



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, D.C. 20555-0001 E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov>

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NRC PROPOSES TO AMEND REGULATIONS ON FINES FOR VIOLATING EMPLOYEE PROTECTION REQUIREMENTS

The Nuclear Regulatory Commission is proposing to amend 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 would 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 discriminated against an employee for engaging in protected activities.

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 activities of contractors and subcontractors can clearly affect the safe operation of a licensed facility, such as a nuclear power plant," said Mike Johnson, Director of the NRC Office of Enforcement. "It is important that the Commission be able to bring the full scope of enforcement actions to bear on them if they demote, terminate or otherwise discriminate against their employees for raising safety concerns."

The Commission emphasized that the proposed 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, if promulgated, will not have a negative economic impact on a substantial number of small entities.

Interested persons are invited to submit written comments on the proposed rule within 75 days after publication of a *Federal Register* notice on this subject, expected shortly. The comments should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemakings and Adjudications Staff, or by e-mail to SECY@nrc.gov . Comments may also be submitted via the Federal eRulemaking Portal at <http://www.regulations.gov> . Please include the number RIN 3150-AH59 in the subject line of the comments.

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