

Richard M. Kester [REDACTED]  
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November 17, 2000

R.W. Borchardt  
Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

RE: Carolina Power and Light/Kester  
Case No. 1168426

Dear Sir or Madam:

The purpose of this letter is to request your support prior to and during an Admin. Law Hearing on January 23, 2001. DOL/OHSA notified NRC that my allegations had merit on July 19, 2000. A copy of that letter is enclosed. In addition, I am requesting that you notify me of actions you have taken to date to ensure my protection under the ERA as amended.

It is required, as I understand it, to present a prima facie case that my right to whistle blower protection under the ERA has been violated. The attached letter to you from DOL/OHSA indicates that this has occurred. I was unaware of this letter until receiving documents requested under the Freedom of Information Act.

I received a letter from DOL/OHSA before making my Freedom of Information Act request that stated their investigation determined that my case had no merit. I initiated an appeal for an Admin. Law hearing at this point. As OHSA investigates whistle blower cases for the NRC and they have notified the NRC that my allegations have merit, my query as to the enforcement actions contemplated, (or taken) is necessary.

I would expect that as a prima facie case under the ERA has apparently been established, the NRC is currently acting to ensure my rights under 10CFR50.7 are protected. I initiated an Admin. Law appeal on my (obviously mistaken) impression that I received the same notification given to NRC. It is quite apparent that this was not the case. I am a layman representing myself in this matter and therefore, need all the assistance available.

I am doing my part to ensure protection of my rights under the ERA and 10CFR. I hereby request that the NRC support me in this endeavor (considering the foregoing) by, as a minimum, issuing a preliminary notice of violation (if this has not been accomplished already) and having a representative appear with me at the hearing on January 23, 2000. If you need any further information, please contact me.

Sincerely,

