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	3

RESPONSE TYPE ☑ INTERIM ☐ FINAL

REQUESTER:	DATE:
Jason Fagone	04/08/2019

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	3

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 two interim responses to you, this is the third 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: 2019.04.08 11:21:32 -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: 04/08/2019

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			

OI:RI BLUE CASE FILE CHECKLIST, EFFECTIVE 09/06/2012

Case #: 1-2012-002

AGENT:_____ **Initials:**_____ **Date:**_____

IA: (b)(7)(C) **Initials:** (b)(7)(C) **Date:**_____

AGENT RESPONSIBILITY:

OPEN CASE:

- [✓] Completed Alleger Advisement on Identity Protection Form
- [ ] NCIC Information: Case File Marked with Red Dot
- [ ] Draft NOV that triggered the investigation
- [ ] Completed, Signed and Approved Investigative Plan

CLOSED CASE:

- [✓] PII/Case Notes (Envelope)
- [ ] BC Wipe Audio Interview Files
- [ ] Delete Case Related Material from Computer Drive

IA RESPONSIBILITY:

OPEN CASE:

- [✓] ARB Meeting Sheets
- [✓] Opening ISR
- [✓] Checklist

CLOSED CASE:

- [✓] Completed Case Chrons Printout
- [✓] Final ISR covering complete case history
- [✓] Original ROI and Exhibits

Case Investigation Status Reports

Case Number: 1-2012-002

Facility: TETRA TECH EC, INC.

ISR KEY	NUMBER	ENTERED BY	STATUS	FOD REVIEWER	HQ REVIEWER
7199	1-2012-002	(b)(7)(C)	CLO	(b)(7)(C)	N/A

CASE INVESTIGATION STATUS REPORTS

ISR KEY	ENTRY DATE	ESTIMATED COMPLETION DATE	STATUS	REPORT	ENTRY BY	APPROVED
7199	11/30/2012	11/30/2012	CLO	On November 20, 2012, OI contacted Tim MURPHY, Attorney for Tetra Tech (TT) who stated that although TT conducted an internal investigation as to what happened between Bert BOWERS, TT Radiation Supervisory Personnel and (b)(7)(C) TT, on January 13, 2011; no written report was produced. MURPHY confirmed to OI that TT completed an audit report. OI requested a copy of the audit report. OI received the TT audit report on November 27, 2012, which was added as an exhibit to the Report of Investigation (ROI). Case was closed (unsubstantiated) on November 30,	(b)(7)(C)	NO

				2012.		
7198	10/31/2012	11/15/2012	RID	A Report of Investigation (ROI) draft has been completed and submitted to the FOD for review. Status: RID ECD: 11/2012.	(b)(7)(C)	NO
7197	09/30/2012	11/15/2012	RID	OI plans to finish a review of testimony and other records review in October 2012 and finalize a Report of Investigation (ROI) from the previous Case Agent. Status: RID ECD: 11/2012.		NO
7196	08/31/2012	11/15/2012	RID	Due to the need to complete the review of testimony and other case related records, and completion of the report of investigation the ECD is being extended to November 2012. Status: RID ECD: 11/2012.		NO
7195	07/31/2012	08/15/2012	RID	During this reporting period, an incomplete draft Report of Investigation (ROI) was submitted by former OI:RI SA (b)(7)(C) SA (b)(7)(C) resigned from the NRC to take a position with another federal agancy. The investigation was transferred to OI:RI SSA (b)(7)(C) who will begin reviewing the transcripts, and other case related information so that		NO

				he will be able to complete the report of investigation. Upon completing the report, SSA (b)(7)(C) will submit the report to the SAIC for review and approval. Status: RID ECD: 08/2012		
7194	06/30/2012	08/15/2012	FWP	During the latter half of this reporting period, reporting agent received transcript of the interview conducted with (b)(7)(C) (b)(7)(C) transcript, along with a few additional transcripts are currently under review in preparation of drafting the report of Investigation in this matter. Based upon investigative priorities with respect of OI Case Number 1-2012-001, and the closure process associated therein, the nine month metric will not be satisfied in this investigation. The ECD is being extended to July to allow for completion of the report of investigation. Status: FWP ECD: 07/2012.	(b)(7)(C)	NO
7193	05/31/2012	06/15/2012	FWP	During this reporting period, Tetra Tech EC, Inc. (b)(7)(C) (b)(7)(C) was interviewed at his office in (b)(7)(C)		NO

				VA. The interview recording in this matter has been expedited and it is anticipated that a draft Report of Investigation (ROI) will be written in the immediate furture and that this investigation will be closed during the month of June. Status: FWP ECD: 06/2012.		
7192	04/30/2012	05/15/2012	FWP	During this reporting period, reporting agent was scheduled to interview (b)(7)(C) (b)(7)(C) on April 18, 2012, in Atlanta, GA, however, (b)(7)(C) invoked his right to counsel right before the interview, at which time, the reporting agent talked with Tim MURPHY, Esq. MURPHY highlighted some potential dates for which he and (b)(7)(C) were available, and at this juncture, efforts are being made to facilitate the interview of (b)(7)(C) which is essential to this investigation. This investigation continues pending the interview of (b)(7)(C) and any follow-up investigative activities required. Status: FWP ECD: 05/2012.	(b)(7)(C)	NO
7191	03/31/2012	05/15/2012	FWP	During this		NO

				reporting period, reporting agent reviewed transcripts from recently conducted interviews as well as continued to coordinate with Tetra Tech (b)(7)(C) (b)(7)(C) regarding potential interview dates and times. Reporting agent also had to discuss the potential interview schedule with Tim MURPHY, Esq., Corporate counsel to Tetra Tech EC, Inc. This investigation continues pending the completion of the final interview in this matter with (b)(7)(C) and subsequent investigative evaluation. Status: FWP ECD: 05/2012	(b)(7)(C)	
7190	02/29/2012	03/15/2012	FWP	From February 6-10, 2012, reporting agent conducted 9 interviews [all represented by counsel] with members of the management and leadership team at Tetra Tech EC, Inc. Testimony provided by management personnel was fairly consistent, wherein it was confirmed that BOWERS was furloughed in the summer of 2011 after being transferred from Hunters Point Naval Shipyard to Alameda. BOWERS		NO

