

EXHIBIT 3



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

JAN 5 2012

Ms. Susan V. Andrews
167 Cleo Rand Lane
San Francisco, CA 94124

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Hunters Point Naval Shipyard

Dear Ms. Andrews:

This letter pertains to two concerns that you previously raised to the NRC during your interview on October 26, 2011, with Mr. Donrich Young, a Special Agent with the Region I Field Office, NRC Office of Investigations (OI). The two concerns were related to the health physics program at Hunters Point Naval Shipyard. These concerns were acknowledged to you in a letter dated November 17, 2011.

Since that date, you have provided the NRC information regarding additional concerns that you have regarding the Hunters Point Naval Shipyard. Specifically, we have received: (1) a string of your e-mails from Ms. Catherine Daly, Deputy Labor Commissioner, State of California, on November 21, 2011; (2) a voice message that you left for me on December 10, 2011; (3) an e-mail that you sent to Special Agent Young on December 10, 2011, which included comments regarding our acknowledgment letter to you dated November 17, 2011; and (4) notes regarding your telephone discussion on December 11, 2011 with Mr. R. Munoz from the NRC Region IV Office in Texas.

Based on our review of your additional information, we have identified twenty new concerns under NRC regulatory jurisdiction (Concerns 3 through 22) as described in Enclosure 1. We have responded to several of your concerns (i.e., Concerns 4, 8, 20, and 21). We have initiated actions to examine the remaining concerns. If the descriptions of these concerns as documented in the enclosure are not accurate, please contact me so that we can assure that they are appropriately described prior to the completion of our review. The NRC normally completes evaluations of technical concerns within six months, although complex issues may take longer.

In evaluating your concerns, the NRC intends to take all reasonable efforts not to disclose your identity to any organization, individual outside the NRC, or the public. It is important to note, particularly if you raised these concerns internally, that individuals can and sometimes do surmise the identity of a person who provides information to the NRC because of the nature of the information or because of other factors outside our control. In such cases, our policy is to neither confirm nor deny the individual's assumption. In addition, if a request is filed under the Freedom of Information Act (FOIA) related to your concerns, to the extent consistent with that act, the information provided will be purged of names and other potential identifiers. Further, you should be aware that you are not considered a confidential source unless confidentiality has been formally granted in writing.

In our earlier letter to you dated November 17, 2011, you were provided an NRC brochure entitled "Reporting Safety Concerns to the NRC." The brochure discusses important information regarding the NRC allegation process, identity protection, and the processing of

CERTIFIED MAIL
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claims of discrimination for raising safety concerns. If you need another copy of the brochure, please contact me via the NRC Safety Hotline at 1-800-695-7403 or you may view a copy at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0240/>.

The NRC staff has reviewed your complaint of discrimination and has determined that an evaluation of Concern 22, as described in Enclosure 1, is warranted. The NRC will consider enforcement action against NRC-regulated facilities that are found to have discriminated against individuals for raising safety concerns. However, please understand that the NRC cannot require that a personal remedy be provided to you, such as back pay or reinstatement. Means by which you can pursue a personal remedy are described later in this letter.

If you wish, the NRC Office of Investigations (OI) can investigate your discrimination concern. During an investigation, OI gathers testimonial and documentary evidence related to your discrimination concern. Since performing such an investigation without identifying you would be extremely difficult, please be aware that your name will be disclosed during the course of an NRC investigation into your discrimination concern. If, based on the results of the OI investigation, the NRC determines that your discrimination concern is substantiated, we will consider enforcement action against the licensee, as appropriate. If you would like OI to initiate an investigation regarding your complaint of discrimination, please call me via the NRC Safety Hotline at 1-800-695-7403 within 10 days of receipt of this letter.

