



NRC NEWS

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NRC PROPOSES \$21,000 FINE TO ALASKA DEPARTMENT OF TRANSPORTATION

The U.S. Nuclear Regulatory Commission staff has issued a Notice of Violation and proposed a fine of \$21,000 against the Alaska Department of Transportation & Public Facilities, of Anchorage, Alaska, for three willful violations of NRC requirements stemming from an incident in which several employees received radiation exposures in excess of NRC's annual limits for members of the public. None of the workers received an exposure normally expected to cause health problems.

In a separate, but related action, the NRC also issued a Notice of Violation and Confirmatory Order to the Alaska Department after determining that its radiation safety officer was discriminated against after raising concerns about potential radiation exposures to other state employees.

In a letter to the licensee, Bruce S. Mallett, Administrator of NRC's Region IV office in Arlington, Texas, said that an NRC inspection completed last October determined that the excessive radiation exposures which occurred between 1996 and 1998, were a direct result of inadequately storing nuclear gauges in close proximity to employees.

Contributing to the incident, Mr. Mallett said, was a failure by the licensee to perform NRC required evaluations of radiation levels in the affected office space prior to and after permitting employees to occupy it. These two violations "are of particular concern," Mr. Mallett said, "because each involved willfulness, specifically a careless disregard for NRC requirements."

The licensee did not perform adequate evaluations of the dose that affected employees may have received until after the state radiation safety officer prompted this, Mr. Mallett noted. After the officer raised these concerns, the Alaska Department of Transportation discriminated

against the individual between 1999 and 2002 by giving him unacceptable ratings in three performance appraisals, denying him a merit increase, issuing verbal admonitions and written reprimands and denying the individual's request for radiation safety officer-related training, an NRC review concluded.

In addition, the licensee willfully failed to provide copies of reports on the incident to all of the affected individuals at the same time that those reports were submitted to the NRC in August 2003, as required by NRC. The employees did not receive the report until after prompting by the NRC.

The Alaska Department met with NRC officials in Arlington on November 18 and 19, 2003 to discuss the proposed violations. The Department maintained it had not discriminated against the state radiation safety officer, but had taken administrative actions based solely on work performance issues. Nevertheless, the NRC staff concluded discrimination had occurred and issued a Notice of Violation and Confirmatory Order to the Department.

The Order includes a commitment by the licensee to establish and maintain an environment where employees feel free to raise safety concerns, developing a plan for training employees and their supervisors and managers on NRC's employee protection regulations and conducting surveys of its employees to gauge the effectiveness of these initiatives.

The fine includes \$15,000 for multiple instances of radiation exposures to members of the public; the willfulness that caused those exposures; and the licensee's poor performance in implementing a radiation protection program, including missed opportunities to have identified the problem earlier and taken corrective actions to prevent the exposures. An additional fine of \$6,000 was proposed because of the licensee's willful failure to provide reports to the affected individuals no later than the time of submittal to the NRC.

The NRC letter, its enclosures, and the Alaska Department's response will be made available to interested members of the public through the agency's electronic reading room at: <http://www.nrc.gov/reading-rm/adams.html>. Help in accessing these documents is available from the NRC Public Document Room at (301) 415-4737 or at 1-800-397-4209.

The company has 30 days from receipt of the letter to either pay the civil penalty or to protest its imposition.

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