NRC FORM 464 Part I
(04-2018)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC	RESPONSE NUMBER
2019-000531	2

RESPONSE TYPE ☑ INTERIM ☐ FINAL

REQUESTER:	DATE:
Jason Fagone	03/22/2019

DESCRIPTION OF REQUESTED RECORDS:

Request: All NRC records between 2011 and the present day (May 9, 2018) involving safety concerns raised by workers at the Hunters Point Shipyard in San Francisco, California. This request includes, but is not limited to, complaints, emails, records of phone calls, faxes, memos, and reports. This request also includes all records related to the interactions of (ctd)

PART I. -- INFORMATION RELEASED

☐ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) https://www.nrc.gov; (2) public ADAMS, https://www.nrc.gov/reading-rm/adams.html; (3) microfiche available in the NRC Public Document Room; or FOIA Online, https://foiaonline.regulations.gov/foia/action/public/home.

☑ Agency records subject to the request are enclosed.

☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (See Part I.D -- Comments) for a disclosure determination and direct response to you.

☑ We are continuing to process your request.

☑ See Part I.D -- Comments.

PART I.A -- FEES

AMOUNT
$0.00

☐ You will be billed by NRC for the amount indicated.

☐ You will receive a refund for the amount indicated.

☐ Fees waived.

☑ Since the minimum fee threshold was not met, you will not be charged fees.

☐ Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

☐ We did not locate any agency records responsive to your request. *Note*: Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). See 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.

☑ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.

☑ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.

☐ You may appeal this final determination within 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, https://foiaonline.regulations.gov/foia/action/public/home. Please be sure to include on your submission that it is a "FOIA Appeal."

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at https://www.nrc.gov/reading-rm/foia/contact-foia.html, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at https://www.archives.gov/ogis.

NRC FORM 464 Part I
(04-2018)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC	RESPONSE NUMBER
2019-000531	2

RESPONSE TYPE ☑ INTERIM ☐ FINAL

PART I.D -- COMMENTS

Request Description:

Request: All NRC records between 2011 and the present day (May 9, 2018) involving safety concerns raised by workers at the Hunters Point Shipyard in San Francisco, California. This request includes, but is not limited to, complaints, emails, records of phone calls, faxes, memos, and reports. This request also includes all records related to the interactions of Susan Andrews and Elbert Bowers with the NRC. Andrews and Bowers are former radiological control experts who worked at the Shipyard, and they have both stated in sworn declarations that they informed the NRC of safety concerns and violations in 2011.

Please note:
This is the best available copy.
The NRC is not providing duplicates.

The agency already provided a first interim response to you, this is the second interim response.

The responsive records are provided to you in part.

We continue to process your request.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2019.03.22 09:31:25 -04'00'

NRC FORM 464 Part II
(04-2018)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC: 2018 000531

DATE: 03/22/2019

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- [ ] Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- [ ] Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- [ ] Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
  - [ ] Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
  - [ ] Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
  - [ ] 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the
  - [ ] Other:
- [ ] Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
  - [ ] The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
  - [ ] The information is considered to be another type of confidential business (proprietary) information.
  - [ ] The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- [x] Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
  - [x] Deliberative process privilege.
  - [ ] Attorney work product privilege.
  - [ ] Attorney-client privilege.
- [x] Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- [x] Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
  - [ ] (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
  - [x] (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - [ ] (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
  - [ ] (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
  - [ ] (F) Disclosure could reasonably be expected to endanger the life or physical safety of any individual.
- [x] Other: Duplicates

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Stephanie Blaney	FOIA Officer		✓	
	Select Title/Office from drop-down list			
	Select Title/Office from drop-down list			
	Select Title/Office from drop-down list			

REFERENCE 50

HPS RAD Signs: 04.24.11

HPS RAD Signs: 04.24.11

HPS RAD Signs: 04.24.11

HPS RAD Signs: 04.24.11

HPS: Current Shaw RAD Sign w/ "Emergency" contact information (direct line to RSO contacts)

HPS: EMS RAD Sign w/ "After Hours" contact information (direct line to RSO contacts)

From:	R1ALLEGATION RESOURCE
Sent:	Friday, March 27, 2015 8:50 AM
To:	Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject:	FW: Your Request

From: Urban, Richard
Sent: Friday, March 27, 2015 8:50:01 AM
To: DavidAntonlaw@gmail.com
Subject: Your Request
Auto forwarded by a Rule

Per your letter to me dated March 17, 2015, NRC allegation files RI-2011-A-0113, RI-2012-A-0022 and RI-2011-A-0019 are closed.

V/R

Richard J. Urban
Sr. Allegation Coordinator
Region I, US NRC

From:	R1ALLEGATION RESOURCE
Sent:	Thursday, March 26, 2015 4:53 PM
To:	Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject:	FW: CA Attorney Letter

From: Klukan, Brett
Sent: Thursday, March 26, 2015 4:53:12 PM
To: Urban, Richard
Cc: R1ALLEGATION RESOURCE
Subject: CA Attorney Letter
Auto forwarded by a Rule

Rick,

I put the letter back on your desk for inclusion in the allegation file. I spoke with the attorney over the phone. I made him aware that the investigations had been completed. He seemed to be aware of that. If you could just send him an email to confirm that (he asked for our confirmation in the letter), that should be the end to that.

Thanks.

Cheers,
Brett Klukan
RI Regional Counsel
(610)-337-5301

~~This email may contain communications protected by the attorney-client privilege or the attorney work-product doctrine. In addition, this e-mail may contain proprietary, sensitive or other protected information. Please treat accordingly. Do not publicly disclose without proper authorization.~~

David C. Anton Law Office **Contacts**
1717 Redwood Lane, Davis, CA 95616
Tel: (530) 759-8421
E-Mail/ DavidAntonlaw@gmail.com

March 17, 2015

Nuclear Regulatory Commission, Region I
c/o Mr. Richard Urban
2100 Renaissance Blvd.
King of Prussia, PA 19406-2745

RE: **REQUEST FOR DISMISSAL OF CHARGES**

Susan Andrews	RI-2011-A-0113
(b)(7)(C)	RI-2012-A-0022
Elbert Bowers	RI-2011-A-0019

Dear Mr. Urban:

I and (b)(7)(C) are legal counsel for the individuals listed above. (b)(7)(C) and I have filed litigation in California Superior Court as well as the federal Northern District of California court on behalf of these individuals.

On behalf of Susan Andrews, (b)(7)(C) and Elbert Bowers, it is hereby requested that the charges filed by each of these individuals that are listed above be dismissed in its entirety.

If you have any questions, please feel free to write, call, or e-mail. Please see that a notice of dismissal is forwarded to my office, and the Scott Law Firm whose address is 1388 Sutter Street, Suite 715, San Francisco, CA 94109.

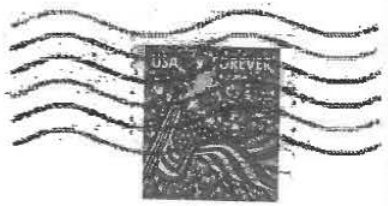
Very truly yours,

David C. Anton

cc-
(b)(7)(C) Esq.
(b)(7)(C), Esq.

David C. Anton, Esq.
1717 Redwood Lane
Davis, CA 95616

SACRAMENTO CA 957
18 MAR 2015 PM 8 L



Nuclear Regulatory Commission, Region I
c/o Mr. Richard Urban
2100 Renaissance Blvd.
King of Prussia, PA 19406-2745

19406271325

David C. Anton, Esq.
1717 Redwood Lane
Davis, CA 95616

David Anton
1717 Redwood Lane
Davis, CA 95616

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

JUN 10 2014

Mr. Elbert G. Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

The NRC Region I Office is closing your allegation file associated with nine concerns that you initially raised to the NRC in January 2011 regarding Tetra Tech EC, a decommissioning contract company that was performing work at the Hunters Point Naval Shipyard. Previous letters to you addressed and responded to all of your concerns. Our most recent letter to you dated June 2, 2014, informed you that we would maintain your allegation file open to monitor Department of Labor decisions regarding your discrimination complaint.

We recently became aware that your discrimination complaint against Tetra Tech EC, which you filed with the U.S. Department of Labor (DOL) on July 8, 2011 (Case No. 9-3290-11-064) was dismissed with prejudice on March 13, 2014, because you filed the same complaint in civil court; your complaint has now been moved to federal court. At this time, all NRC actions regarding your allegation file have been completed.

Thank you for informing us of your concerns. We believe that our actions have been responsive. Allegations are an important source of information in support of the NRC's safety mission, and as such, we will continue to take our safety responsibility to the public seriously within the bounds of our lawful authority. If, however, you can provide new information, or the NRC receives additional information from another source that suggests that our conclusions should be altered, we will evaluate that information to determine whether further action is warranted. Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 1 0 2014

Mr. Elbert G. Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

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Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

~~OFFICIAL RECORD COPY~~

Distribution:
Allegation File No. RI-2011-A-0019

DOCUMENT NAME: G:\ORA\ALLEG\20110019clo.docx
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB	RI:OI	RI:RC	ORA:SAC
NAME	M Ferdas MCF for	(b)(7)(C)	B Klukan	R Urban
DATE	06/ 9 /2014	06/ 9 /2014	06/10/2014	06/10/2014

~~OFFICIAL RECORD COPY~~

From: R1ALLEGATION RESOURCE
Sent: Wednesday, June 04, 2014 5:08 PM
To: Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject: FW: Tetra Tech - SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Wednesday, June 04, 2014 5:07:34 PM
To: Clifford, James; Marshall, Jane; Ferdas, Marc
Cc: R1ALLEGATION RESOURCE; Klukan, Brett
Subject: Tetra Tech - SENSITIVE ALLEG INFO
Auto forwarded by a Rule

After getting an interesting ruling from DOL relative to a power reactor case last week, I pursued what DOL was doing for our 4 Tetra Tech allegation files, which were similar in my mind. DOL had told us over a year ago that they were holding the Tetra Tech cases in abeyance, which sounded like a holding pattern to us. Therefore, we were administratively holding the 4 Tetra Tech allegation files open. However, it appears that all 4 DOL cases have been recently dismissed with prejudice in March 2014. Basically what that means is that DOL has closed their files but the allegers can go back to DOL at a later date with the same claims under certain conditions. Since we have completed all NRC actions relative to their 4 allegation files, my plan is to close them. After coordinating with Brett on this, he did not see a down side to closing the allegation files either. If they ever do go back to DOL with the same complaints, and if DOL were to rule in their favor at that time, new files could be opened at that time to figure out why we did not substantiate and why DOL did.

From: Daly, Catherine@DIR <CDaly@dir.ca.gov>
Sent: Wednesday, June 04, 2014 4:16 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases
Attachments: 25544 Tetra Tech Abeyance Letters.pdf; 23564 Bowers v Tetra Tech, et al Case Closure Form.pdf; 21491 [redacted] v Tetra Tech, et al Case Closure Form.pdf; 25544 Andrews v Tetra Tech, et al Case Closure Form.pdf; 25573 [redacted] v Tetra Tech, et al Case Closure Form.pdf

(b)(7)(C)

(b)(7)(C)

Here you go.

I just got into IMIS after some password snafus. Now I will close them in the fed database.

From: Urban, Richard [mailto:Richard.Urban@nrc.gov]
Sent: Wednesday, June 04, 2014 1:10 PM
To: Daly, Catherine@DIR
Subject: RE: Tetra Tech Cases

Thanks that was helpful. So my understanding is that their cases are currently closed? If so, is there a letter you could fax or e-mail that I could place into my files. I would like to close their cases if at all possible. Thanks.

From: Daly, Catherine@DIR [mailto:CDaly@dir.ca.gov]
Sent: Wednesday, June 04, 2014 3:53 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases

Sigh. The difference lies with our state statute allowing parties the freedom to take both options (file in court and stay with us). See 98.7(f) attached.

Still I closed these cases with proviso parties could return to us if federal court dismissed for failure to exhaust.

I will go ahead and update the federal database. We have our own state database plus a huge case backlog so I often neglect to update both.

From: Urban, Richard [mailto:Richard.Urban@nrc.gov]
Sent: Wednesday, June 04, 2014 11:39 AM
To: Daly, Catherine@DIR
Subject: Tetra Tech Cases

Ms. Daly,

My name is Rick Urban and I am the Sr. Allegation Coordinator for the US NRC Region I Office. I currently have four open allegation files regarding Tetra Tech. My files remain open because the individuals have filed with DOL and your cases are still open. The last we heard from you on these cases was that because these individuals filed law suits, you were holding their cases in abeyance.

I was wondering if you could you explain the difference to me regarding a similar set of circumstances I have with a file regarding a power reactor in New York. The complainant filed with DOL, and then took his case to federal court. DOL subsequently dismissed his complaint on that basis.

Thanks in advance for your response.

Richard J. Urban
Sr. Allegation Coordinator
US NRC Region I

STATE OF CALIFORNIA
Edmund G. Brown Jr., *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
Retaliation Complaint Investigation Unit
455 Golden Gate Ave, 10th Floor
San Francisco, CA 94102
Tel: (415) 703-4841 Fax: (415) 703-4130
cdaly@dir.ca.gov

March 13, 2014

By Email

John Houston Scott
Lizabeth de Vries
Attorneys at Law
The Scott Law Firm
1388 Southern Suite 715
San Francisco, CA 94133

David Anton
1717 Redwood Ln.
Davis, CA 95616

Timothy Murphy
Attorney at Law
Fisher & Phillips, LLP
One Embarcadero Suite 2340
San Francisco, CA 94111

Grace R. Neisingh
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
525 Market Street - 17th Floor
San Francisco, CA 94105-2725

Re: *Jahr, Bowers, Andrews,* (b)(7)(C) *v Tetra Tech*
State Case 28443-SFRCI

Dear Counsel:

The Division of Labor Standards Enforcement (DLSE) *"Dismisses without Prejudice"* the following RCI Complaints:

(1) (b)(7) *v. Tetra Tech, et al.*, 21491-SFRCI;

(2) *Bowers vs. Tetra Tech et al.*, 23564-SFRC

(3) *Andrews vs. Tetra Tech et al.*, 25544-SFRC

(4) (b)(7)(C) *vs. Tetra Tech et al.*, 25773-SFRC

Complainants (b)(7) Bert Bowers, Susan Andrews, and (b)(7)(C) *"Complainants"*) filed in civil court. Their civil complaint CGC-12-521105 —now removed to federal court—seeks judicial relief for alleged violations of California Labor Codes sections 1102.5 and 6310.

If a court later determines the Complainants named above failed to exhaust administrative remedies, they may return to the DLSE to reopen their Retaliation Complaints.

Please see the enclosed forms.

Sincerely,

Catherine S Daly

Catherine S. Daly
Deputy Labor Commissioner
Retaliation Complaint Unit

LABOR COMMISSIONER, STATE OF CALIFORNIA
Department of Industrial Relations
Division of Labor Standards Enforcement
Retaliation Unit
455 Golden Gate Avenue
10th Floor
San Francisco, CA 94102
(415)703-4841 fax (415)703-4130

NOTICE - INVESTIGATION CLOSED

COMPLAINANT	**Bert Bowers**
RESPONDENT	**Tetra Tech, et al.**
STATE CASE NO.	**23564-SFRCI**

We are closing our investigation of the retaliation complaint made by the complainant shown above. No further action is contemplated by this office for the following reason(s):

The Complainant expressly withdrew the complaint.

The Parties agreed to a stipulated settlement of the complaint.

The Complainant has abandoned the complaint.

☑ The Complainant filed the same issues in Civil Court [*"Dismissed without Prejudice"*].

STATE LABOR COMMISSIONER

Dated: **March 13, 2014**

Catherine S Daly

Deputy Labor Commissioner

From: Klukan, Brett
Sent: Wednesday, June 04, 2014 4:47 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases

No, I don't see any downside. That works for me.

Cheers,
Brett

From: Urban, Richard
Sent: Wednesday, June 04, 2014 4:37 PM
To: Klukan, Brett
Subject: RE: Tetra Tech Cases

She sent me the letters that were sent to the allegers telling them that they are dismissing their cases with prejudice, which means to me that they can come back to DOL in the future for the same matter. However, I think I'm inclined to close their allegation files at this point. If they come back at a later date, I could open new files, but basically the facts would be the same, with no action by the NRC. Me keeping the files open are admin in nature and actually some of the regions have closed files while the DOL case is still open. Do you see any down side to this plan?

From: Klukan, Brett
Sent: Wednesday, June 04, 2014 4:27 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases

Essentially, what it boils down to is whether bring a law suit is treated by the law of the jurisdiction as an exclusive remedy. California, per the section she quotes, says no—bringing an action doesn't preclude a person from pursuing rights / remedies under other laws (such as the ERA with DOL). New York may not have such a provision. Either way, based on what she writes below, it appears that DOL is treating the case it closed out as effectively being held in abeyance given the ability to return to DOL assuming that the federal court dismisses for failure to exhaust options for bringing the claims (i.e., going through the DOL process). So, with everything said and done, the case isn't actually being closed out (in the sense that it could come back to DOL under certain circumstances).

Hope that helps.

Cheers,
Brett

From: Urban, Richard
Sent: Wednesday, June 04, 2014 4:13 PM
To: Klukan, Brett
Subject: FW: Tetra Tech Cases

Interesting. I have a few more questions to her, i.e., looks like they closed. But could you explain the second paragraph in laymen's terms? Thanks.

From: Daly, Catherine@DIR [mailto:CDaly@dir.ca.gov]
Sent: Wednesday, June 04, 2014 3:53 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases

Sigh. The difference lies with our state statute allowing parties the freedom to take both options (file in court and stay with us). See 98.7(f) attached.

Still I closed these cases with proviso parties could return to us if federal court dismissed for failure to exhaust.

I will go ahead and update the federal database. We have our own state database plus a huge case backlog so I often neglect to update both.

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I was wondering if you could you explain the difference to me regarding a similar set of circumstances I have with a file regarding a power reactor in New York. The complainant filed with DOL, and then took his case to federal court. DOL subsequently dismissed his complaint on that basis.

Thanks in advance for your response.

Richard J. Urban
Sr. Allegation Coordinator
US NRC Region I

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Thanks in advance for your response.

Richard J. Urban
Sr. Allegation Coordinator
US NRC Region I

98.7. (a) Any person who believes that he or she has been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner may file a complaint with the division within six months after the occurrence of the violation. The six-month period may be extended for good cause. The complaint shall be investigated by a discrimination complaint investigator in accordance with this section. The Labor Commissioner shall establish procedures for the investigation of discrimination complaints. A summary of the procedures shall be provided to each complainant and respondent at the time of initial contact. The Labor Commissioner shall inform complainants charging a violation of Section 6310 or 6311, at the time of initial contact, of his or her right to file a separate, concurrent complaint with the United States Department of Labor within 30 days after the occurrence of the violation.

(b) Each complaint of unlawful discharge or discrimination shall be assigned to a discrimination complaint investigator who shall prepare and submit a report to the Labor Commissioner based on an investigation of the complaint. The Labor Commissioner may designate the chief deputy or assistant Labor Commissioner or the chief counsel to receive and review the reports. The investigation shall include, where appropriate, interviews with the complainant, respondent, and any witnesses who may have information concerning the alleged violation, and a review of any documents that may be relevant to the disposition of the complaint. The identity of a witness shall remain confidential unless the identification of the witness becomes necessary to proceed with the investigation or to prosecute an action to enforce a determination. The investigation report submitted to the Labor Commissioner or designee shall include the statements and documents obtained in the investigation, and the findings of the investigator concerning whether a violation occurred. The Labor Commissioner may hold an investigative hearing whenever the Labor Commissioner determines, after review of the investigation report , that a hearing is necessary to fully establish the facts. In the hearing the investigation report shall be made a part of the record and the complainant and respondent shall have the opportunity to present further evidence. The Labor Commissioner shall issue, serve, and enforce any necessary subpoenas.

(c) If the Labor Commissioner determines a violation has occurred, he or she shall notify the complainant and respondent and direct the respondent to cease and desist from the violation and take any action deemed necessary to remedy the violation, including, where appropriate, rehiring or reinstatement, reimbursement of lost wages and interest thereon, payment of reasonable attorney's fees associated with any hearing held by the Labor Commissioner in investigating the complaint, and the posting of notices to employees.

If the respondent does not comply with the order within 10 working days following notification of the Labor Commissioner's determination, the Labor Commissioner shall bring an action promptly in an appropriate court against the respondent. If the Labor Commissioner fails to bring an action in court promptly, the complainant may bring an action against the Labor Commissioner in any appropriate court for a writ of mandate to compel the Labor Commissioner to bring an action in court against the respondent. If the

complainant prevails in his or her action for a writ, the court shall award the complainant court costs and reasonable attorney's fees, notwithstanding any other law. Regardless of any delay in bringing an action in court, the Labor Commissioner shall not be divested of jurisdiction. In any action, the court may permit the claimant to intervene as a party plaintiff to the action and shall have jurisdiction, for cause shown, to restrain the violation and to order all appropriate relief. Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and any other compensation or equitable relief as is appropriate under the circumstances of the case. The Labor Commissioner shall petition the court for appropriate temporary relief or restraining order unless he or she determines good cause exists for not doing so.

(d) (1) If the Labor Commissioner determines no violation has occurred, he or she shall notify the complainant and respondent and shall dismiss the complaint. The Labor Commissioner may direct the complainant to pay reasonable attorney's fees associated with any hearing held by the Labor Commissioner if the Labor Commissioner finds the complaint was frivolous, unreasonable, groundless, and was brought in bad faith. The complainant may, after notification of the Labor Commissioner's determination to dismiss a complaint, bring an action in an appropriate court, which shall have jurisdiction to determine whether a violation occurred, and if so, to restrain the violation and order all appropriate relief to remedy the violation.

Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and other compensation or equitable relief as is appropriate under the circumstances of the case. When dismissing a complaint, the Labor Commissioner shall advise the complainant of his or her right to bring an action in an appropriate court if he or she disagrees with the determination of the Labor Commissioner, and in the case of an alleged violation of Section 6310 or 6311, to file a complaint against the state program with the United States Department of Labor.

(2) The filing of a timely complaint against the state program with the United States Department of Labor shall stay the Labor Commissioner's dismissal of the division complaint until the United States Secretary of Labor makes a determination regarding the alleged violation. Within 15 days of receipt of that determination, the Labor Commissioner shall notify the parties whether he or she will reopen the complaint filed with the division or whether he or she will reaffirm the dismissal.

(e) The Labor Commissioner shall notify the complainant and respondent of his or her determination under subdivision (c) or paragraph (1) of subdivision (d), not later than 60 days after the filing of the complaint. Determinations by the Labor Commissioner under subdivision (c) or (d) may be appealed by the complainant or respondent to the Director of Industrial Relations within 10 days following notification of the Labor Commissioner's determination. The appeal shall set forth specifically and in full detail the grounds upon which the appealing party considers the Labor Commissioner's determination to be unjust or unlawful, and every issue to be considered by the director. The director may consider any issue

relating to the initial determination and may modify, affirm, or reverse the Labor Commissioner's determination. The director's determination shall be the determination of the Labor Commissioner. The director shall notify the complainant and respondent of his or her determination within 10 days of receipt of the appeal.

(f) The rights and remedies provided by this section do not preclude an employee from pursuing any other rights and remedies under any other law.

(g) In the enforcement of this section, there is no requirement that an individual exhaust administrative remedies or procedures.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

JUN 2 2014

Mr. Elbert G. Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter provides an update on the status of your allegation file regarding Tetra Tech EC, Incorporated and associated activities at Hunters Point. Our previous letters to you addressed and responded to all of your concerns.

July 8, 2011,

0604 The NRC is aware that your discrimination complaint against Tetra Tech (Case No. 9-3290-12-021), which you filed with the U.S. Department of Labor (DOL) on ~~February 8, 2012~~, remains open. Further, it is our understanding that your DOL case is being held in abeyance because you filed your case in Federal Civil Court and, as a result, DOL cannot continue the investigation nor issue a report until after the Court issues a decision. Therefore, we will maintain your file open as we continue to monitor DOL decisions. We will notify you of our final disposition at the completion of the DOL process

Per our telephone conversation on May 22, 2014, I informed you that we were aware that you had notified the news media that you had previously brought a number of concerns to the NRC regarding Hunters Point while you were employed with Tetra Tech. The article, published on May 19, 2014, discusses your concerns related to radiological controls at Hunters Point, including your statement that you lost your job after reporting such concerns to the NRC. As a result, I want to inform you that the NRC can no longer protect your identity as the source of these concerns. Additionally, we are reviewing the news article for any new concerns not previously addressed by the NRC, and we will follow up with you by separate correspondence if any new issues are identified.

Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
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JUN 2 2014

Mr. Elbert G. Bowers

(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

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Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
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Allegation File No. RI-2011-A-0019

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OFFICE	DNMS:DB	RI:OI	RI:RC	ORA:SAC	
NAME	M Ferdas	(b)(7)(C)	B Klukan	R Urban	
DATE	05/22/2014	05/23/2014	06/02/2014	06/2/2014	

OFFICIAL RECORD COPY

From: R1ALLEGATION RESOURCE
Sent: Tuesday, May 27, 2014 6:46 AM
To: Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Bearde, Diane; Crisden, Cherie; Warnek, Nicole
Subject: FW: U.S. NRC re: Recent May 2014 phone messages / conversations... SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Tuesday, May 27, 2014 6:45:43 AM
To: Masnyk Bailey, Orysia; Ferdas, Marc
Cc: R1ALLEGATION RESOURCE
Subject: FW: U.S. NRC re: Recent May 2014 phone messages / conversations... SENSITIVE ALLEG INFO
Auto forwarded by a Rule

FYI

From: (b)(7)(C) [mailto: (b)(7)(C)
Sent: Monday, May 26, 2014 3:26 AM
To: Urban, Richard
Subject: U.S. NRC re: Recent May 2014 phone messages / conversations...

Mr. Urban,

As follow up to the the subject line above:

A voice message left for me on May 21, 2014 at 1 PM, detailed your advisement of the following:

... the article that was out in the paper about "Former Contractors Claim Hunters Point Cleanup Is Botched"
... a couple of things to go over
... inspector Orysia Masnyk-Bailey had some questions
... we were trying to make a dual call
... we'll try to get back with ya
... if we don't hear back from you we'll be calling you separately
... maybe you can give me a call at 610 337-5271
... Orysia is at 864 427-1032

The following day (May 22, 2014 at 1:59 PM), you and I talked directly during which my preference was shared that subsequent communications with the NRC be conducted in writing. To justify, I feel that doing so allows the enhanced opportunity for sufficiently documented detail to be clearly communicated, in particular as to what information is now

needed by the NRC and why the agency is attempting to contact me after such an extended lapse in time.

Frankly, a rationalized explanation evades me and personal concerns build over circumstances and appearances related to radiological safety at Hunters Point. In particular, that which suggest the NRC's present day agenda is more on damage control / assessment / repair as a greater priority due to negative public scrutiny - complete with overarching licensee protection afforded those with a demonstrated history of suspect intent - who in doing so have allowed for the inexcusable compromise of general public, project staff, and environmental well being, all while making deflective and misleading representations to officials of local, state, and federal government agencies.

Mr. Urban, it has been and continues to be my morally preferred and professionally correct objective to openly cooperate with you, your office staff, and representatives of all branches within the NRC. Hence, to ensure a detailed understanding during ensuing communications, please state your intent very clearly, and document what you want from me in detail. I will conscientiously consider your correspondence in like fashion with the best interest of the general public, the Hunters Point project population, and the environment in mind as my top priority.

Sincerely,

Elbert "Bert" Bowers

(b)(7)(C)

From: R1ALLEGATION RESOURCE
Sent: Tuesday, May 27, 2014 7:21 AM
To: Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Bearde, Diane; Crisden, Cherie; Warnek, Nicole
Subject: FW: U.S. NRC re: Recent May 2014 phone messages / conversations... SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Tuesday, May 27, 2014 7:20:44 AM
To: Klukan, Brett
Cc: Bickett, Brice; Masnyk Bailey, Orysia; Ferdas, Marc; R1ALLEGATION RESOURCE
Subject: FW: U.S. NRC re: Recent May 2014 phone messages / conversations... SENSITIVE ALLEG INFO
Auto forwarded by a Rule

Brett,

Just an FYI. Mr. Bowers and Susan Andrews are basically being informed by their lawyer that they shouldn't talk to us; rather they should only respond in writing to our writing. The reason for my call to them was to inform them of being considered widely known allegers and for Orysia to get more info on a couple new allegations that appeared in a news article.

From: (b)(7)(C) [mailto: (b)(7)(C)
Sent: Monday, May 26, 2014 3:26 AM
To: Urban, Richard
Subject: U.S. NRC re: Recent May 2014 phone messages / conversations...

Mr. Urban,

As follow up to the the subject line above:

A voice message left for me on May 21, 2014 at 1 PM, detailed your advisement of the following:

... the article that was out in the paper about "Former Contractors Claim Hunters Point Cleanup Is Botched"
... a couple of things to go over
... inspector Orysia Masnyk-Bailey had some questions
... we were trying to make a dual call
... we'll try to get back with ya
... if we don't hear back from you we'll be calling you separately
... maybe you can give me a call at 610 337-5271
... Orysia is at 864 427-1032

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Frankly, a rationalized explanation evades me and personal concerns build over circumstances and appearances related to radiological safety at Hunters Point. In particular, that which suggest the NRC's present day agenda is more on damage control / assessment / repair as a greater priority due to negative public scrutiny - complete with overarching licensee protection afforded those with a demonstrated history of suspect intent - who in doing so have allowed for the inexcusable compromise of general public, project staff, and environmental well being, all while making deflective and misleading representations to officials of local, state, and federal government agencies.

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Sincerely,

Elbert "Bert" Bowers

(b)(7)(C)

From: Johnson, Sharon
Sent: Friday, May 23, 2014 10:54 AM
To: Haverkamp, Trisha
Cc: Urban, Richard; Johnson, Sharon
Subject: INPUT FOR ADAMS - TETRA TECH
Attachments: Cover Page Blue - Sensitive Allegation Material.docx; 20110019lic.docx

Attached

SLJ

From: R1ALLEGATION RESOURCE
Sent: Wednesday, May 14, 2014 9:32 AM
To: Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Bearde, Diane; Crisden, Cherie; Warnek, Nicole
Subject: FW: Your Request
Attachments: 20110019st1.pdf

From: Urban, Richard
Sent: Wednesday, May 14, 2014 9:32:11 AM
To: (b)(7)(C)
Subject: Your Request
Auto forwarded by a Rule

Per your request during your telephone call with Ms. Nicole Warnek and myself this morning, please find attached a copy of our letter that was previously sent to you dated June 30, 2011. Please be advised that the NRC cannot protect the information during transmission on the Internet and that there is a possibility that someone could read your response while it is in transit.

Richard J. Urban
Senior Allegation Coordinator
Region I
U.S. NRC

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

June 30, 2011

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to nine concerns that you raised to the NRC in your electronic mail messages to Mr. Rick Munoz of our Region IV office on January 31 and February 1, 2011, regarding Tetra Tech EC, Incorporated. You expressed concerns related to health physics practices and alleged discrimination at the Hunters Point Decommissioning Project. In addition to the information you provided us on those dates, you provided additional information to us in various telephone discussions with Region I staff, electronic mail messages, and a large binder of information that you mailed to us on April 26, 2011. Based on that information, we have revised your concerns as described in Enclosure 1.

We have addressed and responded to eight of your nine concerns as noted in Enclosure 1. We note that you have signed an agreement to mediate via Alternative Dispute resolution (ADR) with Tetra Tech regarding your discrimination concern (Concern 1). The NRC will continue to monitor your discrimination concern.

Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me or one of my associates toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

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Concern 1:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were repeatedly berated by one of the Tetra Tech (b)(7)(C) (b)(7)(C) the last instance occurring in the presence of the Tetra Tech (b)(7)(C) during a field supervisory staff meeting. You also stated that the (b)(7)(C) told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later upon advising him of your obligation to 1) resolve the issues at hand or 2) begin steps to inform the NRC, he ordered you to pack up your office and to get off the project site immediately.

Introduction for Concerns 2 - 9

The NRC performed an inspection at Tetra Tech EC, Inc., Hunters Point Shipyard, from March 29 - 31, 2011. The results of this inspection are documented in Inspection Report 03038199/2011002, which was issued on April 29, 2011. The cover letter and inspection report is available for review on the NRC Website at http://www.nrc.gov/reading-rm/adams.html; (ADAMS); the referenced documents can be found with a Web-based ADAMS search, using the advanced search feature with accession numbers ML111230127 and ML111230163 under document properties.

Concern 2:

You asserted that a Radiologically Controlled Area (RCA) sign appeared intentionally turned down (i.e., not visible) in a "Parcel E" area (also referenced in Concern 3) that required the signage.

NRC Assessment

The inspector observed many posted areas during the inspection. The inspector did not see any RCA signs that were turned down in areas that required the signage. All areas appeared to be properly posted.

NRC Conclusion

Based on the above, the NRC concluded that signage was properly posted in required areas.

Concern 3:

You asserted that on multiple occasions a water station was set up inside a "Parcel E" RCA without following proper protocol.

NRC Assessment

As part of the inspector's tour of the work areas at Hunter's Point, several water stations set up in the field were observed. The inspector did not see any water stations inside any RCA areas. In addition, the inspector reviewed incident reports and found none indicating any incidents in which a water station was improperly set up. The inspector also reviewed the controlling procedure describing how to set up a water station; it was found to be adequate.

NRC Conclusion

Based on the above, the NRC concluded that all water stations were properly set up and none were found in any RCAs.

Concern 4:

You asserted that vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.

NRC Assessment

The inspector reviewed the procedure for vehicles leaving an RCA and it was found to adequately describe what was required. The inspector also observed several vehicles leaving RCAs. The procedure was followed every time. The inspector also interviewed personnel working the egress points as to their knowledge of the egress procedure. All personnel appeared to understand their responsibilities.

NRC Conclusion

Based on the above, the NRC concluded that vehicles were leaving RCAs according to procedure.

Concern 5:

You asserted that licensed activities were being performed past 4 pm and that there may not have been an Authorized User present to oversee this decommissioning work on January 12, 2011.

NRC Assessment

The inspector questioned personnel regarding after hours work activities. The inspector was told that this usually involves non-licensed work areas and is not a frequent occurrence. In addition, personnel were aware that an Authorized User is required to be onsite for any work after hours, and in addition, the RSO representative is on hand.

NRC Conclusion

Based on the above, the NRC concluded that licensee personnel understood the requirements for licensed work conducted after hours.

Concern 6:

You asserted that the perimeter fence appeared breached and would not have been able to limit or control access.

NRC Assessment

The inspector noted that the area is large and borders a residential neighborhood. The RSO representative does, at a minimum, a daily fence integrity check. Breaches that have been observed are repaired that day. The inspector did not observe any breaches in the perimeter fence during the course of the inspection.

NRC Conclusion

Based on the above, the NRC confirmed that there have been breaches in the perimeter fence, but the NRC was unable to identify any improprieties or inadequacies associated with NRC-regulated activities. The licensee appears to act in a timely fashion to assess and repair any breaches in the perimeter fence.

Concern 7:

You asserted that a survey of a locker was not adequate because the interior was not wipe-tested.

NRC Assessment

The inspector confirmed that the locker in question was in an office area. It did not contain any radioactive material. It appears the licensee opened the locker to remove NRC license related documents and secure them in another location. No wipe test was required.

NRC Conclusion

Based on the above, the NRC concluded that a survey of the locker in question was not required.

Concern 8:

You asserted that required radiation safety records may be compromised and/or destroyed because the records, which had been kept under lock and key in the site RSO's office as of January 23, 2011, were accessible due to the locks having been broken and/or removed.

NRC Assessment

The inspector was provided all required radiation safety records that that were requested. The inspector determined that the records were secured with the appropriate level of control and access.

NRC Conclusion

Based on the above, the NRC concluded that required radiation records were properly stored and controlled.

Concern 9:

You asserted that the emergency/off-hours contact list contained your telephone number even though you were no longer working at the Hunter's Point Naval Shipyard.

NRC Assessment

The inspector found that the RCA area signs contained outdated emergency and off hours contact information. This was brought to the attention of the licensee at the exit meeting on March 31, 2011. All of the signs were corrected with the correct contact information by April 4, 2011, per an email from the licensee's RSO.

NRC Conclusion

Based on the above, the NRC confirmed that RCA signs contained out dated emergency/off-hours contact information, but we were unable to identify any improprieties or inadequacies associated with NRC-regulated activities.

11-0019

From: Johnson, Sharon
Sent: Tuesday, February 25, 2014 12:56 PM
To: CDaly@dir.ca.gov
Cc: Urban, Richard; Johnson, Sharon
Subject: Tetra Tech DOL Complaints

Ms. Daly:

Last we communicated, May 2013, the individuals had filed civil cases and the DOL complaints were being held in abeyance due to this civil filing.

Can you inform us of the status of the Tetra Tech cases?

Thanks Much
Sharon Johnson

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

NOV 25 2013

Mr. Elbert G. Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers

This letter provides an update regarding your concerns with Tetra Tech EC, Incorporated. As stated in our previous letter dated May 29, 2013, which was re-mailed on July 11, 2013, the NRC has addressed and responded to all of your concerns. However, the NRC is aware that your discrimination complaint (Tetra Tech/Bowers/9-3290-11-064), which you filed with the U.S. Department of Labor (DOL) on July 8, 2011, remains open. Therefore, we will maintain your file open as we continue to monitor DOL decisions. We will notify you of our final disposition at the completion of the DOL process.

Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

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NOV 2 5 2013

Mr. Elbert G. Bowers

(b)(7)(C)

RI-2011-A-0019

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Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

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NAME	M Ferdas MSF		(b)(7)(c)		R Urban/sl/jrm			
DATE	11/ 19 /2013		11/ 19 /2013		11/25/2013			

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From: Urban, Richard
Sent: Thursday, July 18, 2013 7:20 AM
To: Johnson, Sharon
Subject: FW: Bert Bowers: Contact Information Update

Please place in the file. Thanks.

From: (b)(7)(C) [mailto: (b)(7)(C)
Sent: Wednesday, July 17, 2013 5:59 PM
To: Urban, Richard
Cc: john@scottlawfirm.net; antonlaw@sbcglobal.net
Subject: Bert Bowers: Contact Information Update

Mr. Urban,

In reference to the subject line above - and for your records (re: RI-2011-A-0019), please be advised of the following updates / confirmations:

Mailing address:

Elbert G. Bowers
(b)(7)(C)

Main phone: (b)(7)(C)
Alternate: (b)(7)(C)

As always, feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers

From: Johnson, Sharon
Sent: Monday, July 08, 2013 12:44 PM
To: Urban, Richard; McFadden, John
Subject: Tetra Tech Files

RI-2011-A-0019 - RI-2011-A-0113 - RI-2011-A-0138 - RI-2012-A-0022

Tetra Tech files, are being held in abeyance by DOL until a decision is made by the State of California.

RI-2011-A-0138 has a closeout letter (should be status) ready to be mailed – but – this file is still pending in DOL.

OI finished their case and a 3 week email was done – but – DOL is not done.

The CI is being informed of OI conclusion but no mention that we will monitor DOL case. Also, should not the licensee get a letter regarding OI conclusion?

Am I wrong???????

Sharon Law Johnson
Allegation Assistant
610-337-5374

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

JUL 1 1 2013 ~~MAY 2 9 2013~~

Mr. Bert Bowers

(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

The NRC has completed its follow up in response to nine concerns that you initially raised to the NRC in early 2011 regarding Tetra Tech EC, Incorporated. Our previous letter to you dated June 30, 2011, addressed and responded to eight of your nine concerns. The NRC has completed its review of your remaining concern (Concern 1). Enclosure 1 to this letter restates Concern 1 and describes our review and conclusion regarding that concern.

The NRC is aware that your discrimination complaint (Tetra Tech/Bowers/9-3290-11-064), which you filed with the U.S. Department of Labor (DOL) on July 8, 2011, remains open. Therefore, we will maintain your file open as we continue to monitor DOL decisions. We will notify you of our final disposition at the completion of the DOL process.

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, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Concern 1:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were berated by the license Radiation Safety Officer (RSO) during a field supervisory staff meeting. You also stated that the Project Manager told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later he ordered you to pack up your office and to get off the project site.

Response to Concern 1:

NRC Assessment

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 you were discriminated against by Tetra Tech EC, Incorporated, while working at the Hunters Point Naval Shipyard (HPNS), for having raised safety concerns. Specifically, you stated that you had worked for Tetra Tech, a licensee that was contracted to decommission the HPNS site. You alleged that you raised three concerns to several radiation protection supervisors (RPSs) and the HPNS project manager (PM), all of whom also worked for Tetra Tech. You stated that you had reported: 1) workers entering a radiologically controlled area (RCA) without a Radiation Protection (RP) escort; 2) a water cooler that was inside of an RCA without approval; and, 3) RP equipment being left unattended overnight

You testified to OI that you had worked at HPNS since 2002, first for a previous contract company, and since April 2009, for Tetra Tech. You stated that you were responsible for ensuring regulatory compliance, and it was in that capacity that on January 13, 2011, you raised your concern about unescorted workers entering an RCA to the RPSs and the PM. The RPSs and PM argued that the work location had been cleared and down-posted from being an RCA; therefore, your concern was no longer valid. Following the meeting, you confronted the PM about not supporting you. The discussion between you and the PM became heated, resulting in you being asked to leave the site. You claimed that you were placed on paid administrative leave and temporarily reassigned to another work location. You said that when you completed your temporary assignment, you were required to use all of your leave and were then furloughed.

During interviews with OI, the RPSs and the PM denied that you were discriminated against. These individuals testified to OI that the RCA had been down-posted prior to the workers entering the RCA. These individuals provided OI a copy of an email, which was dated before the alleged incident, and included you as a recipient that described the down-posting of the area. The PM testified that during the argument, you offered your resignation and the PM accepted it. One of the RPSs, who testified to eavesdropping on the argument outside of the PM's office, corroborated that you had offered your resignation. The PM also acknowledged that you had previously raised the other two concerns regarding the water cooler and RP equipment, but stated that these were low-level issues that the PM directed you to address.

OI also interviewed your supervisor, who claimed that the company had offered you several jobs in alternate locations following completion of your temporary assignment. He stated that you had declined these opportunities and were only interested in being assigned work in the San Francisco area (OI also reviewed documentary evidence to this effect). The supervisor said that he did not return you to the HPNS site because of the personality conflicts between you and other workers at the site. He also denied that you were discriminated against. In addition, OI interviewed several of your coworkers. They testified to OI that they believed that you were discriminated against. However, none of these individuals could provide any evidence to that effect.

OI determined that it was within the company's right to remove you from the HPNS site due to the argument between you and the (b)(7)(C) and to not return you to that site based on the personality conflicts between you and your coworkers. Testimony also indicated that you offered your resignation at one point, yet despite acceptance of your resignation, you received several offers from the company to work in alternate locations, which you refused.

NRC Conclusion

Based on the totality of the evidence developed by OI, the NRC was unable to conclude that you were discriminated against after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard.

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.

MAY 2 9 2013

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

The NRC has completed its follow up in response to nine concerns that you initially raised to the NRC in early 2011 regarding Tetra Tech EC, Incorporated. Our previous letter to you dated June 30, 2011, addressed and responded to eight of your nine concerns. The NRC has completed its review of your remaining concern (Concern 1). Enclosure 1 to this letter restates Concern 1 and describes our review and conclusion regarding that concern.

The NRC is aware that your discrimination complaint (Tetra Tech/Bowers/9-3290-11-064), which you filed with the U.S. Department of Labor (DOL) on July 8, 2011, remains open. Therefore, we will maintain your file open as we continue to monitor DOL decisions. We will notify you of our final disposition at the completion of the DOL process.

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, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

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Allegation File No. RI-2011-A-0019

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OFFICE	DNMS:DB	RI:OI	ORA:SAC		
NAME	M Ferdas	(b)(7)(C)	R Urban/sl		
DATE	05/22/2013	05/22/2013	05/29/2013		

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Concern 1:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were berated by the (b)(7)(C) during a field supervisory staff meeting. You also stated that the (b)(7)(C) told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later he ordered you to pack up your office and to get off the project site.

Response to Concern 1:

NRC Assessment

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OI also interviewed your (b)(7)(C) who claimed that the company had offered you several jobs in alternate locations following completion of your temporary assignment. He stated that you had declined these opportunities and were only interested in being assigned work in the San Francisco area (OI also reviewed documentary evidence to this effect). The (b)(7)(C) said that he did not return you to the HPNS site because of the personality conflicts between you and other workers at the site. He also denied that you were discriminated against. In addition, OI interviewed several of your coworkers. They testified to OI that they believed that you were discriminated against. However, none of these individuals could provide any evidence to that effect.

OI determined that it was within the company's right to remove you from the HPNS site due to the argument between you and the (b)(7)(C) and to not return you to that site based on the personality conflicts between you and your coworkers. Testimony also indicated that you offered your resignation at one point, yet despite acceptance of your resignation, you received several offers from the company to work in alternate locations, which you refused.

NRC Conclusion

Based on the totality of the evidence developed by OI, the NRC was unable to conclude that you were discriminated against after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard.

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.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

MAY 29 2013

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

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Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

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MAY 2 9 2013

(b)(7)(C)

RI-2011-A-0019

Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

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

Dear (b)(7)(C):

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,

Original Signed By:

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Enclosure: As Stated

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Distribution:
R. Zimmerman, OE
R1Allegation Resource
R. Lorson, DNMS
M Ferdas, DNMS
D. Screnci, PAO

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NAME	M Ferdas	(b)(7)(C)	R Urban/slj/jrm JRM	R Lorson	
DATE	05/ 22 /2013	05/ 22 /2013	05/ 23 /2013 FOR	05/ 28 /2013	

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

MAY 2 9 2013

(b)(7)(C)

RI-2011-A-0019

Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

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Sincerely,

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Enclosure: As Stated

11-0019

From: Daly, Catherine@DIR [CDaly@dir.ca.gov]
Sent: Tuesday, May 21, 2013 5:45 PM
To: Johnson, Sharon
Subject: RE: Status of Tetra Tech DOL Complaints

Yes.

Please let me know if and when the Civil Case ends.

Cathy

From: Johnson, Sharon [mailto:Sharon.Johnson@nrc.gov]
Sent: Tuesday, May 21, 2013 1:20 PM
To: Daly, Catherine@DIR
Subject: Status of Tetra Tech DOL Complaints

Ms. Daly

In January, 2013, you informed us that these cases were being held in abeyance because the parties chose to file in Civil Court.

Is that still the status of these cases?

Thanks Much

Sharon Law Johnson
Allegation Assistant
610-337-5374

From: Masnyk Bailey, Orysia
Sent: Tuesday, May 21, 2013 4:05 PM
To: McFadden, John
Cc: Nicholson, John
Subject: RE: Name and Address for OI Closeout Letter to Licensee

The address is correct but the new (b)(7)(C)

From: Nicholson, John
Sent: Tuesday, May 21, 2013 3:36 PM
To: Masnyk Bailey, Orysia
Subject: FW: Name and Address for OI Closeout Letter to Licensee

See Jack's question below.

John Nicholson
health physicist
U.S. Nuclear Regulatory Commission
Division of Nuclear Materials Safety
Decommissioning Branch
2100 Renaissance Boulevard
Suite 100
King of Prussia, PA 19406
Phone: 610.337.5236
Email: john.nicholson@nrc.gov

From: McFadden, John
Sent: Tuesday, May 21, 2013 3:33 PM
To: Ferdas, Marc
Cc: McFadden, John; Johnson, Sharon; Nicholson, John
Subject: Name and Address for OI Closeout Letter to Licensee

(b)(7)(C)

Tetra Tech EC, Inc.
1000 The American Road
Morris Plains, NJ 07950

Is this still the correct address for management for License No. 29-31396-01?

From: Daly, Catherine@DIR [CDaly@dir.ca.gov]
Sent: Wednesday, January 30, 2013 11:52 AM
To: Johnson, Sharon
Cc: Urban, Richard
Subject: RE: Status of Tetra Tech DOL Complaints

Not a problem. Please let me know if you need further information.

By the way, the DOL in SF had one of the investigations. However, I believe it got put in abeyance due to our investigation.

Take care,
Cathy

From: Johnson, Sharon [mailto:Sharon.Johnson@nrc.gov]
Sent: Wednesday, January 30, 2013 8:42 AM
To: Daly, Catherine@DIR
Cc: Urban, Richard
Subject: RE: Status of Tetra Tech DOL Complaints

Thank you very much.

SJ

From: Daly, Catherine@DIR [mailto:CDaly@dir.ca.gov]
Sent: Wednesday, January 30, 2013 11:36 AM
To: Johnson, Sharon
Cc: Urban, Richard
Subject: RE: Status of Tetra Tech DOL Complaints

These cases are in abeyance because parties chose to file in Civil Court with the same allegations.

I cannot continue the investigations nor issue a report until after the Court issues a decision. We do not want to risk issuing a different outcome from the judge.

Catherine S Daly
Deputy Labor Commissioner
Retaliation Unit
455 Golden Gate Ave 10th Floor
San Francisco, CA 94102
(415) 703-4841
cdaly@dir.ca.gov

From: Johnson, Sharon [mailto:Sharon.Johnson@nrc.gov]
Sent: Wednesday, January 30, 2013 8:33 AM
To: Daly, Catherine@DIR
Cc: Urban, Richard
Subject: Status of Tetra Tech DOL Complaints

Ms. Daly:

My name is Sharon Johnson and I work for the U.S. Nuclear Regulatory Commission in King of Prussia, PA.

We have been made aware of 3 DOL WB complaints (9-3290-11-064, 9-3290-12-12-021 and 9-3290-12-060) from the individuals filing the complaints and by your agency.

At this time, I would like to ask the status of these cases.

Thank You Very Much

Sharon Law Johnson
Allegation Assistant
610-337-5374

From: R1ALLEGATION RESOURCE
Sent: Wednesday, January 09, 2013 8:22 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: 3 Week Email for OI Case 1-2012-002 - OFFICIAL USE ONLY - INVESTIGATION INFORMATION

From: McLaughlin, Marjorie
Sent: Wednesday, January 09, 2013 8:21:36 AM
To: McLaughlin, Marjorie; Zimmerman, Roy; Hasan, Nasreen; Hilton, Nick; Day, Kerstun; Coleman, Nicole; Faria-Ocasio, Carolyn; Furst, David; Gulla, Gerald; Sreenivas, Leelavathi; Woods, Susanne; Wray, John; Solorio, Dave; Scott, Catherine; Dean, Bill; Lew, David; R1ENFORCEMENT RESOURCE; Farrar, Karl; R1ALLEGATION RESOURCE; Casey, Lauren; Fretz, Robert; Beckford, Kaydian; Carpenter, Robert; Ghasemian, Shahram; Arrighi, Russell; Burgess, Michele; Masnyk Bailey, Orysia; Ferdas, Marc; Lorson, Raymond; Collins, Daniel; Marenchin, Thomas; Campbell, Andy
Subject: 3 Week Email for OI Case 1-2012-002 - OFFICIAL USE ONLY - INVESTIGATION INFORMATION
Auto forwarded by a Rule

~~**OFFICIAL USE ONLY - INVESTIGATION INFORMATION**~~

Hunters Point Naval Shipyard: UNSUBSTANTIATED Discrimination against a former contract employee for having raised a safety concern
(Case No. 1-2012-002; Allegation No. RI-2011-A-0019)

Investigation Purpose:
The NRC Office of Investigations (OI) initiated an investigation on October 7, 2011, to determine whether a Concerned Individual (CI), was discriminated against by a contract decommissioning company at the Hunters Point Naval Shipyard (HPNS) for raising a safety concern.

Investigation Conclusion:
Based upon the evidence developed during the investigation, OI did not conclude that the CI was discriminated against.

Disposition Actions:
In an ARB on December 19, 2012, the staff agreed with the OI conclusion. If no alternative views are received within three weeks of the date of this email, the disposition actions (sending closure letters to the CI and licensee) will be taken. The allegation and investigation details are summarized below.

Allegation:
On February 2, 2011, a CI contacted a Region IV (RIV) DNMS inspector by telephone and alleged that he had been subject to a hostile work environment after raising radiological safety concerns. The CI, who had worked for a licensee that was contracted to decommission the Hunters Point Naval Shipyard (HPNS) site, alleged that he raised three concerns to several radiation protection supervisors (RPSs) and the HPNS (b)(7)(C) (b)(7)(C) all of whom also worked for the same licensee. Specifically, the CI alleged that he had reported: 1) workers entering a radiologically controlled area (RCA) without an RP escort; 2) a water cooler that was inside of an RCA without approval; and, 3) RP equipment being left unattended overnight.

The CI claimed to the RIV inspector that the RPSs and the (b)(7)(C) did not take his concerns seriously and that he felt threatened when the (b)(7)(C) stated he could remove the CI from the company's NRC license. The CI claimed

that he asked if the (b)(7)(C) wanted his resignation and stated that he would go to the NRC with his concerns. The CI also alleged that the (b)(7)(C) told him to leave the site and that he could contact the NRC from his own phone. The CI claimed that he was subsequently reassigned to a different decommissioning project and was later furloughed.

At the direction of a February 16, 2011, Allegation Review Board (ARB), RIV referred the matter to Region I (RI), which had licensing and inspection responsibility for the contract company. A March 16, 2011, RI ARB determined that prima facie had been articulated. In October 2011, the CI informed OI that he had engaged in an unsuccessful Alternative Dispute Resolution mediation session with the contract company on August 17, 2011, and OI opened its investigation.

Investigation Details:

The CI testified to OI that he had worked at HPNS since 2002, first for a previous contract company and then for the subject licensee since April 2009. The CI stated that he was responsible for ensuring regulatory compliance, and it was in that capacity that, on January 13, 2011, he raised his concern about unescorted workers entering an RCA to the RPSs and the (b)(7)(C). The RPSs and (b)(7)(C) argued that the work location had been cleared and down-posted from being an RCA and that the CI's concern, therefore, was not valid. Following the meeting, the CI confronted the (b)(7)(C) about not supporting him. The discussion between the CI and the (b)(7)(C) became heated, resulting in the CI being asked to leave the site. The CI claimed that he was placed on paid administrative leave and temporarily reassigned to another work location. The CI said that when he completed his temporary assignment, he was required to use all of his leave, and was then furloughed.

The RPSs and the (b)(7)(C) denied that the CI was discriminated against. These individuals testified to OI that the RCA had been down-posted prior to the incident. The individuals provided OI a copy of an email which was dated before the alleged incident and included the CI as a recipient that described the down-posting of the area. The (b)(7)(C) testified that during their argument, the CI had offered his resignation, and the (b)(7)(C) had accepted it. One of the RPSs, who testified to eavesdropping on the argument outside the (b)(7)(C) office door, corroborated that it was the CI who resigned. The (b)(7)(C) acknowledged that the CI had previously raised the other concerns (regarding the water cooler and RP equipment), but stated that these were low-level issues which the (b)(7)(C) had directed the CI to address.

OI interviewed the CI's supervisor, who claimed that the company had offered the CI several additional assignments in alternate locations following his completion of the temporary assignment. He stated that the CI had declined these opportunities, and was only interested in being assigned work in the San Francisco area (OI also reviewed documentary evidence to this effect). The supervisor said that he did not return the CI to the HPNS site because of the personality conflicts between the CI and other workers at the site. He denied that the CI was discriminated against.

Although a few of the CI's coworkers testified to OI that they believed the CI was discriminated against, none of these individuals could provide any evidence to that effect. Based on the evidence gathered, OI determined that it was the company's right to remove the CI from the HPNS site due to the argument between the CI and the (b)(7)(C) and to not return the CI to that site based on the personality conflicts between the CI and his coworkers. OI also considered that the CI declined numerous offers by the company to work in alternate locations and that the primary safety concern did not, in fact, represent an actual concern. Accordingly, OI concluded that the CI was not discriminated against.

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February 7, 2013 , 2:49 pm	Delivered	**KING OF PRUSSIA, PA 19406**

Your item was delivered at 2:49 pm on February 7, 2013 in KING OF PRUSSIA, PA 19406.

January 29, 2013 , 10:56 am	Unclaimed	(b)(7)(C)
January 14, 2013 , 12:06 pm	Notice Left	(b)(7)(C)
December 29, 2012 , 11:46 am	Notice Left	(b)(7)(C)
December 29, 2012 , 11:44 am	Arrival at Unit	(b)(7)(C)
December 29, 2012 , 5:11 am	Depart USPS Sort Facility	SAN FRANCISCO, CA 94188
December 28, 2012 , 11:55 pm	Processed through USPS Sort Facility	SAN FRANCISCO, CA 94188

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DEC 2 1 2012

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to your remaining discrimination concern that you initially raised to the NRC in early 2011. The NRC is continuing with its review of your concern. When we have completed our review, we will notify you of our findings, actions, and final resolution. 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.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Distribution:
Allegation File No. RI-2011-A-0019

DOCUMENT NAME: G:\ORA\ALLEG\STATUS\20110019st4.docx
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OFFICE	DNMS:DLB	N	ORA:SAC						
NAME	M Ferdas MJF		R Urban						
DATE	12/ 10 /2012		12/ 31 /2012						

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

DEC 21 2012

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to your remaining discrimination concern that you initially raised to the NRC in early 2011. The NRC is continuing with its review of your concern. When we have completed our review, we will notify you of our findings, actions, and final resolution. 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.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

From: R1ALLEGATION RESOURCE
Sent: Monday, December 17, 2012 2:25 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: **sensitive allegation**
Attachments: arb.2011-A-0019.docx

From: Hammann, Stephen
Sent: Monday, December 17, 2012 2:24:47 PM
To: R1ALLEGATION RESOURCE
Cc: Ferdas, Marc; Masnyk Bailey, Orysia; Roberts, Mark
Subject: **sensitive allegation**
Auto forwarded by a Rule

Attached is the Dec 19th panel form to closeout 2011-A-0019

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0019
Site/Facility: Hunters Point, CA (Tetra Tech EC, Inc.)
ARB Date: December 19, 2012

Branch Chief (AOC): M Ferdas
Acknowledged: N/A
Confidentiality Granted: N/A

Issue discussed: OI investigation of case No. 1-2012-002 completed. OI did not confirm discrimination against the CI. The OI transcript was reviewed by DNMS Branch 4. No new concerns identified.

Does alleger object to RFI to the licensee? N/A

ALLEGATION REVIEW BOARD ATTENDEES

Chair: R Lorson **Branch Chief:** M Ferdas **SAC:** RUrban **OI:** (b)(7)(C)
RI Counsel: KFarrar **Others:** O Masnyk Bailey

DISPOSITION METHOD OI Investigation

DISPOSITION ACTIONS

1) 3 week email

Responsible Person: MMcLaughlin
Closure Documentation:

ECD:
Completed:

2) Closeout letter to CI and licensee.

Responsible Person: RUrban
Closure Documentation:

ECD:
Completed:

SAFETY CONCERN: None

PRIORITY OF OI INVESTIGATION: Completed.

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?
When did the potential violation occur?

NOTES: DNMS has completed its review of OI report for Case No. 1-2012-002 and agrees with OI's conclusion that the former RSO was not discriminated against for having raised safety concerns. No additional potential allegations or apparent technical violations were identified.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

~~JUN 2 5 2012~~

~~AUG 9 2012~~

SEP 1 2 2012

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to your remaining discrimination concern that you initially raised to the NRC in early 2011. As noted in our last letter to you dated December 27, 2011, we informed you that the Region I technical staff was reviewing a transcript of your interview with an agent from our Office of Investigations (OI). Based on our review, we did not identify any new technical concerns. However, the NRC is continuing with its review of your discrimination concern.

When we have completed our review, we will notify you of our findings, actions, and final resolution regarding your concern. 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.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

From: Johnson, Sharon
Sent: Friday, September 07, 2012 10:35 AM
To: (b)(7)(C)
Cc: Urban, Richard; Johnson, Sharon
Subject: Address Change

Mr. Bowers:

Sharon Johnson with the US Nuclear Regulatory Commission.

Do you have another address where we should send correspondence to you?

Last address we have is:

(b)(7)(C)

Thanks Much

Sharon Law Johnson
Allegation Assistant
610-337-5374

From: (b)(7)(C)
Sent: Tuesday, September 11, 2012 9:05 PM
To: Johnson, Sharon
Cc: Urban, Richard
Subject: Re: Address Change

Hi Sharon -

My apologies for the delay in a response... I've been traveling / visiting with family is (b)(7) etc and computer access has been limited.

The address which should continue to be used - as has been the case for all other correspondence, is as follows:

(b)(7)(C)

As always, feel free to contact me in the event additional information or feedback is needed.

Regards,

Bert Bowers
(b)(7)(C)
or
(b)(7)(C)

In a message dated 9/7/2012 7:35:02 A.M. Pacific Daylight Time, Sharon.Johnson@nrc.gov writes:

> Mr. Bowers:
>
> Sharon Johnson with the US Nuclear Regulatory Commission.
>
> Do you have another address where we should send correspondence to you?
>
> Last address we have is:
>
> (b)(7)(C)
>
> Thanks Much

Sharon Law Johnson

Allegation Assistant

610-337-5374

=

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REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

~~JUN 25 2012~~

AUG 9 2012

RI-2011-A-0019

Mr. Bert Bowers
(b)(7)(C)

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to your remaining discrimination concern that you initially raised to the NRC in early 2011. As noted in our last letter to you dated December 27, 2011, we informed you that the Region I technical staff was reviewing a transcript of your interview with an agent from our Office of Investigations (OI). Based on our review, we did not identify any new technical concerns. However, the NRC is continuing with its review of your discrimination concern.

When we have completed our review, we will notify you of our findings, actions, and final resolution regarding your concern. 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.

Re-Mailed

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

From: R1ALLEGATION RESOURCE
Sent: Thursday, July 19, 2012 2:47 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Tetra Tech EC, Inc. / Hunters Point Inspection- 2011
Attachments: ML1112301630.pdf; ML1112301800.pdf

From: Masnyk Bailey, Orysia
Sent: Thursday, July 19, 2012 2:46:54 PM
To: (b)(7)(C)
Cc: Ferdas, Marc; R1ALLEGATION RESOURCE
Subject: RE: Tetra Tech EC, Inc. / Hunters Point Inspection- 2011
Auto forwarded by a Rule

I have attached the inspection reports you requested.

The Allegations folks will have to provide you the closeout memo for R1-2011-A-0019, for information about the cleared finding. I don't have a copy in my files.

Please let me know if I can provide anything else or help in some other way.

From: (b)(7)(C)
Sent: Thursday, July 19, 2012 1:24 PM
To: Nicholson, John
Subject: Tetra Tech EC, Inc. / Hunters Point Inspection- 2011

John-

Good Afternoon. I was reaching out with the hope that you might be able to assist in a particular area. I understand that you went out to Hunters Point last fall and conducted an inspection following the complaint raised by former RSOR Bert BOWERS. If the information I have been given is correct, you all did not have any findings out at the site, other than the self-report against BOWERS and his use and or storage of a radium dial button (I could be wrong with the exact terminology). Is it possible that I can get a copy of that report and the cleared finding?

Thanks and feel free to give me a ring if you have any questions.

(b)(7)(C)
Special Agent
U.S. Nuclear Regulatory Commission
Office of Investigations
Region-I Field Office
2100 Renaissance Blvd.
Renaissance Park
King of Prussia, PA 19406
(b)(7)(C) Direct
610-337-5131 Fax
(b)(7)(C) Mobile

	Initial	√	Announced		Unannounced	√	Routine		Special		Increased Controls

NRC FORM 591M PART 3
(10-2003) 10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

Docket File Information

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE	2. NRC/REGIONAL OFFICE
Tetra Tech EC, Inc. 1000 The American Road Morris Plains, NJ 07950 REPORT NO(S). 2011-002	**U.S. Nuclear Regulatory Commission** **Region I, 475 Allendale Road** **King of Prussia, Pennsylvania 19406-1415**

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-38199	29-31396-01	03/29 – 31/2011
6. INSPECTION PROCEDURES USED	**7. INSPECTION FOCUS AREAS**	**8. INSPECTOR**
87124	03.01 to 03.02	John Nicholson

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM	2. PRIORITY	3. LICENSEE CONTACT	4. TELEPHONE NUMBER
03219	3	(b)(7)(C)	(b)(7)(C)

☐ Main Office Inspection — Next Inspection Date: 03/2014

☐ Field Office

☑ Temporary Job Site Inspection — Hunter's Point Shipyard, San Francisco,

PROGRAM SCOPE

Tetra Tech EC, Inc. (TT) changed the location of their corporate office from Washington to New Jersey. This generated a new license and therefore an initial inspection within one year of the issuance of the new license even though TT is a long time NRC licensee. This inspection was conducted at a temporary job site in order to follow-up on the initial corporate office inspection earlier this year.

TT is one of several contractors involved in the remediation of the Hunter's Point Shipyard facility. The primary radionuclides of concern are Ra-226, Sr-90, and Cs-137. The majority of the work involves soil excavation but there is some building demolition taking place as well. Soil is removed and moved to the radiological screening yard pads (RSY) where it is worked into six inch deep lifts. The soil is surveyed with sodium iodide dectectors to identify areas greater than approved criteria. Samples are taken and analyzed of areas exceeding established levels by gamma spectrscopy. If the soil samples exceed release criteria, the soil is removed from the RSY and shipped out as LLRW through Environmental Management Services representatives on site. In addition, the area from which the soil was excavated is surveyed and sampled. Excavations that are found to be below release criteria are filled in with clean fill or RSY pad dirt that has been cleared and found to be below release criteria. Chemical contamination of the soil is also an issue and the soil is screened for various chemical contaminants as well. Air sampling is conducted at various locations especially around the RSY. Areas are posted and roped or fenced off and entrance/exiting of radiological control areas is controlled at access points. TT performs on site laboratory analysis for all contractors on site.

The TT organization on site consists of a senior project manager overseeing three main areas, lab operatons, field operations, and radiological screening yard operations. There is an RSO representative on site at all times acting as a representative of the corporate RSO. The corporate RSO visits the site about once a month. NRC required program audits included corporate issues as well as focusing on one of the major decommissioning job sites every year.

This is a long term decommissioning project. Contracts with the Navy usually are for two year periods.

There was one non-cited violation identified during this inspection. During a training session, a very low activity radium button check source was left unsecured in an unrestricted area during the lunch break for a training session on March 18, 2010. The source was discovered later during lunch time that day and placed into the posted and secured source storage location. This violation was self identified by the licensee, non-repetitive, and adequate corrective actions were taken.

SUNSI Review Completed By: John Nicholson /RA/

Supervisory Review Completed By: Judith A. Joustra /RA/

[X] Public

[X] Non-Sensitive

This document becomes an NRC Official Agency Record once it is signed by the Supervisor

NRC FORM 591M PART 1
(10-2003)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Tetra Tech EC, Inc. Hunters Point Shipyard San Francisco, California REPORT Nos 2011-002	**U.S. Nuclear Regulatory Commission** **Region I, 475 Allendale Road** **King of Prussia, Pennsylvania 19406-1415**

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-38199	29-31396-01	03/29 – 31/2011

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

[ ] 1. Based on the inspection findings, no violations were identified.

[ ] 2. Previous violation(s) closed.

[√] 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.

[√] Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

10 CFR Part 20.1802, control of material not in storage, states that the licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. Contrary to the above, on Thursday March 18, 2010, a radium button source, used for training purposes, was found on the table in an empty conference room. It was used for training purposes and was left unsecured when personnel went to lunch. The source was discovered during lunch time and immediately secured in the approved and labeled storage area. An incident report was generated. Radioactive material control requirements were reviewed with the employee. An inventory of button and instrument check sources was checked. Sources are no longer used for the training session.

[ ] 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	John Nicholson	/RA/	04/29/2011
BRANCH CHIEF	Judith A. Joustra	/RA/	04/29/2011

SUNSI Review Completed By: / RA / John Nicholson [√] Public [√] Non-Sensitive

This document becomes an NRC Official Agency Record once it is signed by the Branch Chief

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

JUN 25 2012

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to your remaining discrimination concern that you initially raised to the NRC in early 2011. As noted in our last letter to you dated December 27, 2011, we informed you that the Region I technical staff was reviewing a transcript of your interview with an agent from our Office of Investigations (OI). Based on our review, we did not identify any new technical concerns. However, the NRC is continuing with its review of your discrimination concern.

When we have completed our review, we will notify you of our findings, actions, and final resolution regarding your concern. 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.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

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OFFICE	DNMS:DLB		RI:FOD		ORA:SAC			
NAME	M Ferdas STH for		(b)(7)(C)		R Urban/jrm			
DATE	06/ 25 /2012		06/ 15 /2012		06/ 25 /2012			

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ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0019
Site/Facility: Hunters Point – Tetra Tech
ARB Date: February 1, 2012

Branch Chief (AOC): Ferdas
Acknowledged: Yes
Confidentiality Granted: No

Issue discussed: Review of OI transcript (OI Case No. 1-2012-002) from interview with CI to determine if any new concerns were identified.

Does alleger object to RFI to the licensee? N/A

ALLEGATION REVIEW BOARD ATTENDEES
Chair: DLorson **Branch Chief:** M. Roberts **SAC:** RUrban **OI:** (b)(7)(C) **RI Counsel:** KFarrar
Others: Hammann/Nicholson, J. McFadden, D. Holody, A. Turilin

DISPOSITION METHOD (See Attached RFI Worksheet)
Inspection/Technical Review

DISPOSITION ACTIONS
(List actions for processing and closure. Note responsible person(s), form of action closure document(s), and estimated completion dates.)

1) No new concerns were identified. OI Case is still open.

Responsible Person: Ferdas
Closure Documentation: ARB Form

ECD: 2/1/12
Completed: 2/1/12

2) Continue OI Investigation 1-2012-002.

Responsible Person: (b)(7)(C)
Closure Documentation:

ECD: 3/30/2012
Completed:

SAFETY CONCERN: see previous panel form

PRIORITY OF OI INVESTIGATION: see previous panel form

RATIONALE USED TO DEFER OI DISCRIMINATION CASE: see previous panel form

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION: see previous panel form

NOTES:
The CI's original concerns included wrongful termination. OI conducted an interview with the CI and (b)(7)(C) performed a review of the OI transcript to determine if any new concerns were identified.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

From: R1ALLEGATION RESOURCE
Sent: Thursday, January 19, 2012 4:50 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019
Attachments: ARBDispostion2011-A-0019 OI transcript (2).docx

From: Ferdas, Marc
Sent: Thursday, January 19, 2012 4:49:40 PM
To: R1ALLEGATION RESOURCE
Subject: R1-2011-A-0019
Auto forwarded by a Rule

****SENSITIVE ALLEGATION INFORMATION – DO NOT DISCLOSE****

See attached for ARB form.

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

From: Hammann, Stephen
Sent: Wednesday, January 04, 2012 6:22 AM
To: Johnson, Sharon
Cc: Roberts, Mark
Subject: RE: ARB for 1/4/2012

Yes, take all of the Branch 4 items off the schedule for 1/4/12. (b)(7)(C)

I have reviewed two OI transcripts. One interview with Bert Bowers and one interview with Susan Andrews. Neither of them had any new concerns.

From: Johnson, Sharon
Sent: Tuesday, January 03, 2012 4:22 PM
To: Hammann, Stephen
Cc: Urban, Richard
Subject: ARB for 1/4/2012
Importance: High

Steve

I assume you have eliminated all of your items to discuss at ARB on 1/4/2012.

Please let me know what you are doing with the OI interview transcript review you did (RI-2011-A-0019) vice (RI-2011-A-0113).

Sharon Law Johnson
Allegation Assistant
610-337-5374

From: Johnson, Sharon
Sent: Tuesday, January 03, 2012 2:54 PM
To: Hammann, Stephen
Cc: Urban, Richard
Subject: RE: ***SENSITIVE ALLEGATIONS MATERIAL*******

Importance: High

In my previous email I was trying to explain that she was interviewed as a witness (discrimination issue) for RI-2011-A-0019 so this interview transcript applies to that file.

I am soooooooooooo sorry I screwed up.

From: R1ALLEGATION RESOURCE
Sent: Tuesday, January 03, 2012 2:47 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: ***SENSITIVE ALLEGATIONS MATERIAL*******

From: Hammann, Stephen
Sent: Tuesday, January 03, 2012 2:46:52 PM
To: R1ALLEGATION RESOURCE
Cc: Roberts, Mark; Masnyk Bailey, Orysia
Subject: ***SENSITIVE ALLEGATIONS MATERIAL*******
Auto forwarded by a Rule

Regarding the schedule for tomorrows panel: 2011-A-(b)(7)(C) 113(b)(7)(C) may all be removed from the schedule.

We have reviewed the (b)(7)(C) RFI and we will accept it, we owe you the RFI checklist and enclosure 1

We have done a preliminary review of the (b)(7)(C) RFI and will most likely accept that as well,

I have reviewed the OI transcript for Susan Andrews and there are no new concerns which have not been captured in the 20 concerns we already have listed for 2011-A-0113.

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

From: Hammann, Stephen
Sent: Tuesday, January 03, 2012 2:39 PM
To: Johnson, Sharon
Subject: RE: OI Interview Transcript RI-2011-A-0113 vs RI-=2011-A-0019

No problem, I finished reviewing it anyway

From: Johnson, Sharon
Sent: Tuesday, January 03, 2012 2:35 PM
To: Hammann, Stephen
Cc: Urban, Richard
Subject: OI Interview Transcript RI-2011-A-0113 vs RI-=2011-A-0019
Importance: High

STEVE

FIRST I HUMBLY AND WHOLE HEARTEDLY APOLOGIZE!!!!