As an alternative to an investigation of your discrimination complaint by OI, you can participate in the NRC's Alternative Dispute Resolution (ADR) program, which offers mediation for handling a complaint of discrimination. Mediation is a voluntary process where two parties, you and your former employer, use an unbiased, neutral individual, or mediator, in an attempt to resolve and settle your complaint of discrimination with your former employer. If such an agreement is reached, the NRC will close your discrimination complaint upon settlement and will not investigate your claim of discrimination. If a settlement is not reached with your former employer, OI may initiate an investigation into your complaint of discrimination. As mentioned above, the NRC's ADR program is *voluntary*, and any participant may end the mediation at any time. More information on this program is included in the enclosed brochure, "Pre-Investigation ADR Program," and at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The NRC has asked Cornell University's Institute on Conflict Resolution (ICR) to aid you and your former employer in resolving your discrimination concern through ADR. If you choose to participate in the NRC's ADR program, you must contact ICR at 1-877-733-9415 (toll-free). We request that you make a decision regarding your interest in attempting mediation via the ADR program within 10 days of the date on which you receive this letter. You may contact ICR if you wish to discuss ADR in general, the NRC's ADR program, and any other information in which you are interested related to resolving your complaint using ADR. If you and your former employer wish to participate in the ADR program, ICR will assist you in the selection of a mediator who would meet with you and your former employer in an attempt to settle your complaint. If you select a mediator through ICR, there will be no charge to you or your former employer for the mediator's services. If you participate in the ADR program, please complete the program evaluation form (supplied by ICR) at the completion of the process so that we can evaluate the effectiveness of the program.

The NRC notes that employers are encouraged to develop similar dispute resolution processes internal to their company for use in conjunction with their own employee concerns programs. If you utilize your former employer's dispute resolution program to settle a discrimination concern,

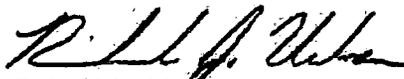
your former employer may voluntarily report the settlement to the NRC. If the NRC is notified of an internal settlement ~~before~~ an NRC OI investigation is initiated, the NRC will request a copy of such a settlement agreement (when completed, if negotiations are ongoing) from the former employer and review it to determine if it contains any restrictive agreements in violation of NRC employee protection regulations. If no such restrictive agreements exist, the NRC will close the discrimination complaint and will not perform an investigation.

Additionally, please note that while participation in the NRC's ADR program may result in negotiation of the issues that form the basis of your discrimination complaint with your former employer under Section 211 of the Energy Reorganization Act of 1974, the timeliness requirements (180 days) for filing a claim of discrimination with the U.S. Department of Labor (DOL) are in no way altered by the NRC's ADR program. In this aspect, we note that DOL has the authority to order personal remedies in these matters, and the enclosed brochure discusses the right of an individual to file a complaint with DOL if the individual believes that they have been discriminated against for raising safety concerns. For this reason, the filing of a discrimination complaint with DOL should be considered at the same time when you are considering use of the ADR program. While there is a likelihood that DOL may choose to await the completion of your ADR mediation, given the prospect of a mutually agreeable settlement, timely filing of a discrimination complaint with DOL assures that DOL will review your discrimination complaint in the event that ADR is unsuccessful. In order to protect your right to file a discrimination complaint with DOL under 29 CFR Part 24, "Procedures for the Handling of Retaliation Complaints Under Federal Employee Protection Statutes" (copy enclosed), you must file a written complaint with DOL within 180 days of the date of the alleged discriminatory action or the date on which you received any notice, in writing or otherwise, of an adverse personnel action (e.g., layoff or suspension), whichever occurred first. Any such complaint can be filed with DOL Regional Offices for the Occupational Safety and Health Administration (OSHA). Your complaint must describe the safety issue or issues that you raised, the resulting adverse personnel action taken against you, and the causal relationship between them. If you choose to file a complaint, it should be filed with:

US DOL/OSHA Region 9 Office
90 7th Street, Suite 18100
San Francisco, California 94103
(415) 625-2547 (Main Public - 8:00 AM - 4:30 PM Pacific)
(415) 625-2534 FAX

Thank you for notifying us of your concerns. We will advise you when we have completed our review. Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222 or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,



Richard J. Urban
Senior Allegation Coordinator

Enclosures: As Stated

Concern 1:

You asserted that there was an occasion when Tetra Tech personnel did not perform surveys and/or frisks when they entered and exited a radioactively contaminated area. You stated that you saw this occur during the week of October 17, 2011.

Concern 2:

You asserted that another Tetra Tech Senior Health Physics Technician, who worked at the site, knew very little and did not really follow radiation safety principles.

Concern 3:

You asserted that "someone" was falsely signing CoC sample forms for "someone else", as evidenced by wrong handwriting and name misspelling.

