

August 8, 2007

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

**REQUEST FOR CIVIL PENALTY AUTHORITY INFORMATION (FSME-07-081)**

**Purpose:** To obtain information on each Agreement State's specific civil penalty authority in order to provide the Commission a chart which discusses Agreement State civil penalty authority for enforcement of nuclear material regulations and requirements.

**Background:** The NRC staff briefed the Commission on the results of its annual Agency Action Review Meeting (AARM) for materials on May 30, 2007. As a result, the Commission directed the NRC staff in a Staff Requirements Memorandum (SRM) dated June 25, 2007 to create a chart that discusses each Agreement State's civil penalty authority for enforcement of nuclear material regulations and requirements.

**Discussion:** The SRM specifically directed the NRC staff to provide the Commission with a chart which discusses each Agreement State's civil penalty authority for enforcement of nuclear material regulations and requirements. The chart should be clear as to whether or not this authority rests with the State's agencies responsible for implementing the Agreement State Program or with the State's Attorney General or if there is no authority for civil penalties. Any major difference among the Agreement States' authority to assess civil penalties should be included in the chart. The staff should also provide information regarding Agreement States' approaches that utilize alternatives to civil penalties and their effectiveness in ensuring nuclear material regulations and requirements are enforced.

**Action:** Please provide us the responses\* to the following questions:

- Does your Agreement State have civil penalty authority for enforcement of nuclear material regulations and requirements?
- If you have civil penalty authority, please provide detailed responses to the following:

---

\*This information request has been approved by OMB 3150-0029, expiration 08/31/07. 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](mailto: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.

**(FSME-07- 081)**

- Does the civil penalty authority rest with the State's agencies responsible for implementing the Agreement State Program, with the State's Attorney General, or another State Office?
  - What process is used to issue a civil penalty?
  - What monetary sanctions are available to enforce the regulations?
  - Does the size and the type of the nuclear facilities affect the civil penalty level?
- 
- If there is no civil penalty authority for enforcement, provide information regarding the approach used as an alternative to civil penalties and their effectiveness in ensuring nuclear material regulations and requirements are enforced .

We would appreciate receiving your response within 30 days from the date of this letter.\*  
If you have any questions regarding the correspondence, please contact the individual named below.

POINT OF CONTACT: Mohammad Saba  
TELEPHONE: (301) 415-7608

INTERNET: [mss@nrc.gov](mailto:mss@nrc.gov)  
FAX: (301) 415-5955

***/RA By RJJLewis for/***

Janet R. Schlueter, Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs

**(FSME- 07-081)**

Distribution: DCD (SP03)  
DMSSA RF

**ML072200302**

OFC	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA
NAME	MSaba:tyh	SWastler	ADWhite	SWMoore	RJLewis for JRSchlueter
DATE	07/27/07	07/31/07	07/31/07	08/03/07	08/08/07