENGAGED IN PROTECTED ACTIVITIES

Licensee:

Dominion Nuclear Power
Innsbrook Technical Center
5000 Dominion Blvd.
Glen Allen, VA 23060

Docket Nos.: 50-336/50-423

Allegation Nos.: RI-2005-A-0083;
RI-2005-A-0109; and RI-2005-A-0159

Case No.: 1-2006-004

Report Date: July 26, 2006

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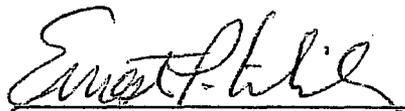
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SYNOPSIS

This investigation was initiated on November 9, 2005, by the U.S. Nuclear Regulatory Commission, Office of Investigations, to determine whether a Senior Employee Concerns Program (ECP) Investigator at the Millstone Nuclear Power Plant was discriminated against by Dominion Nuclear for engaging in protected activities.

Based on the evidence developed, this investigation did not substantiate that the Senior ECP Investigator was discriminated against for engaging in protected activities.

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~~LIST OF INTERVIEWEES~~

Exhibit

CLAYTON, Robert, former Investigator, Employee Concerns Program (ECP),
Millstone Nuclear Power Station (MNPS) 12

CHRISTIAN, David, Chief Nuclear Officer, Dominion Energy, Inc. (DEI) 9 & 10

MEHTA, Sham, former ECP Investigator, MNPS 3

PRICE, Allan, Site Vice President, MNPS 11

SALYARDS, Lawrence, Nuclear Specialist, Nuclear Oversight, MNPS 5

SIERACKI, Diane, Fleet Manager, Employee Concerns Program,
Dominion Resources, Inc. 6

TURNER, Ira, former employee, ECP, MNPS 13

nc [REDACTED] MNPS 8

WATSON, Michael, Computer Systems Engineer, Information Technologies, MNPS 4

WILLKENS, Barbara, Manager, Organizational Effectiveness, MNPS 7

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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.5: Deliberate misconduct (2004-2006 Editions)
10 CFR 50.7: Employee protection (2004-2006 Editions)

Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI) on November 9, 2005, to determine if a Senior Employee Concern Program Investigator at Dominion's Millstone Station, was discriminated against for having engaged in protected activities (Exhibit 1).

Background

Region I Allegation Review Boards (ARBs) were held on May 24, September 14, October 12, October 26, and November 9, 2005, to discuss various concerns raised by Sham MEHTA, a senior Employee Concerns Program (ECP) Investigator at Dominion's Millstone Station. MEHTA initially had raised concerns regarding the Intrusion Detection System (IDS) at Millstone Units 2 and 3 internally and then to the NRC, and claims that as a result, his 2004 performance evaluation, which was given to him in May 2005, was negatively impacted. MEHTA also complained that he had raised other concerns (e.g., his discrimination complaint to NRC in May 2005 and an Eddy Current Testing Condition Report (CR) internally in June 2005), which resulted in additional discriminatory acts taken against him. Specifically, MEHTA alleges that his [REDACTED] revoked MEHTA's access to Safeguards Information (SGI) thereby limiting the work that he could perform in the ECP department; and asked MEHTA to bid for his own job which he held for 8 years. For the discriminatory aspects of these concerns MEHTA, after one of the ARBs, was offered the NRC's pilot program of Alternative Dispute Resolution (ADR). On August 4, 2005, MEHTA accepted early ADR and entered into an agreement with Dominion to mediate his concerns, including that of the discrimination. nc

At the October 12, 2005, ARB, MEHTA's new allegation that on September 27, 2005, he was notified that he was not selected as Dominion's ECP manager was discussed. MEHTA claims he was not selected due to management's knowledge of his prior protected activities (he allegedly told them of his protected activities, including that of complaining to the NRC about discrimination, during his interview for the manager job, which he did not get). MEHTA also offers the following as evidence of the animus shown him: he was denied by the Site VP the opportunity to attend the 2005 ECP Forum on company time and expense. Another Millstone co-worker attended the same forum on company time and expense but MEHTA had to take personal leave and pay his own way. At the time of the October 12th ARB, MEHTA was then involved in the early ADR process for his previous discrimination issues, and because he articulated a prima facie showing of discrimination on this new allegation of adverse actions, the

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ARB resolved to offer MEHTA the opportunity to include these new discrimination issues into the on-going ADR mediation.

By e-mail from the Region I Senior Allegations Coordinator (SAC), dated October 28, 2005, OI learned that MEHTA told the SAC that early ADR mediation had not worked and he (MEHTA) was not interested in pursuing ADR any longer. An additional ARB confirmed MEHTA's ultimate declination of ADR. Therefore, OI initiated this investigation on November 9, 2005, into MEHTA's multiple discrimination concerns (Allegation No. R1-2005-A-0109).

Interview of Allegor

On December 7, 2005, Mr. Sham MEHTA (MEHTA) was interviewed by S/A Mark Hannan of the Office of Investigations (OI), Region III, in Mystic, Connecticut. MEHTA began by stating that he was most recently employed as a Technical Specialist in the Organizational Effectiveness Group at the Millstone Nuclear Plant ("Millstone"). Prior to this assignment, MEHTA was an investigator in the ECP at Millstone (Exhibit 3, pp. 4-9). ok

MEHTA described the Millstone plant as an approximately 35 year old plant, that contains an Intrusion Detection System ("IDS"). The IDS also includes cameras that are monitored by a Central Alarm Station ("CAS"). MEHTA explained that a majority of his issues with the Millstone Plant have evolved around safety concerns he raised over the plant's IDS. MEHTA alleged that he actually "stumbled" across the problem during an unrelated investigation when he happened to visit the CAS. According to MEHTA, he entered the "CAS" and the entire room was dark. MEHTA was surprised and asked "What the hell is - -What's going on?" MEHTA said that his visit surprised the supervisor and "they didn't like the unannounced visit" (Exhibit 3, pp. 12-15).

MEHTA took exception to the issue of inadequate security, and filed a Condition Report ("CR"). "I started explaining how the birds set if off, the guards had become desensitized, you are not telling when it's disabled to the NRC and this was a gross misrepresentation to the NRC." MEHTA continued, "The performance indicator does not include the time your IDS is disabled, so the statistics that you're providing to the NRC is false. They never responded back to me." MEHTA explained that Dominion formed a task force to review the security issues raised during the ECP investigation. MEHTA said that another individual familiar with these circumstances was Mike WATSON (Exhibit 3, pp. 22-25). ok

MEHTA then explained that he learned the ECP section was expected to be downsized and realigned and MEHTA claimed "I knew I was the target." MEHTA was told that the realigned ECP organization at Millstone would only need one investigator to work the assigned cases. MEHTA said that the announcement was made by Senior Vice President Bill MATTHEWS who came to the Dominion plant. According to MEHTA, he challenged MATTHEWS on his decision, but MATTHEWS told MEHTA "Well, we can always hire again if we cannot manage, but right now we are just going to go by one person" (Exhibit 3, pp. 25-27). nc

MEHTA also explained that [REDACTED] was not selected as the new manager of the ECP, but rather as an [REDACTED] MEHTA said that both he and

