



NRC NEWS

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NRC AMENDS REGULATIONS TO EXTEND FINES FOR VIOLATING EMPLOYEE PROTECTION REQUIREMENTS TO ADDITIONAL ENTITIES

The Nuclear Regulatory Commission is amending its employee protection regulations to clarify its authority to impose a fine on contractors and subcontractors if they violate the NRC's regulations by discriminating against their employees for engaging in "protected activities."

The protected activities include providing information to the Commission or the employer about alleged violations of the Atomic Energy Act or the Energy Reorganization Act, refusing to engage in any practices made unlawful by these Acts if the employee has identified the alleged illegality to the employer, requesting the Commission to take action against the employer, and testifying before Congress or any federal or state proceeding on these subjects.

The amendments also allow the NRC to impose a fine on the United States Enrichment Corporation (USEC), as well as a contractor or subcontractor of USEC, if it discriminates against an employee for engaging in protected activities at its gaseous diffusion plants in Kentucky and Ohio. These plants are certified by the NRC rather than licensed.

The Commission's current employee protection regulations prohibit discrimination by those holding an NRC license for use of nuclear material, an applicant for a Commission license, a holder or an applicant for a certificate of compliance, or a contractor or subcontractor of these entities. Enforcement actions specified for violations of these requirements are denial, revocation or suspension of the license; imposition of a fine on the licensee or applicant; or other enforcement action. While these regulations prohibit discrimination by a contractor or subcontractor, they do not explicitly provide for imposition of a fine on a contractor or subcontractor.

The Commission emphasized that the amendments do not represent a change in its long-held view that licensees are responsible for maintaining control and oversight of contractor and subcontractor activities. There may be instances in which the Commission may wish to issue fines to both the responsible contractor or subcontractor and the licensee, such as in situations in which the licensee is aware of discrimination by its contractor or subcontractor and does not take immediate action to remedy the situation. Further, the Commission certified that this rule will not have a negative economic impact on a substantial number of small entities.

The amendments were published Jan. 31, 2006, as a proposed rule for public comment. The NRC received 3 comments, which are addressed in the final rule. The final rule was approved by the Commission Oct. 24 and will be published soon in the *Federal Register*. The amendments will be effective 30 days after publication.

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