

FOIA/PA REQUEST

Case No.: 2004-0257
Date Rec'd: 05-26-04
Specialist: Brown
Related Case: _____

May 20, 2004

Freedom of Information Act and Privacy Act Officer
Office of the Chief Information Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Sir:

In March of 2003, I reported a nuclear safety problem at FitzPatrick Nuclear Power Plant to the site Resident Inspector, Leonard Cline. I subsequently filed a "whistleblower" complaint in April of 2003 with both the Department of Labor and the NRC seeking protection under Section 211 of the Energy Reorganization Act. I was terminated by my employer, Entergy, in November of 2003 as a result, or so I believe, of my reporting of this nuclear safety issue.

Special Investigator Mark Mullen of the Office of Investigations (NRC) investigated my claim of discrimination and recently completed his investigation and forwarded his report for signatures. Yesterday, I received an "interim" determination letter from Dave Vito (Region I Senior Allegation-Coordinator). The letter stated that contents of the Office of Investigations Case No. 1-2003-034 could be accessed by myself by filing a FOIA request with the NRC. This letter is intended to accomplish that objective.

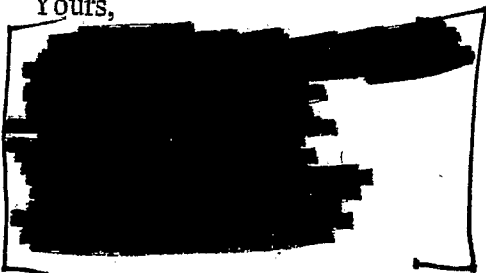
Specifically, I am requesting a copy of the transcript derived from Special Investigator Mark Mullen's on-site interviews with FitzPatrick / Entergy / NRC personnel. These taped interviews were conducted at the plant between November 3 - 7, 2003. In conversation with Mr. Mullen, I was informed that this transcript could be made available to me in a FOIA request, but that names of the individuals interviewed would most likely be deleted. I am aware of this and do not mind if their names are deleted.

Time is of the essence in this matter. I recently had an ALJ hearing on my discrimination complaint (April 27-28, 2004). The ALJ has held the hearing "open" for 30 days to allow for the preparation of the hearing's transcript. New evidence in the case will be allowed within this thirty day "window".

To expedite matters, I hereby agree to pay any and all fees / charges associated with this FOIA request.

Thank you for your kind consideration.

Yours,

A large rectangular area of the document is completely redacted with black ink, obscuring the signature and any text that might have been present.

NRC Office of Investigations Case No. 1-2003-034 (Allegation R1-2003-A-0068)

B3

State of New York:
County of Oswego: SS:
City of Oswego:

On the 20 day of May, 2004, before me the undersigned, personally appeared [REDACTED] personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are described to the within instrument and acknowledged to me that they executed the same in their capacities, and that their signatures on the instrument, the individuals or the person upon behalf of which the individuals acted, executed the instrument.

Cynthia Claflin
NOTARY PUBLIC

CYNTHIA CLAFLIN
#4688716
Notary Public, State of New York
Qualified in Oswego County
Commission Expires October 31, 2005