				was offered subsequent work as recently as the fall of 2011, however, those jobs were in Saudi Arabia and Oak Ridge, TN. BOWERS declined both offers citing a desire to remain in the San Francisco Bay Area. This investigation continues pending supplemental management interviews to be conducted. More specifically, OI will interview Tetra Tech (b)(7)(D) (b)(7)(C) who is located in the greater (b)(7)(D) (b)(7)(D) area. Status: FWP ECD: 03/2012.		
7189	01/31/2012	03/15/2012	FWP	During this reporting period, reporting agent received supplemental electronic mail correspondence from alleger Bert BOWERS in regards to updated information received. More specifically, BOWERS advised that he was contacted by Tetra Tech regarding his interest in another position with the company. This was on the heels of a tentative order being issued against Tetra Tech and in BOWERS favor, by the State of California,	(b)(7)(C)	NO

				Department of Labor. Reporting agent intends to travel to California in February to conduct subsequent interviews with management personnel in this matter. This investigation continues pending further investigative activity/field work. Status: FWP ECD: 03/2012		
7188	12/31/2011	01/15/2012	FWP	During this reporting period, reporting agent has received supplemental email documentation from Bert BOWERS regarding his discrimination claim against his former employer: Tetra Tech. While there have been few developments with respect to BOWERS, he (BOWERS) has provided the reporting agent with information regarding two former Tetra Tech employees from Hunters Point Naval Shipyard, who have filed discrimination claims with the NRC. Susan ANDREWS and (b)(7)(C) were both interviewed by the reporting agent in November 2011, in San Francisco and (b)(7)(C), respectively, as they were witnesses	(b)(7)(C)	NO

				for BOWERS. This investigation continues pending additional investigative field work. Status FWP ECD: 01/2012.		
7187	11/30/2011	01/15/2012	FWP	During this reporting period, (b)(7)(C) at Hunters Point Naval Shipyard, a current Tetra Tech EC, Inc. employee was interviewed in (b)(7)(C) (b)(7)(C) offered information in support of the job that BOWERS was doing as the Radiation Safety Officer (RSO), but did advise that he (b)(7)(C) was not employed there during the time that BOWERS was having significant bouts with management. On Wednesday November 16, 2011, OI was contacted by Kathy DALEY, Deputy Labor Commissioner with the State of California, Department of Labor. DALEY further advised that her office was preparing to issue a finding against Tetra Tech EC, Inc. for the wrongful termination of BOWERS. This investigation continues further investigative efforts. Status: FWP	(b)(7)(C)	NO

				ECD: 01/2012.		
7186	10/31/2011	01/15/2012	FWP	During this reporting period, reporting agent traveled to San Francisco, CA to conduct initial interviews in this investigation with alleger Elbert "Bert" BOWERS, and additional witnesses. BOWERS previously provided the reporting agent with the names of former and current employees working at the Hunters Point Naval Shipyard (HPNS). The employees identified by BOWERS and subsequently interviewed by the reporting agent were individuals who worked for Tetra Tech EC, Inc (TTI), or one of the subcontractors to TTI at HPNS. Six individuals (including the alleger) were interviewed during the time periods covering 10/25/11-10/27/11. This investigation continues pending further investigative efforts. Status: FWP ECD: 01/2012	(b)(7)(C)	NO
7185	10/07/2011	01/15/2012	FWP	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) (b)(7)(C) (the last instance occurring in the presence of the Tetra Tech (b)(7)(C (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) 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, 2011, 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

				(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 30.7 (Employee protection) and 10 CFR 30.10 (Deliberate misconduct). The Statute of Limitations tolls on April 1, 2016. Status: FWP ECD (90 days): 01/2012.**

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:	
		Priority:	High
Case Code:	Materials/Industrial	Status:	Case is closed
Primary Alleg Source:	(A) Alleger		
Allegation Number(s):	RI-2011-A-0019		
Subject/Allegation:	DISCRIMINATION AGAINST A FORMER RADIATION SAFETY OFFICER FOR HAVING RAISED A SAFETY CONCERN		

Monthly Status Report:

10/07/2011 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, 2011, 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 (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 30.7 (Employee protection) and 10 CFR 30.10 (Deliberate misconduct). The Statute of Limitations tolls on April 1, 2016. Status: FWP ECD (90 days): 01/2012.

10/31/2011 During this reporting period, reporting agent traveled to San Francisco, CA to conduct initial interviews in this investigation with alleger Elbert "Bert" BOWERS, and additional witnesses. BOWERS previously provided the reporting agent with the names of former and current employees working at the Hunters Point Naval Shipyard (HPNS). The employees identified by BOWERS and subsequently interviewed by the reporting agent were individuals who worked for Tetra Tech EC, Inc (TTI), or one of the subcontractors to TTI at HPNS. Six individuals (including the alleger) were interviewed during the time periods covering 10/25/11-10/27/11. This investigation continues pending further investigative efforts. Status: FWP ECD: 01/2012

11/30/2011 During this reporting period, (b)(7)(C) at Hunters Point Naval Shipyard, a current Tetra Tech EC, Inc. employee was interviewed in (b)(7)(C). (b)(7)(C) offered information in support of the job that BOWERS was doing as the Radiation Safety Officer (RSO), but did advise that he (b)(7)(C) was not employed there during the time that BOWERS was having significant bouts with management. On Wednesday November 16, 2011, OI was contacted by Kathy DALEY, Deputy Labor Commissioner with the State of California, Department of Labor. DALEY further advised that her office was preparing to issue a finding against Tetra Tech EC, Inc. for the wrongful termination of BOWERS. This investigation continues further investigative efforts. Status: FWP ECD: 01/2012.

