

November 5, 1999

Mr. Richard M. Kester
[HOME ADDRESS DELETED
PER 10 CFR 2.790]

SUBJECT: OFFICE OF INVESTIGATION REPORT NO. 2-1999-015 (ALLEGATION NO.
RII-1999-A-0069)

Dear Mr. Kester:

On May 24, 1999, the NRC's Office of Investigations (OI) initiated an investigation to determine if you were discriminated against for refusing to take the blame for a site access authorization failure at Carolina Power and Light Company (CP&L) and for informing CP&L management of your intent to tell the NRC the truth regarding the security failure. The OI investigation was completed on September 23, 1999, and concluded that the evidence developed during the investigation did not substantiate that you were terminated in retaliation for providing information to the NRC.

On May 4, 1999, the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) Division in Atlanta received your complaint dated April 26, 1999 on this same matter. The OSHA Regional Supervisory Investigator has not yet issued a decision in this case. Accordingly, the staff will hold its judgement on whether or not enforcement action is warranted in this matter until after a final decision by DOL.

We are providing the parties involved in the DOL proceeding the results of the OI investigation. A copy of the synopsis to the OI report is enclosed. You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Request under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records.

Should you have any questions regarding this case, you may contact me at (404) 562-4421 or by mail at P.O. Box 845, Atlanta, GA 30301.

Sincerely,

Original signed by A. Boland

Anne T. Boland, Enforcement Officer
Enforcement and Investigations
Coordination Staff

Enclosure: Synopsis of OI Report
No. 2-99-015

cc w/encl: See Page 2

PDR ADock

FE01

R. Kester

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RII-1999-A-0069

cc w/encl:

Joyce L. Davis and Associates
Attorneys at Law
Post Office Box 709
Raleigh, NC 27601

Certified Mail No. Z 353 112 075
RETURN RECEIPT REQUESTED

SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, initiated this investigation on May 24, 1999. The investigation was based on information received from the former superintendent of site access authorization for Carolina Power and Light Company (CP&L) who claims he was terminated by the Corporate security manager for refusing to take the blame for a site access authorization failure. The former CP&L employee reported he told the Corporate security manager that he intended to tell the NRC the whole truth regarding the security failure.

The evidence developed during this investigation did not substantiate that the employee was terminated in retaliation for providing information to the NRC.

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF~~ Approved on
~~FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~ 10/26/99

R. Kester

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


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