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[REDACTED] were subsequently released. He added that Dominion selected Diane SIERACKI from the Kewaunee plant, to be the new manager of the ECP. MEHTA stated that the panel interviews that he appeared before were "black boxes" and are a method that Dominion uses to exclude certain employees, including himself. "Now in the HR black box, I'm being told I didn't do as good as you. I'm almost 100 percent there was more to it than that" (Exhibit 3, pp. 28-31). 7C

MEHTA also described his participation in the training program for the Shift Technical Advisor (STA) position. According to MEHTA, during his assignment in the training program, his safeguards access was taken away by [REDACTED]. MEHTA viewed this act as retaliatory and MEHTA went directly to Steve SCACE and voiced his objection. Eventually, SCACE informed MEHTA that his safeguards access was never revoked in the first place (Exhibit 3, pp. 32-34). 7C

MEHTA stated that he was informed by Mike WATSON, a computer security specialist who has access to the frequency of all the daily alarms, that the internal Dominion investigation into the alarms at the "CAS" was "stalled." According to WATSON, he discovered an internal memorandum in a photocopying machine that was written by Mark GELINAS that described how the NRC was unable to defeat the security at Millstone through the "force on force" exercise. MEHTA also learned at this time that the newly selected manager of the ECP, SIERACKI, a former Kewaunee employee, was tasked to review the initial investigation. MEHTA claimed that because of this, SIERACKI was not qualified to render a recommendation on whether the "IDS" and "CAS" were properly functioning and robust (Exhibit 3, pp. 34-38). OK

Throughout the OI interview, MEHTA asserted that [REDACTED] had a significant influence on the treatment he received at MILLSTONE. As an example, MEHTA alleged that his request to attend an ECP forum in Las Vegas, Nevada was denied, in part because he had raised safety concerns. MEHTA alleged that [REDACTED] told MEHTA, "You can't go." MEHTA said that despite the denial, he still attended the conference by using his personal vacation time and by paying for his own expenses. MEHTA claimed that he appealed his denial to Steve SCACE. Initially, SCACE told MEHTA "Okay, I'll approve this." However, not long after, SCACE called MEHTA back and left him a voice message stating that "Sorry, Allan PRICE has rejected it." MEHTA concluded "That's when it hit me that it's not work - - I used to wonder, [REDACTED] keeps complaining about all these things, how come he keeps doing it? Is somebody behind it? Somebody who is insulated . . . it just became clear because . . . he's [REDACTED] the one who's behind it" (Exhibit 3, pp. 41-44). OK

MEHTA then described the process for reaching consensus in the reports within the ECP. MEHTA claimed that he was frequently challenged by [REDACTED] in his report's conclusions. According to MEHTA, "Our manual states to any clear charge, a consensus is required. I've been complaining and he [REDACTED] still keeps doing it. It suddenly dawned on me he's doing it because that's what Allan PRICE maybe wants him to do, or is allowing him to do. On top of that - - that's why I said there's direct evidence of retaliation . . . I complained that [REDACTED] was not qualified to be an investigator per our manual. Our manual requires "X" amount of training and this many monitored investigations before you get qualified. [REDACTED] had not done 7C

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any of that . . . now it is suddenly dawning on me that I'm being retaliated by my friend the chief honcho. No wonder I don't have a job" (Exhibit 3, pp. 44 and 45).

MEHTA broadly stated that his discrimination was far reaching into the upper echelons of Dominion, "My plight is dictated by [REDACTED] and to some extent by [REDACTED] and maybe [REDACTED]" (Exhibit 3, p. 47).

MEHTA described several instances that he believed illustrated the basis of his discrimination allegation. One of the first examples MEHTA described was his performance reviews from [REDACTED]. MEHTA claimed that [REDACTED] told him the performance appraisal was "feedback," but MEHTA alleged that it was retaliatory for raising safety concerns. MEHTA clearly did not agree with [REDACTED] assessment. MEHTA also believed that the ECP reorganization was designed to terminate him. "I'm calling this a pretense. This reorganization was a pretense to get rid of me, and it's so transparent, at least to me it is, that it's not even funny." The second incident that MEHTA described involved an e-mail between MEHTA and [REDACTED] regarding numbers used in an ECP quarterly report. When MEHTA read the report, he disagreed with the figures [REDACTED] used and replied, "This is the way I would report them honestly and truthfully." According to MEHTA, [REDACTED] took great offense to MEHTA's comment. [REDACTED] called MEHTA into his office, and told him "How would you like to be accused of not (being) truthful and dishonesty in an e-mail?" But MEHTA responded "All I said was, this is how I would report it truthfully and honestly." MEHTA then told [REDACTED] he was going to report him to SCACE. According to MEHTA, SCACE "agreed that what I said was true, and that's part of my other retaliation, making false allegations" (Exhibit 3, pp. 51-54). 7C

MEHTA was asked about the quality of his relationship with [REDACTED] and MEHTA commented it was never good. MEHTA alleged that originally [REDACTED] was on the corrective actions side of ECP, but then became the manager in investigations. "Now it's at that point that things started getting worse, because he was changing the conclusions on my reports. He started investigating when he was not even qualified . . ." MEHTA believed that both [REDACTED] and [REDACTED] were behind a majority of the issues he was faced with (Exhibit 3, pp. 55 and 57).

MEHTA also described that in ECP investigations, he looks for direct evidence and proximity of events. "There's a lot of proximity here. In April I did all this, and IDS has always - - In May they announced the reorg, and soon I'm out of a job and they're claiming this is a reorg. Who are you kidding? This is a pretext. A pretext to get rid of me, and they did" (Exhibit 3, p. 58). 7C

MEHTA added that two key people at Millstone, Larry SALYARD and Michael WATSON knew a large majority of the information that MEHTA had shared during the OI interview. According to MEHTA, both individuals could corroborate 90-100 percent of everything that had happened to MEHTA. MEHTA concluded by saying "All I can say in brief summary, that there is plenty of evidence that the way I have been looking at it, and my only concern is how shabbily I've been treated . . . I'd like to stay objective, but sometimes emotions take over" (Exhibit 3, pp. 58 and 60).

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Coordination with NRC Staff

On January 10, 2006, a copy of MEHTA's transcript was forwarded to the Region I offices for their review. On February 1, 2006, Region I completed their review and concluded that no new safety related issues were raised by MEHTA during his December 7th, 2005 interview. Periodic updates of the NRC Region I staff were provided by OI as the evidence was developed.