INVESTIGATION STATUS RECORD

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-002	Date Opened:	10/07/2011

12/31/2011 During this reporting period, reporting agent has received supplemental email documentation from Bert BOWERS regarding his discrimination claim against his former employer: Tetra Tech. While there have been few developments with respect to BOWERS, he (BOWERS) has provided the reporting agent with information regarding two former Tetra Tech employees from Hunters Point Naval Shipyard, who have filed discrimination claims with the NRC. Susan ANDREWS and (b)(7)(C) were both interviewed by the reporting agent in November 2011, in San Francisco and (b)(7)(C) CA respectively, as they were witnesses for BOWERS. This investigation continues pending additional investigative field work. Status FWP ECD: 01/2012.

01/31/2012 During this reporting period, reporting agent received supplemental electronic mail correspondence from alleger Bert BOWERS in regards to updated information received. More specifically, BOWERS advised that he was contacted by Tetra Tech regarding his interest in another position with the company. This was on the heels of a tentative order being issued against Tetra Tech and in BOWERS favor, by the State of California, Department of Labor. Reporting agent intends to travel to California in February to conduct subsequent interviews with management personnel in this matter. This investigation continues pending further investigative activity/field work. Status: FWP ECD: 03/2012

02/29/2012 From February 6-10, 2012, reporting agent conducted 9 interviews [all represented by counsel] with members of the management and leadership team at Tetra Tech EC, Inc. Testimony provided by management personnel was fairly consistent, wherein it
was confirmed that BOWERS was furloughed in the summer of 2011 after being transferred from Hunters Point Naval Shipyard to Alameda. BOWERS was offered subsequent work as recently as the fall of 2011, however, those jobs were in Saudi Arabia and Oak Ridge, TN. BOWERS declined both offers citing a desire to remain in the San Francisco Bay Area. This investigation continues pending supplemental management interviews to be conducted. More specifically, OI will interview Tetra Tech (b)(7)(C) who is located in the greater (b)(7)(C) area. Status: FWP ECD: 03/2012.

03/31/2012 During this reporting period, reporting agent reviewed transcripts from recently conducted interviews as well as continued to coordinate with Tetra Tech (b)(7)(C) regarding potential interview dates and times. Reporting agent also had to discuss the potential interview schedule with Tim MURPHY, Esq., Corporate counsel to Tetra Tech EC, Inc. This investigation continues pending the completion of the final interview in this matter with (b)(7)(C) and subsequent investigative evaluation. Status: FWP ECD: 05/2012

04/30/2012 During this reporting period, reporting agent was scheduled to interview (b)(7)(C) on (b)(7)(C) (b)(7)(C) in (b)(7)(C), however, (b)(7)(C) invoked his right to counsel right before the interview, at which time, the reporting agent talked with Tim MURPHY, Esq. MURPHY highlighted some potential dates for which he and (b)(7)(C) were available, and at this juncture, efforts are being made to facilitate the interview of (b)(7)(C) which is essential to this investigation. This investigation continues pending the interview of (b)(7)(C) and any follow-up investigative activities required. Status: FWP ECD: 05/2012.

05/31/2012 During this reporting period, Tetra Tech EC, Inc. (b)(7)(C) was interviewed at his office in (b)(7)(C) The interview recording in this matter has been expedited and it is anticipated that a draft Report of Investigation (ROI) will be written in the immediate furture and that this investigation will be closed during the month of June. Status: FWP ECD: 06/2012.

06/30/2012 During the latter half of this reporting period, reporting agent received transcript of the interview conducted with (b)(7)(C) transcript, along with a few additional transcripts are currently under review in preparation of drafting the report of Investigation in this matter. Based upon investigative priorities with respect of OI Case Number 1-2012-001, and the closure process associated therein, the nine month metric will not be satisfied in this investigation. The ECD is being extended to July to allow for completion of the report of investigation. Status: FWP ECD: 07/2012.

INVESTIGATION STATUS RECORD

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-002	Date Opened:	10/07/2011

07/31/2012 During this reporting period, an incomplete draft Report of Investigation (ROI) was submitted by former OI:RI SA (b)(7)(C) from the NRC to take a position with another federal agancy. The investigation was transferred to OI:RI SSA (b)(7)(C) who will begin reviewing the transcripts, and other case related information so that he will be able to complete the report of investigation. Upon completing the report, SSA (b)(7)(C) will submit the report to the SAIC for review and approval. Status: RID ECD: 08/2012

08/31/2012 Due to the need to complete the review of testimony and other case related records, and completion of the report of investigation the ECD is being extended to November 2012. Status: RID ECD: 11/2012.

09/30/2012 OI plans to finish a review of testimony and other records review in October 2012 and finalize a Report of Investigation (ROI) from the previous Case Agent. Status: RID ECD: 11/2012.

10/31/2012 A Report of Investigation (ROI) draft has been completed and submitted to the (b)(7)(C) for review. Status: RID ECD: 11/2012.

11/30/2012 On November 20, 2012, OI contacted Tim MURPHY, Attorney for Tetra Tech (TT) who stated that although TT conducted an internal investigation as to what happened between Bert BOWERS, TT Radiation Supervisory Personnel and (b)(7)(C) TT, on January 13, 2011; no written report was produced. MURPHY confirmed to OI that TT completed an audit report. OI requested a copy of the audit report. OI received the TT audit report on November 27, 2012, which was added as an exhibit to the Report of Investigation (ROI). Case was closed (unsubstantiated) on November 30, 2012.

