

April 12, 2012
EN 12-016

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

VENDOR: ABSG Consulting, Inc.

EA-11-254

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a publicly available Confirmatory Order will be issued on or about April 17, 2012, to ABSG Consulting, Inc. (ABSG) confirming commitments reached as part of an alternative dispute resolution (ADR) settlement agreement. ABSG is an independently owned and operated risk, safety, and integrity management company serving various industries in the United States and overseas; some of which are regulated by the U.S. Nuclear Regulatory Commission (NRC).

By letter dated January 17, 2012, the NRC identified an apparent violation of 10 CFR 50.7 to ABSG because a former ABSG employee was terminated, in part, for participating in a Commission proceeding before the NRC Atomic Safety and Licensing Board Panel prior to his employment with ABSG. As part of the NRC's normal enforcement process, ABSG elected ADR to resolve the matter through mediation. The mediation session was held on March 12, 2012 in Arlington, VA (Commission was informed in a one-week-look-ahead note). As the result of the mediation, ABSG agreed to take a number of actions, a summary of which is as follows:

- Reinforcing through a written communication from the President ABSG the Company's policy regarding employees' right to raise concerns;
- Developing anti-retaliation training for all ABSG U.S. Nuclear Utilities Market Sector employees which shall include those items identified in 10 CFR 50.7, define key terms, and provide examples of discriminatory practices;
- Publishing, as part of its on-line newsletter, an article concerning the protections afforded by 10 CFR 50.7; and
- Establishing a process to conduct a secondary review of all proposed adverse actions (including written reprimand or above, but excluding reductions-in-force and other ordinary layoffs) for any of its U.S. Nuclear Utilities Market Sector employees who have engaged in protected activities.

Prior to the issuance of the NRC's January 17, 2012, letter, ABSG conducted its own internal investigation of the circumstances giving rise to the apparent violation. The NRC recognizes that although ABSG did not admit to any apparent retaliation, ABSG nonetheless took several actions to reinforce its anti-retaliation policies, including: (1) issuance of a letter to the manager involved with the termination of the individual reiterating ABSG's commitment to its non-retaliation policies; (2) directing ABSG's HR Manager of Employee Relations to draft an expanded anti-retaliation policy for inclusion in the Company's Policy and Benefits Guide; and (3) directing ABSG's Director of Compliance to draft an expanded anti-retaliation policy for inclusion in the Company's Code of Ethics.

ABSG Consulting, Inc.

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The schedule of issuance and notification is:

Mailing of Confirmatory Order
Telephone notification of Company

April 17, 2012
April 17, 2012

The State of Texas will be notified.

CONTACTS: Russell Arrighi, OE, (301) 415-0205, Dave Solorio, OE, (301) 415-0149

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Distribution: EN-12-016, April 12, 2012

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