Review of Documentation

Performance Summary and Feedback appraisals for Sham MEHTA, by [REDACTED] for the years 2002, 2003 and 2004. Northeast Utilities K-Ran Assessment Report for Sham MEHTA, dated March 21, 2001. According to a large portion of this exhibit, MEHTA has taken exception to the rating given by [REDACTED] in certain elements. Of additional significance is the absence of MEHTA's signature on the performance appraisals for the years 2002, 2003, and 2004. It is noted that in the signature block for the employee signature are the handwritten words "Employee declined to sign." For each year, there are three (3) levels for the overall rating: "Below Expectations, Meets Expectations and Consistently Exceeds Expectations." It is important to note that MEHTA's refusal to sign his performance appraisal suggests that the disagreement over MEHTA's evaluations was a contested topic with [REDACTED] going back to 2002. It is also significant to note that MEHTA's overall rating for 2002, 2003, and 2004 was "Meets Expectations" (Exhibit 14). 76

Millstone Condition Report, No. CR-04-10903, dated December 8, 2004. The condition report was initiated by MEHTA and is titled "Perimeter Intrusion Detection System's Performance." In the "Issue Detail" section of the CR, MEHTA states "The initiator believes some of the compensatory measures implemented are inadequate . . . the issues pose an unacceptable security/safety risk against radiological sabotage if left uncorrected and hence is a condition adverse to quality." On 04/25/2005, Mark GELINAS reports the conclusion of his internal investigation: He writes, MEHTA was provided "feedback" on the results, and that the "Intrusion Detection System currently detects unauthorized personnel and compensatory measures, when required to be implemented, are deemed appropriate." The written response to MEHTA's assertions are consistent with regulatory requirements and were also communicated to MEHTA (Exhibit 15).

Confidential memorandum, from [REDACTED] to Dave CHRISTIAN, CNO and Alan PRICE, Vice President, dated June 19, 2003. The memorandum is titled "Developing and Implementing a Single ECP for the NBU, a Suggestion." According to witness testimony, this exhibit was prepared after Dominion began exploring reorganizing and streamlining the ECP program. It is significant and noteworthy to observe that the document, sent in June of 2003, was also sent to MEHTA and other employees in the ECP organization. The document, authored by MEHTA's supervisor, suggests that Dominion combine the programs at two of their sites, Virginia and Connecticut, into one organization and inevitably make organizational changes. As described, this document was prepared by [REDACTED] and ironically resulted in the non-selection of [REDACTED] as manager of the newly reorganized ECP (Exhibit 16). 76

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Internal document, signed and dated by Alan PRICE, Millstone Station Site Vice President on 10/22/03. At the top of the document, it reads: "Approval for waiver of three supervised investigations and qualification to perform ECP investigations for [REDACTED] According to PRICE, this waiver was provided as part of his discretionary authority to waive certain obligatory requirements in lieu of [REDACTED] work experience. This exhibit is also significant because PRICE approved the waiver for [REDACTED] in October of 2003, just over two years prior to MEHTA being interviewed by OI (Exhibit 17)." 7c

Copies of e-mails and internal documents documenting the discussions between MEHTA and [REDACTED] regarding MEHTA's performance and his performance reviews. The e-mails and internal documents begin on October 16, 2000, and end on June 6, 2005. A significant portion of these documents also illustrate the formality and attempts to resolve some of the disputes between [REDACTED] and MEHTA (Exhibit 18).

Copy of E-mail from Jimmy M. SMITH, dated June 7, 2004, titled "Current rev", addressed to MEHTA, WATSON and others. The general topic of the e-mail relates to scheduling a meeting to discuss the issue of the Intrusion Detection System at Millstone. The document indicates that MEHTA was included in the meetings and had some knowledge about Dominion's efforts into resolving the problems associated with the Intrusion Detection System (Exhibit 19).

Copy of Dominion "Confidential" memorandum, dated October 15, 2004, from [REDACTED] to Alan PRICE, titled "Establishing the Nuclear Business Unit's Employee Concerns Program. This document details a proposal and timetable to transition the ECP organization into a corporate based program. The memorandum, authored by MEHTA's supervisor, is also carbon copied to MEHTA. Later in the memorandum, [REDACTED] also indicates that there could possibly be one investigator at the Millstone Plant. Additionally, [REDACTED] illustrates that based on his research, Dominion has the second lowest average number of cases per ECP investigator (Exhibit 20)." 7c

Copy of e-mail from Jeffrey Campbell to MEHTA, dated April 24, 2005, regarding "Your CR Response." The memorandum is written in response to the CR previously reported by MEHTA and labeled as Exhibit 15. In this exhibit, CAMPBELL informs MEHTA that despite the conclusion of the follow up investigation as described in the CR, an independent review of the IDS will be conducted by Surry's Security Management and Staff (Exhibit 21).

Copy of a confidential letter to MEHTA, signed and dated by Alan PRICE on May 25, 2005. In this document, PRICE informs MEHTA that the independent investigation into several concerns that MEHTA raised has been completed. PRICE also acknowledges that the investigator and Mr. SCACE, Director, Nuclear Safety and Licensing met with MEHTA to inform him of their conclusions. As noted by PRICE in the letter, the internal investigation was unsuccessful in agreeing with several of MEHTA's concerns. The letter also summarizes several suggestions that Mr. PRICE raises to improve the program's "processes and procedures" (Exhibit 22).

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Copy of Candidate Ranking Sheet for the "Manager ECP" Interviews, dated June 13, 2005, to June 16, 2005. The document summarizes the applicant's scores in several competencies and also ranks the overall rankings for the applicant. According to the exhibit, nine (9) people were interviewed and MEHTA achieved an overall ranking score of 122.74. According to the exhibit, two individuals tied for the lowest score, and MEHTA was the next higher score. The remaining five candidates scored higher than MEHTA (Exhibit 23).

Copy of Candidate Interview data sheets for MEHTA, dated June 13, 2005. According to this exhibit, MEHTA was interviewed by three (3) supervisors of Dominion (Chris FUNDERBUNK, Alan KEAGY and Jennifer GEZYMALLA). Each interviewer took notes of MEHTA's responses to standard questions. Each interviewer had 8 pages of criteria and questions to evaluate. On the final page of each interviewer, the supervisor added their comments. According to one of the comments, MEHTA did not "provide specific examples" that demonstrated a higher level of competencies (Exhibit 24).

Copy of Condition Report (CR), initiated June 16, 2005, titled "Violation of ECP Process," prepared by MEHTA. According to the CR, MEHTA indicates that the ECP program requires consensus on findings and that on four occasions, MEHTA's own investigative conclusions were changed without being provided justification (Exhibit 25).

Copy of internal memorandum, by Barb WILLKENS to MEHTA, dated June 22, 2005, regarding "Offer for Shift Technical Advisor" (STA). According to this document, WILLKENS offers MEHTA a position in the STA training program. In this position, MEHTA will be assigned to WILLKENS group for a period of 18-24 months, and until he completes the STA training assignment (Exhibit 26).

Copy of Millstone's internal "To the Point" newsletter, dated Thursday, July 7, 2005. Under the headline, "Employees Enter Demanding Technical Class," it announces that a new class of STA's is beginning their training. It also identifies MEHTA as one of five selectees that have begun the training (Exhibit 27).

Copy of e-mail from [REDACTED] to Lora GRIFFES, dated July 12, 2005, regarding the Safeguards Information Access List. In the e-mail, [REDACTED] informs GRIFFES that MEHTA will no longer need his safeguards access since he is in STA training program (Exhibit 28). 16

Copy of e-mails between MEHTA and WILLKENS, dated August 18, 2005, titled "Thank you!" In the e-mail, MEHTA expresses his gratitude to WILLKENS for allowing MEHTA to continue to "audit" the GFES portion of the STA program. MEHTA also stated in the e-mail that after taking the final exam, "I would like to end my continued involvement with the STA program." Towards the conclusion of the e-mail, MEHTA informs WILLKENS "As for my immediate future plans, I will contact Mr. Scace soon" (Exhibit 28A).