Completion Date:	11/30/2012	Total Staff Hours:	433.0
Issue Date:		Months Open:	14.0
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):		Statue of Limitations Date:	04/01/2016

CASE CHRONOLOGY

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-002	Date Opened:	10/07/2011

Date	Activity
10/10/2011	Reporting agent attempted to contact alleger Bert BOWERS via both email and telephone, leaving messages through both mechanisms. Contact was initiated by the reporting agent in an effort to schedule the alleger interview in this matter.
10/14/2011	On Wednesday October 12, 2011, reporting agent received a return call and email from alleger Bert BOWERS, who confirmed to meeting with the reporting agent for the purpose of initial interview on Wednesday October 26, 2011, in Redwood City, CA.
10/31/2011	Between the time periods covering 10/25/11 and 10/27/11, reporting agent interviewed alleger Elbert "Bert" BOWERS, along with five other individuals who are currently or were previously employed at Hunters Point Naval Shipyard, by either Tetra Tech EC, Inc. (TT) or a subcontractor to TT.
11/07/2011	On Tuesday November 1, 2011, reporting agent interviewed former Tectra Tech (b)(7)(C) (b)(7)(C) (Hunters Point Naval Shipyard) (b)(7)(C) in (b)(7)(C)
11/21/2011	On Wednesday evening November 16, 2011, reporting agent received a voice mail message from State of California, Deputy Labor Commissioner Kathy DALEY. DALEY advised that her office was investigating the matter of wrongful termination filed by Elbert "Bert" BOWERS, former Radiation Safety Officer at Tetra Tech EC, INC. DALEY further advised of some safety concerns which she had and some critical information that she desired to share with the NRC. Reporting agent forwarded the voicemail message to the RI (b)(7)(C) who, in turn, sent it to the appropriate technical staff personnel and Office of Regional Counsel, for further review. This investigation continues.
12/19/2011	(b)(7)(C) reviewed chrons.
02/17/2012	(b)(7)(C) reviewed case chrons - SA needs to update chrons
02/28/2012	From February 6-10, 2012, reporting agent conducted 9 interviews with members of the management and leadership team at Tetra Tech EC, Inc. The interviews were held in conjunction with parallel interviews also performed by the State of California, Department of Labor, at their facility in downtown San Francisco, CA. Interviews were conducted separately, which accounts for such the extended period of time utilized for the interviews, and were in the presence of Tetra Tech legal counsel Tim MURPHY, Esq. from the Law firm of FISHER, PHILLIPS, LLP. Testimony provided by management personnel was fairly consistent, wherein it was confirmed that BOWERS was furloughed in the summer of 2011 after being transferred from Hunters Point Naval Shipyard to Alameda. BOWERS was offered subsequent work as recently as the fall of 2011, however , those jobs were in Saudi Arabia and Oak Ridge, TN. BOWERS declined both offers citing a desire to remain in the San Francisco Bay Area. This investigation continues pending supplemental management interviews.
03/30/2012	SA needs to update chrons. (b)(7)(C) review
03/30/2012	Reporting agent reached contacted Tetra Tech (b)(7)(C) who agreed to be interviewed. (b)(7)(C) did advise of his desire to have counsel and indicated that his attorney would call the reporting agent with perspective interview dates. This investigation continues pending further investigative efforts.
04/09/2012	Reporting agent has contact Tetra Tech (b)(7)(C) approximately three times since March 30, 2012, however messages were left twice with no subsequent return received by OI to date. Reporting agent intends to contact previously interviewed individuals within the Tetra Tech Management Chain, in an effort to locate (b)(7)(C) of Nuclear Services. This investigation continues.
04/30/2012	(b)(7)(C) reviewed.

CASE CHRONOLOGY

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-002	Date Opened:	10/07/2011

05/30/2012 On May 24, 2012, reporting agent interview Tetra Tech EC, INC. (b)(7)(C) (b)(7)(C) at his office in (b)(7)(C) (b)(7)(C) was BOWERS' first line supervisor during his tenure of employment with Tetra Tech at Hunters Point Naval Shipyard.

05/30/2012 (b)(7)(C) reviewed

06/29/2012 Interview transcript of (b)(7)(C) was recently received and will be reviewed on today. Based upon investigative case priorities (particularly, the closing ROI and process associated with case No. 1-2012-001), reporting agent did not satisfy the nine month metric regarding this case. Reporting agent is also awaiting additional documentation from the legal representatives for Tetra Tech, as supplemental documentation has been requested. A draft ROI will be prepared upon complete review of all subsequent transcripts and documentation.

06/29/2012 (b)(7)(C) reviewed

08/01/2012 Closing ROI has been submitted to SSA (b)(7)(C) for editorial review and amendements where necessary.

09/11/2012 I

10/18/2012 (b)(7)(C) reviewed case chrons and did case review with SA. Rewritten/revised ROI is about to be submitted to SAIC for review.

11/20/2012 TC: Tim MURPHY, Attorney for Tetra Tech (TT), stated that although (TT) conducted an internal investigation as to whether or not Bert BOWERS resigned; no written report was produced. MURPHY added that an audit was conducted which resulted in a written report. OI requested the audit written report.

11/26/2012 TC: Tim MURPHY, OI again requested that he provide TT's audit report to OI.

11/27/2012 MURPHY provided a copy of the TT audit report to OI. Case Agent added the audit report to the ROI and submitted same for closure.

