

June 18, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

**PROPOSED RULEMAKING PLAN: CLARIFICATION OF NRC CIVIL PENALTY  
AUTHORITY OVER CONTRACTORS AND SUBCONTRACTORS WHO DISCRIMINATE  
AGAINST EMPLOYEES FOR ENGAGING IN PROTECTED ACTIVITIES (STP-04-042)**

The NRC is proposing to revise its regulations concerning the employee protection regulations in 10 CFR 30.7, 40.7, 50.7, 60.9, 61.9, 63.9, 70.7, 72.10, and 76.7. These regulations prohibit discrimination by a Commission licensee, applicant for a Commission license, contractor or subcontractor of a Commission licensee or applicant, a holder of or applicant for a certificate of compliance (CoC), or the United States Enrichment Corporation (Corporation) against employees for engaging in certain protected activities. The 10 CFR regulations provide for enforcement actions for violation of these regulations. While the current enforcement actions specify imposition of a civil penalty on the licensee or applicant, they do not specify imposition of a civil penalty on a contractor or subcontractor. NRC is planning to amend its regulations to ensure that the full scope of enforcement actions can be brought to bear on contractors and subcontractors who violate employee protection regulations.

The proposed rulemaking plan includes a section on "Agreement State Implementation Issues." We are providing this document to the Agreement States for your information, since the rules being amended are a compatibility Category D or NRC. If you choose, you may provide comments\* on this document. This document is predecisional and is available only at the Agreement State area of the NRC's Technical Conference Forum: <http://techconf.llnl.gov/cgi-states/topics>. Due to its predecisional nature, this draft is exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the document publicly.

Please provide any comments within 45 days of the date of this letter via the Technical Conference Forum website or the contact identified below:

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*/RA by Paul H. Lohaus/*

Josephine M. Piccone, Deputy Director  
Office of State and Tribal Programs

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\*This information request has been approved by OMB 3150-0029, expiration 06/30/07. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the Information and Records Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

STP-04-042

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