Copy of memorandum, by Mr. David CHRISTIAN, Chief Nuclear Officer for Dominion, dated September 20, 2005, announcing his selection of Diane SIERACKI as the new manager of the Employee Concerns Program. In the memorandum, CHRISTIAN detailed the interview process

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and explained the following topics: "Process before my direct involvement, process I followed, top candidates, other candidates I interviewed" and "candidates I did not interview." Contained in the memorandum, CHRISTIAN also described why he did not choose MEHTA for the ECP manager's position (Exhibit 29).

Copy of the "Consensus Record" for MEHTA, signed and dated on November 2, 2005, by 3 managers (KARR, HENDRIXSON and KEATON). This document reflects the score MEHTA received for the position of ECP Specialist (Exhibit 30).

Copy of "Interview Selection Matrix" for the position of Employee Concerns Specialist in the ECP, dated January 14, 2006. According to the document, the interview dates for the ECP Specialist position occurred from October 31 to November 2, 2005, and the panel members who interviewed MEHTA and others were KARR, HENDRIXSON and KEATON. According to the exhibit, MEHTA was ranked the lowest of 11 applicants. Upon closer review, the panel members unanimously agreed on only two individuals, their first ranking was Kristin ZASTROW who was offered the ECP Specialist position at the Kewaunee plant. The lowest overall ranking was MEHTA (Exhibit 31).

Copy of memorandum, by Diane SIERACKI, dated November 21, 2005, regarding the "Selection of ECP Specialist Positions." In the memorandum, SIERACKI acknowledged that MEHTA was ranked last by the panel, and while his writing sample and performance reviews were good, he "does not demonstrate the competencies required to perform the leadership function of this position." SIERACKI continued "MEHTA had a difficult time focusing on the questions and did not provide me with an indication on how he would be able to function as an ECP specialist" (Exhibit 32).

Review of the DOL Report

As of the date of this report, the Department of Labor, Occupational Safety and Health Administration report, prepared by Investigator Kristen RUBINO has not been approved by her supervisory chain of command.

Allegation: Discrimination Against a Senior ECP Investigator for Having Engaged in Protected Activities

Evidence

Protected Activity

MEHTA alleged that he had raised numerous safety concerns, but in particular, a concern about the Intrusion Detection System (IDS) which protects the perimeter of the Millstone plant. In fact, MEHTA filed a Condition Report about the IDS, No. CR-04-10903, which is dated December 8, 2004, and labeled as Exhibit 15.

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AGENT'S NOTE: See Exhibit 14 containing MEHTA's performance appraisal for the years 2002 and 2003. Issues documented in those years pre-dated the above CR.

Management Knowledge of MEHTA's Protected Activity

WILLKENS, Manager of Organizational Effectiveness, was the last immediate supervisor of MEHTA's before he learned that he was not selected to become the ECP specialist. WILLKENS did acknowledge that Mr. SCACE had told her "that there were some interpersonal issues between [REDACTED] and Sham (MEHTA)" and that "it wasn't a good thing to have Sham back in the ECP area, working where [REDACTED] was." WILLKENS stated that she had no knowledge that MEHTA was involved in a specific type of protected activity (Exhibit 7, pp. 35, 46, and 47). 7C

WILLKENS said that she knew there was a history of personal problems that existed between [REDACTED] and MEHTA, but she admitted "I've been through enough training to understand what's a confidential issue and what's not, and I just felt that that was something that was between [REDACTED] and Sham. It wasn't any of my business." WILLKENS denied knowing that MEHTA raised any safety concerns about the IDS. WILLKENS emphatically denied ever speaking with, or hearing anything from [REDACTED] about problems he was having with MEHTA (Exhibit 7, pp. 36 and 46-50). 7C

SIERACKI, who became the new ECP manager, said she had no knowledge that MEHTA had raised any safety concerns or had engaged in any type of protected activity. SIERACKI did say that while she was at the ECP Forum in Las Vegas, she happened to see MEHTA. During their conversation, MEHTA indicated to SIERACKI that he had some "interpersonal relationship-type" issues between himself and [REDACTED]. SIERACKI had not heard anything else about MEHTA and any issues he was having with [REDACTED]. SIERACKI did comment that she thought MEHTA's comments about this were odd, because at the time she was working for a different utility company (Exhibit 6, pp. 77 and 78).

However, SIERACKI did acknowledge that she was assigned to conduct an investigation into an "NRC allegation" of the IDS, that was received by Millstone. According to SIERACKI, she had queried the Corrective Action Program (CAP) database and saw that MEHTA had raised an issue about the IDS, but that was the extent of her knowledge. She stated she had no idea who made the allegation about the IDS, only to say that the allegation was received from the NRC. She did explain that MEHTA had e-mailed her later, and asked her a question about her investigation. Because MEHTA had raised a previous CAP about the IDS, she decided to interview MEHTA (Exhibit 6, pp. 89-92).

SIERACKI also explained that she later interviewed MEHTA again, but in this case it was for the ECP Specialist position. According to SIERACKI, it was during this interview that MEHTA volunteered information about having raised safety issues. "He did indicate that he had filed allegations with the NRC during the interview that I had with him, and I just found that to be - - I wasn't sure why he was telling me that, because it didn't have anything to do with the response

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to the question that I was asking." SIERACKI said she did not share MEHTA's statement with anyone (Exhibit 6, p. 53).

Ira TURNER, a former colleague of MEHTA's from the ECP, who contacted the NRC on behalf of MEHTA stated that he had no recollection of hearing [REDACTED] say anything to MEHTA that could have been considered retaliatory (Exhibit 13, p. 2). 76

According to SALYARDS, he knew MEHTA was having difficulties with his supervisor, because MEHTA had told him previously that his (MEHTA's) supervisor was "not supportive of the investigation that he was doing." SALYARDS indicated that he has helped numerous people on previous occasions, but MEHTA did not pursue having SALYARDS become more involved. SALYARDS stated that the communication between MEHTA and [REDACTED] seemed like it was almost shut down. SALYARDS stated "Mr. MEHTA made it clear to me that he was afraid . . . I mean he was afraid for his job. He was afraid that things were degrading with his boss" (Exhibit 5, pp. 11-13, 18, and 33).

AGENT'S NOTE: As previously detailed in MEHTA's interview, MEHTA stated that WATSON and SALYARDS were two individuals who he had spoken with before and who could verify a major portion of his information. Although WATSON and SALYARDS were not members of the Dominion management staff and had no decision making authority, both were interviewed.

SALYARDS was asked to recall his conversations with MEHTA in which MEHTA shared his concerns, "The only examples I heard conflict I shared with you which is the fact that he disapproved of the conference and he couldn't reach agreement on his investigations or conclusions sometimes . . . it was differing opinions. That's all he shared with me" (Exhibit 5, pp. 68 and 69).