Concern 4:

You asserted that there had been an increase in occupational accidents and mistakes at Hunters Point. You stated that staff was told to work quickly and ignore safety rules about not using cell phones or radios while driving.

Response to Concern 4:

The NRC determined that this concern involves a non-radiological worker safety issue that does not fall under NRC jurisdiction. The agency with jurisdiction in this matter is the Occupational Safety and Health Administration (OSHA). In accordance with a Memorandum of Understanding with OSHA, the NRC intends to notify the licensee about this concern and to refer your concern to the following OSHA area office; we also intend to contact you to see if you have any objection to your contact information being provided to OSHA. For any further information on this matter, you may contact the OSHA area office where the referral is to be made:

Region IX Federal Contact Numbers
90 7th Street, Suite 18100
San Francisco, California 94103
(415) 625-2547
(415) 625-2534 FAX

Concern 5:

You asserted that radiation safety training for Radiation Technicians (RTs) was lacking or inadequate.

Concern 6:

You asserted that the Project Manager refused to allow a Radiation Supervisor to discipline a Senior RT for failure to take a required test. You stated that the Project Manager was overheard saying that there will be "no write ups of anyone."

Concern 7:

You asserted that laborers are handling potentially contaminated soil without proper training and certification since they are processing soil samples for the lab. You stated that laborers have been observed working without wearing required gloves. You added that, in August 2010, laborers were surveying and sampling soil on the soil pads.

Concern 8:

You asserted that RTs were told to work quickly so as not to slow down remediation work. You stated that Tetra Tech work practices were "construction dominated" with production taking precedence over radiation safety.

Response to Concern 8:

The NRC staff reviewed this concern and determined that you did not identify any specific noncompliance with NRC requirements or regulations. However, we believe that your concern about production being placed over safety could possibly be viewed as a safety culture matter. For your information, in a Federal Register Notice dated January 24, 1989, the Commission's "Policy Statement on the Conduct of Nuclear Power Plant Operations," refers to safety culture as "the necessary full attention to safety matters" and the "personal dedication and accountability of all individuals engaged in any activity which has a bearing on the safety of nuclear power plants. A strong safety culture is one that has a strong safety-first focus." The Commission has also referenced the International Nuclear Safety Advisory Group's (INSAG) definition of safety culture as follows: "Safety Culture is that assembly of characteristics and attitudes in organizations and individuals which establishes that, as an overriding priority, nuclear plant safety issues receive the attention warranted by their significance." Your general statement that production takes precedence over radiation safety does not provide a nexus to there being a safety culture problem at Hunters Point Naval Station.

However, if you are aware of any additional specific radiological safety issues that have occurred as a result of a production over safety mentality and that fall within NRC jurisdiction, we would be interested in that type of information. If you or others have any such additional specific information to provide, please contact me via the phone number or postal address provided in the cover letter within 10 days of the date on which you receive this letter. If no additional information is received, we intend to take no further action on this matter at this time.

Concern 9:

You asserted that some RTs entered inaccurate information on radioactive waste storage bags because they do not understand their instruments. You stated that there has been confusion about the use of RO-20 meters.

Concern 10:

You asserted that some meters have not been calibrated correctly.

Concern 11:

You asserted that some survey records are corrected, when a mistake is made, by whiting out the mistake, correcting it, and then photo copying the form.

Concern 12:

You asserted that source storage locations have not always been posted or secured. You stated that, on at least one occasion, an RT was told to "hide it and lock up and go about your work."

Concern 13:

You asserted that TLDs have not always been located correctly on poles. You stated that they may be shielded or not placed at the right height or are not located on the posting pole.

Concern 14:

You asserted that the wrong individual was named as the authorized user on a posted materials license.

Concern 15:

You asserted that a supervisor attempted to alter the radiation work area postings to allow laborers to remove a pipe.

Concern 16:

You asserted that laborers removed a pipe from a radiation controlled area without the pipe being frisked for contamination.

Concern 17:

You asserted that a Tetra Tech employee brings her non-employee daughter to work and that the daughter has been seen moving potentially contaminated samples, entering and leaving a radiation controlled area without frisking, and drinking soda within a radiation controlled area. You stated that the employee intimidates other employees who question this practice by virtue of her personal relationship with a supervisor.

