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**To:** <SECY@nrc.gov>  
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**Subject:** [FR Doc: E6-01211];[Page 5015-5021]; Contractors and subcontractors discriminating against employees in protected activities; civil penalty authority; clarification

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To SECY

March 21, 2006 (9:48am)

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NRC should be commended for pursuing this rulemaking which is long overdue. I differ with the history of this effort and why it was not issued earlier. Nevertheless, it is an important tool to add to the enforcement program to emphasize to contractors that they share in the responsibility to maintain a safety conscious environment. I also support the language in the Statement of Considerations that this rulemaking is not intended to diminish the responsibility for licensees over its contractors. The lessons of Atlantic Research and other cases are too important to the regulatory process to allow them to be changed. In my view, it should be a rare exception and require Commission consultation before the staff issues an enforcement action against a contractor without taking some enforcement action against the licensee. I recommend that this consultation provision be placed in the Statement of Considerations in the final rulemaking.

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