[REDACTED] stated that in or about 2002, MEHTA had given [REDACTED] a list of safety concerns. [REDACTED] said that he accepted MEHTA's concerns and "worked through a process of responding to those concerns." Once [REDACTED] responded to MEHTA's concerns, MEHTA was still not satisfied with the response, and he filed a formal employee concern within the ECP. In response to MEHTA's dissatisfaction, [REDACTED] brought in an independent investigator, Don GERBER, from outside of the ECP organization. [REDACTED] did this because of primarily two reasons: GERBER was competent and capable of performing the investigation and also an individual that MEHTA would recognize as being capable of doing a good job. [REDACTED] reiterated, "One of the things I wanted to do in bringing Don in the group was to allow him to work as independent and work with Sham. I wanted the opportunity to try to allow Don to resolve the concerns and answer Sham's concerns." [REDACTED] did not recall any further discussions with MEHTA over his (MEHTA's) objections to GERBER's conclusions (Exhibit 8, pp. 55-57). 76

[REDACTED] recalled that during a period of time, he had contacted Ed TRENGROVE of the Human Resources department, and asked for TRENGROVE's assistance to "resolve some of the differences of opinion and thought that Sham and I had with his performance review." In a

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meeting that [REDACTED] recalled, MEHTA stood up and drew on a dry erase board a bell curve and said that his evaluation was inaccurate and placed him in an unfavorable light. According to [REDACTED] MEHTA "Said that I was harassing him, and that the reviews were in retaliation for his raising safety issues. Ed tried to explain that Sham was not in that category, that a fully meets review was a good review . . . Sham asked if we were going to change any of the categories to a "C" and raise the review score as a result of the meeting . . . my response was "no," but I still wanted to talk through to try to work out how we could . . . Sham said that the meeting was over and left" (Exhibit 8, pp. 77-79). 7C

PRICE, Site VP, acknowledged that MEHTA had raised safety concerns, "I was aware, obviously, I mean we had Barry Letts come in and do this independent review, and also there had been a number of other allegations that Mr. MEHTA had put forth that we had investigated" (Exhibit 11, pp. 68 and 69).

Unfavorable Actions Taken Against MEHTA

MEHTA claimed his 2004 performance appraisal was adversely impacted; his SGI access was revoked; and he wasn't permitted to attend the ECP forum in 2005. MEHTA also was not chosen by David CHRISTIAN, Chief Nuclear Officer of Dominion to become the new fleet manager for the ECP. According to MEHTA, SIERACKI, a relatively unknown ECP specialist, because she was from a newly purchased plant, became the new ECP manager. Once SIERACKI was selected as the new manager, she was then tasked with interviewing candidates and selecting her new team of ECP specialists.

MEHTA was eventually interviewed for the ECP specialist position by an interview panel, and then also by SIERACKI. It was during this same time that MEHTA elected to apply for a position in the Shift Technical Advisor training program, under WILLKENS. Once MEHTA began the training and after approximately six weeks, MEHTA was unable to pass the academic rigors of the STA program. However, PRICE was faced with a dilemma when MEHTA failed in the STA training program because as he said "I thought it was very much inappropriate to put him back in the working relationship [REDACTED] . . ." So, a decision was made to allow MEHTA to continue working in WILLKENS group, in the Corrective Action Program (Exhibit 11, p. 88). 7C

While MEHTA was assigned to WILLKENS' group, and during the time he was being considered for the ECP Specialist position, WILLKENS acknowledged that she was contacted by an HR Representative about MEHTA's non-selection. As WILLKENS explained, part of the non-selection process included MEHTA being asked to leave the "protected area." As WILLKENS explained, "They were going to use a process of removing him from the protected area . . . we talked about what day was that going to happen, because I wanted to make sure that if there was any fallout or chit-chat in my area, that I was able to address it right then and there . . . I wanted to make sure that when HR gave him the news . . . be a little bit more discrete and have a little bit more privacy" (Exhibit 7, p. 52).

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On or about November 28, 2005, MEHTA was offered a standard corporate severance package (December 11, 2005, to January 31, 2006) and escorted off site. On or about December 20, 2005, MEHTA filed an appeal with the Connecticut Attorney General's Office, Department of Public Utility Control ("DPUC"). On February 1, 2006, the DPUC Prosecutorial Unit recommended that further investigation into MEHTA's allegations were warranted and the DPUC ordered that MEHTA be returned to his original position or a comparable position. Based on the DPUC order, Dominion re-instated MEHTA in a "off with permission-paid" status, effective February 1, 2006.

Did the Unfavorable Actions Result from MEHTA Engaging in a Protected Activity?

[REDACTED] began by admitting that "I've always maintained that Sham was a good investigator." And while he also acknowledged that on occasion both he and MEHTA had their differences, he emphatically denied that he took any action against MEHTA because MEHTA had engaged in any protected activity. "I did not retaliate, take any steps to retaliate for Sham. I respected his opinions . . . and championed his safety concerns." [REDACTED] admitted that there were many disagreements between himself and MEHTA, and seemed at a loss to fully explain what was the exact issue (Exhibit 8, pp. 8, 40, 82, and 83). 7

[REDACTED] said that during some of these discussions, he would consult with a third party or panel to try and reach some level of consensus. However, [REDACTED] stated "What I didn't want to create in ECP was an impression that I don't agree with this, strike it out." [REDACTED] described the conversations he had with MEHTA, "There were some that were healthy and that were good conversations, and there were some that were not healthy conversations that led to a meeting of the - - you know, the conclusions, or shared direction." [REDACTED] estimated that over the time period that he supervised MEHTA, he estimated that MEHTA had conducted 100 investigations, and that [REDACTED] differed on 4 of those investigative conclusions (Exhibit 8, pp. 35-38 and 40-42). 7C

[REDACTED] also said that MEHTA "always had comments on his reviews, whether it was later on reviews that I was doing . . . /comments with respect to his scores and/or grades should be higher than what was given." [REDACTED] continued to describe the evaluation process, "I would always ask for input at the end of the year to the assigned goals and areas . . . from that, and my observations, produce a review, provide that to Mr. MEHTA." [REDACTED] said that he would have discussions with MEHTA on "why he thought the way he did," but despite MEHTA's objection [REDACTED] said he would only change some of the wording, but not the overall rating. [REDACTED] acknowledged that in some areas MEHTA excelled, some areas MEHTA consistently exceeded and in some areas MEHTA fully met his performance expectations. And while MEHTA disagreed with [REDACTED] observations, his performance was rated depending on what [REDACTED] thought it merited (Exhibit 8, pp. 43, 44, and 46). 7C

[REDACTED] specifically addressed the issue of retaliating against MEHTA in the form of his performance appraisals. [REDACTED] vehemently denied retaliating against MEHTA through the performance appraisal system, "No, I was not," he said, "I know what that is. I know it's wrong. I know what it means . . . I am looked at as counsel to folks in situations and to provide

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advice and to prevent retaliation. So I wouldn't do that." [REDACTED] continued "I tried to be accurate, fair and provide feedback to Sham and all the employees that worked for me" (Exhibit 8, pp. 54 and 55). 7C

Exhibit 18 documents MEHTA's complaints about various performance issues as early as October 2000.