CASE CHRONOLOGY

Facility:	GINNA	Case Agent:	(b)(7)(C)
Case Number:	1-2012-001	Date Opened:	10/07/2011

Date	Activity
11/07/2011	On Thursday November 3, 2011, reporting agent interviewed alleger (b)(7)(C) at his residence in (b)(7)(C) provided a detailed account as to the allegations which were provided to the NRC previously. According to (b)(7)(C) had a history of being inattentive (sleeping) while on post on night shift at GINNA. On Friday November 4, 2011, reporting agent interviewed former Wackenhut (b)(7)(C) in (b)(7)(C) (b)(7)(C) previously worked at the GINNA Nuclear Station before (b)(7)(C) corroborated the statements provided by (b)(7)(C), in that, (b)(7)(C) had a history of sleeping while on post at GINNA.
12/19/2011	(b)(7)(C) reviewed chrons.
02/17/2012	(b)(7)(C) reviewed case chrons - SA needs to update chrons
02/28/2012	On or about February 22, 2012, reporting agent contacted G4S Security Management personnel at GINNA in an effort to identify availability for interviews with Management personnel. Reporting agent is currently negotiating potential meeting dates at this time with management, although there could be some altertations to the schedule based upon the intervention of corporate counsel. This investigation continues.
03/30/2012	SA needs to update case chron (b)(7)(C) review.
03/30/2012	On March 27 and 28, 2012, reporting agent conducted interviews with security management personnel from G4S, at the N.E. GINNA Nuclear Power Plant in Ontario, NY. Interviews were conducted with G4S (b)(7)(C) G4S (b)(7)(C) and (b)(7)(C) (b)(7)(C) Former G4S (b)(7)(C) was also interviewed regarding her knowledge of the alleged inattentiveness in this matter. This investigation continues pending further review and investigative efforts.
04/30/2012	(b)(7)(C) reviewed. case agent nees to update chrons.
05/30/2012	(b)(7)(C) reviewed - Case agent needs to update chrons
06/06/2012	Required field work has been completed in this matter and draft ROI is currently being prepared by the reporting agent at this time.
06/29/2012	Closing ROI has appropriately edited and reviewed by OI:RI Management, and this investigation is scheduled to be closed in the immediate future.
06/29/2012	case closed (b)(7)(reviewed

(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)

(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

- HAS FILED USDOL COMPLAINT
SEWAGE

BERT BOWERS CONTACT #
(b)(7)(C)
CONTACT #

10/5/11 4PM
1) HE WANTS OI TO INVESTIGATE HIS HOI CLAIM

(b)(7)(C)

(b)(7)(C)

FOR MAILING ADDRESS
(b)(7)(C)

M
6.5 MG
3 TRIMIX

T 1 NEA
6.5 MG
1 SKILL

Johnson, Sharon

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) 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

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 R1 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-20-19-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	

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

(b)(7)(C)

December 4, 2012

MEMORANDUM TO: William M. Dean, Regional Administrator
Region I

FROM: (b)(7)(C), Special Agent in Charge
Office of Investigations Field Office, Region I

SUBJECT: HUNTERS POINT NAVAL SHIPYARD: DISCRIMINATION AGAINST A FORMER RADIATION SAFETY OFFICER FOR HAVING RAISED A SAFETY CONCERN (CASE NO. 1-2012-002/ALLEGATION NO. RI-2011-A-0019)

Enclosed, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter.

Please note that documents may have been gathered during the course of the investigation that are not included in either the report or the exhibits. This additional documentation would be maintained in the OI case file and available for the staff's review upon request.

Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Please ensure that any internal office distribution of this report is controlled and limited only to those with a need to know and that they are aware of the sensitivity of its contents. Treat as "Official Use Only – OI Investigation Information."

Enclosures:
report w/exhibits

cc w/encl:
R. Zimmerman, OE

cc w/o encl:
M. Spencer, Acting OGC
M. Satorius, FSME

CASE NO. 1-2012-002

United States
Nuclear Regulatory Commission

Report of Investigation

HUNTERS POINT NAVAL SHIPYARD:

DISCRIMINATION AGAINST A FORMER RADIATION SAFETY OFFICER FOR HAVING RIASED A SAFETY CONCERN

Office of Investigations

Reported by OI:RI

Title: HUNTERS POINT NAVAL SHIPYARD

DISCRIMINATION AGAINST A FORMER RADIATION SAFETY OFFICER FOR HAVING RAISED A SAFETY CONCERN

Licensee:

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

Docket No.: 03038199

Allegation No.: RI-2011-A-0019

Case No.: 1-2012-002

Report Date: November 30, 2012

Control Office: OI:RI

Status: CLOSED

Reported by:

(b)(7)(C)

(b)(7)(C) Senior Special Agent
Office of Investigations
Field Office, Region I

Reviewed and Approved by:

(b)(7)(C)

Special Agent in Charge
Office of Investigations
Field Office, Region I

Participating Personnel:

(b)(7)(C), former Special Agent
Office of Investigations
Field Office, Region I

WARNING

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SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I, on October 7, 2011, to determine whether a former Radiation Safety Officer (RSO)/RSO representative (RSOR), Tetra Tech EC Inc. (TT), working at the Hunters Point Naval Shipyard (HPNSY), decommissioning facility, was discriminated against for having raised safety concerns.

Based upon the evidence developed during the investigation, OI:RI did not conclude that a former RSO/RSOR, TT, HPNSY, was discriminated against for having raised safety concerns.