After doing some research on the confusion, it would appear to me that the OI interview transcript (1-2012-002) for the female does actually belong to RI-2011-A-0019, as a witness. It should still be reviewed to ascertain if there are any new issues that apply to either case.

The latter case, RI-2011-A-0113 has not even been offered ADR or OI let alone DOL although they have filed a complaint with DOL.

So – there is no real rush to review the transcript if you really do not have the time – just let me know please.

SORRY!!!!!!

Sharon Law Johnson
Allegation Assistant
610-337-5374

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

~~DEC 27 2011~~ FEB 10 2012

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to concerns that you raised to the NRC regarding Tetra Tech EC, Inc. You expressed nine concerns related to health physics practices and alleged discrimination at the Hunters Point Decommissioning Project. Our previous letter to you dated June 30, 2011, addressed and responded to your technical concerns (Concerns 2 – 8).

With respect to your remaining open concern (Concern 1), although you had signed an agreement to mediate via Alternative Dispute Resolution (ADR) with Tetra Tech, negotiations were unsuccessful and your discrimination complaint was turned over to the NRC Office of Investigations (OI). You were interviewed by (b)(7)(C), Special Agent, Region I Field Office, OI, on October 26, 2011. Our technical staff is reviewing a transcript of your interview in order to determine if you raised any new technical concerns. In addition, we are aware that you have filed a formal discrimination complaint with the US Department of Labor, Occupational Safety and Health Administration (DOL/OSHA).

The NRC is continuing with its review of your discrimination concern. 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.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

FEB 10 2012
Regular Mail
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1-2012-002

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OFFICE	DNMS:DLB	RI:FOD	ORA:SAC		
NAME	M Ferdas STH for	(b)(7)(C)	R Urban		
DATE	12/ 14 /2011	12/ 15 /2011	12/ 23 /2011		

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

DEC 27 2011

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

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The NRC is continuing with its review of your discrimination concern. 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.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

From: R1ALLEGATION RESOURCE
Sent: Wednesday, December 21, 2011 2:30 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: ***SENSITIVE ALLEGATION**********

From: Hammann, Stephen
Sent: Wednesday, December 21, 2011 2:29:57 PM
To: R1ALLEGATION RESOURCE
Cc: Urban, Richard; Masnyk Bailey, Orysia
Subject: ***SENSITIVE ALLEGATION**********
Auto forwarded by a Rule

I have completed reviewing the transcript of the OI interview with Elbert Bowers associated with RI-2011-A-0019 and there aren't any new concerns in the interview.

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

From: Johnson, Sharon
Sent: Monday, December 19, 2011 4:53 PM
To: (b)(7)(C)
Cc: Urban, Richard; Roberts, Mark
Subject: RI-2011-A-0019 - Tetra Tech

Importance: High

(b)(7)(C)

Mark Roberts has asked if the OI interview transcript (1-2012-002) can be provided to Orysia Masnyk-Bailey for review.

Orysia's official work duty station is her residence and that is where this document would have to go.

RI-2011-A-0019 and 1-2012-002

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

November 17, 2011

CI called and wanted the NRC to know that he/she (states still RSO at the site in name) was aware of two other individuals who have NRC/OSHA issues at the California site whom he/she informed they should contact the NRC concerning.

The CI indicates that one of the individuals has already been terminated from the site and the other still works at the site and fears retaliation because of what has happened to him/her.

Sharon Johnson

INVESTIGATION STATUS RECORD

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-002	Date Opened:	10/07/2011
Docket Number(s):	03038199	ECD:	01/2012
		Priority:	High
Case Type:	Materials / Industrial	Status:	Field Work In Progress
Primary Alleg Source:	Alleger		
Allegation Number(s):	RI-2011-A-0019		
Subject/Allegation:	DISCRIMINATION FOR HAVING ENGAGED IN NRC PROTECTED ACTIVITY		

Monthly Status Report:

10/7/2011: On January 31 and February 1, 2011 Bert BOWERS, former Tetra Tech RSO representative at the Hunter's Point Naval Shipyard decommissioning project provided a number of technical concerns and a discrimination complaint in electronic mail messages to Rick MUNOZ, NRC:RIV. Because Tetra Tech is a Region I (RI) licensee, these concerns were forwarded to the RI Office Allegations Office for disposition. Specifically BOWERS alleged that he experienced a hostile work environment and discrimination after raising radiological concerns to include the need for improved and timely communications related to radiological controls in the field at Hunters Point. BOWERS claims to have been repeatedly berated by a Tetra Tech (b)(7)(C) (the last instance occurring in the presence of the Tetra Tech (b)(7)(C) for raising his concerns. BOWERS claimed that the (b)(7)(C) told him that his safety concerns seemed to be based on the fact that his [BOWERS] name was listed on the NRC license and that he (b)(7)(C) could arrange to have it removed. BOWERS claims that when he informed the (b)(7)(C) of his obligation to resolve issues at the site or begin steps to inform the NRC, the (b)(7)(C) ordered him to pack up his office and to get off of the site immediately. On April 1, 2001, was the last day that BOWERS performed work for Tetra Tech, but he was paid for accumulated overtime, sick and annual leave until August 1, 2011.

These concerns were discussed during a March 16, 2011, NRC:RI Allegation Review Board (ARB). The ARB, to include Regional Counsel determined that BOWERS had articulated a prima facie case of discrimination and that BOWERS would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. BOWERS chose to pursue the ADR option. BOWERS and Tetra Tech mediated on August 17, 2001, but did not reach a settlement and the issue was returned to RI for investigation.

On October 5, 2011, Region I Field Office Director (b)(7)(C) spoke with BOWERS who confirmed that ADR mediation had failed and that he desired that OI investigate his discrimination concern.

Potential Violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on April 1, 2016. Status: FWP ECD (90 days): 01/2012.

Completion Date:		Total Staff Hours:	17.0
Issue Date:		Months Open:	0.0
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):	Harassment and Intimidation - No Result	Statute of Limitations Date:	4/1/2016

From: R1ALLEGATION RESOURCE
Sent: Thursday, October 06, 2011 7:47 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Tetra Tech

From: (b)(7)(C)
Sent: Thursday, October 06, 2011 7:46:39 AM
To: R1ALLEGATION RESOURCE; Urban, Richard
Cc: Holmes, Marcy
Subject: Tetra Tech
Auto forwarded by a Rule

Rick – this is provided for the Allegation file. The OI case # is 1-2012-002.

(b)(7)(C)

USNRC, Office of Investigations
Region I
475 Allendale Rd, King of Prussia, PA 19406
[O] (b)(7)(C)
[F] 610-337-5131
Blackberry (b)(7)(C)

From: (b)(7)(C)
Sent: Wednesday, October 05, 2011 5:15 PM
To: (b)(7)(C)
Cc: patel.sewali.k@dol.gov
Subject: Re: (no subject)

(b)(7)(C)

Regarding the referenced phone conversation just completed, this response confirms my request that OI investigate the discrimination complaint of record. Information related to the corresponding USDOL Investigator involved with the complaint is as follows:

Sewali K. Patel
Regional Investigator
U.S. Department of Labor/OSHA
90 7th Street, Suite 18100
San Francisco, CA 94103
Tel: (415) 625-2538
Fax: (415) 625-2534
E-mail: patel.sewali.k@dol.gov

In parallel,, should the need for additional information or feedback becomes necessary, feel free to contact me using any of the options that follow.

Your promptness as reflected in your timely effort to contact me is appreciated,

Bert Bowers
(b)(7)(C)

Direct: (b)(7)(C)
Cell: (b)(7)(C)
(b)(7)(C)

In a message dated 10/5/2011 1:17:14 P.M. Pacific Daylight Time, (b)(7)(C) writes:

Mr. Bowers - During our telephone discussion a few minutes ago, you requested that OI investigate your discrimination complaint. Please confirm that and also provide me the name of the USDOL Investigator in a return email. Thank you,

(b)(7)(C)

USNRC, Office of Investigations

Region I

475 Allendale Rd, King of Prussia, PA 19406

[O] (b)(7)(C)

[F] 610-337-5131

Blackberry (b)(7)(C)

=

From: (b)(7)(C)
Sent: Wednesday, October 05, 2011 7:23 AM
To: Urban, Richard
Subject: FW: RI-2011-A-0019 (adr-11-022) Tetra Tech

Rick – this looks like the original allegation. I will be over to get copies of what we need to open the case.

(b)(7)(C)
USNRC, Office of Investigations
Region I
475 Allendale Rd, King of Prussia, PA 19406
[O] (b)(7)(C)
[F] 610-337-5131
Blackberry (b)(7)(C)

From: Ghasemian, Shahram
Sent: Tuesday, October 04, 2011 9:33 AM
To: R1ALLEGATION RESOURCE
Cc: Ghasemian, Shahram; (b)(7)(C); Traci L. Morse
Subject: RI-2011-A-0019 (adr-11-022) Tetra Tech

In this case, the parties mediated on 8/17/2011 but did not reach a settlement. However, it seems that they wanted to continue negotiations because they asked whether we (the NRC) would pay for another round of mediations. I declined that request mainly because of the cost but gave the parties several weeks to work on their own to see if they can reach a settlement. We gave them until the end of September. Since no settlement was reached and there was no status from the parties, Cornell will be notifying the parties that we are closing the ADR case file and returning it to the region for investigation.

So, given this background, it may be worthwhile for OI to contact the alleger first before we open a case to see what the alleger wants. For all I know, they may still be working on settling it on their own.

Thanks
Shahram

Shahram Ghasemian
Nuclear Regulatory Commission
301.415.3591

From: Urban, Richard
Sent: Wednesday, October 05, 2011 6:40 AM
To: (b)(7)(C)
Cc: Johnson, Sharon; McFadden, John; Farrar, Karl; Ferdas, Marc
Subject: FW: NRC Mediation

(b)(7)(C)

Please provide us an OI case and get in touch with the individual to set up an interview. We do have a lot of information from the alleger that has already been reviewed and closed. The ONLY issue open is his discrimination complaint. Thanks.

From: (b)(7)(C)
Sent: Tuesday, October 04, 2011 3:55 PM
To: tlm6@cornell.edu
Cc: john@scottlawfirm.net; Urban, Richard; patel.sewali.k@dol.gov; cdaly@dir.ca.gov
Subject: Re: NRC Mediation

Traci,

In response to the subject line above, Mr. John Scott (Scott Law Firm, San Francisco, CA) advised me as legal counsel of Mr. Grey's message. Many thanks for confirming that you will 1) close the mediation case and 2) send it back to the NRC for investigation.

In parallel, your efforts and professionalism extended to coordinate the mediation were greatly appreciated - it was a pleasure working with you.

Regards,

Bert Bowers
(b)(7)(C)

In a message dated 10/4/2011 8:30:03 A.M. Pacific Daylight Time, tlm6@cornell.edu writes:

> Hi Bert and Jim,
>
> The NRC case between Elbert Bowers and TetraTech EC, Inc was mediated on August 17, 2011 and did not reach a settlement. The case has been left open since that time to see if a settlement could be reached. The mediator, Robert Grey informed you that the NRC would be closing the case by September 30. This email is to notify you that I am closing the case here and will be sending it back to the NRC for investigation.
>
> Please let me know if you have any questions.
>
> Thanks,
>
> Traci

Traci L. Morse

ADR Program Manager

Scheinman Institute on Conflict Resolution

ILR School

Cornell University

450 Research Building

Ithaca, NY 14853-3901

607-255-9298 ph.

607-255-0574 fax

tlm6@cornell.edu

www.ilr.cornell.edu/conflictres

Advancing the World of Work

From: Ghasemian, Shahram
Sent: Tuesday, September 06, 2011 2:13 PM
To: Urban, Richard
Cc: Wilson, Ernest; McFadden, John; Johnson, Sharon
Subject: ADR-11-022 (RI-2011-A-0019 (Tetra Tech) Update

This is an update on the ADR case. The parties mediated on 8/17/2011. They started far apart but they seemed to be close to reaching an agreement. However by the end of this mediation session, they had not reached a written settlement agreement. They have asked for the NRC to pay for another round of mediations in October hoping to finalize their deal. I plan decline their request to pay for another round of mediations but am willing to give them until the end of September to work out a deal on their own. If I don't receive their agreement by the end of September, I plan to turn it over to RI for investigation.

Shahram

Shahram Ghasemian
Nuclear Regulatory Commission
301.415.3591

From: R1ALLEGATION RESOURCE
Sent: Tuesday, August 16, 2011 4:29 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: SENSITIVE INFORMATION - LIMITED DISTRIBUTION
Attachments: Cover Page Blue - Sensitive Allegation Material (2).doc

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From: Modes, Kathy
Sent: Tuesday, August 16, 2011 4:29:11 PM
To: Joustra, Judith
Cc: R1ALLEGATION RESOURCE
Subject: SENSITIVE INFORMATION - LIMITED DISTRIBUTION
Auto forwarded by a Rule

********** ~~OFFICIAL USE ONLY – CONTAINS SENSITIVE INFORMATION~~ **********

RI-2011-A-0019
I called the CI in regards to the 8/4/2011email s/he sent to Ms. Daly of California and s/he cc'd Richard Urban of our office. The CI indicated that in his/her discussion with Ms. Daly, Ms. Daly suggested to the CI that s/he notify the NRC as to the what is happening in his/her case. The CI indicated that mediation would start tomorrow. I informed the CI that the information contained in the email was within California's jurisdiction and that based on my review, there is no action needed by the NRC at this time. The CI agreed and thanked me for the call. The CI was glad to hear that we rec'd the email and that we called him/her back.

No action needed on our part based on this email. Continue with course of action described in ARB.

Kathy Modes
Senior Health Physicist
Decommissioning Branch
USNRC - Region I - DNMS
(P) 610.337.5251
(F) 610.337.5269

********** ~~OFFICIAL USE ONLY – CONTAINS SENSITIVE INFORMATION~~ **********

Call Tuesday

* Alternate: (b)(7)(C)

Direct: (b)(7)(C)

Mobile: (b)(7)(C)

mediation starts tomorrow

Keep Urban in loop – no action by NRC. Ms Daly asked to inform NRC

From: McFadden, John
Sent: Friday, August 12, 2011 4:36 PM
To: Urban, Richard
Cc: Johnson, Sharon; McFadden, John; Modes, Kathy
Subject: FW: DOL Complaint

Fyi. Kathy was requested by Judy to call the CI regarding the CI's email to Daly@ca.gov. We were successful on the second attempt but he was boarding a plane at the time and could not talk. Kathy plans on trying again next Tuesday.

From: R1ALLEGATION RESOURCE
Sent: Wednesday, August 10, 2011 1:59 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: DOL Complaint

From: Urban, Richard
Sent: Wednesday, August 10, 2011 1:59:11 PM
To: Roberts, Mark; Joustra, Judith
Cc: R1ALLEGATION RESOURCE
Subject: RE: DOL Complaint
Auto forwarded by a Rule

I already looked at the DOL complaint. No further action is needed there. Someone in DB needs to look thru the emails I gave Mark and determine if there are any new assertions that we are responsible for, or that we need to send to CA.

From: R1ALLEGATION RESOURCE
Sent: Wednesday, August 10, 2011 1:53 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: DOL Complaint

From: Roberts, Mark
Sent: Wednesday, August 10, 2011 1:52:47 PM
To: Joustra, Judith
Cc: R1ALLEGATION RESOURCE
Subject: RE: DOL Complaint
Auto forwarded by a Rule

I did not have time to completely follow up on this. I reviewed the documents and believe that we need to talk to his individual to gain more information; however this may be in California's jurisdiction since he is asking for an evaluation on something that is being provided for a California license. Hard copy is on your desk.

Mark

From: Joustra, Judith
Sent: Monday, August 08, 2011 7:31 PM
To: Roberts, Mark
Subject: Fw: DOL Complaint
Importance: High

Please follow up on this. Determine the next step.
Sent via blackberry device

From: Johnson, Sharon
To: Joustra, Judith
Cc: Urban, Richard; McFadden, John
Sent: Mon Aug 08 16:40:56 2011
Subject: DOL Complaint

FYI

The CI for RI-2011-A-0019 (Tetra Tech) filed a DOL complaint on 7/8/2011. We just received it from RIV today, 8/8/2011.

Sharon Law Johnson
Allegation Assistant
610-337-5374

From: R1ALLEGATION RESOURCE
Sent: Tuesday, August 09, 2011 8:52 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Tetra Tech RI-2011-A-0019 SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Tuesday, August 09, 2011 8:51:54 AM
To: Roberts, Mark
Cc: R1ALLEGATION RESOURCE; Joustra, Judith
Subject: Tetra Tech RI-2011-A-0019 SENSITIVE ALLEG INFO
Auto forwarded by a Rule

Please respond to this e-mail after you had a chance to review the alleger's 8/4 e-mail string that I provided to you this morning. Thanks.

From: R1ALLEGATION RESOURCE
Sent: Tuesday, August 09, 2011 7:46 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: RI-2011-A-0019 TETRA TECH DOL COMPLAINT - SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Tuesday, August 09, 2011 7:46:06 AM
To: Joustra, Judith; Wilson, Ernest; Farrar, Karl
Cc: R1ALLEGATION RESOURCE
Subject: RI-2011-A-0019 TETRA TECH DOL COMPLAINT - SENSITIVE ALLEG INFO
Auto forwarded by a Rule

This alleger is currently in ADR. I have reviewed the DOL complaint and determined there were no technical issues. However, there were some additional examples provided relating to his discrimination concern. However, we don't need to do anything different at this point because he is in ADR. But if the process fails, we would add the info to his current complaint that states:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were berated by the (b)(7)(C) during a field supervisory staff meeting. You also stated that the (b)(7)(C) told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later he ordered you to pack up your office and to get off the project site.

The DOL complaint states the following:

Complainant alleges that on 1/13/11 (b)(7)(C) threatened to remove Complainant?s name from Respondent?s NRC license and removed Complainant from the Hunter?s Point Naval Shipyard project in retaliation for reporting a nuclear safety issue/violation of the NRC regulations on the same day, 1/13/11. Complainant further alleges that Respondent laid him off from a subsequent project in Alameda effective 4/1/11 and subsequently forced him to use up his leave (by not giving him any other assignments) in retaliation for: (1) filing a complaint with the NRC against Respondent relating to the incident on 1/13/11, (2) meeting with the NRC on 3/31/11 to discuss his concerns, and (3) reporting the nuclear safety issue/violation on 1/13/11.

From: R1ALLEGATION RESOURCE
Sent: Monday, August 08, 2011 2:16 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: DOL Referral for RI Case
Attachments: DOL referral.pdf; 11021 Referral to RI re TETRA TECH ALLEGATION 3-4-2011.pdf

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From: R4ALLEGATION Resource
Sent: Monday, August 08, 2011 2:14:47 PM
To: R1ALLEGATION RESOURCE
Cc: R4ALLEGATION Resource
Subject: DOL Referral for RI Case
Auto forwarded by a Rule

The attached PDF is a copy of a DOL referral received by Region IV today.

Region IV believes this DOL issue is related to a case that was referred to Region I in March, 2011; a copy of the original referral is also attached.

- The licensee in question is Tetra Tech.
- the location is Hunter's Point Naval Shipyard.
- Based on an AMS search, this appears to be related to Region I case file RI-2011-A-0019.

Region IV is forwarding to Region I for appropriate action. If it is determined that this is not related to an active RI case please let us know.

Thanks,
Peter Jayroe
Allegation Coordinator / Enforcement Specialist
817-860-8174

U.S. Department of Labor

Occupational Safety and Health Administration
San Francisco Federal Building
90 – 7th Street, Suite 18100
San Francisco, CA 94103

August 2, 2011

RECEIVED
AUG 8 2011
REGION IV

Senior Allegations Coordinator
Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Re: TetraTech, Bowers / 9-3290-11-064

Sir or Madam:

Enclosed is a copy of the complaint in the above-captioned matter for your information and appropriate action. Complainant and Respondents are being notified of the investigative procedures of this office under separate cover. If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

for JAMES D. WULFF
Assistant Regional Administrator, Enforcement Programs

Enclosure

Case Activity Worksheet

Run Date: 07/29/11

Occupational Safety and Health Administration

Filed Date: 07/08/11	Local Case Number: 9-3290-11-064		Activity Number: 22623722		Reporting ID: 0900000
Case Type: ERA	Statutory Implication:				
Allegation: A - Filing with other Agency		Investigator: Patel, Sewali		Assigned Date: 07/29/11	

Allegation Summary: Complainant alleges that on 1/13/11 (b)(7)(C) threatened to remove Complainant?s name from Respondent?s NRC license and removed Complainant from the Hunter?s Point Naval Shipyard project in retaliation for reporting a nuclear safety issue/violation of the NRC regulations on the same day, 1/13/11. Complainant further alleges that Respondent laid him off from a subsequent project in Alameda effective 4/1/11 and subsequently forced him to use up his leave (by not giving him any other assignments) in retaliation for: (1) filing a complaint with the NRC against Respondent relating to the incident on 1/13/11, (2) meeting with the NRC on 3/31/11 to discuss his concerns, and (3) reporting the nuclear safety issue/violation on 1/13/11.

Respondent Information Name:	Tetra Tech, E.C., Inc.	Phones:	Emails:
Primary Address:	Hunters Point Naval Shipyard 200 Fisher Ave. San Francisco CA 94124 UNITED STATES		
Alternate Address:			
Complainant Information Name:	Mr Bert Bowers exempt b allegs	Phones:	Emails:
Primary Address:	(b)(7)(C)	W (b)(7)(C) C C	(b)(7)(C)

Determination Date	Determination	Total Compenstation	$0	Reinstatement N

I certify that the complaint was filed with me on(date): 7/8/11

Signature	Title	Date
Sewali Patel	Regional Investigator	8/1/11

Note:This report contains sensitive information that may not be appropriate for distribution outside OSHA. Local offices should review the information BEFORE it is provided to outside requestor.

Urban, Richard

From: (b)(7)(C)
Sent: Thursday, August 04, 2011 4:16 PM
To: cdaly@dir.ca.gov
Cc: Urban, Richard; patel.sewali.k@dol.gov
Subject: Tetra Tech EC: "Make Adjustments" Request to Info in CDPH Form 2050 A
Attachments: BowersCAForm2050AtoErikA080311.pdf; EAs TtEC Response to NRC re RSO 080409.docx

Ms Daly,

After our discussion over the phone today, the purpose of this communication is to document your notification for the purpose of official record and consideration. In reference to the subject line above, recent events involving assigned actions by my employer Tetra Tech EC, Inc have resulted in additional concerns related to my ongoing complaint and as outlined below:

Specifics:

Tetra Tech's (b)(7)(C) asked recently that I complete and return to him **CDPH Form 2050 A** (using the link below to access the form template):

http://www.cdph.ca.gov/pubsforms/forms/CtrldForms/rh2050a.pdf

Completion of the document was - per the (b)(7)(C) email, pertinent to Tetra Tech's *"need to apply for a California State radioactive materials license to do work at Alameda, and some other places in California"*

After complying with the request and returning a completed form to him (as attached), he sent another email request (today) as follows:

"Could you do me a favor and make some adjustments to your training and experience form? I need you listed as an RSOR, as I am the (b)(7)(C) *on* (b)(7)(C)

Reaction:

As is common knowledge, there are NRC "Right to Know" posting templates which in fact use the RSO and RSOR acronyms. However, regarding **CDPH Form 2050 A, pg 1, section 3 part a, # 1** and the **"Experience"** section (as submitted) - in particular information pertinent to the **"Employer"** & **"Title(s) and duties"** fields relevant to time with Tetra Tech, the title entered as "Radiation Safety Officer" reflects Tetra Tech's official company advertised job title for the project position I was hired to fill at Hunters Point ("Sup" reflects the assigned supervisory role while at Alameda). In parallel - and as he clearly knows (see supporting email attached), prior to my direct report's employment, I was listed on NRC documentation as the License RSO for Tetra Tech's material license.

Preliminary concern:

In consideration of the facts as provided within, I feel through ulterior motives that Tetra Tech is requiring "some adjustments" (aka: improper and inaccurate modifications/alterations and intentional omissions/etc) which adversely affect the truthful accuracy of information as reflected on a State of California controlled document destined for filing as a legal record.

Overriding concern: I feel I am being asked by Tetra Tech to knowingly "trim down" a document which would in turn result in some degree of intentional falsification / lack of due consideration for future job openings.

Summary:

I feel, unfortunately, that I am being asked by my employer to engage in a directive which negatively alters my highest level of experience and actual rank within the company. Plus, I feel belittled by an opinionated job title interpretation which is not supported by what's documented as factual record and maintained as such within the company. I conscientiously choose not to ignore the importance of the fact that I have successfully performed in the role as License RSO.. and while at sites within the State of California. Accordingly, I would appreciate the addition of this complaint to my file.

As always, feel free to contact me if additional information or feedback is needed. Your time dedicated to this important matter is sincerely appreciated.

Regards,

Bert Bowers

Radiation Safety Office

Tetra Tech EC, Inc

(b)(7)(C)

From: (b)(7)(C)
Sent: Tuesday, August 04, 2009 3:14 PM
To: rrm@nrc.gov
Cc: (b)(7)(C) Bowers, Bert
Subject: FW: NRC License Amendment 07.27.09

Mr. Munoz,

Here is the NRC license amendment appointing Bert Bowers as the RSO for the tetraTech EC license. I am currently working with (b)(7)(C) to amend our license to appoint myself as the (b)(7)(C) and list the Norfolk office as the area where the records are kept.

Thanks!

(b)(7)(C)

(b)(7)(C)

Direct: (b)(7)(C) Fax: 757.461.4148 | Cell: (b)(7)(C)

(b)(7)(C)

Tetra Tech EC | ESQ

Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

PLEASE NOTE: This message, including any attachments, may include confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

Think Green - Not every email needs to be printed.

From: (b)(7)(C)
Sent: Tuesday, August 04, 2009 6:09 PM
To: Bowers, Bert; (b)(7)(C)
Subject: NRC License Amendment 07.27.09

(b)(7)(C) please see attached document

(b)(7)(C)

3200 George Washington Way

Suite G

Richland, WA 99354509-372-5800

(b)(7)(C)

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STATEMENT OF TRAINING AND EXPERIENCE

(Use additional sheets as necessary.)

Instructions: Each individual proposing to use radioactive material is required to submit a Statement of Training and Experience (RH 2050 A) **in duplicate** to: California Department of Public Health, Radiologic Health Branch, MS 7610, Licensing Section, P.O. Box 997414, Sacramento, CA 95899-7414. Physicians should request form RH 2000 A when applying for human-use authorizations. Radiographers should request form RH 2050 IR. For more information, go to www.dhs.ca.gov/rhb or phone (916) 327-5106.

1. Name of proposed user: Eibert G. Powers
Position title: Radiation Safety Officer
Employer address (number, street): 1000 American Road
City: Morris Plains
State: NJ
ZIP code: 07950
Radioactive materials license number: (b)(7)(C)
Radioactive materials license name: Tetra Tech EC, Inc.

2. Training
a. College or university ☒ Yes ☐ No
Name of college or university: (b)(7)(C)
(b)(7)(C)
City: (b)(7)(C)
State: (b)(7)(
Years completed: (b)(7)(
Degree: (b)(7)(C)
Course of study: (b)(7)(C)
b. Education specifically applicable to use of radioactive material
(b)(7)(C)

3. Experience
a. List experience with use of radioactive materials beginning with most recent:

(1) Dates From: Mar 09 To: Present
Employer: Tetra Tech EC, Inc.
Title(s) and duties: Radiation Safety Officer Dept: Radiological Surveillance/Oversight; NRC Licensing Compliance; etc. Hunters Point Naval Shipyard Proj's
(b)(7)(C)
Date: 3
Employer address (number, street): 1000 American Road
City: Morris Plains
State: NJ
ZIP code: 07950

(2) Dates From: (b)(7)(C) To: (b)(7)(C)
Employer: (b)(7)(C)
(b)(7)(C)
Radioactive materials license number: (b)(7)(C)
Date: (b)(7)(C)
Employer address (number, street): (b)(7)(C)
City: (b)(7)(C)
State: (b)
ZIP code: (b)(7)(C)

(3) Dates From: (b)(7)(C) To: (b)(7)(C)
Employer: (b)(7)(C)
Title(s) and duties: (b)(7)(C)
(b)(7)(C)
Radioactive materials license number: (b)(7)(C)
Date: (b)(7)(C)
Employer address (number, street): (b)(7)(C)
City: (b)(7)(C)
State: (b)(7)(C)
ZIP code: (b)(7)(C)

(4) Dates From: (b)(7)(C) To: (b)(7)(C)
Employer: (b)(7)(C)
Title(s) and duties: (b)(7)(C)
(b)(7)(C)
Radioactive materials license number: (b)(7)(C)
Date: (b)(7)(C)
Employer address (number, street): (b)(7)(C)
City: (b)(7)(C)
State: (b)(7)(C)
ZIP code: (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) Employer (b)(7)(C) (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b)(7) ZIP Code (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b) ZIP Code (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) Employer (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b)(7) ZIP Code (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) Employer (b)(7)(C) (b)(7)(C) (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b)(7)(C) ZIP Code (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) Employer (b)(7)(C) (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b)(7) ZIP Code (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) Employer (b)(7)(C) (b)(7)(C) (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b)(ZIP Code (b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C) Employer (b)(7)(C) (b)(7)(C)

Titles and Duties (b)(7)(C) (b)(7)(C)

Radioactive Materials License Number (b)(7)(C) Date (b)(7)(C)

Employer Address (Street Address) (b)(7)(C) City (b)(7)(C) State (b)(7)(C) ZIP Code (b)(7)(C)

1ST ATTACHMENT to P8. 1 of 2

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C)

(b)(7)(C) (b)(7)(C)

Titles and Duties

(b)(7)(C) (b)(7)(C)

Radioactive Materials License Number

(b)(7)(C) (b)(7)(C)

Employer Address (Street Address) City (b)(7)(C) State (b)(7)(C) ZIP Code (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C)

Employer (b)(7)(C) (b)(7)(C)

Titles (b)(7)(C) (b)(7)(C)

(b)(7)(C)

Radioactive Materials License Number Date

Employer Address (Street Address) (b)(7)(C) State (b)(7)(C) ZIP Code (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

Dates From (b)(7)(C) To (b)(7)(C)

Employer (b)(7)(C)

Titles and Duties (b)(7)(C)

(b)(7)(C)

Radioactive Materials License Number Date

(b)(7)(C) (b)(7)(C)

Employer Address (Street Address) City (b)(7)(C) State (b)(7)(C) ZIP Code (b)(7)(C)

(b)(7)(C)

2nd Attachment to Pg. 1 of 2
(FINAL)

b. Indicate the facilities and operations where training was received and refer to Part 3.a. when answering the following: *

☑ Laboratories using radiochemicals	☐ (1)	☐ (2)	☐ (3)	☑ (4)
☑ Restricted area laboratories	☐ (1)	☑ (2)	☑ (3)	☑ (4)
☑ Glove boxes	☐ (1)	☐ (2)	☑ (3)	☐ (4)
☑ Field operations	☑ (1)	☑ (2)	☑ (3)	☐ (4)
☑ Environmental applications	☑ (1)	☑ (2)	☑ (3)	☐ (4)
☑ Other (please describe) Radiological Instruction/Cert. Emergency Planning	☐ (1)	☑ (2)	☑ (3)	☑ (4)

(* continued on following pg.)

c. Radioactive materials previously used. Identify typical radioisotopes in appropriate box and refer to Part 3.a. on preceding page:

	Quantities Handled			
	(a) Microcuries	(b) Millicuries	(c) Curies	(d) Kilocuries
(1) Sealed sources	Co, Cs, Am, Sr	Co, Cs	Co, Cs, Am	
(2) Unsealed alpha emitters	U, Pu, Th, Ra	Th, Ra	Ra	N/A
(3) Unsealed beta-gamma emitters	Co, Cs, Pu, Xe, I	Co, Cs, I	Co, Cs	
(4) Neutron sources	Am		Am,	

d. Describe the procedures similar to those proposed in which you have had experience. Indicate months or years for each and refer to Part 3.a. on preceding page.

Similar Procedures → Entire Scope (Months or Years for each → minimum of 10 Years ep.

4. Certificate:

The information you are asked to provide on this form is requested by the State of California, Department of Health Services, Radiologic Health Branch. This notice is required by Section 1798.17 of the Information Practices Act of 1977 (Code of Civil Procedure, Section 1798-1798.76) and the Federal Privacy Act to be provided whenever an agency requests personal or confidential information from any individual. It is mandatory that you furnish the information requested on this form. Failure to furnish the requested information may result in an inaccurate determination of statements and/or disapproval of your application.

I hereby certify that all information contained in this statement is true and correct.

[signature]
Signature of proposed user

August 2, 2011
Date

(continued)

b. Indicate the facilities and operations where training was received and refer to Part 3.a. when answering the following:

☐ Laboratories using radiochemicals	☐ (5)	☐ (6)	☐ (7)	☐ (8)
☑ Restricted area laboratories	☑ (5)	☑ (6)	☑ (7)	☑ (8)
☑ Glove boxes	☑ (5)	☑ (6)	☐ (7)	☐ (8)
☑ Field operations	☑ (5)	☑ (6)	☑ (7)	☑ (8)
☑ Environmental applications	☑ (5)	☑ (6)	☐ (7)	☑ (8)
☑ Other (please describe) (b)(7)(C)	☑ (5)	☐ (6)	☑ (7)	☑ (8)

(continued)

b. Indicate the facilities and operations where training was received and refer to Part 3.a. when answering the following:

☐ Laboratories using radiochemicals	☐ (9)	☐ (10)	☐ (11)	☐ (12)
☑ Restricted area laboratories	☑ (9)	☑ (10)	☐ (11)	☑ (12)
☑ Glove boxes	☑ (9)	☐ (10)	☐ (11)	☐ (12)
☑ Field operations	☑ (9)	☑ (10)	☑ (11)	☑ (12)
☐ Environmental applications	☐ (9)	☑ (10)	☑ (11)	☐ (12)
☑ Other (please describe) (b)(7)(C)	☐ (9)	☐ (10)	☑ (11)	☐ (12)

(continued)

b. Indicate the facilities and operations where training was received and refer to Part 3.a. when answering the following:

☐ Laboratories using radiochemicals	☐ (13)	☐	☐	☐
☑ Restricted area laboratories	☑ (13)	☐	☐	☐
☑ Glove boxes	☑ (13)	☐	☐	☐
☑ Field operations	☑ (13)	☐	☐	☐
☑ Environmental applications	☑ (13)	☐	☐	☐
☑ Other (please describe) (b)(7)(C)	☑ (13)	☐	☐	☐

N/A

1st Attachment to Pg. 2 of 2 (Final)

From: (b)(7)(C)
Sent: Wednesday, August 03, 2011 12:18 PM
To: Urban, Richard
Subject: Fwd: Tetra Tech Actions w/ Bert Bowers: Placement on Administrative Leave

Mr. Urban,

Information below is provided FYI per Mrs. Daly's direction; please note that my assigned contact with the Department of Labor - OSHA section has been advised as has Senator Lindsey Graham's office.

Regards,

Bert Bowers
Radiation Safety Officer
Tetra Tech EC, Inc
(b)(7)(C)

From: CDaly@dir.ca.gov
To: (b)(7)(C)
Sent: 8/3/2011 8:31:22 A.M. Pacific Daylight Time
Subj: RE: Tetra Tech Actions w/ Bert Bowers: Placement on Administrative Leave

Be sure to tell NRC!

From: (b)(7)(C)
Sent: Wednesday, August 03, 2011 6:03 AM
To: Daly, Catherine@DIR
Subject: Tetra Tech Actions w/ Bert Bowers: Placement on Administrative Leave

Catherine,

FYI, Tetra Tech (as initially indicated below) has advised of their decision to place me on administrative leave. I believe without doubt these actions continue to be part of their systematic effort of retaliation against me for simply attempting to conduct a vested job responsibility: address / correct identified safety concerns of a radiological basis at the Hunters Point Shipyard.

In this regard, I will continue to update you as events continue to unfold.

Yours truly,

Bert Bowers

Radiation Safety Officer, Tetra Tech EC, Inc

864 483-1789 (Direct)

(b)(7)(C)

//

From: (b)(7)(C)] Attempt to 011169
To: (b)(7)(C)
Sent: 7/28/2011 8:21:25 A.M. Pacific Daylight Time
Subj: RE: Unsuccessful attempt to submit Tetra Tech time sheet

Bert,

Give me a call at (b)(7)(C) when you get a chance. Need to talk to you about administrative leave, and the "Training and Experience" form for our CA Agreement State license.

Thanks,

(b)(7)(C)

(b)(7)(C)

Direct (b)(7)(C) Fax: 757.461.4148 | Cell (b)(7)(C)

(b)(7)(C)

Tetra Tech EC | ESQ

Twin Oaks, Suite 309, 5700 Lake Wright Drive Norfolk, VA 23502 | www.tetratech.com

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Think Green - Not every email needs to be printed.

From: (b)(7)(C)
To: tmurphy@laborlawyers.com
CC: (b)(7)(C)
Sent: 8/1/2011 6:29:22 A.M. Pacific Daylight Time
Subj: Fwd: August 17, 2011 Mediation with Mr. Grey

Mr. Murphy,

In reference to the subject line above, my apologies for the delay in a more timely response (b)(7)(C) (b)(7)(C) (b)(7)(C) In consideration of resulting demands, the opportunity for regular internet access has, at best, remained limited.

Appreciating likewise the examples of various mediation scenarios, and with indications that your facility has functional features for needs presently envisioned, your suggestion will be shared with my attorney during tomorrow's next scheduled teleconference (he too is traveling and is scheduled to be back from vacation and in his San Francisco office on August 2, 2011). Pending the conclusion of our aforementioned teleconference, a follow up will be attempted with you regarding your suggestion.

In these regards, many thanks for your offer and again, my apologies for the delay in a more timely response. A follow up response will be forthcoming.

Regards,

Elbert Bowers

Radiation Safety Officer

Tetra Tech EC, Inc

(b)(7)(C)

From: tmurphy@laborlawyers.com
To: (b)(7)(C)
CC:
Sent: 7/26/2011 2:34:18 P.M. Pacific Daylight Time
Subj: August 17, 2011 Mediation with Mr. Grey

Mr. Bowers,

I am counsel for Tetra Tech EC in this matter and will be representing the company at the August 17, 2011 mediation. (b)(7)(C) asked that I respond to your latest email regarding where the mediation would take place.

Mediations normally require multiple rooms for a joint session and then for the mediator to shuttle back and forth. We have plenty of room in our office in San Francisco at One Embarcadero Center, Suite 2340 to accommodate all the parties who will be in attendance. Please let me know if you would like to use our offices. Your side would of course have a private room, access to telephones and any office services that you might need throughout the day.

I look forward to working with everyone to try to effectuate a resolution of your claim.

Regards,

Tim Murphy

Fisher & Phillips, LLP

One Embarcadero Center, Suite 2340

San Francisco, CA 94611

(415) 490-9011

=

From: (b)(7)(C)
To: tlm6@cornell.edu
CC: (b)(7)(C)
Sent: 7/21/2011 11:24:21 A.M. Pacific Daylight Time
Subj: Re: Date for Mediation

Traci,

If August 17, 2011 works for (b)(7)(I'll pencil in that date as well.

Many thanks,

Bert Bowers

(b)(7)(C)

From: tlm6@cornell.edu
To: (b)(7)(C)
Sent: 7/20/2011 7:00:20 A.M. Pacific Daylight Time
Subj: RE: List of Mediators

You have both selected (b)(7)(C) as the mediator for this case. I will contact him today and find out his availability. Since this case will be mediated in California, a space does need to be located to hold the mediation at.

Thanks,

Traci

Traci L. Morse

ADR Program Manager

Scheinman Institute on Conflict Resolution

ILR School

Cornell University

450 Research Building

Ithaca, NY 14853-3901

607-255-9298 ph.

607-255-0574 fax

tlm6@cornell.edu

www.ilr.cornell.edu/conflictres

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From: (b)(7)(C)
To: tlm6@cornell.edu (b)(7)(C)
Sent: 7/20/2011 6:24:00 A.M. Pacific Daylight Time
Subj: RE: List of Mediators

Ms. Morse,

As discussed , Tetra Tech's preference as to the Mediators are in the following order:

First - Grey

Second - Mahrle

Third - Pou

Fourth - Eagleson

Thank you for your assistance.

(b)(7)(C)

(b)(7)(C)

Direct (b)(7)(C) | Fax: 973.630.8526 | Cell (b)(7)(C)

(b)(7)(C) *** Please note new E-Mail address. ***

Tetra Tech EC | Legal

1000 The American Road | Morris Plains, NJ 07950 | www.tteci.com

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From: (b)(7)(C)
To: patel.sewali.k@dol.gov
Sent: 7/15/2011 3:49:54 P.M. Pacific Daylight Time
Subj: Fwd: List of Mediators (re: Bowers & Tetra Tech EC, Inc - Hunters Point)

FYI.... Tetra Tech responded / agreed to mediate (5 weeks after the initial request).

Regards,

Bert Bowers

800 326-5146

From: (b)(7)(C)
To: (b)(7)(C)
CC: tlm6@cornell.edu
Sent: 7/15/2011 3:42:36 P.M. Pacific Daylight Time
Subj: Re: List of Mediators

(b)(7)(C)

In reference to the subject line above, information obtained from the resumes for Mr. Robert A. Grey and Mr. Charles Pou reflects some prior degree of NRC based affiliation. In that regard and in order of recommended preference, the following order is respectfully submitted for your review / concurrence:

1st preference: Mr. Robert Grey

2nd Preference: Mr. Charles Pou

3rd Preference: Mr. Michael Eagleson

4th Preference: Mr. Richard K. Mahrle

As always, feel free to contact me if additional information or feedback is needed. Unless advised otherwise, I look forward to your response by Friday, July 22, 2011.

Regards,

Bert Bowers

Radiation Safety Officer, Tetra Tech EC, Inc

(b)(7)(C)

(b)(7)(C)

In a message dated 7/13/2011 12:26:33 P.M. Pacific Daylight Time, tlm6@cornell.edu writes:

This will confirm your agreement to mediate the Early ADR case between *Elbert Bowers and Tetra Tech EC, Inc.* The mediation date and location are to be determined. As of now, the mediation will be conducted in California.

Enclosed are web sites for four accomplished members from our Roster (see below). You are encouraged to contact each other at the earliest possible time to discuss the qualifications of the proposed neutrals and then advise me of your preferences. I will endeavor to appoint a mediator and confirm the date as soon as possible.

As stated in the Agreement to Mediate, the NRC will pay all mediator fees and travel expenses. The parties are responsible for any costs associated with meeting rooms.

Feel free to contact me via phone or email. I look forward to hearing from you.
Thanks,
Traci

Michael Eagleson

http://www.ilr.cornell.edu/conflictRes/RosterOfNeutrals/AllNeutrals.html?action=detail&id=344

Richard Mahrle

http://www.ilr.cornell.edu/conflictRes/RosterOfNeutrals/AllNeutrals.html?action=detail&id=211

Robert Grey

http://www.ilr.cornell.edu/conflictRes/RosterOfNeutrals/AllNeutrals.html?action=detail&id=3260

Charles Pou

http://www.ilr.cornell.edu/conflictRes/RosterOfNeutrals/AllNeutrals.html?action=detail&id=1068

Traci L. Morse

ADR Program Manager

Scheinman Institute on Conflict Resolution

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607-255-9298 ph.

607-255-0574 fax

tlm6@cornell.edu

www.ilr.cornell.edu/conflictres

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=

From: Ghasemian, Shahram
Sent: Wednesday, July 27, 2011 11:37 AM
To: Johnson, Sharon
Cc: Urban, Richard; Ghasemian, Shahram
Subject: RE: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC SENSITIVE ALLEG INFO!

Not a problem. They did select a mediator on 7/20. We have a tentative mediation date of August 17. Still waiting for the licensee to confirm that date.

From: Johnson, Sharon
Sent: Wednesday, July 27, 2011 9:49 AM
To: Ghasemian, Shahram
Cc: Urban, Richard
Subject: RE: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC SENSITIVE ALLEG INFO!

Shahram

Sorry to be a pest – any further word on this ADR case since 7/12/2011?

Thanks
SLJ

From: Ghasemian, Shahram
Sent: Tuesday, July 12, 2011 9:27 AM
To: Urban, Richard; Johnson, Sharon
Subject: RE: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC SENSITIVE ALLEG INFO!

We received the company's signed agreement to mediate form today. The parties will now start the process of selecting a mediator. sg

---

From: Urban, Richard
Sent: Monday, July 11, 2011 7:46 AM
To: Johnson, Sharon
Cc: Ghasemian, Shahram
Subject: FW: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC SENSITIVE ALLEG INFO!

Sharon,

For the file...

From: (b)(7)(C)
Sent: Saturday, July 09, 2011 9:09 PM
To: pael.sewali.k@dol.gov
Cc: Urban, Richard
Subject: Fwd: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC

....FYI

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 7/8/2011 11:30:25 A.M. Pacific Daylight Time
Subj: RE: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC

Hi Bert,

As of right now, I still have not had a return phone call from Tetra Tech. At this point, I probably will not hear from them until Monday. I will call them again first thing Monday morning.

Thanks,

Traci

Traci L. Morse

ADR Program Manager

Scheinman Institute on Conflict Resolution

ILR School

Cornell University

450 Research Building

Ithaca, NY 14853-3901

607-255-9298 ph.

607-255-0574 fax

tlm6@cornell.edu

www.ilr.cornell.edu/conflictres

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From: (b)(7)(C)
Sent: Friday, July 08, 2011 2:28 PM

To: Traci L. Morse
Subject: Fwd: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC

Tracy,

In reference to the subject line above, many thanks for your phone call... and the continued promptness and professionalism in providing feedback from your position. In line with our most recent discussion yesterday, I'll await word today should Tetra Tech, EC provide it's formal response. In the interim, I remain completely surprised and somewhat taken aback at Tetra Tech, EC's perceived choice to date in pursuing an appearant path of silence. Nevertheless, if by close of business today Tetra Tech, EC's failure to respond continues and subsequently there's nothing to report, I will attempt to follow up with you on Monday, July 11, 2011.

Thanks again for your help in this critically important matter.

Regards,

Bert Bowers

(b)(7)(C) Direct)

Mobile)

From: (b)(7)(C)
To: tlm6@cornell.edu
Sent: 7/7/2011 11:28:40 A.M. Pacific Daylight Time
Subj: Fwd: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC

Traci,

In reviewing my notes as related to the subject line above, it's apparent that tomorrow will mark five weeks since forwarding a signed "Agreement to Mediate". The referenced document was initiated specific to NRC license based concerns and issues as they exist with my present employer Tetra Tech, EC.

In that regard - and since we last communicated on June 17, 2011, did any formal "response of record" result as a professional courtesy from Tetra Tech advising of their intent specific to this option? Otherwise, has there continued to be no word from Tetra Tech, EC since we last communicated?

Last, in similar experiences involving mediation alternatives, is the length of this type of time frame typical?

Many thanks in advance for you time dedicated to this very important need.

Regards,

Bert Bowers

(b)(7)(C)

From: (b)(7)(C)
To: tlm6@cornell.edu
Sent: 6/17/2011 11:35:43 A.M. Pacific Daylight Time
Subj: Agreement to Mediate NRC Concerns: Bowers and Tetra Tech, EC

Hi Traci -

In looking at my calendar, today marks two weeks since I forwarded you a signed agreement to mediate.... i.e., NRC license based issues as they presently exist with my employer Tetra Tech, EC. In that regard, has there been a response from Tetra Tech advising of their intent?

Many thanks in advance for you time dedicated to this need.

All the best,

Bert Bowers

(b)(7)(C)

//

From: tlm6@cornell.edu
To: (b)(7)(C)
Sent: 6/3/2011 12:13:25 P.M. Pacific Daylight Time
Subj: RE: Agreement to Mediate

Thank you for sending it back so quickly. I will contact Tetra Tech next week.

Thanks,

Traci

Traci L. Morse

ADR Program Manager

Scheinman Institute on Conflict Resolution

ILR School

Cornell University

450 Research Building

Ithaca, NY 14853-3901

607-255-9298 ph.

607-255-0574 fax

tlm6@cornell.edu

www.ilr.cornell.edu/conflictres

Advancing the World of Work

From: (b)(7)(C)
Sent: Friday, June 03, 2011 3:09 PM
To: Traci L. Morse
Subject: Re: Agreement to Mediate

Hi Traci,

It was good getting to talk with you earlier today. In reference to that conversation, attached is a signed document indicating my willingness to attempt a

mediation of concerns involving my employer Tetra Tech EC, Inc. I will await your response specific to Tetra Tech's position.

In the interim, feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers

(b)(7)(C)

=

=

JUN 30 2011

Mr. Bert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Mr. Bowers:

This letter pertains to nine concerns that you raised to the NRC in your electronic mail messages to Mr. Rick Munoz of our Region IV office on January 31 and February 1, 2011, regarding Tetra Tech EC, Incorporated. You expressed concerns related to health physics practices and alleged discrimination at the Hunters Point Decommissioning Project. In addition to the information you provided us on those dates, you provided additional information to us in various telephone discussions with Region I staff, electronic mail messages, and a large binder of information that you mailed to us on April 26, 2011. Based on that information, we have revised your concerns as described in Enclosure 1.

We have addressed and responded to eight of your nine concerns as noted in Enclosure 1. We note that you have signed an agreement to mediate via Alternative Dispute resolution (ADR) with Tetra Tech regarding your discrimination concern (Concern 1). The NRC will continue to monitor your discrimination concern.

Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me or one of my associates toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

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NAME	J Joustra	R Urban			
DATE	6 / 30 /2011	6 /30/2011			

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Concern 1:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were repeatedly berated by one of the Tetra Tech (b)(7)(C) (b)(7)(C) (the last instance occurring in the presence of the Tetra Tech (b)(7)(C) during a field supervisory staff meeting. You also stated that the (b)(7)(C) told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later upon advising him of your obligation to 1) resolve the issues at hand or 2) begin steps to inform the NRC, he ordered you to pack up your office and to get off the project site immediately.

Introduction for Concerns 2 - 9

The NRC performed an inspection at Tetra Tech EC, Inc., Hunters Point Shipyard, from March 29 - 31, 2011. The results of this inspection are documented in Inspection Report 03038199/2011002, which was issued on April 29, 2011. The cover letter and inspection report is available for review on the NRC Website at http://www.nrc.gov/reading-rm/adams.html; (ADAMS); the referenced documents can be found with a Web-based ADAMS search, using the advanced search feature with accession numbers ML111230127 and ML111230163 under document properties.

Concern 2:

You asserted that a Radiologically Controlled Area (RCA) sign appeared intentionally turned down (i.e., not visible) in a "Parcel E" area (also referenced in Concern 3) that required the signage.

NRC Assessment

The inspector observed many posted areas during the inspection. The inspector did not see any RCA signs that were turned down in areas that required the signage. All areas appeared to be properly posted.

NRC Conclusion

Based on the above, the NRC concluded that signage was properly posted in required areas.

Concern 3:

You asserted that on multiple occasions a water station was set up inside a "Parcel E" RCA without following proper protocol.

OFFICIAL RECORD COPY

NRC Assessment

As part of the inspector's tour of the work areas at Hunter's Point, several water stations set up in the field were observed. The inspector did not see any water stations inside any RCA areas. In addition, the inspector reviewed incident reports and found none indicating any incidents in which a water station was improperly set up. The inspector also reviewed the controlling procedure describing how to set up a water station; it was found to be adequate.

NRC Conclusion

Based on the above, the NRC concluded that all water stations were properly set up and none were found in any RCAs.

Concern 4:

You asserted that vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.

NRC Assessment

The inspector reviewed the procedure for vehicles leaving an RCA and it was found to adequately describe what was required. The inspector also observed several vehicles leaving RCAs. The procedure was followed every time. The inspector also interviewed personnel working the egress points as to their knowledge of the egress procedure. All personnel appeared to understand their responsibilities.

NRC Conclusion

Based on the above, the NRC concluded that vehicles were leaving RCAs according to procedure.

Concern 5:

You asserted that licensed activities were being performed past 4 pm and that there may not have been an Authorized User present to oversee this decommissioning work on January 12, 2011.

NRC Assessment

The inspector questioned personnel regarding after hours work activities. The inspector was told that this usually involves non-licensed work areas and is not a frequent occurrence. In addition, personnel were aware that an Authorized User is required to be onsite for any work after hours, and in addition, the RSO representative is on hand.

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NRC Conclusion

Based on the above, the NRC concluded that licensee personnel understood the requirements for licensed work conducted after hours.

Concern 6:

You asserted that the perimeter fence appeared breached and would not have been able to limit or control access.

NRC Assessment

The inspector noted that the area is large and borders a residential neighborhood. The RSO representative does, at a minimum, a daily fence integrity check. Breaches that have been observed are repaired that day. The inspector did not observe any breaches in the perimeter fence during the course of the inspection.

NRC Conclusion

Based on the above, the NRC confirmed that there have been breaches in the perimeter fence, but the NRC was unable to identify any improprieties or inadequacies associated with NRC-regulated activities. The licensee appears to act in a timely fashion to assess and repair any breaches in the perimeter fence.

Concern 7:

You asserted that a survey of a locker was not adequate because the interior was not wipe-tested.

NRC Assessment

The inspector confirmed that the locker in question was in an office area. It did not contain any radioactive material. It appears the licensee opened the locker to remove NRC license related documents and secure them in another location. No wipe test was required.

NRC Conclusion

Based on the above, the NRC concluded that a survey of the locker in question was not required.

Concern 8:

You asserted that required radiation safety records may be compromised and/or destroyed because the records, which had been kept under lock and key in the site RSO's office as of January 23, 2011, were accessible due to the locks having been broken and/or removed.

OFFICIAL RECORD COPY

NRC Assessment

The inspector was provided all required radiation safety records that that were requested. The inspector determined that the records were secured with the appropriate level of control and access.

NRC Conclusion

Based on the above, the NRC concluded that required radiation records were properly stored and controlled.

Concern 9:

You asserted that the emergency/off-hours contact list contained your telephone number even though you were no longer working at the Hunter's Point Naval Shipyard.

NRC Assessment

The inspector found that the RCA area signs contained outdated emergency and off hours contact information. This was brought to the attention of the licensee at the exit meeting on March 31, 2011. All of the signs were corrected with the correct contact information by April 4, 2011, per an email from the licensee's RSO.

NRC Conclusion

Based on the above, the NRC confirmed that RCA signs contained out dated emergency/off-hours contact information, but we were unable to identify any improprieties or inadequacies associated with NRC-regulated activities.

OFFICIAL RECORD COPY

Joustra, Judith

From: Nicholson, John
Sent: Thursday, June 30, 2011 10:14 AM
To: Joustra, Judith
Cc: Urban, Richard
Subject: FW: SENSITIVE ALLEGATION INFO!!!!
Attachments: 20110019st2.docx

No comments on the attachment. It accurately reflects what I found during my inspection and the comments I supplied to the Allegations office at the conclusion of the inspection.

From: Urban, Richard
Sent: Thursday, June 30, 2011 10:05 AM
To: Nicholson, John
Subject: SENSITIVE ALLEGATION INFO!!!!

Judy is supposed to call you about the attached.

Urban, Richard

From: Nicholson, John
Sent: Monday, June 27, 2011 11:03 AM
To: Urban, Richard; Joustra, Judith
Subject: RE: Tetra Tech

Rick,

Let me pull this up in ADAMS and take a look at it. If I marked the 591 Part 3 correctly as Public & Non-Sensitive I don't know why it would come up non-publically in ADAMS. I'm up at VY on an inspection; I may not get to this until I'm back in the office Wednesday.

From: Urban, Richard
Sent: Friday, June 24, 2011 9:34 AM
To: Joustra, Judith; Nicholson, John
Subject: Tetra Tech

There are three parts to your report that are in the allegation file. The third part (Form 591 Part 3) is checked both Public and Non-Sensitive. Why does it come up non-publically available in ADAMS? So we can't give the alleger this part?

Johnson, Sharon

From: Ghasemian, Shahram
Sent: Thursday, June 23, 2011 2:27 PM
To: Johnson, Sharon
Cc: Urban, Richard; McFadden, John; Wilson, Ernest
Subject: RE: Status of Early ADR Case #ADR-11-022

Cornell sent the company the agreement to mediate with a return date of no later than 6/27. sg

---

From: Johnson, Sharon
Sent: Thursday, June 23, 2011 2:13 PM
To: Ghasemian, Shahram
Cc: Urban, Richard; McFadden, John; Wilson, Ernest
Subject: Status of Early ADR Case #ADR-11-022

Shahram

The status update report you sent out 6/17/2011 indicates you left a voice mail at company on 6/15/2011.

In an email dated 6/7/2011 you indicated CI had signed agreement to mediate on 6/3/2011.

Ernie had a 40 minute conversation with the CI on 6/1/2011.

The region received this case on 1/31/2011 from Region IV.

Region I provided early ADR option in letter to CI dated 3/30/2011.

Inspection was completed mid-May to close all 8 technical concerns.

Do you have any more information on this case?

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Ghasemian, Shahram
Sent: Thursday, June 23, 2011 2:16 PM
To: Johnson, Sharon
Cc: Urban, Richard; McFadden, John; Wilson, Ernest
Subject: RE: Status of Early ADR Case #ADR-11-022

I'll check with Cornell and get back with you. sg

From: Johnson, Sharon
Sent: Thursday, June 23, 2011 2:13 PM
To: Ghasemian, Shahram
Cc: Urban, Richard; McFadden, John; Wilson, Ernest
Subject: Status of Early ADR Case #ADR-11-022

Shahram

The status update report you sent out 6/17/2011 indicates you left a voice mail at company on 6/15/2011.

In an email dated 6/7/2011 you indicated CI had signed agreement to mediate on 6/3/2011.

Ernie had a 40 minute conversation with the CI on 6/1/2011.

The region received this case on 1/31/2011 from Region IV.

Region I provided early ADR option in letter to CI dated 3/30/2011.

Inspection was completed mid-May to close all 8 technical concerns.

Do you have any more information on this case?

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Ghasemian, Shahram
Sent: Tuesday, June 07, 2011 1:04 PM
To: Urban, Richard; Johnson, Sharon
Cc: Ghasemian, Shahram; Wilson, Ernest
Subject: RE: RI-2011-A-0019 (Tetra-Tech CI) SENSITIVE ALLEG INFO

The alleger in this case signed the agreement to mediate on 6/3/2011. sg

---

From: Ghasemian, Shahram
Sent: Thursday, June 02, 2011 7:04 AM
To: Urban, Richard
Subject: Re: RI-2011-A-0019 (Tetra-Tech CI) SENSITIVE ALLEG INFO

Sounds good. I'll have cornell call and give him one week deadline.

Shahram Ghasemian
Nuclear Regulatory Commission
(b)(7)(C)
301.415.3591 w

From: Urban, Richard
To: Ghasemian, Shahram; Wilson, Ernest
Cc: Johnson, Sharon; McFadden, John
Sent: Thu Jun 02 07:01:42 2011
Subject: RE: RI-2011-A-0019 (Tetra-Tech CI) SENSITIVE ALLEG INFO

Hard for me to believe his misunderstandings. I heard Sharon explain the processes to him as to how it all worked. Funny, the way Sharon explained is the way our letter describes them. He is stalling.

Shahram, if you can have Cornell call him that would be quicker because I don't believe he is going to call Cornell anytime soon. This is already 5 months old. I thought our drop dead dates were 3-4 weeks? His number is (b)(7)(C)

From: Ghasemian, Shahram
Sent: Wednesday, June 01, 2011 6:11 PM
To: Wilson, Ernest; Urban, Richard
Cc: Johnson, Sharon; McFadden, John
Subject: Re: RI-2011-A-0019 (Tetra-Tech CI)

Ernie - thanks for the follow uo and update. If he wants cornell, is he going to call cornell or should cornell call him? If he is waiting for a call, could you email me his contact number. Thanks

Shahram Ghasemian
Nuclear Regulatory Commission
(b)(7)(C)
301.415.3591 w

From: Wilson, Ernest
To: Urban, Richard
Cc: Johnson, Sharon; McFadden, John; Ghasemian, Shahram

Sent: Wed Jun 01 17:56:42 2011
Subject: RI-2011-A-0019 (Tetra-Tech CI)

Rick,

As you requested, I spoke with the subject from 5:15 to 5:40 PM on Wed, June 1, 2011. He had just come from a meeting at a restaurant with "2 upper level management", i.e. an HR Rep. and a safety expert. He said something about it was a first meeting from the Tetra-Tech Employee Hotline complaint he made. He is trying to exhaust all of his avenues before engaging NRC (OI) ("that was the way he was taught and brought up in the industry," i.e., that you try to resolve issues internally. I got the impression that he thought he had to do all these things before engaging OI. I explained to him the process and that Cornell was an avenue for him to take although he was not obligated to go that route and we (OI) could start an investigation now (I told him that leads tend to dry up the longer he waits to decide on OI). He thought he had to next go to Cornell to "stay in process." I explained to him that his thought was wrong and that it was completely his option and right to choose OI or to attempt to mediate thru Cornell. He authorized me to tell you that his next call on this matter is to Cornell to try the final mediation option. He said there is a possibility that Tetra-Tech will choose not to mediate with him. I explained to him the many scenarios we have had with the employees and employers in the early ADR process. I also further explained the difference between DOL/OSHA (making a person whole) and the NRC/OI because he commented about being limited to 180 days.

Ern

Urban, Richard

From: Wilson, Ernest
Sent: Thursday, June 02, 2011 7:09 AM
To: Urban, Richard; Ghasemian, Shahram
Cc: Johnson, Sharon; McFadden, John
Subject: RE: RI-2011-A-0019 (Tetra-Tech CI) SENSITIVE ALLEG INFO

Since he literally had just walked out of the meeting with the 2 mgt types when I called him, I think he will be calling Cornell. I asked if he still had the letter from Region I with the number and he said he did. We shall see!

From: Urban, Richard
Sent: Thursday, June 02, 2011 7:02 AM
To: Ghasemian, Shahram; Wilson, Ernest
Cc: Johnson, Sharon; McFadden, John
Subject: RE: RI-2011-A-0019 (Tetra-Tech CI) SENSITIVE ALLEG INFO

Hard for me to believe his misunderstandings. I heard Sharon explain the processes to him as to how it all worked. Funny, the way Sharon explained is the way our letter describes them. He is stalling.

Shahram, if you can have Cornell call him that would be quicker because I don't believe he is going to call Cornell anytime soon. This is already 5 months old. I thought our drop dead dates were 3-4 weeks? His number is (b)(7)(C)

From: Ghasemian, Shahram
Sent: Wednesday, June 01, 2011 6:11 PM
To: Wilson, Ernest; Urban, Richard
Cc: Johnson, Sharon; McFadden, John
Subject: Re: RI-2011-A-0019 (Tetra-Tech CI)

Ernie - thanks for the follow uo and update. If he wants cornell, is he going to call cornell or should cornell call him? If he is waiting for a call, could you email me his contact number. Thanks

Shahram Ghasemian
Nuclear Regulatory Commission
(b)(7)(C)
301.415.3591 w

From: Wilson, Ernest
To: Urban, Richard
Cc: Johnson, Sharon; McFadden, John; Ghasemian, Shahram
Sent: Wed Jun 01 17:56:42 2011
Subject: RI-2011-A-0019 (Tetra-Tech CI)

Rick,

As you requested, I spoke with the subject from 5:15 to 5:40 PM on Wed, June 1, 2011. He had just come from a meeting at a restaurant with "2 upper level management", i.e. an HR Rep. and a safety expert. He said something about it was a first meeting from the Tetra-Tech Employee Hotline complaint he made. He is trying to exhaust all of his avenues before engaging NRC (OI) ("that was the way he was taught and brought up in the industry," i.e., that you try to resolve issues internally. I got the impression that he thought he had to do all these things before engaging OI. I explained to him the process and that Cornell was an avenue for him to take although he was not obligated to go that route and we (OI) could start an investigation now (I told him that leads tend to dry up the longer he waits to

decide on OI). He thought he had to next go to Cornell to "stay in process." I explained to him that his thought was wrong and that it was completely his option and right to choose OI or to attempt to mediate thru Cornell. He authorized me to tell you that his next call on this matter is to Cornell to try the final mediation option. He said there is a possibility that Tetra-Tech will choose not to mediate with him. I explained to him the many scenarios we have had with the employees and employers in the early ADR process. I also further explained the difference between DOL/OSHA (making a person whole) and the NRC/OI because he commented about being limited to 180 days.

Ern

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Thursday, May 26, 2011 3:32 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: RI-2011-A-0019 SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Thursday, May 26, 2011 3:31:55 PM
To: Wilson, Ernest
Cc: R1ALLEGATION RESOURCE; Ghasemian, Shahram; Farrar, Karl
Subject: RI-2011-A-0019 SENSITIVE ALLEG INFO
Auto forwarded by a Rule

Ernie,

We are past waiting on this matter. Can you guys officially contact the CI to determine whether he's going to go with Cornell or OI. Thanks.

From: Urban, Richard
Sent: Monday, May 16, 2011 7:19 AM
To: Ghasemian, Shahram
Cc: Wilson, Ernest; Farrar, Karl; Johnson, Sharon
Subject: RE: RI-2011-A-0019

I'm sure he's trying to work out a deal with the licensee similar to what happened a year ago with a Limerick case. I think OI should contact the guy and get an answer, i.e., does he want an investigation or is he going thru the licensee's mediation process.

From: Ghasemian, Shahram
Sent: Friday, May 13, 2011 2:18 PM
To: Johnson, Sharon
Cc: Urban, Richard
Subject: RE: RI-2011-A-0019

(b)(5)

Rick – what do you think?

sg

From: Johnson, Sharon
Sent: Friday, May 13, 2011 1:40 PM
To: Ghasemian, Shahram
Cc: Urban, Richard
Subject: RE: RI-2011-A-0019

The inspection report is dated 4/29/2011, and is a Form 591 inspection. The licensee apparently wants to review the NRC inspection report, discuss with the CI and others, and then the CI will make a determination what he/she wants to do with the discrimination concern.

I spoke with the CI on 5/10/2011, he/she was on the west coast, and he/she not once mentioned he/she had been invited to visit with Tetra Tech to discuss the inspection findings, etc.

I THINK we are probably talking another several weeks before any kind of decision is made on either side.

You are correct he/she has not called Cornell and won't until Tetra Tech tells him/her to go fly a kite.

Talk with you later.

SLJ
XXXX

BTW – this is the only one with any kind of decision to be made in Region I.

SLJ

From: Ghasemian, Shahram
Sent: Friday, May 13, 2011 9:44 AM
To: Johnson, Sharon
Cc: Urban, Richard; McFadden, John; Ghasemian, Shahram; Wilson, Ernest
Subject: RI-2011-A-0019

Sharon – the alleger in this case has not contacted Cornell yet. I would suggest contacting the person and giving them until May 20 to make a decision. If we don't have a decision by then, we'll turn it over to OI for investigation.

Thanks
Shahram

Shahram Ghasemian
Nuclear Regulatory Commission
301.415.3591

G:\ora\alleg\panel\20110019arb2.docx

ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0019
Site/Facility: Tetra Tech EC, Inc.
ARB Date: May 25, 2011

Branch Chief (AOC): Joustra
Acknowledged: Yes
Confidentiality Granted: No

Concern(s) Discussed:

1. Review of additional information provided by alleger on 04/26/2011 in 3 ring binder . Security Category: N/A

   No specific additional concern was identified after reviewing the additional information provided by the alleger. There is a generalized concern about the adequacy of the radiological control program but no new specific examples are provided.

Does alleger object to providing concerns to the licensee via an RFI? [N/A]

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson **Branch Chief:** Joustra **SAC:** Urban **OI:** (b)(7)(C) **RI Counsel:**
Others: Masnyk-Bailey, McFadden, Nicholson, Dwyer, Seeley

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

N/A _____ RFI _____ Inspection or Investigation _____ Both _____

DISPOSITION ACTIONS

1. Send status letter to alleger providing enclosure closing all previous concerns 1 through 8 in attached notes reviewed during inspection and conditionally closing the additional generalized non-specific concern. DNMS did provide enclosure to SAC on 05/16/2011.

   Responsible Person: Joustra **ECD:** 5/31/2011
   Closure Documentation: **Completed:**

2. Based on inspection results do not recommend a chilling effect letter at this time, however if H&I is identified we will need to repanel.

   Responsible Person: Joustra **ECD:** TBD
   Closure Documentation: **Completed:**

SAFETY CONCERN:

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?
When did the potential violation occur?

NOTES:

This is the second set of concerns from the same CI on the same allegation regarding working conditions at Hunter's point, CA. The first set of concerns was discussed at the ARB held on March 16, 2011. The concerns discussed at that time were:

1. Radiological Controlled Area signs were turned down (i.e., not visible) in areas that required the signage.
2. A water station was setup inside the RCA without following proper protocol.
3. Vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.
4. On 1/12/2011, work was being done past 4PM and there may not have been an Authorized User present to oversee this decommissioning work.
5. CI identified fence breach conditions at the Hunters Point site.
6. CI informed license RSO about an inadequate survey of a locker (interior was not wipe tested).
7. CI stated that required radiation safety records may be compromised and/or destroyed because he kept these records under lock and key in his office at the site, but when he returned to the site on 1/23/2011, he noticed that the locks were broken and/or removed and the records were accessible.
8. After being removed from site, the CI's telephone numbers remained on the emergency/off-hours contact list.

Generalized concern from additional information provided by alleger on 04/26/2011 as follows:

Inadequate end-of-day RAD integrity field checks by supervisors. Tetra Tech states in their written procedures supervisors are to walk around the restricted area(s) at the end of each work day to ensure all barriers and controls (including but not limited to, signs, postings, locks, chains, gates, etc...) are established to discourage/deter unauthorized access after routine working hours. The concerned individual (CI) alleges procedures were not being followed by field supervisors at the end of the day in conducting adequate field checks.

There is an ongoing discrimination issue.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Tuesday, May 24, 2011 1:32 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: ARB RI-2011-A-0019
Attachments: ARB RI-2011-A-0019.5-23-11.docx

From: Joustra, Judith
Sent: Tuesday, May 24, 2011 1:31:56 PM
To: McFadden, John; R1ALLEGATION RESOURCE
Subject: FW: ARB RI-2011-A-0019
Auto forwarded by a Rule

For Wednesday's panel. thanks

From: Nicholson, John
Sent: Tuesday, May 24, 2011 10:59 AM
To: Joustra, Judith
Cc: Masnyk Bailey, Orysia; Seeley, Shawn
Subject: ARB RI-2011-A-0019

For review, Allegations needs final copy today, panel is Wednesday. Note I am WAH tomorrow.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1
Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

Urban, Richard

From: Nicholson, John
Sent: Thursday, May 19, 2011 12:18 PM
To: Joustra, Judith
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; Urban, Richard
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

I believe in correspondence from the CI to Rick he states that he was never berated by the (b)(7)(C) during a staff meeting. He stated that this did not happen when we meet w/ him while we were in San Francisco. He was re-assigned to another location.

From: Joustra, Judith
Sent: Thursday, May 19, 2011 6:54 AM
To: Nicholson, John
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; Urban, Richard
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO
Importance: High

The allegation disposition form for the Tetra Tech allegation states in Item 4 that Repanel, if necessary (based on inspection findings to determine if chilling effect letter is needed or if additional OI assistance is needed); Otherwise provide draft closeout letter to SAC for safety concerns; if possible provide status of discrimination concern. CECD 5/30/11. Steve attended the original panel for me and according to the disposition sheet you and Orysia were in attendance as well. Is this correct? The form also identifies Adverse actions taken by the licensee. They are as follows: the CI was berated by the (b)(7)(C) during a field supervisory staff meeting, and CI was removed from his duties at Hunter's Point and re-assigned to another site. That is why Rick is raising the issues of the chilling effect and repanel. Were the adverse actions reviewed during the inspection, as committed during the panel held on 3/16/11?

Please respond asap. We need to resolve this, it is due 5/30. thanks

From: Nicholson, John
Sent: Tuesday, May 17, 2011 12:24 PM
To: Joustra, Judith
Subject: FW: R1-2011-A-0019 SENSITIVE ALLEG INFO

??? All I know is that I was tasked w/ heading out to Hunters Point and following up on the listed concerns. What's this about an action to repanel? I assume you will follow up w/ Urban.

From: Urban, Richard
Sent: Tuesday, May 17, 2011 8:08 AM
To: Joustra, Judith; Nicholson, John
Cc: R1ALLEGATION RESOURCE; Wilson, Ernest
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

You guys had an action to repanel, if necessary, based on inspection findings to determine if a chilling effect letter is needed or if add'l OI assistance is needed. What are your conclusions. Thanks.

From: R1ALLEGATION RESOURCE
Sent: Monday, May 16, 2011 2:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019

From: Nicholson, John
Sent: Monday, May 16, 2011 2:04:10 PM
To: R1ALLEGATION RESOURCE
Cc: Hammann, Stephen; Joustra, Judith
Subject: R1-2011-A-0019
Auto forwarded by a Rule

Follow up to safety concerns, see attached.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1
Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

Urban, Richard

From: Joustra, Judith
Sent: Thursday, May 19, 2011 11:01 AM
To: Urban, Richard
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

I asked to John Nicholson to review the file. I have been out of the office for most of the past 3 weeks. I will check with him to see if he reviewed the material.