Concern 18:

You asserted that personnel do not always sign in and out on Radiation Work Permits and sometimes fail to frisk themselves when leaving radiation controlled areas. You stated that disparate discipline is applied for violators.

Concern 19:

You asserted that someone told you that there were "a lot of real problems" at Alameda, "not just little HR problems like here."

Concern 20:

You asserted that employees were falsifying their time sheets.

Response to Concerns 19 and 20:

The NRC determined that these concerns involve issues that do not fall under NRC regulatory jurisdiction. Agencies that may have jurisdiction in these matters would be the State of California Inspector General and/or the Naval Inspector General. We intend to refer both concerns to the Naval Inspector General. For any additional follow-up on these concerns, we have provided the contact information for these agencies:

Office of the Naval Inspector General
Building 172
1254 Ninth Street, S.E.
Washington Navy Yard DC
20374-5006
Telephone: (800) 522-3451
E-mail: NAVIGHotlines@navy.mil
FAX: (202) 433-2613

Office of the Inspector General
State of California
P.O. Box 348780
Sacramento, CA 95834-8780
Telephone: (800) 700-5952
FAX: (916) 928-5974

Concern 21:

You asserted that you were laid off on December 16, 2011, for attempts to address and correct observations considered adverse to industry standard radiation safety practices as well as regulatory license compliance, and for participating as a silent witness in a State of California Labor Commission discrimination hearing for another terminated employee.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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MAY 29 2013

Mr. Albert Perry
Vice President-Environmental, Safety, and Quality
Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

RI-2011-A-0019

Subject: NRC Office of Investigations Case No. 1-2012-002

Dear Mr. Perry:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2012-002) on October 7, 2011, to determine whether a former Radiation Safety Officer (RSO) was discriminated against by Tetra Tech EC, Incorporated at the Hunters Point Naval Shipyard, for raising safety concerns. Based upon testimonial and documentary evidence developed during the OI investigation, the NRC was unable to conclude that the former RSO was subject to discrimination. Specifically, testimony indicated that the former RSO offered his/her resignation at one point, yet despite acceptance of his/her resignation, the former RSO received several offers from the company to work in alternate locations, which the former RSO refused.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

No response to this letter is required. Should you have any questions regarding this letter, please contact Mr. Marc Ferdas of my staff at (610) 337-5022.

Sincerely,

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Enclosure: As Stated

§ 9.23 Requests for Records

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person, by telephone, by e-mail, facsimile, or U.S. mail from the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738.

(i) Each record requested must be described in sufficient detail to enable the NRC Public Document Room staff to locate the record.

(ii) To obtain copies of records expeditiously, a person may open an account with the NRC Public Document Room reproduction contractor. Payment for reproduction services will be made directly to the contractor.

(2) [Reserved]

(b) A person may request agency records by submitting a request authorized by 5 U.S.C. 552(a)(3) to the Freedom of Information Act and Privacy Act Officer by an appropriate method listed in § 9.6 of this chapter. The request must be in writing and clearly state on the envelope and in the letter that it is a "Freedom of Information Act request." The NRC does not consider a request as received until the date it is actually received by the Freedom of Information Act and Privacy Act Officer.

(1) A Freedom of Information Act request covers only agency records that are in existence on the date the Freedom of Information Act and Privacy Act Officer receives the request. A request does not cover agency records destroyed or discarded before receipt of a request or which are created after the date of the request.

(2) All Freedom of Information Act requests for copies of agency records must reasonably describe the agency records sought in sufficient detail to permit the NRC to identify the requested agency records. Where possible, the requester should provide specific information regarding dates, titles, docket numbers, file designations, and other information which may help identify the agency records. If a requested agency record is not described in sufficient detail to permit its identification, the Freedom of Information Act and Privacy Act Officer will contact the requester within 10 working days after receipt of the request and inform the requester of the additional information or clarification needed to process the request.

(3) Upon receipt of a request made under paragraph (b) of this section, the NRC will provide written notification to the requester that indicates the request has been received, the name and telephone number of the NRC point of contact to find out the status of the request, and other pertinent matters regarding the processing of the request.