[REDACTED] also explained his rationale for not allowing MEHTA to attend an ECP Forum training in 2005. But before explaining his answer, [REDACTED] added that he sat on the board for the ECP Forum which developed the agenda for the conference, so [REDACTED] had advanced knowledge of the topics to be covered. At the time MEHTA asked to attend the conference, [REDACTED] said that the agenda had not been finalized. [REDACTED] added that other factors considered for employees attendance at an ECP Forum were based on certain criteria: "Was the training session going to be valuable? Was there money in the budget to support that or would there be forecasted money in the budget to support, and would the present workload within the program allow that." Eventually, the agenda was finalized and the topic was already something MEHTA had attended. Based on this, [REDACTED] denied MEHTA's request, although MEHTA still sought to have the company pay for his expenses. [REDACTED] acknowledged that MEHTA eventually attended the ECP forum, but he paid for his own expenses (Exhibit 8, pp. 57-62 and Exhibit 28).

[REDACTED] also explained his role in writing two separate recommendation reports that detailed the realignment of the ECP organization, into a fleet program with one manager, based in Virginia. Eventually, that realignment was endorsed by senior management, and interviews were conducted to select a fleet manager. The realignment was not an attempt to sever MEHTA. [REDACTED] explained that he [REDACTED] was eventually interviewed for the new manager position and later he learned that he was not selected. [REDACTED] recalled, "Quite frankly, I took the day off and went home . . . the very next day I came back to work and was given a severance package . . . I began looking for positions outside Dominion." [REDACTED] admitted that his non-selection "created a lot of soul searching . . . it was pretty incredible" (Exhibit 8, pp. 66-69, 74, and 75). 7C

[REDACTED] vehemently denied ever telling MEHTA that his performance appraisals would have improved had MEHTA not raised safety concerns. "I did not. I would not make that statement to Sham. I would not make that statement to anybody in the presence of Sham. I did not retaliate, take any steps to retaliate . . ." (Exhibit 8, pp. 77-81, 81, and 82).

SIERACKI had little to no knowledge of MEHTA's protected activity and as she explained, "If I had not gotten the fleet manager position, I would have remained the ECP specialist at KEWAUNEE because we had an agreement in the sale contract that said that those persons who were in place in their position would not be taken out of them at KEWAUNEE." However, SIERACKI did submit her name for the ECP manager's position and she was ultimately selected by CHRISTIAN. Once she became the new manager, SIERACKI had the responsibility of interviewing and choosing who the specialists would be at each plant. As SIERACKI explained, "What I thought initially was it might be best if I just kind of started from

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scratch, and by that I mean all new blood in the program . . . then I thought . . . I decided to just let the process work. I mean who ever came out on top, came out on top. If it was all new people, fine. If it was all incumbents, fine. Just let the process work" (Exhibit 6, pp. 33, 35, and 36).

SIERACKI denied receiving any influence or direction in making any changes in the ECP organization that would have included MEHTA. SIERACKI went on to say "So no, he (CHRISTIAN) didn't give me any direction really at all, and didn't say that it (ECP) was broke in any way" (Exhibit 6, pp. 36 and 37).

SIERACKI explained that a panel was formed to interview all the people who had applied for the specialist's position. Once the formatted questions were asked, the interviewee's competencies and responses were scored and ranked. SIERACKI said that MEHTA was one of three lowest scores amongst all the interviewees of the group. But she made an exception for MEHTA because she decided that she would interview all the incumbents, regardless of their panel scores. SIERACKI did not interview the other two individuals. SIERACKI also explained that she examined two year's of performance reviews, panel results, resume and a candidate's writing sample (Exhibit 6, pp. 40-42 and 74-77). nc

SIERACKI also pointed out that since MEHTA and [REDACTED] were not selected, they were going to be offered a severance package. And because of this, her decision had to be reviewed by the Executive Review Board (Exhibit 6, pp. 43 and 44).

SIERACKI described her reaction after she interviewed the candidates for the ECP specialists job, the position for which MEHTA had applied. "When I finished my interviews, I knew who my top candidates were, and it was based on the passion and the excitement and the - - just their desire to be a part of ECP and make a difference So it wasn't a matter of not choosing someone; it was a matter of these are the three people that are the best candidates." nc

SIERACKI added that during her interview of [REDACTED] neither MEHTA, or [REDACTED] were ever discussed during the interview (Exhibit 6, pp. 49-51 and 74).

SIERACKI also said that MEHTA's issue about the IDS was not a factor in his non-selection, saying "I would expect people to write CAPS . . . raise your issues." Later, SIERACKI was explicit in her explanation for not choosing MEHTA to be the ECP Specialist, "He (MEHTA) was not chosen because there were superior candidates." When asked if SIERACKI knew of any agenda against MEHTA, she replied "No, absolutely not" (Exhibit 6, pp. 92, 95, and 96).

WILLKENS stated she knew MEHTA and selected him into the STA training Program. WILLKENS described the position that MEHTA applied for as a "very important job at Millstone" because the STA must have the ability to raise concerns, they cannot be afraid to raise concerns and state their opinion. WILLKENS said that up until MEHTA entered the program, she had not dealt with any individual who was unsuccessful in completing the program. While WILLKENS said she had some concerns about MEHTA because while he was a "degreed engineer," he had not been doing engineering work for quite some time. WILLKENS also explained that the STA training includes testing along the way that measures how well an

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candidate is doing and the goal of the program is to graduate as many people as had started. "The goal of our Training Department is to make sure that people, you know, are successful, and they end up graduating" (Exhibit 7, pp. 18-20, 26, 27, and 32).

Eventually, after MEHTA began in the STA program, WILLKENS said that she had to meet with MEHTA and discuss his poor performance. "He was not successful in the STA program, and in accordance with our procedures, we held an academic review board, because he was not getting passing grades, even after re-mediation." WILLKENS said that ultimately, MEHTA was not allowed to continue in the STA program. She said her conversation with MEHTA about his problems with the class "was a very pleasant conversation, professional." Following their meeting, MEHTA sent WILLKENS an e-mail thanking her for allowing him to "audit" the early portion of the program (Exhibit 7, pp. 31-33 and Exhibit 28A).

WILLKENS also said that she had a "very professional and cordial relationship" with MEHTA, and that MEHTA became engaged in his work while he was assigned to her group and that he "did a great job of it." WILLKENS said that she had no knowledge that MEHTA's termination was associated in any way to any type of protected activity. WILLKENS also commented that while she knew there was a personality issue between [REDACTED] and MEHTA, she was happy to help. "It's a big help when you can, you know, you can accommodate and help out with the situation to defuse it, or to help it out." WILLKENS was unable to recall who had told her about the issue between [REDACTED] and MEHTA, but she was confident that it was not from either [REDACTED] or MEHTA. WILLKENS added that in the past two years, [REDACTED] had worked in her department on a number of projects due to the small work load in ECP, so when the company announced a downsizing in ECP, she was not surprised. She also commented that the downsizing in her own department wasn't very pleasant, but "downsizing in my department is fine, its just making sure you've got the right people in the right jobs" (Exhibit 7, pp. 48-50, and 55; and Exhibit 28A). 7C

Interestingly, SALYARDS, characterized MEHTA's filing of a Condition Report (CR) as a signal that MEHTA was comfortable with raising issues to the company's attention. "Again, I thought that was kind of neat that Sham felt enough comfort with the company that he was willing to write a CR up." So that's a good sign when somebody looks like they have a bunch of issues and still wanting to report something" (Exhibit 5, p. 39).