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~~SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION I~~

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TESTIMONIAL EVIDENCE

Exhibits

(b)(7)(C)

(b)(7)(C) Tetra Tech EC, Inc. (TT) 12

ANDREWS, Susan V., Senior Health Physicist, Acute World Solutions (AWS) 13

(b)(7)(C) TT 14

(b)(7)(C) TT 15

BOWERS, Elbert G., Former RSO/RSOR, TT 16

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~~SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION I~~

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DOCUMENTARY EVIDENCE

"Statement of Events In the Vicinity of Bert BOWERS' Office on January 13, 2011," dated January 17, 2011 (Exhibit 3). (b)(7)(C) TT, HPNSY, wrote: "Bert [BOWERS] went into (b)(7)(C) office gave a verbal resignation and said that he was going to call the NRC" and he (b)(7)(C) also provided the chronology of events which occurred on January 13, 2011, between Elbert "Bert" BOWERS, RSO/RSOR, HPNSY, and other members of TT supervision/management;

Memorandum from (b)(7)(C) TT, to (b)(7)(C) TT, subj: "Future Assignment of Bert BOWERS to HPS," dated May 12, 2011 (Exhibit 4). This document captured some of the concerns which (b)(7)(C) had with BOWERS' job performance and additional details regarding an argument between BOWERS, other TT employees and (b)(7)(C) (b)(7)(C) TT, that occurred at The Hunters Point Naval Shipyard (HPNSY), on or about the morning of January 13, 2011;

Memorandum to BOWERS, subj: "Temporary Assignment to Radiological EMAC Projects at Former NAS Alameda in Alameda, California," dated February 1, 2011 (Exhibit 5). This document detailed the temporary reassignment of BOWERS to the Naval Air Station (NAS) Alameda;

BOWERS' Performance Appraisal, dated December 4, 2009 (Exhibit 6). This document detailed a review of BOWERS' performance during the 2008-2009 rating year. The associated appraisal ranges from a scale of 1-5 (1 being the best). BOWERS ostensibly received an average rating of 3 in most categorical performance areas;

BOWERS' Performance Appraisal, dated November 24, 2010 (Exhibit 7). This evaluation was provided by (b)(7)(C) for 2009-2010 rating year. BOWERS ostensibly average a rating of 3 in most categorical performance areas;

"Memo to File," subj: "Performance Appraisal for Bert BOWERS for Year 2011," dated November 21, 2011 (Exhibit 8). (b)(7)(C) documented that BOWERS did not receive a performance appraisal for the 2010-2011 rating year, and had been non-responsive to attempts at communication by TT management. This memorandum also captures that BOWERS was offered an assignment as the RSO Representative on the Al Kharj Project in Saudi Arabia, however, BOWERS declined;

E-mail messages to TT Staff Personnel from (b)(7)(C) Advising of Concurrence to Backfill Trenches in Work Areas, Which Was Radiologically Cleared, dated January 6, 2011 (Exhibit 9). The e-mail messages encompassed within these documents identify that the trenches in the associated work areas had been radiologically cleared by Radiological Affairs Support Organization (RASO), the regulating authority for the U.S. Navy;

E-mail messages between (b)(7)(C) and BOWERS, subj (b)(7)(C) voice message to BOWERS, dated December 30, 2011, dated December 30, 2011, and January 4, 2012 (Exhibit 10). The e-mail messages encompassed within these documents capture (b)(7)(C) addressing the possibility of acquiring alternative work assignments for BOWERS with subsidiary companies of TT. The e-mail chain also identifies BOWERS' lack of interest in any positions located outside of the San Francisco Bay area;

E-mail from John H. SCOTT, Scott Law Firm, Legal Counsel for BOWERS, to Timothy MURPHY, Legal Counsel for TT, dated September 2, 2011 (Exhibit 11). SCOTT wrote that BOWERS was employed and was only interested in job opportunities with TT within the San Francisco Bay area and specifically was not interested in a position in Saudi Arabia;

NRC Safety Inspection Report and Compliance Inspection, dated April 29, 2011 (Exhibit 29). This inspection was conducted (b)(7)(C) Division of Nuclear Materials Safety (DNMS), at HPNSY, on March 29-31, 2011. The inspection resulted in one, non-cited violation; specifically "During a training session, a very low activity radium button check source was left unsecured in an unrestricted area during a lunch break for a training session on March 18, 2010...."; and

TT "Radiation Safety Annual Audit Report," surveillance dates January 18-21, 2011 (Exhibit 30). TT conducted an annual radiation safety audit at the HPNSY. On page 5 of 26, several deficiencies were noted including: "Send in 4th Quarter dosimetry...."; "Move exempt quantity radioactive sources from the RSOR office, and store in source storage locker...."; and "Provide documentation to compliance with 10 CFR 20.1301 based on 2010 dosimetry results, and weekly RCA surveys." Also, on pages 15 and 16, it was noted BOWERS did not want to return to the site (HPNSY) "because he feels intimidated. This feeling of intimidation stems from an argument involving the RSOR [BOWERS] and (b)(7)(C) et al.], followed by a subsequent argument with the (b)(7)(C) and (b)(7)(C) on January 13, 2011...." Additionally, it was noted that BOWERS was reassigned to another TT work location (NAS Alameda) to allow time for the investigation into what happened between BOWERS and TT staff on January 13, 2011, and to avoid "further escalation."

DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 30.7: Employee protection (2011-2012 Editions)
10 CFR 30.10(a)(1): Deliberate misconduct (2011-2012 Editions)

Purpose of Investigation

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I, on October 7, 2011, to determine whether BOWERS working at the HPNSY decommissioning facility, was discriminated against for having raised safety concerns (Exhibit 1).

Background

On January 31 and February 1, 2011, BOWERS provided a number of technical concerns and a discrimination complaint in electronic mail messages to Rick MUNOZ, NRC:RIV. Because TT is a Region I (RI) licensee, these concerns were forwarded to the RI 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 claimed to have been repeatedly berated by a TT (b)(7)(C) (b)(7)(C) (the last instance occurring in the presence of the TT (b)(7)(C) (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. April 1, 2011, was the last day that BOWERS performed work for TT, but he was paid for accumulated overtime, sick and annual leave until August 1, 2011.

These concerns were discussed during a March 16, 2011, and May 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 TT mediated on August 17, 2001, but did not reach a settlement and the issue was returned to RI for investigation (RI-2011-A-0019).

On October 5, 2011, Region I Special Agent in Charge (b)(7)(C) spoke with BOWERS who confirmed that ADR mediation had failed and that he desired that OI investigate his discrimination concern (Exhibit 2).