From: Urban, Richard
Sent: Thursday, May 19, 2011 10:51 AM
To: Joustra, Judith
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; R1ALLEGATION RESOURCE; Nicholson, John
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

In addition, we need documentation as to who reviewed all the additional information that the alleger had sent in, and whether you did or did not find any new concerns. If you did, we need a supplemental receipt form. He also commented on how you interpreted his concerns in the ack letter. Did you guys determine whether we need to adjust his safety concerns? I noticed that all the documentation is back in the office so the review must have been done. Thanks.

From: Joustra, Judith
Sent: Thursday, May 19, 2011 6:54 AM
To: Nicholson, John
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; Urban, Richard
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO
Importance: High

The allegation disposition form for the Tetra Tech allegation states in Item 4 that Repanel, if necessary (based on inspection findings to determine if chilling effect letter is needed or if additional OI assistance is needed); Otherwise provide draft closeout letter to SAC for safety concerns; if possible provide status of discrimination concern. CECD 5/30/11. Steve attended the original panel for me and according to the disposition sheet you and Orysia were in attendance as well. Is this correct? The form also identifies Adverse actions taken by the licensee. They are as follows: the CI was berated by the (b)(7)(C) during a field supervisory staff meeting, and CI was removed from his duties at Hunter's Point and re-assigned to another site. That is why Rick is raising the issues of the chilling effect and repanel. Were the adverse actions reviewed during the inspection, as committed during the panel held on 3/16/11?

Please respond asap. We need to resolve this, it is due 5/30. thanks

---

From: Nicholson, John
Sent: Tuesday, May 17, 2011 12:24 PM
To: Joustra, Judith
Subject: FW: R1-2011-A-0019 SENSITIVE ALLEG INFO

??? All I know is that I was tasked w/ heading out to Hunters Point and following up on the listed concerns. What's this about an action to repanel? I assume you will follow up w/ Urban.

From: Urban, Richard
Sent: Tuesday, May 17, 2011 8:08 AM
To: Joustra, Judith; Nicholson, John
Cc: R1ALLEGATION RESOURCE; Wilson, Ernest
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

You guys had an action to repanel, if necessary, based on inspection findings to determine if a chilling effect letter is needed or if add'l OI assistance is needed. What are your conclusions. Thanks.

From: R1ALLEGATION RESOURCE
Sent: Monday, May 16, 2011 2:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019

From: Nicholson, John
Sent: Monday, May 16, 2011 2:04:10 PM
To: R1ALLEGATION RESOURCE
Cc: Hammann, Stephen; Joustra, Judith
Subject: R1-2011-A-0019
Auto forwarded by a Rule

Follow up to safety concerns, see attached.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1
Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Thursday, May 19, 2011 10:53 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019 SENSITIVE ALLEG INFO

From: Nicholson, John
Sent: Thursday, May 19, 2011 10:53:16 AM
To: R1ALLEGATION RESOURCE
Cc: Urban, Richard; Joustra, Judith
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO
Auto forwarded by a Rule

During my inspection of Tetra Tech at both the RSO office in Norfolk, VA and the job site at Hunters Point in San Francisco everyone I spoke with was forthcoming with answers to my questions. I interviewed a cross section of personnel from the site project manager to technicians working out in the filed. All the information and documents that I requested were provided to me. I did not see any evidence of a chilling effect among the personnel I spoke with.

From: Urban, Richard
Sent: Tuesday, May 17, 2011 8:08 AM
To: Joustra, Judith; Nicholson, John
Cc: R1ALLEGATION RESOURCE; Wilson, Ernest
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

You guys had an action to repanel, if necessary, based on inspection findings to determine if a chilling effect letter is needed or if add'l OI assistance is needed. What are your conclusions. Thanks.

From: R1ALLEGATION RESOURCE
Sent: Monday, May 16, 2011 2:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019

From: Nicholson, John
Sent: Monday, May 16, 2011 2:04:10 PM
To: R1ALLEGATION RESOURCE
Cc: Hammann, Stephen; Joustra, Judith
Subject: R1-2011-A-0019
Auto forwarded by a Rule

Follow up to safety concerns, see attached.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1

Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Thursday, May 19, 2011 10:51 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019 SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Thursday, May 19, 2011 10:50:34 AM
To: Joustra, Judith
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; R1ALLEGATION RESOURCE; Nicholson, John
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO
Auto forwarded by a Rule

In addition, we need documentation as to who reviewed all the additional information that the alleger had sent in, and whether you did or did not find any new concerns. If you did, we need a supplemental receipt form. He also commented on how you interpreted his concerns in the ack letter. Did you guys determine whether we need to adjust his safety concerns? I noticed that all the documentation is back in the office so the review must have been done. Thanks.

From: Joustra, Judith
Sent: Thursday, May 19, 2011 6:54 AM
To: Nicholson, John
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; Urban, Richard
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO
Importance: High

The allegation disposition form for the Tetra Tech allegation states in Item 4 that Repanel, if necessary (based on inspection findings to determine if chilling effect letter is needed or if additional OI assistance is needed); Otherwise provide draft closeout letter to SAC for safety concerns; if possible provide status of discrimination concern. CECD 5/30/11. Steve attended the original panel for me and according to the disposition sheet you and Orysia were in attendance as well. Is this correct? The form also identifies Adverse actions taken by the licensee. They are as follows: the CI was berated by the (b)(7)(C) during a field supervisory staff meeting, and CI was removed from his duties at Hunter's Point and re-assigned to another site. That is why Rick is raising the issues of the chilling effect and repanel. Were the adverse actions reviewed during the inspection, as committed during the panel held on 3/16/11?

Please respond asap. We need to resolve this, it is due 5/30. thanks

From: Nicholson, John
Sent: Tuesday, May 17, 2011 12:24 PM
To: Joustra, Judith
Subject: FW: R1-2011-A-0019 SENSITIVE ALLEG INFO

??? All I know is that I was tasked w/ heading out to Hunters Point and following up on the listed concerns. What's this about an action to repanel? I assume you will follow up w/ Urban.

From: Urban, Richard
Sent: Tuesday, May 17, 2011 8:08 AM
To: Joustra, Judith; Nicholson, John

Cc: R1ALLEGATION RESOURCE; Wilson, Ernest
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO

You guys had an action to repanel, if necessary, based on inspection findings to determine if a chilling effect letter is needed or if add'l OI assistance is needed. What are your conclusions. Thanks.

From: R1ALLEGATION RESOURCE
Sent: Monday, May 16, 2011 2:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019

From: Nicholson, John
Sent: Monday, May 16, 2011 2:04:10 PM
To: R1ALLEGATION RESOURCE
Cc: Hammann, Stephen; Joustra, Judith
Subject: R1-2011-A-0019
Auto forwarded by a Rule

Follow up to safety concerns, see attached.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1
Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Tuesday, May 17, 2011 8:08 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019 SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Tuesday, May 17, 2011 8:08:15 AM
To: Joustra, Judith; Nicholson, John
Cc: R1ALLEGATION RESOURCE; Wilson, Ernest
Subject: RE: R1-2011-A-0019 SENSITIVE ALLEG INFO
Auto forwarded by a Rule

You guys had an action to repanel, if necessary, based on inspection findings to determine if a chilling effect letter is needed or if add'l OI assistance is needed. What are your conclusions. Thanks.

From: R1ALLEGATION RESOURCE
Sent: Monday, May 16, 2011 2:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019

From: Nicholson, John
Sent: Monday, May 16, 2011 2:04:10 PM
To: R1ALLEGATION RESOURCE
Cc: Hammann, Stephen; Joustra, Judith
Subject: R1-2011-A-0019
Auto forwarded by a Rule

Follow up to safety concerns, see attached.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1
Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Monday, May 16, 2011 2:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0019
Attachments: Tetra Tech allegation follow up. 05-16-2011.docx

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From: Nicholson, John
Sent: Monday, May 16, 2011 2:04:10 PM
To: R1ALLEGATION RESOURCE
Cc: Hammann, Stephen; Joustra, Judith
Subject: R1-2011-A-0019
Auto forwarded by a Rule

Follow up to safety concerns, see attached.

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety
Region 1
Phone: 610.337.5236
Fax: 610.337.5269
Emal: john.nicholson@nrc.gov

R1-2011-A-0019

Concern 1:

Tetra Tech EC, Inc. (TT), an on-site contractor for the U.S. Navy at the Hunters Point site in San Francisco, California, had turned down Radiologically Controlled Area (RCA) signs in areas that required the signage.

NRC Assessment

The NRC conducted an inspection of TT decommissioning activities at Hunters Point. During the inspector's on site inspection March 29-31, 2011, many posted areas were observed. The inspector did not see any Radiologically Controlled Area (RCA) signs that were turned down in areas that required the signage. All areas appeared to be properly posted.

NRC Conclusion

This concern was not substantiated.

Concern 2:

TT set up a water station inside the RCA without following the proper protocol.

NRC Assessment

During the inspector's tour of the work areas at Hunter's Point several water stations were observed to be set up in the field. No water stations inside any RCA were observed. A review of incident reports did not indicate any incident where a water station was improperly set up. A review of the procedure describing how to set up a water station was adequate.

NRC Conclusion

This concern was not substantiated.

Concern 3:

Vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.

NRC Assessment

The procedure for vehicles leaving an RCA was reviewed and was found to adequately describe what was required. Several vehicles were observed leaving RCAs. The procedure was followed every time. Personnel working the egress points were interviewed as to their knowledge of the egress procedure. All personnel appeared to understand their responsibilities.

NRC Conclusion

This concern was not substantiated.

Concern 4:

On January 12, 2011, work was being performed past 4:00 PM and there may not have been an Authorized User (AU) present to oversee the decommissioning work.

NRC Assesment

Personnel were asked about after hours work activities. Usually this involves non-licensed work areas and is not a frequent occurrence. An AU is required to be onsite for any after hours work. In addition the RSO representative is also on hand.

NRC Conclusion

This concern was not substantiated.

Concern 5:

The perimeter fence appeared to be breached and would not have been able to limit or control access.

NRC Assessment

The area is large and borders a residential neighborhood. The RSO representative does at a minimum a daily fence integrity check. Breaches have been observed and are repaired that day. No breaches in the perimeter fence were observed during the course of the inspection.

NRC Conclusion

This concern was substantiated but the licensee appears to act in a timely fashion to assess any breaches and repair them in a timely fashion. No violation.

Concern 6:

There was an inadequate survey of a locker in an office of the RSO representative.

NRC Assessment

The locker in question was in an office area. It did not contain any radioactive material. It appears the licensee opened the locker to remove the NRC license related documents and secure them in another location. No wipe test was required.

NRC Conclusion

This concern was not substantiated.

Concern 7:

Radiation safety records required by NRC regulations may have been compromised or destroyed. On January 23, 2011, the lock to these records was broken and the records were accessible.

NRC Assessment

The inspector was provided all the appropriate records that were requested. The records were secured with the appropriate level of control and access.

NRC Conclusion

This concern was not substantiated.

Concern 8:

The emergency and off-hour contact numbers on the RCA signs were not correct and were for an employee no longer at the site.

NRC Assessment

The RCA area signs contained outdated emergency and off hours contact information. This was brought to the attention of the licensee at the exit meeting on Thursday and all signs were corrected with the correct contact information by the following Monday as per an email from the licensee RSO.

NRC Conclusion

This concern was substantiated, but the licensee responded in a timely fashion to correct the signs. No violation.

Johnson, Sharon

From: Johnson, Sharon
Sent: Tuesday, May 10, 2011 2:20 PM
To: Wilson, Ernest; Joustra, Judith
Cc: Urban, Richard; McFadden, John
Subject: RI-2011-A-0019 - Tetra Tech

Spoke with CI again around 1:10 p.m.

CI is waiting for Tetra Tech to review NRC inspection report (with him and others) and comment before deciding whether to use ADR, OI or DOL.

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Ghasemian, Shahram
Sent: Tuesday, May 10, 2011 10:07 AM
To: Johnson, Sharon
Cc: Urban, Richard; McFadden, John
Subject: RE: ADR Offer Question - Sent to You 4/27/2011

No one from Tetra Tech has contacted Cornell. sg

From: Johnson, Sharon
Sent: Tuesday, May 10, 2011 9:13 AM
To: Ghasemian, Shahram
Cc: Urban, Richard; McFadden, John
Subject: ADR Offer Question - Sent to You 4/27/2011
Importance: High

Shahram

Can you tell me if the CI for RI-2011-A-0019 (Tetra Tech) has contacted Cornell? He/she informed me they would contact Cornell upon their (b)(7)(C)

I have been talking with him/her and it sounds to me like he/she might be in negotiations with the licensee.

I guess we are supposed to wait to see what happens between him/her and the licensee.

I thought it would be nice to know if he/she contacted Cornell at all.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Johnson, Sharon
Sent: Tuesday, May 10, 2011 9:46 AM
To: Joustra, Judith
Cc: Wilson, Ernest; Urban, Richard; McFadden, John
Subject: Telephone Call from CI - Tetra Tech
Attachments: Cover Page Blue - Sensitive Allegation Material.doc; TetraTechCall.docx

Importance: High

Attached

Sharon Law Johnson
Allegation Assistant
610-337-5374

RI-2011-A-0019 – Tetra Tech

The CI left a voice mail on my phone (5/9/2011 @ 5:04 p.m.) regarding circumstances at Tetra Tech. The CI is currently on the west coast.

Apparently the CI is in some kind of TALKS with Tetra Tech. Tetra Tech has informed the CI they want to review the NRC inspection report recently conducted before making any kind of decision with regard to his/her discrimination concern. Tetra Tech asked the CI when he/she would be available to go over the inspection results. Tetra Tech has informed the CI that his/her last resort would be to contact the "employee hotline" (not sure if licensee sponsored program). The CI has also informed Tetra Tech about his/her option to participate in the ADR program. The CI stated that Tetra Tech provided no response to that information.

Sharon Johnson
5/10/2011
9:20 a.m.

Johnson, Sharon

From: Joustra, Judith
Sent: Friday, May 06, 2011 12:18 PM
To: Johnson, Sharon
Subject: RE: RI-2011-A-0019 - Tetra Tech

John was out of the office the entire week. He will be back in the office next week.

From: Johnson, Sharon
Sent: Friday, May 06, 2011 11:11 AM
To: Joustra, Judith
Cc: Urban, Richard; McFadden, John
Subject: RE: RI-2011-A-0019 - Tetra Tech

Ms Judy

Please do not forget this review that needs to be done. I probably should have put it on the schedule for 5/11/2011 – BUT!

Thanks
SLJ

From: Joustra, Judith
Sent: Wednesday, April 27, 2011 1:35 PM
To: Johnson, Sharon
Subject: RE: RI-2011-A-0019 - Tetra Tech

I will ask John Nicholson to come up and review when he returns to the office. He assisted Orysia on the inspection at Hunters Point.

From: Johnson, Sharon
Sent: Wednesday, April 27, 2011 1:26 PM
To: Joustra, Judith
Cc: Urban, Richard; McFadden, John
Subject: RI-2011-A-0019 - Tetra Tech
Importance: High

Ms. Judy

The CI at Tetra Tech has sent us (via Fed Express) literally a 3" binder full of information plus about 1" more of personal (PII type resumes') information for your review.

I have the information up here as it is WAY TOO much to copy plus contains PII.

Let me know your wishes.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Johnson, Sharon
Sent: Friday, April 29, 2011 12:50 PM
To: Ghasemian, Shahram
Cc: Joustra, Judith; Wilson, Ernest; Urban, Richard; McFadden, John
Subject: ADR Alleger - Tetra Tech - RI-2011-A-0019

Shahram

I just finished speaking with the CI – the CI will be contacting Cornell on Wednesday, 5/4/2011, after returning (b)(6), (b)(7)(C)

I sent you the letter on 4/27/2011 @ 9:56 a.m.

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Ghasemian, Shahram
Sent: Wednesday, April 27, 2011 9:57 AM
To: Johnson, Sharon
Cc: Urban, Richard; McFadden, John
Subject: RE: Region I Offer for ADR

Thanks. Not a problem. Better late than never! Shahram

From: Johnson, Sharon
Sent: Wednesday, April 27, 2011 9:56 AM
To: Ghasemian, Shahram
Cc: Urban, Richard; McFadden, John
Subject: Region I Offer for ADR

Attached

Little bit late.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Urban, Richard

From: (b)(7)(C)
Sent: Tuesday, April 26, 2011 9:30 PM
To: Urban, Richard
Subject: Fwd: FW: Your Concerns
Attachments: Re: FW: Your Concerns

Mr. Urban,

Please accept this correspondence as notice that a FedEx package went out today for delivery to you by 3 PM tomorrow (tracking number (b)(7)(C) Upon review of the information provided, I look forward to discussing further your thoughts and any recommendations pertinent to previously stated issues and concerns.

All the best,

Bart Bowers

(b)(7)(C)

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

April 29, 2011

Docket No. 03038199 License No. 29-31396-01

(b)(7)(C)

Tetra Tech EC, Inc.
1000 The American Road
Morris Plains, NJ 07950

SUBJECT: NRC INSPECTION REPORT NO. 03038199/2011002, TETRA TECH EC, INC.

Dear M(b)(7)(C)

This letter forwards NRC Form 591, "Safety Inspection," indicating that one non-cited violation was identified during the above described inspection of your licensed activities. Please retain the form in your files. No acknowledgment of this letter is required. However, should you have any questions, we shall be pleased to discuss them with you.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **NRC Library; Document Collections;** then **Regulations.** The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement;** then **Enforcement Policy.** You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact me at 610-337-5236 if you have any questions regarding this matter.

Sincerely,

Original signed by John Nicholson

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety

Enclosure:
NRC Form 591

cc:
(b)(7)(C)

April 29, 2011

Docket No. 03038199 License No. 29-31396-01

(b)(7)(C)

Tetra Tech EC, Inc.
1000 The American Road
Morris Plains, NJ 07950

SUBJECT: NRC INSPECTION REPORT NO. 03038199/2011002, TETRA TECH EC, INC.

Dear Mr. Coppi:

This letter forwards NRC Form 591, "Safety Inspection," indicating that one non-cited violation was identified during the above described inspection of your licensed activities. Please retain the form in your files. No acknowledgment of this letter is required. However, should you have any questions, we shall be pleased to discuss them with you.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **NRC Library; Document Collections;** then **Regulations.** The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement;** then **Enforcement Policy.** You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact me at 610-337-5236 if you have any questions regarding this matter.

Sincerely,

Original signed by John Nicholson

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety

Enclosure:
NRC Form 591

cc:
(b)(7)(C)

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L29-31396-01.2011002.doc

SUNSI Review Complete: JNicholson ML111230127

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	JNicholson */JN/*							
DATE	04/29/2011							

OFFICIAL RECORD COPY

NRC FORM 591M PART 1
(10-2003)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Tetra Tech EC, Inc. Hunters Point Shipyard San Francisco, California REPORT Nos 2011-002	**U.S. Nuclear Regulatory Commission** **Region I, 475 Allendale Road** **King of Prussia, Pennsylvania 19406-1415**

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-38199	29-31396-01	03/29 – 31/2011

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

☐ 1. Based on the inspection findings, no violations were identified.

☐ 2. Previous violation(s) closed.

☑ 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.

☑ Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

10 CFR Part 20.1802, control of material not in storage, states that the licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. Contrary to the above, on Thursday March 18, 2010, a radium button source, used for training purposes, was found on the table in an empty conference room. It was used for training purposes and was left unsecured when personnel went to lunch. The source was discovered during lunch time and immediately secured in the approved and labeled storage area. An incident report was generated. Radioactive material control requirements were reviewed with the employee. An inventory of button and instrument check sources was checked. Sources are no longer used for the training session.

☐ 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	John Nicholson	/RA/	04/29/2011
BRANCH CHIEF	Judith A. Joustra	/RA/	04/29/2011

SUNSI Review Completed By: / RA / John Nicholson ☑ Public ☑ Non-Sensitive

This document becomes an NRC Official Agency Record once it is signed by the Branch Chief

	Initial	√	Announced		Unannounced	√	Routine		Special		Increased Controls

NRC FORM 591M PART 3
(10-2003) 10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

Docket File Information

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE	2. NRC/REGIONAL OFFICE
Tetra Tech EC, Inc. 1000 The American Road Morris Plains, NJ 07950 REPORT NO(S). 2011-002	**U.S. Nuclear Regulatory Commission** **Region I, 475 Allendale Road** **King of Prussia, Pennsylvania 19406-1415**

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-38199	29-31396-01	03/29 – 31/2011
6. INSPECTION PROCEDURES USED	**7. INSPECTION FOCUS AREAS**	**8. INSPECTOR**
87124	03.01 to 03.02	John Nicholson

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM	2. PRIORITY	3. LICENSEE CONTACT	4. TELEPHONE NUMBER
03219	3	(b)(7)(C)	(b)(7)(C)

☐ Main Office Inspection — Next Inspection Date: 03/2014

☐ Field Office

☑ Temporary Job Site Inspection — Hunter's Point Shipyard, San Francisco,

PROGRAM SCOPE

Tetra Tech EC, Inc. (TT) changed the location of their corporate office from Washington to New Jersey. This generated a new license and therefore an initial inspection within one year of the issuance of the new license even though TT is a long time NRC licensee. This inspection was conducted at a temporary job site in order to follow-up on the initial corporate office inspection earlier this year.

TT is one of several contractors involved in the remediation of the Hunter's Point Shipyard facility. The primary radionuclides of concern are Ra-226, Sr-90, and Cs-137. The majority of the work involves soil excavation but there is some building demolition taking place as well. Soil is removed and moved to the radiological screening yard pads (RSY) where it is worked into six inch deep lifts. The soil is surveyed with sodium iodide dectectors to identify areas greater than approved criteria. Samples are taken and analyzed of areas exceeding established levels by gamma spectrscopy. If the soil samples exceed release criteria, the soil is removed from the RSY and shipped out as LLRW through Environmental Management Services representatives on site. In addition, the area from which the soil was excavated is surveyed and sampled. Excavations that are found to be below release criteria are filled in with clean fill or RSY pad dirt that has been cleared and found to be below release criteria. Chemical contamination of the soil is also an issue and the soil is screened for various chemical contaminants as well. Air sampling is conducted at various locations especially around the RSY. Areas are posted and roped or fenced off and entrance/exiting of radiological control areas is controlled at access points. TT performs on site laboratory analysis for all contractors on site.

The TT organization on site consists of a senior project manager overseeing three main areas, lab operatons, field operations, and radiological screening yard operations. There is an RSO representative on site at all times acting as a representative of the corporate RSO. The corporate RSO visits the site about once a month. NRC required program audits included corporate issues as well as focusing on one of the major decommissioning job sites every year.

This is a long term decommissioning project. Contracts with the Navy usually are for two year periods.

There was one non-cited violation identified during this inspection. During a training session, a very low activity radium button check source was left unsecured in an unrestricted area during the lunch break for a training session on March 18, 2010. The source was discovered later during lunch time that day and placed into the posted and secured source storage location. This violation was self identified by the licensee, non-repetitive, and adequate corrective actions were taken.

SUNSI Review Completed By: /RA/ John Nicholson

Supervisory Review Completed By: /RA/ Judith A. Joustra

[X] Public

[X] Non-Sensitive

This document becomes an NRC Official Agency Record once it is signed by the Supervisor

Urban, Richard

From:	(b)(7)(C)
Sent:	Tuesday, April 12, 2011 10:59 PM
To:	Urban, Richard
Cc:	Nicholson, John
Subject:	Re: FW: Your Concerns
Attachments:	20110019status1emailsent BERTs Review 041211.docx

Mr Urban,

Thank you for resending the NRC email dated March 30, 2011 and specific to the following subject title:

"Concerns You Raised to the NRC Regarding Tetra Tech, Inc., at the Hunters Point Decommissioning Project" (RI-2011-A-0019)

As discussed by phone during our last conversation, the original "send attempt" was apparently a casualty of an AOL spam function as I do not recall having ever received it.

Regarding the aforementioned email (and as requested), I have completed a review of the information within - including that as detailed in "Enclosure 1". Accordingly, attached is my markup of the entire document subsequent to the review. Resulting comments, corrections, and clarifications pertinent to the recent events at the Hunters Point site are reflected as well.

Understanding that there are time critical steps - beginning with Mr. Munoz and his response to my initial call, up to and including similar steps as defined in your correspondence - I am forwarding this information "as is" in limited depth. Along with this correspondence, it is also my intent to provide within 10 business days additional follow up information which will more precisely capture / connect / supplement the entire basis and nature of the concerns of record. (Since the events of January 13, 2011, I've been placed by Tetra Tech in an unwarranted and disadvantaged position by being forced to 1) hastily vacate my RSOR role / office at Hunters Point, then relocate immediately to assume a supervisory field role at Alameda where - upon conclusion of the recent NRC visit to both "Bay Area" sites, I was advised the following day that the field role was unavailable as well (i.e., a one day notice as of weeks end on April 1, 2011). Thus, the majority of what is needed for the stated follow up effort is packed in boxes staged here in the security of my locked garage.)

In between now and my follow up response (and as always), feel free to contact me if additional information or feedback is needed.

Regards,

Elbert "Bert" Bowers

(b)(7)(C)

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

March 30, 2011

Mr. Elbert Bowers

(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech, Inc., at the Hunters Point Decommissioning Project

Dear Mr. Bowers:

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Urban, Richard

From: (b)(7)(C)
Sent: Friday, April 08, 2011 1:31 PM
To: R4ALLEGATION Resource
Cc: Urban, Richard
Subject: Re: Concerns you raised to the USNRC

Nick,

It was a pleasure speaking with you likewise. In parallel, many thanks for resending earlier NRC information dated March 2, 2011 w/ enclosures. This correspondence is intended to confirm the I am in receipt of today's communication as such. Also, as you recommended for Mr. Urban's use, to follow is my "temporary" USPS mailing address while here in (b)(7)(C) (should use of my preferred "temporary" mailing address revert instead to my permanent (b)(7)(C) location, I'll advise accordingly):

(b)(7)(C)

As always, feel free to contact me if additional information or feedback is needed and thanks again for your timely help.

Regards,

Bert Bowers
Tetra Tech, Radiation Safety Officer

(b)(7)(C)

Phone:
(b)(7)(C)

Urban, Richard

From: R4ALLEGATION Resource
Sent: Friday, April 08, 2011 12:57 PM
To: (b)(7)(C)
Cc: Urban, Richard; R4ALLEGATION Resource
Subject: Concerns you raised to the USNRC
Attachments: 11021 Letter-Acknowledgement and Closure.pdf; DOL-OSHA WhistleBlower Rights.pdf; NUREG 0240-Reporting Safety Concerns.pdf

Ben,

I enjoyed speaking with you this morning. Please find attached to this email our original letter that we attempted to send to you on Wednesday, March 2. I understand that you still prefer electronic communication (i.e. email). I recommend that you also provide your physical mailing address to Mr. Urban in case he needs to contact you in writing in the future. If/when you receive this email, please send me a quick response so that we know it has reached you. Please don't hesitate to call or write if we can be of any further assistance.

Sincerely,

Nick Taylor
Senior Allegations Coordinator
USNRC Region IV
Toll Free: (800) 695-7403
Office: (817) 276-6520
Fax: (817) 276-6525
Email: r4allegation@nrc.gov

Urban, Richard

To: (b)(7)(C)
Subject: Your Concerns
Attachments: 20110019status1emailsent.docx

Please refer to the attached letter.

Richard J. Urban
Sr. Allegation Coordinator
Region I
US NRC

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KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 30, 2011

Mr. Elbert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech, Inc., at the Hunters Point Decommissioning Project

Dear Mr. Bowers:

This letter refers to your electronic mail messages dated January 31 and February 1, 2011, to Mr. Rick Munoz in the NRC's Region IV Office in which you expressed concerns related to health physics practices and alleged discrimination at Tetra Tech, Inc., at the Hunters Point Decommissioning Project. The NRC Region IV Office recently sent you a letter dated March 2, 2011, which informed you that Region I had jurisdiction over the license for Tetra Tech and would be responding to your concerns. Enclosure 1 to this letter documents our understanding of your concerns.

We have initiated actions to examine your concerns. If the descriptions of your 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. Please be aware that your technical concerns will be evaluated separately from your discrimination concern.

In evaluating your technical 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.

The NRC staff has reviewed your complaint of discrimination and has determined that an evaluation of Concern 1, 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 employer) use an unbiased, neutral individual, or mediator, in an attempt to resolve and settle your complaint of discrimination with your 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 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 a brochure, "Pre-Investigation ADR Program," which is available on our website 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 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 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 employer in an attempt to settle your complaint. If you select a mediator through ICR, there will be no charge to you or your 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 employer's dispute resolution program to settle a discrimination concern, your 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 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, as already noted in the letter to you dated March 2, 2011, please be advised 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 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 that an individual has a right 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," 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 DOL at the location previously identified in the letter dated March 2, 2011.

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.

Sincerely,

original signed by:

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As stated

Concern 1:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were berated by the (b)(7)(C) during a field supervisory staff meeting. You also stated that the (b)(7)(C) told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later he ordered you to pack up your office and to get off the project site.

Concern 2:

You asserted that Radiologically Controlled Area (RCA) signs were turned down (i.e., not visible) in areas that required the signage.

Concern 3:

You asserted that a water station was set up inside the RCA without following proper protocol.

Concern 4:

You asserted that vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.

Concern 5:

You asserted that licensed activities were being performed past 4 pm and that there may not have been an Authorized User present to oversee this decommissioning work on January 12, 2011.

Concern 6:

You asserted that the perimeter fence appeared breached and would not have been able to limit or control access.

Concern 7:

You asserted that a survey of a locker was not adequate because the interior was not wipe-tested.

Concern 8:

You asserted that required radiation safety records may be compromised and/or destroyed because the records, which had been kept under lock and key in the site RSO's office as of January 23, 2011, were accessible due to the locks having been broken and/or removed.

Concern 9:

You asserted that the emergency/off-hours contact list contained your telephone number even though you were no longer working at the Hunter's Point Naval Shipyard.

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

March 30, 2011

Mr. Elbert Bowers
(b)(7)(C)

RI-2011-A-0019

Subject: Concerns You Raised to the NRC Regarding Tetra Tech, Inc., at the Hunters Point Decommissioning Project

Dear Mr. Bowers:

This letter refers to your electronic mail messages dated January 31 and February 1, 2011, to Mr. Rick Munoz in the NRC's Region IV Office in which you expressed concerns related to health physics practices and alleged discrimination at Tetra Tech, Inc., at the Hunters Point Decommissioning Project. The NRC Region IV Office recently sent you a letter dated March 2, 2011, which informed you that Region I had jurisdiction over the license for Tetra Tech and would be responding to your concerns. Enclosure 1 to this letter documents our understanding of your concerns.

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In evaluating your technical 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.

The NRC staff has reviewed your complaint of discrimination and has determined that an evaluation of Concern 1, 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

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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.

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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 DOL at the location previously identified in the letter dated March 2, 2011.

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Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As stated

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Distribution:
Allegation File No. RI-2011-A-0019

DOCUMENT NAME: G:\ORA\ALLEG\STATUS\20110019status1email.docx
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB	RI:RC	ORA:SAC		
NAME	J Joustra	K Farrar	R Urban/jrm		
DATE	3/22/2011	3/22/2011	03/30/2011		

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Concern 1:

You asserted that you experienced a hostile work environment and discrimination after raising radiological safety concerns and addressing the subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard. You stated that you were berated by the (b)(7)(C) during a field supervisory staff meeting. You also stated that the (b)(7)(C) told you that your safety concerns seemed to be based on the fact that your name was listed on the license and that he could arrange to have it removed; later he ordered you to pack up your office and to get off the project site.

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Concern 4:

You asserted that vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.

Concern 5:

You asserted that licensed activities were being performed past 4 pm and that there may not have been an Authorized User present to oversee this decommissioning work on January 12, 2011.

Concern 6:

You asserted that the perimeter fence appeared breached and would not have been able to limit or control access.

Concern 7:

You asserted that a survey of a locker was not adequate because the interior was not wipe-tested.

Concern 8:

You asserted that required radiation safety records may be compromised and/or destroyed because the records, which had been kept under lock and key in the site RSO's office as of January 23, 2011, were accessible due to the locks having been broken and/or removed.

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Concern 9:

You asserted that the emergency/off-hours contact list contained your telephone number even though you were no longer working at the Hunter's Point Naval Shipyard.

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McFadden, John

From: Modes, Kathy
Sent: Tuesday, March 22, 2011 12:57 PM
To: McFadden, John
Cc: Urban, Richard; Johnson, Sharon; Nicholson, John; Masnyk Bailey, Orysia; Roberts, Mark
Subject: RE: Sensitive Allegation Info-Do Not Disclose-RI-2011-A-0019 Tetra Tech

We are outcome driven. So let me ask the following questions:

The perimeter fence breach is a listed concern. Our regulatory purview lies with the radioactive material So if the copper cable was contaminated, then that would fall in our jurisdiction. Right now the inspectors need to first pull the thread to ascertain if there was a breach in that there was no access control. If the answer is yes, then ask the question – was anything radioactive taken or could have been taken?

This reminds me of the time I conducted an inspection in Camden, NJ and my first question was tell me what was stolen last night and start first with the radioactive material. Oh what memories!

Now regarding the lack of sufficient time to train – is there an outcome? Was there a time requirement - i.e., 8 hour mandatory training? The inspectors will ascertain if a negative outcome resulted from inadequate training.

So bottom line – I think we addressed the radiation safety concerns that are within our jurisdiction and that the inspectors will do their best to be able to answer all of the concerns.

I am cc'ing Orysia and John (the inspectors) so that they have this information.

From: McFadden, John
Sent: Tuesday, March 22, 2011 11:23 AM
To: Modes, Kathy
Cc: Urban, Richard; Johnson, Sharon; McFadden, John
Subject: Sensitive Allegation Info-Do Not Disclose-RI-2011-A-0019 Tetra Tech

Please let me know if the following should be added to the list of concerns in the enclosure of the status letter.

You asserted that the perimeter fence appeared breached on occasion and would not have been able to limit or control access and that in fact vandals had been found on-site stealing copper cable in the impacted shore line area (RCA).

You asserted that you, as the Site RSO, were not given enough time to adequately train workers.

Johnson, Sharon

From: McFadden, John
Sent: Monday, March 21, 2011 7:51 AM
To: Urban, Richard
Cc: Johnson, Sharon; McFadden, John
Subject: FW: Enclosures for alleg
Attachments: alleg-enclosure one 0019.docx; alleg-enclosure one 0018.docx

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From: Modes, Kathy
Sent: Friday, March 18, 2011 9:15 AM
To: Masnyk Bailey, Orysia; McFadden, John
Cc: Hammann, Stephen
Subject: Enclosures for alleg

How do these read? Are you okay with both?

Kathy Modes
Senior Health Physicist
Decommissioning Branch
USNRC - Region I - DNMS
(P) 610.337.5251
(F) 610.337.5269

G:\ora\alleg\panel\20110019arb1.docx

ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0019
Site/Facility: Tetra Tech EC, Inc.
ARB Date: March 16, 2011

Branch Chief (AOC): Joustra
Acknowledged: Yes
Confidentiality Granted: No

Concern(s) Discussed:

DISCRIMINATION CONCERN: The concerned individual (CI) experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field at Hunters Point Naval Shipyard.

Examples:

- The (b)(7)(C) stated to the CI that his safety concerns seem to be based on the fact that his name is on the license, the (b)(7)(C) informed the CI that he can arrange to have the CI's name removed.
- The (b)(7)(C) informed the CI to pack his office and leave the site.

SAFETY CONCERNS:

1. Radiological Controlled Area signs were turned down (i.e., not visible) in areas that required the signage.
2. A water station was setup inside the RCA without following proper protocol.
3. Vehicles leaving the RCA after normal working hours may not have followed the proper procedures for egress.
4. On 1/12/2011, work was being done past 4PM and there may not have been an Authorized User present to oversee this decommissioning work.
5. CI identified fence breach conditions at the Hunters Point site.
6. CI informed (b)(7)(C) about an inadequate survey of a locker (interior was not wipe tested).
7. CI stated that required radiation safety records may be compromised and/or destroyed because he kept these records under lock and key in his office at the site, but when he returned to the site on 1/23/2011, he noticed that the locks were broken and/or removed and the records were accessible.
8. After being removed from site, the CI's telephone numbers remained on the emergency/off-hours contact list.

Adverse Actions:

- The CI was berated by the (b)(7)(C) during a field supervisory staff meeting
- The CI was removed from his duties at Hunter's Point and re-assigned to another site.

Does alleger object to providing concerns to the licensee via an RFI? N/A

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson **Acting Branch Chief:** Hammann **SAC:** Urban
OI: (b)(7)(C) **RI Counsel:** Farrar **Others:** Masnyk-Bailey, McFadden, Nicholson

DISPOSITION ACTIONS

1. Regional Counsel has determined that a prima facie case exists.

Responsible Person: Farrar
Closure Documentation:

ECD:
Completed: 3/16/2011

2. Send status letter to alleger providing enclosure. Provide ADR and DOL rights.

Responsible Person: SAC **ECD:** 3/23/2011
Closure Documentation: **Completed:**

3. DNMS to conduct inspection at Hunter's Point to address the eight (8) safety concerns (last week of March 2011).

Responsible Person: Joustra/Orysia Masnyk-Bailey **ECD:** 4/29/2011
Closure Documentation: **Completed:**

4. Repanel, if necessary (based on inspection findings to determine if chilling effect letter is needed or if add'l OI assistance is needed); Otherwise provide draft closeout letter to SAC for safety concerns; if possible provide status of discrimination concern.

Responsible Person: SAC **ECD:** 5/30/2011
Closure Documentation: **Completed:**

SAFETY CONCERN: Discrimination for raising safety concerns – may result in chilling environment

PRIORITY OF OI INVESTIGATION: High

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement? 10 CFR 30.10
When did the potential violation occur? January 2011 timeframe

NOTES:

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

Urban, Richard

From: R1ALLEGATION RESOURCE
Sent: Tuesday, March 15, 2011 7:31 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Shaw and Tetra Tech
Attachments: R1-2011-A-0019ARBDisposition.docx; R1-2011-A-0018ARBDisposition.docx; RE: Action Required: PII Associated w/Allegation Files on Computer Drives - EDATS RI-2011-0054

From: Modes, Kathy
Sent: Tuesday, March 15, 2011 7:30:55 AM
To: R1ALLEGATION RESOURCE
Cc: Masnyk Bailey, Orysia
Subject: Shaw and Tetra Tech
Auto forwarded by a Rule

Here are the two ARB forms for tomorrow.

I will be deleting them from my P drive.

Thanks,

Kathy Modes
Senior Health Physicist
Decommissioning Branch
USNRC - Region I - DNMS
(P) 610.337.5251
(F) 610.337.5269

Johnson, Sharon

From:	McFadden, John
Sent:	Friday, March 04, 2011 12:45 PM
To:	Johnson, Sharon
Cc:	Urban, Richard; McFadden, John
Subject:	FW: **SENSITIVE ALLEGATION MATERIAL** TETRA TECH ALLEGATION (RIV-2011-A-0021)
Attachments:	ARB Minutes 02-16-2011.pdf; ARB Minutes 02-28-2011.pdf; SCAN3451_000.pdf; SCAN3452_000.pdf; SCAN3453_000.pdf; SCAN3454_000.pdf; SCAN3455_000.pdf; SCAN3456_000.pdf; SCAN3457_000.pdf; SCAN3458_000.pdf; SCAN3459_000.pdf; SCAN3460_000.pdf; SCAN3461_000.pdf; SCAN3462_000.pdf; SCAN3463_000.pdf; SCAN3464_000.pdf; 11021 Letter-Acknowledgement and Closure.pdf; 11021 email ack-closure.pdf

From: R4ALLEGATION Resource
Sent: Friday, March 04, 2011 12:03 PM
To: McFadden, John; Urban, Richard
Cc: Joustra, Judith; Taylor, Nick
Subject: **SENSITIVE ALLEGATION MATERIAL** TETRA TECH ALLEGATION (RIV-2011-A-0021)

Rick/Jack:

Please find attached, the Allegation Review Board Records, Receipt Documentation, several pages of background information provided to the inspector and the acknowledgement letter sent to the alleger. I will send you the Shaw Environmental case in a separate email.

Thanks,

Judith

Branch Evaluation, Plan, & Recommendation

Allegation Number: RIV-2011-A-0021

Facility Name:	Tetra Tech EC, Inc.	Docket/License No:	030364414/46-27767-01
Responsible Div:	DNMS	ARB Date:	02/16/2011
Overall Responsible Branch:	NMSBA	(As assigned by the ARB)	

Received Date	30 Days	70 Days	90 Days	120 Days
1/31/2011	3/2/2011	4/11/2011	5/1/2011	5/31/2011

Purpose of this ARB:	Initial ARB					
Basis for a Subsequent ARB:						
Does the CI **OBJECT** to the NRC requesting information from the licensee to support our evaluation?		Yes	X	No		N/A

If any of the following inhibiting factors apply, this allegation shall not be submitted to the licensee for investigation or review.

X	Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleger or confidential source.
X	The licensee could compromise an investigation or inspection because of knowledge gained from the discussions.
X	The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
X	The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released.
X	The licensee's allegation trend, quality of response(s), problem identification and resolution, and/or cycle review results are such that the NRC should independently evaluate the concern(s).
	The NRC evaluation would be more timely and efficient – there is an ongoing or upcoming inspection which could evaluate the concern or a similar/same concern is already being evaluated by the NRC.
	Significant public/Commission interest warrants independent assessment of concern(s).
	The alleger has taken the concern(s) to the licensee with unsatisfactory results.

ARB PARTICIPANTS

Chairman:	CCain	NTaylor	JWhitten	KFuller
	CHolland	JWeaver	LHanson	JThompson

Chairman Approval:	(b)(7)(C)	Date: 2/25/11

Brief Overall Allegation Summary - if more than 3 Concerns, use keywords, topics, subject, etc.; Provide a summary or selected keywords/topics/subject for the whole allegation's contents below. ***See the BEPR Desktop Guide for assistance.

The Tetra Tech EC, RSO representative at the Hunter's Point decommissioning project, experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field.

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-2011-A-0021

Concern: 1.

*RX Code or Functional Area:	Decommissioning Materials	OI Case No.:	4-20XX-0XX
*Discipline:	Health Physics	*OI Priority:	
*Security Category:	N/A	*OI Priority Basis:	

Concern: (A concern is one or two sentences.)

The Tetra Tech EC, RSO representative at the Hunter's Point decommissioning project, experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field.

Concern Background, Supporting Information, & Comments

The site RSO feels there is a poor radiologic safety culture in terms of management communication and management support associated with site RSO authority. The site RSO described the construction management's progressively eroding recognition/backing of its NRC license and acknowledgement of the authority/level of respect associated with the RSO and RSO representatives and authorized users. The site RSO felt threatened when the (b)(7)(C) stated; "your safety concerns seem to be based on the fact that your name is on the license, I can arrange to have it removed." The site RSO has since been re-assigned to the Alameda decommissioning project.

The CI has submitted a total of seventeen (17) e-mails to RIV pertaining to his concerns and response initiated by site and corporate management. The site RSO has been removed from the site and management has been going through his files. According to the CI, NRC required records have been compromised and are being destroyed.

Regulatory Requirement (fill in below)

Potentially, 10 CFR Part 20 and /or procedural violations

Describe the concern's safety significance. (fill in below – REQUIRED)

Potentially High

Check each question as applicable to this concern.

X	Is it a declaration, statement, or assertion of impropriety or inadequacy? Is there a potential deficiency?
X	Is the impropriety or inadequacy associated with NRC regulated activities or policy (e.g. SCWE)?
X	Is the validity of the issue unknown?

If all of the above statements are checked, the issue is an allegation.

*Technical Staff Recommendation(s)			
Date	Recommended Action	Assigned Branch	Planned Date

NOTE: Submit Draft NOV, RFI questions/requests, and/or an inspection plan as a separate document.

★ **For an ARB decision to RFI, any INHIBITING FACTOR(S) that are overruled from the first page must have a justification documented in the ARB Decision(s). Document INHIBITING FACTOR(S) that not applicable to the concern or are not noted on first page. First page reviewed? Yes: No: N/A:**

ARB Date	ARB Decision(s)	Assigned to	Accepted Planned Date
02/16/11	ACES to contact Region I Allegation concerning jurisdiction and ACES to send acknowledgement letter to alleger.	ACES	

ALLEGATION RECEIPT FORM

Allegation Number: RIV-20____-A-_____

Facility/Outside Org Name: Tetra Tech EC, Inc. Receipt Date: 02/02/2011

Received By: Rick Muñoz

CONCERN

Concern: (A concern is one or two sentences.)

The Tetra Tech EC, RSO representative at the at Hunter's Point decommissioning project, experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field. The site RSO feels there is a poor radiologic safety culture in terms of management communication and management support associated with site RSO authority. The site RSO described the construction management's progressively eroding recognition / backing of its NRC license and acknowledgement of the authority / level of respect associated with the RSO and RSO representatives and authorized users. The site RSO felt threatened when the (b)(7)(C) stated; "your safety concerns seem to be based on the fact that your name is on the license, I can arrange to have it removed. The site RSO has since been re-assigned to the Alameda decommissioning project.

Concern Details and Comments: Background material, supporting information, etc. Narrative concern description. What occurred? When did it occur? Where did it occur (location)? How/why did it occur?

After normal working hours and after dark, work crews (Shaw Environmental) were discovered in two vehicles exiting a fenced off area of an impacted area (RCA). The RSO was not present to determine whether appropriate egress protocols were followed . After this occurred, the (b)(7)(C) flew out to the site and berated the site RSO during the field supervisory staff meeting before the morning tailgate briefing. Another example is when, on two occasions, a water station was set-up inside a RCA without safety office approval, contrary to procedure. The RCA signs were deliberately turned down by someone. The alleger submitted a copy of his memorandum to the corporate RSO dated January 18, 2011, detailing the summary of events as they unfolded January 12-13, 2011.

What other individuals (witnesses or other sources) could the NRC contact for information?

(b)(7)(C)

(b)(7)(C) (contractor)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C) contractor

(b)(7)(C), contractor

(b)(7)(C) contractor

What records, documents, or other evidence should the NRC review?

Procedures,

What is the potential safety impact? Is this an ongoing concern? Is it an immediate safety or security concern? If the concern is an immediate and/or ongoing concern, the issue must be called in promptly to your Branch Chief.

Unknown

Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP#)? What actions have been taken? If not, why not?

Yes

It is unknown at this time whether management has initiated any action.

What requirement/regulation governs this concern?

10 CFR part 20 requirements, and site specific procedural requirements

Regulations prohibit NRC licensees, contractors, & subcontractors from discriminating against, harassing or intimidating (H&I) individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices made unlawful by statutes, etc.).

X YES _____ No Does the concern involve discrimination or H&I? If "No," proceed to Contact Info.

X YES _____ No Was the individual advised of the DOL process?

What was the protected activity? When did it occur?

January 13, 2011

Who in management/supervision was aware of the protected activity? When did they become aware? How were they made aware?

The (b)(7)(C) was contacted by telephone and memorandum dated January 18, 2011

ALLEGATION RECEIPT FORM

Allegation Number: RIV-20____-A-_____

Facility/Outside Org Name: Tetra Tech EC, Inc. Receipt Date: 02/02/2011

Received By: Rick Muñoz

CONCERN

What adverse actions have been taken (termination, demotion, not being selected for position)? When did it occur?
The individual has been removed from his duties at Hunter's Point and re-assigned (temporarily) to Alameda naval shipyard.

What was management's reason for the adverse action?
unknown

Why does the individual believe the actions were taken as a result of engaging in a protected activity?

***To add additional concerns, attach additional copies of the concern page to the Receipt package.

The (b)(7)(C) is not given enough time to adequately train workers.
Vandals on-site were found stealing copper cable in the impacted area shore line

A total of seventeen (17) e-mails, some with attachments including photographs were submitted to NRC.

Branch Evaluation, Plan, & Recommendation

Allegation Number: RIV-2011-A-0021

Facility Name:	Tetra Tech EC, Inc.	Docket/License No:	030364414/46-27767-01
Responsible Div:	DNMS	ARB Date:	02/28/2011
Overall Responsible Branch:	NMSBA	(As assigned by the ARB)	

Received Date	30 Days	70 Days	90 Days	120 Days
1/31/2011	3/2/2011	4/11/2011	5/1/2011	5/31/2011

Purpose of this ARB:	Follow-up ARB to discuss jurisdiction
Basis for a Subsequent ARB:	

Does the CI **OBJECT** to the NRC requesting information from the licensee to support our evaluation?		Yes	X	No		N/A

If any of the following inhibiting factors apply, this allegation shall not be submitted to the licensee for investigation or review.

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	The alleger has taken the concern(s) to the licensee with unsatisfactory results.

ARB PARTICIPANTS

Chairman:	CCain	JWhitten	KFuller	RBrowder
	JCook	JWeaver	JThompson	RUrban (via phone)
	JMcFadden (via phone)	JJoustra (via phone)	LMJarriel (via phone)	RJohnson (via phone)
	OMasnyk-Bailey (via phone)			

Chairman Approval:	(b)(7)(C)	Date: 3/2/11

Brief Overall Allegation Summary - If more than 3 Concerns, use keywords, topics, subject, etc. Provide a summary or selected keywords/topics/subject for the whole allegation's contents below. ***See the BEPR Desktop Guide for assistance.

The Tetra Tech EC, RSO representative at the Hunter's Point decommissioning project, experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field.

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-2011-A-0021

Concern: 1.

*RX Code or Functional Area:	Decommissioning Materials	OI Case No.:	4-20XX-0XX
*Discipline:	Health Physics	*OI Priority:	
*Security Category:	N/A	*OI Priority Basis:	

Concern: (A concern is one or two sentences.)

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Regulatory Requirement (fill in below)

Potentially, 10 CFR Part 20 and /or procedural violations

Describe the concern's safety significance. (fill in below—REQUIRED)

Potentially High

Check each question as applicable to this concern.

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If all of the above statements are checked, the issue is an allegation.

***Technical Staff Recommendation(s)**

Date	Recommended Action	Assigned Branch	Planned Date

NOTE: Submit Draft NOV, RFI questions/requests, and/or an inspection plan as a separate document.

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ARB Date	ARB Decision(s)	Assigned to	Accepted Planned Date
02/16/11	ACES to contact Region I Allegation concerning jurisdiction and ACES to send acknowledgement letter to alleger.	ACES	
02/28/11	ACES to forward allegation to Region I, since Tetra Tech is a Region I licensee. ACES to send acknowledgement letter.	ACES	

1

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 2:56 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: NRC Notification: TtEC - Hunters Pt Incident Involving Proj PM & RSO Rep
Attachments: HPS TtEC _ PM RSOR Summary of Events 01122011 forward.docx

Rick,

I've relocated from Alameda to my (b)(7)(C) in order to work in privacy while preparing and forwarding requested information. Attached is a copy of the statement already provided to the Tetra Tech Human Resources Manager* as well as my direct report, (b)(7)(C) (A signed copy is also available and can be faxed to you upon request.)

After sending this your way, I'll begin retrieving / forwarding examples of related safety concerns as associated with recent "license impacting" events.

As always, feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: 415 314-8727 / Alternate: (b)(7)(C) / Mobile: (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 94124

(When at my (b)(7)(C) can be reached at: (b)(7)(C)

* Tetra Tech (b)(7)(C)
(b)(7)(C)

** Tetra Tech EC (b)(7)(C)
(b)(7)(C)

MEMORANDUM

To: (b)(7)(C) Tetra Tech, (b)(7)(C)

From: Bert Bowers, Tetra Tech, Radiation Safety Officer Representative – Hunters Point

Date: January 18, 2011

Subject: **Hunters Point Shipyard (HPS), Tetra Tech EC (TtEC) Events Leading up to January 13, 2011**
(b)(7)(C) **Directive to Radiation Safety Officer Representative (RSOR) to Pack Office / Vacate HPS Project**

(b)(7)(C)

In reference to the subject line above - and as requested during our discussions earlier on Monday, January 17th, to follow is a detailed summary of events as they unfolded January 12th - 13th.

As always, feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers, Radiation Safety Officer Representative
Direct (b)(7)(C) Alternate: (b)(7)(C) Main: 415.671.1990 / Mobile: (b)(7)(C)

Wednesday, January 12, 2011: HPS

- **~1605 hrs:** After ending a phone conversation with (b)(7)(C) MACTEC regarding a MOU modification need, I proceed to the afternoon management debrief which is already in progress; the debrief is being conducted by (b)(7)(C) when my turn, I brief group on my day's accomplishments including the phone call just completed with MACTEC regarding the MOU draft (and an electronic markup from MACTEC just received) (b)(7) advises that he'll stop by later to discuss the MOU.
- **~ 1615 hrs**: The afternoon management debrief adjourns; I return to my office and pull up the MOU draft just in from MACTEC; comparison review begins to my draft markup which is also in progress.
- **~ 1620 hrs** (b)(7)(C) and (b)(7)(C) enter my office; both grab something from my Non Non Res as is normal. I am still working on the MOU draft comparison and cross reference; (b and I proceed to discuss MOU document status as related to upcoming pier demolition work at HPS under MACTEC's NRC license, etc (b)(7)(C) listens; (b)(7) and I appear to be "on the same page" regarding the MOU assignment.

  + (b)(7) steers the conversation to the topic of work hours; drops an excel spreadsheet on desk; informs that RSOR function is reduced 5 hours to a weekly schedule equivalent of five 9 hour days; notice then provided to begin attending 6:30 AM daily meetings as "Basewide rep" with field staff management / supervision to plan daily activities. Somewhat surprised, I sit back in chair while taking a deep breath.

  + (b)(7) makes statement to the effect that "this isn't aimed at you" but is the result of "tighter budget demands" and a "greater limit on resources" as compared to past contracts; stated that "Navy is trying to make Basewide go away".

  + Understanding is acknowledged of the contract restrictions, candidly shared personal disappointment and sense that action did have appearance as being aimed at RSOR role. Expressed curiosity as to why RSOR input/feedback was not solicited before arriving at decision; described RSOR start-of-year "work load" as filled to capacity; current NRC license based work being conducted from home on "personal time"; brought up question specific to RAD integrity field checks – how "end-of-shift" site drive through would continue if on 9 hr days / attending meeting at 0630 hrs; as alternate solution, suggested extended break at mid-day to allow for overlapping afternoon timeframe for integrity checks after field staff leaves for day (b) provides assurance that stated concerns / questions will be addressed – however, plans should be to attend AM meeting beginning the following day across from our offices. Request acknowledged; (b) then provides assurance that working for free isn't expected. I respond that "it's not about the hours", but instead, how to work around schedule "issues" to ensure continued "license driven" obligations are not compromised; shared likely need to distribute some of the more basic RSOR responsibilities to the RAD field sups as "Authorized Users" on license.
- **~ 1645 hrs** (b)(7)(C) exit; begin closing up office in advance of "end-of-day" site drive through.
- **~ 1650 hrs**: Begin "end-of-day" site drive through; limited drive due to dusk setting in / length of earlier discussion with (b)(7)(C)

- **~ 1720 hrs**: Proceeding out from Parcel E "non-impacted" roadway onto regular asphalt throughway toward Bldg 400; completely dark / headlights on; observe headlights of two unidentified vehicles in Parcel E RSY4 sector beyond the "Triangle Area"; impossible to determine if: in RCA barricaded area / site staff or Shaw or trespassers / locked inside upon arrival to gate. Vehicles observed continuing to advance toward gate where both eventually stop. I complete a "U-turn" and slowly approach gate for a closer look. TtEC project pick-up truck's / field laborers confirmed. Gate is being opened after which both trucks exit. Upon approach I roll window down and ask "is everybody out"? Field laborer locking gate replies "they better be 'cause we're going home". I ask "why are you guys still here"? The field laborer replies "we don't get OT that often, you gotta go for it when it's there". I wish all a good evening as the crew departs.
- **~ 1720 hrs**: I proceed to the TtEC management trailers to confirm an "Authorized User "on TtEC's NRC license is present (i.e., any of the RAD Sup's); all have left for the day. I then check to see if (b)(7)(C) is still in; upon arrival at his office he has changed into Non Respo and is preparing to leave. I provide a brief on laborers observed in and around impacted portions of the field and the fact that all "Authorized Users" had departed for the day (b) does not share any knowledge or awareness of what is being reported. I re-emphasize the importance of an end-of-day site drive through (b) acknowledged my concern and suggested I "cover it with all the supervisors in the morning". (b then brought up weekly work schedules discussed earlier in my office; suggested that – assuming I planned at least 3 weeks off over the course of 2011, I should be covered for 50 hour work weeks after all. I offered to average up to one week off each quarter if necessary to stay within budget which (b) (7) acknowledged. We both proceed to leave for the day.
- **~ 1740 hrs**: I drive back out along Building 400 and the RSY4 area and all appears secured; I then exit the site and head home.

<u>**Thursday, January 13, 2011: HPS**</u>

- **~ 0615 hrs**: I arrive on site; proceed to open up the office; computer is booted up, then I proceed to conference room across from office (b)(7)(C) and (b)(7)(C) are seated in the room. Small talk ensues while we wait – I assume, for others to arrive.
- **~ 0635 hrs**: (b)(7) pops his head through the conference room door saying (b)(? I acknowledge him after which he asks why I'm not at the meeting. I state "I'm here". Then while asking (b)(where is everybody", I look up at the conference room clock and note that it's 0635 hrs. (b) replies that everyone's meeting in the small conference room up front. At this point I say "oh" while jumping up to follow him there. Once out the door, (b is observed walking toward (b) and me; he is told I was in the other conference room. (b) politely states - as (b)(already did - that "the meeting is up front instead". We're all three up front by now and to my surprise, the meeting is already starting to adjourn. (At this moment, the thought occurs to

discuss with (b that I'm being asked to adjust my schedule in order to attend a 5 minute meeting / address Basewide plans for an assigned staff quota of one – and sacrificing "end-of-shift" RAD integrity drive thru's which have repeatedly proven to be value added! (b)(7) (b)(7)(C is exiting from the meeting room and (b) informs him that I was in, just at the wrong conference room – no sense of an issue is observed. I spot (b)(7)(C) and (b)(7)(C) and inform both that I need to speak with them before attending the AM safety tailgate at Building 400 – they hold up. I then wait for (b)(7)(C) to finish a conversation he's having with someone else after which he too is asked to step aside for a discussion with the rest of us. Then the RAD sup's begin to gather with me just down the hallway from the others adjourning the earlier meeting. However, because there's so much noise, I ask the team to just stop off in my office instead. As we're proceeding that way, I observe that (b) and (b) are following in the same direction (i.e., toward the same end of the management trailers) – I assume to their offices opposite mine. By the time the last RAD supervisor enters my office, it's ~0637 hrs. (The 4th RAD supervisor (b)(7)(C) has called off No with the Non Res .) Knowing that time is limited as everyone needs to be at Building 400 for the morning tailgate, my plan is to convey the basic expectation that's resulted from the prior evenings observations. In doing so, plans are to also ask that the same expectation be conveyed to the RAD field techs attending the tailgate (a more detailed follow up would then occur personally with each supervisor over the course of the day). The basic expectation is the urgency and importance associated with timely RAD supervisor and RSOR communication. More specifically - and as based on past events and recent lessons learned from similar circumstances, reporting to the RSOR any activity in or near impacted areas that extend beyond regular hours (i.e., thus allowing for assessment of need for / confirming presence of "authorized user", etc).

- I first ask for everyone's attention; then began to share the previous evenings observations; I attempt to quickly stress:
  + Field activities ongoing after dark;
  + Locations associated with the sightings are defined by the HPS Historical Radiological Assessment (HRA) manual as "impacted" and involve temporary "non-impacted" roadways;
  + Areas along the roadway are bounded on each side by postings defining "radiologically controlled areas". I then began to emphasize that all sup's need to communicate to the RSPR prior to leaving site at day's end if field hands are still actively working in or around impacted areas. At this point (b)(7)(C) stops me in mid-sentence with a question; the ensuing interface / sequence of events then transpire:

(b)(7)(C) (words to the effect of): "Bert, where are you talking about"?

Bert Bowers (words to the effect of): "I'm referring to Parcel E near the 'Triangle Area' and the 'RSY4 pads'; there were field laborers still in the area; it was after dark, I could see headlights inside what I thought was a locked area; I didn't know who it was and no 'authorized user' was to be found... we need to have someone present because...." (I am then cut off with a question from (b)(7)(C)

(b)(7)(C) (words to the effect of): "No we don't that was the utility corridor crew and all that's been cleared...

Bert Bowers (words to the effect of): "Yes we do..."

(b)(7)(C) (words to the effect of): "Let's look at..." [Can't understand the rest as (b)(7)(C) interrupts with an outburst]

(b)(7)(C) (words to the effect of): "That's f___ing bulls__t; that's a bunch of crap..."

(b)(7)(C) almost instantaneously appears in the doorway and asks: "What's going on"

(b)(7)(C) (words to the effect of): "He's saying the utility corridor crew...." [Can't understand the rest as (b) let's go with another outburst]

(b)(7)(C) (words to the effect of): "This is crazy f___ing bulls__t..." [Can't remember anything else from his outburst as I'm now eye-to-eye with (b) my hands are folded outward expecting him to direct (b)(7 to tone it down]

(b)(7)(C) (still looking at me with words to the effect of): "They're right... RASO has cleared and released the area..... [I can't remember the rest of what (b was saying as total disbelief has now set in, I'm now simply rubbing my face with both hands and wondering why (b)(7) hasn't directed (b) and the others to leave; and pulled our conversation off-line to get all the facts / involved (b)(7)(C) if necessary. Instead, the reality of an escalating verbal attack is setting in to the point it resembles a "feeding frenzy"; I'm enduring (b) unexpected "judge and jury" position and yet another interruption / outburst from (b) who is now standing outside my office door behind (b)(7)(C) and (b)(have exited – likely just outside in the hallway)]

(b)(7)(C) standing directly behind (b and pointing at me over his shoulder with words to the effect of): "Let me tell you something.... don't you ever....." [Can't remember anything else from outburst except that (b)(7 continued to shout profanities – mostly the "F" and "BS" words; as with (b)(7) earlier verbal attack, I'm again eye-to-eye with (b)(7)(C) as he allows (b)(7 to continue with his assault; I remember seeing (b)(7) starting to walk away from my office door as his rants now continued from in the hallway; I now pushed my desk chair away from my desk (b) has also left my doorway.... I hear his voice in the hallway but have no clue as to what he's saying; trying to pull myself together, I realize that the original disbelief has now turned to shock..... I'm now only focused on leaning over and breathing slowly while simply trying to calm down. I then hear (b) voice from my doorway and I look up to make eye contact.

(b)(7)(C) (still looking at me with words to the effect of): "You know, it seems your biggest concern has to do with your name being on the license..... I can arrange to have it removed."

(b)(7) then exits from my doorway after which I begin to focus solely on what he had just said. Specifically, I realized:

+ A hostile work environment had resulted.
+ A serious threat had been leveled toward the project RSOR.
+ The threat as perceived, and however uncharacteristic of (b) - reeked of intimidation as categorized within the whistleblower variety.
+ In the "heat of the moment", this was also coming from someone I consider to be a (b)(7)(C (b)(7)(C)
+ We're both (b)(7)(C) did (b)(7) actions result from a less obvious and underlying situation (within the last week and a half, (b) shared with me that he was no longer on (b)(7) using a new (b)(in its place.
+ Having to make difficult prior decisions involving construction and RAD Pro management, decisions aren't always pleasing to the field RAD supervisors, why didn't (b) follow established "Loss Control" protocol so as to protect the level of respect identified with the RSOR title.
+ The earlier events as related to the true spirit and intended application of Tetra Tech's NRC issued license (as cultivated unique to Hunters Point applications over the last 8+ years [beginning with the NWE license] and most importantly as monitored subject to the expectations of NRC inspectors Ricardo Munoz and Anthony Gaines) has now reached a defining moment, the realization becomes even clearer of my present obligation to initiate steps in the NRC notification process. (e.g., NRC will first determine if all avenues of remedy provided through the employer have first been exhausted. I determine that subsequent steps in attempting resolution of the current issue to begin in the following order:

1) (b)(7)(C)
2)
3)
4)
5) NRC

~ 0642 hrs: I cut across the conference room toward (b) office (b)(7)(C) and (b)(7)(C) are still in the room; nothing is said as I pass through. As I approach (b)(office... (b)(7)(C) is inside talking to him... I wait at (b)(door for (b)(7) to finish. After a brief moment, (b)(7 exits and I enter.. (b)(is walking around... then moves toward his coat rack and bends down to get something near a bookshelf. A brief conversation unfolds as follows:

Bert Bowers (unable to establish eye contact; words to the effect of): (b)(7) you realize that now I'm obligated to notify the NRC"?

(b)(7)(C) (now raising up and turning toward his desk but still not looking at me; words to the effect of): "You shouldn't have let that situation disintegrate to that level..... just go ahead

and do what you think you need to do.... call the NRC or whoever, but while you're at it you can also pack up the s__t in your office and get the h__l off my project."

Bert Bowers (words to the effect of): (b)(7)(C) . are you serious"?

(b)(7)(C) (now looking at me from in front of his desk; words to the effect of): "You heard me, pack your s__t up and get the h__l off the site".

Bert Bowers (words to the effect of): "OK....." [I backtrack across the conference room where (b)(7)(C) and (b)(7)(C) are still seated... saying nothing and just staring at me as I walk by... I direct the following comment their way as I exit: "I'm not believing this..."

~ 0642 hrs: Once in my office, I conclude that in my 9th year at HPS, I'm in my 1st hostile environment directed at me; and the immediate need is to leave the site as directed and contact (b)(7)(C) ASAP. I quickly shut down and store my computer; pull a box containing unused dosimetry from my cabinet / then place under my desk. I then lock up, grab my backpack and leave the site.

~ 0647 hrs: I arrive at an offsite overlook of the HPS portion of Parcel E and I place a call to (b)(7)(C) (b)(7)(C) Reception is poor (one dropped call). I advise him of what happened and that I'll call him once at my residence. Upon arrival, I wait for (b)(7)(C) after which I call (b)(7)(C) again and provide a detailed briefing under calmer circumstances.

To the best of my knowledge, the aforementioned events are true, accurate, and as they actually occurred.

_____ _____

Elbert G. Bowers Date

2

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 3:34 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: NRC Notification: TtEC Hunters Pt (re: Proj PM & RSO Rep Safety Conccerns)

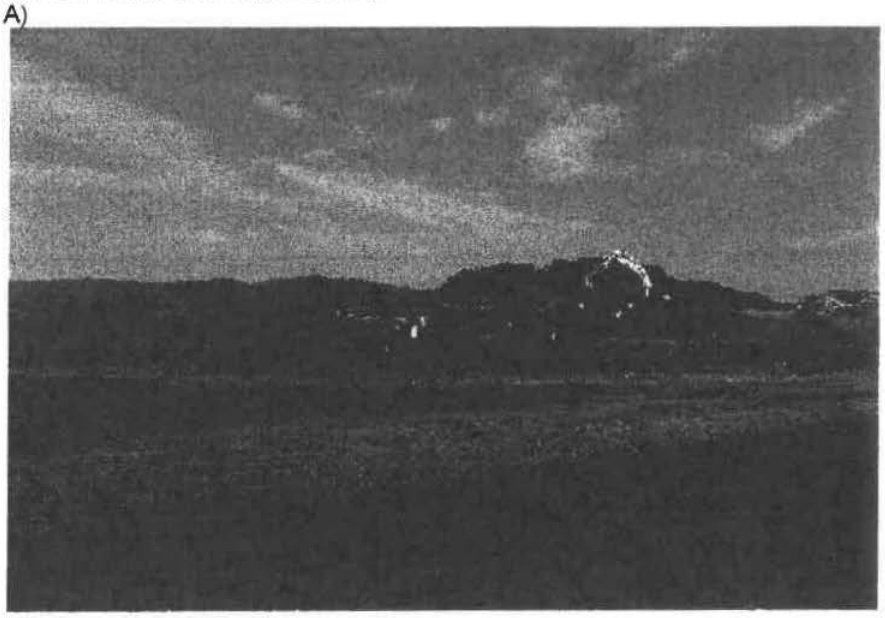
Rick,

As discussed earlier, one of my primary concerns associated with the current "RAD culture" at Hunters Point is - without mincing words - construction managements progressively eroding recognition / backing of it's NRC issued materials license and acknowledgment of the authority / level of respect associated with the RSO, RSO Representative(s), and Authorized User(s). Consequently, the construction management's willingness to allow the referenced role players to perform / carry out expected license driven responsibilities unimpeded - and without consequence sends the wrong message to those who perform tasks in the field.

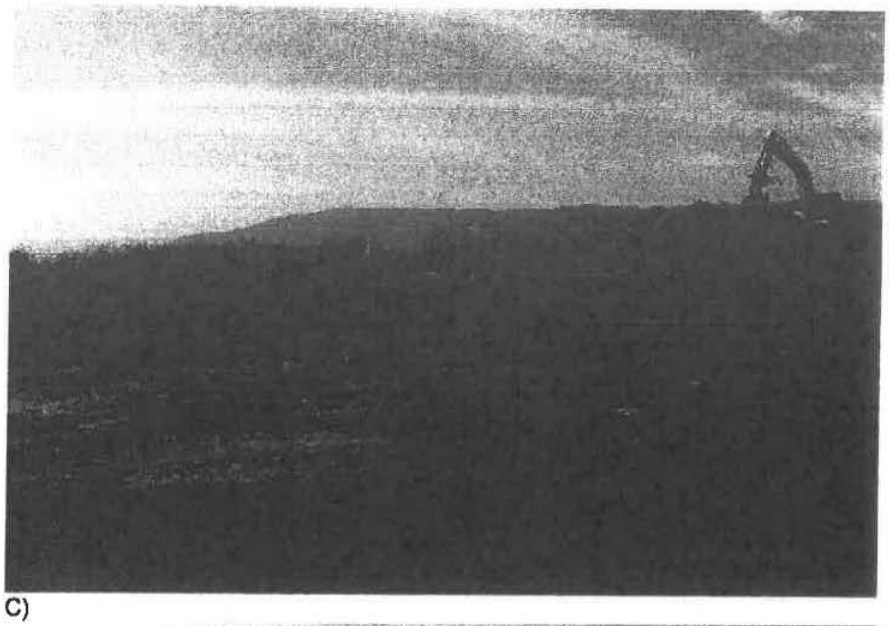
Absence of such critical and fundamental elements - all essential to an effective RAD Safety Program, result in field culture observations as captured below during a "Start-of-Day" RAD integrity field check:

Example #1

Hunters Point Parcel E (Nov 2010):
A)

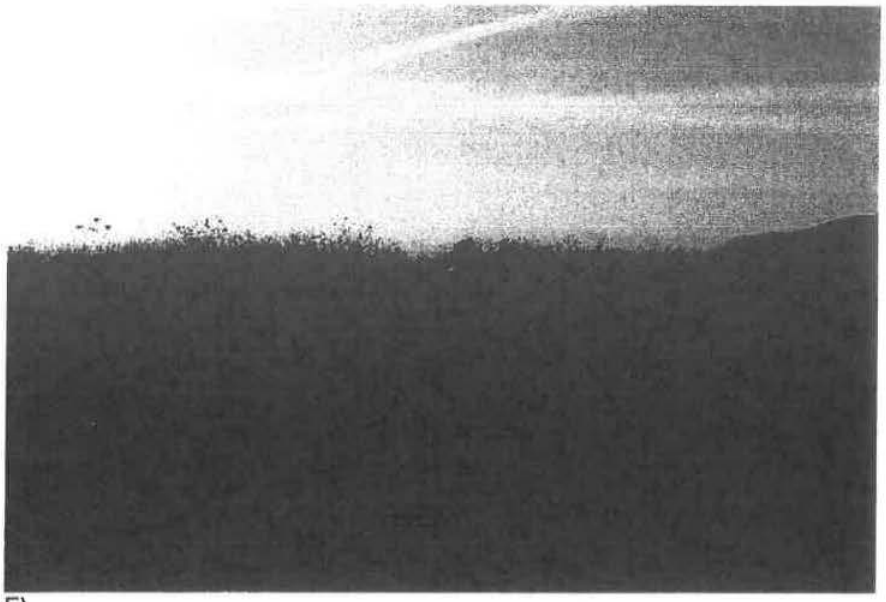


B)

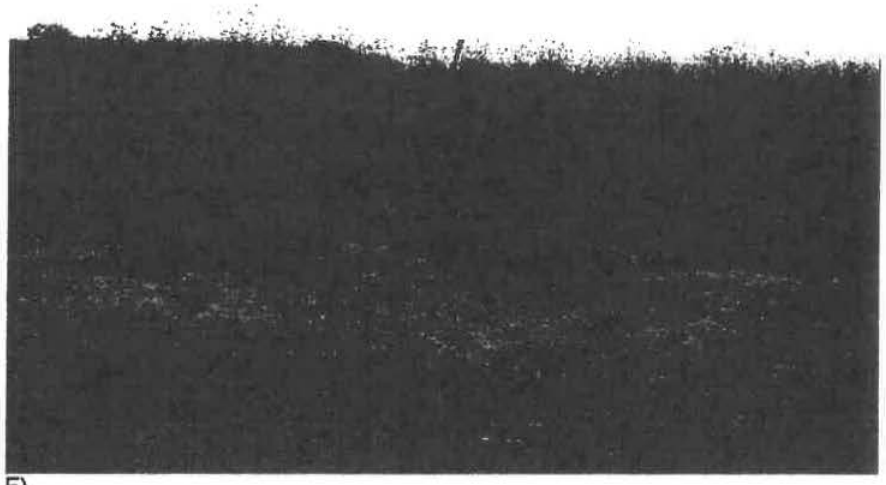


C)

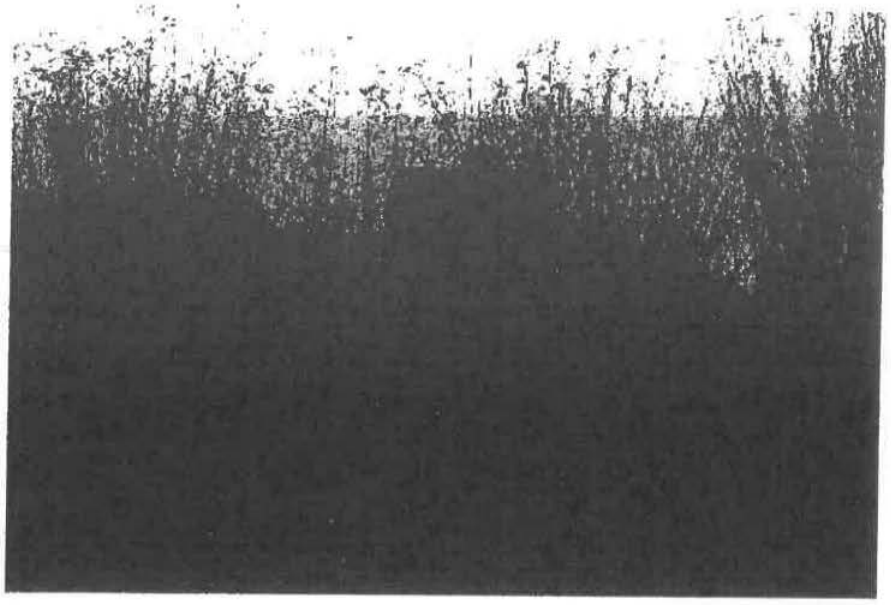
D)



E)



F)



Example 2 to follow under separate email.