SALYARDS also described that eventually MEHTA went into the STA training program, but not long after, he was unsuccessful at staying in that position. MEHTA then became a person with no position in the firm, "I guess I would say he saw the handwriting was on the wall . . . clear to me that he knew his job was over, that his position with Dominion was gone" (Exhibit 5, pp. 47 and 48).

PRICE had no decision making authority over who became the next manager of the ECP because that decision was going to be made by his boss, CHRISTIAN. PRICE also denied ever speaking to CHRISTIAN about either [REDACTED] or MEHTA interviewing for the ECP manager's position. PRICE reiterated that he did not speak with anyone concerning the selection of the ECP manager or ECP specialists position at Millstone. PRICE added that 7C

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whenever there is a downsizing of the workforce, he is concerned about the well being of the effected employees and he added that in the last five years, over 200 employees have been reduced (Exhibit 11, pp. 32, 36, 40, and 41).

PRICE acknowledged that the relationship between MEHTA and [REDACTED] was very strained, and seemed to emulate from the distrust that MEHTA harbored towards [REDACTED]. "For whatever reason, Mr. MEHTA had a distrust of [REDACTED] and, for whatever reason, Sham believed that [REDACTED] was out to get him, whether it was in providing critical feedback or performance evaluations, in staff meetings or in a review of some of the case files." PRICE added that he knew MEHTA respected himself and Steve SCACE, Director of Nuclear Safety and Licensing. And in an attempt to improve this relationship, PRICE chose SCACE as the prime contact for MEHTA. PRICE did this because of the "great deal of trust and confidence" between SCACE and MEHTA (Exhibit 11, pp. 65 and 66). 10

PRICE acknowledged that he was aware that MEHTA had put in for a position in the STA training program. PRICE admitted MEHTA was treated differently and an exception was made for MEHTA. "We told him (MEHTA) that if your interest remains in ECP, and you have put in for one of the positions and you are selected, we will allow you to come out of training and go back into the position in ECP, if you are a selected candidate there . . . we did make an exception for Mr. MEHTA." PRICE continued, "I told him that if your heart remains in ECP and you are a selected candidate, we will let you come back into ECP." Earlier, PRICE described the "STA" position as "This is not a place that you send people who are bad performers, this is the place, since I was in "STA" . . . people who you want to operating your power station and managing your power station" (Exhibit 11, pp. 78, 79, and 91).

PRICE summarized the philosophy of the reorganization, "It's not retaliation against any situation or any human being at all, it was part of the overall fleet-wide, commonality line management, do what you should be doing." PRICE admitted that in his opinion "Sham believed that we were really out to get him . . ." and that despite MEHTA's belief, the company tried to "reach resolution on some of his issues, including career path and potential growth opportunities." And later, PRICE was emphatic in his denial on whether there existed an action plan to terminate MEHTA: "Absolutely not . . . I have seen no evidence that would support that." PRICE believed that [REDACTED] was "Absolutely trying, to his best, to provide Sham feedback with regard to his performance and provide Sham oversight" (Exhibit 11, pp. 94, 96, and 97). 11

According to [REDACTED] he said that the ECP reorganization was not an attempt to terminate MEHTA, or for that matter himself, and [REDACTED] even laughed at the suggestion saying "No, I don't." In fact, [REDACTED] recalled that when he and MEHTA were informed that they were being separated from employment, MEHTA told [REDACTED] he had a lot of things in the works" (Exhibit 12, pp. 2 and 3).

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Agent's Analysis

During the course of this investigation, each interview and document was carefully reviewed to determine whether there existed any animus towards MEHTA. The interviews and documents were also compared to the recollections and statements made by others to gain a better understanding of the totality of the circumstances. The interview of [REDACTED] was particularly scrutinized to examine whether [REDACTED] had any influence whatsoever regarding the non-selection of MEHTA. 7c

Based on several of the interviews, it is apparent that Sham MEHTA was a very passionate and highly educated person in the ECP whose work and commitment were the source of great personal pride. Notwithstanding his personal beliefs, MEHTA did not like his [REDACTED]. By all accounts, [REDACTED] and MEHTA also had a mutual lack of trust for each other.

WILLKENS, the most recent supervisor of MEHTA, candidly admitted that [REDACTED]. Coincidentally, MEHTA was assigned to investigate the allegation. And despite that, she had a high opinion of MEHTA. Likewise, WILLKENS also stated that she has also known [REDACTED] for several years and described him as a man of high integrity who can work through interpersonal issues very well. 7c

When WILLKENS was asked to describe the characteristics of an STA candidate, she said that the individual would have to be an independent and strong advocate for their own principles of what is right and wrong. Based on her own observations of MEHTA, she ultimately selected him for the STA program. And as previously mentioned, by both WILLKENS and PRICE, the management expectation of the STA program is that all the chosen candidates succeed in the intense, lengthy training program. Given that, one would have to ask the following: If Dominion wanted to terminate and silence MEHTA for raising safety concerns, then why would he be selected to be part of the highly regarded STA program?

Additionally, if MEHTA was being discriminated against, then why would PRICE say he would have allowed MEHTA to leave the STA program if he were chosen as the ECP specialist? The answer appears apparent, because senior management was willing to make an exception and accommodate MEHTA perhaps because he was so passionate about his beliefs and work.

After MEHTA failed to meet the early rigors of the STA training program, he sent WILLKENS the e-mail thanking her for her support and allowing him to audit the remaining portion of the class. In MEHTA's e-mail, he informed WILLKENS that he would contact SCACE in the near future. In that e-mail, MEHTA makes it very clear that he is now accepting guidance and direction from SCACE, and not from [REDACTED]. Based on this e-mail, and as PRICE pointed out, favorable exceptions and special accommodations were being made for MEHTA, even prior to his dismissal. 7c

In the June 19, 2003, memorandum by [REDACTED] (Exhibit 16), he wrote to CHRISTIAN and PRICE about suggesting the establishment of a "single ECP" for the nuclear business unit of

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Dominion, or nuclear fleet. In a subsequent memorandum, dated October 15, 2004, by [REDACTED] he wrote to PRICE suggesting a proposed action plan to transition to a new fleet-wide ECP (Exhibit 20). On both memorandums, [REDACTED] carbon copied several individuals, to include MEHTA. These documents certainly delineate the business rationale for reorganizing the ECP. These documents also indicate that MEHTA had advanced notice of at least the proposed reorganization, and then ultimately the company's intentions of future downsizing in his department. 7L

Despite MEHTA's assertions that his denial to attend an ECP Forum training in Las Vegas was retaliatory, there was no indication from [REDACTED] or any other witness that suggested that he was denied attending the conference because he had raised safety concerns. According to [REDACTED] PRICE and SIERACKI the decision to deny MEHTA's attendance, and all other employees, was clearly a business decision based on the training's relevance and expense.