Allegation: Discrimination Against a Former Radiation Safety Officer for Having Raised a Safety Concern

Agent's Summary of the Evidence

Sworn Interview of Elbert "Bert Bowers" (Exhibit 16)

On October 26, 2011, BOWERS was interviewed by OI:RI in Redwood City, CA, at which time, he provided detailed information regarding his claim of discrimination. BOWERS advised that he began employment with TT as the RSO on April 1, 2009. BOWERS further advised that prior to becoming an employee of TT, he was on site at the HPNSY since 2002, as an employee of New World Technologies (NWT). According to BOWERS, he began his employment in the nuclear industry in 1978 and has served in various positions over the years, such as an As Low As Reasonably Achievable (ALARA) engineer, Health Physicist Engineer IV and Training Instructor. BOWERS stated that he has worked at a number of facilities throughout the country to include Vermont Yankee, Palo Verde, Rocky Flats Environmental Technology Site and Treasure Island. BOWERS indicated that he has completed all American National Standards Institute (ANSI) 18-1 and 3.1 Qualifications and trainings (pp. 4, 8-9, 12, and 13).

BOWERS acknowledged that during his tenure at HPNSY, he has served as both the RSO and the RSOR, responsible for insuring regulatory license compliance. Prior to being hired by TT, BOWERS also served as the Project Manager for NWT at HPNSY. When BOWERS was initially hired by TT, he was actually listed as the Corporate RSO on their (TT) NRC Materials License. TT also maintained reporting responsibilities to both the NRC and the RASO, a component of the U.S. Navy. In or about the summer of 2009, TT hired (b)(7)(C) to serve as the (b)(7)(C) at which time, BOWERS was designated as the RSOR for HPNSY (pp. 14, 16, and 26).

It was the testimony of BOWERS that on or about January 13, 2011, he met with the field supervisors who work for him regarding the results of his drive-down from the previous evening when the Pacific Gas & Electric workers were in the RAD area with no technician. BOWERS told the supervisors, later identified as (b)(7)(C) and (b)(7)(C) that if someone was scheduled to work after hours in an area "defined on the HRA as an impacted area," he needed to know about it. According to BOWERS, it was at that time that (b)(7)(C) rebutted his (BOWERS) statement, by saying that the area was cleared already, thus it did not require the presence of a RAD Technician. BOWERS stated that the discussion with the (b)(7)(C) intensified at which time (b)(7)(C) got involved, however, he (b)(7)(C) agreed with (b)(7)(C) citing that the area in question was not a RAD area and it had been cleared (pp. 85-88).

BOWERS identified a feeling of betrayal following the incident with (b)(7)(C) and the field supervisors. BOWERS stated that he followed (b)(7)(C) into his office and told him that he needed his (b)(7)(C) support. BOWERS testified that (b)(7)(C) told him that he appeared to be concerned with things because his name was on the license and that it could be

arranged to have him removed from the license. BOWERS stated that he felt threatened and asked (b)(7)(C) if he wanted his (BOWERS) resignation, at which time, (b)(7)(C) made some inappropriate statements, subsequently kicking BOWERS offsite. BOWERS advised that he then threatened to go to the NRC, at which time, (b)(7)(C) told him that he could call but not from HPNSY (pp. 89-90).

When questioned regarding any previous disciplinary issues, BOWERS identified that he did not have any, although he was the subject of a self-reporting by TT during an NRC inspection in the spring of 2011. BOWERS advised that he traditionally conducted RAD protection training and in the course of doing so, he accidentally left a radium button in a jar on the conference room table, while he went to lunch. BOWERS further advised that TT reported the aforementioned incident to the NRC. BOWERS was initially placed on paid administrative leave while an internal investigation was conducted as to the argument which ensued on the morning of January 13, 2011. In April 2011, BOWERS was subsequently transferred to NAS Alameda to serve in an administrative radiation oversight capacity. BOWERS stated that his work at Alameda concluded in the summer of 2011, at which time he was required to take his vacation and other forms of leave, before being placed on furlough (pp. 68-71 and 74).

Protected Activity

BOWERS advised OI that his radiological safety concerns that are germane to his discrimination complaint were: (1) his observation during an evening drive down check of craft workers onsite in what he believed to be a RAD area without the presence of a RAD technician, (2) his observation of a water cooler in an area denoted with RAD postings, and (3) generators/equipment being left out overnight. BOWERS raised the aforementioned safety concerns to (b)(7)(C) and to TT management (Exhibit 16, pp. 39-49).

Management Knowledge

(b)(7)(C) said that BOWERS never raised safety concerns to him. (b)(7)(C) also said that he visited HPNSY and met with BOWERS approximately three to four times a year. BOWERS talked about his work but never mentioned that he had safety concerns. (b)(7)(C) said he only became aware of BOWERS' concerns post the argument between BOWERS, (b)(7)(C) and (b)(7)(C) on January 13, 2011 (Exhibit 15, pp. 28-31).

(b)(7)(C) acknowledged that BOWERS raised what he (b)(7)(C) believed to be minor issues in nature such as a water cooler being found slightly inside the rope of an RCA. (b)(7)(C) a nuclear engineer by training with more than 24 years experience in the industry felt as though the issues/concerns which BOWERS was raising were not legitimate concerns, which required immediate action; however, he instructed BOWERS to correct the issues as to remain in compliance and identify the issues to the staff at the morning safety meetings (Exhibit 12, pp. 8, 9, and 22-25).

