

# ABS Consulting

## MEMORANDUM

TO: All employees of ABS Consulting in the U.S. Nuclear Utilities Market Sector

FROM: David A. Walker

DATE: 12<sup>th</sup> July 2012

RE: ABSG Consulting Inc.'s policy against retaliation for those employees raising nuclear safety concerns.

ABSG Consulting Inc. (the "Company") maintains a strict policy forbidding retaliation against any employee for raising nuclear safety concerns. It is the Company's firm commitment to abide by the Nuclear Regulatory Commission's ("NRC") requirements to their fullest extent, including any and all prohibitions of retaliation against employees in the nuclear industry for raising such concerns. It has been and remains the goal of ABS Consulting to maintain a safety conscious work environment in which employees are encouraged to raise any safety concerns to management and to the NRC without fear of reprisal or other adverse employment action.

I have attached to this memorandum a copy of the anti-retaliation provisions of the NRC regulations, 10 C.F.R. 50.7, for your review.

The Company takes its obligation to abide by the NRC's anti-retaliation requirements seriously. In this regard, the Company strictly prohibits any form of retaliation against employees for engaging in "protected activities", which may include (i) reporting alleged violations of nuclear energy laws to the NRC or to ABS Consulting; (ii) refusing to engage in unlawful activities in violation of nuclear energy laws; (iii) requesting the NRC to institute enforcement action against ABS Consulting ; (iv) testifying in NRC proceedings before Congress, or any other federal or state proceedings regarding nuclear energy laws; and (v) assisting or participating in any of these activities. It is and has been ABS Consulting's policy to follow all NRC requirements without exception, and any breach of this policy will not be tolerated.

Should you have any questions concerning the Company's policy against retaliation, please do not hesitate to contact Ray Bennett in the HR Department or David Lawson in the Legal Department in Houston.

This communication is being provided to all the current employees of ABS Consulting assigned to the U.S. Nuclear Utilities Market Sector and will also be provided

to all new employees in this market sector within thirty days of their assumption of duties.

Please confirm your receipt of this memorandum and its attachment by signing the acknowledgment below and send the original document to Barbara Mitchell.



David A. Walker  
President  
ABSG Consulting Inc.

Attachment: 10 C.F.R. 50.7

*I confirm my receipt of the above Memorandum and its attachment.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ July 2012

Name:

Title:



Home > NRC Library > Document Collections > NRC Regulations (10 CFR) > Part Index > § 50.7 Employee protection.

## § 50.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement 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 alleged violations of either of the statutes named in paragraph (a) introductory text of this section or possible violations of requirements imposed under either of those statutes;

(ii) Refusing to engage in any practice made unlawful under either of the statutes named in paragraph (a) introductory text or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) 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 actually initiated as a result of the employee 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 employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor,

Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for--

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee, applicant, or a contractor or subcontractor of the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e)(1) Each licensee and each applicant for a license shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c). This form must be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in appendix D to part 20 of this chapter, by calling (301) 415-5877, via e-mail to [forms@nrc.gov](mailto:forms@nrc.gov), or by visiting the NRC's Web site at <http://www.nrc.gov> and selecting forms from the index found on the home page.

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

[58 FR 52410, Oct. 8, 1993, as amended at 60 FR 24551, May 9, 1995; 61 FR 6765, Feb. 22, 1996; 68 FR 58809, Oct. 10, 2003; 72 FR 63974, Nov. 14, 2007]

*Page Last Reviewed/Updated Monday, June 25, 2012*

## Second Level Review of Proposed Disciplinary Actions – U.S. Nuclear Utilities Market Sector

Doc. Type:	Policies and Procedures for ABSG Consulting Inc.
Date:	13 July 2012
Program Manager:	VP – Nuclear (or designate) ABSG Consulting Inc.
Program Manager Contact Info:	

### 1. APPLICABILITY

- 1.1. This policy applies to all employees of ABSG Consulting Inc., hereafter referred to as the “Company” working in the Company’s U.S. Nuclear Utilities Market Sector.

### 2. PURPOSE

- 2.1. The Company prohibits retaliation against any employee in any way associated with or related to any employee’s unfettered right to raise nuclear safety concerns and/or engage in any activity which is protected under the Regulations issued by the U.S. Nuclear Regulatory Commission (“NRC”) as set forth at 10 CFR Part 50.7. The Company is committed to enforcement of this policy, and the goal of this policy is to provide for protection against retaliation.

### 3. DEFINITIONS

- 3.1 **Protected Activities.** For purposes of this Policy only, “Protected Activities” shall include but are not limited to the following: (i) providing the NRC or the Company information about alleged violations of the Atomic Energy Act or the Energy Reorganization Act; (ii) refusing to engage in unlawful activities in violation of such statutes; (iii) requesting that the NRC institute an enforcement action against the Company; (iv) testifying in any NRC proceeding, before Congress, or at any State or Federal proceeding regarding any provision of such statutes; or (v) assisting or participating in any such protected activity.
- 3.2 **Adverse Employment Action.** For purposes of this Policy only, “Adverse Employment Action” means any disciplinary action at the level of written reprimand or above, reduction in pay, demotion, or discharge, but excludes discharges resulting from a reduction in force or other ordinary lay-off.

### 4. POLICY

- 4.1 It shall be the Company’s policy to conduct a secondary review of all proposed Adverse Employment Actions with respect to any employee of the Company’s U.S. Nuclear Utilities Market Sector who, in the three (3) years preceding the proposed Adverse Employment Action, has engaged in a Protected Activity as defined in section 3.1, above. This secondary review shall be conducted to ensure that the proposed Adverse Employment Action comports with the Company’s anti-retaliation policies and applicable employee protection requirements and to assess and mitigate the potential for any chilling effect on such Protected Activities.

### 5. PROCEDURES

- 5.1. Prior to imposing any proposed Adverse Employment Action upon any employee who has engaged in a Protected Activity in the three (3) years preceding the proposed Adverse Employment Action, any supervisor or manager wishing to impose such an action shall submit documentation regarding the Adverse Employment Action proposed, along with a written explanation of the reason(s) for the proposed action, to the Vice President of Human Resources for review by the Secondary Review Committee. The Secondary Review Committee shall consist of the following representatives of the Company:
- Vice President of Human Resources or Assistant Vice President of Human Resources
  - General Counsel or Associate General Counsel
  - Human Resources Specialist for Nuclear Utilities Market Sector (if applicable)
  - Director of Compliance (or equivalent management level personnel)
- 5.2 The review conducted by the Secondary Review Committee shall include, but not be limited to, an examination of the facts supporting the proposed Adverse Employment Action, the prior disciplinary history of the employee(s) involved, and the level of discipline proposed. After all relevant facts have been reviewed and discussed as considered necessary by the Secondary Review Committee, the reviewing representatives shall reach a consensus on the appropriateness of the proposed adverse action(s) in light of all the circumstances and shall assure itself that the proposed adverse action is not in retaliation for the engagement by the affected employee in any Protected Activity. The consensus reached by the Secondary Review Committee shall be documented prior to the imposition of any Adverse Employment Action. If a consensus cannot be reached, the proposed Adverse Employment Action shall not be imposed.