Considerable weight should be given to the decision making of CHRISTIAN. In CHRISTIAN's memorandum, he detailed his choice of SIERACKI as being the best choice for the manager's position. However, as he described, if SIERACKI did not accept the position, his second choice was going to be [REDACTED]. In this memorandum, it is obvious that the position has not yet been offered to SIERACKI, and CHRISTIAN makes it very clear that his second option if SIERACKI does not accept, is [REDACTED].

Once SIERACKI was chosen and accepted the position of new fleet-wide ECP manager, [REDACTED] would obviously no longer be the [REDACTED] at Millstone. Now that [REDACTED] was no longer the [REDACTED] he was now faced with his possible permanent separation from Millstone, along with MEHTA and others. The day after he learned he was not selected as [REDACTED] was offered a severance package. In an ironic twist, the memorandum that [REDACTED] prepared in June of 2003, in which he proposed going to a fleet-wide ECP organization, ultimately resulted in his own removal as [REDACTED].

Further consideration should be given to the statements of CLAYTON, a person with whom MEHTA and [REDACTED] had worked along side with for several years. CLAYTON said that on occasion, it appeared that MEHTA had even antagonized or provoked [REDACTED]. CLAYTON also added very saliently, that MEHTA was not very good at accepting criticism, and in particular, any criticism that came from [REDACTED]. 7L

It is also important to acknowledge the independent rankings for the ECP Specialist's position, in Exhibit 31. According to the three panel members (KARR, HENDRIXSON, and KEATON), they were unanimous in their ranking of MEHTA. MEHTA was ranked the lowest, 11th of the 11 candidates.

In summary, there existed a historic and deep seated mistrust between [REDACTED] and MEHTA. While MEHTA was emphatic in his distrust of [REDACTED] [REDACTED] did however acknowledge that MEHTA had qualities that made him a competent and good ECP investigator. According to [REDACTED] rating of MEHTA, he viewed MEHTA as a "meets expectations" employee, as opposed to a higher rating. The unhealthy working relationship between

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[REDACTED] and MEHTA seemed, however, to pollute the atmosphere in the ECP and influence MEHTA into believing that [REDACTED] and others had an agenda against him. This investigation did not uncover any indication that there was an effort by [REDACTED] or Dominion management to retaliate against MEHTA for anything or to prevent MEHTA from career advancement. 70

Conclusion

Based on the evidence developed, this investigation did not substantiate that MEHTA was discriminated against for raising safety concerns.

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Case No. 1-2006-004

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, OI Case No. 1-2006-004, dated November 9, 2005 (1 page).
2	ARB Summary and Related Follow-up, various dates (9 pages).
3	Interview Transcript of Sham MEHTA, dated December 7, 2005 (61 pages).
4	Interview Transcript of Michael WATSON, dated March 13, 2006 (42 pages).
5	Interview Transcript of Larry SALYARDS, dated March 13, 2006 (71 pages).
6	Interview Transcript of Diane SIERACKI, dated March 16, 2006 (96 pages).
7	Interview Transcript of Barbara WILLKENS, dated March 16, 2006 (55 pages).
8	Interview Transcript of [REDACTED], dated March 16, 2006 (106 pages). 76
9	Interview Transcript of David CHRISTIAN, dated April 4, 2006 (4 pages).
10	Interview Report of David CHRISTIAN, dated May 8, 2006 (3 pages).
11	Interview Transcript of Alan PRICE, dated April 10, 2006 (100 pages).
12	Interview Report of Robert CLAYTON, dated May 4, 2006 (3 pages).
13	Interview Report of Ira TURNER, dated May 8, 2006 (2 pages).
14	Performance Summary and Feedback Appraisals for Sham MEHTA, by [REDACTED] for the years 2002, 2003 and 2004. And Northeast Utilities K-Ran Assessment Report for Sham MEHTA, dated March 21, 2001 (29 pages).
15	Millstone Condition Report, No. CR-04-10903, dated December 8, 2004. The Condition Report was initiated by MEHTA and is titled "Perimeter Intrusion Detection System's Performance" (2 pages).
16	Confidential memorandum, from [REDACTED] to Dave CHRISTIAN, CNO and Alan PRICE, Vice President, dated June 19, 2003. The memorandum is Titled: "Developing and Implementing a Single ECP for the NBU, a Suggestion" (3 pages). 76

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- 17 Internal document, signed and dated by Alan PRICE, Millstone Station Site Vice President on 10/22/03. At the top of the document, it reads: "Approval for waiver of three supervised investigations and qualification to perform ECP investigations for [REDACTED]" (1 page). 7c
- 18 E-mails and Internal Documents documenting the discussions between MEHTA and [REDACTED], regarding MEHTA's performance. The e-mails and internal documents begin on October 16, 2000, and end on June 6, 2005 (40 pages).
- 19 E-mail from Jimmy M. SMITH, dated June 7, 2004, Titled: "Current rev," addressed to MEHTA, WATSON and others. (1 page).
- 20 Dominion "Confidential" Memorandum, dated October 15, 2004, from [REDACTED] to Alan PRICE, Titled; "Establishing the Nuclear Business Unit's Employee Concerns Program" (7 pages). 7c
- 21 E-mail from Jeffrey CAMPBELL to MEHTA, dated April 24, 2005, regarding "Your CR Response" (1 page).
- 22 Confidential Letter to MEHTA, signed by Alan PRICE on dated May 25, 2005 (2 pages).
- 23 Candidate Ranking Sheet for the "Manager ECP" Interviews, dated June 13, 2005, to June 16, 2005 (1 page).
- 24 Candidate Interview Data Sheet for MEHTA, dated June 13, 2005 (24 pages).
- 25 Condition Report, initiated June 16, 2005, Titled: "Violation of ECP Process" (1 page).
- 26 Internal Memorandum, by Barb WILLKENS to MEHTA, dated June 22, 2005, regarding "Offer for Shift Technical Advisor" (1 page).
- 27 "To the Point" Newsletter, dated Thursday, July 7, 2005 (1 page).
- 28 E-mail from [REDACTED] to Lora Griffes, dated July 12, 2005, regarding the Safeguards Information Access List (1 page). 7c
- 28A E-mails between MEHTA and WILLKENS, dated August 18, 2005, Titled: "Thank you!" (2 pages).
- 29 Memorandum, dated 09/20/05, by Mr. David CHRISTIAN, Chief Nuclear Officer for Dominion, announcing his selection of Diane SIERACKI as the new manager of the Employee Concerns Program (4 pages).

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- 30 "Consensus Record" for MEHTA, signed and dated on November 2, 2005, by 3 managers (KARR, HENDRIXSON and KEATON) (1 page).
- 31 "Interview Selection Matrix" for the position of Employee Concerns Specialist in the ECP (1 page).
- 32 Memorandum, by Diane SIERACKI, dated November 21, 2005, regarding her "Selection of ECP Specialist Positions" (5 pages).

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