

July 25, 2016
EN-16-017

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Tetra Tech EC, Inc.
Morris Plains, New Jersey EA-15-230

Individual: Mr. Justin Hubbard IA-15-081
Radiation Task Supervisor, Tetra Tech

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$7,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$7,000 will be issued on or about July 28, 2016, to Tetra Tech EC, Inc. (licensee) for a Severity Level (SL) III violation. The violation involved a deliberate falsification of soil sample surveys by employees of Tetra Tech when obtaining soil samples to ascertain the amount of residual radioactivity in specific locations within Parcel C at U.S. Navy's Hunter's Point Naval Shipyard (HPNS) site in San Francisco, California.

Further, a Notice of Violation for a SL III violation will be issued to Justin Hubbard, a Radiation Task Supervisor, for Tetra Tech. Mr. Hubbard engaged in deliberate misconduct in violation of 10 CFR 30.10(a) by deliberately falsifying soil sample surveys when his staff was tasked with obtaining soil samples to ascertain the amount of residual radioactivity in specific locations within Parcel C.

The licensee was given the opportunity to: (1) respond in writing, (2) request a pre-decisional enforcement conference, or (3) participate in an alternate dispute resolution mediation session. The licensee provided two written responses, which acknowledged the violation, but disagreed with the significance of the violation and the deliberate call against the licensee. The staff considered the information provided in the responses, but concluded that the licensee did not provide a compelling basis to overturn the agency's determination.

In accordance with the Enforcement Policy, a base civil penalty (CP) in the amount of \$7,000 was considered for the SL III violation. Because the violation was willful, the NRC considered whether credit was warranted for both *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. Identification credit was not warranted, but Corrective Action credit was warranted for corrective actions taken by the licensee. The corrective actions included: (1) training of all the individuals directly involved in soil sample collection at HPNS on proper soil collection procedures and on ethical behavior; (2) resampling of all twelve survey units; (3) implementing a quality assurance process under which the HPNS Quality Control Team will independently conduct a surveillance of a minimum of 10 percent of final samples collections; and (4) requiring notification to the corporate radiation safety officer if sampling result trends are inconsistent with previous results.

CONTACTS: Leelavathi Sreenivas, OE/EB
301-415-1285

Robert Fretz, OE/EB
301-415-1980

It should be noted that the licensee and the individual have not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	July 28, 2016
Telephone Notification of Licensee	July 28, 2016

The State of California, the Navy and the EPA will be notified.

DISTRIBUTION: EN-16-017, July 25, 2016

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