



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

March 28, 2006

Mr. Michael Barton, Commissioner
State of Alaska Department of
Transportation & Public Facilities
3132 Channel Drive
Juneau, Alaska 99801

SUBJECT: CLOSURE OF INVESTIGATION (OI 4-2004-005)

Dear Mr. Barton:

This refers to an investigation conducted by the NRC Office of Investigations (OI) regarding activities at the State of Alaska's Department of Transportation & Public Facilities (ADOT&PF) offices in Anchorage, Alaska. OI initiated the investigation to determine whether your former statewide radiation safety officer was the subject of unlawful discrimination as a result of being transferred from his radiation safety officer position.

Based on the evidence developed during this investigation, the allegation was not substantiated. The NRC plans no further action related to this alleged discrimination and considers this investigation closed.

The NRC had previously issued a Notice of Violation and a Confirmatory Order to ADOT&PF (dated March 15, 2004) after the NRC found that ADOT&PF had taken adverse actions against this individual, in part, because he raised safety concerns to his supervisors and managers about radiation exposures and other potential violations of NRC requirements. Our conclusions in that Notice of Violation involved activities during a different time frame, and are not altered by this investigation.

This letter also provides our reply to an August 29, 2005, letter from Mr. Gary Gantz, State of Alaska Assistant Attorney General to Bruce S. Mallett, Regional Administrator, NRC Region IV. In his letter, Mr. Gantz had requested that the NRC issue the subject OI report as soon as possible and within 30 days. However, the NRC was unable to comply with the timeframe in the State's request. Now that our reviews are completed, the subject OI report can be made available through a request under the Freedom of Information Act.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the

Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Leonard D. Wert, Jr., Director
Division of Nuclear Materials Safety

Docket: 030-07710
License: 50-14102-01

cc:
Mr. Gary Gantz
Assistant Attorney General
State of Alaska
Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903

bcc: Allegation File

SUNSI Review Completed: GMV ADAMS: ☒ Yes No ☐ Initials: GMV
☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

OFFICE	RIV:ACES	SAC	RC&D:ACES	D:DNMS
NAME	M Vasquez	H Freeman	K Fuller	L Wert
	/RA/	/RA/	/RA/	/RA/
DATE	03/27/2006	03/27/2006	03/27/2006	03/28/2006

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