

On April 17, 2012, the NRC issued an Immediately Effective Confirmatory Order to ABSG Consulting Inc. (ABSG), confirming commitments reached as part of an alternative dispute resolution (ADR) mediation session. By letter dated January 17, 2012, the NRC identified an apparent violation of 10 CFR 50.7 to ABSG based on the NRC's Office of Investigations, October 5, 2011 report (OI Case No. 1-2010-050). Specifically, the NRC had reached a preliminary conclusion that 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.

ABSG conducted its own internal investigation of the circumstances leading to the termination of the employment of the individual. The NRC recognizes that although ABSG did not admit to any apparent retaliation, ABSG nonetheless took several actions to reinforce its anti-retaliation policies. In addition, as part of the ADR settlement agreement, ABSG agreed to take several corrective actions involving increased management oversight and individual accountability including, but not limited to: (1) reinforcing through a written communication from the President ABSG the Company's policy regarding employees' right to raise concerns; (2) 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; (3) publishing, as part of its on-line newsletter, an article concerning the protections afforded by 10 CFR 50.7; and (4) 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. In consideration of these commitments, and other corrective actions already completed by ABSG, the NRC agreed to refrain from proposing a civil penalty and issuing a Notice of Violation.