



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

May 3, 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 my March 28, 2006, letter which provided you with the results of our review to determine whether a former statewide radiation safety officer was the subject of unlawful discrimination as a result of being transferred from his radiation safety officer position. NRC's Office of Investigations (OI), Region IV Field Office did not substantiate the allegation (OI Report No. 4-2004-05).

My letter of March 28, 2006, did not make it clear that, based upon a review of the OI investigation and all other pertinent information, the NRC did not substantiate the allegation that the former statewide radiation safety officer's January 2004 performance appraisal, removal from the Statewide Radiation Safety Officer position and office, and transfer to the Right of Way Engineering section were violations of the Employee Protection Rule, 10 C.F.R. § 30.7.

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:
See Next Page

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: HAF ADAMS: Yes No Initials: HAF
 Publicly Available Non-Publicly Available Sensitive Non-Sensitive

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