upon its own initiative, grant such ex-

emptions from the requirements of the
regulations in this part as it deter-
mines are authorized by law, will not
endanger life or property or the com-
mon defense and security, and are oth-
erwise in the public interest.

§ 60.7 License not required for certain
preliminary activities.

The requirement for a license set
forth in §60.3(a) of this part is not ap-
licable to the extent that DOE re-
ceives and possesses source, special nu-
clear, and byproduct material at a geo-
logic repository:

(a) For purposes of site characteriza-
tion; or

(b) For use, during site characteriza-
tion or construction, as components of
radiographic, radiation monitoring, or
similar equipment or instrumentation.

§ 60.8 Information collection require-
ments: Approval.

(a) The Nuclear Regulatory Commiss-
ion has submitted the information col-
collection requirements contained in
this part to the Office of Management
and Budget (OMB) for approval as re-
quired by the Paperwork reduction Act
(44 U.S.C. 3501 et seq.). The NRC may
not conduct or sponsor, and a person is
not required to respond to, a collection
of information unless it displays a cur-
rently valid OMB control number. OMB
has approved the information collec-
tion requirements contained in this
part under control number 3150–0127.

(b) The approved information collec-
tion requirements contained in this
part appear in §§60.47, 60.62, 60.63, 60.65.

(c) In §60.47, Form N–71 and associ-
ated forms are approved under control
number 3150–0056, and DOC/NRC Forms
AP–1, AP–A, and associated forms are
approved under control number 0694–
0135.

§ 60.9 Employee protection.

(a) Discrimination by a Commission
licensee, an applicant for a Commis-
sion license, or a contractor or subcon-
tractor of a Commission licensee or ap-
licant against an employee for engag-
ing in certain protected activities is
prohibited. Discrimination includes
discharge and other actions that relate
to compensation, terms, conditions, or
privileges of employment. The pro-
tected activities are established in sec-
tion 211 of the Energy Reorganization
Act of 1974, as amended, and in general
are related to the administration or en-
forcement of a requirement imposed
under the Atomic Energy Act or the
Energy Reorganization Act.

(1) The protected activities include
but are not limited to:

(i) Providing the Commission or his
or her employer information about al-
leged violations of either of the stat-
utes named in paragraph (a) intro-
ductive text of this section or possible vio-
lations of requirements imposed under
either of those statutes;

(ii) Refusing to engage in any prac-
tice made unlawful under either of the
statutes named in paragraph (a) intro-
ductive text or under these require-
ments if the employee has identified
the alleged illegality to the employer;

(iii) Requesting the Commission to
institute action against his or her em-
ployer for the administration or en-
forcement of these requirements;

(iv) Testifying in any Commission
proceeding, or before Congress, or at
any Federal or State proceeding re-
garding any provision (or proposed pro-
vision) of either of the statutes named
in paragraph (a) introductory text.

(v) Assisting or participating in, or is
about to assist or participate in, these
activities.

(2) These activities are protected
even if no formal proceeding is actu-
ally initiated as a result of the em-
ployee assistance or participation.

(3) This section has no application to
any employee alleging discrimination
prohibited by this section who, acting
without direction from his or her em-
ployer (or the employer’s agent), delib-
erately causes a violation of any re-
quirement of the Energy Reorganiza-
tion Act of 1974, as amended, or the
Atomic Energy Act of 1954, as amend-
ed.

(b) Any employee who believes that
he or she has been discharged or other-
wise discriminated against by any per-
son for engaging in protected activities

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FR 52188, Oct. 6, 1997; 73 FR 78605, Dec. 23,
2008]