



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

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PDR

November 2, 1999

The Honorable Joe L. Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for your information is a copy of a petition for rulemaking requesting that the Nuclear Regulatory Commission (NRC) amend its regulations pertaining to employee protection and deliberate misconduct to ensure that all individuals are afforded the right to respond to an NRC determination that the individual has violated these regulations (PRM-2-12). The petition was filed with the NRC by Michael Stein.

Also enclosed is a copy of the Federal Register notice for the petition that contains additional information concerning the petition. The notice will be published requesting public comment for a 75-day period.

Sincerely,

A handwritten signature in cursive script that reads "Dennis K. Rathbun".

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosures:

1. PRM 2-12
2. Federal Register notice

cc: Rep. Ralph M. Hall

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

November 2, 1999

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for your information is a copy of a petition for rulemaking requesting that the Nuclear Regulatory Commission (NRC) amend its regulations pertaining to employee protection and deliberate misconduct to ensure that all individuals are afforded the right to respond to an NRC determination that the individual has violated these regulations (PRM-2-12). The petition was filed with the NRC by Michael Stein.

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosures:

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2. Federal Register notice

cc: Senator Bob Graham

FRM-2-12

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July 26, 1999 '99 JUL 28 1999

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff

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Dear Secretary:

On July 21, 1999, Chairman Dicus responded to my Differing Professional Opinion appeal and my related 10 CFR 2.206 Petition by denying both requests.. It is my professional opinion as an attorney and discrimination enforcement specialist that certain important safeguards are missing from the NRC's regulations codified in Title 10 of the Code of Federal Regulations. In order to ensure that all individuals are afforded the right to address the agency's position that they have violated either the deliberate misconduct or employee protection regulations, I have submitted the attached Petition for Rulemaking pursuant to 10 CFR 2.801.

Thank you for your time and energy with regard to this Petition for Rulemaking.

Sincerely,



Michael Stein
9918 Edward Avenue
Bethesda, Md. 20814

PETITION FOR RULEMAKING

Amend 10 CFR Part 2, Subpart B to be the Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for issuance of a Notice of Violation to an individual, or for Imposing Civil Penalties.

Add 10 CFR 2.201 (b)- "In response to an alleged violation of the employee protection or deliberate misconduct regulations contained in 10 CFR Parts 19, 30, 40, 50, 60, 61, 70 and 72, the Commission may serve on the individual a Notice of Violation as described in 10 CFR 2.201 (a). This Notice of Violation to the individual shall state that:

- 1) The answer to the Notice of Violation shall state any facts, explanations, and arguments denying the charges of violation;
- 2) If the individual charged with the violation files an answer denying the violation, the Executive Director of Operations, or the Executive Director's designee, upon consideration of the answer, will issue an Order imposing, mitigating, or withdrawing the Notice of Violation to the individual. The individual charged with a violation of the employee protection or deliberate misconduct regulations may, within twenty (20) days of the date of the order or other time specified in the order, request a hearing;
- 3) If the individual charged with an employee protection or deliberate misconduct violation requests a hearing, the Commission will issue an order designating the time and place of hearing;
- 4) If a hearing is held, an order will be issued after the hearing by the presiding officer or the Commission dismissing the proceeding, or imposing, mitigating or withdrawing the Notice of Violation. This shall be considered the final agency action with regard to the Notice of Violation at issue in the proceeding.

Amend all the employee protection regulations in 10 CFR to add the following:

(g) An individual charged with a violation of the employee protection regulations in Part X, has the right to a hearing pursuant to 10 CFR 2.201 (b). In addition, prior to the issuance of a Notice of Violation pursuant to 10 CFR 2.201 or an Order pursuant to 10 CFR 2.202, the individual charged with such a violation shall have the right to inform the agency either by written correspondence or by a predecisional enforcement conference, regarding their involvement in the alleged violation of this section.

Amend all the deliberate misconduct regulations in 10 CFR to add the following:

(d) An individual charged with a violation of the deliberate misconduct regulations in Part X, has the right to a hearing pursuant to 10 CFR 2.201 (b). In addition, prior to the issuance of a Notice of Violation pursuant to 10 CFR 2.201 or an Order pursuant to 10 CFR 2.202, the individual charged with such a violation shall have the right to inform the agency either by written correspondence or by a predecisional enforcement conference, regarding their involvement in the alleged violation of this section.