3

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 4:02 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: NRC Notification: TtEC Hunters Pt (re: Proj PM & RSO Rep Safety Concerns)

Rick,

As discussed earlier and as another follow up to the prior email, one of my primary concerns associated with the current "RAD culture" at Hunters Point is - without mincing words - construction managements progressively eroding recognition / backing of it's NRC issued materials license and acknowledgment of the authority / level of respect associated with the RSO, RSO Representative(s), and Authorized User(s). Consequently, the construction management's willingness to allow the referenced role players to perform / carry out expected license driven responsibilities unimpeded - and without consequence sends the wrong message ultimately to those who perform tasks in the field.

Absence of such critical and fundamental elements - all essential to an effective RAD Safety Program, result in field culture observations as captured below during a "Start-of-Day" RAD integrity field observation made with the License RSO present:

Water Station - Example #2 of 2

Hunters Point Parcel E (Jan 2011):
A)

B)

Additional supporting examples to follow under separate email.

4

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 5:16 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: NRC Notification: TtEC - Hunters Pt Incident Involving Proj PM & RSO Rep

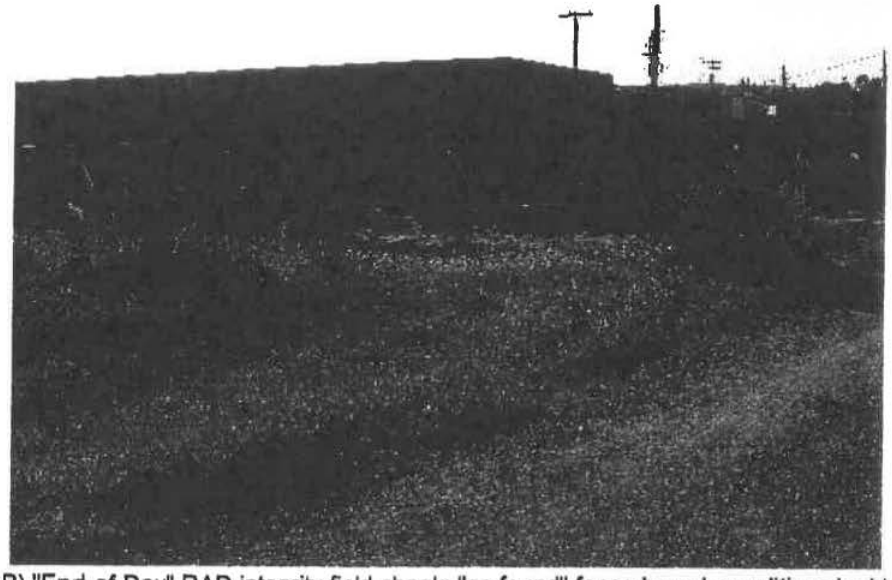
Rick,

As discussed earlier and as another follow up to the prior email, one primary concern associated with the current "RAD culture" at Hunters Point is - without mincing words - construction managements progressively eroding recognition / backing of it's NRC issued materials license and acknowledgment of the authority / level of respect associated with the RSO, RSO Representative(s), and Authorized User(s). Consequently, the construction management's hesitant willingness to allow the referenced role players to perform / carry out expected license driven responsibilities unimpeded - and without consequence sends the wrong message ultimately to those who perform tasks in the field.

Absence of such critical and fundamental elements - all essential to an effective RAD Safety Program, result in field culture observations as captured below during an RAD integrity field observation:

Event: Property Boundary Breach at Planned 2010 Installation of New UCSF Facility Entrance

Area "as found" during mid-day RAD integrity field check (Const mgnt assigned work; non-impacted area per HRA; location posted toward public as RCA perimeter boundary at property fence)
A)

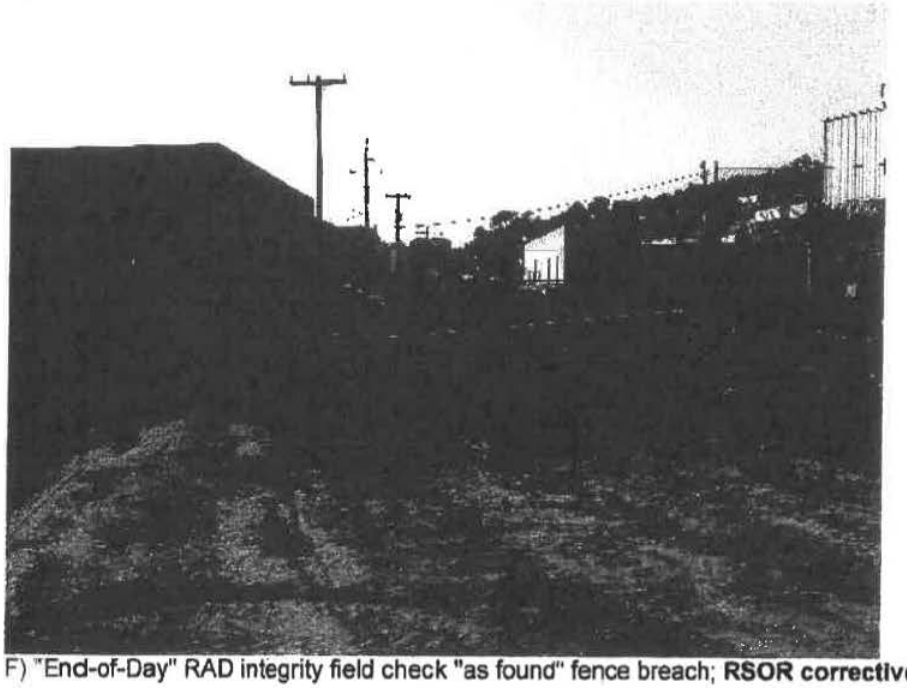


B) "End-of-Day" RAD integrity field check; "as found" fence breach conditions looking out from HPS (1 of 3)

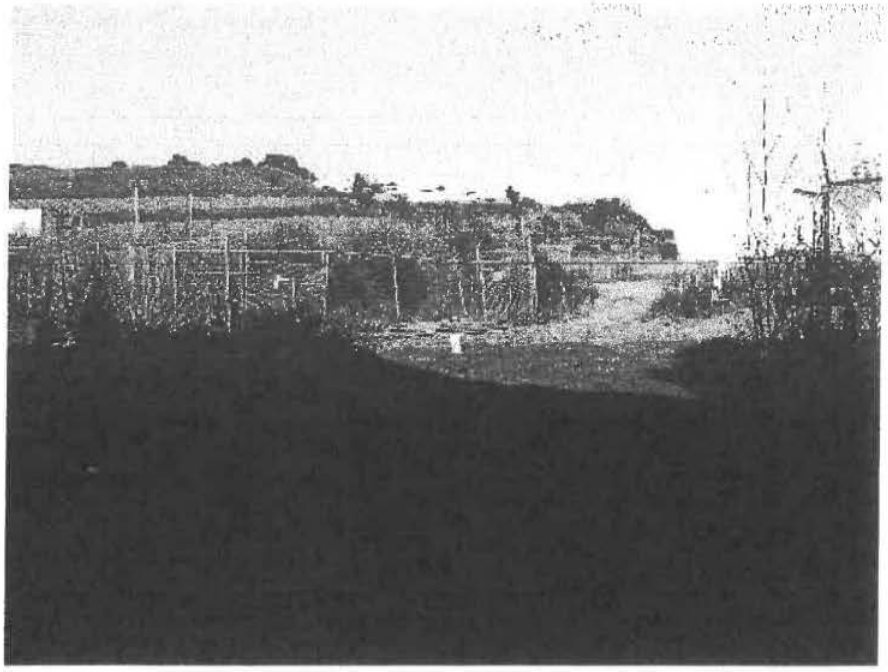
C) "End-of-Day" RAD integrity field check "as found" fence breach conditions looking in to HPS (2 of 3)

D) "End-of-Day" RAD integrity field check "as found" fence breach conditions looking out from HPS (3 of 3)

E) "End-of-Day" RAD integrity field check "as found" fence breach; **RSOR corrective actions** - looking out from HPS (1 of 2)



F) "End-of-Day" RAD integrity field check "as found" fence breach; **RSOR corrective actions** - looking in to HPS (2 of 2)



Additional supporting examples to follow under separate email.

Note: for the prior email's that present "construction management's willingness", all should instead read as "construction management's hesitant willingness" ... my apologies.

5

Munoz, Rick

From: Bowers, Bert [Bert.Bowers@tetratech.com]
Sent: Monday, January 31, 2011 7:18 PM
To: (b)(7)(C)
Subject: FW: Survey of Locker
Attachments: Picture of Locker.JPG; Locker survey.pdf

From: (b)(7)(C)
Sent: Tuesday, January 25, 2011 9:32 AM
To: Bowers, Bert
Subject: Survey of Locker

Bert,

We have a survey of the locker in your office. See attached. Did you get a chance to work on turning the 4th quarter dosimetry to Landauer over the weekend? Is there anything I can do to assist?

Thanks!

(b)(7)(C)

(b)(7)(C)

Direct: (b)(7)(C) | Fax: 757.461.4148 | Cell: (b)(7)(C)
(b)(7)(C)

Tetra Tech EC | ESQ
Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

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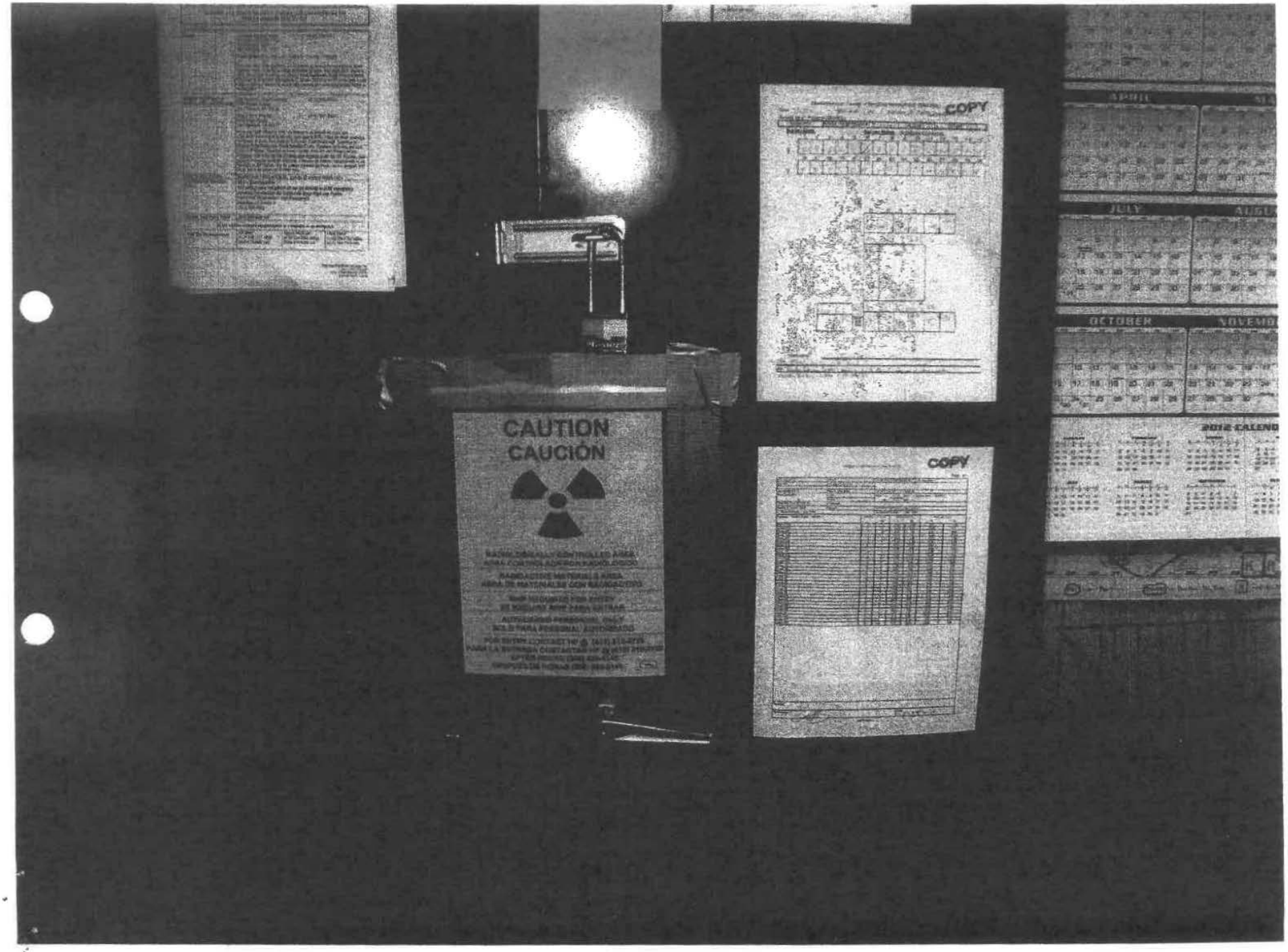

CAUTION
CAUCIÓN
COPY
COPY
APRIL
JULY
OCTOBER

Management Trailer 2 Routine Worksheet (Monthly)

Date: 01/24/11 Start time [illegible] Surveyor:(Sr. Tech) (b)(7)(C)

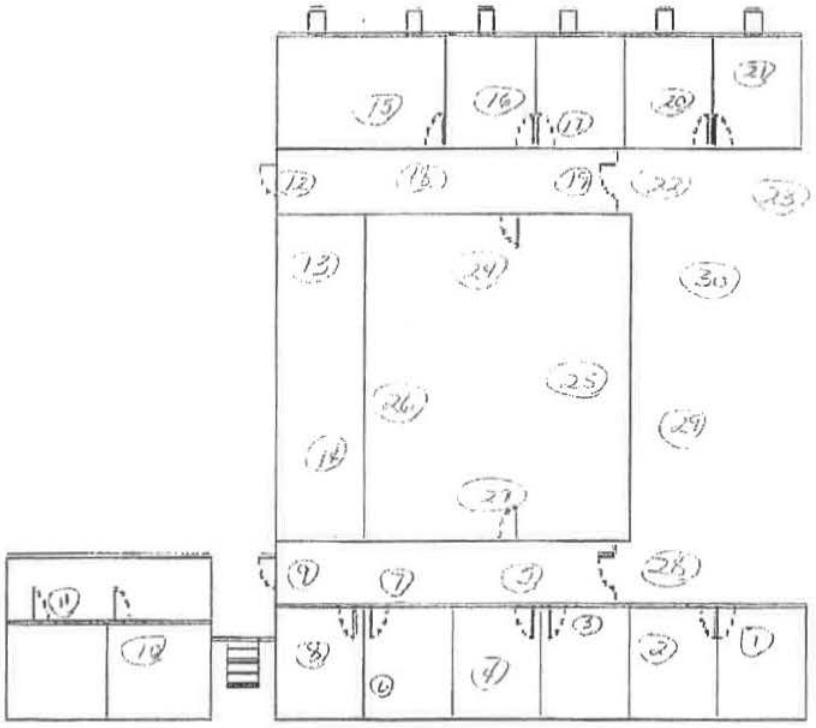
Survey type: Routine (Monthly)

Meter info:	Model 19 ~~or RO20~~ #	131231	Cal Due:	9-30-11	Bkgd	4.2 hr

Survey Data: **Survey Name:** HPS-MgmtTrlr2-mmddyy

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
γ	4	4	4	4	4	12/5	4	4	3	4	3	3	4	4	4

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
γ	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4



Comments: HPS MgmtTrlr2-012411

This Mgmt Trailer is in Area C

No Trailer Source Locker also a 100% Masslin Swipe of Source Locker.

Masslin Reading - < BKG. with a Model 3

COPY

SMEAR COUNTING ANALYSIS REPORT

COUNT DATE:	01/24/11	ANALYSIS PERFORMED BY:	(b)(7)(C)
NWTS#:	HPS-MgmtTar2-012411		
INSTRUMENT I.D.:	Protean WPC 9550	DETECTOR I.D.:	10323113
EFFICIENCIES: α:	13.55%	MDA: α: 10.15 dpm	Cal Due Date: 1/5/2012
βγ:	15.99%	βγ: 17.00 dpm	
SMEARS COLLECTED BY:	(b)(7)(C)		
SAMPLE COUNT TIME:	3 Minutes	ACTIVITY REPORT IN: dpm/100cm²	
α BACKGROUND: 0.03 CPM		βγ BACKGROUND: 0.63 CPM	

Remarks: Routine Parcel C Monthly	GROSS COUNTS		NET COUNTS		NET ACTIVITY	
	α	βγ	α	βγ	α	βγ
Smear #13	1	1	0.30	-0.30	2.24	-1.86
Smear #14	0	3	-0.03	0.37	-0.22	2.31
Smear #15	1	6	0.30	1.04	2.24	6.48
Smear #16	0	7	-0.03	1.70	-0.22	10.65
Smear #17	0	1	-0.03	-0.30	-0.22	-1.86
Smear #18	0	1	-0.03	-0.30	-0.22	-1.86
Smear #19	0	1	-0.03	-0.30	-0.22	-1.86
Smear #20	0	1	-0.03	-0.30	-0.22	-1.86
Smear #21	0	1	-0.03	-0.30	-0.22	-1.86
Smear #22	0	1	-0.03	-0.30	-0.22	-1.86
Smear #23	0	2	-0.03	0.04	-0.22	0.23
Smear #24	0	2	-0.03	0.04	-0.22	0.23
Smear #1	0	4	-0.03	0.70	-0.22	4.40
Smear #2	0	2	-0.03	0.04	-0.22	0.23
Smear #3	0	2	-0.03	0.04	-0.22	0.23
Smear #4	0	3	-0.03	0.37	-0.22	2.31
Smear #5	0	3	-0.03	0.37	-0.22	2.31
Smear #6	0	2	-0.03	0.04	-0.22	0.23
Smear #7	0	3	-0.03	0.37	-0.22	2.31
Smear #8	0	3	-0.03	0.37	-0.22	2.31
Smear #9	0	7	-0.03	1.70	-0.22	10.65
Smear #10	0	0	-0.03	-0.63	-0.22	-3.94
Smear #11	0	4	-0.03	0.70	-0.22	4.40
Smear #12	0	2	-0.03	0.04	-0.22	0.23
Smear #25	0	3	-0.03	0.37	-0.22	2.31
Smear #26	0	1	-0.03	-0.30	-0.22	-1.86
Smear #27	0	6	-0.03	1.37	-0.22	8.57
Smear #28	0	3	-0.03	0.37	-0.22	2.31
Smear #29	0	0	-0.03	-0.63	-0.22	-3.94
Smear #30	0	0	-0.03	-0.63	-0.22	-3.94

Remarks:

Reviewed by: (b)(7)(C) Date: 1-25-11

RSRS FORM

6

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 7:31 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: Fwd: FW: Survey of Locker
Attachments: FW: Survey of Locker

Rick,

FYI.... andas provided from (b)(7)(C)

Feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers | Radiation Safety Officer Representative

Direct: (b)(7)(C) | Alternate: (b)(7)(C) | Home: (b)(7)(C) | Mobile (b)(7)(C)

Bert.Bowers@tetratech.com

Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

From: Bowers, Bert
Sent: Tuesday, January 25, 2011 12:26 PM
To: (b)(7)(C)
Subject: RE: Survey of Locker

(b)(7)(C)

Thanks for the survey update and status concerning the cabinet. Specific to Landauer, the dosimetry last forwarded to HPS is en route via USPS. Follow up paperwork associated with the prior quarter's monitoring effort continues as well. A targeted stop point for that endeavor will presently coincide with receipt of 4th quarter reports (i.e., those featuring post processing results). I still need a corrected copy of Landauer's revised reports which reflect subtraction of "control badge" results from all other "batch badges". Completion of this process remains a need prior to closing out the existing accounts – so as to cross-reference existing records and confirm all affected report cycles have been appropriately addressed / update specific to on site records. If you could please forward what you have for periods covered, that would be much appreciated.

In lieu of what's gone on with that locker's contents between the 13th and 21st, I'll also need to coordinate with (b)(7)(a time acceptable to access so as to retrieve dosimetry program binders – assumed to still be there and which are a part of the aforementioned processes. Will address that need with you at a later time.

I met (b)(7) this morning at Alameda…. received a site tour (reason for late reply) and an office location. Will be in touch later on.

Bert Bowers | Radiation Safety Officer Representative

Direct: (b)(7)(C) 7 | Alternate: (b)(7)(C) | Home: 650.376.3719 | Mobile (b)(7)(C)

Bert.Bowers@tetratech.com

Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

From: (b)(7)(C)
Sent: Tuesday, January 25, 2011 9:32 AM
To: Bowers, Bert
Subject: Survey of Locker

Bert,

We have a survey of the locker in your office. See attached. Did you get a chance to work on turning the 4th quarter dosimetry to Landauer over the weekend? Is there anything I can do to assist?

Thanks!

(b)(7)(C)

(b)(7)(C)

Direct: (b)(7)(C) Fax: 757.461.4148 | Cell: (b)(7)(C)

(b)(7)(C)

Tetra Tech EC | ESQ

Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

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7

Munoz, Rick

From: Bowers, Bert [Bert.Bowers@tetratech.com]
Sent: Monday, January 31, 2011 7:36 PM
To: (b)(7)(C)
Subject: FW: Survey of Locker

From: Bowers, Bert
Sent: Thursday, January 27, 2011 4:43 PM
To: (b)(7)(C)
Subject: FW: Survey of Locker

(b)(7)
(C)

FYI, the date initially arranged for this process is ~6 days from now... from a timeliness standpoint, are you OK with that? If so, just advise and I'll mark my calendar.

Also, once a survey is complete and all is clear (which one would certainly anticipate), will I be able to work from that office while performing my duties so as to sort out / reorganize applicable locker contents, etc and / or bring what may become necessary to the Alameda office to finish updating dosimetry / training / Form 4 logs for eventual return / turnover while I'm at Alameda?

Thanks,

Bert

From: (b)(7)(C)
Sent: Thursday, January 27, 2011 12:50 PM
To: Bowers, Bert
Subject: RE: Survey of Locker

Hi Bert,

Please come by next Wed (2/2/11) at 0900.

Thanks

(b)(7)
(C)

(b)(7)(C)
Hunters Point Naval Shipyard
Direct (b)(7)(C)
(b)(7)(C)

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From: Bowers, Bert
Sent: Thursday, January 27, 2011 11:42 AM
To: (b)(7)(C)
Cc:
Subject: FW: Survey of Locker

Hi (b)(7)(C)

In reference to the subject line above, please advise as to a good time to get together for the purpose of overseeing the conduct of the locker interior survey. I look forward to hearing from you in that regard. I know how overextended you must be staff wise.... if a window suddenly becomes available, please call me at (b)(7)(C) and I can scoot right over.

Thanks,

Bert Bowers | Radiation Safety Officer Representative
Direct: (b)(7)(C) | Alternate: (b)(7)(C) | Main: 415.671.1990 | Mobile: (b)(7)(C) Fax: 415.216.2743
Bert.Bowers@tetratech.com
Tetra Tech EC | Field Project Management
Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

From (b)(7)(C)
Sent: Thursday, January 27, 2011 11:13 AM
To: Bowers, Bert
Cc: (b)(7)(C)
Subject: RE: Survey of Locker

Bert,

Absolutely! Just get with (b)(7)(C) directly....

Thanks!

(b)(7)(C)
(b)(7)(C)
Direct: (b)(7)(C) | Fax: 757.461.4148 | Cell: (b)(7)(C)
(b)(7)(C)

Tetra Tech EC | ESQ
Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

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From: Bowers, Bert
Sent: Thursday, January 27, 2011 2:03 PM
To: (b)(7)(C)
Subject: RE: Survey of Locker

Thanks (b)(7)(C)

Am I good to meet up with (b)(7)(C) and the tech when this is done? (b)(7)(C) is flexible with me here!

Thanks,

Bert

From: (b)(7)(C)
Sent: Thursday, January 27, 2011 10:53 AM
To: Bowers, Bert; (b)(7)(C)
Subject: RE: Survey of Locker

Bert,
I had not directed a survey of the interior of the locker because I understood that you did not want anyone opening the locker without your presence. We'll certainly take care of it.

(b)(7)(C)

Can either (b)(7)(C) or (b) perform the swipes of the shelves as requested below?

Thanks!
(b)(7)(

(b)(7)(C)
Direct: (b)(7)(C) | Fax: 757.461.4148 | Cell: (b)(7)(C)
(b)(7)(C)

Tetra Tech EC | ESQ
Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

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Think Green - Not every email needs to be printed.

From: Bowers, Bert
Sent: Thursday, January 27, 2011 1:38 PM
To: (b)(7)(C)
Subject: RE: Survey of Locker

Hi (b)(7)(

In reference to the subject line above, many thanks for advising of survey completion, as well as the supporting attachments to that effect. **After reviewing the survey, no portion of the report addresses the lockers interior (i.e., after the breach). Understanding that before the lock on that unit was forcibly removed, RSOR knowledge of its entire content and status was maintained, in part, with use of a systematic process of scheduled survey checks (as is done with the entire office complex). In lieu of events leading to a forced entry without RSOR knowledge, documentation which simply identifies completion of a large area swipe assessment of each shelf, followed by a check of collected swipes with a frisker would suffice in eliminating any concern involving radiological compromise. (If not mistaken, Susan Andrews and (b)(7)(C) are ANSI qualified 3.1 HP Seniors who have performed routine RSOR office surveys in the recent past – and are fully capable of ensuring consistency in how such steps are performed.) I consider this need as extremely important prior to accessing documentation now needed from inside that locker - as well as some personal items I would like to transfer across the way to Alameda. Of primary importance is the need to sort through the contents within – and as placed under "lock and key" security while hastily attempting to exit the project as directed on the 13th. Now that calmer circumstances are optimistically beginning to prevail, this present need really requires urgent attention. Please advise if this can be arranged.**

Regards,

Bert Bowers | Radiation Safety Officer Representative
Direct: (b)(7)(C) | Alternate: (b)(7)(C) | Main: 415.671.1990 | Mobile: (b)(7)(C) | Fax: 415.216.2743
Bert.Bowers@tetratech.com
Tetra Tech EC | Field Project Management
Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

Note: **Please advise – if you know, as to who placed the RAD sign "as is" on the locker...** thanks. BB

From: (b)(7)(C)
Sent: Tuesday, January 25, 2011 9:32 AM
To: Bowers, Bert
Subject: Survey of Locker

Bert,

We have a survey of the locker in your office. See attached. Did you get a chance to work on turning the 4th quarter dosimetry to Landauer over the weekend? Is there anything I can do to assist?

Thanks!

(b)(7)(C)
(b)(7)(C)
Direct: (b)(7)(C) | Fax: 757.461.4148 | Cell: (b)(7)(C)
(b)(7)(C)
Tetra Tech EC | ESQ
Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

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8

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 7:41 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: Fwd: FW: Survey of Locker
Attachments: FW: Survey of Locker

Rick,

Information within is FYI.... personally, I was anxious to move forward with the survey of the office locker so it could be formally cleared, followed by my need to access contents within for dosimetry records. The contents were ransacked when I last saw it opened.... and I still contend that 6 days is a fairly extended period to address present needs timely.

In this regard, feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers | Radiation Safety Officer Representative

Direct (b)(7)(C) | Alternate: (b)(7)(C) Home: (b)(7)(C) | Mobile (b)(7)(C)

Bert.Bowers@tetratech.com

Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

9

Munoz, Rick

From: Bowers, Bert [Bert.Bowers@tetratech.com]
Sent: Monday, January 31, 2011 8:24 PM
To: (b)(7)(C)
Subject: FW: Dosimeter Cabinet

From: (b)(7)(C)
Sent: Thursday, October 21, 2010 8:36 AM
To: Bowers, Bert
Cc: (b)(7)(C)
Subject: Dosimeter Cabinet

Bert-

Yesterday I was forced to have the lock drilled out of the above mentioned cabinet to gain access to the dosimetry there.

My apologies....

(b)(7)(C)
Direct: (b)(7)(C) | Main: 415.671.1990 | Fax: 415.671.1995 | Cell: (b)(7)(C)
(b)(7)(C)

Tetra Tech EC | Health Physics
200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

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10

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 8:34 PM
To: Munoz, Rick
Cc: rickmunoz@nrc.gov
Subject: Fwd: FW: Dosimeter Cabinet
Attachments: FW: Dosimeter Cabinet

Rick,

The photo below details a close up of a lock drilled out of RSO office furniture during my absence from site while on vacation... upon return, I expressed displeasure at the damage to the furniture, but more so, the compromise of "lock & key" dosimetry documents left unsecured. The (b)(7)(C) failed to provide necessary level of support and circumstances were forwarded on to license RSO level. No corrective action was ever formally documented.

Feel free to contact me to discuss further.

Regards,

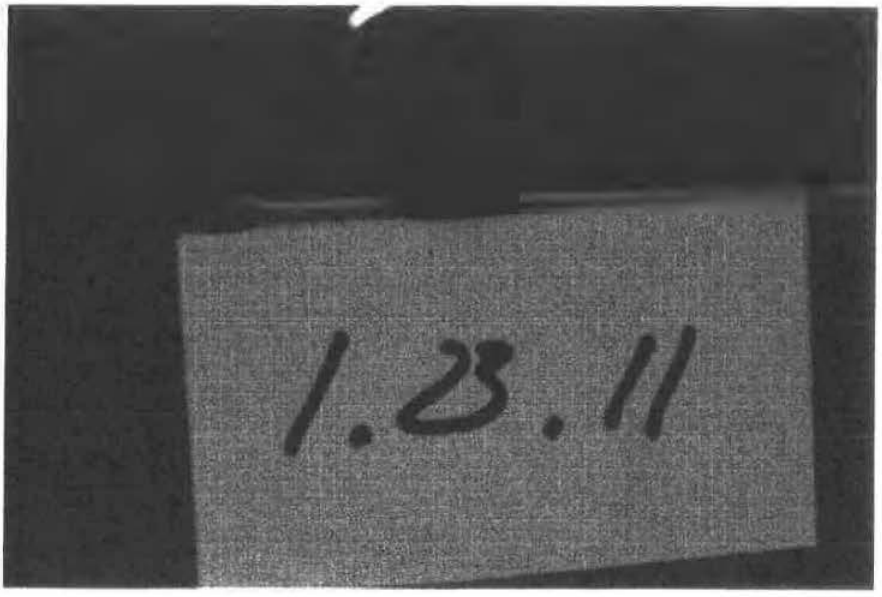
Bert Bowers | Radiation Safety Officer Representative

Direct: (b)(7)(C) Alternate: (b)(7)(C) | Home: (b)(7)(C) | Mobile: (b)(7)(C)

Bert.Bowers@tetratech.com

Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com



11

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 10:00 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: Hunters Pt: RSO Representatives Office Conditions as Found w/ Witness (01.23.11)

Rick,

FYI.... additional pictures of RSO office with witness present.... and as left after attemptin to reorganize.

Feel free to contact me to discuss if additional information / feedback is needed.

Regards,

Bert Bowers | Radiation Safety Officer Representative

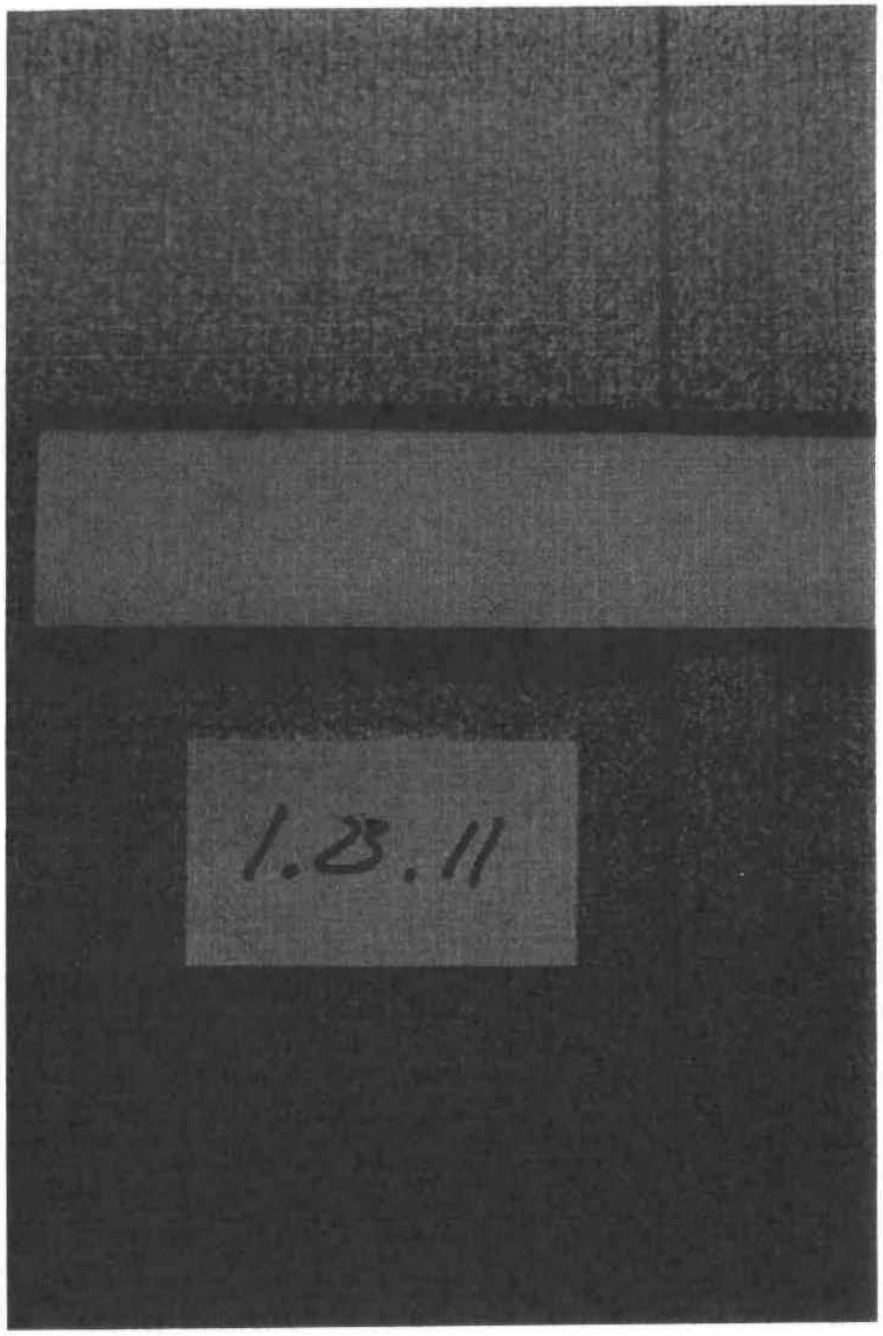
Direct: (b)(7)(C) | Alternate: (b)(7)(C) Home (b)(7)(C) Mobile: (b)(7)(C)

Bert.Bowers@tetratech.com

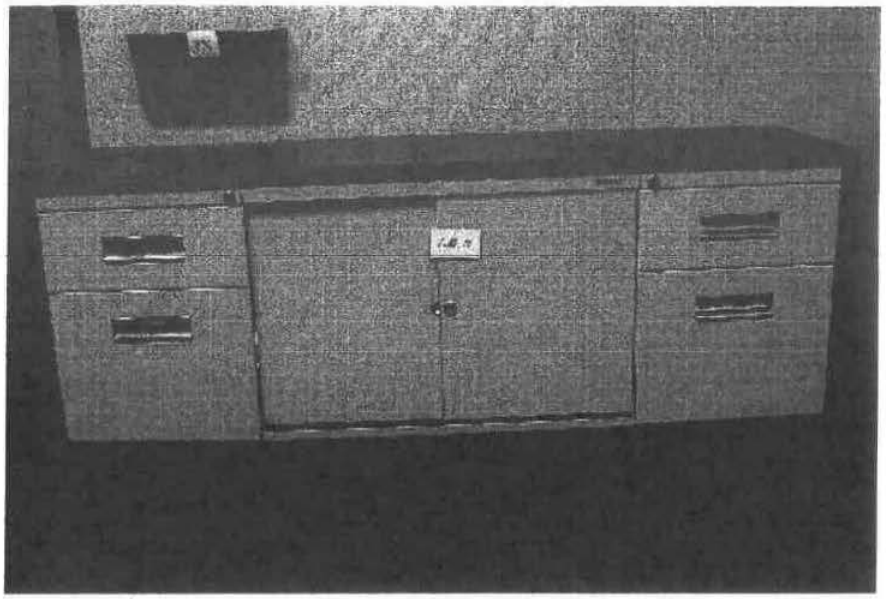
Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

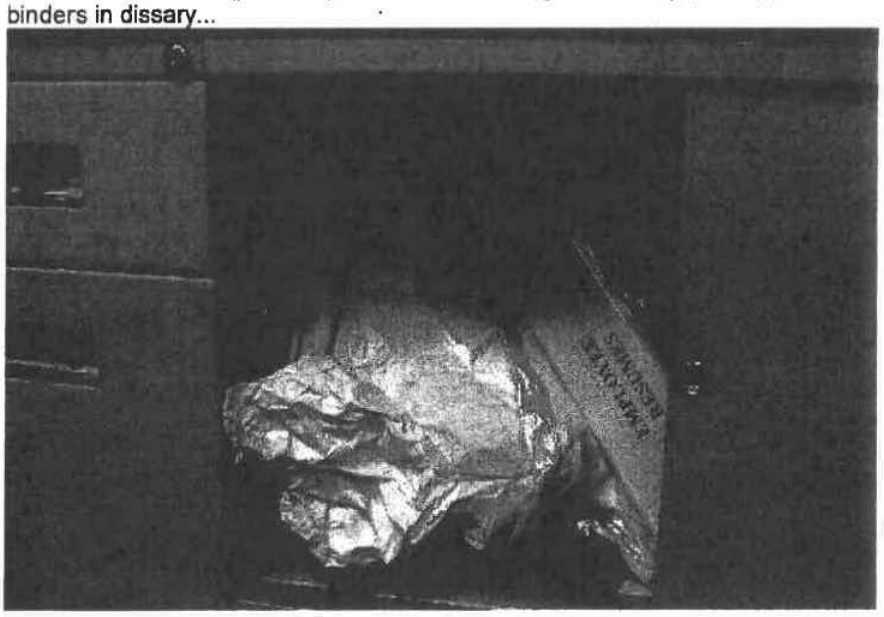
RSO nameplate beside office entrance reversed...



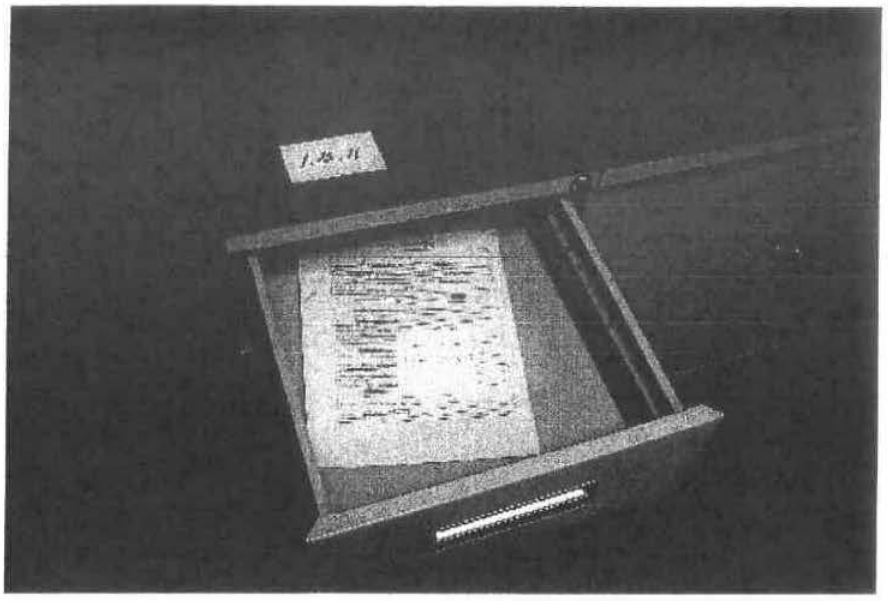
RSO office furniture (piece #1) with "lock & key" dosimetry doc's, etc as found in breached condition...



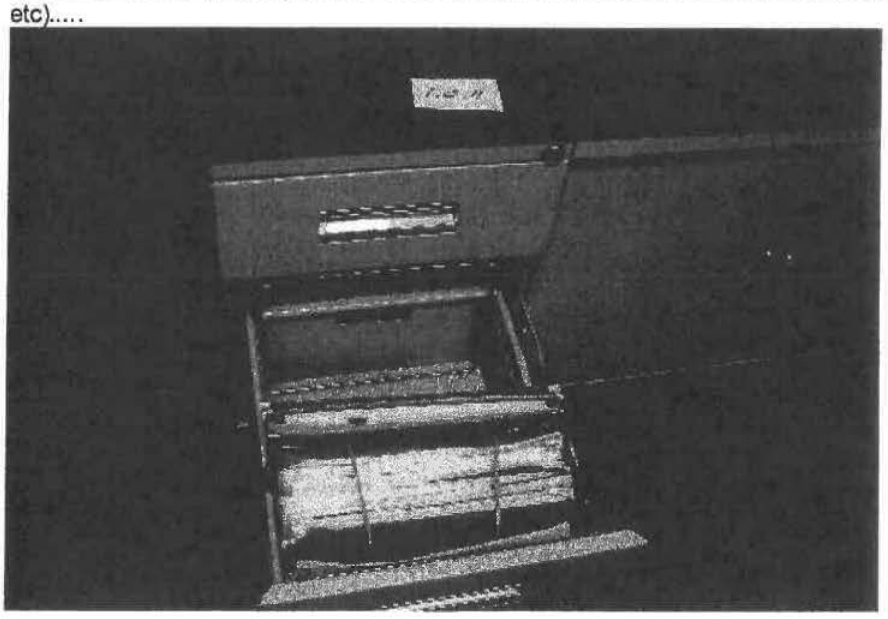
RSO office furniture (piece #1) "as is" inside sliding door cubby (training items / resume binders in dissary...



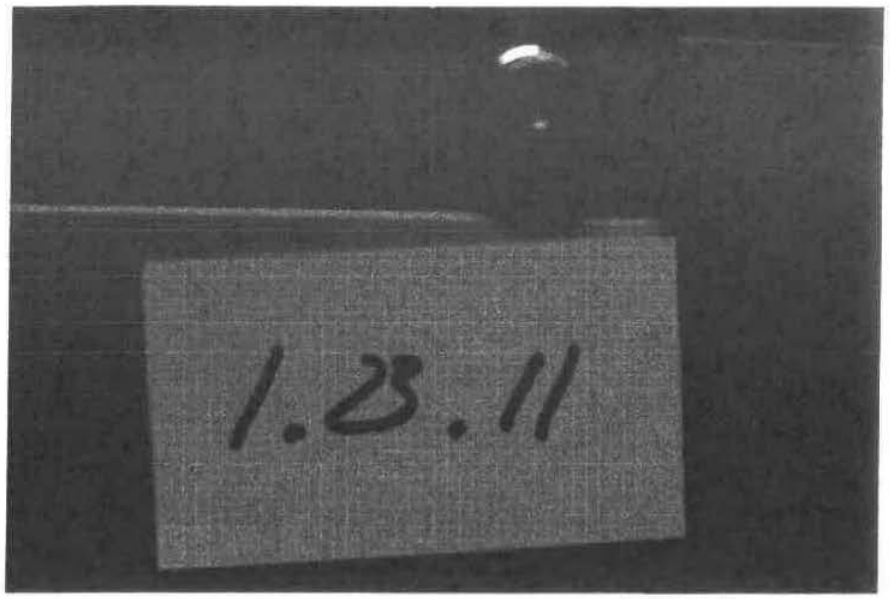
Breached drawer (top) to RSO office furniture left unlocked/contents uncontrolled.....



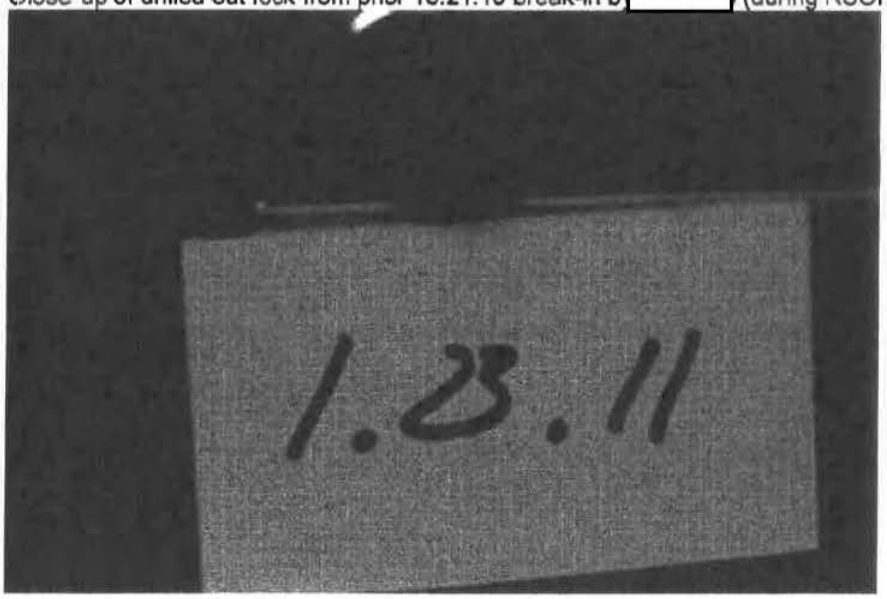
Breached drawer (bottom) to RSO office furniture left unlocked/contents uncontrolled (Dosimetry doc's w, SSN's, DOB's, etc).....



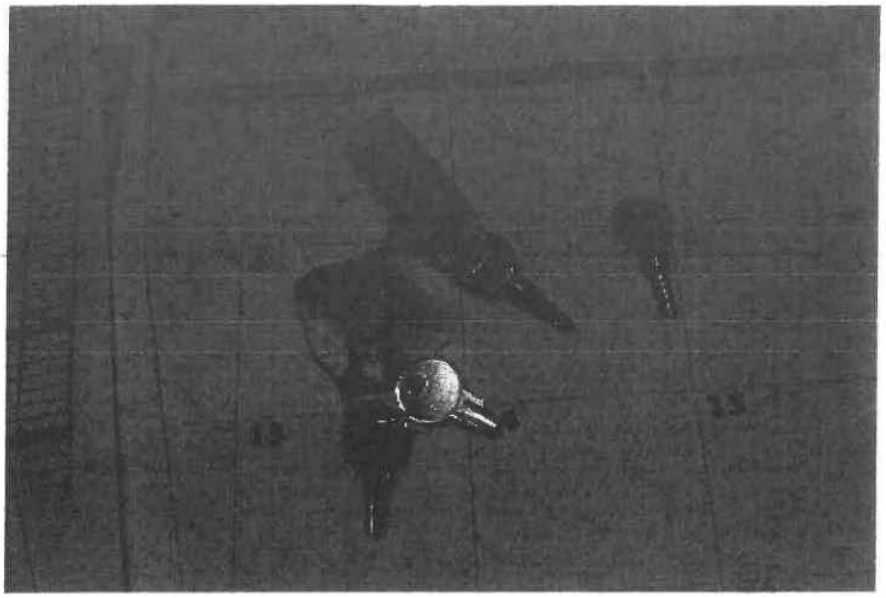
Position of lock (left two breached drawers) to RSO office furniture discovered w/ contents uncontrolled (Dosimetry doc's w, SSN's, DOB's, etc).....



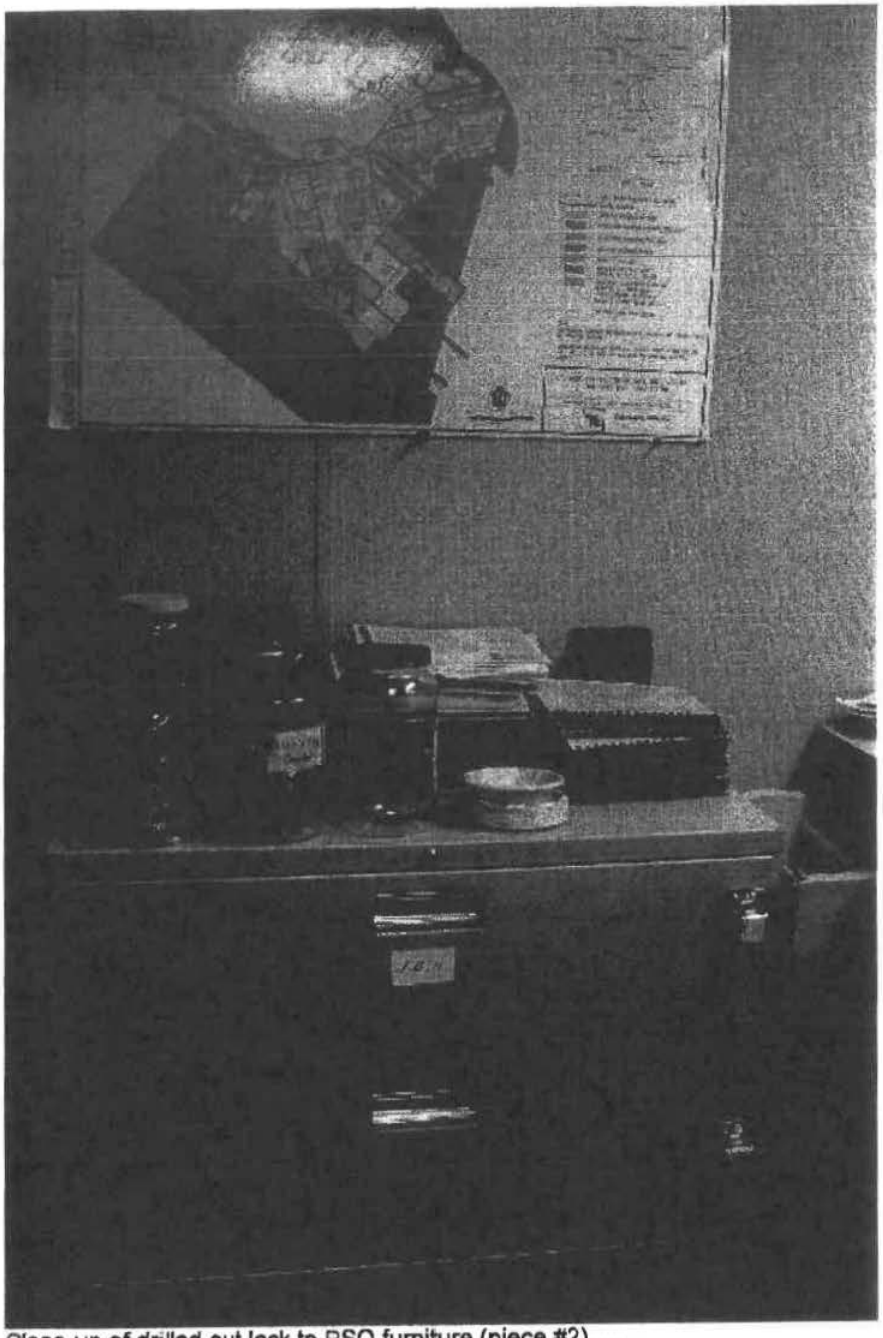
Close up of drilled out lock from prior 10.21.10 break-in by (b)(7)(C) (during RSOR's absence)....



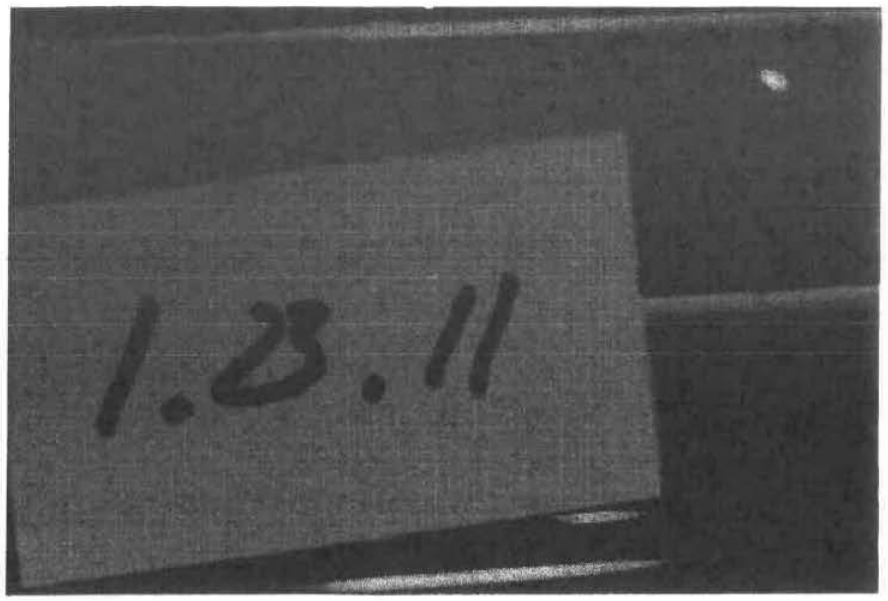
Broken key (2nd from left) to locks of RSO office furniture described above....



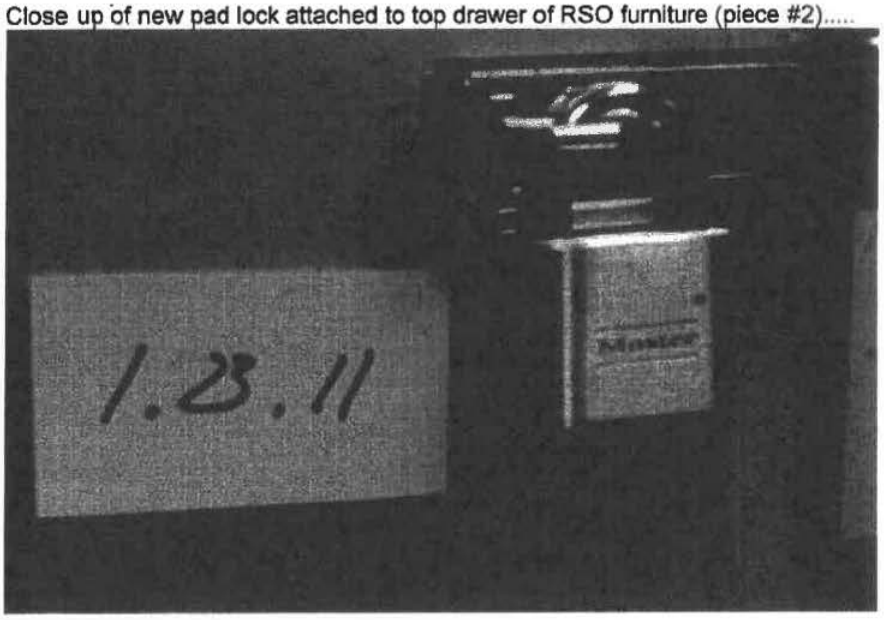
Compromised RSO office furniture (piece #2) with "lock & key" dosimetry & personnel doc's as found w/ new padlocks on each drawer...



Close up of drilled out lock to RSO furniture (piece #2).....

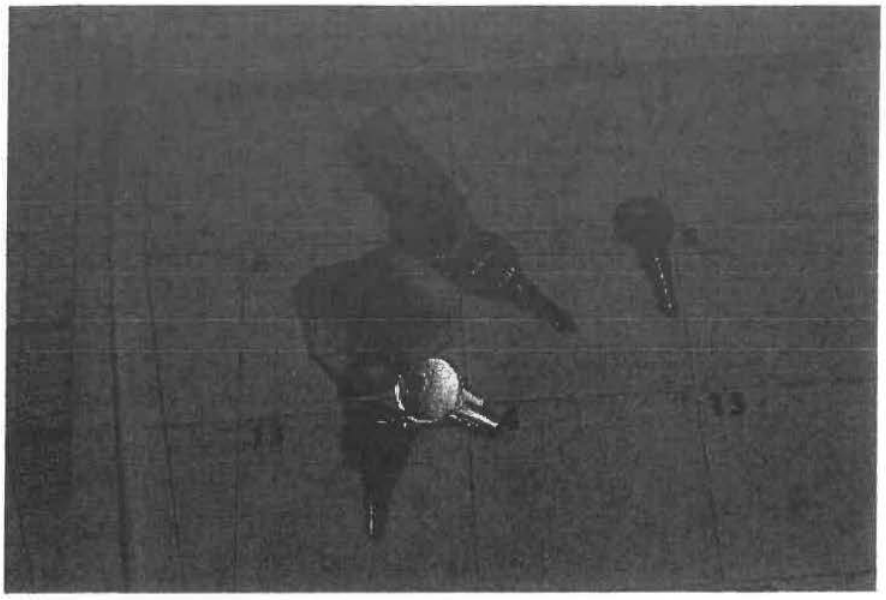


Close up of new pad lock attached to top drawer of RSO furniture (piece #2).....

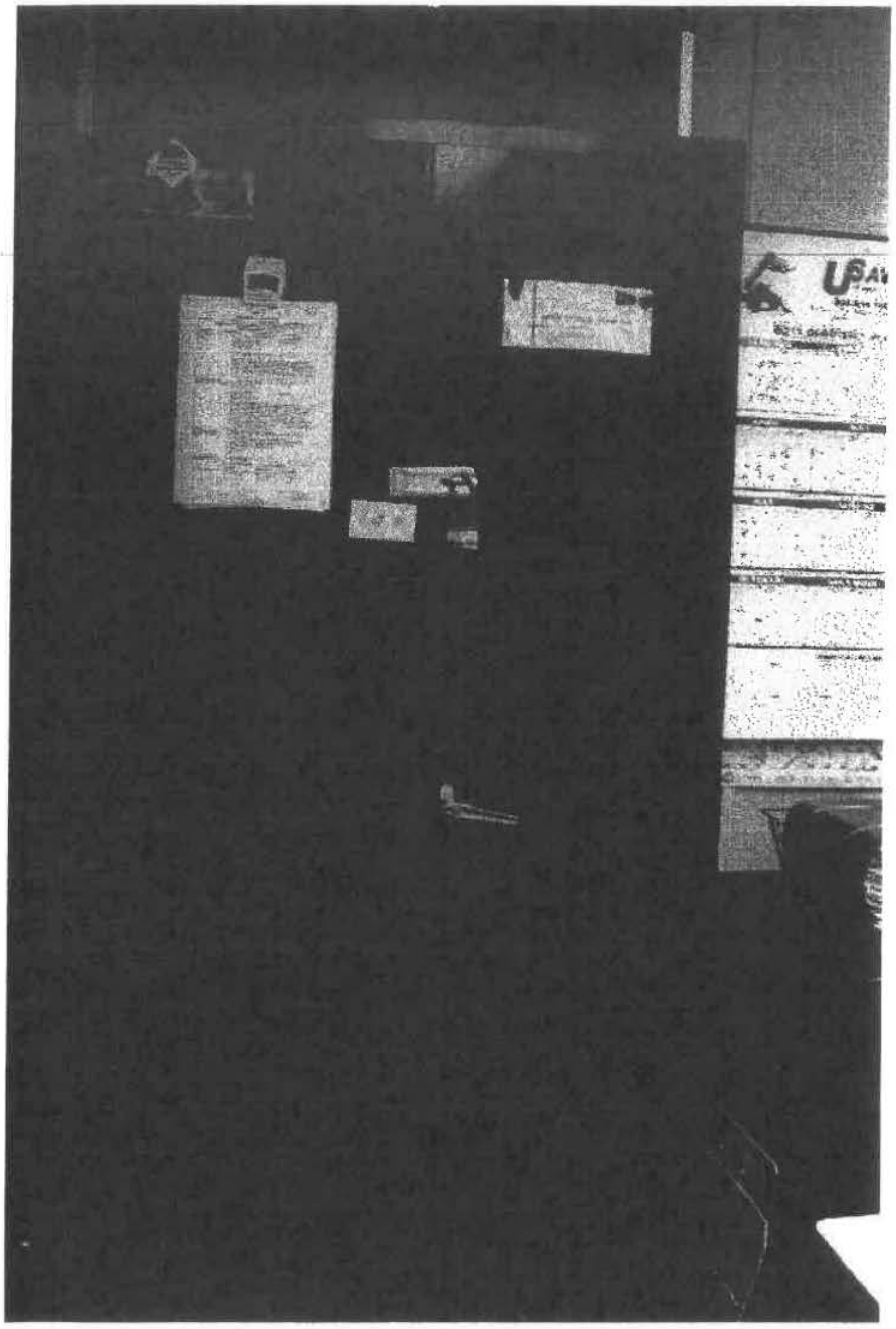


Close up of new pad lock attached to bottom drawer of RSO furniture (piece #2).....

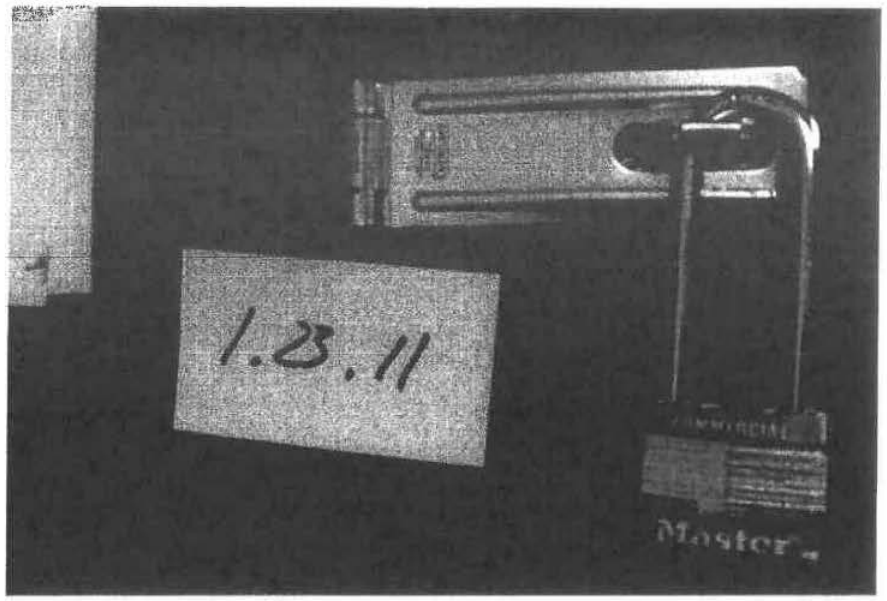
Close up of key (far right) noo longer useful to RSO office furniture described above (piece #2)....



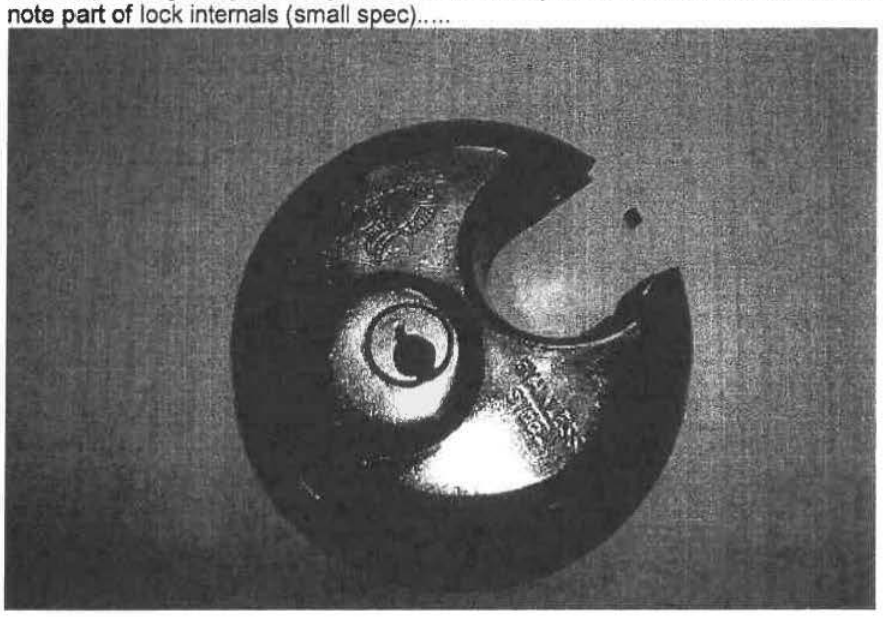
RSO office furniture (piece #3) with "lock & key" source buttons (exempt quantity), documents, personal items, etc as found in breached condition w/ new pad lock attached...



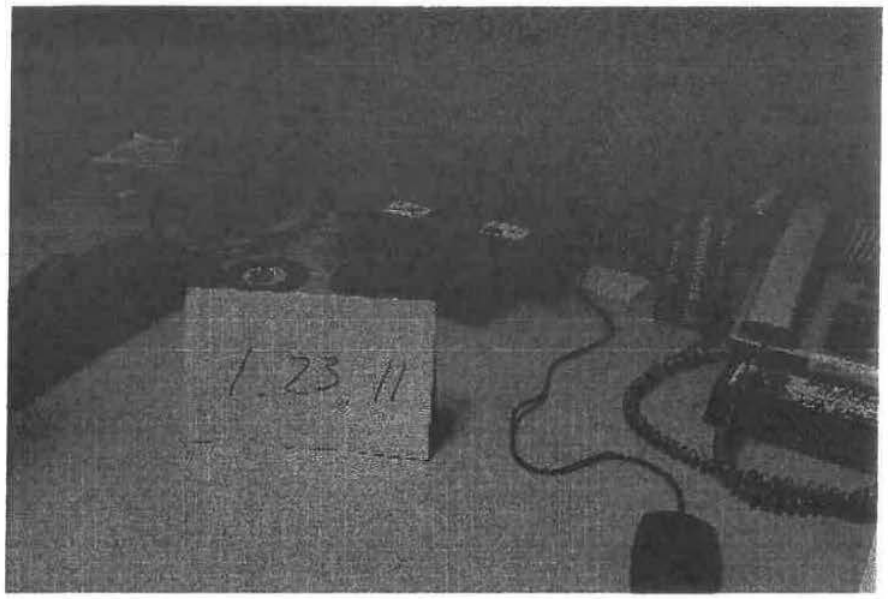
Close up of new pad lock attached to RSO office furniture (piece #3) with personal lock removed...



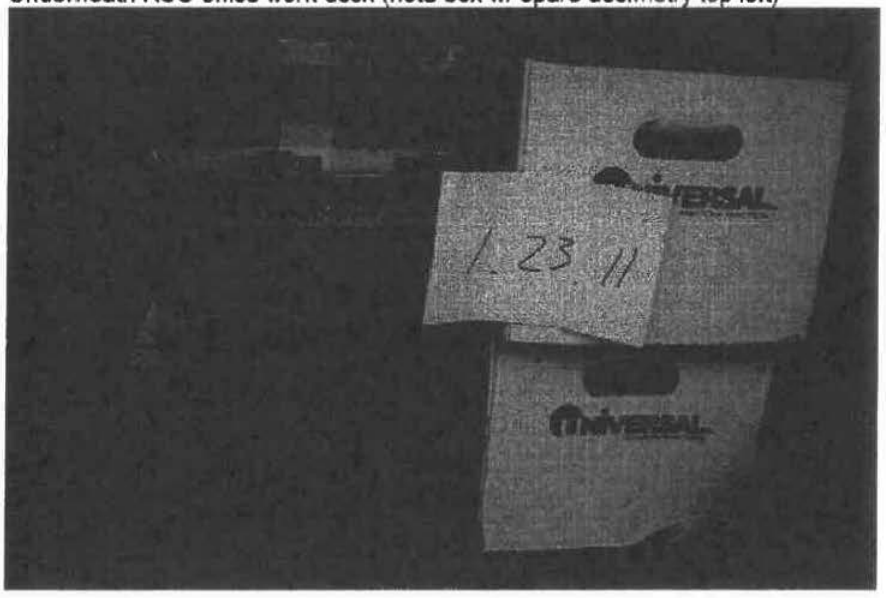
Close up of original, personally owned lock forcibly removed from RSO office furniture (piece #3)... note part of lock internals (small spec).....



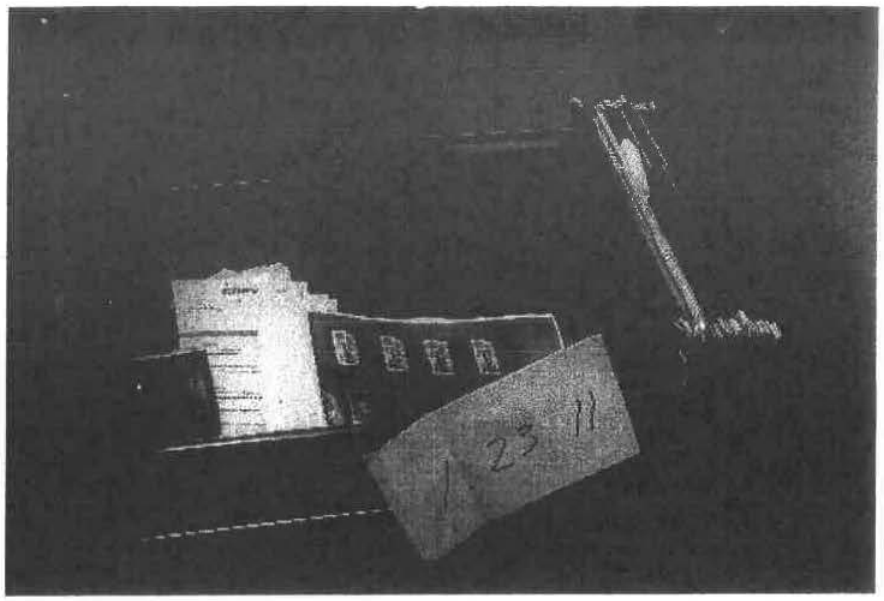
RSO office work desk after straightening up (computer monitor previously attached to docking station missing.... docking station inoperable when attempting to operate straight from laptop...



