



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

October 21, 2019

IA-19-027

Mr. Thomas B. Saunders
[Note: Home Address Deleted
Under 10 CFR 2.390]

SUBJECT: CONFIRMATORY ORDER AND INVESTIGATION REPORT 2-2017-032

Dear Mr. Saunders:

The enclosed Confirmatory Order is being issued to you as a result of a successful alternative dispute resolution (ADR) mediation session. The enclosed commitments were made as part of a settlement agreement between you and the U.S. Nuclear Regulatory Commission (NRC). The settlement agreement concerns apparent violations of NRC requirements as discussed in our letter to you dated June 12, 2019.

Our June 12, 2019, letter provided you with the result of an investigation (2-2017-032) conducted by the NRC's Office of Investigations to determine whether willful violations of NRC requirements occurred at the Vogtle Electric Generating Plant, Units 3 and 4. Based on the results of this investigation, the NRC determined that a contract employee was escorted offsite and his employment was terminated on July 14, 2017, in part for engaging in a protected activity. Based on the evidence developed during its investigation, the NRC identified an apparent violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52.5, "Employee Protection," and determined that the apparent violation of 10 CFR 52.5 was willful.

In this letter, the NRC also offered you the opportunity to: (1) attend a predecisional enforcement conference or (2) to participate in an ADR mediation session in an effort to resolve these apparent violations. In response, you requested the use of the NRC's ADR process.

On August 15, 2019, an ADR session was held and a preliminary settlement agreement was reached. The elements of that agreement, formulated and agreed to during the mediation session, are incorporated in the enclosed Confirmatory Order (Enclosure 1). The Confirmatory Order confirms the commitments made as part of the preliminary settlement agreement.

During the mediation session, you agreed that a Confirmatory Order, containing the terms and conditions of the settlement agreement, would be issued in order to avoid further action by the NRC. In light of the actions you committed to take, as described in the Confirmatory Order, the NRC will not issue a Notice of Violation for the apparent violations discussed in the NRC's letter dated June 12, 2019, and will not issue an associated civil penalty. The NRC is satisfied that its concerns will be addressed by making your commitments legally binding through a Confirmatory Order. As evidenced by the signed "Consent and Hearing Waiver Form" (Enclosure 2), dated October 1, 2019, you agreed to the issuance of this Confirmatory Order.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this order may also subject the person to civil monetary penalty.

Apart from the actions required by the enclosed Confirmatory Order, you are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at the following address: MS O14A50, U.S. Nuclear Regulatory Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Should you have questions concerning the enclosed Confirmatory Order, please contact Catherine Thompson, at 301-287-9515, or John Harrison, at 301-287-9452.

In accordance with 10 CFR, Section 2.390, of the NRC's "Rules of Practice," a copy of this letter and its enclosure(s) will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

/RA/

George A. Wilson, Director
Office of Enforcement

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc: w/enclosures

Jane G. Penny
PA ID No. 25673
Penny Legal, LLC
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SUBJECT: CONFIRMATORY ORDER AND INVESTIGATION REPORT 2-2017-032
DATED: October 21, 2019

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Letter Accession No.: ML19269B961 Order Accession No.: ML19269C005

ADAMS Package: ML19269B865 Waiver Form: ML19276F540

OFFICE	OE/CRB	OE/CRB	OGC	OE/D
NAME	JHarrison	DSolorio	PMoulding	GWilson
DATE	10/10/2019	10/11/2019	10/15/19	10/21/19

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