



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001**

April 5, 2004

Ms. Billie P. Garde
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SUBJECT: RESPONSE TO YOUR LETTER OF MARCH 17, 2004

Dear Ms. Garde:

This is in response to your letter dated March 17, 2004, in which you requested, on behalf of your client, to meet with me and my staff to discuss your concerns regarding the enforcement actions issued to the Alaska Department of Transportation and Public Facilities (ADOT&PF) on March 15, 2004. Your primary issue, as we understand it, is that NRC's enforcement actions did not address your concern about certain managers who may have been involved in discriminating against your client.

I assure you that the NRC shares your concern that enforcement actions in such cases be meaningful to all involved, including managers who commit violations of this type. As I discussed with you by telephone on March 23, 2004, our enforcement actions in this case were consistent with our Enforcement Policy and our process for considering enforcement actions against individuals. In brief, we did not develop evidence that managers acted deliberately with respect to NRC's requirements governing discrimination against those who engage in protected activity. To the contrary, it was apparent to us that ADOT&PF management lacked an awareness, and an appreciation, of NRC's requirements in this area.

Based on this view, we focused our enforcement actions on improving knowledge and awareness of our requirements, and on bringing about lasting change in ADOT&PF's work environment. Our goal is to assure that ADOT&PF will promote an environment in which managers will encourage employees to raise safety or compliance concerns, and in which employees will feel free to raise such concerns without fear of retaliation.

Your letter also noted that your client has been transferred to a "do nothing job in a corner of the Department, with no job description or responsibilities." The issue of alleged ongoing discrimination against your client -- which occurred after the violation that resulted in NRC's recent enforcement action -- is a separate matter which is still under review by the NRC.

In conclusion, the NRC believes that its enforcement actions were consistent with our policy and practices regarding enforcement actions against individuals, and that the enforcement actions we issued will adequately address concerns about ADOT&PF's work environment.

Based on the above, I see no purpose being served by having a meeting on this topic. However, I assure you that the NRC appreciates your views on its handling of discrimination matters and will continue to consider your views in developing its policy and procedures in the future.

Sincerely,

/RA/

Frank J. Congel, Director
Office of Enforcement

cc: see next page

B. Garde

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