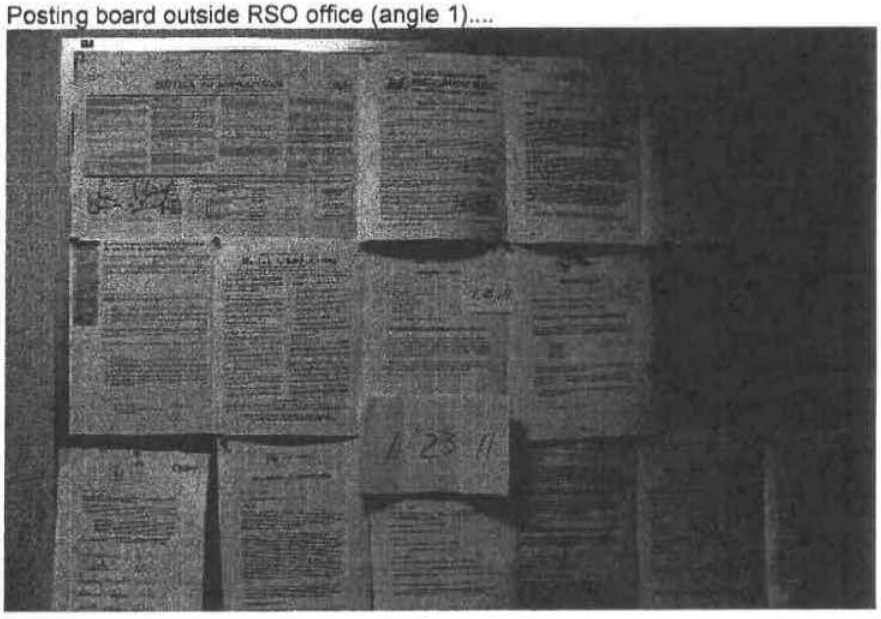
Underneath RSO office work desk (note box w/ spare dosimetry top left)



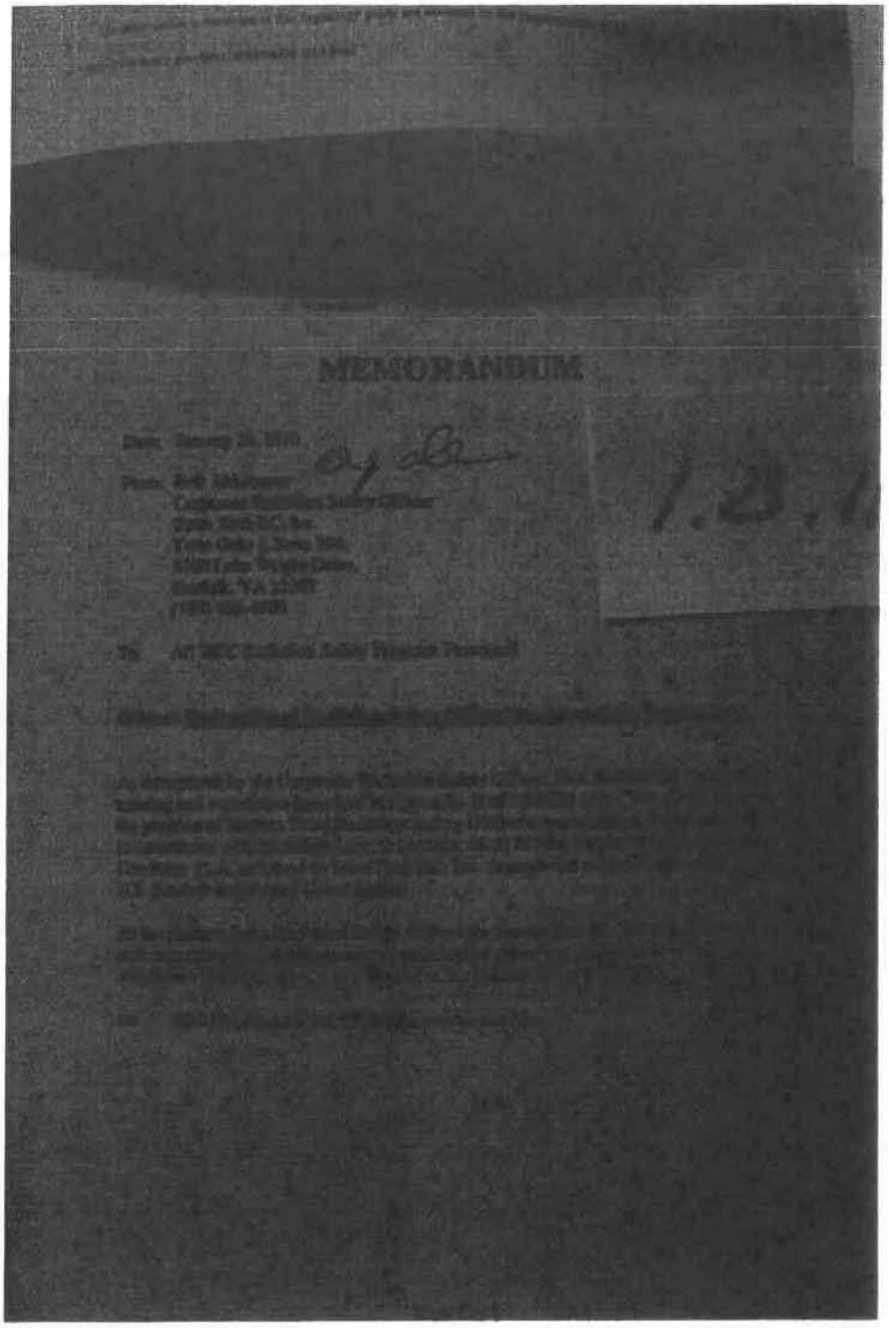
Example of RSO office work desk drawers "as found" ...



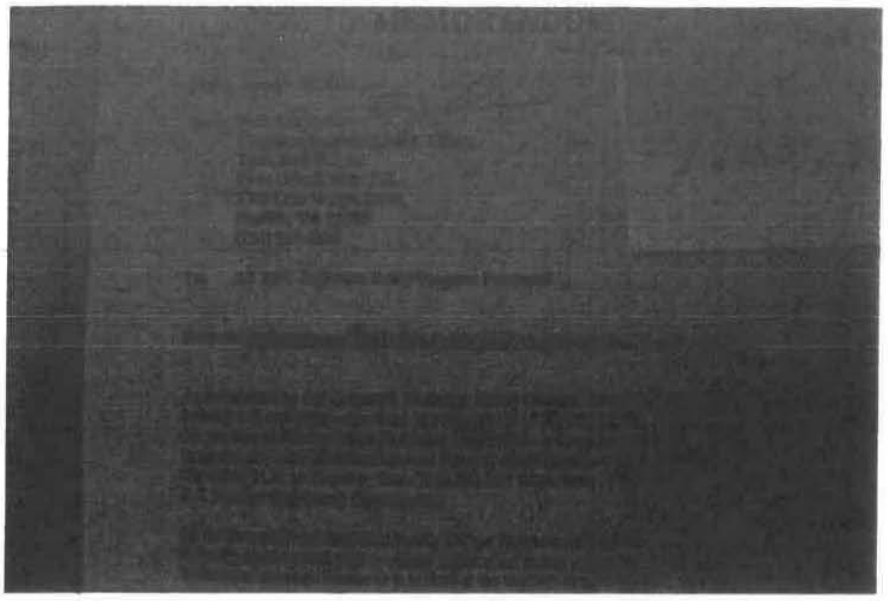
Posting board outside RSO office (angle 1)....



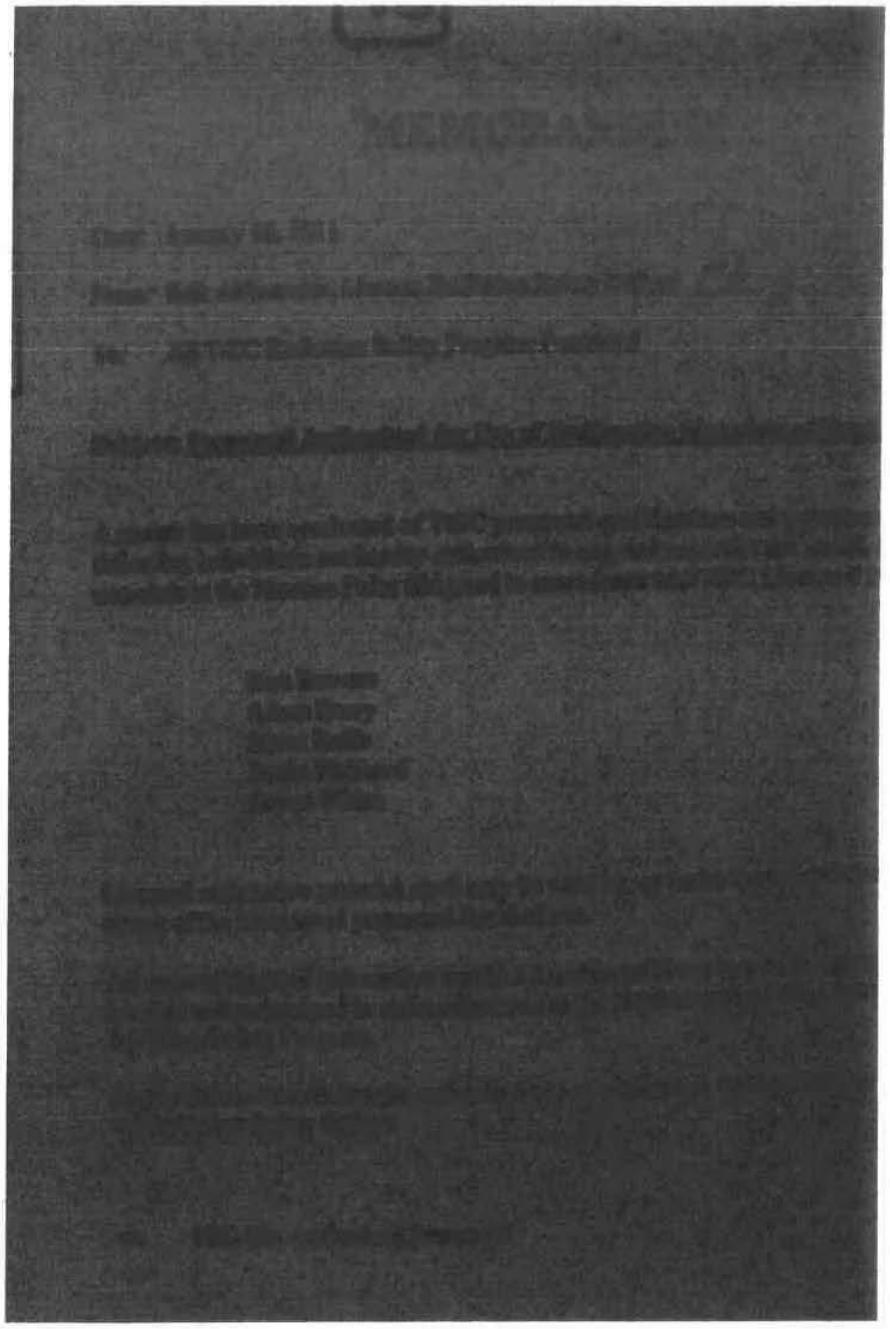
Posting board outside RSO office (angle 2)....



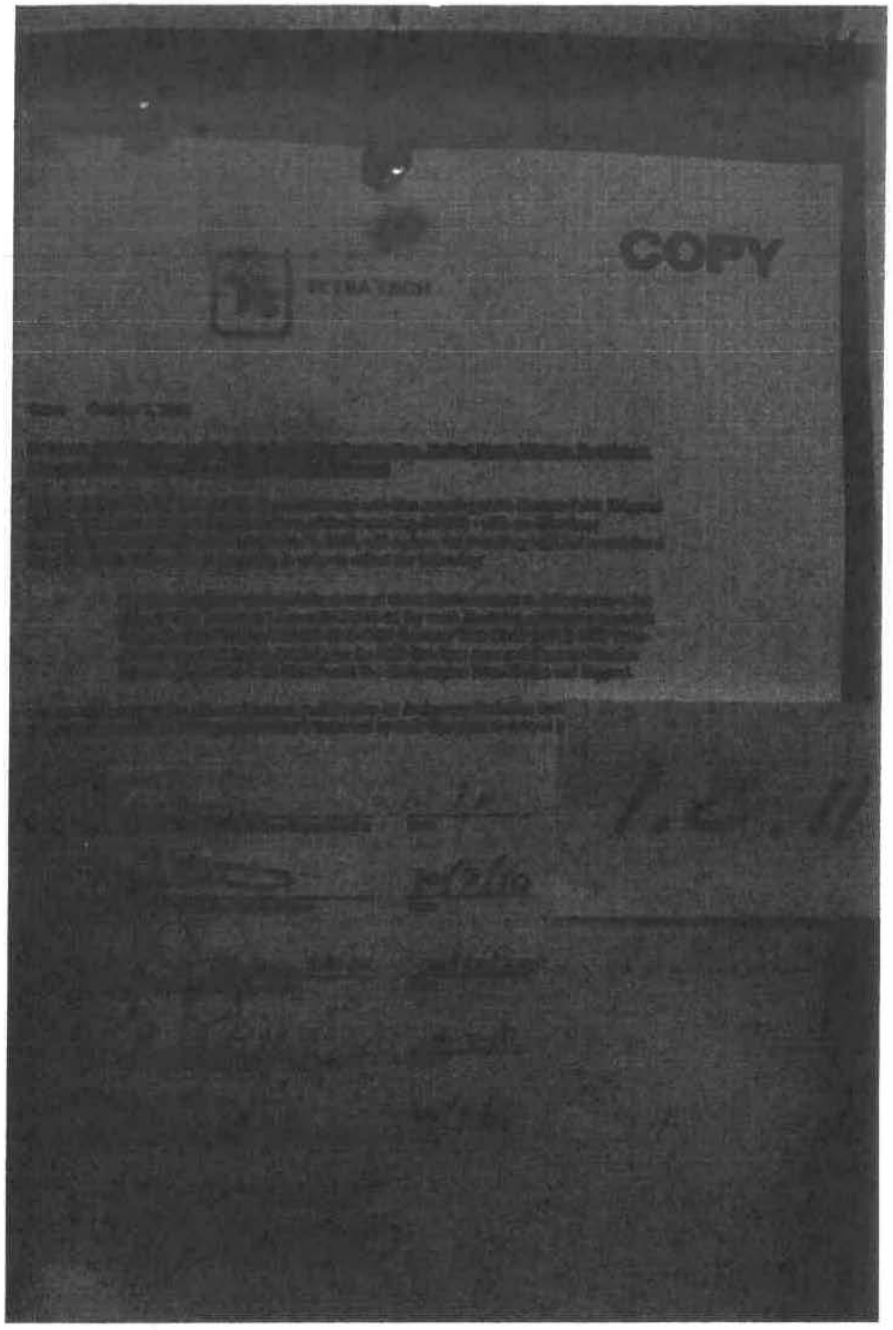
Posting board outside RSO office (angle 3)....



Posting board outside RSO office (angle 4)....



Posting board outside RSO office (angle 4)....


COPY

12

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 10:21 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: Fwd: NRC Notification: TtEC Hunters Pt (re: Proj PM & RSO Rep Safety Concern)...
Attachments: NRC Notification: TtEC Hunters Pt (re: Proj PM & RSO Rep Safety Conccerns)

Rick,

As additional follow-up to this original email, please note the following regarding the water station event in November:

* field observations were made while performing a "start-of-day" RAD integrity field check.
* upon discovery, my thoughts as RSO are why none of the HP field sup's have recognized situation while making rounds (high traffic area)
* I place a call to the HP QA sup and request his presence.
* upon arrival, I point HP QA sup in direction of water station and he immediately recognizes the issue
* HP QA sup is asked to investigate; determine need for corrective action(s) including increased awareness needed by staff / sup's etc; specifically addressing unauthorized/intentional repositioning of RAD signage by non-RAD/HP personnel; unauthorized staging of a water station i/s RCA boundaries, etc
* HP QA sup acknowledged he would follow up / including a commitment to cover in following day's safety tailgate.

As always, feel free to cantact me if additional information or feedback is needed.

Regards,

Bert Bowers | Radiation Safety Officer Representative

Direct: (b)(7)(C) Alternate (b)(7)(C) Home (b)(7)(C) Mobile: (b)(7)(C)

Bert.Bowers@tetratech.com

Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

13

Munoz, Rick

From: (b)(7)(C)
Sent: Monday, January 31, 2011 10:27 PM
To: rickmunoz@nrc.gov
Cc: Munoz, Rick
Subject: Fwd: NRC Notification: TtEC Hunters Pt (re: Proj PM & RSO Rep Safety Concerns...
Attachments: NRC Notification: TtEC Hunters Pt (re: Proj PM & RSO Rep Safety Conccerns)

Rick,

As a follow-up to the original email regarding the 2nd water station observation on Monday, January 17th with the (b)(7)(C) (b)(7)(C) please note the following:

(b)(7)(C) stated that he would personally correct the situation himself (based on the assumption that the situation with construction management and some of the HP sup's was too "volatile" for me to pursue.

Feel free to contact me if additional information or feedback is needed.

Regards,

Bert Bowers | Radiation Safety Officer Representative

Direct: (b)(7)(C) Alternate: (b)(7)(C) | Home: (b)(7)(C) | Mobile: (b)(7)(C)

Bert.Bowers@tetratech.com

Tetra Tech EC | Field Project Management

Hunters Point Shipyard, 200 Fisher Ave | San Francisco, CA 94124 | www.tetratech.com

14

Munoz, Rick

From: (b)(7)(C)
Sent: Tuesday, February 01, 2011 11:11 PM
To: (b)(7)(C)
Subject: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)

(b)(7)(C)

In reference to the subject line above - and as discussed / agreed upon earlier this morning, I promptly arranged to have a witness present with me during tomorrow's survey. After this afternoon's follow up call advising of (b)(7) feeling that such need's weren't necessary or preferred, I plan to honor those wishes as a means of moving forward with positive, stress free intentions. I look forward to seeing you and everyone else associated with the Hunters Point "gang" at 0900 hrs!

Best regards,

Bert

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: (b)(7)(C) / Alternate: (b)(7)(C) Mobile: (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 94124

15

Munoz, Rick

From: (b)(7)(C)
Sent: Tuesday, February 01, 2011 11:21 PM
To: john@scottlawfirm.net
Subject: Fwd: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)
Attachments: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)

John,

FYI.... and as discussed, (b)(7)(C) is Mr (b)(7)(C) assigned to Hunters Point, and the direct report for (b)(7)(C) the Hunters Point (b)(7)(C) who ordered me off the project the morning of January 13, 2011.

As always, feel free to contact me if additional information or feedback is needed.

Bert

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: (b)(7)(C) Alternate: (b)(7)(C) / Mobile: (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 9412

(b)(7)(C)

In reference to the subject line above - and as discussed / agreed upon earlier this morning, I promptly arranged to have a witness present with me during tomorrow's survey. After this afternoon's follow up call advising of (b)(7)(feeling that such need's weren't necessary or preferred, I plan to honor those wishes as a means of moving forward with positive, stress free intentions. I look forward to seeing you and everyone else associated with the Hunters Point "gang" at 0900 hrs!

Best regards,

Bert

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: (b)(7)(C) / Alternate: (b)(7)(C) / Mobile (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 94124

=

16

Munoz, Rick

From: (b)(7)(C)
Sent: Tuesday, February 01, 2011 11:23 PM
To: Munoz, Rick
Subject: Fwd: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)
Attachments: Fwd: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)

Rick,

FYI (below) as based on legal advise.

Regards,

Bert

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: (b)(7)(C) / Alternate: (b)(7)(C) Mobile: (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 9412

17

Munoz, Rick

From: (b)(7)(C)
Sent: Wednesday, February 02, 2011 10:12 AM
To: Munoz, Rick
Subject: Fwd: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)

Mr. Munoz,

Content following this correspondence is being provided FYI.... and after sending, it's "off I go" to Hunters Point in a good faith effort to re-establish / ensure ongoing RAD program controls and integrity. Also, while generating this email, I was contacted by a Hunters Point (b)(7)(C) stating that as of this morning, a new posting is now on the RSO board identifying (b)(7)(C) as the RSO representative - a notice which was not posted prior to yesterday (according to the caller) and backdated to reflect an effective date of January 18, 2011. I'll confirm when I get to the site as to what's actually posted. For the record, I have not been formally notified by a Tetra Tech entity of any such change action. As of last Sunday, January 30, 2011,, Tetra Tech RAD field signs continued to display phone numbers assigned to me as a contact option (e.g., at all Tetra Tech RCA boundaries / entrances for "off hours" needs, etc).

As always, feel free to contvt me if additional information or feedback is needed.

Respectfully,

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: (b)(7)(C) / Alternate: (b)(7)(C) / Mobile: (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 9412

-----Original Message-----
From: (b)(7)(C)
To: (b)(7)(C)
Sent: Wed, Feb 2, 2011 6:14 am
Subject: RE: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)

Bert,

Thank you! We look forward to seeing you.....

(b)(7)(C)

(b)(7)(C)
Direct: (b)(7)(C) | Fax: 757.461.4148 | Cell: (b)(7)(C)
(b)(7)(C)

Tetra Tech EC | ESQ
Twin Oaks, Suite 309, 5700 Lake Wright Drive | Norfolk, VA 23502 | www.tetratech.com

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Think Green - Not every email needs to be printed.

From: (b)(7)(C)
Sent: Wednesday, February 02, 2011 12:11 AM
To: (b)(7)(C)
Subject: Hunters Point: Storage Cabinet Survey (Wednesday, February 2, 2011 @ 9 AM)

(b)(7)(C)

In reference to the subject line above - and as discussed / agreed upon earlier this morning, I promptly arranged to have a witness present with me during tomorrow's survey. After this afternoon's follow up call advising of (b)(7) feeling that such need's weren't necessary or preferred, I plan to honor those wishes as a means of moving forward with positive, stress free intentions. I look forward to seeing you and everyone else associated with the Hunters Point "gang" at 0900 hrs!

Best regards,

Bert

Bert Bowers / Radiation Safety Officer Representative, Tetra Tech EC
Direct: (b)(7)(C) / Alternate (b)(7)(C) / Mobile: (b)(7)(C)
Hunters Point Naval Shipyard, 200 Fisher Avenue, San Francisco, CA 94124

=

From: R4ALLEGATION Resource
To: (b)(7)(C)
Subject: RIV-2011-A-0021
Date: Wednesday, March 02, 2011 5:15:00 PM
Attachments: 11021 Letter-Acknowledgement and Closure.pdf
DOL-OSHA WhistleBlower Rights.pdf
NUREG 0240-Reporting Safety Concerns.pdf

Please see the attachment for NRC Region IV acknowledgement/response to your concerns.

Judith Weaver
Allegation Coordinator
U.S. NRC Region IV
817-860-8145

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

March 2, 2011

Elbert Bowers
(b)(7)(C)

SUBJECT: CONCERNS YOU RAISED TO THE NUCLEAR REGULATORY COMMISSION (NRC) REGARDING TETRA TECH EC, INC. AT THE HUNTER'S POINT DECOMMISSIONING PROJECT

REGARDING: ALLEGATION RIV-2011-A-0021

Dear Mr. Bowers:

This letter refers to your electronic mail messages to Mr. Rick Munoz, Health Physics Inspector, on January 31, 2011, and February 01, 2011, in which you expressed concerns related to health physics practices and alleged discrimination at Tetra Tech EC (Hunter's Point Decommissioning Project). The information was discussed by the NRC Region IV Allegation Review Board and the Allegation Review Board determined to forward your concerns to NRC Region I, since Region I has jurisdiction over the license for Tetra Tech EC. Your contact for Region I is:

Mr. Richard Urban, Senior Allegation Coordinator
475 Allendale Road
King of Prussia, PA 19403
1-800-432-1156 (Phone)
610-337-5208 (fax)
R1allegation@nrc.gov

Enclosure 1 with this letter is a brochure entitled, "Reporting Safety Concerns to the NRC," which contains information that you may find helpful in understanding our process for review of safety concerns. The brochure contains an important discussion of the identity protection provided by the NRC regarding these matters, as well as those circumstances that limit the NRC's ability to protect a concerned individual's identity.

The NRC staff will review your complaint of discrimination to determine if an evaluation of your complaint is warranted. The NRC will consider enforcement action against NRC-regulated facilities that are found to have discriminated against individuals for raising safety concerns.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

However, please understand that the NRC cannot require that a personal remedy be provided to you (e.g., back pay, reinstatement). Personal remedy must be claimed through the U.S. Department of Labor, Occupational Health and Safety Administration, office. In order to protect your right to file a discrimination claim with Department of Labor under 29 CFR Part 24, Department of Labor's, "Procedures for Handling of Discrimination Complaints Under Federal Employee Protection Statutes," you must file a written complaint with the Department of Labor within 180 days of the date of the alleged discriminatory action or the date you received any notice, in writing or otherwise, of an adverse personnel action, whichever occurred first. Any such discrimination complaint can be filed with the Department of Labor Regional Occupational Health and Safety Administration offices. Your complaint must describe the safety issues you raised, the resulting adverse personnel action taken against you, and the causal relationship between them. Enclosure 2 is an Occupational Health and Safety Administration fact sheet entitled, "Your Rights as a Whistleblower," which contains information that you may find helpful in understanding the Department of Labor/ Occupational Health and Safety Administration discrimination process. If you choose to file a complaint, it should be filed with:

U.S. Department of Labor
Occupational Safety & Health Administration
Region 9
90 7th Street, Suite 18100
San Francisco, CA 94103
(415) 625-2547 (Main Public - 8:00 AM - 4:30 PM Pacific)
(800) 475-4019 (For Technical Assistance)
(800) 475-4020 (For Complaints - Accidents/Fatalities)(800) 475-4022 (For Publication Requests)
(415) 975-4319 FAX

If a request is filed under the Freedom of Information Act related to your areas of concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality has been formally granted in writing.

Thank you for informing us of your concerns. Allegations are an important source of information in support of the NRC's safety mission. We take our safety responsibility to the public seriously and will continue to do so within the bounds of our lawful authority.

Should you have any additional questions regarding our response, please contact Mr. Nicholas H. Taylor, Senior Allegations Coordinator, on the NRC Safety Hotline at 800-695-7403 Monday - Friday between 8 a.m. and 4:30 p.m. Central time.

Sincerely,

Roy J. Caniano, Director
Division of Materials Safety

Enclosures:
1. Reporting Safety Concerns to the NRC
2. OSHA Whistleblower Fact Sheet

Telecon record 2011022801.docx

A Region 4-led teleconference call was conducted on 02/28/2011 from 1200 to 1240 hours to discuss jurisdiction for two potential violations Hunters Point Shipyard (TetraTech-HWE, contamination control, etc. and Shaw-contaminated water into bay, etc.).

Partial List of Attendees

Region 1: J. McFadden, R. Urban, J. Joustra, O. Masnyk Bailey, S. Johnson
Region 4: J. Walker, R. Browder, et al
Headquarters: Robert Johnson, L. Jarriel

Decision: R 4 to board both issues and to send acknowledgement correspondences which will inform recipients that R 1 is the office with jurisdiction and will respond to issues and which will provide R 1 contact information.

J. McFadden

02/28/2011

telecon 12 to 1240

R4 Duluth (b)(7)(C) et al

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

Tetra Tech - NAVSEA

(b)(7)(C)

EPA & Navy & just stay informed
on fish cleanup is
announced
Commission Paper
- NRC oversight

Radium
paper

Tetra Tech at Hunters Pt
Tetra Tech RSD → Rick Munoz

(b)(7)(C)

BRAC

EPA

Tetra Tech

Shaw

State of CA

R1

R4

Shaw at Hunters Pt.
CA → (b)(7)(C)

Shaw - cont'd water into bay

1. H&I HWE
2. CA rio, 2 vehicles
3. water station in RCA
4. RCA signs turned down
5. inadequate trng time
6. copper (cont'd) being stole in impacted area

McFadden, John

Subject:	Discussion of jurisdictional boundaries at Hunters Point Naval Station
Location:	RIV ACES Bridge (b)(7)(C)
Start:	Mon 2/28/2011 12:00 PM
End:	Mon 2/28/2011 1:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	R4ALLEGATION Resource
Required Attendees:	Fuller, Karla; Weaver, Judith; Urban, Richard; McFadden, John; Erickson, Randy; Browder, Rachel; Brown, Carrie; Johnson, Robert; Masnyk Bailey, Orysia; Campbell, Vivian; Thompson, James
Optional Attendees:	Vito, David; Jarriel, Lisamarie; Caniano, Roy; Cain, Chuck

When: Monday, February 28, 2011 11:00 AM-12:00 PM (GMT-06:00) Central Time (US & Canada).
Where: RIV ACES Bridge (b)(7)(C)

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Good morning!

Region IV has received several recent allegations regarding activity at the Hunters Point Naval Station in California. After almost a week of phone calls, it's not clear at all who has jurisdiction over these issues, or who should follow up on these allegations. We're proposing a call with all the affected parties to get consensus on the jurisdiction question. Attached below are redacted copies of the allegation receipt forms for these two cases. Please pass any thoughts or questions to Judith Walker who will be representing the RIV allegations staff on the call. A few things to consider during the call (some of these are things we have heard from the different parties but haven't yet validated):

- US Navy master materials license is regulated by Region I
- One of the contractors involved (Tetra Tech) has a Region I license, the other (Shaw) has a Region IV license
- their work is apparently part of a superfund cleanup project (EPA?) and the base is being closed as part of the BRACC process
- the state of California has demonstrated an interest in having jurisdiction

Our RIV allegations bridge number is (b)(7)(C)

Thanks!

Nick Taylor
Senior Allegations Coordinator
USNRC Region IV
O: (817) 276-6520
C: (b)(7)(C)
F: (817) 276-6525
E: nick.taylor@nrc.gov

110019 Shaw Allegation REDACTE..

11021 Receipt form [REDACTED]....

McFadden, John

From: Joustra, Judith
Sent: Friday, February 25, 2011 11:25 AM
To: Masnyk Bailey, Orysia; Browder, Rachel; R4ALLEGATION Resource; Fuller, Karla; Weaver, Judith; Urban, Richard; McFadden, John; Erickson, Randy; Brown, Carrie; Johnson, Robert; Campbell, Vivian; Thompson, James; Cook, Jackie; Whitten, Jack
Cc: Vito, David; Jarriel, Lisamarie; Caniano, Roy; Cain, Chuck
Subject: RE: Discussion of jurisdictional boundaries at Hunters Point Naval Station

Monday is not good for me I have back to back meeting. How about sometime Tuesday?

From: Masnyk Bailey, Orysia
Sent: Friday, February 25, 2011 10:58 AM
To: Browder, Rachel; R4ALLEGATION Resource; Fuller, Karla; Weaver, Judith; Urban, Richard; McFadden, John; Erickson, Randy; Brown, Carrie; Johnson, Robert; Campbell, Vivian; Thompson, James; Cook, Jackie; Whitten, Jack; Joustra, Judith
Cc: Vito, David; Jarriel, Lisamarie; Caniano, Roy; Cain, Chuck
Subject: RE: Discussion of jurisdictional boundaries at Hunters Point Naval Station

I agree with the need for the discusion and the topics but th[redacted] and the [redacted] need to participate in that. We'd be cutting it close to go till 11:00 and then have to jump right to the IG call. I suspect that this may take loner than an hour.

From: Browder, Rachel
Sent: Friday, February 25, 2011 10:32 AM
To: R4ALLEGATION Resource; Fuller, Karla; Weaver, Judith; Urban, Richard; McFadden, John; Erickson, Randy; Brown, Carrie; Johnson, Robert; Masnyk Bailey, Orysia; Campbell, Vivian; Thompson, James; Cook, Jackie; Whitten, Jack; Joustra, Judith
Cc: Vito, David; Jarriel, Lisamarie; Caniano, Roy; Cain, Chuck
Subject: RE: Discussion of jurisdictional boundaries at Hunters Point Naval Station

This meeting should be expanded to discuss the two CERCLA/NPL sites (Hunter's Point and McClellan AFB) under the Navy and Air Force MML, respectively. The procedure to be developed for handling allegations concerning these two sites should be consistent.
Rachel

-----Original Appointment-----
From: R4ALLEGATION Resource
Sent: Friday, February 25, 2011 9:27 AM
To: Fuller, Karla; Weaver, Judith; Urban, Richard; McFadden, John; Erickson, Randy; Browder, Rachel; Brown, Carrie; Johnson, Robert; Masnyk Bailey, Orysia; Campbell, Vivian; Thompson, James
Cc: Vito, David; Jarriel, Lisamarie; Caniano, Roy; Cain, Chuck
Subject: Discussion of jurisdictional boundaries at Hunters Point Naval Station
When: Monday, February 28, 2011 11:00 AM-12:00 PM (GMT-06:00) Central Time (US & Canada).
Where: RIV ACES Bridge [redacted]

Good morning!

Region IV has received several recent allegations regarding activity at the Hunters Point Naval Station in California. After almost a week of phone calls, it's not clear at all who has jurisdiction over these issues, or who should follow up on these allegations. We're proposing a call with all the affected parties to get consensus on the jurisdiction question. Attached below are redacted copies of the allegation receipt forms for these two cases. Please pass any thoughts or questions to Judith Walker who will be representing the RIV allegations staff on the call. A few things to consider during the call (some of these are things we have heard from the different parties but haven't yet validated):

- US Navy master materials license is regulated by Region I
- One of the contractors involved (Tetra Tech) has a Region I license, the other (Shaw) has a Region IV license
- their work is apparently part of a superfund cleanup project (EPA?) and the base is being closed as part of the BRACC process
- the state of California has demonstrated an interest in having jurisdiction

Our RIV allegations bridge number is (b)(7)(C)

Thanks!

Nick Taylor
Senior Allegations Coordinator
USNRC Region IV
O: (817) 276-6520
C: (b)(7)(C)
F: (817) 276-6525
E: nick.taylor@nrc.gov

<< File: 110019 Shaw Allegation REDACTED .pdf >> << File: 11021 Receipt form [REDACTED].pdf >>

Allegation Receipt Report
(Use also for Staff Suspected Wrongdoing - SSW)

Date Received: 01/31/2011, 02/01/2011, 02/02/2011 Allegation No. RI-2011-A-0019
Received via: Emails (13) on 01/31/2011, emails (3) on 02/01/2011, email (1) on 02/02/2011, and phone (1) on 02/02/2011

Employee Receiving Allegation/SSW: Rick Munoz, Materials HP, RIV

Source of information: licensee employee

Alleger Name: *Elbert "Burt" Bowers Home Address: *
Radiation Safety Officer Representative, Tetra Tech EC
Hunters Point Naval Shipyard
200 Fisher Avenue
San Francisco, CA 94124
Alternate Phone: (b)(7)(C) City/State/Zip: *
Direct: (b)(7)(C)
Mobile (b)(7)(C)
Alleger's Employer: * Tetra Tech EC, Inc. Alleger's Position/Title: *Site RSO Representative
1000 The American Road
Morris Plains, NJ 07950
Site RSO is licensee employee (contractor) under the RASO-approved decommissioning plan and remediation project at Hunters Point Naval Shipyard, San Francisco, CA
Personal Email (b)(7)(C)
* Do not complete these items for SSW issues

Facility: Tetra Tech EC Inc.at Hunters Point Naval Shipyard Docket No. or License No.: 030-38199/29-31396-01

Is it a declaration, statement, or assertion of impropriety or inadequacy?	Yes
Is the impropriety or inadequacy associated with NRC regulated activities?	Yes
Is the validity of the issue unknown?	Yes

If NO to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information, public responsiveness matter, or an OSHA referral).

Is there a potential immediate safety significant issue that requires an Ad-Hoc ARB? (If so, immediately inform your management and the Allegations Office)	Paneled by RIV on 02/25 & 03/02/2011
Was alleger informed of NRC identity protection policy?	Yes
If H&I was alleged, was alleger informed of DOL rights?	Yes
Did they raise the issue to their management and/or ECP?	Yes
Does the alleger object to having their issue(s) forwarded to the licensee?	No
Does the alleger object to release of their identity?	No

Provide alleger's verbatim response to this question: _____

Was confidentiality requested?	No
Was confidentiality initially granted?	N/A
Individual Granting Confidentiality:	

Allegation/SSW Summary: (Summarize each concern - provide additional detail on next page if necessary)

(1)
The Tetra Tech Site Radiation Safety Officer (SRSO) at the Hunters Point Naval Shipyard decommissioning and remediation project experienced a "hostile work environment" and ultimately discrimination after raising safety concerns and identifying the subsequent need for improved and timely communications related to radiological controls in the field on January 13, 2011 in a meeting.
(2)
There have been a number of radiological safety concerns identified which are indicative of a poor radiologic safety culture in terms of management communication and management support associated with SRSO's authority.

Functional Area: Decommissioning Materials
Discipline For Each Concern (place concern no(s). in the box provided): [1, 3] Discrimination [2, 4] Health Physics [1, 2] Safety Culture [2] Training/qualification [4] Wrongdoing [ ] Other: _____

Detailed Description of Allegation/SSW (if necessary):

(1)
The Tetra Tech Site Radiation Safety Officer (SRSO) at the Hunters Point Naval Shipyard decommissioning and remediation project experienced a "hostile work environment" and ultimately discrimination after raising safety concerns and identifying the subsequent need for improved and timely communications related to radiological controls in the field on January 13, 2011 in a meeting.
On January 13, 2011, at approximately 0637 hours, Site RSO met with three RAD Supervisors (b)(7)(C) (b)(7)(C) and (b)(7)(C) in the Site RSO's office to convey the expectation of the urgency and importance of timely RAD Supervisor and RSOR communication of any activity in or near impacted areas that extend beyond regular hours to allow for assessment of the need for confirming the presence of an Authorized User and to convey that the same expectation be conveyed to the (b)(7)(C) interrupt the Site RSO's discussion and proceed to loudly and profanely disagree and state that it was the utility corridor crew the night before and that situation had been cleared; at that point, (b)(7)(C) appeared in the office doorway and said "You know, it seems your biggest concern has to do with your name being on the license ..... I can arrange to have it removed."
On January 13, 2011, at approximately 0642 hours, the Site RSO went to (b)(7)(C) office and asked him if he realized that the Site RSO was now obligated to notify the NRC; (b)(7)(C) responded that the Site RSO should not have allowed the situation which just occurred between the Site RSO and the (b)(7)(C) to have disintegrated to such a level and the Site RSO could just go ahead and do what the Site RSO thought s/he need to do and said "call the NRC or whoever, but while you're at it, you can also pack up the s t in your office and get the h l off my project." (b)(7)(C) and (b)(7)(C) were present in the conference room just outside (b)(7)(C) office when this occurred; at approximately 0647, the Site RSO left the site after quickly shutting down and storing a computer and moving a box of unused dosimetry from the Site RSO's cabinet and placing it under the Site RSO's desk. On January 13, 2011, at approximately 0647 hours, the Site RSO from an offsite overlook of the HPS portion of Parcel E called (b)(7)(C) (b)(7)(C) and informed him of the situation in an abbreviated fashion and called later from a residence to provide a detailed account.
After being removed from duties at Hunters Point Naval Shipyard, the RSO was temporarily reassigned to the Alameda decommissioning project (Naval Shipyard) after engaging in protected activity on January 12 and 13, 2011.

After the incident where, after normal working hours and after dark, Shaw Environmental work crews were discovered in two vehicles exiting a fenced off area of an impacted area (RCA) and no RAD representative was present to determine whether appropriate egress protocols were followed, the (b)(7)(C) flew out to the site and berated the site RSO during the field supervisory staff meeting before the morning tailgate briefing.

Note: CI email dated 02/02/2011 to NRC RIV indicated that CI is reporting back to Hunters Point to re-establish/ensure on-going RAD program controls and integrity but was informed by a HPS RAD

(b)(7)(C) that as of the morning of 02/02/2011, a new posting on the RSO board identified (b)(7)(C) as the (b)(7)(C) with a backdated effective date of 01 18, 2011

(2)
There have been a number of radiological safety concerns identified which are indicative of a poor radiologic safety culture in terms of management communication and management support associated with SRSO's authority. Construction management has demonstrated progressively eroding recognition/backing of its NRC license and progressively eroding acknowledgement of the authority/level of respect associated with the SRSO, RSO representatives, and authorized users and hesitant willingness to allow radiation protection personnel to perform/carry out expected license-driven responsibilities unimpeded and without consequence; this sends the wrong message to those who perform tasks in the field. Examples provided of a poor radiologic safety culture included a reduction in the SRSO's work schedule, lack of implementation of appropriate egress protocols for egress from impacted areas, water stations set up in impacted area without safety office approval, not enough time for SRSO training of workers, controls inadequate to prevent vandals from stealing copper cable on site, and numerous breaches of property fence/RCA perimeter boundary.
On January 12, 2011 (b)(7)(C) informed Site RSO that RSOR function's weekly hours were being reduced from 50 to 45; RSOR felt that this reduction was specifically aimed at the RSOR function and was not an across-the organization reduction; Site RSO questioned how to ensure continued "license-driven" obligations like "end-of-shift" drive through the site for integrity checks after the field staff has left for the day, under such a new allotment of weekly hours and nine-hour days and new requirement to begin attending the 6:30 am daily meetings.
On January 12, 2011 at 1650 hours, Site RSO performed "end-of-shift" drive through the site for integrity checks and at 1720 hours discovered field laborers in two TfEC project pick-up trucks exiting Parcel E RSY4 sector through the gate; Site RSO proceeded to TtEC management trailers and discovered that there was no "Authorized User" on TtEC's NRC license present (i.e., any of the RAD supervisors) and that all had left for the day; Site RSO proceeded to (b)(7)(C) office and informed him of the laborers leaving an impacted area while no "Aut orize ser was on site; rojec (b)(7)(C) suggested that the 50-hour work week may be needed after all.
Breaches of the RCA perimeter boundary at property fence were found during RAD integrity field checks.
After normal working hours and after dark, Shaw Environmental work crews were discovered in two vehicles exiting a fenced off area of an impacted area (RCA); the RSO was not present to determine whether appropriate egress protocols were followed.
On two occasions, a water station was set up inside an RCA without safety office approval which was contrary to procedure; on one occasion in November 2010, the RCA signs were deliberately turned down by someone; a water station was set up on another occasion in Parcel E in January 2011.
The Site RSO was not given enough time to adequately train workers.
Vandals were found on-site stealing copper cable in the impacted shore line area (RCA).
After January 13, 2011 RSO office cabinet and drawers were breached. Management has been going through the SRSO's files; records required to be maintained by the NRC license have been compromised/left uncontrolled and are being destroyed.

****

The alleger submitted a copy of a memorandum Sub ect: Hunters Point Shipyard (HPS), Tetra (TtEC) Events Leading up to January 13, 2011 (b)(7)(C) Directive to v Radiation Safety Officer (RSOR) to Pack Office/Vacate HPS Project) to the (b)(7)(C) and to Tetra Tech (b)(7)(C) dated January 18, 2011 which detailed the summary of events as they unfolded on January 12-13, 2011.

Individuals Named
(b)(7)(C)
(b)(7)(C)
(b)(7)(C)
(b)(7)(C)
(b)(7)(C)

Contractor – (b)(7)(C)
Contractor – (b)(7)(C)
(b)(7)(C)
(b)(7)(C)
(b)(7)(C)
(b)(7)(C) Tetra Tech's (b)(7)(C)

The (b)(7)(C) was contacted by telephone and memorandum dated January 18, 2011.
A total of 17 emails, some with attachments including photographs, were submitted by the CI to NRC RIV; these emails pertained to the concerns which were raised by the CI and the response initiated by site and corporate management.
This allegation (RIV-2011-A-0021) was paneled by RIV on 02/16/11 and 02/28/11 and was transferred to RI's jurisdiction via the latter panel and acknowledgement/closure letter dated 03/02/11 (no enclosure listing concerns was provided in the latter letter).
From Tetra Tech letter dated October 18, 2010 to NRC RI, "The potential radioisotopes of concern are primarily Ra-226, Cs-137, and Sr-90; a total of less than 500 millicuries total for Ra-226 and Cs-137 is a realistic conservative estimate for total activity based on previous survey results."

CI email dated 02/02/2011 to NRC RIV indicated that CI is reporting back to Hunters Point to re-establish/ensure on-going RAD program controls and integrity but was informed by a HPS (b)(7)(C) that as of the morning of 02/02/2011, a new posting on the RSO board identified (b)(7)(C) as the (b)(7)(C) (b)(7)(C) with a backdated effective date of 01 18, 2011

McFadden, John

From: R4ALLEGATION Resource
Sent: Wednesday, February 23, 2011 3:09 PM
To: McFadden, John
Subject: **SENSITIVE ALLEGATION MATERIAL**
Attachments: 11021_BEPR.doc; 11021 receipt form.pdf

Jack:

Just checking my voicemail, here is the receipt form and ARB record (unsigned) for the case at Hunter's Point, concerning Tetra Tech.

Thanks,

Judith

Rick
According to Orysia, Tetra Tech is a RI licensee. We need to determine if this means that we have jurisdiction on federal property.

Jack 2/23/2011
5:30p

ALLEGATION RECEIPT FORM

Allegation Number: RIV-20-11-A-

ALLEGER INFORMATION

Full Name: Elbert "Burt" Bowers, Site RSO

Licensee Identified* X

* If marked, no need to fill out rest of Alleger Information

Telephone Office:
Home:
Mobile: (b)(7)(C)

Email Address: (b)(7)(C)

Mailing Address:

Employer: Tetra Tech EC, Inc.
Twin Oaks I, Suite 309
5700 Lake Wright Drive
Norfolk, VA 23502

Occupation: Health Physicist

Relationship to Facility: Licensee employee (contractor) under the RASO approved decommissioning plan and remediation project at Hunter's Point, San Francisco, California.

For "Relationship", select: Licensee Employee; Former Licensee Employee; Contractor Employee; Former Contractor Employee; Private Citizen; News Media; Special Interest Group; Other Federal Agency; State Agency; Municipal Government; Fed/State/Local Govt Employee; OI Confidential Source; IG Confidential Source; Other (describe)

CONCERNED INDIVIDUAL CORRESPONDENCE METHOD AND TIME

TIME 10:00 **am** ← AM or PM Telephone X Email ____ Postal Service ____

Other/Specific Requests/Comments:

LICENSEE INFORMATION REQUEST & INDIVIDUAL IDENTITY PROTECTION

Explain that if the concerns are discussed with or information is requested from the licensee, that alleger's identity will not be revealed. This contact is necessary for the NRC to conduct our independent evaluation for the concerns. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will transfer the concern to the appropriate agency, and if the alleger agrees, we will provide the alleger's identity for follow-up.

____ YES X No Does the CI **OBJECT** to the NRC requesting information from the licensee to support our evaluation?

____ YES X No Does the individual **OBJECT** to the release of their identity? Explain that in certain situations (such as discrimination cases), their identity will need to be released in order for the NRC to obtain specific and related information from the licensee.

ALLEGATION SUMMARY

Provide a short summary or keywords/topics/subject (for large number of concerns) for the allegation's contents below. This summary is to provide an overview or quick reference in allegation tracking reports:

The Tetra Tech EC RSO representative at the at Hunter's Point decommissioning and remediation project experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field. The site RSO feels there is a poor safety culture in terms of management communication and management support associated with site RSO authority. The site RSO felt threatened when the (b)(7)(C) stated; "your safety concerns seem to be based on the fact that your name is on the license, I can arrange to have it removed."

RECEIPT METHOD – HOW RECEIVED

Cell Telephone X Inspection ____ In-Person ____ Letter ____ Email ____ Fax ____
Licensee Other Method/Comments:

FACILITY

Facility Name: Tetra Tech EC, Inc.

Location/Address: Twin Oaks I, Suite 309
5700 Lake Wright Drive
Norfolk, VA 23502

Docket(s)/License #: 030-38199/29-31396-01

Additional Contact Information:
OSHA: 1-800-321-OSHA Regional Offices: http://www.osha.gov/html/RAmap.html
DOL Main Call Center Number: 1-866-4-USA-DOL Monday – Friday 8 am to 5 pm (http://www.dol.gov)
Discrimination/Wage – Back Pay Issues: 1-866-487-9243

Branch Evaluation, Plan, & Recommendation

Allegation Number: RIV-2011-A-0021

Facility Name:	Tetra Tech EC, Inc.	Docket/License No:	030364414/46-27767-01
Responsible Div:	DNMS	ARB Date:	02/16/2011
Overall Responsible Branch:	NMSBA	(As assigned by the ARB)	

Received Date	30 Days	70 Days	90 Days	120 Days
2/2/2011	3/4/2011	4/13/2011	5/3/2011	6/2/2011

Purpose of this ARB:	Initial ARB					
Basis for a Subsequent ARB:						
Does the CI **OBJECT** to the NRC requesting information from the licensee to support our evaluation?		Yes		No		N/A

If any of the following inhibiting factors apply, this allegation shall not be submitted to the licensee for investigation or review.

X	Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleger or confidential source.
X	The licensee could compromise an investigation or inspection because of knowledge gained from the discussions.
X	The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
X	The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released.
X	The licensee's allegation trend, quality of response(s), problem identification and resolution, and/or cycle review results are such that the NRC should independently evaluate the concern(s).
	The NRC evaluation would be more timely and efficient – there is an ongoing or upcoming inspection which could evaluate the concern or a similar/same concern is already being evaluated by the NRC.
	Significant public/Commission interest warrants independent assessment of concern(s).
	The alleger has taken the concern(s) to the licensee with unsatisfactory results.

ARB PARTICIPANTS

Chairman:	CCain	NTaylor	JWhitten	KFuller
	CHolland	JWeaver	LHanson	JThompson

Chairman Approval:	Date:

Brief Overall Allegation Summary - if more than 3 Concerns, use keywords, topics, subject, etc.: Provide a summary or selected keywords/topics/subject for the whole allegation's contents below. ***See the BEPR Desktop Guide for assistance.

The Tetra Tech EC, RSO representative at the Hunter's Point decommissioning project, experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field.

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-2011-A-0021

Concern: 1.			
*RX Code or Functional Area:	Decommissioning Materials	OI Case No.:	4-20XX-0XX
*Discipline:	Health Physics	*OI Priority:	
*Security Category:		*OI Priority Basis:	

Concern: (A concern is one or two sentences.)

The Tetra Tech EC RSO representative at the Hunter's Point decommissioning project, experienced a "hostile work environment" when raising safety concerns and addressing subsequent need for improved and timely communications related to radiological controls in the field. The site RSO feels there is a poor radiologic safety culture in terms of management communication and management support associated with site RSO authority. The site RSO described the construction management's progressively eroding recognition/backing of its NRC license and acknowledgement of the authority/level of respect associated with the RSO and RSO representatives and authorized users. The site RSO felt threatened when the (b)(7)(C) stated; "your safety concerns seem to be based on the fact that your name is on the license, I can arrange to have it removed." The site RSO has since been re-assigned to the Alameda decommissioning project.

Concern Background, Supporting Information, & Comments

The CI has submitted a total of seventeen (17) e-mails to RIV pertaining to his concerns and response initiated by site and corporate management. The site RSO has been removed from the site and management has been going through his files. According to the CI, NRC required records have been compromised and are being destroyed.

Regulatory Requirement (fill in below)

Potentially, 10 CFR Part 20 and /or procedural violations

Describe the concern's safety significance. (fill in below – REQUIRED)

Potentially High

Check each question as applicable to this concern.

X	Is it a declaration, statement, or assertion of impropriety or inadequacy? Is there a potential deficiency?
X	Is the impropriety or inadequacy associated with NRC regulated activities or policy (e.g. SCWE)?
X	Is the validity of the issue unknown?

If all of the above statements are checked, the issue is an allegation.

***Technical Staff Recommendation(s)**

Date	Recommended Action	Assigned Branch	Planned Date

NOTE: Submit Draft NOV, RFI questions/requests, and/or an inspection plan as a separate document.

★ **For an ARB decision to RFI, any INHIBITING FACTOR(S) that are overruled from the first page must have a justification documented in the ARB Decision(s). Document INHIBITING FACTOR(S) that not applicable to the concern or are not noted on first page. First page reviewed? Yes: No: N/A:**

ARB Date	ARB Decision(s)	Assigned to	Accepted Planned Date
02/16/11	ACES to contact Region I Allegation concerning jurisdiction and ACES to send acknowledgement letter to alleger.	ACES	

Johnson, Sharon

From:	R1ALLEGATION RESOURCE
Sent:	Friday, March 27, 2015 8:50 AM
To:	Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject:	FW: Your Request

From: Urban, Richard
Sent: Friday, March 27, 2015 8:50:01 AM
To: DavidAntonlaw@gmail.com
Subject: Your Request
Auto forwarded by a Rule

Per your letter to me dated March 17, 2015, NRC allegation files RI-2011-A-0113, RI-2012-A-0022 and RI-2011-A-0019 are closed.

V/R

Richard J. Urban
Sr. Allegation Coordinator
Region I, US NRC

Johnson, Sharon

From:	R1ALLEGATION RESOURCE
Sent:	Thursday, March 26, 2015 4:53 PM
To:	Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject:	FW: CA Attorney Letter

From: Klukan, Brett
Sent: Thursday, March 26, 2015 4:53:12 PM
To: Urban, Richard
Cc: R1ALLEGATION RESOURCE
Subject: CA Attorney Letter
Auto forwarded by a Rule

Rick,

I put the letter back on your desk for inclusion in the allegation file. I spoke with the attorney over the phone. I made him aware that the investigations had been completed. He seemed to be aware of that. If you could just send him an email to confirm that (he asked for our confirmation in the letter), that should be the end to that.

Thanks.

Cheers,
Brett Klukan
RI Regional Counsel
(610)-337-5301

This email may contain communications protected by the attorney-client privilege or the attorney work-product doctrine. In addition, this e-mail may contain proprietary, sensitive or other protected information. Please treat accordingly. Do not publicly disclose without proper authorization.

David C. Anton Law Office **Contacts**
1717 Redwood Lane, Davis, CA 95616
Tel: (530) 759-8421
E-Mail: DavidAntonlaw@gmail.com

March 17, 2015

Nuclear Regulatory Commission, Region I
c/o Mr. Richard Urban
2100 Renaissance Blvd.
King of Prussia, PA 19406-2745

RE: **REQUEST FOR DISMISSAL OF CHARGES**
Susan Andrews RI-2011-A-0113
(b)(7)(C) (b)(7)(C)
Elbert Bowers RI-2011-A-0019

Dear Mr. Urban:

I and (b)(7)(C) are legal counsel for the individuals listed above. (b)(7)(C) and I have filed litigation in California Superior Court as well as the federal Northern District of California court on behalf of these individuals.

On behalf of Susan Andrews, (b)(7)(C) and Elbert Bowers, it is hereby requested that the charges filed by each of these individuals that are listed above be dismissed in its entirety.

If you have any questions, please feel free to write, call, or e-mail. Please see that a notice of dismissal is forwarded to my office, and the (b)(7)(C) whose address is (b)(7)(C) (b)(7)(C) (b)(7)(C)

Very truly yours,

David C. Anton

cc-
(b)(7)(C), Esq.
(b)(7)(C), Esq.

David C. Anton, Esq.
1717 Redwood Lane
Davis, CA 95616

SACRAMENTO CA 957

18 MAR 2015 PM 8 L

Nuclear Regulatory Commission, Region I
c/o Mr. Richard Urban
2100 Renaissance Blvd.
King of Prussia, PA 19406-2745

19406271325

David C. Anton, Esq.
1717 Redwood Lane
Davis, CA 95616

David Anton
1717 Redwood Lane
Davis, CA 95616

Urban, Richard

From:	Urban, Richard
Sent:	Tuesday, June 17, 2014 8:17 PM
To:	Urban, Richard
Subject:	FW: OSHA findings
Attachments:	sharpcopier-sf@dol.gov_20140617_143748.pdf

From: R1ALLEGATION RESOURCE
Sent: Tuesday, June 17, 2014 3:58 PM
To: Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject: FW: OSHA findings

From: R4ALLEGATION Resource
Sent: Tuesday, June 17, 2014 3:58:23 PM
To: R1ALLEGATION RESOURCE
Cc: R4ALLEGATION Resource
Subject: FW: OSHA findings
Auto forwarded by a Rule

I searched our records in Region IV – we only had one allegation for Tetra Tech - which we referred to you. So I believe this is yours too! Please let me know if I have sent this in error. Thanks

Marti

From: Wuest, Jennifer - OSHA [mailto:Wuest.Jennifer@dol.gov]
Sent: Tuesday, June 17, 2014 2:10 PM
To: R4ALLEGATION Resource
Cc: NRC Allegation
Subject: OSHA findings

Please see attached the findings for the following complaints:

TetraTech, Inc. / (b)(7)(C)
TetraTech, Inc. / Andrews / 9-3290-12-021

Thank you.

Best,

Jennifer Wuest, MBA
Program Analyst
Enforcement Programs/Whistleblower Protection Program
OSHA Region IX
90 7th Street, Suite 18-100

San Francisco, CA 94103
415.625.2559
415.625.2534 fax

Region IX

U.S. Department of Labor

Occupational Safety and Health Administration
San Francisco Federal Building
90 – 7th Street, Suite 18100
San Francisco, CA 94103

June 13, 2014

(b)(7)(C)

David Anton
1717 Redwood Ln
Davis, CA 95616-1019

Re: Tetra Tech EC, Inc. (b)(7)(C)

Dear (b)(7)(C) and Mr. Anton:

On April 23, 2014, the Occupational Safety and Health Administration (OSHA) received a copy of the Nuclear Regulatory Commission's (NRC) Report of Investigation regarding (b)(7)(C) complaint of retaliation filed with the NRC on or around February 16, 2012 against Tetra Tech EC, Inc. (Respondent). We have reviewed the NRC's Report of Investigation and investigation case file, which investigated the same retaliation issues OSHA investigated under the whistleblower protection provisions of the Energy Reorganization Act, (ERA), 42 U.S.C. §5851. We determined that the NRC's Report of Investigation and investigation case file explained not only the outcome but also the essential findings of fact and conclusions of law on which it was based. We find that the NRC dealt adequately with all factual issues raised in the above-referenced complaint, and that the proceedings were fair, regular, and free of procedural infirmities. The outcome of the proceedings was neither palpably wrong nor repugnant to the purpose and policy of the ERA. Accordingly, we hereby defer to the NRC's decision. Consequently, this complaint is dismissed.

Respondent and Complainant have 30 days from the receipt of these Findings to file objections and to request a hearing before an Administrative Law Judge (ALJ). If no objections are filed, these Findings will become final and not subject to court review. Objections must be filed in writing with:

Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Department of Labor
800 K Street NW, Suite 400 North
Washington, D.C. 20001-8002
Telephone: (202) 693-7300

Fax: (202) 693-7365

With copies to:

Timothy J. Murphy, Respondent's Attorney
Fisher & Phillips LLP
One Embarcadero Center, Suite 2340
San Francisco, CA 94111

Ken Nishiyama Atha
Regional Administrator
U.S. Department of Labor – OSHA
90 7th Street Suite 18100
San Francisco, California 94103

In addition, please be advised that the U.S. Department of Labor does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an Administrative Law Judge (ALJ) in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments, presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board, to which the Secretary of Labor has delegated responsibility for issuing final agency decisions under ERA. A copy of this letter has been sent to the Chief Administrative Law Judge along with a copy of your complaint. The rules and procedures for the handling of ERA cases can be found in Title 29, code of Federal Regulations Part 24, and may be obtained at www.whistleblowers.gov.

Sincerely,

James D. Wulff

James D. Wulff
Assistant Regional Administrator, Enforcement Programs

cc: Timothy J. Murphy, Respondent's Attorney
Chief Administrative Law Judge, USDOL
NRC Region IV
NRC Allegation Program

JUN 10 2014

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Ms. Andrews:

The NRC Region I Office is closing your allegation file associated with twenty-one concerns that you initially raised to the NRC in October 2011 regarding Tetra Tech EC, a decommissioning contract company that was performing work at the Hunters Point Naval Shipyard. Previous letters to you addressed and responded to all of your concerns. Our most recent letter to you dated June 2, 2014, informed you that we would maintain your allegation file open to monitor Department of Labor decisions regarding your discrimination complaint.

We recently became aware that your discrimination complaint against Tetra Tech EC, which you filed with the U.S. Department of Labor (DOL) on February 8, 2012 (Case No. 9-3290-12-021), was dismissed with prejudice on March 13, 2014, because you filed the same complaint in civil court; your complaint has now been moved to federal court. At this time, all NRC actions regarding your allegation file have been completed.

Thank you for informing us of your concerns. We believe that our actions have been responsive. Allegations are an important source of information in support of the NRC's safety mission, and as such, we will continue to take our safety responsibility to the public seriously within the bounds of our lawful authority. If, however, you can provide new information, or the NRC receives additional information from another source that suggests that our conclusions should be altered, we will evaluate that information to determine whether further action is warranted. Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Original Signed By

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Ms. Susan V. Andrews

RI-2011-A-0113

Distribution:
Allegation File No. RI-2011-A-0113

DOCUMENT NAME: G:\ORA\ALLEG\20110113clo.docx
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OFFICE	DNMS:DB	RI:SAIC	RI:RC	RI:SAC	
NAME	M Ferdas MCR for	(b)(7)(C)	B Klukan	R Urban	
DATE	06/ 9 /2014	06/ 9 /2014	06/ 9 /2014	06/ 10 /2014	

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

JUN 10 2014

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Ms. Andrews:

The NRC Region I Office is closing your allegation file associated with twenty-one concerns that you initially raised to the NRC in October 2011 regarding Tetra Tech EC, a decommissioning contract company that was performing work at the Hunters Point Naval Shipyard. Previous letters to you addressed and responded to all of your concerns. Our most recent letter to you dated June 2, 2014, informed you that we would maintain your allegation file open to monitor Department of Labor decisions regarding your discrimination complaint.

We recently became aware that your discrimination complaint against Tetra Tech EC, which you filed with the U.S. Department of Labor (DOL) on (b)(7)(C) was dismissed with prejudice on March 13, 2014, because you filed the same complaint in civil court; your complaint has now been moved to federal court. At this time, all NRC actions regarding your allegation file have been completed.

Thank you for informing us of your concerns. We believe that our actions have been responsive. Allegations are an important source of information in support of the NRC's safety mission, and as such, we will continue to take our safety responsibility to the public seriously within the bounds of our lawful authority. If, however, you can provide new information, or the NRC receives additional information from another source that suggests that our conclusions should be altered, we will evaluate that information to determine whether further action is warranted. Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

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Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Wednesday, June 04, 2014 5:08 PM
To: Urban, Richard; Johnson, Sharon; McLaughlin, Marjorie; Bickett, Brice; Crisden, Cherie; Warnek, Nicole
Subject: FW: Tetra Tech - SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Wednesday, June 04, 2014 5:07:34 PM
To: Clifford, James; Marshall, Jane; Ferdas, Marc
Cc: R1ALLEGATION RESOURCE; Klukan, Brett
Subject: Tetra Tech - SENSITIVE ALLEG INFO
Auto forwarded by a Rule

After getting an interesting ruling from DOL relative to a power reactor case last week, I pursued what DOL was doing for our 4 Tetra Tech allegation files, which were similar in my mind. DOL had told us over a year ago that they were holding the Tetra Tech cases in abeyance, which sounded like a holding pattern to us. Therefore, we were administratively holding the 4 Tetra Tech allegation files open. However, it appears that all 4 DOL cases have been recently dismissed with prejudice in March 2014. Basically what that means is that DOL has closed their files but the allegers can go back to DOL at a later date with the same claims under certain conditions. Since we have completed all NRC actions relative to their 4 allegation files, my plan is to close them. After coordinating with Brett on this, he did not see a down side to closing the allegation files either. If they ever do go back to DOL with the same complaints, and if DOL were to rule in their favor at that time, new files could be opened at that time to figure out why we did not substantiate and why DOL did.

Urban, Richard

From: Daly, Catherine@DIR <CDaly@dir.ca.gov>
Sent: Wednesday, June 04, 2014 4:16 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases
Attachments: 25544 Tetra Tech Abeyance Letters.pdf; 23564 Bowers v Tetra Tech, et al Case Closure Form.pdf; 21491 (b)(v Tetra Tech, et al Case Closure Form.pdf; 25544 (b)(7)(C v Tetra Tech, et al Case Closure Form.pdf; 25573 (b)(7)(C) v Tetra Tech, et al Case Closure Form.pdf

Here you go.

I just got into IMIS after some password snafus. Now I will close them in the fed database.

From: Urban, Richard [mailto:Richard.Urban@nrc.gov]
Sent: Wednesday, June 04, 2014 1:10 PM
To: Daly, Catherine@DIR
Subject: RE: Tetra Tech Cases

Thanks that was helpful. So my understanding is that their cases are currently closed? If so, is there a letter you could fax or e-mail that I could place into my files. I would like to close their cases if at all possible. Thanks.

From: Daly, Catherine@DIR [mailto:CDaly@dir.ca.gov]
Sent: Wednesday, June 04, 2014 3:53 PM
To: Urban, Richard
Subject: RE: Tetra Tech Cases

Sigh. The difference lies with our state statute allowing parties the freedom to take both options (file in court and stay with us). See 98.7(f) attached.

Still I closed these cases with proviso parties could return to us if federal court dismissed for failure to exhaust.

I will go ahead and update the federal database. We have our own state database plus a huge case backlog so I often neglect to update both.

From: Urban, Richard [mailto:Richard.Urban@nrc.gov]
Sent: Wednesday, June 04, 2014 11:39 AM
To: Daly, Catherine@DIR
Subject: Tetra Tech Cases

Ms. Daly,

My name is Rick Urban and I am the Sr. Allegation Coordinator for the US NRC Region I Office. I currently have four open allegation files regarding Tetra Tech. My files remain open because the individuals have filed with DOL and your cases are still open. The last we heard from you on these cases was that because these individuals filed law suits, you were holding their cases in abeyance.

I was wondering if you could you explain the difference to me regarding a similar set of circumstances I hav with a file regarding a power reactor in New York. The complainant filed with DOL, and then took his case federal court. DOL subsequently dismissed his complaint on that basis.

Thanks in advance for your response.

Richard J. Urban
Sr. Allegation Coordinator
US NRC Region I

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
Retaliation Complaint Investigation Unit
455 Golden Gate Ave, 10th Floor
San Francisco, CA 94102
Tel: (415) 703-4841 Fax: (415) 703-4130
cdaly@dir.ca.gov

Edmund G. Brown Jr., *Governor*

March 13, 2014

By Email

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

David Anton
1717 Redwood Ln.
Davis, CA 95616

Re: (b)(7) *Bowers, Andrews, &* (b)(7) *v Tetra Tech*
State Case 28443-SFRCI

Dear Counsel:

The Division of Labor Standards Enforcement (DLSE) *"Dismisses without Prejudice"* the following RCI Complaints:

(1) (b) *v. Tetra Tech, et al.*, 21491-SFRCI;

(2) *Bowers vs. Tetra Tech et al.*, 23564-SFRCI

(3) *Andrews vs. Tetra Tech et al.*, 25544-SFRCI;

(4) (b)(7) *vs. Tetra Tech et al.*, 25773-SFRC

Complainants (b)(7)(, Bert Bowers, Susan Andrews, and (b)(7)(C) (*"Complainants"*) filed in civil court. Their civil complaint (b)(7)(C) —now removed to federal court—seeks judicial relief for alleged violations of California Labor Codes sections 1102.5 and 6310.

If a court later determines the Complainants named above failed to exhaust administrative remedies, they may return to the DLSE to reopen their Retaliation Complaints.

Please see the enclosed forms.

Sincerely,

Catherine S Daly

Catherine S. Daly
Deputy Labor Commissioner
Retaliation Complaint Unit

LABOR COMMISSIONER, STATE OF CALIFORNIA Department of Industrial Relations Division of Labor Standards Enforcement Retaliation Unit 455 Golden Gate Avenue 10th Floor San Francisco, CA 94102 (415)703-4841 fax (415)703-4130	
NOTICE - INVESTIGATION CLOSED	

COMPLAINANT	**Susan Andrews**
RESPONDENT	**Tetra Tech, et al.**
STATE CASE NO.	**25544-SFRCI**

We are closing our investigation of the retaliation complaint made by the complainant shown above. No further action is contemplated by this office for the following reason(s):

The Complainant expressly withdrew the complaint.

The Parties agreed to a stipulated settlement of the complaint.

The Complainant has abandoned the complaint.

☑ The Complainant filed the same issues in Civil Court [*"Dismissed without Prejudice"*].

STATE LABOR COMMISSIONER

Dated: **March 13, 2014**

Catherine S Daly

Deputy Labor Commissioner

JUN 2 2014

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Ms. Andrews:

This letter provides an update on the status of your allegation file regarding Tetra Tech EC, Incorporated and associated activities at Hunters Point. Our previous letters to you addressed and responded to all of your concerns.

The NRC is aware that your discrimination complaint, which you filed with the U.S. Department of Labor (DOL) on February 8, 2012 (Case No. 9-3290-12-021), remains open. Further, it is our understanding that your DOL case is being held in abeyance because you filed your case in Federal Civil Court and, as a result, DOL cannot continue the investigation nor issue a report until after the Court issues a decision. Therefore, we will maintain your file open as we continue to monitor DOL decisions. We will notify you of our final disposition at the completion of the DOL process.

On May 9 and May 23, 2014, I left two voice messages for you indicating that I would like to speak with you regarding your safety concerns. In response, you left me two voice messages indicating that I should contact your attorney with any further questions. Nevertheless, I am taking this opportunity to inform you that we are aware that you recently notified the news media that you previously brought a number of concerns to the NRC regarding Hunters Point. The article, published on May 19, 2014, discusses your concerns related to radiological controls at Hunters Point, including your statement that you lost your job after reporting such concerns to the NRC. As a result, I want to inform you that the NRC can no longer protect your identity as the source of these concerns. Additionally, we are reviewing the news article for any new concerns not previously addressed by the NRC, and we will follow up with you by separate correspondence if any new issues are identified.

Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
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Ms. Susan V. Andrews

RI-2011-A-0113

Distribution:
Allegation File No. RI-2011-A-0113

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OFFICE	DNMS:DB	RI:SAIC	RI:RC	RI:SAC	
NAME	M Ferdas	(b)(7)(C)	B Klukan	R Urban	
DATE	5 /29 /2014	5 / 30/2014	6 / 2 /2014	6 / 2 /2014	

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98.7. (a) Any person who believes that he or she has been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner may file a complaint with the division within six months after the occurrence of the violation. The six-month period may be extended for good cause. The complaint shall be investigated by a discrimination complaint investigator in accordance with this section. The Labor Commissioner shall establish procedures for the investigation of discrimination complaints. A summary of the procedures shall be provided to each complainant and respondent at the time of initial contact. The Labor Commissioner shall inform complainants charging a violation of Section 6310 or 6311, at the time of initial contact, of his or her right to file a separate, concurrent complaint with the United States Department of Labor within 30 days after the occurrence of the violation.

(b) Each complaint of unlawful discharge or discrimination shall be assigned to a discrimination complaint investigator who shall prepare and submit a report to the Labor Commissioner based on an investigation of the complaint. The Labor Commissioner may designate the chief deputy or assistant Labor Commissioner or the chief counsel to receive and review the reports. The investigation shall include, where appropriate, interviews with the complainant, respondent, and any witnesses who may have information concerning the alleged violation, and a review of any documents that may be relevant to the disposition of the complaint. The identity of a witness shall remain confidential unless the identification of the witness becomes necessary to proceed with the investigation or to prosecute an action to enforce a determination. The investigation report submitted to the Labor Commissioner or designee shall include the statements and documents obtained in the investigation, and the findings of the investigator concerning whether a violation occurred. The Labor Commissioner may hold an investigative hearing whenever the Labor Commissioner determines, after review of the investigation report , that a hearing is necessary to fully establish the facts. In the hearing the investigation report shall be made a part of the record and the complainant and respondent shall have the opportunity to present further evidence. The Labor Commissioner shall issue, serve, and enforce any necessary subpoenas.

(c) If the Labor Commissioner determines a violation has occurred, he or she shall notify the complainant and respondent and direct the respondent to cease and desist from the violation and take any action deemed necessary to remedy the violation, including, where appropriate, rehiring or reinstatement, reimbursement of lost wages and interest thereon, payment of reasonable attorney's fees associated with any hearing held by the Labor Commissioner in investigating the complaint, and the posting of notices to employees.

If the respondent does not comply with the order within 10 working days following notification of the Labor Commissioner's determination, the Labor Commissioner shall bring an action promptly in an appropriate court against the respondent. If the Labor Commissioner fails to bring an action in court promptly, the complainant may bring an action against the Labor Commissioner in any appropriate court for a writ of mandate to compel the Labor Commissioner to bring an action in court against the respondent. If the

complainant prevails in his or her action for a writ, the court shall award the complainant court costs and reasonable attorney's fees, notwithstanding any other law. Regardless of any delay in bringing an action in court, the Labor Commissioner shall not be divested of jurisdiction. In any action, the court may permit the claimant to intervene as a party plaintiff to the action and shall have jurisdiction, for cause shown, to restrain the violation and to order all appropriate relief. Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and any other compensation or equitable relief as is appropriate under the circumstances of the case. The Labor Commissioner shall petition the court for appropriate temporary relief or restraining order unless he or she determines good cause exists for not doing so.

(d) (1) If the Labor Commissioner determines no violation has occurred, he or she shall notify the complainant and respondent and shall dismiss the complaint. The Labor Commissioner may direct the complainant to pay reasonable attorney's fees associated with any hearing held by the Labor Commissioner if the Labor Commissioner finds the complaint was frivolous, unreasonable, groundless, and was brought in bad faith. The complainant may, after notification of the Labor Commissioner's determination to dismiss a complaint, bring an action in an appropriate court, which shall have jurisdiction to determine whether a violation occurred, and if so, to restrain the violation and order all appropriate relief to remedy the violation.

Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and other compensation or equitable relief as is appropriate under the circumstances of the case. When dismissing a complaint, the Labor Commissioner shall advise the complainant of his or her right to bring an action in an appropriate court if he or she disagrees with the determination of the Labor Commissioner, and in the case of an alleged violation of Section 6310 or 6311, to file a complaint against the state program with the United States Department of Labor.

(2) The filing of a timely complaint against the state program with the United States Department of Labor shall stay the Labor Commissioner's dismissal of the division complaint until the United States Secretary of Labor makes a determination regarding the alleged violation. Within 15 days of receipt of that determination, the Labor Commissioner shall notify the parties whether he or she will reopen the complaint filed with the division or whether he or she will reaffirm the dismissal.

(e) The Labor Commissioner shall notify the complainant and respondent of his or her determination under subdivision (c) or paragraph (1) of subdivision (d), not later than 60 days after the filing of the complaint. Determinations by the Labor Commissioner under subdivision (c) or (d) may be appealed by the complainant or respondent to the Director of Industrial Relations within 10 days following notification of the Labor Commissioner's determination. The appeal shall set forth specifically and in full detail the grounds upon which the appealing party considers the Labor Commissioner's determination to be unjust or unlawful, and every issue to be considered by the director. The director may consider any issue

relating to the initial determination and may modify, affirm, or reverse the Labor Commissioner's determination. The director's determination shall be the determination of the Labor Commissioner. The director shall notify the complainant and respondent of his or her determination within 10 days of receipt of the appeal.

