



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

October 18, 2005

MEMORANDUM TO: Sher Bahadur, Chairman

FROM: Michael R. Johnson, Director **/RA/ J. Luehman for**
Office of Enforcement

SUBJECT: REQUEST TO DEFER PROPOSED RULEMAKING, "CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER CONTRACTORS AND SUBCONTRACTORS WHO DISCRIMINATE AGAINST EMPLOYEES FOR ENGAGING IN PROTECTED ACTIVITIES" (RIN 3150-AH59)

The Office of Enforcement has prepared a proposed rulemaking, "Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities." The rulemaking would amend the employee protection regulations to allow the Commission to exercise its authority to impose civil penalties against contractors and subcontractors who discriminate against employees for engaging in protected activities. During November 2005, the staff intends to present the proposed rule to the Commission for approval. Upon Commission approval of the proposed rule, the staff will issue the proposed rule for public comment.

We are requesting CRGR to defer review of the proposed rulemaking until after the public comment period has ended and the staff has considered any public comments received. If the deferral is not granted, we request an expedited CRGR review by November 4, 2005, in order for us to meet the due date to the Commission of November 21, 2005.

The attachments listed below are provided for your information.

- Attachments:
1. Commission Paper - ADAMS #ML052910071
 2. Federal Register Notice - ADAMS #ML052910203
 3. Draft Environmental Assessment - ADAMS #ML051950438
 4. Draft Regulatory Analysis - ADAMS #ML051950431
 5. Appendix C to the Committee to Review Generic Requirements (CRGR) Charter - ADAMS #ML052910277

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ADAMS ACCESSION: **ML052910052 (Package)**

OFC	OE	OE:DD	OE:D
NAME	DStarkey	JLuehman	MJohnson (JLuehman for)
DATE	10/18/05	10/18/05	10/18/05

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