UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(STP-06-011, February, Other, Civil Penalty)

February 6, 2005

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA, VIRGINIA

PROPOSED RULE: CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER CONTRACTORS AND SUBCONTRACTORS WHO DISCRIMINATE AGAINST EMPLOYEES FOR ENGAGING IN PROTECTED ACTIVITIES (STP-06- 011)

Purpose: To inform you of a proposed rule and to request comments by April 17, 2006.

In an All Agreement State letter dated June 18, 2004 (STP-04-042), we informed you that the U.S. Nuclear Regulatory Commission (NRC) was proposing to revise its regulations concerning employee protection in 10 CFR 30.7, 40.7, 50.7, 60.9, 61.9, 63.9, 70.7, 71.9, 72.10, and 76.7. The revision would ensure that the full scope of enforcement actions, including civil penalties, can be brought to bear on contractors and subcontractors who violate employee protection regulations, including those without an NRC license. In a December 23, 2005, *Staff Requirements (SRM) - SECY-05-0212 - Proposed Rule: Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors who Discriminate Against Employees for Engaging in Protected Activities*," the Commission approved staff publication of the proposed rule in the *Federal Register* (FR).

The employee protection requirements are designated as Compatibility Category D for regulations relative to Agreement materials (10 CFR 30.7,40.7, 61.9. 70.7, and 71.9), and therefore do not need to be adopted by Agreement States. In the SRM, the Commission directed staff to seek comments from stakeholders on the Category D designation for these rules. In this regard, the NRC specifically invites comment regarding the following: (1) The effect potential inconsistencies in individual State employee protection regulations would have on a national regulatory approach that seeks to foster an environment in which safety issues can be openly identified without fear of retribution, and (2) Evidence of any situations in which employees in Agreement States have been adversely affected by a lack of consistency in employee protection regulations.

The FR Notice containing the proposed rule was published on January 31, 2006, and is available at the NRC Ruleforum: http://ruleforum.llnl.gov/. Please provide any comments **by April 17, 2006*,** via the Ruleforum web site or the contact identified below:

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/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

cc: State Liaison Officers

*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 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection 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, the information collection.