(f) The rights and remedies provided by this section do not preclude an employee from pursuing any other rights and remedies under any other law.

(g) In the enforcement of this section, there is no requirement that an individual exhaust administrative remedies or procedures.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

JUN 2 2014

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Ms. Andrews:

This letter provides an update on the status of your allegation file regarding Tetra Tech EC, Incorporated and associated activities at Hunters Point. Our previous letters to you addressed and responded to all of your concerns.

The NRC is aware that your discrimination complaint, which you filed with the U.S. Department of Labor (DOL) on (b)(7)(C) remains open. Further, it is our understanding that your DOL case is being held in abeyance because you filed your case in Federal Civil Court and, as a result, DOL cannot continue the investigation nor issue a report until after the Court issues a decision. Therefore, we will maintain your file open as we continue to monitor DOL decisions. We will notify you of our final disposition at the completion of the DOL process.

On May 9 and May 23, 2014, I left two voice messages for you indicating that I would like to speak with you regarding your safety concerns. In response, you left me two voice messages indicating that I should contact your attorney with any further questions. Nevertheless, I am taking this opportunity to inform you that we are aware that you recently notified the news media that you previously brought a number of concerns to the NRC regarding Hunters Point. The article, published on May 19, 2014, discusses your concerns related to radiological controls at Hunters Point, including your statement that you lost your job after reporting such concerns to the NRC. As a result, I want to inform you that the NRC can no longer protect your identity as the source of these concerns. Additionally, we are reviewing the news article for any new concerns not previously addressed by the NRC, and we will follow up with you by separate correspondence if any new issues are identified.

Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Johnson, Sharon

From:	Johnson, Sharon
Sent:	Monday, December 09, 2013 10:37 AM
To:	Haverkamp, Trisha
Cc:	Urban, Richard; Johnson, Sharon
Subject:	ADAMS INPUT FOR TETRA TECH
Attachments:	Cover Page Blue - Sensitive Allegation Material.docx; 20110113&20120022lic.docx

Attached

Johnson, Sharon

From: Johnson, Sharon
Sent: Tuesday, February 25, 2014 12:56 PM
To: CDaly@dir.ca.gov
Cc: Urban, Richard; Johnson, Sharon
Subject: Tetra Tech DOL Complaints

Ms. Daly:

Last we communicated, May 2013, the individuals had filed civil cases and the DOL complaints were being held in abeyance due to this civil filing.

Can you inform us of the status of the Tetra Tech cases?

Thanks Much
Sharon Johnson

FEB 25 2014

(b)(7)(C)

SL

DEC 6 2013

(b)(7)(C)

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

Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

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

Dear (b)(7)(C)

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,

Original Signed By:

James W. Clifford, Director
Division of Nuclear Materials Safety

Enclosure: As Stated

~~OFFICIAL RECORD COPY~~

Distribution:
R. Zimmerman, OE
R1Allegation Resource
J. Clifford, DNMS
M Ferdas, DNMS
D. Screnci, PAO

SUNSI Review Complete: MSF **(Reviewer's Initials)**

ADAMS DOCUMENT ACCESSION NUMBER: MLXXXXXXXXX

DOCUMENT NAME: G:\ORA\ALLEG\LICENSEE\20110113&20120022lic.docx
After declaring this document "An Official Agency Record" it will be released to the Public.
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB	N	OI:SAIC		RI:RC		ORA:SAC		DNMS:DD	
NAME	M Ferdas MSF		(b)(7)(C)		E Monteith		R Urban/sl/jrm		J Clifford	
DATE	12/ 3 /2013		12/ 3 /2013		12/ 4 /2013		12/ 4 /2013		12/ 5 /2013	

~~OFFICIAL RECORD COPY~~

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

DEC 6 2013

(b)(7)(C)

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

Tetra Tech EC, Incorporated
1000 The American Road
Morris Plains, NJ 07950

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

Dear (b)(7)(C)

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.

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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,

James W. Clifford, Director
Division of Nuclear Materials Safety

Enclosure: As Stated

DEC 6 2013

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Ms. Andrews:

This letter provides an update regarding twenty-one concerns that you raised to the NRC regarding Tetra Tech, a decommissioning contract company at the Hunters Point Naval Shipyard. Our previous letters to you addressed and responded to all of your technical concerns. Enclosure 1 to this letter describes our review and conclusion regarding your remaining discrimination concern.

We note that your discrimination complaint against Tetra Tech that you filed with the U.S. Department of Labor, Occupational Safety and Health Administration on February 8, 2012, (USDOL/OSHA Case No.9-3290-12-021) is still open. As a result, the NRC will continue to monitor the status of you DOL complaint and will maintain your file open. We will notify you upon completion of our review of your DOL complaint.

Thank you for informing us of your concerns. We believe that our actions have been responsive. Allegations are an important source of information in support of the NRC's safety mission, and as such, we will continue to take our safety responsibility to the public seriously within the bounds of our lawful authority. If, however, you can provide new information, or the NRC receives additional information from another source that suggests that our conclusions should be altered, we will evaluate that information to determine whether further action is warranted. Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

~~**OFFICIAL RECORD COPY**~~

Distribution:
Allegation File No. RI-2011-A-0113

DOCUMENT NAME: G:\ORA\ALLEG\STATUS\20110113st5.docx
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB	N	RI:OI		RI:RC		RI:SAC		
NAME	M Ferdas MSF		(b)(7)(C)		E Monteith		R Urban/slj/jm		
DATE	12/ 3 /2013		12/ 3 /2013		12/ 4 /2013		12/ 4 /2013		

OFFICIAL RECORD COPY

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.

Additional Information:

We note that in your DOL complaint filed on January 19, 2012 you stated that you were terminated for participating in an NRC investigation and raising nuclear safety issues.

Response to Concern 21:

NRC Assessment

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2012-019) on January 19, 2012, to determine whether you were subjected to discrimination for raising safety concerns by Tetra Tech, a contract decommissioning company at the United States Navy's Hunters Point Naval Shipyard. The OI report provided the following information based on the collection of testimonial evidence obtained through transcribed interviews with a number of your former co-workers, and documentary evidence that included correspondence from the Department of Navy, which addressed the modification to the contract for base-wide radiological support at the Hunters Point, a record of negotiations for the contract, and an amendment of solicitation/modification of the contract.

Several of your co-workers testified under oath that they were unaware that you had raised safety concerns. Of those who were aware, only one individual believed that you were discriminated against for raising safety concerns; however, that individual had no evidence to support his/her belief. Your supervisor acknowledged that you had raised some of your concerns to him, but denied that you were discriminated against for raising the concerns. Further, the supervisor also denied any knowledge of your role in a discrimination hearing for another terminated employee. Rather, the supervisor claimed that you were laid off because the Navy had reduced its decommissioning expenditures at Hunters Point, which required a reduction in site manpower. The supervisor testified that further reductions had led to additional layoffs, and that even he had been laid off.

OI found that the Navy's reduction of funding/work was a significant piece of evidence to support that you were not laid off for raising safety concerns. Further, following another round of work reduction by the Navy, three others including your supervisor, were laid off as well.

NRC Conclusion

Based on the above, the NRC found insufficient evidence to conclude that you were laid off for raising observations about adverse radiation safety practices and regulatory compliance issues, for participating as a witness in a discrimination hearing for another terminated employee, or for participating in an NRC investigation.

~~OFFICIAL RECORD COPY~~

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 attached for your information.

~~OFFICIAL RECORD COPY~~

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2745

DEC 6 2013

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

Subject: Concerns You Raised to the NRC Regarding Tetra Tech EC, Incorporated

Dear Ms. Andrews:

This letter provides an update regarding twenty-one concerns that you raised to the NRC regarding Tetra Tech, a decommissioning contract company at the Hunters Point Naval Shipyard. Our previous letters to you addressed and responded to all of your technical concerns. Enclosure 1 to this letter describes our review and conclusion regarding your remaining discrimination concern.

We note that your discrimination complaint against Tetra Tech that you filed with the U.S. Department of Labor, Occupational Safety and Health Administration on February 8, 2012, (USDOL/OSHA Case No.9-3290-12-021) is still open. As a result, the NRC will continue to monitor the status of you DOL complaint and will maintain your file open. We will notify you upon completion of our review of your DOL complaint.

Thank you for informing us of your concerns. We believe that our actions have been responsive. Allegations are an important source of information in support of the NRC's safety mission, and as such, we will continue to take our safety responsibility to the public seriously within the bounds of our lawful authority. If, however, you can provide new information, or the NRC receives additional information from another source that suggests that our conclusions should be altered, we will evaluate that information to determine whether further action is warranted. Should you have any additional questions or if the NRC can be of further assistance in this matter, please call this office toll-free via the NRC Safety Hotline at 1-800-432-1156, extension 5222, between 7:30 a.m. and 4:15 p.m. EST, Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Additional Information:

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Response to Concern 21:

NRC Assessment

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Several of your co-workers testified under oath that they were unaware that you had raised safety concerns. Of those who were aware, only one individual believed that you were discriminated against for raising safety concerns; however, that individual had no evidence to support his/her belief. Your supervisor acknowledged that you had raised some of your concerns to him, but denied that you were discriminated against for raising the concerns. Further, the supervisor also denied any knowledge of your role in a discrimination hearing for another terminated employee. Rather, the supervisor claimed that you were laid off because the Navy had reduced its decommissioning expenditures at Hunters Point, which required a reduction in site manpower. The supervisor testified that further reductions had led to additional layoffs, and that even he had been laid off.

OI found that the Navy's reduction of funding/work was a significant piece of evidence to support that you were not laid off for raising safety concerns. Further, following another round of work reduction by the Navy, three others including your supervisor, were laid off as well.

NRC Conclusion

Based on the above, the NRC found insufficient evidence to conclude that you were laid off for raising observations about adverse radiation safety practices and regulatory compliance issues, for participating as a witness in a discrimination hearing for another terminated employee, or for participating in an NRC investigation.

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 attached for your information.

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Friday, July 05, 2013 4:49 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjo
Subject: FW: 3 Week Email for OI Case Nos 1-2012-019 AND 1-2012-038 - ~~OFFICAL USE ONL INVESTIGATION INFORMATION~~

From: McLaughlin, Marjorie
Sent: Friday, July 05, 2013 4:48:50 PM
To: R1ENFORCEMENT RESOURCE; R1ALLEGATION RESOURCE; Scott, Catherine; Zimmerman, Roy; Hasan, Nasreen; Hilton, Nick; Day, Kerstun; Coleman, Nicole; Furst, David; Gulla, Gerald; Sreenivas, Leelavathi; Woods, Susanne; Wray, John; Solorio, Dave; Lemoncelli, Mauri; Dean, Bill; Lew, David; Casey, Lauren; Fretz, Robert; Kazi, Abdul; Beckford, Kaydian; Campbell, Andy; Carpenter, Robert; Marenchin, Thomas; Burgess, Michele; Sun, Robert; Lorson, Raymond; Collins, Daniel; Clifford, James; Ferdas, Marc; Ghasemian, Shahram; Solorio, Dave; Arrighi, Russell; Wilson, Anthony
Subject: 3 Week Email for OI Case Nos 1-2012-019 AND 1-2012-038 - ~~OFFICAL USE ONLY - INVESTIGATION INFORMATION~~
Auto forwarded by a Rule

~~OFFICIAL USE ONLY - INVESTIGATION INFORMATION~~

Tetra Tech: UNSUBSTANTIATED Discrimination
for having raised safety concerns
(Case Nos. 1-2012-019 & 1-2012-037; Allegation Nos. RI-2011-A-0113 & RI-2012-A-0022)

Investigation Purpose:
The NRC Office of Investigations (OI), Region I (RI), initiated investigations on January 19, 2012, and April 4, 2012, to evaluate separate discrimination claims by two concerned individuals (CI1 and CI2), involving alleged retaliation for raising safety concerns by Tetra Tech (TT), a contract decommissioning company at the United States Navy's (USN's) Hunters Point Naval Shipyard (HPNS).

Investigation Conclusion:
As described below, based upon the evidence developed during the investigation, OI did not substantiate that either CI was discriminated against.

Disposition Actions:
In an Allegation Review Board (ARB) on June 19, 2013, the staff agreed with the OI conclusions. If no alternative views are received within three weeks of the date of this email, the disposition actions (sending closure letters to the CIs and licensee) will be taken.

Allegation:
On October 27, 2011, while interviewing personnel at HPNS in relation to an unrelated discrimination claim (OI Case No. 1-2012-002, which was later unsubstantiated), OI received an allegation from a CI (CI1) involving unspecified workers at HPNS exhibiting poor radworker practices and having little knowledge of radiation protection. A November 9, 2011, ARB directed that RI would inspect the concerns. Subsequently, on November 21, 2011, the California Labor Commission (CLC) forwarded to OI a series of emails between CI1 and the subject of OI Case No. 1-2012-002, providing 21 examples of the poor radworker practices at HPNS, such as employees refusing to be monitored for radioactive contamination and soil samples not being appropriately taken. Less than one month later, CI1 informed OI that (s)he was being laid off for attempting to

correct poor practices at the site and for participating as a witness in a CLC discrimination hearing on behalf o the subject of OI Case No. 1-2012-002. Following a December 21, 2011, ARB, it was determined that prima facie had been articulated and that OI should investigate if either party declined Alternative Dispute Resolutior (ADR), which CI1 did on January 11, 2012.

On February 16, 2012, another CI (CI2) telephoned the RI allegation hotline and alleged that (s)he had been terminated by TT, Inc. for raising safety concerns about HPNS, including that a co-worker had falsified her resume and had allowed her adult daughter (who does not work for TT) to come onsite and enter a radiologically controlled area and that unqualified laborers had set up air samples. CI2 stated that on December 16, 2011, the day after providing such a concern, (s)he was terminated on the basis that the work area to which (s)he was assigned was closing. However, CI2 believed that work was, in fact, still occurring in that area as of the date of the allegation, and that (s)he had, in fact, been fired for raising the above-listed concerns. A February 29, 2012, ARB determined that prima facie had been articulated. On March 28, 2012, CI2 informed RI that (s)he wanted to engage in an ADR mediation session with TT, but the following day, CI2 changed his/her mind. OI subsequently opened its investigation.

Investigation Details:
OI interviewed a number of CI1's and CI2's former HPNS co-workers. Several were unaware that either individual had raised safety concerns. Of those who were aware, the only individual who believed either CI was discriminated against was the subject of OI Case No. 1-2012-002, who had been laid off a year before CI1 and CI2 and could provide no evidence to support this claim. The supervisor for both CI1 and CI2 acknowledged that the individuals raised some of their concerns to him, but denied that either individual was discriminated against (the supervisor also denied any knowledge of CI1's role in a discrimination hearing for the subject of OI Case No. 1-2012-002). Rather, the supervisor claimed that both were laid off because the USN had reduced its decommissioning expenditures at HPNS, which required a reduction in site manpower. The supervisor testified that further reductions had led to additional layoffs, and that even he (the supervisor) had been laid off.

OI concluded that, with the exception of their individual testimonies, OI found insufficient evidence to support any part of either CI's discrimination claims.

Note that an NRC inspection at HPNS, completed on January 30, 2012, failed to corroborate any of the safety concerns raised by either CI.

~~OFFICIAL USE ONLY - INVESTIGATION INFORMATION~~

Marjorie McLaughlin
Senior Enforcement Specialist
US NRC Region I
Phone: 610-337-5240
Fax: 610-337-5209

JUL 1 2013

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter provides an update regarding a number of concerns that you raised to the NRC about the Hunters Point Naval Shipyard. Our previous letters to you addressed and responded to all of your technical concerns. Your remaining discrimination concern is still under review by the NRC. When we complete our review, we will notify you of our findings, actions, and final resolution.

Also, we understand that your discrimination complaint that you filed with the U.S. Department of Labor (DOL) is continuing. We will be monitoring any DOL decisions regarding your complaint. 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, between 7:30 a.m. and 4:15 p.m. EST Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Distribution:
Allegation File No. RI-2011-A-0113

DOCUMENT NAME: G:\ORA\ALLEG\STATUS\20110113st4.docx

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB	OI:SAIC		RI:SAC			
NAME	M Ferdas	(b)(7)(C)		R Urban/sij/jtm			
DATE	06/ 26 /2013	06/ 27 /2013		06/ / /2013			

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

JUL 1 2013

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews,

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Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation Nos.: RI-2011-A-0113 and RI-2012-A-0022
Site/Facility: Hunters Point Naval Shipyard
ARB Date: Wednesday June 19, 2013

Branch Chief (AOC): Roberts
Acknowledged: Yes
Confidentiality Granted: No

Concern Discussed: Discrimination

Discuss unsubstantiated OI Reports 1-2012-019 (Discrimination) and 1-2012-037 (Discrimination)

DNMS has reviewed the OI Investigation Reports for Case Nos. 1-2012-019 and 1-2012-037 and agrees with OI's conclusion that there was not sufficient evidence to conclude that two contract employees at the Hunters Point Naval Shipyard in California were subjected to discrimination by management for raising safety concerns. No additional concerns were identified in the reports.

Does alleger object to providing concerns to the licensee via an RFI? N/A

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson **Branch Chief:** M Roberts **SAC:** Urban **OI:** (b)(7)(C) **RI Counsel:**
Others: Masnyk Bailey, Holody

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

RFI _____ Inspection _____ Investigation _____ N/A _____

DISPOSITION ACTIONS

1. Panel in agreement with OI conclusion.

   Responsible Person: ALL
   Closure Documentation:
   ECD: 6/19/2013
   Completed:

2. Generate a 3-week OE email

   Responsible Person: McLaughlin
   Closure Documentation: closeout letter
   ECD: 7/03/2013
   Completed:

3. The other concerns were already closed in previous correspondence. Send closeout letters to CIs informing CIs of the results of the OI investigations and closure of this matter.

   And send letter to licensee informing them of the results of the OI report.

   Responsible Person: SAC
   Closure Documentation: closeout letter
   ECD: TBD
   Completed:

SAFETY CONCERN: Dispositioned in previous correspondence to CI

PRIORITY OF OI INVESTIGATION: See previous
RATIONALE USED TO DEFER OI DISCRIMINATION CASE: N/A

ENFORCEMENT: N/A
NOTES:

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Tuesday, June 18, 2013 4:56 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: WARNING CONTAINS ALLEGATION INFORMATION
Attachments: TetraTech.docx

From: Roberts, Mark
Sent: Tuesday, June 18, 2013 4:56:18 PM
To: R1ALLEGATION RESOURCE
Cc: Masnyk Bailey, Orysia
Subject: FW: WARNING CONTAINS ALLEGATION INFORMATION
Auto forwarded by a Rule

Okay per me, acting for Ferdas. Do you want separate forms?

Mark

Get back to me early if needed.

From: Masnyk Bailey, Orysia
Sent: Tuesday, June 18, 2013 4:48 PM
To: Roberts, Mark
Subject: WARNING CONTAINS ALLEGATION INFORMATION

The last one I did like this for TVA combined two cases in one. I can separate if you like.

Johnson, Sharon

From: Roberts, Mark
Sent: Wednesday, June 19, 2013 8:49 AM
To: Johnson, Sharon
Subject: RE: Tetra Tech - 11-0113 and 12-0022

Thanks,

We'll call Orysia when we get to them.

M

From: Johnson, Sharon
Sent: Wednesday, June 19, 2013 8:15 AM
To: Roberts, Mark; Masnyk Bailey, Orysia
Cc: Urban, Richard
Subject: Tetra Tech - 11-0113 and 12-0022

I am putting these BACK on the schedule. Marc Ferdas had removed from schedule as of yesterday afternoon.

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Ferich, Jeffrey
Sent: Tuesday, June 18, 2013 3:29 PM
To: Johnson, Sharon
Subject: RE: RI-2011-A-0113 and RI-2012-A-022

Inspection soon – these were Don Rich's cases – supposed to have the NOVs in the final case file.

From: Johnson, Sharon
Sent: Tuesday, June 18, 2013 3:00 PM
To: Ferich, Jeffrey
Subject: RE: RI-2011-A-0113 and RI-2012-A-022

Jeff

Both of these were H&I issues and the OI reports have been issued 6/12/2013.

We are supposed to be discussing OI reports tomorrow at ARB.

Am I missing something?

SLJ

From: Ferich, Jeffrey
Sent: Tuesday, June 18, 2013 2:55 PM
To: Johnson, Sharon
Subject: RI-2011-A-0113 and RI-2012-A-022

Hi Sharon:

Would you happen to have the NOV's for the above cited allegations, thanks jeff ferich

Johnson, Sharon

From: Ferdas, Marc
Sent: Tuesday, June 18, 2013 3:29 PM
To: Johnson, Sharon
Subject: RE: ARB Schedule/Status Meeting for 6/19/2013

We will need some time to review the OI reports associated with the 2 Tetra Tech cases. Please reschedule tc the next meeting.

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C) (c)

From: Johnson, Sharon
Sent: Tuesday, June 18, 2013 8:33 AM
To: Bearde, Diane; Collins, Daniel; Coughlin, Sara; Crisden, Cherie; Dwyer, James; Ferdas, Marc; Ferich, Jeffrey; Gallaghar, Robert; Gallagher, Diane; Hammann, Stephen; Harris, Brian; Haverkamp, Trisha; Holmes, Marcy; Holody, Daniel; Jackson, Todd; Janda, Donna; Johnson, Sharon; Joustra, Judith; Linde, Amy; Lorson, Raymond; Masnyk Bailey, Orysia; McFadden, John; McLaughlin, Marjorie; Modes, Kathy; Mullen, Mark; ODaniell, Cynthia; Orendi, Monica; Richart, Paul; (b)(7)(C); Thompson, Thomas; Urban, Richard; Welling, Blake; Wilson, Scott
Subject: ARB Schedule/Status Meeting for 6/19/2013

Attached

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon 11-0113

From: Daly, Catherine@DIR [CDaly@dir.ca.gov]
Sent: Tuesday, May 21, 2013 5:45 PM
To: Johnson, Sharon
Subject: RE: Status of Tetra Tech DOL Complaints

Yes.

Please let me know if and when the Civil Case ends.

Cathy

From: Johnson, Sharon [mailto:Sharon.Johnson@nrc.gov]
Sent: Tuesday, May 21, 2013 1:20 PM
To: Daly, Catherine@DIR
Subject: Status of Tetra Tech DOL Complaints

Ms. Daly

In January, 2013, you informed us that these cases were being held in abeyance because the parties chose to file in Civil Court.

Is that still the status of these cases?

Thanks Much

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Daly, Catherine@DIR [CDaly@dir.ca.gov]
Sent: Wednesday, January 30, 2013 11:52 AM
To: Johnson, Sharon
Cc: Urban, Richard
Subject: RE: Status of Tetra Tech DOL Complaints

Not a problem. Please let me know if you need further information.

By the way, the DOL in SF had one of the investigations. However, I believe it got put in abeyance due to our investigation.

Take care,
Cathy

From: Johnson, Sharon [mailto:Sharon.Johnson@nrc.gov]
Sent: Wednesday, January 30, 2013 8:42 AM
To: Daly, Catherine@DIR
Cc: Urban, Richard
Subject: RE: Status of Tetra Tech DOL Complaints

Thank you very much.

SLJ

From: Daly, Catherine@DIR [mailto:CDaly@dir.ca.gov]
Sent: Wednesday, January 30, 2013 11:36 AM
To: Johnson, Sharon
Cc: Urban, Richard
Subject: RE: Status of Tetra Tech DOL Complaints

These cases are in abeyance because parties chose to file in Civil Court with the same allegations.

I cannot continue the investigations nor issue a report until after the Court issues a decision. We do not want to risk issuing a different outcome from the judge.

Catherine S Daly
Deputy Labor Commissioner
Retaliation Unit
455 Golden Gate Ave 10th Floor
San Francisco, CA 94102
(415) 703-4841
cdaly@dir.ca.gov

From: Johnson, Sharon [mailto:Sharon.Johnson@nrc.gov]
Sent: Wednesday, January 30, 2013 8:33 AM
To: Daly, Catherine@DIR
Cc: Urban, Richard
Subject: Status of Tetra Tech DOL Complaints

Ms. Daly:

My name is Sharon Johnson and I work for the U.S. Nuclear Regulatory Commission in King of Prussia, PA.

We have been made aware of 3 DOL WB complaints (b)(7)(C) from the individuals filing the complaints and by your agency.

At this time, I would like to ask the status of these cases.

Thank You Very Much

Sharon Law Johnson
Allegation Assistant
610-337-5374

JAN 2 2013

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter provides an update since our last letter to you dated July 6, 2012, regarding your concerns that you raised to the NRC about the Hunters Point Naval Shipyard. In that letter, we had informed you that we had completed our review regarding your technical concerns, but we were still investigating your discrimination complaint.

Your discrimination complaint is still under review by the NRC. Also, we understand that a discrimination complaint that you filed with the US Department of Labor (DOL) is continuing. We will be monitoring any DOL decisions regarding your complaint.

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, between 7:30 a.m. and 4:15 p.m. EST Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
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Ms. Susan V. Andrews

RI-2011-A-0113

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NAME	M Ferdas MSP		(b)(7)(C)		R Urban/jrm			
DATE	12/ 11 /2012		12/ 12/2012		12/ 31 /2012			

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

JAN 2 2013

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter provides an update since our last letter to you dated July 6, 2012, regarding your concerns that you raised to the NRC about the Hunters Point Naval Shipyard. In that letter, we had informed you that we had completed our review regarding your technical concerns, but we were still investigating your discrimination complaint.

Your discrimination complaint is still under review by the NRC. Also, we understand that a discrimination complaint that you filed with the US Department of Labor (DOL) is continuing. We will be monitoring any DOL decisions regarding your complaint.

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, between 7:30 a.m. and 4:15 p.m. EST Monday through Friday, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484.

Sincerely,

Richard J. Urban
Senior Allegation Coordinator

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 6 2012

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter pertains to concerns that you initially raised to the NRC in October 2011 regarding the health physics program at the Hunters Point Naval Shipyard. These concerns were acknowledged to you in a letter dated November 17, 2011. Subsequent to that date, you provided the NRC with additional concerns that were acknowledged to you in a letter dated January 5, 2012. At that time, we had identified 21 concerns and had addressed and responded to four of your concerns (Concerns 4, 8, 19 and 20). On January 17, 2012, you informed me that you had provided clarifications to your concerns to an NRC inspector during an NRC inspection in January 2012. Also, the US Department of Labor informed us that you filed a complaint of discrimination against Tetra Tech on January 19, 2012.

On January 11, 2012, you informed the NRC that you wanted our Office of Investigations (OI) to investigate your discrimination concern (Concern 21). As a result, you were interviewed by Special Agent (b)(7)(C) on February 10, 2012. A transcript of your interview was reviewed by the Region I technical staff. As a result of that review, no new concerns were identified. However, your discrimination concern is still under review by the NRC. When we have completed our review, we will notify you of our findings and conclusion.

Please refer to Enclosure 1, which addresses and responds to your remaining technical concerns. 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,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

Enclosure: As Stated

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Distribution:
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OFFICE	DNMS:DB	N	RI:FOD		RI:SAC				
NAME	M Ferdas MSF		(b)(7)(C)		R Urban				
DATE	07/ 3 /2012		07/ 06 /2012		07/ 6 /2012				

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Introduction

The NRC performed an on-site inspection at a Tetra Tech temporary job site at the Hunters Point Shipyard (HPS) in California, from January 9 to 12, 2012. An exit interview was conducted by telephone on January 30, 2012, with Tetra Tech personnel, and the results of the inspection were discussed. No violations of NRC requirements were identified. The results of the inspection are documented in NRC Inspection Report 03038199/2012001, which was issued on January 30, 2012. The inspection report is available for review on the NRC website at http://www.nrc.gov/reading-rm/adams.html; the referenced document can be found with a Web-Based ADAMS Search, using the Advanced Search tab and entering the Accession Number ML120370349 under Document Properties.

Additional information and/or clarifications regarding your concerns were provided by you during a meeting on January 9, 2012, at your residence in California with NRC inspectors, and during a subsequent telephone conversation between an NRC inspector and you on January 24, 2012. This information is summarized in the "Additional Information" paragraph under the restatement of your original concerns.

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.

Additional Information:

You provided two examples where personnel did not perform surveys and/or frisks when they exited an RCA:

1. On October 17, 2011 (b)(7)(C) exited the soil sampling CONEX Building, a posted radiation controlled area (RCA), without frisking themselves.
2. On October 18, 2011, (b)(7)(C) and his crew were working on a portion of a ventilation system outside of Building 211, within an RCA. (b)(7)(C) was working access control at the control point and (b)(7)(C) another (b)(7)(C), was within the controlled area. (b)(7)(C) exited the RCA without frisking. (b)(7)(C) exited after frisking and relieved (b)(7)(C) as the control RCT.

Concern 16:

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

Additional Information:

You advised that you were told about this concern by another (b)(7)(C). A pipe was removed from Area 33 and laid on the ground outside the RCA without being surveyed. You also asserted that a survey meter was not available at the RCA when this happened.

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Response to Concerns 1 and 16:

NRC Assessment

NRC inspectors reviewed Tetra Tech site procedures and training records, interviewed the (b)(7)(currently working at HPS, and observed (b)(7) in the performance of their duties controlling access and egress at the RCA control points. During interviews, the (b)(7) were asked whether they had ever seen anyone exiting the RCA without frisking or being frisked. None of the (b)(7) could recall ever seeing anyone exit an RCA without frisking or being frisked. In addition, the inspectors interviewed various laborers at HPS who work within the RCA. They also responded that they had never exited or seen anyone exit an RCA without frisking or being frisked. The inspectors noted that the (b)(7) were aware of their responsibilities to ensure that all personnel, equipment, and material were frisked at the RCA exit point. The inspectors observed the (b)(7) performing frisks of personnel and materials each time personnel or equipment exited from the RCA.

NRC Conclusion

Based on the above, we were unable to substantiate your concerns that people and material exiting the RCA were improperly frisked.

Concern 2:

You asserted that another Tetra Tech (b)(7)(C) who worked at the site, knew very little and did not really follow radiation safety principles.

Additional Information:

You advised that the (b)(7)(C) discussed in this concern was (b)(7)(C) You also stated that (b)(7)(C) had falsified (b)(7)(C) resume.

Concern 5:

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

Additional Information:

You clarified that this was applicable to most of the RCTs.

Response to Concerns 2 and 5:

NRC Assessment

During the on-site NRC inspection, the inspectors evaluated the training program and qualifications of radiation workers working under the Tetra Tech materials license. NRC inspectors reviewed Tetra Tech's training records and test results, interviewed radiation workers, and observed them in the performance of their duties. The inspectors determined that Tetra Tech was utilizing two types of radiation workers at HPS. Specifically, there were RCTs (i.e., Health Physicists) and support staff (i.e., laborers, drivers, construction workers, etc.), each

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of which received radiation safety training commensurate with their duties. Tetra Tech also provided site- and task-specific training for the work that each radiation worker would be performing and conducted morning "tailgate" briefings during which radiation protection concerns were discussed. In their license application, Tetra Tech had committed to ensuring that radiation workers were trained in accordance with Appendix H of NUREG-1556, Volume 18, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Service Provider Licenses," dated November 2000. NRC inspectors verified that the training provided by Tetra Tech met the requirements of Appendix H of NUREG-1556.

The inspectors also noted that competency/qualification of RCTs was demonstrated through written tests and practical examinations. The inspectors reviewed the training records of the individual specified in this concern and found that the individual was trained in accordance with Tetra Tech's commitments and NRC requirements. The inspectors also noted that the RCTs successfully completed the required written tests and practical examinations conducted by Tetra Tech.

NRC Conclusion

Based on the above, we were unable to substantiate that a specific RCT was not qualified to perform radiation safety activities, and that RCTs lacked or had inadequate radiation safety training.

Concern 3:

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

Additional Information:

You further asserted that the (b)(7)(C) who usually works the radiological control point for RSY4 (an RCA and an area where soil sampling occurs), told you that the soil sample chain of custody (CoC) forms were brought to the control point with the locations of sampling and time of sampling already printed on the CoC. You said that (b)(7)(C) s (b)(7) who takes custody of the soil samples after the bags are filled by the laborers. The (b)(7)(C) told you that someone, other than (b)(7)(C) had already signed the CoC forms with (b)(7)(C) name before he received the CoC forms.

Response to Concern 3

NRC Assessment

The inspectors reviewed Tetra Tech's CoC process used for controlling soil samples. The inspectors determined that the locations for soil sampling are selected by RCTs from the RSY Operations Group. The locations are delineated in the soil sampling field using an x/y grid pattern, and then soil sampling bags are prepared by RCTs, with the soil location and date of sampling filled out in advance. A laborer fills the bags under an RCT's oversight. The filled bags are brought to a table near the RCA exit point, where an RCT signs the CoC and performs a dose measurement with an ion chamber prior to releasing the bag. The RCT also records the measurement on the bag. The CoCs are signed at each point where the soil samples are transferred from the soil sampling area, the preparation area, and the sampling laboratory.

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During interviews, the RCTs and laborers involved in soil sampling were able to correctly describe the process for controlling soil samples. The inspectors reviewed CoC forms and found them to be properly completed. None of the RCTs interviewed could recall improperly signing a CoC or knew of an instance in which a CoC was improperly signed.

NRC Conclusion

Based on the above, we were unable to substantiate that CoC forms were improperly signed.

Concern 6:

You asserted that the (b)(7)(C) refused to allow a Radiation Supervisor to discipline a (b)(7)(C) for failure to take a required test. You stated that the (b)(7)(C) was overheard saying that there will be "no write ups of anyone."

Additional Information:

You provided the following specifics for this concern. (b)(7)(C) both (b)(7)(C) brought a radioactive source that had been found during remediation to you to place into the radioactive materials storage locker in Building 258. You told them that they could do it themselves, but they said they did not know how. You then called a supervisor (b)(7)(C) over to your location to resolve the situation. He advised the (b)(7)(C) that he would show them how to place the source into storage, but they refused to be shown. Later, you were told (b)(7)(C) that this supervisor wanted to discipline the (b)(7)(C) but was told by the (b)(7)(C) that there would be "no write ups of anyone."

Response to Concern 6:

NRC Assessment

For your information, the NRC does not have regulatory jurisdiction pertaining to disciplinary action against radiation workers unless it results in discrimination. As a result, the inspectors reviewed Tetra Tech's license commitments relative to training, site specific training procedures and records, and interviewed Tetra Tech personnel regarding this matter. This also included reviewing the training records for the individuals referenced above. As discussed in Concern 2, the NRC inspectors determined that all RCTs were trained in accordance with license and regulatory requirements.

NRC Conclusion

Based on the above, we were unable to substantiate your concern in that the (b)(7)(C) were not properly trained.

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.

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Response to Concern 7:

NRC Assessment

The inspectors assessed the training of radiation workers, including laborers, at HPS by reviewing training records and procedures, interviewing Tetra Tech personnel, and observing laborers performing soil sampling. The inspectors determined that laborers were properly trained to obtain soil samples and were familiar with related radiation safety practices. The inspectors noted that RCTs were present and observed laborers collect and prepare soil samples. During interviews, RCTs and laborers were able to properly describe their job responsibilities for the collection and preparation of soil samples, and stated that they were not aware of instances in which the procedure for soil sampling was not followed.

NRC Conclusion

Based on the above, we were unable to substantiate that field laborers were collecting and preparing soil samples without any RCT oversight or supervision.

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.

Additional Information:

You clarified that the storage bags discussed contained soil that had already been analyzed and archived in Building 258. You felt that the confusion about the use of the RO-20 meters was demonstrated by the fact that the dose rate reported on the bags, in some cases, was incorrect.

Response to Concern 9:

NRC Assessment

The inspectors examined soil storage bags from various bins inside of Building 258 and found that they were all marked with the correct dose rate. The NRC also interviewed RCTs who are responsible for marking the dose rate on soil storage bags. During these interviews, RCTs were able to properly describe their job responsibilities, use of survey meters, and recording of survey results.

NRC Conclusion

Based on the above, we were unable to substantiate that RCTs were entering inaccurate information on soil sample bags because they do not understand their instruments.

Concern 10:

You asserted that some meters have not been calibrated correctly.

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Additional Information:

You clarified that you were concerned that survey meters were incorrectly source checked before use, not that meters were incorrectly calibrated.

Response to Concern 10:

NRC Assessment

The inspectors observed RCTs selecting and source checking survey meters at the beginning of their shift. The inspectors noted that the RCTs correctly source checked their survey meters, and during interviews, were able to properly discuss radiation instrument usage. The inspectors also noted that the source check data was recorded on survey use logs, which were reviewed and signed by two separate Tetra Tech supervisors. The inspectors reviewed previous source check log entries, and no errors were noted. The procedures regarding radiation instruments were reviewed and discussed with the supervisor responsible for radiation instruments at HPS. During the interviews, the supervisors stated that they were not aware of any problems with the implementation of their radiation instrument procedures.

NRC Conclusion

Based on the above, we were unable to substantiate that RCTs failed to properly source check their survey meters before use.

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.

Response to Concern 11:

NRC Assessment

Inspectors interviewed Tetra Tech personnel and reviewed survey records. During the interviews, Tetra Tech personnel stated that the process for correcting survey records and other official records consists of crossing out the error, initialing the cross out, and then entering the correct information. The inspectors noted that none of the survey records reviewed appeared to be improperly corrected.

NRC Conclusion

Based on the above, we were unable to substantiate your concern that RCTs were improperly making corrections to survey records.

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."

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Additional Information:

You clarified that you were the RCT discussed here. The specific example that you gave involved a vehicle portal detector, which is manned as needed, and is used to survey trucks before they leave the site. Before it is used, it must be source checked, and either the RCT manning the portal retrieves and replaces the source or the source is brought to the portal by another RCT or supervisor. On this occasion, you asked a supervisor to send someone to retrieve the source so you could go to lunch and were told to "hide the source" and go.

Response to Concern 12:

NRC Assessment

The inspectors reviewed Tetra Tech's procedure for the use of the portal monitor, interviewed RCTs and supervisors, and observed the operation of the vehicle portal monitor. All RCTs interviewed demonstrated a good understanding of the necessity of properly securing the source used to check the vehicle portal monitor and of the process for retrieving and replacing all sources in the storage locker. Tetra Tech's source lockers were evaluated and found to be properly posted and secured. During the interviews, the RCTs stated that they were not aware of any previous incidents of improper posting or securing of sources associated with the vehicle portal detector. Based on a review of records and interviews, the inspectors did not identify any corroborating information to support your concern.

NRC Conclusion

Based on the above, we were unable to substantiate your concern in that sources are not always returned and secured in approved source storage locations.

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.

Response to Concern 13:

NRC Assessment

The inspectors reviewed the Tetra Tech procedure for determining public dose at HPS, reviewed TLD records, and interviewed Tetra Tech personnel. The inspectors noted that Tetra Tech determines its public dose at HPS by extrapolating the dose received by radiation workers at the site. At the time of the inspection, Tetra Tech reported that none of the workers had received any dose exposure. Therefore, Tetra Tech had concluded that the public would also not receive an exposure.

The inspectors also noted that Tetra Tech places a TLD at each of the four geographical points at the boundaries of the site. The inspectors assessed the placement of the TLDs and determined that they were placed in a manner that would obscure them from plain site in order to prevent potential theft of the devices. The inspectors also concluded that the placement would not impact the ability of the device to detect gamma irradiation, because they were not being shielded. Based on interviews, the inspectors also determined that these four

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environmental TLDs were the only TLDs posted at the site. The inspectors determined that this provided adequate coverage to monitor potential offsite radiation dose.

NRC Conclusion

Based on the above, we were unable to substantiate your concern that TLDs are improperly posted.

Concern 14:

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

Additional Information:

You advised that the license in question was posted in the break area in Building 400.

Response to Concern 14:

NRC Assessment

During tours of the site, inspectors reviewed site area postings and determined that the appropriate version of Tetra Tech's material license was posted within HPS. The inspectors specifically evaluated the postings in Building 400 and noted that the current radiation safety officer was listed on the material license posted. The inspectors also noted that for this type of materials license, Authorized Users are not listed.

NRC Conclusion

Based on the above, we were unable to substantiate that the wrong individual was named as the authorized user on a posted materials license in Building 400.

Concern 15:

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

Additional Information:

You stated that, on this occasion, you were working in Work Zone 33, an RCA, when a labor crew came to remove a pipe from within the RCA. A member of the team was not able to retrieve the pipe by leaning across the RCA boundary rope so one of the Labor Foremen attempted to move the boundary, and you stopped them from doing so. The (b)(7)(C) (b)(7)(C) then came out to Area 33 to check on the status of the work and entered the RCA without signing in on the RWP. You stated that (b)(7)(C) RCT crew usually works Area 33 and opined that the laborers were so comfortable attempting to move the boundary that it must be common practice.

You also gave another example of improper posting changes (b)(7)(C) authorized the bin driver (b)(7)(C) from the waste management contractor, to take down the radiation boundary

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rope at an RCA and retrieve a bin. Later (b)(7)(C) an RCT was making a routine check to see if all boundaries and postings were intact and found the rope in this area down. He and (b)(7)(C) a supervisor, were in the area when the contractor came back to get another bin. The driver advised them that (b)(7)(C) had told him that he could take down the rope.

Response to Concern 15:

NRC Assessment

The inspectors reviewed Tetra Tech's procedures, interviewed RCTs, laborers, and supervisors, and observed work in progress within the RCAs. The bin driver discussed in this concern was not available to be interviewed since there was a new waste management contractor at the site. The inspectors found that site workers were familiar with RCA postings and boundaries and were conversant with the process for moving or removing those boundaries. All personnel interviewed stated that they were not aware of any previous issues involving the improper movement of an RCA boundary.

NRC Conclusion

Based on the above, we were unable to substantiate that RCA boundaries were improperly moved or changed.

Concern 17:

You asserted that a Tetra Tech employee brings (b)(7)(C) to work and that the (b)(7)(C) 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 (b)(7)(C)

Additional Information:

You clarified that the RCT discussed here is (b)(7)(C) that the samples moved were the soil samples from RSY4, and that the RCA in question was the CONEX soil preparation building.

Response to Concern 17:

NRC Assessment

The inspectors interviewed supervisors and RCTs (including (b)(7)(C) and reviewed Tetra Tech's policy about visitors. The inspectors found that Tetra Tech procedures allow visitors to the site and that the (b)(7)(C) discussed above came to the site several times to see if (b)(7)(C) would be interested in working at HPS. The inspectors interviewed RCTs about controls in place associated with drinking or eating inside of RCAs and all stated that it was not allowed and were not aware of individuals that may have been eating or drinking within the RCA. During interviews with the RCT referenced above, (b) denied that (b)(7)(C) transported samples. In addition, the RCTs stated that they were not aware of any previous incidents of improper transport of samples, and no one stated they felt intimidated by the individual named above. The concern raised about frisking was addressed under Concern 1.

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NRC Conclusion

Based on the above, although we verified that a Tetra Tech employee brought (b)(7)(C) (b)(7)(C) to work at HPS, we were unable to substantiate an impropriety or inadequacy associated with NRC-regulated activities. In addition, we were unable to substantiate that any non-employees moved contaminated samples, entered and exited RCAs without frisking, or were drinking soda within an RCA.

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.

Additional Information:

You provided the following examples. (b)(7)(C) and (b)(7)(C) eft an RCA without frisking and signing out on an RWP, as did supervisors (b)(7)(C) All of these individuals, except the (b)(7)(C) received a day off but were able to take it so that they had a (b)(7)(C) On the other hand (b)(7)(C) an RCT who received a day off for not signing out on an RCT had to take that day on (b)(7)(C)

Response to Concern 18:

NRC Assessment

The inspectors reviewed Tetra Tech's procedure on signing in and out on RWPs and Tetra Tech's Deficiency Notice Logbook, toured the facility, and interviewed personnel. The inspectors noted that Tetra Tech's procedure for RWPs requires workers to sign in and out on an RWP when accessing an RCA. Non-workers, defined as "persons entering an area covered by a work specific RWP or a general RWO whose sole purpose is only for observation or other tasks, not directly related to the work outlined in the RWP" or "individuals that are escorted inside an area covered by a job-specific RWP" are not required to sign in and out on a RWP.

The inspectors determined that there were cases where individuals, including the individuals named in your concern, were required to sign in and out on an RWP and failed to do so. These occurrences were logged in the Deficiency Notice Logbook, and the individuals failing to sign out were subject to discipline. However, for the cases reviewed, it was not a violation of NRC requirements or license conditions to fail to sign out of the RCA. Also, as previously stated, the types and disparity of penalties imposed by a licensee for procedural infractions are not issues that are normally under NRC jurisdiction.

Based on observations, the inspectors noted that access control to the RCA was done by an RCT who ensures that personnel entering the RCA are authorized to do so and that they are frisked when exiting the RCA. Also, exit frisking was addressed as part of the inspectors' assessment of Concern 1, and as noted for that concern, no evidence of failing to frisk upon exiting an RCA was identified.

OFFICIAL RECORD COPY

NRC Conclusion

Based on the above, although we verified that some personnel did not sign in and out on an RWP, we were unable to substantiate an impropriety or inadequacy associated with NRC-regulated activity. In addition as previously stated, we noted that people exiting the RCA were properly frisked.

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 (b)(7)(C) employee.

Additional Information:

We note that in your DOL complaint filed on January 19, 2012 you stated that you were terminated for participating in an NRC investigation and raising nuclear safety issues.

~~OFFICIAL RECORD COPY~~

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

JUL 6 2012

Ms. Susan V. Andrews
500 Grant Street
Newell, WV 26050

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter pertains to concerns that you initially raised to the NRC in October 2011 regarding the health physics program at the Hunters Point Naval Shipyard. These concerns were acknowledged to you in a letter dated November 17, 2011. Subsequent to that date, you provided the NRC with additional concerns that were acknowledged to you in a letter dated January 5, 2012. At that time, we had identified 21 concerns and had addressed and responded to four of your concerns (Concerns 4, 8, 19 and 20). On January 17, 2012, you informed me that you had provided clarifications to your concerns to an NRC inspector during an NRC inspection in January 2012. Also, the US Department of Labor informed us that you filed a complaint of discrimination against Tetra Tech on January 19, 2012

On January 11, 2012, you informed the NRC that you wanted our Office of Investigations (OI) to investigate your discrimination concern (Concern 21). As a result, you were interviewed by Special Agent (b)(7)(C) on February 10, 2012. A transcript of your interview was reviewed by the Region I technical staff. As a result of that review, no new concerns were identified. However, your discrimination concern is still under review by the NRC. When we have completed our review, we will notify you of our findings and conclusion.

Please refer to Enclosure 1, which addresses and responds to your remaining technical concerns. 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

Enclosure: As Stated

G:\ora\alleg\panel\20110113arb4.docx

ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0113
Site/Facility: Hunters Point – Tetra Tech
ARB Date: June 20, 2012

Branch Chief (AOC): Ferdas
Acknowledged: Yes
Confidentiality Granted: No

Issue discussed: Review of OI transcript (OI Case No. 1-2012-019) from interview with CI to determine if any new concerns were identified.

Does alleger object to RFI to the licensee? N/A

ALLEGATION REVIEW BOARD ATTENDEES

Chair: RLorson **Branch Chief:** S Hammann **SAC:** McFadden **OI:** (b)(7)(C)
RI Counsel: K Farrar **Others:**

DISPOSITION METHOD (See Attached RFI Worksheet) Inspection/Technical Review

DISPOSITION ACTIONS

1) No new technical concerns were identified. OI review is still open.

Responsible Person: Ferdas
Closure Documentation: ARB Form

ECD: 06/20/2012
Completed:

2) Continue OI investigation 1-2012-019

Responsible Person (b)(7)(C)
Closure Documentation: OI Report

ECD: TBD
Completed:

SAFETY CONCERN: see previous panel form

PRIORITY OF OI INVESTIGATION: see previous panel form

RATIONALE USED TO DEFER OI DISCRIMINATION CASE: see previous panel form

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION: see previous panel form

NOTES:
The CI's original concerns included wrongful termination. OI conducted an interview with the CI and DNMS B4 performed a review of the OI transcript to determine if any new concerns were identified.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Friday, June 15, 2012 10:57 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE
Attachments: ARBDispostion2012-A-0022.OI.transcript.docx; ARBDispostion2011-A-0113.OI.transcript.docx

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From: Hammann, Stephen
Sent: Friday, June 15, 2012 10:56:35 AM
To: R1ALLEGATION RESOURCE
Cc: Ferdas, Marc; Roberts, Mark; Masnyk Bailey, Orysia
Subject: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE
Auto forwarded by a Rule

Attached are the ARB forms for 2011-0113 and 2012-0022 for the June 20th panel.

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Thursday, February 23, 2012 2:57 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Enclosure for Closeout Letter - 0113
Attachments: Enclosure1-2011-A-0113.docx

From: Ferdas, Marc
Sent: Thursday, February 23, 2012 2:56:36 PM
To: R1ALLEGATION RESOURCE
Subject: Enclosure for Closeout Letter - 0113
Auto forwarded by a Rule

SENSITIVE ALLEGATION MATERIAL – DO NOT DISCLOSE

See attached for draft enclosure to support closeout of Allegation 2011-A-0113

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

McFadden, John

From: Farrar, Karl
Sent: Wednesday, March 14, 2012 3:44 PM
To: McFadden, John
Subject: RE: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - 20110113arb2.docx

This was completed.

From: McFadden, John
Sent: Wednesday, March 14, 2012 3:35 PM
To: Farrar, Karl
Cc: Urban, Richard; Johnson, Sharon; McFadden, John
Subject: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - 20110113arb2.docx

SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE

Karl
I do not see any confirmation in the allegation file. Can you confirm that this action was completed?
I have attached the subject ARB form which provides context.
Thanks,
Jack

4. Refer concerns 17 and 18 to Navy IG. Work with NRC IG.

Responsible Person: Farrar/ (b)(7)(C)

Closure Documentation:

ECD: 12/31/2011

Completed:

Johnson, Sharon

From: (b)(7)(C)
Sent: Tuesday, February 28, 2012 10:55 AM
To: Johnson, Sharon
Subject: RE: Address Change for CI - RI-2011-A-0113

Sharon:
Ms. Andrews may be contacted at the below identified address:

(b)(7)(C)

Her iPhone number is the same.

(b)(7)(C)
Special Agent
U.S. Nuclear Regulatory Commission
Office of Investigations
Region-I Field Office
475 Allendale Road
King of Prussia, PA 19406
(b)(7)(C) Direct
610-337-5131 Fax
(b)(7)(C) Mobile

From: Johnson, Sharon
Sent: Tuesday, February 28, 2012 9:23 AM
To: Urban, Richard; McFadden, John; Ferdas, Marc
Cc: Johnson, Sharon; (b)(7)(C)
Subject: Address Change for CI - RI-2011-A-0113
Importance: High

FYI

(b)(7)(C) informed me, 2/27/2012, that the CI called him and informed him that/she has moved from (b)(7)(C) (b)(7)(C) will provide us the new address to send any future correspondence.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: McFadden, John
Sent: Tuesday, February 21, 2012 11:13 AM
To: (b)(7)(C)
Cc: Holmes, Marcy; (b)(7)(C) Urban, Richard; Johnson, Sharon; McFadden, John
Subject: RI-2011-A-0113/OI 1-2012-019
Attachments: ***SENSITIVE ALLEGATION MATERIAL*** IDENTIFIES AN ALLEGER - DOL Referral; RE: ***SENSITIVE ALLEGATION MATERIAL*** IDENTIFIES AN ALLEGER - DOL Referral; RI-2011-A-0113 - Tetra Tech

Jeff
Per our conversation just now, I have attached the emails which indicate that the CI has identified another protected activity (i.e., participating in an NRC investigation) in their DOL complaint.
Jack

Johnson, Sharon

From: Johnson, Sharon
Sent: Tuesday, February 21, 2012 10:31 AM
To: McFadden, John
Cc: Urban, Richard
Subject: RI-2011-A-0113 - Tetra Tech

Importance: High

Jack

We received a DOL complaint, dated 2/8/2012, by the CI for RI-2011-A-0113. The reason stated on the complaint is "terminated for participating in an NRC investigation and raising nuclear safety issues." The reason for discrimination as stated in the initial receipt was "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 (b)(7)(C) employee."

After reviewing the other 21 issues raised by this CI, one of which includes discrimination (OI open 1-2012-019), should we just include this with the discrimination concern in existence and should we make this an new additional issue?

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Urban, Richard
Sent: Tuesday, February 21, 2012 9:18 AM
To: Johnson, Sharon
Subject: FW: ***SENSITIVE ALLEGATION MATERIAL*** IDENTIFIES AN ALLEGER - DOL Refer
Attachments: tetra tech DOI case 9-3290-12-021.pdf

For the file.

From: R4ALLEGATION Resource
Sent: Tuesday, February 21, 2012 9:06 AM
To: Urban, Richard; McFadden, John
Cc: R4ALLEGATION Resource
Subject: ***SENSITIVE ALLEGATION MATERIAL*** IDENTIFIES AN ALLEGER - DOL Referral

Rick / Jack,

Region IV received the attached DOL case information related to Tetra Tech, a Region I licensee. We believe this case should go to region I as it may be associated with an existing allegation against Tetra Tech or may warrant opening a new case. Please let me know if Region I accepts this case. RIV received the DOL referral on 2/15/12.

Thanks,
Peter Jayroe
Allegation Coordinator / Enforcement Specialist – RIV
817-200-1174

U.S. Department of Labor

Occupational Safety and Health Administration
San Francisco Federal Building
90 - 7th Street, Suite 18100
San Francisco, CA 94103

February 8, 2012

RECEIVED
FEB 8 2012
REGION IV

Senior Allegations Coordinator
Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Re: Tetra Tech / Andrews / 9-3290-12-021

Sir or Madam:

Enclosed for your information please find a copy of a complaint of retaliation filed under the Energy Reorganization Act, 42 U.S.C. §5851. An investigation of the retaliation allegation is currently being conducted by this office.

If we can be of further assistance to you, please do not hesitate to contact Regional Supervisory Investigator Joshua B. Paul at (415) 625-2527.

Sincerely,

James D. Wulff

JAMES D. WULFF
DOL / OSHA Region IX
Assistant Regional Administrator, Enforcement Programs

RECEIVED
FEB 15 2012
REGION IV

Enclosure: Complaint

Case Activity Worksheet

Occupational Safety and Health Administration

Run Date: 02/10/12

Filed Date:	01/19/12	Local Case Number:	9-3290-12-021	Activity Number:	22662753	Reporting ID:	090000
Case Type:	ERA	Statutory Implication:					
Allegation:	P - Participation in Safety and Health activities			Investigator:	Patel,Sewali	Assigned Date:	02/07/1
Allegation Summary:	Terminated for participating in an NRC investigation and raising nuclear safety issues.						

Respondent Information Name:	Tetra Tech	Phones:	Emails:
Primary Address:	200 Fisher Avenue San Francisco CA 94124 UNITED STATES		
Alternate Address:	3475 East Foothill Blvd Pasadena CA 91107 UNITED STATES		
Complainant Information Name:	Susan Andrews	Phones:	Emails:
Primary Address:	(b)(7)(C)	(b)(7)(C)	

Determination Date	Determination:	Total Compensation:	$0	Reinstatement:	

I certify that the complaint was filed with me on(date): 1/19/12

Signature	Title	Date
[signature]	Regional Supervisory Investigator	2/10/12

RECEIVED
FEB 15 2012
REGION IV

Note: This report contains sensitive information that may not be appropriate for distribution outside OSHA. Local offices should review the information BEFORE it is provided to outside requestor.

NRC FORM 591M PART 1
(10-2011)*
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Tetra Tech EC, Inc. 1000 The American Road Morris Plains, New Jersey 07950 REPORT NUMBER(S) 2012-001	**U.S. Nuclear Regulatory Commission** **Region I, 475 Allendale Road** **King of Prussia, Pennsylvania 19406-1415**

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-38199	29-31396-01	01/9-12 and 30/2012

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

[X] 1. Based on the inspection findings, no violations were identified.

[ ] 2. Previous violation(s) closed.

[ ] 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s) and corrective action(s):

[ ] 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11. (Violations and Corrective Actions)

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	Orysia Masnyk Bailey	/RA/	01/30/2012
BRANCH CHIEF	Marc S. Ferdas	***/RA/***	01/30/12

*NRC FORM 591M PART 1 (10-2011) (RI Rev. 01/12/2012) G:\WordDocs\Current\Insp Record\R29-31396-01 2012001. 591M-Part1-Public.doc

SUNSI Review Completed By: ***/ RA /*** OMB [X] Public [X] Non-Sensitive

This document becomes an NRC Official Agency Record once it is signed by the Branch Chief

INVESTIGATION STATUS RECORD

Facility:	HUNTERS POINT NAVAL SHIPYARD	Case Agent:	(b)(7)(C)
Case Number:	1-2012-019	Date Opened:	01/19/2012
Docket Number(s):	03038199	ECD:	04/2012
		Priority:	High
Case Type:	Materials / Waste	Status:	Field Work In Progress
Primary Alleg Source:	Alleger		
Allegation Number(s):	RI-2011-A-0113		
Subject/Allegation:	DISCRIMINATION AGAINST A SENIOR HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS		

Monthly Status Report:

01/19/2012: On December 11, 2011, Susan ANDREWS, a Senior Health Physicist (former), employed by Aleut Solutions, a sub-contractor to Tetra-Tech, contacted NRC:RIV employee Rick MUNOZ. MUNOZ documented ANDREW's concerns in which she alleged that her employment was terminated due to her raising safety concerns regarding: 1) radiation decontamination surveys soil sample collection and sample preparation not being performed contrary to established procedures and 2) for having participated as a "silent witness" in a discrimination hearing for another (b)(7)(C) Tetra-Tech employee. ANDREWS claims that she last reported her safety concerns on December 2, 2011, to (b)(7)(C) her (b)(7)(C) ANDREWS reported that she was notified on December 9, 2011, that her employment was being terminated due to a reduction in force, effective December 16, 2011.

These concerns were discussed during a NRC:RI Allegation Review Board (ARB) held on December 21, 2011. The ARB, to include Regional Counsel determined that ANDREWS had articulated a prima facie case of discrimination and that ANDREWS would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. On January 11, 2012, ANDREWS chose to pursue the OI investigation option.

Potential Violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on December 16, 2016. Status: FWP ECD (90 days): 04/2012.

Completion Date:		Total Staff Hours:	17.0
Issue Date:		Months Open:	0.4
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):	Harassment and Intimidation - No Result	Statute of Limitations Date:	12/16/2016

McFadden, John

From: R1ALLEGATION RESOURCE
Sent: Thursday, January 26, 2012 4:15 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Allegation 2011-A-0113
Attachments: 20110113st11.docx

From: Ferdas, Marc
Sent: Thursday, January 26, 2012 4:15:12 PM
To: R1ALLEGATION RESOURCE
Subject: Allegation 2011-A-0113
Auto forwarded by a Rule

****SENSITIVE ALLEGATION MATERIAL – DO NOT DISCLOSE****
Please see attached for information you request concerning additional info we received from the CI during our inspection of this allegation. The CI provided us specific details associated with several of the concerns. No new issues appear to be identified.

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

From: Hammann, Stephen
Sent: Thursday, January 26, 2012 3:55 PM
To: Ferdas, Marc
Subject: FW: WARING CONTAINS ALLEGATION INFORMATION

Marc - I reviewed the attached document, specifically, the additional information comments that have been added and found them to be correct.

From: Masnyk Bailey, Orysia
Sent: Thursday, January 26, 2012 2:51 PM
To: Ferdas, Marc
Cc: Hammann, Stephen
Subject: WARING CONTAINS ALLEGATION INFORMATION

I used the enclosure to the CI from Hunters Point and added her additional input under each point.

NOTE TO FILE
RI-2011-A-0119 3

Additional information and/or clarification were provided by the concerned individual (CI) during a meeting on January 9, 2012, at the CI's (b)(7)(C) with Steve Hammann and Orysia Masnyk Bailey in attendance, and by telephone with Orysia Masnyk Bailey on January 24, 2012. This information is summarized in the "Additional Information" paragraph under each concern, using the enclosure that was mailed to the CI in the acknowledgement letter.

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.

Additional Information:

The CI gave two examples:

1. On October 17, 2011, (b)(7)(C) walked out of the soil sampling CONEX Building, a posted radiation controlled area (RCA), without frisking themselves
2. On October 18, 2011 (b)(7)(C) and his crew were working on a piece of ventilation system outside of Building 211, within an RCA. (b)(7)(C) was working access control at the control point and (b)(7)(Cunningham, another (b)(7 was within the controlled area. (b)(7)(C) exited without frisking. (b)(7)(C) exited after frisking and relieved (b)(7)(C) as the (b)(7)(C) got into a truck and went to lunch.

Exempt 6
Exempt 6

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.

Additional Information:

The CI advised that the technician discussed here was (b)(7)(C) and that (b)(7)(C) had falsified (b)(7)(C) resume.

Concern 3:

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

Additional Information:

The CI advised that an RCT that usually works the radiological control point for RSY4, an RCA and an area where soil sampling occurs, told her that the soil sample Chain of Custody (CoC) forms were brought to the control point with the locations of sampling and time of sampling already printed on the CoC. (b)(7)(C) is the (b)(7)(C) who takes custody of the soil samples after the bags are filled by the laborers. The (b)(7)(C) told the CI that someone, other than (b)(7)(C) had already signed the CoC forms with (b)(7)(C) name.

NOTE TO FILE
RI-2011-A-0119

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.

This safety issue has been referred to the Occupational Safety and Health Administration (OSHA), Region IX in San Francisco, California.

Concern 5:

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

Additional Information:

The CI said that this was applicable to most of the RCTs.

Concern 6:

You asserted that the (b)(7)(C) refused to allow a (b)(7)(C) to discipline a (b)(7)(C) for failure to take a required test. You stated that the (b)(7)(C) was overheard saying that there will be "no write ups of anyone."

Additional Information:

(b)(7)(C) both [redacted] brought a radioactive source that had been found during remediation to the CI to place into the radioactive materials storage locker in Building 258. The CI told them that they could do it, but they said they did not know how. The CI called a supervisor (b)(7)(C) over to their location. He advised the other two [redacted] that he would show them how to place the source into storage. They refused to be shown. The CI was told that the supervisor wanted to discipline the [redacted] but was told by the (b)(7)(C) that there will be "no write ups of anyone."

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

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.

Additional Information:

Nothing added.

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.

Additional Information:

None.

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.

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.

Additional Information:

The CI explained that the storage bags discussed contained soil that had already been analyzed and were archived in Building 258. The confusion about the use of the RO-20 meters was demonstrated by the fact that the dose rate reported on the bag was incorrect.

Concern 10:

You asserted that some meters have not been calibrated correctly.

Additional Information:

The CI clarified that it was not that the meters were incorrectly calibrated but rather incorrectly source checked before use.

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.

Additional Information:

None.

NOTE TO FILE
RI-2011-A-0119

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."

Additional Information:

The CI clarified that the RCT discussed here was the CI. There is a vehicle portal detector that is used to survey trucks before they leave the site. It is manned as needed. Before it is used it must be source checked. Either the RCT manning the portal retrieves and replaces the source or the source is brought to the portal by another RCT or supervisor. In this concern the CI asked for someone to retrieve the source so she could go to lunch. She was told to "hide the source" and go.

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.

Additional Information:

None.

Concern 14:

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

Additional Information:

The CI advised that the license was posted the break area in Building 400.

Concern 15:

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

Additional Information:

The CI advised she was working Work Zone 33, an RCA, when a labor crew came to remove a pipe from within the RCA. A member of the team was not able to retrieve the pipe by leaning across the RCA boundary rope so one of the Labor Foremen attempted to move the boundary. The CI stopped them from doing so. The (b)(7)(C) then came out to Area 33 to check on the status of the work and entered the RCA without signing in on the RWP. The CI

stated that (b)(7)(C) RCT crew usually works Area 33 and opined that the laborers were so comfortable attempting to move the boundary that it must be common practice.

The CI gave another example of improper posting changes. (b)(7)(C) told the (b)(7)(C) (b)(7)(C) from the waste management contractor to take down the radiation boundary rope at an RCA and retrieve a bin. (b)(7)(C) an RCT was making a routine check to see if all boundaries and postings were intact and found the rope in this area down. He and (b)(7)(C) were in the area when the contractor came to get another bin and advised them that (b)(7)(C) (b)(7)(C) had told him to take down the rope.

Concern 16:

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

Additional Information:

The CI was told about this concern by another RCT. A pipe was removed from Area 33 and laid on the ground outside the RCA without being surveyed. The CI said that a survey meter was not available at the RCA.

Concern 17:

You asserted that a Tetra Tech employee brings (b)(7)(C) to work and that the (b)(7)(C) 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 (b)(7)(C)

Additional Information:

The RCT discussed here is (b)(7)(C) The samples are the soil samples from RSY4, and the RCA is the CONEX soil preparation building.

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.

Additional Information:

One example is (b)(7)(C) and (b)(7)(C) leaving the CONEX soil preparation building. (b)(7)(C) is an RCT who received a day off for not signing out on an RCT but had to take that day on Wednesday. (b)(7)(C) both supervisors, also got a day off but were able to take it so that they had a long weekend.

NOTE TO FILE
RI-2011-A-0119

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.

Concerns 19 and 20:

These concerns have been referred to the Naval Inspector General.

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 (b)(7)(C) employee.

Additional Information:

None.

Urban, Richard

From: Farrar, Karl
Sent: Monday, January 23, 2012 10:00 AM
To: Urban, Richard; Ferdas, Marc
Subject: FW: Allegation R1-2011-A-0113

Rick, this action was taken. - Karl

From: Ferdas, Marc
Sent: Monday, January 23, 2012 9:05 AM
To: Farrar, Karl
Subject: RE: Allegation R1-2011-A-0113

Were you able to send an email to allegations which documents that the action was taken?

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

From: Farrar, Karl
Sent: Monday, January 23, 2012 7:53 AM
To: Ferdas, Marc
Subject: RE: Allegation R1-2011-A-0113

Yes, I have provided the info to our oig

From: Ferdas, Marc
Sent: Monday, January 23, 2012 5:54 AM
To: Farrar, Karl
Subject: Allegation R1-2011-A-0113

SENSITIVE ALLEGATION INFORMATION- NOT FOR PUBLIC DISCLOSURE
Karl,

Were you able to refer concerns 19 & 20 associated w/ the above to the Navy IG?

I have a status meeting today and the status sheet has this action as open. The issues deal w/ problems at Alameda and falsifying time sheets at Hunterspoint.

Please let me know the status, thanks

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Wednesday, January 18, 2012 8:04 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO

From: Masnyk Bailey, Orysia
Sent: Wednesday, January 18, 2012 8:02:28 PM
To: Urban, Richard; Ferdas, Marc; Hammann, Stephen
Cc: R1ALLEGATION RESOURCE
Subject: RE: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO
Auto forwarded by a Rule

The CI left a voice mail for me. Once I talk to Steve about our response we ca see if I need to call her back. I think we should because a lot of her concerns can be addressed by explaining what is and isn't a requirment at a materials site vice a reactor site.

From: Urban, Richard
Sent: Tuesday, January 17, 2012 2:14 PM
To: Ferdas, Marc; Masnyk Bailey, Orysia; Teator, Jeffrey
Cc: R1ALLEGATION RESOURCE
Subject: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO

I received a call from the CI today. She received our ack letter and was wondering if Orysia had documented the corrections she had discussed with Orysia during her inspection last week to her 21 concerns as stated in the ack letter. Since I did not know she was going to call Orysia.

Orysia, once you have revised the concerns, please provide an update to the allegations office so we can adjust future correspondence. Thanks.

McFadden, John

From: Maier, Bill
Sent: Wednesday, January 18, 2012 5:38 PM
To: shiraishi.david@dol.gov
Cc: wulff.james@dol.gov; McFadden, John; Masnyk Bailey, Orysia; Tifft, Doug
Subject: SENSITIVE ALLEGATION INFORMATION ENCLOSED - IDENTIFICATION OF AN ALLEGER
Attachments: OSHA 12-22-2011 Tetra Tech.docx

Mr. Shiraishi,

It was nice to speak with you. As we discussed over the telephone, attached is the sheet I read from with an individu concern about management inattention to unsafe work practices at Hunter's Point Naval Shipyard.

Our inspectors also spoke with the concerned individual and she does not object to sharing her name and contact information with OSHA. Her name and telephone number are:

Susan Andrews (b)(7)(C),D(8)

Please implement the appropriate controls to protect her identity from inadvertent disclosure.

Thanks and please feel free to call if you have any questions or need anything additional.

Please note my new address and telephone/fax numbers, effective December 16, 2011:

Bill Maier
Regional State Liaison Officer
USNRC Region 4
1600 East Lamar Boulevard
Arlington, TX 76011-***4511***
Tel: ***817-200-1267***
Fax: ***817-200-1122***
e-mail: bill.maier@nrc.gov

APPENDIX A
NON-RADIOLOGICAL HAZARDS DATA SHEET

PART I -ISSUE

NRC Licensee/ Certificate Holder	Name:	Tetra Tech EC, Inc.	License or Docket No.:
	Facility (if applicable)	Hunters Point, San Franciso, CA	29-31396-01

Description of Issue:

There has been an increase in occupational accidents and mistakes at Hunters Point. Staff is told to work quickly and ignore safety rules about not using cell phones or radios while driving.

Work was being performed at Hunter's Point Naval Shipyard, 200 Fisher Ave, SanFrancisco, CA 94124.

How Issue was identified:

Concerned individual reported this in an email to the Nuclear Regulatory Commission.

Licensee representative informed:

NA Name	NA Title	NA Date

Licensee Comments:

NA

Other persons informed:

NA

NA Inspector's signature	NA Telephone Number	NA Date

Part II – FOLLOW-UP

Description of immediate corrective actions taken, if any:

NA

NA Inspector's signature	NA Telephone Number	NA Date

Part III - OSHA CONTACT

OSHA Informed: YES / NO	Date Informed: _____	
Office / Person Contacted: _____ Telephone No. _____	OSHA Office: _____	Date: _____

_____
NRC OSHA Liason Officer

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Tuesday, January 17, 2012 4:09 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Tuesday, January 17, 2012 4:08:37 PM
To: Ferdas, Marc; Masnyk Bailey, Orysia; (b)(7)(C) Hammann, Stephen
Cc: R1ALLEGATION RESOURCE
Subject: RE: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO
Auto forwarded by a Rule

The acknowledged concerns with redline/strikeout or a re-write of the concerns for the file would be good. We don't need to send another letter.

From: Ferdas, Marc
Sent: Tuesday, January 17, 2012 2:24 PM
To: Urban, Richard; Masnyk Bailey, Orysia; (b)(7)(C) Hammann, Stephen
Cc: R1ALLEGATION RESOURCE
Subject: RE: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO

We were going to provide those details in our closeout response. We thought it would be better than sending another acknowledgment letter.

Would you like a list of those clarifications, can we address in our closeout response, or should we send another letter?

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

From: Urban, Richard
Sent: Tuesday, January 17, 2012 2:14 PM
To: Ferdas, Marc; Masnyk Bailey, Orysia; (b)(7)(C)
Cc: R1ALLEGATION RESOURCE
Subject: RI-2011-A-0113 Hunter's Point SENSITIVE ALLEG INFO

I received a call from the CI today. She received our ack letter and was wondering if Orysia had documented the corrections she had discussed with Orysia during her inspection last week to her 21 concerns as stated in the ack letter. Since I did not know, she was going to call Orysia.

Orysia, once you have revised the concerns, please provide an update to the allegations office so we can adjust future correspondence. Thanks.

Johnson, Sharon

From: (b)(7)(C)
Sent: Friday, January 13, 2012 3:46 PM
To: Johnson, Sharon
Subject: RE: RI-2011-A-0113 - Hunters Point

Sharon – this will be case 1-2012-019.

(b)(7)(C)

United States Nuclear Regulatory Commission
Office of Investigations
Region I
475 Allendale Rd
King of Prussia, PA 19406
Office (b)(7)(C)
Blackberry (b)(7)(C)

From: Johnson, Sharon
Sent: Wednesday, January 11, 2012 3:32 PM
To: (b)(7)(C)
Cc: Urban, Richard
Subject: RI-2011-A-0113 - Hunters Point

(b)(7)(C)

Spoke with CI – they chose OI to investigate H&I versus ADR.

Another chance for OI to excel!!!!

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Johnson, Sharon
Sent: Friday, January 13, 2012 3:19 PM
To: (b)(7)(C)
Subject: RI-2011-A-0113 - Hunters Point
Attachments: Cover Page Blue - Sensitive Allegation Material.doc; 20110113rcv.docx; 20110113rcvsupplementrcv.docx; 20110113arb1.docx; 20110113arb2.docx; 20110113arb2corrected.docx; 20110113arb3.docx

Importance: High

Attached as requested

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Urban, Richard
Sent: Thursday, January 12, 2012 7:09 AM
To: Tifft, Doug
Cc: Johnson, Sharon
Subject: RE: RI-2011-A-0113 - Hunter's Point

Thought you had it but here...

Susan Andrews
(b)(7)(C)

From: Tifft, Doug
Sent: Wednesday, January 11, 2012 2:02 PM
To: Urban, Richard
Cc: Johnson, Sharon
Subject: RE: RI-2011-A-0113 - Hunter's Point

Will do. Let me know the CI's name and contact info and I will pass along.
-Doug

From: Urban, Richard
Sent: Wednesday, January 11, 2012 1:16 PM
To: Tifft, Doug
Cc: Johnson, Sharon
Subject: RE: RI-2011-A-0113 - Hunter's Point

She said it would be OK to share her contact info.