(4)(i) The NRC shall advise a requester that fees will be assessed if--

(A) A request involves anticipated costs in excess of the minimum specified in § 9.39; and

(B) Search and duplication is not provided without charge under § 9.39; or

(C) The requester does not specifically state that the cost involved is acceptable or acceptable up to a specified limit.

(ii) The NRC has discretion to discontinue processing a request made under this paragraph until--

(A) A required advance payment has been received;

(B) The requester has agreed to bear the estimated costs;

(C) A determination has been made on a request for waiver or reduction of fees; or

(D) The requester meets the requirements of § 9.39.

(c) If a requested agency record that has been reasonably described is located at a place other than at the NRC Web site, <http://www.nrc.gov>, the NRC Public Document Room, or the NRC headquarters, the NRC may, at its discretion, make the record available for inspection and copying at either of the locations.

(d) Except as provided in § 9.39--

(1) If the record requested under paragraph (b) of this section is a record available through the National Technical Information Service, the NRC shall refer the requester to the National Technical Information Service; and

(2) If the requested record has been placed on the NRC Internet Web site, under § 9.21, the NRC may inform the requester that the record is available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, and that the record may be obtained in accordance with the procedures set forth in paragraph (a) of this section.

(e) The Freedom of Information Act and Privacy Act Officer will promptly forward a Freedom of Information Act request made under paragraph (b) of this section for an agency record to the head of the office(s) primarily concerned with the records requested, as appropriate. The responsible office will conduct a search for the agency records responsive to the request and compile those agency records to be reviewed for initial disclosure determination and/or identify those that have already been made publicly available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

[63 FR 2876, Jan. 20, 1998, as amended at 64 FR 48950, Sept. 9, 1999; 67 FR 67098, Nov. 4, 2002; 68 FR 58800, Oct. 10, 2003, 70 FR 34306, June 14, 2005]



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I

2100 RENAISSANCE BOULVEVARD, SUITE 100
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JUL 8 2013

Mr. Albert Perry
Vice President-Environmental, Safety, and Quality
Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

RI-2011-A-0138

Subject: NRC Office of Investigations Case No. 1-2012-032

Dear Mr. Perry:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2012-032) on March 23, 2012, to determine whether a contract Health Physicist Technician (HPT) working at the Hunters Point Naval Shipyard remediation site in Hunters Point, CA, was subjected to harassment and discrimination for raising safety concerns. The HPT was a subcontractor employed by New World Environmental, Inc. working for Tetra Tech, Pasadena, CA, who is the prime contractor for the remediation site. Specifically, the HPT alleged that after raising concerns to a Tetra Tech supervisor regarding the qualifications of laborers performing remediation work on site, the HPT's employment was terminated by the Tetra Tech Project Manager. Based upon testimonial and documentary evidence developed during the OI investigation, the NRC found insufficient evidence to substantiate that the HPT's employment was terminated for having raised safety concerns.

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

No response to this letter is required. Should you have any questions regarding this letter, please contact Mr. Marc Ferdas of my staff at (610) 337-5022.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lorson", written over a circular stamp.

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

December 6, 2013

Mr. Albert Perry
Vice President-Environmental, Safety, and Quality
Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

RI-2011-A-0113
RI-2012-A-0022

Subject: NRC Office of Investigations Case Nos. 1-2012-019 and 1-2012-037

Dear Mr. Perry:

The Region I Field Office, NRC Office of Investigations (OI), initiated two investigations, one on January 19, 2012, and one on April 4, 2012, to evaluate separate discrimination complaints by two contract employees who alleged they were terminated from employment for raising safety concerns while working for Tetra Tech EC, Inc., a contract decommissioning company at the United States Navy's Hunters Point Naval Shipyard. Based on testimonial and documentary evidence developed during the investigations, the NRC found insufficient evidence to conclude that either individual was subjected to discrimination for raising safety concerns.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

No response to this letter is required. Should you have any questions regarding this letter, please contact Mr. Marc Ferdas of my staff at (610) 337-5022.

Sincerely,

/RA/

James W. Clifford, Director
Division of Nuclear Materials Safety

Enclosure: As Stated

Mr. Albert Perry

2

RI-2011-A-0113
RI-2012-A-0022

Distribution:

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