GET ER DONE!

From: Johnson, Sharon
Sent: Friday, December 23, 2011 8:23 AM
To: Urban, Richard
Subject: FW: RI-2011-A-0113 - Hunter's Point

I do not see you cc'd on this!

From: Maier, Bill
Sent: Thursday, December 22, 2011 5:46 PM
To: Tifft, Doug
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; Johnson, Sharon
Subject: FW: RI-2011-A-0113 - Hunter's Point

Doug,

This is very lacking in details.

One lesson I've learned from OSHA is that if the referral is based on a complaint (as this one is), they need a name and contact info to follow-up with if they decide to do so. Did the individual send the e-mail anonymously? If not, does he/she object to us giving OSHA his/her contact information?

Bill

From: Tifft, Doug
Sent: Thursday, December 22, 2011 9:59 AM
To: Maier, Bill
Subject: FW: RI-2011-A-0113 - Hunter's Point

OSHA referral attached. Note that although the contractor is based out of NJ, the alleged violations occurred at the Naval Shipyard in San Francisco.

-Doug

From: Hammann, Stephen
Sent: Thursday, December 22, 2011 10:13 AM
To: Tifft, Doug
Cc: Masnyk Bailey, Orysia
Subject: RE: RI-2011-A-0113 - Hunter's Point

Doug,

I have attached the OSHA form with details of the issues. The company information is:

Tetra Tech EC, Inc.
1000 The American Road
Morris Plains, NJ 07950

Contact: (b)(7)(C)
Phone (b)(7)(C)

Let me know if you need anything else.

Steve

From: Tifft, Doug
Sent: Thursday, December 15, 2011 10:23 AM
To: Johnson, Sharon; Hammann, Stephen
Subject: RE: RI-2011-A-0113 - Hunter's Point

Steve,

Attached is the OSHA referral form you can use to put down the details of the OSHA issues. I also will need contact information (name, phone number, address) for the company.

Thanks,
-Doug

From: Johnson, Sharon
Sent: Thursday, December 15, 2011 10:04 AM
To: Hammann, Stephen
Cc: Tifft, Doug

Subject: RI-2011-A-0113 - Hunter's Point
Importance: High

FYI

Steve

At the 12/5/2011 ARB there were actions assigned to refer to OSHA and Navy IG.

Please coordinate with Doug and send us email when referrals to OSHA and Navy IG are completed.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: (b)(7)(C)
Sent: Wednesday, January 11, 2012 7:00 PM
To: Johnson, Sharon
Subject: RE: RI-2011-A-0113 - Hunters Point

Thanks Sharon – I will assign the case # on Friday (b)(7)(C)

From: Johnson, Sharon
Sent: Wednesday, January 11, 2012 3:32 PM
To: (b)(7)(C)
Cc: Urban, Richard
Subject: RI-2011-A-0113 - Hunters Point

(b)(7)(C)

Spoke with CI – they chose OI to investigate H&I versus ADR.

Another chance for OI to excel!!!!

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From:	Johnson, Sharon
Sent:	Wednesday, January 11, 2012 3:31 PM
To:	Ghasemian, Shahram
Cc:	Urban, Richard
Subject:	FW: Region I Offer for ADR
Attachments:	Cover Page Blue - Sensitive Allegation Material.doc; 20110113st1.docx

Just spoke with CI.

CI wants OI to investigate discrimination issue.

SLJ

From: Johnson, Sharon
Sent: Thursday, January 05, 2012 3:52 PM
To: Ghasemian, Shahram
Cc: Urban, Richard
Subject: Region I Offer for ADR

Attached

Sharon Law Johnson
Allegation Assistant
610-337-5374

January 11, 2012

Region IV (N Taylor) called Region I at 12:30 p.m. to inform us they received a phone call from CI for RI-2011-A-0113.

Region I returned the call to the CI at 1:05 p.m.

CI is to call Region I back with decision regarding assertion of H&I on 1/11/2012.

CI does not think the ADR process (one-on-one) is the way to go as DOL in CA has already instructed licensee to return CI to position or (b)(7)(C)

CI has already filed with CA DOL.

Only decision for CI to make is whether they want OI or not!

Johnson provided CI with her direct telephone # (610-337-5374)

CI can be reached at (b)(7)(C)

Sharon Johnson

CI called 1-11-2012 @ 3:15 p.m. Wants OI to investigate H&I.
SLJ

Urban, Richard

From: Farrar, Karl
Sent: Monday, January 09, 2012 2:52 PM
To: Urban, Richard
Cc: Ferdas, Marc; Masnyk Bailey, Orysia; Hammann, Stephen
Subject: RE: Your Request for IG - SENSITIVE ALLEG INFO

Marc, is there an address for the Navy facility in California? (I believe it is Hunters Point?) - Karl

From: Urban, Richard
Sent: Monday, January 09, 2012 2:49 PM
To: Farrar, Karl
Cc: Ferdas, Marc; Masnyk Bailey, Orysia; Hammann, Stephen
Subject: Your Request for IG - SENSITIVE ALLEG INFO

Karl,

If more is needed, DNMS would have to supply.
****

Concerns at another site (Alameda).

The CI states "According to XX they have lots of "real" problems over there. Not just little HR problems like here." This refers to Alameda, another Navy decommissioning site in California. Alameda is under concurrent Agreement State/Federal jurisdiction. California and the Navy have jurisdiction. (b)(7)(C)

Falsification of time sheets.

The CI implies that employees are falsifying their time sheets, "...why do they let [redacted] and [redacted] leave early and sometimes even add more OT to their time sheet...".

(b)(7)(C)

This is the controlling licensee located in Jersey. DNMS would have to supply a CA address.

Docket No: 03038199
Facility Name: TETRA TECH EC, INC.
Address: 1000 THE AMERICAN ROAD
MORRIS PLAINS
NJ, 07950

Johnson, Sharon

From: Johnson, Sharon
Sent: Thursday, January 05, 2012 3:52 PM
To: Ghasemian, Shahram
Cc: Urban, Richard
Subject: Region I Offer for ADR
Attachments: Cover Page Blue - Sensitive Allegation Material.doc; 20110113st1.docx

Attached

Sharon Law Johnson
Allegation Assistant
610-337-5374

JAN 5 2012

Ms. Susan V. Andrews
(b)(7)(C)

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. (b)(7)(C) 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 (b)(7)(C) 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
RETURN RECEIPT REQUESTED

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,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

Enclosures: As Stated

Distribution:
Allegation File No. RI-2011-A-0113

DOCUMENT NAME: G:\ORA\ALLEG\STATUS\20110113st1.docx

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB	RI:RC	RI:FOD	RI:SAC	
NAME	M Ferdas STH for	K Farrar	(b)(7)(C)	R Urban/jrm	
DATE	1/ 3 /2012	1/ 4 /2012	1/ 5 /2012	1/ 5 /2012	

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 (b)(7)(C) refused to allow a (b)(7)(C) to discipline a (b)(7)(C) for failure to take a required test. You stated that the (b)(7)(C) 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 (b)(7)(C) to work and that the (b)(7)(C) 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 (b)(7)(C)

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 (b)(7)(C) employee

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

JAN 5 2012

Ms. Susan V. Andrews
(b)(7)(C)

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. (b)(7)(C) 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 (b)(7)(C) 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
RETURN RECEIPT REQUESTED

McFadden, John

From: Masnyk Bailey, Orysia
Sent: Tuesday, January 03, 2012 1:21 PM
To: Maier, Bill; McFadden, John
Cc: Hammann, Stephen
Subject: RE: RI-2011-A-0113 - Hunter's Point

We will be inspecting at Hunters Point next week and will speak to the CI then. I will ask if they mind us providing contact info.

From: Maier, Bill
Sent: Tuesday, January 03, 2012 12:08 PM
To: McFadden, John
Cc: Masnyk Bailey, Orysia
Subject: FW: RI-2011-A-0113 - Hunter's Point

Hello Jack,

I got both of your voice mail messages. I have not yet contacted OSHA pending a response from Orysia (see below). If she responds that the individual has no objection to providing his/her contact information to OSHA, then I will forward it on to the OSHA Region 9 office in San Francisco. Their number is 415-625-2547.

Please note my new address and telephone/fax numbers, effective December 16, 2011:

Bill Maier
Regional State Liaison Officer
USNRC Region 4
1600 East Lamar Boulevard
Arlington, TX 76011-***4511***
Tel: ***817-200-1267***
Fax: ***817-200-1122***
e-mail: bill.maier@nrc.gov

From: Masnyk Bailey, Orysia
Sent: Friday, December 23, 2011 9:01 AM
To: Maier, Bill; Tifft, Doug
Cc: Hammann, Stephen; Johnson, Sharon
Subject: RE: RI-2011-A-0113 - Hunter's Point

I will find out if the CI minds us giving their contact info to OSHA.

From: Maier, Bill
Sent: Thursday, December 22, 2011 5:46 PM
To: Tifft, Doug
Cc: Masnyk Bailey, Orysia; Hammann, Stephen; Johnson, Sharon
Subject: FW: RI-2011-A-0113 - Hunter's Point

Doug,

This is very lacking in details.

One lesson I've learned from OSHA is that if the referral is based on a complaint (as this one is), they need a name and contact info to follow-up with if they decide to do so. Did the individual send the e-mail anonymously? If not, does he/she object to us giving OSHA his/her contact information?

Bill

From: Tifft, Doug
Sent: Thursday, December 22, 2011 9:59 AM
To: Maier, Bill
Subject: FW: RI-2011-A-0113 - Hunter's Point

OSHA referral attached. Note that although the contractor is based out of NJ, the alleged violations occurred at the Naval Shipyard in San Francisco.

-Doug

From: Hammann, Stephen
Sent: Thursday, December 22, 2011 10:13 AM
To: Tifft, Doug
Cc: Masnyk Bailey, Orysia
Subject: RE: RI-2011-A-0113 - Hunter's Point

Doug,

I have attached the OSHA form with details of the issues. The company information is:

Tetra Tech EC, Inc.
1000 The American Road
Morris Plains, NJ 07950

Contact: (b)(7)(C)
Phone: (b)(7)(C)

Let me know if you need anything else.

Steve

From: Tifft, Doug
Sent: Thursday, December 15, 2011 10:23 AM
To: Johnson, Sharon; Hammann, Stephen
Subject: RE: RI-2011-A-0113 - Hunter's Point

Steve,

Attached is the OSHA referral form you can use to put down the details of the OSHA issues. I also will need contact information (name, phone number, address) for the company.

Thanks,
-Doug

From: Johnson, Sharon
Sent: Thursday, December 15, 2011 10:04 AM
To: Hammann, Stephen
Cc: Tifft, Doug
Subject: RI-2011-A-0113 - Hunter's Point
Importance: High

FYI

Steve

At the 12/5/2011 ARB there were actions assigned to refer to OSHA and Navy IG.

Please coordinate with Doug and send us email when referrals to OSHA and Navy IG are completed.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: Hammann, Stephen
Sent: Tuesday, January 03, 2012 2:39 PM
To: Johnson, Sharon
Subject: RE: OI Interview Transcript RI-2011-A-0113 vs RI-=2011-A-0019

No problem, I finished reviewing it anyway

From: Johnson, Sharon
Sent: Tuesday, January 03, 2012 2:35 PM
To: Hammann, Stephen
Cc: Urban, Richard
Subject: OI Interview Transcript RI-2011-A-0113 vs RI-=2011-A-0019
Importance: High

STEVE

FIRST I HUMBLY AND WHOLE HEARTEDLY APOLOGIZE!!!!

After doing some research on the confusion, it would appear to me that the OI interview transcript (1-2012-002) (b)(7)(C) for the [redacted] does actually belong to RI-2011-A-0019, as a (b)(7)(C) It should still be reviewed to ascertain if there are any new issues that apply to either case.

The latter case, RI-2011-A-0113 has not even been offered ADR or OI let alone DOL although they have filed a complaint with DOL.

So – there is no real rush to review the transcript if you really do not have the time – just let me know please.

SORRY!!!!!!

Sharon Law Johnson
Allegation Assistant
610-337-5374

McFadden, John

From: McFadden, John
Sent: Thursday, December 29, 2011 12:21 PM
To: Farrar, Karl
Cc: Urban, Richard; Johnson, Sharon; McFadden, John; Hammann, Stephen
Subject: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - 20110113arb2corrected.docx
Attachments: Cover Page_Blue - Sensitive Allegation Material.doc; 20110113arb2corrected.docx

SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE

Karl
I have been told that Disposition Action 4 in the attached ARB form was meant to be done verbally, not in writing/letter. Is that also your understanding?
Jack

McFadden, John

From: R1ALLEGATION RESOURCE
Sent: Wednesday, December 28, 2011 3:17 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: RI-2011-A-0113

From: Hammann, Stephen
Sent: Wednesday, December 28, 2011 3:16:44 PM
To: R1ALLEGATION RESOURCE
Subject: FW: RI-2011-A-0113
Auto forwarded by a Rule

From: Hammann, Stephen
Sent: Wednesday, December 28, 2011 3:01 PM
To: Urban, Richard
Subject: RE: RI-2011-A-0113

We have captured all the concerns including those in the Munoz receipt form of 12/11/11

From: Urban, Richard
Sent: Friday, December 23, 2011 10:57 AM
To: Joustra, Judith; Hammann, Stephen; Masnyk Bailey, Orysia
Cc: R1ALLEGATION RESOURCE
Subject: RI-2011-A-0113

I have the Navy IG referral letter drafted but I would like to place it into concurrence with her status letter. I have drafed the cover letter but I need Enclosure 1 from you guys. There are like twenty-some concerns and we have taken action on a few of them. I would again ask that we be sure we have captured all her concerns, including those in the Munoz receipt form of 12/10/11. Once we receive Enclosure 1, Jack can get the letters into concurrence next week.

McFadden, John

From: R1ALLEGATION RESOURCE
Sent: Wednesday, December 28, 2011 1:58 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: WARNING CONTAINS ALLEGATION INFORMATION (2011-A-0138) and (2011-A-0113).

From: Farrar, Karl
Sent: Wednesday, December 28, 2011 1:58:17 PM
To: Hammann, Stephen; R1ALLEGATION RESOURCE
Subject: RE: WARNING CONTAINS ALLEGATION INFORMATION (2011-A-0138) and (2011-A-0113).
Auto forwarded by a Rule

Steve, as indicated during our discussion last week, the CI's ion both cases made out a prima facie case. In the first case (2001-A-0138), the protected activity would be raising the issues about the health physicist not being qualified to perform the job and the adverse act would be the individual being fired. In the second case, the protected activity would be raising issues regarding the employees exiting the RCA without being monitored and the adverse act would be the CI being laid off. Karl

From: Hammann, Stephen
Sent: Wednesday, December 28, 2011 10:19 AM
To: Farrar, Karl
Subject: WARNING CONTAINS ALLEGATION INFORMATION

Karl,

During last week's allegation panel there were two separate cases we need a prima facie determination to be made. The disposition was for me to provide the information to you and for you to make the determinations and respond via email to R1Allegation Resource.

Discussion of events for prima facie determination

2011-A-0138

(b)(7)(C) CI believes he was terminated for raising safety concerns. Specifically, the CI told his supervisor that he believed one of the health physicists working on the Hunters Point remediation project is not qualified as a health physicist and had falsified [redacted] job history. According to the CI his supervisor took the concern to the (b)(7)(C) and that the [redacted] (b)(7)(C) told the supervisor that he wanted the CI removed from the site. The CI claims he was fired the next day.

(b)(7)(C)

2011-A-0113

The CI believes she was retaliated against (laid off on 12/16/11) for attempting to address/correct radiation safety practices and acting as a silent witness in a State of California Labor Commission hearing regarding another employee who (b)(7)(C). Specifically, the CI had notified her management that safety concerns existed, such as employees exiting the RCA without being first being monitored for contaminants and employees who were not qualified

licensee knew she acted as a silent witness in a State of California Labor Commission hearing and she was subsequently laid off.

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

McFadden, John

From: R1ALLEGATION RESOURCE
Sent: Tuesday, December 27, 2011 8:39 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: ****SENSITIVE ALLEGATIONS MATERIAL****
Attachments: Enclosure 1.2011-A-0113.docx

From: Hammann, Stephen
Sent: Tuesday, December 27, 2011 8:38:41 AM
To: R1ALLEGATION RESOURCE
Cc: Masnyk Bailey, Orysia
Subject: ****SENSITIVE ALLEGATIONS MATERIAL****
Auto forwarded by a Rule

Attached is enclosure 1 for 2011-A-0113

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

McFadden, John

From: R1ALLEGATION RESOURCE
Sent: Thursday, December 22, 2011 3:25 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: *******Sensative Allegation Material*******
Attachments: Navy.IG.referral.docx

From: Hammann, Stephen
Sent: Thursday, December 22, 2011 3:24:51 PM
To: R1ALLEGATION RESOURCE
Subject: *******Sensative Allegation Material*******
Auto forwarded by a Rule

Attached is the Navy IG referral letter and enclosure 1 with the concerns listed. A second enclosure, the Navy response to our RFI dated 6/232010, needs to be added.

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

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

Office of the Naval Inspector General
Building 172
1254 Ninth Street, S.E.
Washington Navy Yard, DC 20374-5006

SUBJECT: REFERRAL OF CONCERNS RECEIVED BY THE NRC REGARDING TREASURE ISLAND

Dear Sirs:

By letter dated September 12, 2011, the NRC sent you a letter concerning activities at Treasure Island and Long Beach Shipyard located in California. Recently, the NRC was notified of additional issues involving Treasure Island, which is a Navy Base Relocation and Closure (BRAC) site in California. We have enclosed the specific concerns (Enclosure 1) for your review and any action you deem appropriate. This letter is being transmitted in consultation with the NRC Office of Inspection General (OIG).

Similar concerns to those delineated in Enclosure 1 have been brought to the attention of the Navy Master Materials License No. 45-23645-01NA in March 2010. We have enclosed (Enclosure 2) their response dated June 23, 2010, to our Request for Information (RFI).

The NRC and the Department of Defense are involved in discussions over the implementation of the NRC's jurisdiction at BRAC sites. Therefore we determined that, since you are already reviewing similar issues, referring these concerns to you is the best course of action for timely review of the concerns.

If you have any questions regarding these concerns, please contact Mr. Marc Ferdas of this office at (610) 337-5022, or via email at Marc.Ferdas@nrc.gov.

Sincerely,

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Enclosures: As Stated

Distribution:
Allegation File No. RI-2011-A-0113

SUNSI Review Complete: OMB (Reviewer's Initials)
DOCUMENT NAME: G:\WordDocs\Current\Misc Letter\LNavyIGreferral.doc
After declaring this document "An Official Agency Record" it will be released to the Public.
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS		DNMS		ORA		OGC		DNMS	
NAME	OMasnyk Bailey		MFerdas		RUrban		KFarrar		RLorson	
DATE										

ENCLOSURE 1

1. The CI asserts that the Final Environmental Impact Report (EIR) for the Treasure Island/Yerba Buena Island Redevelopment Project, presented to and approved by the Board of Supervisors, "deliberately minimized areas impacted with radionuclides." This document apparently characterizes the site as having contamination "isolated to a small portion of Site 12 and Building 233" and does not include areas 30, 31, and 33, where contamination has been found. The submitted EIR supports a Finding of Suitability to Transfer (FOST) which has been disputed by the California Department of Public Health.

2. The CI asserts that the contractor at Treasure Island, Shaw Environmental, engages in "highly questionable remediation activities", including lack of proper data about test trenches and backfilled areas, waste shipments, waste profiles, holding spots, waste receiving facilities, high-level waste, and site characterization. As evidence, the CI offers the fact that Shaw Environmental has been issued numerous violations by California Department of Public Health and has been asked to change many of its radiological practices.

3. The CI asserts that there is a lack of evidence that only short lived radionuclides were used at a training mock up of a ship, the USS Pandemonium, or that the two locations where the ship stood were properly surveyed.

6. The CI asserts that soil movement at Treasure Island has led to the spread of contamination to non-impacted areas of Treasure Island and Yerba Buena Island. Consequently, the Bay Bridge on/off ramps and historical properties on Yerba Buena Island should be surveyed.

4. The CI questions the ongoing groundwater monitoring at Treasure Island since radium-226 has been found in wells in parts of Site 12.

5. The CI asserts that there are ongoing problems with decommissioning at Treasure Island, CA, and is concerned that the site has not been properly characterized, decommissioned, or released.

6. The CI asserts that the 2006 Treasure Island Historical Radiological Assessment (HRA) is inaccurate in that it indicates that there were no radiologically impacted sites at Treasure Island and was not updated when radioactive contamination and discrete radioactive sources were found. He states that the HRA was found to be "flawed" by California Department of Public Health, and that contractor work plans are based on this inaccurate document.

7. The CI has particular concerns about Site 31, as follows: the potential radiological impact of Site 31 has been ignored; dirt excavated from within the fenced area of the site is significantly contaminated with radionuclides, in particular radium 226; no radiological controls were in place during past fieldwork in Site 31; and, the wind may have distributed contamination to an adjacent Child Development Center and a Boys and Girls

Club, and to residents of Treasure Island in general.

8. The CI asserts that Treasure Island has not been properly characterized for possible radiological contamination.

9. The CI asserts that radium buttons were distributed to thousands of attendees of the 1939 World's Fair, which may be the source of some of the radium found at the site.

10. The CI asserts that the Navy has failed to timely follow through on surveys, screening, and sampling of known debris disposal areas such as Site 31.

McFadden, John

From: R1ALLEGATION RESOURCE
Sent: Thursday, December 22, 2011 1:35 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: RI-2011-A-0113
Attachments: OSHA 12-22-2011 Tetra Tech.docx

From: Tifft, Doug
Sent: Thursday, December 22, 2011 1:35:05 PM
To: R1ALLEGATION RESOURCE
Subject: RI-2011-A-0113
Auto forwarded by a Rule

Attached OSHA referral form was sent to Region IV SLO for OSHA referral.

-Doug

Doug Tifft
Regional State Liaison Officer
Office: 610-337-6918
(b)(7)(C)

APPENDIX A
NON-RADIOLOGICAL HAZARDS DATA SHEET

PART I -ISSUE

NRC Licensee/ Certificate Holder	Name:	Tetra Tech EC, Inc.	License or Docket No.:
	Facility (if applicable)	Hunters Point, San Franciso, CA	29-31396-01

Description of Issue:

There has been an increase in occupational accidents and mistakes at Hunters Point. Staff is told to work quickly and ignore safety rules about not using cell phones or radios while driving.

Work was being performed at Hunter's Point Naval Shipyard, 200 Fisher Ave, SanFrancisco, CA 94124.

How Issue was identified:

Concerned individual reported this in an email to the Nuclear Regulatory Commission.

Licensee representative informed:

NA	NA	NA
Name	Title	Date

Licensee Comments:

NA

Other persons informed:

NA

NA	NA	NA
Inspector's signature	Telephone Number	Date

Part II – FOLLOW-UP

Description of immediate corrective actions taken, if any:

NA

NA	NA	NA
Inspector's signature	Telephone Number	Date

Part III - OSHA CONTACT

OSHA Informed: YES / NO	Date Informed: _____	
Office / Person Contacted: _____ Telephone No. _____	OSHA Office: _____	Date: _____

_____
NRC OSHA Liason Officer

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ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0113
Site/Facility: Navy – Hunters Point, CA (decommissioning site)
ARB Date: 12/21/2011

Branch Chief (AOC): Ferdas
Acknowledged: No
Confidentiality Granted: NO, email sent to OI

Concern(s) Discussed:

1. CI alleges that she was terminated by Tetra Tech for "Attempts to address/correct observations considered adverse to industry standard radiation safety practices as well as regulatory license compliance...". Also, CI contends that she was fired after "participating as a silent witness" in discrimination hearing for another (b)(7)(C) Tetra Tech employee.

   Security Category: N/A

Does alleger object to providing concerns to the licensee via an RFI? Need to find out from Allegations and/or OI.

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson **Branch Chief:** Hammann **SAC:** Urban **OI:** (b)(7)(C)
RI Counsel: **Others:** Masnyk Bailey, Holody, Orendi, Spitzberg (RIV)

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

N/A _____ RFI Inspection or Investigation _____ Both _____

DISPOSITION ACTIONS

1. Regional counsel to confirm via e-mail that the CI has made a prima facie case of discrimination. DB to provide Regional Counsel documentation for decision.

   Responsible Person: Farrar **ECD:** 12/30/11
   Closure Documentation: e-mail **Completed:**

2. Status letter update. Status letter with offer of ADR/OI/DOL rights. Also ack the additional tech concerns as described during the previous ARB.

   Responsible Person: Urban/Ferdas **ECD:** 12/30/2011
   Closure Documentation: **Completed:**

SAFETY CONCERN: Chilling effect on contractor staff

PRIORITY OF OI INVESTIGATION: High

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?

G:\ora\alleg\panel\20110113arb3.docx

NOTES:

Repanel of RI-2011-A-0113. CI sent in letter clarifying previous concerns and added this concern.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

Johnson, Sharon

From:	R1ALLEGATION RESOURCE
Sent:	Tuesday, December 20, 2011 4:21 PM
To:	Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject:	FW: *****Sensitive Allegation Material********
Attachments:	ALEUT New Allegation Receipt Form.pdf - Adobe Acrobat Pro.pdf; Tetra Tech - Hunters Point [Susan Andrews...]

From: Urban, Richard
Sent: Tuesday, December 20, 2011 4:20:41 PM
To: R1ALLEGATION RESOURCE
Subject: FW: *****Sensitive Allegation Material********
Auto forwarded by a Rule

From: Hammann, Stephen
Sent: Tuesday, December 20, 2011 3:16 PM
To: Urban, Richard
Cc: Masnyk Bailey, Orysia
Subject: FW: *****Sensitive Allegation Material********

From RIV

From: Vasquez, Michael
Sent: Tuesday, December 20, 2011 3:00 PM
To: Hammann, Stephen
Subject: FW: *****Sensitive Allegation Material********

From: Vasquez, Michael
Sent: Tuesday, December 20, 2011 1:50 PM
To: Roberts, Mark
Subject: FW: *****Sensitive Allegation Material********

I don't know if our allegations people have had a chance to forward this to your allegations people. It's related to work at the same site – Hunters Point.

From: Munoz, Rick
Sent: Monday, December 12, 2011 3:29 PM
To: R4_AVAIL_DNMS_MSA Resource
Cc: Vasquez, Michael
Subject: *****Sensitive Allegation Material********

Rick Munoz

Johnson, Sharon

From: (b)(7)(C)
Sent: Friday, December 09, 2011 5:24 PM
To: Munoz, Rick
Subject: Tetra Tech - Hunters Point Susan Andrews...

Rick -

I just got off the phone with Susan Andrews - she is the person I was referring to during our last conversation that "still worked at the project, saw wrongdoing, and reported as such to Region I. (Also one of my "active on-site witnesses from a list requested by (b)(7)(C) Region I, who agreed to talk to him and risk the interview).

Ms Andrews was terminated today at Hunters Point. Word was provided by her supervisor (b)(7)(C) per Susan, he told her it was (b)(7)(C) decision (b)(7)(C) not his. Its being treated as an end of year reduction in force. I gave Susan your cell phone number and asked her to call you immediately - told her my take is you'll want to know.

I've also given her the phone number's for Cathy Daly, California Labor Commissioner's Office, Retaliation Unit as well as (b)(7)(C) Firm.

I hope Susan gets through....

Best regards,

Bert Bowers
(b)(7)(C)

Allegation Receipt Form

Allegation Number: RIV-2011 -A-

Form last updated: 10/20/11

Received By: Rick Munoz **Receipt Date:** 12/11/2010

Facility/Outside Org Name: Bering Sea Environmental LLC., dba Aleut World Solutions (AWS)

GENERAL INFORMATION: CONCERN # 1

Concern (one or two sentences):

Aleut World Solutions (AWS) Radiation Work Permits and Standard Operating Procedures are not being implemented as written and are continuously being violated. Management is knowingly allowing these violations to continue.

Concern Details and Comments

Field worker union laborers were pulling soil samples without HP supervision resulting in cross contamination and failiing t frisk-out of Radiologically Controlled Areas/Radiologically Managed Areas (RCA/RMA)as per (RWP 002011-001) including b drivers entering and exiting the RCA/RMAs. Samples are secured at the HP check point and were being carried to the mobil lab in and out by (b)(7)(C) The (b)(7)(C) with no Ra training nor signed on the work permit or HP sign-in sheet which was observed by three HP's including a Tetra Tech supervisor was also observed drinking a soft drink within the RCA/RMA and collecting soil sample containers without frisking. Once the (b)(7)(C) knows the Navy or NRC is on site, the workers are notified of the inspection during the 7:30 am meetings to curtail any non essential activities and operate as per procedure.

What records, documents, or other evidence should the NRC review?

No records other than testimony from other senior HPs in RSY-4 and RSY-2

(b)(7)(C) HP
(b)(7)(C) Supervisor
(b)(7)(C) HP AWS
(b)(7)(C) HP, AWS
(b)(7)(C) RSRS.
(b)(7)(C) HP, AWS
(b)(7)(C) or HP, AWS
(b)(7)(C) HP, AWS

What other individuals (witnesses or other sources) could the NRC contact for information?

(b)(7)(C) Supervisor (b)(7)(C), APM

What is the potential safety impact? Is this an ongoing concern? Is it an immediate safety or security concern? *If the concern is an immediate and/or ongoing concern, the issue must be promptly called in to your Branch Chief.*

Residual radioactivity (is not an immediate safety concern) These non-compliance activities are on-going.

Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP)? What actions have been taken? If not, why not?

Yes and no corrective actions have been taken other than firings. The last time she reported non-compliance was Decembe 2, 2011. She was notified on December 9, 2011 of the termination.

What requirement/regulation governs this concern?

License Tie-Down Conditions, Procedural Violations, 10 CFR 20.1902, 10 CFR 20.1301

HARRASSMENT AND INTIMIDATION (H&I)

Regulations prohibit NRC licensees, contractors, & subcontractors from discriminating against, harassing, or intimidating individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices unlawful by statutes, etc.).

Does the concern involve discrimination or H&I? *If "No," proceed to page 2.* ○ Yes ◉ No

Was the individual advised of the DOL process? ○ Yes ◉ No

What was the protected activity? When did it occur?

Who in managment/supervision was aware of the protected activity? When and how were they made aware?

What adverse actions have been taken (termination, demotion, etc)? When? What was management's reason for action?

Allegation Receipt Form

Allegation Number: RIV-2011-A-

Form last updated: 10/20/11

Why does the alleger believe the actions were taken as a result of engaging in a protected activity?

Allegation Receipt Form

Allegation Number: RIV-2011-A-

Form last updated: 10/20/11

GENERAL INFORMATION: CONCERN # 2

Concern (one or two sentences):

The CI (senior Health Physicist) was terminated by Aleut Solutions, a sub-contractor for Tetra Tech, for raising safety concerns. The CI feels the reason for the lay off was because she had raised concerns one too many times.

Concern Details and Comments

The reason given was that Tetra Tech needed to down size the number of Health Physicists by two, as requested by the navy contract (CTO-04). The CI has worked at hunters point for 6.5 years worked and as an HP for nine years. The CI stated "There is a chilling effect at Tetra Tech. If the RSO was fired for raising non-compliance issues what would they do me?" She stated that she was prohibited from speaking to the Tetra Tech RSO who has since been fired.

What records, documents, or other evidence should the NRC review?

No records other than testimony from other senior Health Physicists working in in RSY-4 and RSY-2

See Concern #1

What other individuals (witnesses or other sources) could the NRC contact for information?

See Concern #1

What is the potential safety impact? Is this an ongoing concern? Is it an immediate safety or security concern? *If the concern is an immediate and/or ongoing concern, the issue must be promptly called in to your Branch Chief.*

See concern #1

Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP)? What actions have been taken? If not, why not?

Yes.

What requirement/regulation governs this concern?

10 CFR 30.7

HARRASSMENT AND INTIMIDATION (H&I)

Regulations prohibit NRC licensees, contractors, & subcontractors from discriminating against, harassing, or intimidating individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices unlawful by statutes, etc.).

Does the concern involve discrimination or H&I? *If "No," proceed to page 2.* (•) Yes ( ) No

Was the individual advised of the DOL process? (•) Yes ( ) No

What was the protected activity? When did it occur?

The CI raised the concern that radiation decontamination Surveys , soil sample collection, and sample preparation was not being performed which was contrary to established procedures. She also stated that there were exposures to a member of the public. As samples are secured at the HP check point, they were being carried in and out to the mobile lab by the (b)(7)(C) with no Rad training nor signe on the work permit or HP sign-in sheet which was observed by three HP's including a Tetra Tech supervisor. The procedures for the NRC licensees working these sites commit to establishing and implementing procedures relative to radiological controls and radiation safety. The last time she reported non-compliance was December 2, 2011. She was notified on December 9, 2011 of the termination.

Who in managment/supervision was aware of the protected activity? When and how were they made aware?

(b)(7)(C) **the CI immediate supervisor. The CI informed the supervisor numerous times on numerous occasions. He responded by saying "I can't do anything about it".**

What adverse actions have been taken (termination, demotion, etc)? When? What was management's reason for action?

Management's reason was that the CI was terminated because of reduction in force. The termination effective date will be December 16, 2011

Allegation Receipt Form

Allegation Number: RIV-2011-A-

Form last updated: 10/20/11

Concern #1 & #3. Also, in the pas (b)(7)(C) the CI's supervisor told her not to speak to Burt Bowers (former RSO Tetra Tech) because Bowers would attempt to fix non-compliance issues. And, Bowers was fired for raising safety concerns (activ OI investigation)

Allegation Receipt Form

Allegation Number: RIV-2011-A-

Form last updated: 10/20/11

GENERAL INFORMATION: CONCERN # 3

Concern (one or two sentences):

Equipment and individuals are entering and exiting RCA/RMAs without proper radioactive contamination surveys to releas for unrestricted use.

Concern Details and Comments

There was one occasion where egress from an RCA/RMS was noted by her supervisor. The supervisor brought it to the attention of (b)(7)(C) Supervisor (b)(7)(C) who informed the CIs supervisor that (b)(7)(C) would not be written up. If anyone was going to be written up it was going to be him because he told her to disregard the procedure. Later that day, after the work shift, the CI overheard an argument between her immediate supervisor (b)(7)(C) and (b)(7)(C) The (b)(7)(C) was arguing that no one was going to b written up and everybody was to forget about the non-compliance issue and it was over. (b)(7)(C)

What records, documents, or other evidence should the NRC review?

No records other than testimony from other senior Health Physicists working in in RSY-4 and RSY-2
See Concern #1

What other individuals (witnesses or other sources) could the NRC contact for information?

See Concern #1

What is the potential safety impact? Is this an ongoing concern? Is it an immediate safety or security concern? *If the concern is an immediate and/or ongoing concern, the issue must be promptly called in to your Branch Chief.*

Residual radioactivity (is not an immediate safety concern) These non-compliance activities are on-going.

Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP)? What actions have been taken? If not, why not?

Yes and no corrective actions have been taken other than firings. The last time she reported non-compliance was Decembe 2, 2011. She was notified on December 9, 2011 of the termination.

What requirement/regulation governs this concern?

License Tie-Down Conditions, Procedural Violations, 10 CFR 20.1902, 10 CFR 20.1301

HARRASSMENT AND INTIMIDATION (H&I)

Regulations prohibit NRC licensees, contractors, & subcontractors from discriminating against, harassing, or intimidating individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices unlawful by statutes, etc.).

Does the concern involve discrimination or H&I? *If "No," proceed to page 2.* ○ Yes ◉ No

Was the individual advised of the DOL process? ○ Yes ◉ No

What was the protected activity? When did it occur?

Who in managment/supervision was aware of the protected activity? When and how were they made aware?

What adverse actions have been taken (termination, demotion, etc)? When? What was management's reason for action?

Why does the alleger believe the actions were taken as a result of engaging in a protected activity?

Allegation Receipt Form

Allegation Number: RIV-2011-A-

Form last updated: 10/20/11

ALLEGATION INFORMATION

Allegation Received by: ☒ Phone/Voice Mail ☐ Letter ☐ Email ☐ Fax ☐ In-Person ☐ Inspection

☐ Other *(describe):*

Was this allegation identified by the NRC or a licensee acting in their official capacity? ○ **Yes** ○ **No**

ALLEGER INFORMATION

Full Name: Susan Andrews **Email:**

Mailing Address: (b)(7)(C) **Telephone:** (b)(7)(C) **cell (main number)**

(b)(7)(C) **hom**

Employer: Aelut World Solutions **Occupation:** Senior HP

Relationship to Facility:

☒ Licensee Employee
☐ Former Licensee Employee
☐ Contractor Employee
☐ Former Contractor Employee
☐ Other *(describe):*
☐ Private Citizen
☐ News Media
☐ Special Interest Group
☐ Other Federal Agency
☐ State Agency
☐ Municipal Government
☐ Fed/State/Local Govt Employee
☐ OI ☐ IG Confidential Source

ALLEGER PREFERENCE FOR FUTURE CORRESPONDENCE

Contact by: ☒ Telephone
☐ Postal Service
☐ Email

Best time to contact: Between 5 ○ am ● pm and 10 ○ am ● pm

or: Between ____ ○ am ○ pm and ____ ○ am ○ pm

Other Requests/Comments:

LICENSEE INFORMATION REQUEST & INDIVIDUAL IDENTITY PROTECTION

Explain that if concerns are discussed with or information is requested from the licensee, the alleger's identity will not be revealed. This contact is necessary for the NRC to conduct our independent evaluation for the concerns. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will transfer the concern to the appropriate party. If the alleger agrees, we may provide the alleger's identity for follow-up.

Does the alleger OBJECT to the NRC requesting information from the licensee to support an evaluation? ● **Yes** ○ **No**

Does the alleger OBJECT to the release of their identity? *Explain in certain situations (ie: discrimination cases), their identity will need to be released in order for the NRC to obtain specific and related information from the licensee.* ○ **Yes** ● **No**

ADDITIONAL CONTACT INFORMATION

NRC Headquarters
HOO (Immediate Safety Concerns): 1-301-816-5100
Non-emergency Toll-Free Hotline*: 1-800-695-7403
**This hotline is not recorded from 7am-5pm Eastern. After hours, this call will be transferred to a recorded line.*

RIV Allegations
Hotline: 1-800-952-9677 ext. 245
Fax:1-817-276-6525
Email: R4Allegation@nrc.gov

Department of Labor
Main Call Center: 1-866-4-USA-DOL (M-F, 8am-5pm)
http://www.dol.gov
Discrimination/Wage/Back-Pay Issues: 1-866-487-9243
TTY for all DOL issues: 1-877-889-5627

OSHA
1-800-321-OSHA Regional Offices:
http://www.osha.gov/html/RAmap.html

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Tuesday, December 20, 2011 10:45 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: ******Sensative Allegation Material*******
Attachments: RI-2011-A-0113#2ARB.repanel.docx; 2011-A-0138.rev1.ARB.docx

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From: Hammann, Stephen
Sent: Tuesday, December 20, 2011 10:44:47 AM
To: R1ALLEGATION RESOURCE
Subject: ******Sensative Allegation Material*******
Auto forwarded by a Rule

Attached are rev 1 of the ARB disposition forms for 113 and 138. Only minor editing, no real changes to the concerns or dispositions.

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

Johnson, Sharon

From:	Masnyk Bailey, Orysia
Sent:	Monday, December 19, 2011 4:56 PM
To:	Urban, Richard; Johnson, Sharon; Hammann, Stephen; Modes, Kathy; Roberts. Mark: R1ALLEGATION RESOURCE
Subject:	RE: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - FW: Susan Andrews
Attachments:	RI-2011-A-0113#2ARBDisposition.docx

The only new allegation here is that the CI was fired for raising safety concerns and participating in another Tetra Tech employees discrimination suit. Attached is an ARB disposition form for that new allegation.

Mark or Steve please add this to the panel on Wednesday. This is No. 2 on Kathy's list.

From: McFadden, John
Sent: Friday, December 16, 2011 8:38 AM
To: Ferdas, Marc
Cc: Urban, Richard; Johnson, Sharon; McFadden, John; Hammann, Stephen; Modes, Kathy; Roberts, Mark; Masnyk Bailey, Orysia
Subject: RE: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - FW: Susan Andrews

Marc
This CI provided two concerns to OI on 10/27/2011 (RI-2011-A-0113) which were acknowledged in a letter dated 11/17/2011. Via emails received on 11/21/2011, this CI provided an additional 19 concerns (still RI-2011-A-0113).
The CI's letter with the "Comments" listed on the right-hand side of the pages is the additional information provided to OI on 12/10/2011. It appears that this additional information includes at least a claim of discrimination. We need your Branch to check the CI's letter for any other additional concerns.
Rick is out today but will be back in the office Monday. I will be out of the office next week so all emails should be sent to R1Allegation Resource.
I believe that Rick intends to handle this additional information/concerns in RI-2011-A-0113. Rick will decide if a supplemental allegation receipt report is required but an ARB for the additional concerns is a certainty. I believe that paneling the new discrimination concern and any additional technical concerns on Wednesday 12/21/2011 with OI in attendance would be sufficient and appropriate.
If there are any questions, please call.
Jack
X5257

From: Ferdas, Marc
Sent: Thursday, December 15, 2011 9:50 PM
To: McFadden, John; Masnyk Bailey, Orysia
Cc: Urban, Richard; Johnson, Sharon; Hammann, Stephen; Modes, Kathy; Roberts, Mark
Subject: RE: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - FW: Susan Andrews

Rick/Jack,
Is this the additional information that the CI stated they would provide? If so should we draft a receipt report and ARB form? Looks like regional council will need to make a prima facia case?

Please advise? Also, we will need to panel this soon. We have an inspection planned for early Jan 2012 and need to know if we should continue to pursue or await for OI.

Branch 4,
Based on response on questions above, will need to get the paper work in ASAP. thx

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

From: McFadden, John
Sent: Thursday, December 15, 2011 12:02 PM
To: Masnyk Bailey, Orysia
Cc: Urban, Richard; Johnson, Sharon; McFadden, John; Ferdas, Marc
Subject: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE -(FW: Susan Andrews)

SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE

U.S. NUCLEAR REGULATORY COMMISSION

- - - WARNING - - -

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NRC FORM 762
(9-2005)

Orysia
This is related to the email which I sent on 12/13 (attached). Please review the attached letter from the CI for any additional technical concerns other than the claim of discrimination. If you have any questions, please call me.
Thanks, Jack
610.337.5257

From: Urban, Richard
Sent: Tuesday, December 13, 2011 8:56 AM
To: McFadden, John
Subject: FW: Susan Andrews

From: (b)(7)(C)
Sent: Monday, December 12, 2011 10:35 AM
To: Urban, Richard
Subject: FW: Susan Andrews

See below

From: (b)(7)(C)
Sent: Saturday, December 10, 2011 10:53 AM
To: (b)(7)(C)
Subject: Susan Andrews

Hello, (b)(7)(C) This is Susan Andrews from (b)(7)(C) We talked in my home on October 26, 2011 about my concern at Hunters Point Shipyard Project.
I got a letter from Richard Urban regarding my concerns. I'm mailing him additional information on this subject matter. I am also attaching you a copy of what I am mailing to him.

I also way informed by my Tetra Tech supervisor (b)(7)(C), on Friday, December 9, 2011 that I was being laid-off on December 16, 2011.

Thanks for all your help in this matter,
Susan Andrews
(b)(7)(C)

Urban, Richard

From: Johnson, Sharon
Sent: Monday, December 19, 2011 4:53 PM
To: Teator, Jeffrey
Cc: Urban, Richard; Roberts, Mark
Subject: RI-2011-A-0019 - Tetra Tech

Importance: High

Jeff

Mark Roberts has asked if the OI interview transcript (1-2012-002) can be provided to Orysia Masnyk-Bailey for review.

Orysia's official work duty station is her residence and that is where this document would have to go.

RI-2011-A-0019 and 1-2012-002

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Monday, December 19, 2011 2:43 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: WARNING CONTAINS ALLEGATION INFORMATION

From: Masnyk Bailey, Orysia
Sent: Monday, December 19, 2011 2:43:25 PM
To: McNamara, Nancy; Tifft, Doug
Cc: Modes, Kathy; Hammann, Stephen; Roberts, Mark; R1ALLEGATION RESOURCE
Subject: WARNING CONTAINS ALLEGATION INFORMATION
Auto forwarded by a Rule

During a panel for Allegation r1-2011-A-0113, a safety issue came up and the panel determined that the concern should be referred to the OSHA office that can address a safety concern at Hunters Point, CA, a Navy Base Relocation and Closure site with exclusive Federal jurisdiction.

The concerned individual stated that there ahs been an increase in occupational accidents and mistakes at Hunters Point. Examples given were that Tetra Tech employees, a contractor at Hunters Point, were told to work quickly and ignore safety rules about not using their cell phones or radios while driving.

From: McNamara, Nancy
Sent: Sunday, December 11, 2011 10:58 PM
To: Masnyk Bailey, Orysia
Subject: OHSA referral

Hi Orysia. I will be at a conference this week and then on leave. Please send the OSHA referral information that you and I discussed last week to Doug Tifft. Doug is the other SLO and can handle it for you. I told him to expect the information from you.

Regards,
Nancy

Johnson, Sharon

From: Masnyk Bailey, Orysia
Sent: Monday, December 19, 2011 11:14 AM
To: Roberts, Mark
Cc: Johnson, Sharon
Subject: WARNING CONTAINS ALLEGATION INFORMATION
Attachments: LNavylGreferral.doc; TI11-14&30-2011arb1.docx; 20110113arb2.docx

Mark, this determined to not be an allegation because we don't have jurisdiction.

The ARB disposition forms are attached. This is # 10 on Kathy's list. This refers the issues to the Navy IG for both forms. There is a mistake on the forms since No. 2 from R1-2011-A-0113 goes to OSHA not the IG.

If this look OK and we get Enclosure 2 we can start concurrence. Karl may have already spoken to the Navy IG.

I have attached the referral letter to the IG for Lorson's signature. I have Enclosure 1 but Allegations needs to give us Enclosure 2 which will be Navy to NRC letter dated June 23, 2010 in response to our RFI for R1-2010-A-0020.

Sharon, could you please send mark an electronic copy of that letter so we can add it as an enclosure.

Thanks.

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ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-XXXX
Site/Facility: Treasure Island, CA – Navy BRAC site
ARB Date: 12/5/2011

Branch Chief (AOC): Ferdas

Confidentiality Granted: No

Concern(s) Discussed:

None of the concerns have a security component:

(1) The concerned individual (CI) understands that NRC now has jurisdiction over radium-226 and questions if NRC has been made aware of the lack of proper site radiological characterization at Treasure Island. Also, prior NRC licenses at the site authorized large quantities of cesium-137. The lack of proper site characterization could be masking the presence of cesium contamination at the site. The CI is concerned that NRC has failed to notify potentially impacted residents of Treasure Island about radium 226 contamination at Site 31, and asks that we do so "without delay".

(2) The Final Environmental Impact Report (EIR) for the Treasure Island/Yerba Buena Island Redevelopment Project, presented to and approved by the Board of Supervisors, "deliberately minimized areas impacted with radionuclides." This document apparently characterizes the site as having contamination "isolated to a small portion of Site 12 and Building 233" and does not include areas 30, 31, and 33, where contamination has been found. The submitted EIR supports a Finding of Suitability to Transfer (FOST) which has been disputed by the California Department of Public Health.

(3) The contractor at Treasure Island, Shaw Environmental, engages in "highly questionable remediation activities", including lack of proper data about test trenches and backfilled areas, waste shipments, waste profiles, holding spots, waste receiving facilities, high-level waste, and site characterization. As evidence, the CI offers the fact that Shaw Environmental has been issued numerous violations by California and has been asked to change many of its radiological practices.

(4) There is a lack of evidence that only short lived radionuclides were used at a training mock up of a ship, the USS Pandemonium, or that the two locations where the ship stood were properly surveyed.

(5) Soil movement at Treasure Island has led to the spread of contamination to non-impacted areas of Treasure Island and Yerba Buena Island; consequently the Bay Bridge on/off ramps and historical properties on Yerba Buena Island should be surveyed.

(6) Questions the ongoing groundwater monitoring at Treasure Island since radium-226 has been found in wells in parts of Site 12.

(7) There are ongoing problems with decommissioning at Treasure Island, CA, with concerns that the site has not been properly characterized, decommissioned, or released.

(8) The 2006 Treasure Island Historical Radiological Assessment (HRA) is inaccurate in that it indicated that there were no radiologically impacted sites at Treasure Island and was not been updated when radioactive contamination and discrete radioactive sources were found. This HRA was found to be "flawed" by California. Work plans are based on this inaccurate document.

(9) The CI has particular concerns about Site 31: the potential radiological impact of Site 31 has been ignored; dirt excavated from within the fenced area of the site is significantly contaminated with radionuclides, in particular radium 226; no radiological controls were in place during past fieldwork in Site 31; and the wind may have distributed contamination to an adjacent Child Development Center

(10) Treasure Island has not been properly characterized for possible radiological contamination.

(11) Radium buttons were distributed to thousands of attendees of the 1939 World's Fair, which may be the source of some of the radium found at the site.

(12) The Navy has failed to timely follow through on surveys, screening, and sampling of known debris disposal areas such as Site 31.

Does alleger object to providing concerns to the licensee via an RFI? Unknown

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Collins **Branch Chief:** Ferdas **SAC:** Urban **OI:** Richart **RI Counsel:** Farrar
Others: Masnyk Bailey, McFadden, R Johnson (FSME), T Stokes (OGC), Seeley

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

N/A _____ RFI _____ Inspection or Investigation _____ Both _____

Transfer to Navy Inspector General

DISPOSITION ACTIONS

1. Letter to CI. Explain that NRC jurisdiction over radium and BRAC sites is under review and that these concerns will be referred to the Navy IG (concern 1).

   Responsible Person: Ferdas/Urban **ECD:** 12/31/2011
   Closure Documentation: **Completed:**

2. Contact NRC IG to forward concerns to Navy IG.

   Responsible Person: Ferdas/Masnyk Bailey **ECD:** 1/12/2012
   Closure Documentation: **Completed:**

3. Draft memo for Navy IG referring concerns 2 - 12, attach Navy response to R1-2010-A-0020 addressing similar issues

   Responsible Person: Ferdas/Masnyk Bailey **ECD:** 1/12/2012
   Closure Documentation: **Completed:**

SAFETY CONCERN: Potential for radioactive contamination and/or sources to be released offsite or site improperly released for unrestricted use.

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?
When did the potential violation occur?

G:\ora\alleg\panel\20110113arb2.docx

ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0113
Site/Facility: Tetra-Tech, Hunters Point, CA
ARB Date: 12/5/2011

Branch Chief (AOC): M. Ferdas
Acknowledged: Yes
Confidentiality Granted: No

Concern(s) Discussed:

None of the concerns has a security component.

These concerns were gleaned from a series of emails exchanged between a current and a former Tetra-Tech employee. These emails were forwarded by the CA Labor Commission to NRC OI. This is additional information provided by the CI for R1-2011-A-0113.

These allegations are similar to others received about radiological work practices at Navy decommissioning sites. Most of the other allegations have been about contractors working at sites with concurrent Agreement State/NRC jurisdiction, where NRC cedes its authority to the Agreement State. Hunters Point is under exclusive Federal Jurisdiction so NRC has sole authority.

1. **Chain of Custody (CoC) documents have been falsified.**
   CI states that "someone" was falsely signing CoC sample forms for "someone else", evidenced by wrong handwriting and misspelling of name.

2. **There has been an increase in occupational accidents and mistakes at Hunters Point.**
   Staff is told to work quickly and ignore safety rules about not using cell phone or radio while driving. State OSHA does not have jurisdiction at Federal site.

3. **Radiation safety training for Radiation Technicians (RTs) is lacking or inadequate.**

4. **The** (b)(7)(C) **refused to allow a** (b)(7)(C) **to discipline a** (b)(7)(C) (b)(7)(C) **for failure to take a required test.** The (b)(7)(C) was overheard saying there will be "no write ups of anyone".

5. **Laborers are handling potentially contaminated soil without proper training and certification by processing soil samples for the lab.** They have been observed working without wearing required gloves. In August 2010 laborers were surveying and sampling soil on the soil pads.

6. **Production over safety**.
   RTs are told to work quickly so as not to slow down remediation work. Tetra Tech work practices are "construction dominated," with production taking precedence over radiation safety.

7. **Inaccurate labeling.**
   Some RTs have entered inaccurate information on radioactive waste storage bags because they do not understand their instruments. There has been confusion about the use of RO-20 meters.

8. **Incorrect calibrated survey meters.**
   Some meters have not been calibrated correctly.

9. **Inaccurate records.**
   Some survey records are corrected, when a mistake is made, by whiting out the mistake, correcting it, and then photo copying the form.

Source storage locations have not always been posted or secured. On at least one occasion a RT was told to "hide it and lock up and go about my work".

11. Improper area monitoring.
TLDs have not always been located correctly on poles. The CI opines that they may be shielded or not placed at the right height, but are not located on the posting pole.

12. Incorrect license.
The wrong individual is named as the authorized user on a posted materials license.

13. Incorrect work area postings.
A supervisor attempted to alter the radiation work area postings to allow laborers to remove a pipe. The CI did not allow this to occur.

14. Improper contamination controls.
Laborers removed a pipe from a radiation controlled area without the pipe being frisked for contamination. The CI questions what happens when other RTs are on duty.

15. Improper access control to radioactive material.
A Tetra Tech employee brings (b)(7)(C) to work. The (b)(7)(C) has been seen moving potentially contaminated samples, entering and leaving a radiation controlled area without frisking, and drinking soda within a radiation controlled area. The employee intimidates other employees who question this practice by virtue of (b)(7)(C)

16. Inadequate RWP controls.
Personnel not always signing in and out on Radiation Work Permits, and sometimes failing to frisk themselves when leaving radiation controlled areas. Disparate discipline is applied for violators. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

17. Inadequate RT training.
A Senior RT is not adequately trained. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

18. Concerns at another site (Alameda).
The CI states "According to XX they have lots of "real" problems over there. Not just little HR problems like here." This refers to Alameda, another Navy decommissioning site in California. Alameda is under concurrent Agreement State/Federal jurisdiction. California and the Navy have jurisdiction.
(b)(7)(C)

19. Falsification of time sheets.
The CI implies that employees are falsifying their time sheets, "...why do they let [redacted] and [redacted] leave early and sometimes even add more OT to their time sheet...".

Does alleger object to providing concerns to the licensee via an RFI? Unknown at this time. (b)(7)(C)

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Collins **Branch Chief:** M. Ferdas **SAC:** Urban **OI:** Richart **RI Counsel:** Farrar
Others: Masnyk Bailey, Robert Johnson (FSME), T Stokes (OGC), McFadden, Seeley, M Roberts

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DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

N/A _____ RFI _____ Inspection or Investigation X Both _____

DISPOSITION ACTIONS

1. Status letter to CI. DB to provide Enclosure to status letter.

   Responsible Person: Ferdas **ECD:** Dec 30, 2011
   Closure Documentation: **Completed:**

2. Perform inspection of Tetra Tech (Concerns 1 and 3-17)

   Responsible Person: Ferdas/Masnyk Bailey **ECD:** Jan 13, 2012
   Closure Documentation: **Completed:**

3. Refer concerns to OSHA and Navy IG (Concerns 2)

   Responsible Person: Tifft **ECD:** 12/31/2011
   Closure Documentation: **Completed:**

4. Refer concerns to Navy IG (Concerns 2, 18 and 19). Work with NRC IG.

   Responsible Person: Urban/Ferdas **ECD:** 12/31/2011
   Closure Documentation: **Completed:**

SAFETY CONCERN: Inadequate radiation safety and decommissioning practices could lead to the spread of contamination and inappropriate release of contaminated facilities and grounds for unrestricted use.

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?
When did the potential violation occur?

NOTES:

This should be treated as an update to RI-2011-A-0113 and a status letter with the additional concerns should be issued to the CI.

In the enclosure letter remember to include the following as a response to the issue:

Concern 6 – Allegation Office provide "boiler plate" language concerning production over safety.
Concern 18 - Allegation Office provide boiler plate" language that issues should be provided to CA and Navy IG. Provide contact information.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

McFadden, John

From: Hammann, Stephen
Sent: Saturday, December 17, 2011 8:08 AM
To: McFadden, John; Urban, Richard
Cc: Modes, Kathy; Roberts, Mark
Subject: RE: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - RE: Susan Andrews H & I against Tetra Tech

There may be a misunderstanding here. I already told Rick we would not be able to review the 114 page CI transcript until the middle of next week. Any additional concerns would not be on a panel for the 21st.

From: McFadden, John
Sent: Friday, December 16, 2011 2:12 PM
To: (b)(7)(C)
Cc: R1ALLEGATION RESOURCE (b)(7)(C) Ferdas, Marc; Hammann, Stephen; Modes, Kathy; Roberts, Mark; Masnyk Bailey, Orysia
Subject: SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE - RE: Susan Andrews H & I against Tetra Tech

SENSITIVE ALLEGATION INFO-DO NOT DISCLOSE

(b)(7)(C)

The CI left a voice message for Rick Urban on 12/12/2011 stating that s/he was going to be laid off on 12/16/2011 so we already aware of that.

An acknowledgement letter for two concerns received by you on 10/27/2011 were acknowledged in a letter dated 11/17/2011.

The nineteen additional concerns which were provided via emails which were forwarded by OI to RI Allegations on 11/22/2011 were paneled on 12/05/2011 but have not yet acknowledged via a status letter.

The email and attachment from the CI in your email of 12/12/2011 to Rick Urban has not yet been thoroughly reviewed by DNMS for concern content but apparently contains at least a claim of alleged discrimination. This latest information from the CI is scheduled to be paneled on 12/21/2011, and any identified concerns would be communicated to the CI via a subsequent status letter.

If you have any questions, please call.

Jack
X5257

From: Johnson, Sharon
Sent: Friday, December 16, 2011 1:12 PM
To: McFadden, John
Subject: FW: Susan Andrews H & I against Tetra Tech
FYI

From: (b)(7)(C)
Sent: Friday, December 16, 2011 12:02 PM
To: Urban, Richard; Johnson, Sharon

Good morning –
I just received a call from Bert Bowers requesting that I let Susan Andrews know that we are aware that she has been given a lay off date by Tetra Tech out at Hunters Point. I made him aware that she has been in touch and we would follow up, because he said that she feels that she is kind of being hung out to dry , so to speak. Has an acknowledgment letter been sent to her yet? Also has she received any correspondence from the NRC advising that we are aware that she is set to be laid off?

(b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations
Region-I Field Office
475 Allendale Road
King of Prussia, PA 19406
(b)(7)(C) Direct
610-337-5131 Fax
(b)(7)(C)

3

Johnson, Sharon

From: Tifft, Doug
Sent: Thursday, December 15, 2011 10:23 AM
To: Johnson, Sharon; Hammann, Stephen
Subject: RE: RI-2011-A-0113 - Hunter's Point
Attachments: OSHA Referral.dot

Steve,

Attached is the OSHA referral form you can use to put down the details of the OSHA issues. I also will need contact information (name, phone number, address) for the company.

Thanks,
-Doug

From: Johnson, Sharon
Sent: Thursday, December 15, 2011 10:04 AM
To: Hammann, Stephen
Cc: Tifft, Doug
Subject: RI-2011-A-0113 - Hunter's Point
Importance: High

FYI

Steve

At the 12/5/2011 ARB there were actions assigned to refer to OSHA and Navy IG.

Please coordinate with Doug and send us email when referrals to OSHA and Navy IG are completed.

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

APPENDIX A
NON-RADIOLOGICAL HAZARDS DATA SHEET

PART I -ISSUE

NRC Licensee/ Certificate Holder	Name:		License or Docket No.:
	Facility (if applicable)		

Description of Issue:

How Issue was identified:

Licensee representative informed:

_____ Name _____ Title _____ Date

Licensee Comments:

Other persons informed:

_____ Inspector's signature	_____ Telephone Number	_____ Date

Part II – FOLLOW-UP

Description of immediate corrective actions taken, if any:

_____ Inspector's signature	_____ Telephone Number	_____ Date

Part III - OSHA CONTACT

OSHA Informed: YES / NO	Date Informed: _____

Office / Person Contacted: _____ Telephone No. _____	OSHA Office: _____	Date: _____

_____
NRC OSHA Liason Officer

D(8)

/2

Urban, Richard

From: Daly, Catherine@DIR [CDaly@dir.ca.gov]
Sent: Monday, December 12, 2011 11:33 AM
To: Urban, Richard
Subject: RE: Request for Correspondence

It's not a problem with me.

She just got fired so she will soon be one of our claimants. The same goes for her coworker.

I've told the company they must reinstate the original plaintiffs, Bert Bowers and (b)(7)(C) by January 9, 2012. Otherwise, I will recommend the California State Labor Commissione order their reinstatement. The recommendation, especially with these facts, is pro forma.

I approached the NRC because I wanted to ensure I did not interfere with any upcoming federal enforcement action.

Catherine S. Daly
Deputy Labor Commissioner
Retaliation Complaint Unit
455 Golden Gate Ave 10th Floor East
San Francisco, CA 94102
cdaly@dir.ca.gov
(415) 703-4841 (telephone)
(415) 703-4130 (fax)

From: Urban, Richard [mailto:Richard.Urban@nrc.gov]
Sent: Monday, December 12, 2011 8:26 AM
To: Daly, Catherine@DIR
Subject: Request for Correspondence

Dear Ms. Daly,

This e-mail is in response to your conversation with (b)(7)(C) Office of Investigations, regarding your request to receive correspondence from the NRC involving activities at Hunter's Poir In an e-mail that you provided to (b)(7)(C) on November 21, 2011, you passed along a string of e-mail conversations between two individuals involving alleged improper activities at Hunters Point. We thank you for bringing these matters to our attention, since the NRC Region I Office has jurisdiction over certain activities at Hunter's Point.

Alleger identity protection is an important aspect of the NRC's Allegation Program. All reasonable efforts are taken not to disclose an alleger's identity outside the NRC, and an alleger's identity is only revealed within the agency on need-to-know basis. Only in certain circumstances is an alleger's identity revealed outside the agency, and this

course of action is not normally taken unless releasing the alleger's identity is necessary to obtain resolution of the allegation, or otherwise serves the needs of the agency.

In only certain circumstances is correspondence shared between Federal Agencies, such as the NRC and the Department of Labor (DOL). For example, the NRC and DOL are entered into a Memorandum of Understanding (MOU). The purpose of the MOU is to facilitate coordination and cooperation concerning the employee protection provisions of Section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851. Both agencies agree that administrative efficiency and sound enforcement policies will be maximized bv this cooperation and the timely exchange of information in areas of mutual interest.

Since it appears that you have a sound relationship with the individual, if she is agreeable, you may obtain correspondence directly from her. Thank you for your understanding and cooperation in this matter.

Sincerely,

Richard J, Urban
Sr. Allegation Coordinator
Region I, US NRC

✓5

Urban, Richard

From: (b)(7)(C)
Sent: Monday, December 12, 2011 10:35 AM
To: Urban, Richard
Subject: FW: Susan Andrews
Attachments: SusanAndrewstoNRCRichardUrban121011.docx

See below

From: (b)(7)(C)
Sent: Saturday, December 10, 2011 10:53 AM
To: (b)(7)(C)
Subject: Susan Andrews

Hello (b)(7)(C). This is Susan Andrews from (b)(7)(C) We talked in my home on October 2011 about my concern at Hunters Point Shipyard Project.
I got a letter from Richard Urban regarding my concerns. I'm mailing him additional information on this subject matter. I am a attaching you a copy of what I am mailing to him.

I also way informed by my Tetra Tech supervisor (b)(7)(C) on Friday, December 9, 2011 that I was being laid-off on December 16, 2011.

Thanks for all your help in this matter,
Susan Andrews
(b)(7)(C)

ENCLOSURE 1

CONCERN 1:

RI-2011-A-0113

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Monday, December 12, 2011 10:32 AM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: Hunters Point (Tetra Tech) RI-2011-A-0113 SENSITIVE ALLEG INFO

From: Urban, Richard
Sent: Monday, December 12, 2011 10:31:51 AM
To: (b)(7)(C) Ferdas, Marc; Masnyk Bailey, Orysia
Cc: R1ALLEGATION RESOURCE
Subject: Hunters Point (Tetra Tech) RI-2011-A-0113 SENSITIVE ALLEG INFO
Auto forwarded by a Rule

The CI left a voice message for me over the weekend. She had received our ack letter and said she has more issues to tell us about. Keep in mind that the ack letter only had a couple of concerns and we are since aware of a bunch of new issues that we paneled last week. So hopefully they are the same. However, she said she was told she was going to be laid-off 12/16/11, but she believes it's in retaliation for raising concerns. So it looks like we will have to repanel a prima facie at a minimum.

Urban, Richard

From: Teator, Jeffrey
Sent: Thursday, December 08, 2011 7:18 AM
To: Urban, Richard
Subject: RE: State Cases 23564 and 21491: Bowers, [redacted] v Tetra Tech

(b)(7)(C)

Daly wants correspondence.

(b)(7)(C)

United States Nuclear Regulatory Commission
Office of Investigations
Region I
475 Allendale Rd
King of Prussia, PA 19406
Office (b)(7)(C)
Blackberry (b)(7)(C)

From: Urban, Richard
Sent: Tuesday, December 06, 2011 3:30 PM (b)(7)(C)
To: (b)(7)(C)
Subject: RE: State Cases 23564 and 21491: Bowers, [redacted] v Tetra Tech

Could you reply to this e-mail for completeness of the file, that you informed Daly that the NRC would handle these concerns and that she did not want to receive correspondence on this matter. Thanks.

From: (b)(7)(C)
Sent: Tuesday, November 22, 2011 7:31 AM (b)(7)(C)
To: Ferdas, Marc; Welling, Blake; Lorson, Raymond; Collins, Daniel
Cc: Urban, Richard; Johnson, Sharon (b)(7)(C)
Subject: FW: State Cases 23564 and 21491: Bowers [redacted] v Tetra Tech

I discussed this issue briefly with Ray at Monday's 0845 am RA meeting and he requested that I forward it to you a

The below listed information was provided to me by Catherine Daly, Deputy Labor Commissioner, Retaliation Complaint Unit, State of California. Ms. Daly was provided the information by a CI who raised similar concerns to OI:RI (b)(7)(C) during an interview he conducted [of the CI] on a discrimination investigation regarding Tetra-Tech while in CA in late October. The concerns taken by (b)(7)(C) were put into the RI allegation system.

Rick, please advise if I need to put into the allegation system, the concerns listed below under the heading "Allegations."

(b)(7)(C)

United States Nuclear Regulatory Commission
Office of Investigations
Region I
475 Allendale Rd
King of Prussia, PA 19406
Office (b)(7)(C)
Blackberry (b)(7)(C)

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ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0113
Site/Facility: Tetra-Tech, Hunters Point, CA
ARB Date: 12/5/2011

Branch Chief (AOC): M. Ferdas
Acknowledged: Yes
Confidentiality Granted: No

Concern(s) Discussed:

None of the concerns has a security component.

These concerns were gleaned from a series of emails exchanged between a current and a former Tetra-Tech employee. These emails were forwarded by the CA Labor Commission to NRC OI. This is additional information provided by the CI for R1-2011-A-0113.

These allegations are similar to others received about radiological work practices at Navy decommissioning sites. Most of the other allegations have been about contractors working at sites with concurrent Agreement State/NRC jurisdiction, where NRC cedes its authority to the Agreement State. Hunters Point is under exclusive Federal Jurisdiction so NRC has sole authority.

1. **Chain of Custody (CoC) documents have been falsified.**
   CI states that "someone" was falsely signing CoC sample forms for "someone else", evidenced by wrong handwriting and misspelling of name.

2. **There has been an increase in occupational accidents and mistakes at Hunters Point.**
   Staff is told to work quickly and ignore safety rules about not using cell phone or radio while driving. State OSHA does not have jurisdiction at Federal site.

3. **Radiation safety training for Radiation Technicians (RTs) is lacking or inadequate.**

4. **The** (b)(7)(C) **refused to allow a** (b)(7)(C) **to discipline a** (b)(7)(C) (b)(7)(C) **or failure to take a required test.** The (b)(7)(C) was overheard saying there will be "no write ups of anyone".

5. **Laborers are handling potentially contaminated soil without proper training and certification by processing soil samples for the lab.** They have been observed working without wearing required gloves. In August 2010 laborers were surveying and sampling soil on the soil pads.

6. **Production over safety**.
   RTs are told to work quickly so as not to slow down remediation work. Tetra Tech work practices are "construction dominated," with production taking precedence over radiation safety.

7. **Inaccurate labeling.**
   Some RTs have entered inaccurate information on radioactive waste storage bags because they do not understand their instruments. There has been confusion about the use of RO-20 meters.

8. **Incorrect calibrated survey meters.**
   Some meters have not been calibrated correctly.

9. **Inaccurate records.**
   Some survey records are corrected, when a mistake is made, by whiting out the mistake, correcting it, and then photo copying the form.

10. **Inadequate postings.**

Source storage locations have not always been posted or secured. On at least one occasion a RT was told to "hide it and lock up and go about my work".

11. Improper area monitoring.
TLDs have not always been located correctly on poles. The CI opines that they may be shielded or not placed at the right height, but are not located on the posting pole.

12. Incorrect license.
The wrong individual is named as the authorized user on a posted materials license.

13. Incorrect work area postings.
A supervisor attempted to alter the radiation work area postings to allow laborers to remove a pipe. The CI did not allow this to occur.

14. Improper contamination controls.
Laborers removed a pipe from a radiation controlled area without the pipe being frisked for contamination. The CI questions what happens when other RTs are on duty.

15. Improper access control to radioactive material.
A Tetra Tech employee brings (b)(7)(C) to work. The (b)(7)(C) has been seen moving potentially contaminated samples, entering and leaving a radiation controlled area without frisking, and drinking soda within a radiation controlled area. The employee intimidates other employees who question this practice by virtue of (b)(7)(C)

16. Inadequate RWP controls.
Personnel not always signing in and out on Radiation Work Permits, and sometimes failing to frisk themselves when leaving radiation controlled areas. Disparate discipline is applied for violators. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

17. Concerns at another site (Alameda).
The CI states "According to XX they have lots of "real" problems over there. Not just little HR problems like here." This refers to Alameda, another Navy decommissioning site in California. Alameda is under concurrent Agreement State/Federal jurisdiction. California and the Navy have jurisdiction.

18. Falsification of time sheets.
The CI implies that employees are falsifying their time sheets, "...why do they let J and M leave early and sometimes even add more OT to their time sheet...".

Does alleger object to providing concerns to the licensee via an RFI? Unknown at this time.

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Collins **Branch Chief:** M. Ferdas **SAC:** Urban **OI:** (b)(7)(C) **RI Counsel:** Farrar
Others: Masnyk Bailey, Robert Johnson (FSME), T Stokes (OGC), McFadden, Seeley, M Roberts

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

N/A _____ RFI _____ Inspection or Investigation X Both _____

DISPOSITION ACTIONS

1. Status letter to CI. DB to provide Enclosure to status letter.

   Responsible Person: Ferdas **ECD:** Dec 30, 2011
   Closure Documentation: **Completed:**

2. Perform inspection of Tetra Tech (Concerns 1 and 3-16)

   Responsible Person: Ferdas/Masnyk Bailey **ECD:** Jan 13, 2012
   Closure Documentation: **Completed:**

3. Refer concern 2 to OSHA

   Responsible Person: Tifft **ECD:** 12/31/2011
   Closure Documentation: **Completed:**

4. Refer concerns 17 and 18 to Navy IG. Work with NRC IG.

   Responsible Person: Farrar/Teator **ECD:** 12/31/2011
   Closure Documentation: **Completed:**

SAFETY CONCERN: Inadequate radiation safety and decommissioning practices could lead to the spread of contamination and inappropriate release of contaminated facilities and grounds for unrestricted use.

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:
(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?
When did the potential violation occur?

NOTES:

This should be treated as an update to RI-2011-A-0113 and a status letter with the additional concerns should be issued to the CI.

In the enclosure letter remember to include the following as a response to the issue:

Concern 6 – Allegation Office provide "boiler plate" language concerning production over safety.
Concern 17/18 - Allegation Office provide boiler plate" language that issues should be provided to CA and Navy IG. Provide contact information.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

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Allegation Receipt Report

Date Received: 11/21/2011 (Additional information)

Allegation No. RI-2011-A-0113
Supplemental

Received via: [X] E-mail

Employee Receiving Allegation: These concerns were obtained from a series of emails exchanged between a current and a former Tetra-Tech employee. These emails were forwarded by the CA Labor Commission to NRC. These are additional concerns provided by the CI listed in R1-2011-A-0113.

These allegations are similar to others received about radiological work practices at Navy decommissioning sites. Most of the other allegations have been about contractors working at sites with concurrent Agreement State/NRC jurisdiction, where NRC cedes its authority to the Agreement State. Hunters Point is under exclusive Federal Jurisdiction so NRC has sole authority.

Source of information: [X] licensee employee

Alleger Name: Susan Andrews
Home Phone: (b)(7)(C)

Home Address: (b)(7)(C)
City: (b)(7)(C)

Alleger's Employer: Tetra Tech

Alleger's Position/Title: Radiation Technician (RT)

Facility: Tetra – Tech at Hunters Point, CA
Navy decommissioning site

Docket No. or License No.: 29-31396-01

Is it a declaration, statement, or assertion of impropriety or inadequacy?	**Yes**
Is the impropriety or inadequacy associated with NRC regulated activities?	**Yes**
Is the validity of the issue unknown?	**Yes**

If NO to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information, public responsiveness matter, or an OSHA referral).

Is there a potential immediate safety significant issue that requires an Ad-Hoc ARB? **No**

The original allegation receipt form for R1-2011-A-0113 did not contain the information needed below.

Was alleger informed of NRC identity protection policy?	Yes	No	N/A
If H&I was alleged, was alleger informed of DOL rights?	Yes	No	N/A
Did they raise the issue to their management and/or ECP?	Yes	No	N/A
Does the alleger object to having their issue(s) forwarded to the licensee?	Yes	No	

Provide alleger's verbatim response to this question: _____

Was confidentiality requested?	Yes	No	
Was confidentiality initially granted?	Yes	No	N/A

Individual Granting Confidentiality:

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Allegation Summary:

1. **Chain of Custody (CoC) documents have been falsified.**
   CI states that "someone" was falsely signing CoC sample forms for "someone else", evidenced by wrong handwriting and misspelling of name.

2. **There has been an increase in occupational accidents and mistakes at Hunters Point.**
   Staff is told to work quickly and ignore safety rules about not using cell phone or radio while driving. State OSHA does not have jurisdiction at Federal site.

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   Some RTs have entered inaccurate information on radioactive waste storage bags because they do not understand their instruments. There has been confusion about the use of RO-20 meters.

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    TLDs have not always been located correctly on poles. The CI opines that they may be shielded or not placed at the right height, but are not located on the posting pole.

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17. Inadequate RT training.
A Senior RT is not adequately trained. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

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The CI states "According to XX they have lots of "real" problems over there. Not just little HR problems like here." This refers to Alameda, another Navy decommissioning site in California. Alameda is under concurrent Agreement State/Federal jurisdiction. California and the Navy have jurisdiction.

19. Falsification of time sheets.
The CI implies that employees are falsifying their time sheets, "...why do they let (b)(7)(C) and (b)(7)(C) leave early and some times even add more OT to their time sheet...".

Functional Area: [X] Decommissioning Materials

Discipline For Each Concern: **[1]** Falsification **[8, 11, 13, 14, 15, and 16**] Health Physics **[2, 6, 9**] Industrial Safety **[3, 5, 7, 17**] Training/qualification **[2, 4, 12, 18, 19**] Other: [4] procedural adherence, [12]materials license posting, [18] issues at non-NRC related site, and [19] time sheet falsification.

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Thursday, December 01, 2011 3:48 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: R1-2011-A-0113 Additional Info
Attachments: HuntersPointTT ARBDisposition.docx; HuntersPointTT AllegationReceiptReport.docx

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From: Ferdas, Marc
Sent: Thursday, December 01, 2011 3:48:10 PM
To: R1ALLEGATION RESOURCE
Subject: R1-2011-A-0113 Additional Info
Auto forwarded by a Rule

****SENSITIVE ALLEGATION MATERIAL – DO NOT DISCLOSE****

Attached is an allegation receipt report and ARB form. This should be treated as additional information received concerning R1-2011-A-0113, because the same CI is providing the information and are additional concerns to what was previously paneled.

We would like to present the concerns at the 12/5 ARB to get alignment that OK to incorporate into R1-2011-A-0113 and acceptable to proceed with previous ARB decision.

Marc S. Ferdas
Chief, Decommissioning Branch (NRC/Region 1/DNMS)
Marc.Ferdas@nrc.gov
610-337-5022 (w)
(b)(7)(C)

Johnson, Sharon

From: Urban, Richard
Sent: Tuesday, November 22, 2011 9:50 AM
To: (b)(7)(C) Ferdas, Marc; Welling, Blake; Lorson, Raymond; Collins, Daniel
Cc: Johnson, Sharon; (b)(7)(C)
Subject: RE: State Cases 23564 and 21491 Bowers/ v Tetra Tech
(b)(7)(C)

(b)(7)(C)

Actually DNMS needs to look thru this documentation in conjunction with their knowledge of the technical details already supplied by these two allegers to determine if there are needed additions to either alleger's file or new files need to be opened. Marc, I will leave the files out for your staff to review to make this determination. Thanks.

From: (b)(7)(C)
Sent: Tuesday, November 22, 2011 7:31 AM
To: Ferdas, Marc; Welling, Blake; Lorson, Raymond; Collins, Daniel
Cc: Urban, Richard; Johnson, Sharon; (b)(7)(C)
Subject: FW: State Cases 23564 and 21491: Bowers/ v Tetra Tech
(b)(7)(C)

I discussed this issue briefly with Ray at Monday's 0845 am RA meeting and he requested that I forward it to you all.

The below listed information was provided to me by Catherine Daly, Deputy Labor Commissioner, Retaliation Complaint Unit, State of California. Ms. Daly was provided the information by a CI who raised similar concerns to OI:RI (b)(7)(C) during an interview he conducted [of the CI] on a discrimination investigation regarding Tetra-Tech while in CA in late October. The concerns taken by (b)(7)(C) were put into the RI allegation system.

Rick, please advise if I need to put into the allegation system, the concerns listed below under the heading "Allegations."

(b)(7)(C)

United States Nuclear Regulatory Commission
Office of Investigations
Region I
475 Allendale Rd
King of Prussia, PA 19406
Office (b)(7)(C)
Blackberry (b)(7)(C)

From: Daly, Catherine@DIR [mailto:CDaly@dir.ca.gov]
Sent: Monday, November 21, 2011 2:52 PM
To: (b)(7)(C)
Subject: State Cases 23564 and 21491: Bowers/ v Tetra Tech
(b)(7)(C)

Dear (b)(7)(C)

Enclosed please find the emails from Ms. Andrews. She agreed I could pass along her name since she already has met with (b)(7)(C)

Johnson, Sharon

From: (b)(7)(C)
Sent: Tuesday, November 22, 2011 7:31 AM
To: Ferdas, Marc; Welling, Blake; Lorson, Raymond; Collins, Daniel
Cc: Urban, Richard; Johnson, Sharon; (b)(7)(C)
Subject: FW: State Cases 23564 and 21491: Bowers/ (b)(7)(C) v Tetra Tech

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Office of Investigations
Region I
475 Allendale Rd
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Office (b)(7)(C)
Blackberry (b)(7)(C)

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Subject: State Cases 23564 and 21491: Bowers (b)(7)(C) v Tetra Tech

(b)(7)(C)

Enclosed please find the emails from Ms. Andrews. She agreed I could pass along her name since she already has met with (b)(7)(C)

Although she acknowledged employees may be handling relatively low levels of radiation, she worries the mindset toward ignoring safety is hardening. (b)(7)(C) (b)(7)(C) recently prevented her boss (b)(7)(C) from disciplining (b)(7)(C) for failure to take required test and continued insubordination. She overheard (b)(7)(C) telling (b)(7)(C) replacement – there will be ***no write-ups of anyone.*** (b)(7)(C) did not object.

Allegations listed below include but are not limited to the following:

- Falsified chain of custody documents (including misspelled employee names)

- Increase in accidents and mistakes. Instruments books all must be done over.
    - This would concern State OSHA but it has no jurisdiction over federal enclave
- Laborers handling soil and pipe without proper training or certification.
- Not posting sources. Hiding TLD.
- Leaving Bowers name up as licensee.
- Moving RAD signs around when they want laborers to perform work.
- People not signing in and out of sites. Disparate discipline for those do violate.
- (b)(7)(C) bringing (b)(7)(C) onsite without permission – allowing (b)(7)(C) to move samples – drink liquids near site – intimidate fellow employee who question (b)(7)(C)

As (b)(7)(C) likely knows, Ms. Andrew's cell phone is (b)(7)(C) This week she is Non Responsive

You may always reach me at the numbers below. Or my cell at (b)(7)(C) or alternate email at (b)(7)(C)

Catherine S. Daly
Deputy Labor Commissioner
Retaliation Complaint Unit
455 Golden Gate Ave 10th Floor East
San Francisco, CA 94102
(415) 703-4841 (telephone)
(415) 703-4130 (fax)

From: (b)(7)(C)
Sent: Tuesday, November 15, 2011 3:10 PM
To: Daly, Catherine@DIR
Subject: A current Sr RAD Tech mindset as cultivated by Tetra Tech at Hunters Point...

Hi Cathy -

(b)(7)(C)

To follow is a series of emails from a reliable, concerned, and obviously frustrated party at HPS. Ms Andrews is one of the witness names I provided to you earlier and she agreed to let me share this with you. I'm now of the opinion she really would benefit from talking with you - she's been interviewed recently by the NRC's (b)(7)(C) as well. Susan's "construction dominated" observations pertinent to Tetra Tech practices at Hunters Point eerily echo what (b)(7)(C) been saying in many ways (and me too)... she called to "vent" after which I decided to get this information to you.... again she's willing to talk with you in confidence.

Regards,

(b)(7)(C)

Bert

Oldest to most recent.... top to bottom....

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 7/29/2011 11:19:13 P.M. Pacific Daylight Time
Subj: Re: Hello

(b)(7)(C) Just could not stand working with them any more. Kinda like what happened to me. One or two people just can't carry the lazy workers and their mistakes. I do the lab result reports now (b)(7)(C) got really tried of the lab not doing them in a timely manner and then full of mistakes when we would get them.
What went down this week... I was afraid that (b)(7)(C) was going to be asked to leave the site. But he bowed. He wrote up (b)(7)(C) But it should have be (b)(7)(C) but (b)(7)(C) said it was him. So (b)(7)(C) writes him up. But I got a funny feeling that write up is shredded (b)(7)(C) was not happy. I'm so tired of finding mistakes and they are covered up. And the person making the mistakes just goes on. And then at some point (b)(7)(C) will give them one of his "super" letters and post it on the wall. And Tt Corp thinks it's great. It's a joke. People leave really early from work and then turn around and add OT to their time card. And (b)(7)(C) let's them do it. And (b)(7)(C) and I can't even get project gas for our cars to replace our personal gas used for project work... like some of Tetra Tech's others (b)(7)(C) told me last Friday that "someone" was falsely signing Chain Of Custody sample forms for someone else. Forgery. They were signing someone else's name and misspelling it to boot! I told (b)(7)(C) He told (b)(7)(C) talked to (b)(7)(C) Then (b)(7)(C) and (b)(7)(C) talked. They said they were not doing that. So that was the end of it. I told (b)(7)(C) to check the COC signature against like one on an RWP. But no he didn't want to do that. I don't feel (b)(7)(C) lied to me. The only way to know is to go back and check the signatures. And after he told me what he did I was very upset. So they get away with it again. Construction is moving too fast. Too many accidents. Naturally they tell us in the morning safety tailgate that we have no reason to work fast and unsafe. But then they turn right around and make us hurry. I'm sorry, I'm not turning in a sloppy survey just because (b)(7)(C) wants something off the rental charge. Or he wants an incoming survey finished fast on some equipment so they can use it. Right after you left I was doing something for (b)(7)(C) that required me to use the instrument books. What a mess. Just by looking at the chi-squared I knew they were wrong. Then I started to find more mistakes. And (b)(7)(C) had signed off on all off them. And (b)(7)(C) had QC'd them. Or at least he should have. Every instrument had to be done over. And (b)(7)(C) was not to be around the instruments (b)(7)(C) were elected to come in early and source check them. Finally, because these 3 can't seem to come to work, especially on Monday and Friday, they let (b)(7)(C) come in early again. Bert, it just goes on and on. I just want to work until I retire but I get a feeling they are going to really mess up. They sit around playing on their cell phones (b)(7)(C) and (b)(7)(C) can't wait to check out the Internet. They even watch some tv shows. And they don't hide it. Oh, well. I and I (b)(7)(C) just try and fix up after them (b)(7)(C) goes nut's with the RAD postings. They still can't get it right! (b)(7)(C) and (b)(7)(C) thought they could put (b)(7)(C) workers in an RCA-RMA and leave. Even after they were told that was wrong, (b)(7)(C) did it again. All 3 of us caught him almost at the same time (b)(7)(C) exploded. And (b)(7)(C) is totally out of control with his mouth. But no one will do a thing about it. It's one big click.
I should not be telling you all of this. But I am. Take care.

Sent from my iPad. Susan

On Jul 29, 2011, at 9:39 PM, (b)(7)(C) wrote

Hi Susan,
Thanks for the update... I'm currently in Non Responsive. will be back in Cali for an initial NRC chaired mediation session involving me and Tetra Tech... Aug 17th! I'll call you well before then.
What's up w/ the lab downsizing?
The (b)(7)(C) stuff" is unfortunate but I'm of the belief it won't stay that way for very long... those in "responsible" roles w/o required experience have a way of tripping up... not just (b)(7)(C) either. Just watch how things unfold w/ that (and some other stuff too)... remember, "it ain't close to over yet"!!
We'll be talking Susan... until then, take care and all the best to you and yours!
Bert
In a message dated 7/29/2011 8:37:56 P.M. Pacific Daylight Time, (b)(7)(C) writes:

How are you? (b)(7)(C) took a lay off (b)(7)(C) is still doing stupid rad stuff. She thinks she is a boss and management does not seem to slow her down (b)(7)(C) is moving to fast...accidents....and (b)(7)(C) doesn't help....not good. Hope you are ok...

Sent from my iPad. Susan=

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From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/8/2011 8:59:05 A.M. Pacific Daylight Time
Subj: Food for thought
I talked with (b)(7)(C) this am. She told me that when (b)(7)(C) came into her area to give her Tuesday off he forgot to sign back out. She showed (b)(7)(C) Now we will see if he gets a day off!!! Also a laborer.... I don't know who yet.....took a photo of the RWP that (b)(7)(C) didn't sign out on that had a sticky note on it for (b)(7)(C) from (b)(7)(C) (b)(7)(C) People are upset. RAD is run by the construction side. Not good. Have a good day.
Exempt. 6
Sent from my iPad. Susan=

////////////////////////////////

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/8/2011 12:44:49 P.M. Pacific Daylight Time
Subj: Update
Ok. It wasn't (b)(7)(C) that forgot to sign out on the RWP. It was (b)(7)(C) Now, how do they give a salary person a day off? That's not punishment. (b)(7)(C) asked for Monday off and (b)(7)(C) said NO. That would not be a punishment. That's why she has to take off this Tuesday. This is not fair. And what about (b)(7)(C) ??? The other day they pulled up a piece of pipe and I don't think they even laid it on plastic and the tech there never surveyed it. They didn't have an instrument (b)(7)(C) is trying to write this one up. Hope he doesn't get in trouble. The construction end is going to fast.

Susan

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From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/8/2011 5:14:36 P.M. Pacific Daylight Time
Subj: By the way!
Yes, your name is still on the MOU about the Licence in Bldg 400 Break Area....and No there are none posted at the main office....no MOUs.....
They took a load of good paper to Bldg 400 to toss....why...it is like 8 x 14 .....never used, some still in unopened boxes....and they worry about money?....why do they go out to a vender and buy unusable posting...300 at a time?....and they worry about money?.....why do they let (b)(7)(C) leave early and some times even add more OT to their time sheet...now that we don't clock in and out?....and they worry about money?....why do they have 2 techs per day come in one hour early (10 hour days) to source check instruments and they sometimes leave early?....and they worry about money?....Why do they let (b)(7)(C) have project gas in his personal car and they won't give (b)(7)(C) or me any... seems like favoritism to me. (b)(7)(C) has a (b)(7)(C) working with the engineers....he is from around (b)(7)(C) ..when (b)(7)(C) is here he rides to work with (b)(7)(C) when (b)(7)(C) is not here, he drives (b)(7)(C) company truck.....is that fair.....and they worry about money???....And what about (b)(7)(C) ...if they give him a day off for a deficiency he still gets paid...he's on salary!!!!...and what about all the times (b)(7)(C) would not sign in or out of an RCA.....this totally shocked me when I first went out into the field.....now (b)(7)(C) gives people days off for not doing it...strange....they can break the rules but the people

under them can't.....I thought good leadership was to roll downhill....management was to set the example.....not be an exception to the procedures...
Good luck, Susan

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/10/2011 8:03:59 A.M. Pacific Daylight Time
Subj: (b)(7)(C)
Remember me emailing u about (b)(7)(C) not signing out on the RWP. She had to take this Tuesday off with out pay. Also she got wrote up with a deficiency and it's in her file and in AWS' file also. She is not happy. Now my question is this (b)(7)(C) said yesterday to the RAD group only that he forgot to sign out and has to take a day off. Now remember he is salary. So he'll get paid. The big question is did he get wrote up and cause a deficiency??? I bet not!!! And what about (b)(7)(C)
On another note. Why can't (b)(7)(C) walk in Parcel E RCA and not frisk out!!!! He walks this all the time and never signs out a frisker!!! Nor signs a RWP. Is he exempt??
Now here's a good one. The source is brought back and forth to the Portal Monitor Booth by (b)(7)(C) In the beginning he involved me with this. I stayed until he came and picked up the source. He always gave me grief for this. He said I could just hide it and lock up and go about my work. No I can't. It's a source and this is not posted. Or controlled. But he made me do it anyway. So I did. I don't want layed off. Now yesterday it changed back to what I wanted. I don't leave until he has picked it up. Why now???? Just glad he finally came to his senses.
And where is (b)(7)(C) hiding the TLDs in Parcel E. Are they shielded and are they at the right height???? Or on the ground. He is not putting them on the posting pole. So where ???
Oh, well. Get on the wrong side of these two and I'll be out of here. And (b)(7)(C) does not like me. I don't really know why. I just know by how he is short spoken to me. Not friendly like he is with others like (b)(7)(C)
Thanks for reading this.
Susan

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From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/10/2011 8:43:38 P.M. Pacific Daylight Time
Sub: (b)(7)(C)
Today at 4:08 (b)(7)(C) was ready to leave the site, but (b)(7)(C) couldn't leave because (b)(7)(C) had not reported to her yet. (b)(7)(C) was not happy (b)(7)(C) tried to radio (b)(7)(C) No answer, so she phoned him and left a message telling him that she was waiting and so was (b)(7)(C) He was on his way to the office. We are not allowed to talk on the radio or cell phone while driving. He was almost there so why pull over and stop just to answer her when you knows what she wants. That would have taken more time. So when he arrived in her office she lit into him. No radio on no cell phone on. What's wrong with you. I'm waiting and most importantly (b)(7)(C) is waiting. And we don't want to keep (b)(7)(C) waiting. Now do we!
Now talk about a threat. Pressed to get the job done. Pressed to drive to fast. Pressed to answer the radio while driving. All because (b)(7)(C) wants to leave with (b)(7)(C) before 4:30. But she is getting paid up until 4:30. Well, unless she did not add an extra half hour to her time sheet!!! Ever since they took the time clock out they leave early. And this is why (b)(7)(C) will not have clocks on site again. We have to keep (b)(7)(C) happy. But why? NWT employees had to stay until at least 4:23. But RSRS employees (not all of them) would leave early. But not as early as they are leaving now. Now the AWS employees (not all of them) leave early. Thanks to (b)(7)(C) being with (b)(7)(C) Now she reprimands someone that is doing a good job, and not trying to leave early. What's next.! He

is one of the towed array boys. He has to finish up in the area. He has to return his instruments and the Kobota. He is not a slacker. Nor does he stand around and talk the breeze. He is very quite and to himself. So he was not wasting time to get to the office. What she did all was because of (b)(7)(C) This is not good. This young man did not deserve to be talked to by her that way. Now he has to worry about upsetting (b)(7)(C) A construction superintendent that should be setting a work example.
Sorry for being so upset, but its this little stuff that messes our job up out here. It adds up and after awhile folks just don't care. If they make (b)(7)(C) happy all is well. We are RAD folks not construction people. And this is how the mind set for RAD coverage changes. And that is so wrong. But you can't buck (b)(7)(C) He backs (b)(7)(C) Sorry.

Sent from my iPad. Susan=

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/11/2011 10:30:18 A.M. Pacific Daylight Time
Subj: Breaking news
Remember how I wrote that (b)(7)(C) was getting Thursday off because he did not sign out on an RWP at RSY4 last week. Then he also told us on this Tuesday that he was taking this Thursday off because of that. He said this to all of us at the morning RAD meeting. Well that was a lie. Yes he is off today. And also Friday and Monday. And this was scheduled long before this deficiency for him happened. So he is not being punished like he punished (b)(7) The word punish is the term he used when talking to (b)(7)(C) This information was told to me by (b)(7)(C) (b)(7)(C) about (b)(7)(C) In a group of (b)(7)(C) and maybe (b)(7)(C) hear it too. They were fixing the generator at the Portal Monitor Booth. Because (b)(7)(C) was bragging that he is (b)(7)(C) (b)(7)(C) while (b)(7)(C) is off. I'm sure this could be conformed by a paper trail for requested time off. And (b)(7)(C) didn't get time off either. But he is off because of an operation he has to have done. This is so not right. To out right lie to the work force. Now how can anyone really respect him. This is why the work goes down hill out here. It's not us it's the management. That's my opinion. And this could get me fired. Or layed off.

Susan

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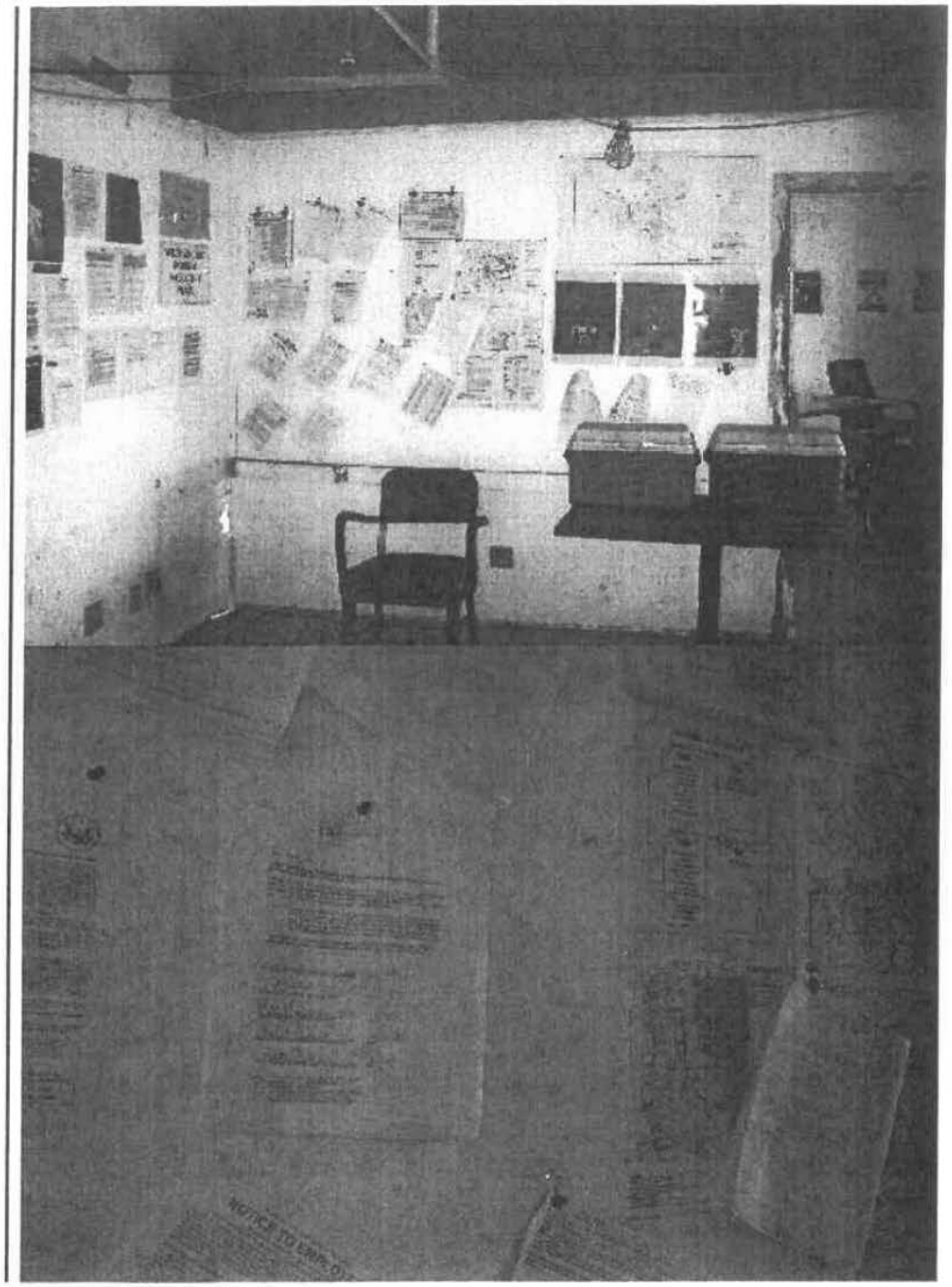
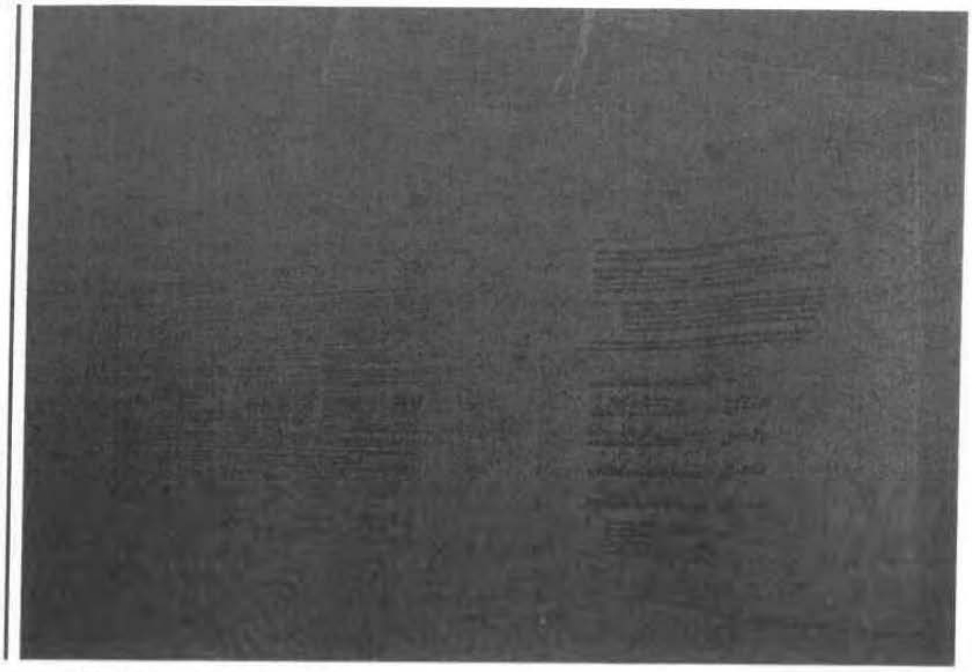
From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/15/2011 4:57:44 P.M. Pacific Daylight Time
Subj: Photos
These were all taken on August 15, 2011.





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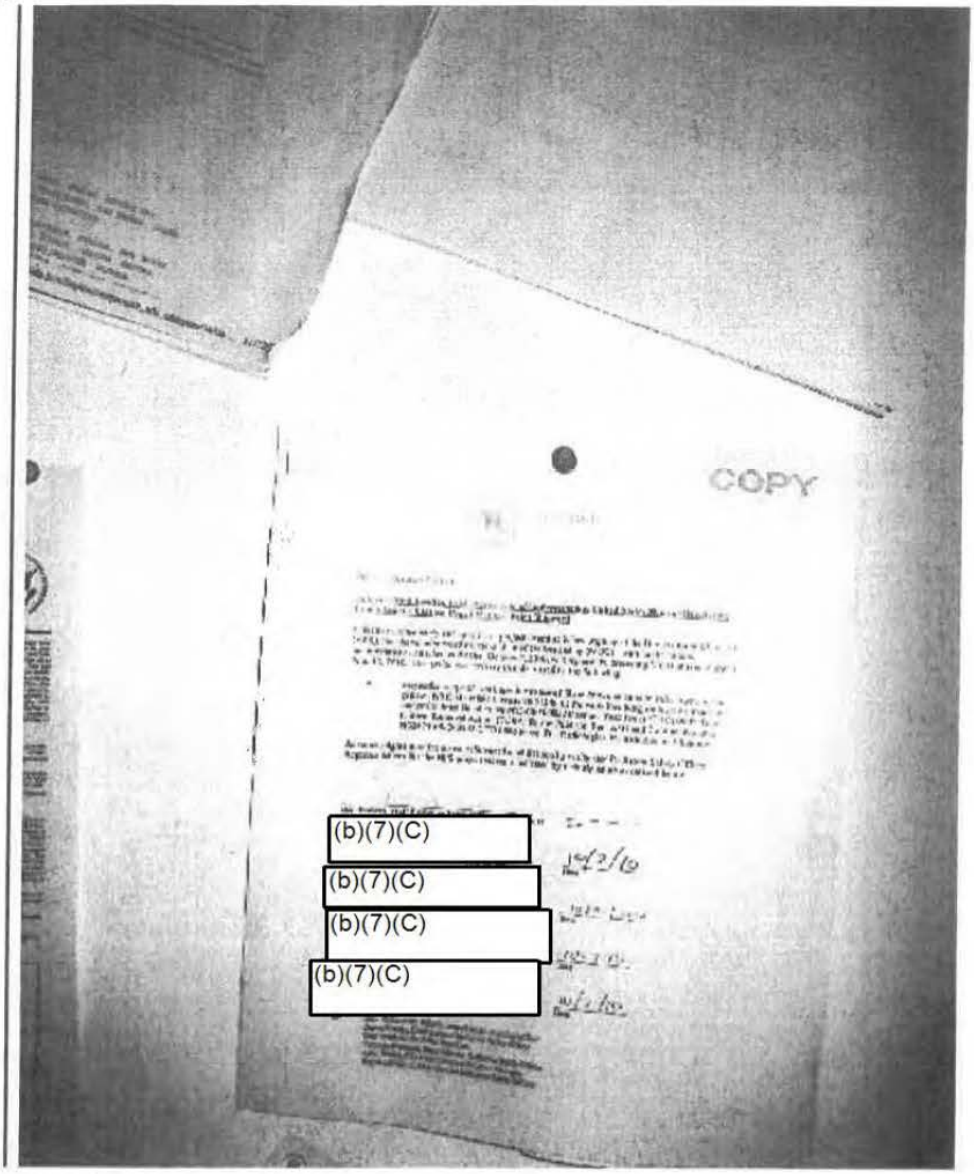
From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/15/2011 4:58:59 P.M. Pacific Daylight Time
Subj: Photo taken on Aug 3, 2011



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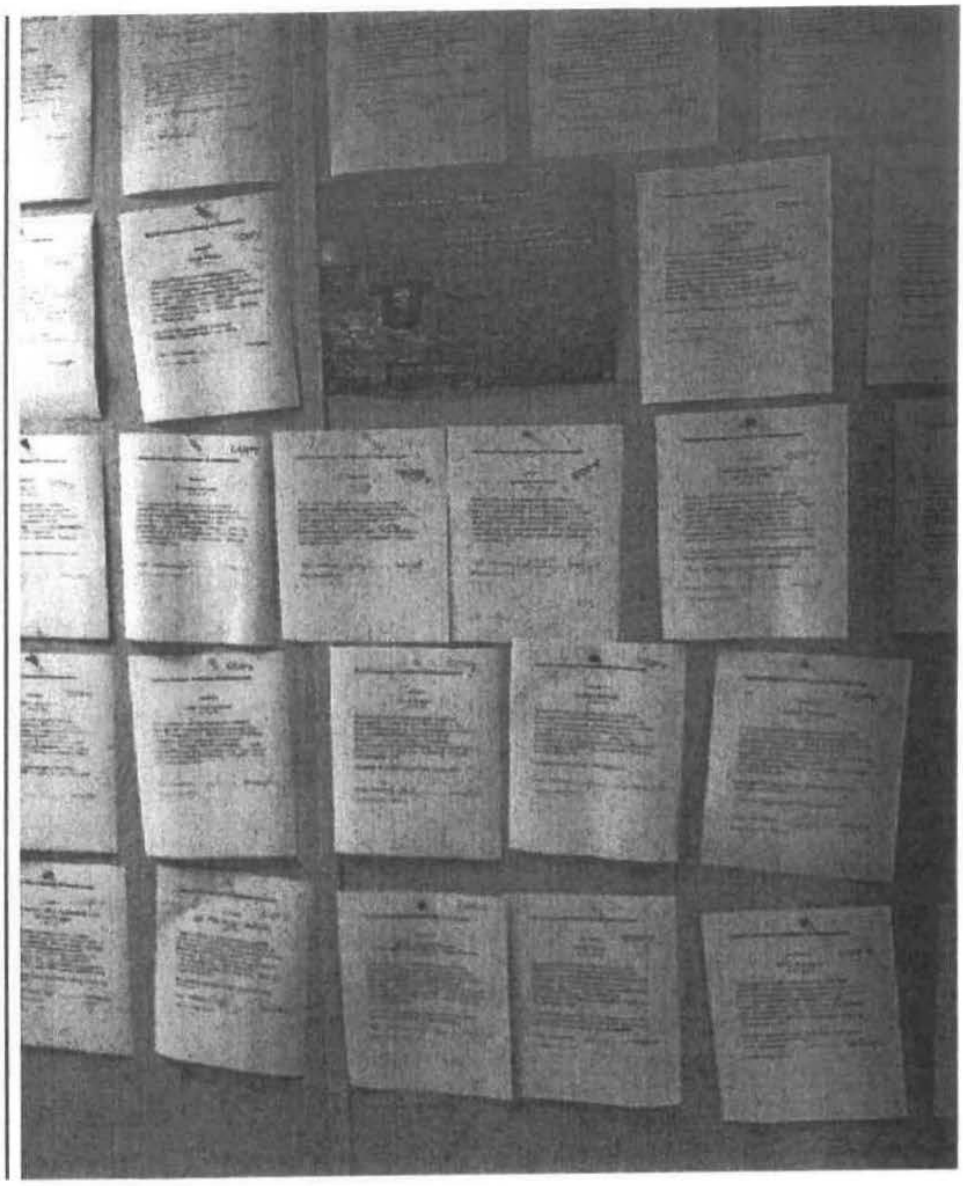
From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/15/2011 5:00:26 P.M. Pacific Daylight Time
Subj: Photos taken on Aug 15, 2011



Captain Awesome Certificate Of Awesomeness

COPY

(b)(7)(C)

2.11.10

This certificate of awesomeness is hereby awarded for outstanding performance in the area of awesomeness. Awesomeness is a virtue that most individuals possess in small quantity....but you (b)(7)(C) included)..... your cup overflowth with Awesomeness. Your ideas and contributions to HPS are...Awesome. Keep up the Awesome Job.

Awarded for running an EPA recognized gamma spectroscopy lab at a project based facility.

"Turn on, Tune in and Count gammas"

Capt. Awesome (b)(7)(C) Date 2/11/10

Certificate number 00022

Captain Awesome Certificate Of Awesomeness

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From: (b)(7)(C)
To: (b)(7)(C)
Sent: 8/19/2011 8:07:58 P.M. Pacific Daylight Time
Subj: Re: Hello

Well, I'm not surprised. They will all stick together. They like their pay check. And people are more about that than telling the truth (b)(7)(C) was nervous that he was going to be called in to do a statement. Upper management questioned him repeatedly about that horrible day. He told me this today. I just listened. He doesn't know we talk. Plus he worked under you. Now, in my opinion he would do anything not to jeopardize his job. He will lean toward what they what him to say. And I will tell you this, he is leaning to what they want to hear. I was not happy. It was all I could do not to go off on him. You gave him the opportunity to have the job he has now. But he believes that (b)(7)(C) keeps him there. And he does run to (b)(7)(C) if his feelings get hurt. He really dislikes (b)(7)(C) and (b)(7)(C) And this puts me in a bad way. They are my friends.

Sent from my iPad Susan

On Aug 19, 2011, at 3:48 PM (b)(7)(C)

Susan

Many thanks for sharing your hopes and prayers! We'll need to talk when a time is good so I can bring everything up to date for you. All I can say after yesterday is that the Tetra Tech bunch is capable of - and willing to play dirty (even (b)(7)(C) which really surprised and disappointed me).... will have to discuss pertinent details.... the more they "beat their chest", the deeper the hole they dug and the non-responsive my attorney and I became.... I believe it drove them crazy.... after 10+ hours, nothing was resolved.... they first tried to offer up a settlement of "token change" and "permanent duct tape on the mouth" (was prepped to expect that).... obviously, when their offer was refused they were ticked off.... later, they (primarily (b)(7)(C) came back with a list of blatant lies and innuendos trying to discredit me.... he and (b)(7)(C) even started throwing (b)(7)(C) under the bus - maybe after they sensed I was about to corner them.... what they don't realize is I actually do have them cornered.... as stated before, I suppose the earlier offer refusal must have ticked them off... at this point I'm personally ready to withdraw from the mediation process and turn things over to the regulators (NRC's OI, etc).... currently weighing all options with attorney while continuing to "calmly" process what came out from yesterday... strength is in numbers and in this unfolding scenario it may come to where you and quite a few others are asked to be involved - it wouldn't be in a way to put you at jeopardy though!

Thanks for the positive reinforcement.... it means a lot, and let's talk!

Bert

In a message dated 8/19/2011 9:38:37 A.M. Pacific Daylight Time (b)(7)(C)

Hello. I hope and pray that all went well for you.

I'm covering Work Area 33 this morning. The laborers are removing a piece of pipe. So (b)(7)(C) just decided to move the RAD posting back. I had to stop him. I told him that he just couldn't come and move postings when ever he wanted too. He radioed (b)(7)(C) to come over. But he never showed. Finally (b)(7)(C) saw it my way. And work continued correctly. They are used to (b)(7)(C) and his RCTs. Sorry for their luck (b)(7)(C) did show up later. He started to barrel into the area without signing in. Woops. I stopped him. He did sign in and out. This makes me wonder what really goes on with other RCTs at the control point.

Have a great day.

Susan

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From (b)(7)(C)
To (b)(7)(C)
Sent: 8/31/2011 8:06:38 A.M. Pacific Daylight Time
Subj: Fwd: Amazing

Susan

Begin forwarded message:

From: Susan Andrews (b)(7)(C)
Date: August 31, 2011 8:05:08 AM PDT
To: Susan Andrews (b)(7)(C)
Subject: Re: Amazing

Woops. I hit the wrong little button on my iPhone. Sorry. Now to finish. A
Susan

On Aug 31, 2011, at 8:00 AM, Susan Andrews (b)(7)(C) wrote:

Hello. Just needed to mention this to u. Today at the 7 am field meeting (b)(7)(C) gave EVERYONE a Captain Awesome Certificate of Awesomeness. Amazing. So now he has given everyone one. So my beef with this is null. Is someone giving Tt a heads up on stuff? Strange. Just a thought.

Susan

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From: (b)(7)(C)
To: (b)(7)(C)
Sent: 9/7/2011 12:07:07 P.M. Pacific Standard Time
Subj: EMS
You were right. EMS lost their contract here at HPS. I think it ends tomorrow.

Susan

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 9/7/2011 1:51:51 P.M. Pacific Standard Time
Subj: New RAD Waste Co
Do u happen to know who is taking EMS' place? I'd like to work for them. Maybe? What do u think? (b)(asked for my resume a few years ago. But I didn't give it to him. Glad I didn't now. They are all nice folks. I'll miss them
Susan

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 9/10/2011 9:22:11 A.M. Pacific Daylight Time
Subj: Re: Question
(b)(from the Lab, quit... (b)(7)(C) asked them all to pick up some O/T and he said no....so he quit...they brought (b)(back in from the field....he is happy...I then asked (b)(7)(C) if this is what the confusion was all about and he said no...that he has over heard something about the lab being OUT... I did see (b)(7)(C) in (b)(office a while back and the conversation seemed sad for them....and (b)(7)(

said well that's the way it goes.....I thought from what I heard and saw that maybe someone was bidding against them for the lab contract....and now (b)(7)(C) says this....maybe there is something to it...I did email (b)(7)(C) and asked him...so that maybe AWS could get in there..but he said it was just a rumor...I did NOT tell him as much as I'm telling you....but something is going on.....
In a message dated 9/9/2011 1:05:13 P.M. Pacific Daylight Time, (b)(7)(C)

...that's news to me Susan ...but I'll "put my ears to the ground" in that regard!
In a message dated 9/8/2011 10:23:28 A.M. Pacific Daylight Time,
(b)(7)(C)

I just heard that the lab might be out of here. Any truth to that?
(b)(7)(C) old me. Tks.

Susan

//

From (b)(7)(C)
To: (b)(7)(C)
Sent: 9/29/2011 5:12:38 P.M. Pacific Daylight Time
Subj: LAB!
I stand corrected...RSRS did lose the LAB Contract.....Berkeley Labs is coming in to take over....not quite sure when...but they know the benefits are better...so it must be soon.....I'm pretty sure that the people working the lab now are all staying (b)(7)(C) mouth go him in trouble....they still have the field contract.. (b)(7)(C) (b)(7)(C) are all going to Saudi Arabia.....word is that (b)(7)(C) is to be the RSO... (b)(7)(C) are supervisors.... (b)(7)(C) might go too...I heard.... Later Susan
//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 10/11/2011 2:56:00 P.M. Pacific Daylight Time
Subj: (b)(7)(C)
Not only does (b)(7)(C) with (b)(7)(C) . He lives with (b)(7)(C) (b)(7)(C) Now that explains a lot more (b)(7)(C) has had to talk with him about his attitude toward me twice now. And then after each time it gets worst. Shame on him!

Susan
//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 10/13/2011 9:56:47 A.M. Pacific Daylight Time
Subj: Procedure
Hello....only 3 procedures have been updated since you left.....#12-Release of Material from a RCA on April 15, 2011; #21- Portal Monitor on September 22, 2011; #26-Hand Scan when truck fails the Portal Monitor on September 21, 2011....hope this helps....
//

From (b)(7)(C)
To (b)(7)(C)
Sent: 10/17/2011 12:44:49 P.M. Pacific Daylight Time
Subj: Re: Kids to work!

Here's another one. They have 2 labors assigned to processing the dirt for the lab. I have never liked this. Do they understand what they are doing and not to cross contaminate the samples (b)(7)(C) and (b)(7)(C) were doing it last week. No gloves on. Just putting dirt in the oven and out and pound and into tin cans. No Senior over seeing the control of the samples. This has always bothered me. (b)(7)(C) forgot to sign out of an area last Friday. So he told (b)(7)(C) and me that he has to take next Thursday off and is also taking Friday off (b)(7)(C) is off all this week. But (b)(7)(C) is not sure about (b)(7)(C) He didn't know she didn't sign out!!! (b)(7)(C) told him about it. He was surprised. So maybe she doesn't have to be "dinged". Last Friday might have been a (b)(7)(C) !!! I'll ask (b)(7)(C) what day and check the time cards this Friday. This really gets me. (b) got wrote up by Tt and AWS. So it's in her file (b)(7)(C) had better get the same.

Susan

On Oct 17, 2011, at 12:08 PM, (b)(7)(C)

...it's disappointing to see just how low "professionalism" seems to have sunk there...
but you hang tight, help is hopefully on the way! BB
In a message dated 10/17/2011 11:10:26 A.M. Pacific Daylight Time,
(b)(7)(C) writes:

It must be (b)(7)(C) to work week! (b)(7)(C) has again brought (b)(7)(C) to work with (b)(7)(C) is taking on site in a Tt truck.
Plus (b)(7)(C) told me today, the reason (b)(7)(C) was off this past Friday is because she didn't sign out on a RWP. So she gets a Friday off. It has been stated that when this happens we aren't to get a Monday or Friday off. Only a Tuesday-Wednesday or Thursday. It's a punishment. I'll see this Friday when she does her time sheet. It must be nice to (b)(7)(C)

Susan

=

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From (b)(7)(C)
To (b)(7)(C)
Sent: 10/17/2011 1:51:08 P.M. Pacific Daylight Time
Sub (b)(7)(C)
I had to go into the oven conex. A posted RCA-RMA and there was (b)(7)(C) and (b)(7)(C) The (b)(7)(C) was helping (b)(7)(C) unload samples and drinking a drink inside the RAC-RMA. While (b)(7)(C) checked them in. There was a Shaw guy in there too (b)(7)(C) saw it too. I waited my turn to have my COC signed by (b)(7)(C) and (b)(7)(C) left and never frisked out. That's a big deal now. With (b)(7)(C) Frisking out that is. What next????

Susan

//

From (b)(7)(C)
To (b)(7)(C)
Sent: 10/17/2011 4:38:21 P.M. Pacific Daylight Time
Subj: Re: Ending.
I talked to (b)(7)(C) at the end of today. She said she did take her into RSY4 in a Tt truck (b)(7)(C) questioned it but (b)(7)(C) said it was alright. She wasn't getting out of the truck. This is so wrong on so many levels. again. Now (b)(7)(C) is giving in to her. We just can't make it right because again (b)(7)(C)

(b)(7)(C). And we'll be the next to go!!

Susar

On Oct 17, 2011, at 2:50 PM, (b)(7)(C)

...my word, my word, how brave (or is it complacent) they've become! I have a feeling that bubble's gonna bust real soon! BB
In a message dated 10/17/2011 2:36:26 P.M. Pacific Daylight Time, (b)(7)(C)

I told (b)(7)(C) about (b)(7)(C) is now sitting in (b)(7)(C) office. I remember when she would come at earlier times and she was given paper work to do. Like sorting and filing. To keep her busy. But why bring her to work??? Take off if you have company. You never had your mother sit in your office all day when she visited. And neither does any one else. Except (b)(7)(C) because she (b)(7)(C) And RASO will be here this week!

Susan.

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 10/24/2011 10:36:25 A.M. Pacific Daylight Time
Subj: Re: (b)(7)(C)
Ok. Tks.

Susan

On Oct 24, 2011, at 10:12 AM, (b)(7)(C)

Well... if you ask me, that's a pretty arrogant display of "I don't care and you don't matter"... I'd suggest that you keep this as part of your "good notes" to share during your meeting this coming Wednesday!
In a message dated 10/24/2011 9:50:19 A.M. Pacific Daylight Time, (b)(7)(C)

(b)(7)(C) in a Tt truck again around site (b)(7)(C) has asked her to stay in the office area. But (b)(7)(C) won't do that. (b)(7)(C) had talked to (b)(7)(C) about this. He says everyone knows. So he can't do anything about it. He agrees with me that it is wrong. I'm at the RSY3 gate today and (b)(7)(C) is in pad D3 & D8. And the (b)(7)(C) is sitting in the truck by the fence. She doesn't even have a shipyard pass to even get on the shipyard. I think he just entered it in his log book. He saw her to. So did (b)(7)(C) (b)(7)(C) too. What's up with this blatant refusal to comply with company rules????

Susan

//

From: (b)(7)(C)
To: (b)(7)(C)

Sent: 10/24/2011 12:51:36 P.M. Pacific Daylight Time
Subj: MOU. Licence
Your still posted on the MOU for Tt on the license at Bldg 400 break area. A copy.

Susan

//////////////////.....

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 10/26/2011 8:19:39 A.M. Pacific Daylight Time
Subj: White out
Did u know that when (b)(7)(C) make a mistake or mistakes on a survey that they white it out and then make a color copy and turn it in. And (b)(7)(C) and (b)(7)(C) are ok with this. I just can't do that. I either rewrite it or one line it and initial it. Confusing to me!

Susan

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 10/31/2011 9:00:32 A.M. Pacific Daylight Time
Subj: Device-10-26-11
This just keeps getting better. They found another device on Wednesday (b)(7)(C) were there. Maybe more! I was covering CKY at the Cap and doing an incoming survey on 3 generators at B-400. (b)(7)(C) was at the Portal Monitor. I was at the main office at 11:00 an (b)(7)(C) radioed (b)(7)(C) to assist her and (b)(7)(C) n to B-258 to put the device in the storage locker. He radioed back and said that I would assist them. So I went out and got all my stuff ready. RWP form, TSA, meters (M-3, M-19), flashlights, RAD tape, new RAD tag & PPE. When they got there (b)(7)(C) was going to just pass the device to me and they were going on there way. Wrong. First, I'm just here to let you both in to the Bldg (b)(7)(C) No we are giving it to (b)(7)(C) it's yours now. Me: well I can't go into the Bldg by myself. So she told (b)(7)(C) to go with me. So (b)(7)(C) got out of the Kabota. While she was signing the RWP she said she was not going to sign the device in - that I was going to do that. So I asked what the ID# was. They didn't know. So I asked where did if come from. They didn't know. So I said we can't log it in without some information. Once I got that through to them (b)(7)(C) went to ask (b)(7)(C) (b)(7)(C) She came back and said that (b)(7)(C) said that I knew the ID# and that I had done this 9 times before this. Me: oh no. I don't know the ID # and I have never put a device in lock up. I do the inventory. So now it's not getting nice. So I decided to take the device into the RCA-RMA and do my best until I could get to someone in the Know! The device was in a PIG so I took it in and when I opened the PIG it was in a bag and the bag was labeled with information. Some right some wrong. So I proceed to log it in when (b)(7)(C) radioed to come to the control point and let him in. So I did. He wanted to know what was going on (b)(7)(C) had went into the office and said that I didn't know what I was doing to (b)(7)(C) All I needed was an ID #, and these 2 didn't know what I was taking about (b)(7)(C) was told by both (b)(7)(C) and (b)(7)(C) to go to Bldg 258 in 5 mins for training. She refused.

So (b)(7)(C) & I waited at the control point for her. But she left at 11:45 with (b)(7)(C) for Lunch (b)(7)(C) was hot! So we went in and I finished. But when we got in there he told (b)(7)(C) that she was going to be trained on this procedure. And she said NO. She didn't want any training (b)(7)(C) said that she was going to be trained and then she said she would have to talk to (b)(7)(C) first. Not good. What is it with these folks. (b)(7)(C) went and talked to (b)(7)(C) about all of this. I had to be questioned by (b)(7)(C) on Friday (b)(7)(C) was off on Thursday and Friday. So today we talked. I made out a template for a uniformed label for these bags and gave it to (b)(7)(C) on Friday. (b)(7)(C) liked the idea. The techs that write on the bag enter wrong information. Like (b)(7)(C) entered 60626kcpm reading from a 2350. "k". Woops 60626000cpm. I don't think so. (b)(7)(C) told me today that he tried to tell her that it was wrong but she didn't get it and left it wrong (b)(7)(C) got his "open" & "closed" readings backwards on the RO-20. Lots of mistake. So a standardized label might help. (b)(7)(C) also told me today that Wednesday was the first time that a device was transported in a PIG. (b)(7)(C) always did them in the past. And now they are teaching (b)(7)(C) the wrong way. What a mess.

In at the cap waiting on CKY. They were to be here at 8. I bet they canceled and (b)(7)(C) forgot. It's 9:00 now. I'm going to call CKY myself now. Later,

Susan

//

From (b)(7)(C)
To: (b)(7)(C)
Sent: 11/1/2011 2:35:40 P.M. Pacific Daylight Time
Subj: Re (b)(7)(C)
Curtis & Tompkins Laboratories
Berkeley, CA
The web site will take ur resume, they don't say they are hiring.

Susan

On Nov 1, 2011, at 10:02 AM (b)(7)(C)

that's interesting Susan. on that note, do you know what "C&T" stands for - and are they officially advertising to fill Hunters Point lab positions (and if so, how many)? BB

In a message dated 11/1/2011 8:08:39 A.M. Pacific Daylight Time,
(b)(7)(C)

(b)(7)(C) told me today that (b)(7)(C) put her application in to C&T (the new lab company). He said she put in to pound dirt in the oven conex. A RCA-RMA. That's just to get her foot in the door. This is where I saw her walking in and out drinking a drink. Like a soda (b)(7)(C) believes that what (b)(7)(C) want they will get. More family members. There are so many people in this area that would love to have that job. What about them!!! I hope (b)(7)(C) (b)(7)(C) have more control and better judgement than to let this happen. So sad for C&T if they hire her.

Susan

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From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/1/2011 5:34:54 P.M. Pacific Daylight Time
Subj: (b)(7)(C)
(b)(7)(C) was here today... (b)(7)(C) was in the meeting.....I'm guessing it is about (b)(7)(C) refusing to be trained last Wednesday....

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/2/2011 3:52:19 P.M. Pacific Daylight Time
Subj: Re: Black and white RAD posting
All along their areas. It's a hit and miss. They just changed some of them out. This photo was taken in Parcel E.

Sent from my iPad. Susan

On Nov 2, 2011, at 1:53 PM (b)(7)(C) wrote:

> Susan,
> Where is this posting configuration located?
> Thanks,
> Bert

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/2/2011 12:43:45 P.M. Pacific Daylight Time
Subj: Black and white RAD posting
Shaw area.

Susan

From (b)(7)(C)
To (b)(7)(C)
Sent: 11/2/2011 3:57:32 P.M. Pacific Daylight Time
Subj: Re: (b)(7)(C)

(b)(7)(C) are back today too. I tried to ask (b)(7)(C) about the meeting with (b)(7)(C) All he would say was that at least he was glad to talk to her. He then said that more would be said to day at the 4:00 meeting. This was at 3:30. He jumped up from his desk and went to ask his boss if he could leave. So he did. He pulled out at 3:45. I guess he didn't want to be in the 4:00 meeting. Strange.

Sent from my iPad. Susan

On Nov 2, 2011, at 2:03 PM, (b)(7)(C)

....hmmm, sounds like maybe they're in the area for a combination of reasons ....oh, to be "a fly on the wall"!
In a message dated 11/2/2011 12:07:31 P.M. Pacific Daylight Time
(b)(7)(C)

(b)(7)(C) was here yesterday. I just didn't see him up close. I saw him going into the men's room. I thought it was a (b)(7)(C)
Anyway he said hi to me today with (b)(7)(C) They are going to Alameda.

Also I asked (b)(7)(C) if they were hiring (b)(7)(C) He said no way.

Susan

////////////////////////////////

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/3/2011 10:43:08 A.M. Pacific Daylight Time
Subj: Re: Alameda

(b)(7)(C) won't say (b)(7)(C) is going to have their Christmas party on the Horn Blower on Dec 2. I'm not going. I like to be able to leave when the drinking gets too much for me. (b)(7)(C) said I could just go to another Non Responsi !!! Then why go!!!! Go sit by myself!! Now that sounds like a good time!!!! Thanks but no thanks.

Susan

On Nov 3, 2011, at 10:00 AM, (b)(7)(C)

...hmmm, I wonder what that Alameda stuff's all about?
In a message dated 11/3/2011 9:37:57 A.M. Pacific Daylight Time
(b)(7)(C)

I just talked to (b)(7)(C) He was candid about the talk with HR the other day. But he did say that he was tired of HR stuff. What ever that means. And that he was talked to and he was sure that (b)(7)(C) were talked to also. But he went on to say that (b)(7)(C) and (b)(7)(C) are still in Alameda. According to (b)(7)(C) they have lots of "real" problems over there. Not just little HR problems like here. !!!
Sent from my iPad. Susan=

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/4/2011 6:50:17 A.M. Pacific Daylight Time
Subj: (b)(7)(C)
Yes she is getting a job out here with the new lab company. C&T. In the lab. (b)(7)(C) has (b)(7)(C) (b)(7)(C) And she has had then for awhile. So she has (b)(7)(C) This just is not right. Way to many relatives out here. And there are way to many folks right here in this area that need a job. She only got it because of (b)(7)(C) and the new Company wanting to make "brownie" points with (b)(7)(C) Not nice.

Susan

////////////////////.....

From (b)(7)(C)
To: (b)(7)(C)
Sent: 11/4/2011 4:42:28 P.M. Pacific Daylight Time
Subj: Re: No lab job???
Her name is (b)(7)(C) I'm not sure if she ever (b)(7)(C)
(b)(7)(C)
(b)(7)(C) told (b)(7)(C) the same thing today. (b)(7)(C) just found out about it all this morning...."That they were going to hire her and now they are not".....Time will tell...I'm sure this will not stop (b)(7)(C) if (b)(7)(C) wants her out here let her get a job some where else.....and she could still live with (b)(7)(C) and (b)(7)(C) One would think that if a RCT has to supervise the field labors that collect the samples in the field, that a RCT would have to supervise a non-RAD employee also in the Oven Conex.....They would be handling the same sample but without any RAD training.....and qualifications....this has never made quite good sense to me anyway....they have been letting field labors process the soil on the oven conex without an RCT watching them, but they can't collect it in the field without a RCT watching them. Sorry, but this doesn't make good sense to me.....then to have an unknown person that has zero RAD exposure come in off the street and just do it...unreal...not acceptable.....how would the NRC look at this?
In a message dated 11/4/2011 2:29:28 P.M. Pacific Daylight Time, (b)(7)(C)

....what a roller-coaster ride this is becoming (please keep me posted)!
BTW, do you know this gal's first and last name?
BB

In a message dated 11/4/2011 1:42:30 P.M. Pacific Daylight Time
(b)(7)(C)
(b)(7)(C) just stopped me and told me that "they" were going to hire (b)(7)(C) for the lab. But they are not now. He came and told me this so I can't believe he would lie. I sure hope I can trust someone out here.

Susan

//

From (b)(7)(C)
To: (b)(7)(C)
Sent: 11/9/2011 7:39:49 P.M. Pacific Standard Time
Subj: Re: Who can pound dirt?
Tks for the info Bert. The labors have been doing it off and on for quite awhile. More often since (b)(7)(C) quit. There are only 4 in the lab now plus (b)(7)(C) are in day shift and (b)(7)(C) are on the back shift. It doesn't leave much time to pound dirt. Today (b)(7)(C) was in and out of the oven conex while (b)(7)(C) pounded the samples (b)(7)(C) also logs all the information about the samples into the log book. When I was around there today he was pounding and putting the samples into the tins and sealing the tins and weighing it and logging the weight. (b)(7)(C) also have processed the soil samples.
So, does (b)(7)(C) being around qualify as the RAD tech oversight?

I'm just really glad they, for what ever reason, didn't hire (b)(7)(C) (yet).
Susan

(b)(7)(C)

On Nov 9, 2011, at 6:22 PM,

Hi Susan!
If (b)(7)(C) hasn't done all that "train and document" stuff by now, he'd sure better! Some other thoughts about laborers sampling on the pads... assuming (as you said (b)(7)(C) affirmed?) that pre-qual training was developed / approved / completed with documentation in place: 1) who approved it, 2) when, and 3) is the work (as performed by the "qualified" laborers) subject to RAD Tech oversight? If not subject to such oversight, 4) why and 5) what's the justification? Final question would be, 6) when did the change take effect.... as of August 2010 when the "questionable act" (laborers surveying and sampling on the pads) first surfaced and was questioned? If (b)(7)(C) can say "yes" to that, all I can say is the trng and qual pkg sure didn't cross my desk for approval!!! As for laborers prepping samples in the conex, questions 1 - 5 likewise apply (when did you first see them doing this... when you sent me that email?).... Remember, what's listed above is just me "thinking out loud"... I'm not implying you should confront (b)(7)(C) beyond what you've already done... like you, I don't believe him either (much less trust him)!
BB
In a message dated 11/9/2011 2:49:51 P.M. Pacific Standard Time,

(b)(7)(C)

I just asked (b)(7)(C) about this. He said that the laborer was trained. And I asked was it signed off that he was trained. And he said yes. I don't believe him. But I bet it will happen now. What do you think.

Susan

On Nov 9, 2011, at 1:32 PM, (b)(7)(C)

Bert's take on Susan's questions:
"It's all about the consistent application of recognized industry standards specific to a RAD Safety Program! As with 'past Tetra Tech ideas' to arrange for 'lesser pay / non-qualified' laborers to do 'higher pay / technically oriented RAD work' (i.e., of a kind where ANSI 18.1 or 3.1 certification is needed), you'd first better have in place some form of established qualification process and 'proof of ability w/ oversight' - inclusive of completion by 'potential candidates' of a 'recognized' program (job performance measures, satisfactory mock up demonstrations, etc) where results justify that with ANSI 18.1 or 3.1 RAD Tech oversight, such tasks can be correctly/safely performed without compromise - and thus ensuring continued NRC license compliance (i.e., safety and well being of the project workers, the public, and the environment)....."
It's that simple! So with what I've shared, you tell me how one should respond to your questions! In essence, for Tetra Tech to "go astray in any other direction", they end up getting what they pay for! Also - unique to your situation, if you encounter an "obligation" to come forward with an observed safety concern, does the fear of retaliation by the project prime come in to play - or will such a concern be genuinely acknowledged and corrected?
BB

In a message dated 11/9/2011 9:06:20 A.M. Pacific Standard Time (b)(7)(C) writes:

Who is qualified to process the soil samples for the lab in the oven conex. Can a laborer do it? They are not to collect the sample in the field with out RCT over site. Does this apply with processing in the oven conex with that same soil sample ???

Susan

//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/14/2011 7:16:37 A.M. Pacific Standard Time
Subj: (b)(7)(C)
Today (b)(7)(C) showed up at 7:00. Not at the morning meeting but in (b)(7)(C) car. Watching the morning meeting. After it was over she got into the Kabota with (b)(7)(C) is off today. She has not been briefed by (b)(7)(C) No RAD orientation.
Who hired her. What is going on??? I asked (b)(7)(C) and he said he did not know. And that he did not care. I'm afraid to ask. I could get my walking papers.
Susan
//

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/14/2011 7:25:42 A.M. Pacific Standard Time
Subj: More.
I just asked (b)(7)(C) who she was working for. RSRS or AWS. He did not know. And he told me that this was not a battle I needed to fight (b)(7)(C), is moving to RSY4 today (b)(7)(C) s off. I just hope he knows better than to let her in that area (b)(7)(C) over powered (b)(7)(C) on this and (b)(7)(C) won. Remember. And (b)(7)(C) will be easier for (b)(7)(C) to control.

Susan
////////////////

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/14/2011 2:26:43 P.M. Pacific Standard Time
Subj: Re: Knitting exempt & alleg
Thanks, Bert for all your good words of wisdom. She took her back out to the field at 11:06 (b)(7)(C) thought she was employed here when she was in the conex that other day when she was drinking going in and out of the conex RCA-RMA. So, I'm worried that the RCTs at the gates will think that too and just let her go in and out with (b)(7)(C). And they are all so afraid of (b)(7)(C) loosing their job.
Good luck.

Susan

On Nov 14, 2011, at 1:44 PM, (b)(7)(C)

Just got off phone ...
We'll talk for sure!
BB

From: (b)(7)(C)
To: (b)(7)(C)
Sent: 11/14/2011 1:32:10 P.M. Pacific Standard Time
Subj: Re: Knitting

Susan,

I suppose the kid is safer knitting in the office as compared to anywhere else.... which should be off site unless it's "bring your child to work (from the office) day".

Incoming phone call just now... we'll talk VERY, VERY soon!

BB

In a message dated 11/14/2011 8:07:11 A.M. Pacific Standard Time, (b)(7)(C)

She is in the office knitting! (b)(7)(C) are here (b)(7)(C) is here. Why does (b)(7)(C) bring her here?? And take her around site? This is just not right.

Susan

=

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NOV 17 2011

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter refers to your interview with on October 27, 2011, with (b)(7)(C) (b)(7)(C) with the Region I Field Office, NRC Office of Investigations (OI), regarding Hunters Point Naval Shipyard. You expressed concerns related to the health physics program. Enclosure 1 to this letter documents our understanding of your concerns.

We have initiated actions to examine your concerns. If the descriptions of your 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.

Enclosed with this letter is a brochure entitled "Reporting Safety Concerns to the NRC," which includes an important discussion of the identity protection provided by the NRC as well as those circumstances that limit the NRC's ability to protect an alleger's identity. Please read that section of the brochure. The brochure also contains information that you may find helpful in understanding our process for reviewing safety concerns.

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,

Original Signed By:

Richard J. Urban
Senior Allegation Coordinator

Enclosures: As Stated

CERTIFED MAIL
RETURN RECEIPT REQUESTED

OFFICIAL RECORD COPY

Distribution:
Allegation File No. RI-2011-A-0113

DOCUMENT NAME: G:\ORA\ALLEG\ACK\20110113ack.docx
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS:DB		RI:FOD		RI:SAC			
NAME	M Ferdas MSF		(b)(7)(C)		R Urban/s/			
DATE	11/17/2011		11/17/2011		11/17/2011			

OFFICIAL RECORD COPY

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 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.

Preliminary Response to Concern 2:

After evaluating the information you provided, we have determined that additional information regarding this concern would enable the NRC to perform a more effective review of your concern. For example, if you can provide the name of the individual or specific tasks that the individual failed to perform in accordance with procedures or regulatory requirements, this information would help us focus our review effort. If you have additional information regarding this concern, please call the NRC Safety Hotline at 1-800-432-1156, or contact me in writing at P.O. Box 80377, Valley Forge, PA 19484, within 10 days of receipt of this letter. If no additional information is received within 10 days, we will proceed with our review based on available information.

OFFICIAL RECORD COPY

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

NOV 17 2011

Ms. Susan V. Andrews
(b)(7)(C)

RI-2011-A-0113

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

Dear Ms. Andrews:

This letter refers to your interview with on October 27, 2011, with (b)(7)(C) (b)(7)(C) with the Region I Field Office, NRC Office of Investigations (OI), regarding Hunters Point Naval Shipyard. You expressed concerns related to the health physics program. Enclosure 1 to this letter documents our understanding of your concerns.

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Sincerely,

Richard J. Urban
Senior Allegation Coordinator

ures: As Stated

ED MAIL
RECEIPT REQUESTED

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ALLEGATION REVIEW BOARD DISPOSITION RECORD
ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation No.: RI-2011-A-0113
Site/Facility: Navy – Hunters Point, CA (decommissioning site)
ARB Date: 11/09/2011

Branch Chief (AOC): Ferdas
Acknowledged: No
Confidentiality Granted: NO, intake by OI during investigation into another matter.

Concern(s) Discussed:

1. During an interview of the CI as a witness in OI Investigation No. 1-2012-002 (a discrimination investigation), the CI who is a contract Senior HP Technician with AWS, subcontracted to Tetra-Tech, alleged that last week there was an occasion(s) when Tetra-Tech personnel (nfi) did not perform surveys and/or frisks when they entered and exited a contaminated area. The CI did not state this was an immediate safety concern. When asked by OI for more specifics on frequency or number of occasions that this conduct occurred, the CI did not respond.

2. The same CI said that another Senior HP Tech who works on the site, knows very little and does not really follow RAD principals. The CI did not provide any more specific information on that issue.

   Security Category: N/A

Does alleger object to providing concerns to the licensee via an RFI? NA

ALLEGATION REVIEW BOARD ATTENDEES

Chair:	D Collins/Lorson	**Branch Chief:**	MFerdas	**SAC:**	RUrban
OI:	(b)(7)(C)	**RI Counsel:**		**Others:**	OMasnyk Bailey, McFadden

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

Inspection

DISPOSITION ACTIONS

1. Acknowledgment letter to CI – Branch to provide Enclosure 1

   Responsible Person: Urban/Ferdas
   Closure Documentation:
   ECD: 11/25/2011
   Completed:

2. RI to perform an inspection of Tetra Tech at Hunters Point (ensure that review of quals of senior HP techs).

   Responsible Person: Ferdas/Masnyk-Bailey
   Closure Documentation:
   ECD: 1/31/2012
   Completed:

SAFETY CONCERN:
Potential to spread low levels of contamination outside of impacted areas. Low safety significance.

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
What is the potential violation and regulatory requirement?
When did the potential violation occur?

NOTES:

There has been a previous Tetra Tech allegation (RI-2011-A-0019) regarding radiation safety practices at Hunters Point by a different CI. Several of the concerns were substantiated although most of the concerns were unsubstantiated.

DISTRIBUTION: Panel Attendees, Regional Counsel, OI, Responsible Persons

Urban, Richard

From: R1ALLEGATION RESOURCE
Sent: Monday, November 07, 2011 3:26 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: **SENSITIVE ALLEGATION INFORMATION**
Attachments: RI-2011-A-0113ARBDisposition.docx

From: Hammann, Stephen
Sent: Monday, November 07, 2011 3:26:08 PM
To: R1ALLEGATION RESOURCE
Cc: Ferdas, Marc; Masnyk Bailey, Orysia; Seeley, Shawn
Subject: **SENSITIVE ALLEGATION INFORMATION**
Auto forwarded by a Rule

Attached is ARB panel form for RI-2011-A-0113

Steve Hammann
Senior Health Physicist
U.S. Nuclear Regulatory Commission
Region I - Division of Nuclear Material Safety
610-337-5399

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Monday, November 07, 2011 1:31 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: WARNING CONTAINS ALLEGATION INFORMATION
Attachments: RI-2011-A-0113ARBDisposition.docx; HuntersPointChecklistProposedRFI.doc

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From: Masnyk Bailey, Orysia
Sent: Monday, November 07, 2011 1:31:07 PM
To: Hammann, Stephen; R1ALLEGATION RESOURCE
Cc: Seeley, Shawn; Ferdas, Marc; Urban, Richard
Subject: WARNING CONTAINS ALLEGATION INFORMATION
Auto forwarded by a Rule

Steve, here are the allegation disposition form and the RFI checklist. I think the best approach is to have the Navy look at this because the Radiological Affairs Support Office staff is out in California all the time and they specifically look at contractor performance. My second choice would be RFI and NRC inspection if the NRC inspection can wait until March when we perform our annual visit with HQ Waste Management.

Some of the questions need to be answered by Allegations because they received the info from OI and we did not take in the information.

Finally, I have reached out to Allegations for the past 3 years worth of Navy decommissioning allegations so we can get a better picture of what/how many allegations we have had to see if the RFI form needs to be changed.

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Allegation Receipt Report

Date Received: October 27, 2011
Received via: [X] In-person

Allegation No. RI-2011-A-011

Employee Receiving Allegation (b)(7)(C)

Source of information: [X] contractor

Alleger Name: [Susan Andrews]
Home Phone:

Home Address:
City/State/Zip:

Alleger's Employer: AWS

Alleger's Position/Title: Senior HP Tech

Facility: Hunters Point Naval Shipyard
200 Fisher Ave.
San Francisco, CA 94124

DN. or LN: 030-38199/29-31396-01

Is it a declaration, statement, or assertion of impropriety or inadequacy?	Yes
Is the impropriety or inadequacy associated with NRC regulated activities?	Yes
Is the validity of the issue unknown?	Yes

If NO to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information, public responsiveness matter, or an OSHA referral).

Is there a potential immediate safety significant issue that requires an Ad-Hoc ARB? No

Was alleger informed of NRC identity protection policy?	Yes	No	N/A
If H&I was alleged, was alleger informed of DOL rights?	Yes	No	N/A
Did they raise the issue to their management and/or ECP?	Yes	No	N/A
Does the alleger object to having their issue(s) forwarded to the licensee?	Yes	No	

Provide alleger's verbatim response to this question: _____

Was confidentiality requested?	Yes	No	
Was confidentiality initially granted?	Yes	No	N/A
Individual Granting Confidentiality:			

Allegation Summary:

(1) During an interview of the CI as a witness in OI Investigation No. 1-2012-002 (a discrimination investigation), the CI who is a contract Senior HP Technician with AWS, subcontracted to Tetra-Tech, alleged that last week there was an occasion(s) when Tetra-Tech personnel (nfi) did not perform surveys and/or frisks when they entered and exited a contaminated area. The CI did not state this was an immediate safety concern. When asked by OI for more specifics on frequency or number of occasions that this conduct occurred, the CI did not respond.

(2) The same CI said that another Senior HP Tech who works on the site, knows very little and does not really follow RAD principals. The CI did not provide any more specific information on that issue.

Functional Area: [X] Decommissioning Materials [X] On Site Contractor

Discipline For Each Concern: [X] Health Physics

Johnson, Sharon

From: (b)(7)(C)
Sent: Monday, October 31, 2011 9:29 AM
To: Johnson, Sharon
Subject: RE: Hunters Point Alleg - 10/27/2011

Sharon-

Good Morning. The alleger's information is below:

Susan V. Andrews
(b)(7)(C)

P.S.- I received an email from (b)(7)(C) following my interview with her but before I came back to PA. I did not see it until this morning and he asked a few questions which answers were needed to for the purpose of entering the allegation. Would you like me to contact Ms. Andrews again to ask those questions or is that something that you all would traditionally do? I don't mind at all, just wanted to clarify.

(b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations
Region-I Field Office
475 Allendale Road
King of Prussia, PA 19406
(b)(7)(C)
610-337-5131 Fax
(b)(7)(C)

From: Johnson, Sharon
Sent: Monday, October 31, 2011 9:07 AM
To: (b)(7)(C)
Cc: Urban, Richard; Holmes, Marcy
Subject: Hunters Point Alleg - 10/27/2011

(b)(7)(C)

Did you happen to obtain the CI's address and home/cell phone number(s)?

Thanks

Sharon Law Johnson
Allegation Assistant
610-337-5374

Johnson, Sharon

From: R1ALLEGATION RESOURCE
Sent: Friday, October 28, 2011 12:47 PM
To: Urban, Richard; Holody, Daniel; McFadden, John; Johnson, Sharon; McLaughlin, Marjorie
Subject: FW: AllegationReceiptReport.docx
Attachments: AllegationReceiptReport.docx

From: (b)(7)(C)
Sent: Friday, October 28, 2011 12:46:21 PM
To: R1ALLEGATION RESOURCE
Subject: AllegationReceiptReport.docx
Auto forwarded by a Rule