(b)(7)(C) testified that BOWERS did raise radiation safety concerns to him; however, there were never issues that were not corrected. (b)(7)(C) advised that BOWERS would often complain about things that he thought were over the top such as signage. According to (b)(7)(C) BOWERS wanted to put up paper RAD postings as opposed to metal signs, throughout the site which would obviously fade and wear due to weather conditions; however, BOWERS advised (b)(7)(C) that he would be able to better identify if the technicians on site were switching the signs as required. (b)(7)(C) also recalled BOWERS advising him of the incident with the generator being left out overnight. According to (b)(7)(C) it wasn't uncommon to have that occur with the generators, and he advised BOWERS to reiterate to the staff to pick all equipment up at the end of the work day. (b)(7)(C) advised that the generator was indeed picked up and placed in one of the buildings behind lock and key (Exhibit 18, pp. 26-29).

TT, HPNSY, (b)(7)(C) testified that the water cooler was approximately six inches from the rope line and it was in that particular position due to it being close to a stockpile. (b)(7)(C) said the aforementioned concern was raised by BOWERS. According to (b)(7)(C) the issue was remedied when the water cooler was taken out of that area (Exhibit 25, p. 20).

(b)(7)(C) HPNSY, TT, stated that BOWERS preferred to deal with (b)(7)(C) directly and "never really came to speak to me." (b)(7)(C) thinks that BOWERS was safety oriented but "I never really saw him leave his office a whole lot" (Exhibit 24, pp. 14-17).

Adverse Act(s)

BOWERS believes that he was discriminated against by TT management for being asked by (b)(7)(C) to resign from his position and he was ultimately placed on a furlough by TT. BOWERS testified that (b)(7)(C) told him that he appeared to be concerned with things because his name was on the license and that it could be arranged to have him removed from the license. BOWERS stated that he felt threatened and asked (b)(7)(C) if he wanted his (BOWERS) resignation, at which time, (b)(7)(C) made some inappropriate statements, subsequently kicking BOWERS offsite on January 13, 2011. BOWERS advised that he then threatened to go to the NRC, at which time, (b)(7)(C) told him that he could call but not from HPNSY. In April 2011, BOWERS was subsequently transferred to NAS Alameda to serve in an administrative radiation oversight capacity; working on procedures. BOWERS stated that his work at NAS Alameda concluded in the summer of 2011, at which time he was required to take his vacation and other forms of leave, before being placed on furlough by TT (Exhibit 16, pp. 68-71, 74, 89-90, and 94-101).

On January 13, 2011, BOWERS left HPNSY and was thereafter placed on administrative leave with pay. On February 1, 2011, BOWERS was reassigned to a temporary assignment at NAS Alameda (Exhibit 5). Upon completion of the aforementioned assignment at NAS Alameda, BOWERS was forced to exhaust his paid vacation time, before being placed on furlough status.

Nexus: Was BOWERS Discriminated Against for Having Raised Safety Concerns?

(b)(7)(C) said that BOWERS informed him that he (BOWERS) had been conducting his daily drive-down when he observed craft level employees working in what he believed to be a RAD area. (b)(7)(C) subsequently advised BOWERS to bring the issue up the following morning (January 13, 2011) at the 6:30 a.m. morning meeting. (b)(7)(C) stated that BOWERS missed the morning meeting and went to the wrong conference room despite the morning meetings being held in the same conference room for approximately the last three or four years (Exhibit 18, pp. 41-44).

(b)(7)(C) believed that he (BOWERS) was upset because he (BOWERS) felt that did not support him in an exchange/argument between BOWERS and (b)(7)(C) (b)(7)(C) (b)(7)(C) and possibly (b)(7)(C) concerning a possible RCA area on January 13, 2011. (b)(7)(C) intervened and told everyone to settle down and go back to work in an effort to diffuse the situation. In his testimony to OI:RI, (b)(7)(C) stated that he also agreed with the (b)(7)(C) upon his intervention into the conversation, citing that the area in question had already been radiologically cleared. It was also the testimony of (b)(7)(C) that BOWERS then followed him into his office and offered his (BOWERS) resignation, at which time he (b)(7)(C) accepted. According to (b)(7)(C) BOWERS said: "well, without your support, then I'm resigning." (b)(7)(C) immediately accepted BOWERS' resignation and instructed BOWERS to get his things and go (leave the site/HPNSY) (Exhibit 18, pp. 45-47 and 57-61; and Exhibit 9).

(b)(7)(C) advised OI that he and other (b)(7)(C) were discussing an issue on January 13, 2011, wherein BOWERS believed the area in question was a RCA area and he and the other (b)(7)(C) knew the area had been previously cleared. (b)(7)(C) added that he chastised BOWERS for spending too much time in his office and if he (BOWERS) had spent more time in the field he would have known the RCA was clear. (b)(7)(C) said that BOWERS subsequently went into (b)(7)(C) office. (b)(7)(C) proceeded to stand outside (b)(7)(C) office door because he thought BOWERS may claim that he (b)(7)(C) had threatened BOWERS. (b)(7)(C) said that he overheard BOWERS making a statement "that he [BOWERS] could not - - he could no longer go on working at Hunters Point Naval Shipyard if he wasn't respected,,,,when he's saying this, he's yelling at (b)(7)(C) I will give you my resignation right now and call the NRC. (b) said, fine I accept [BOWERS' resignation], but you're not calling the NRC from here. You go call them from your own phone...." (b)(7)(C) opined that BOWERS was not discriminated against for raising safety concerns by his (BOWERS') management (Exhibit 21, pp. 24-25, 33-39, and 47; Exhibit 3; and Exhibit 9).

(b)(7)(C) TT, testified that BOWERS complained to the (b)(7)(C) "big time," wherein he called them out for supposed safety violations, which were not actually violations. (b)(7)(C) testified that BOWERS thought that people were coming out of a particular RAD area, which they were not. (b)(7)(C) indicated to OI that the area in

question was cleared, which BOWERS should have known as RSOR (Exhibit 27, pp. 24 and 25; and Exhibit 9).

(b)(7)(C) stated that an internal inquiry conducted by (b)(7)(C) could not come to a conclusive finding with respect to the question whether or not BOWERS offered his resignation to (b)(7)(C) or (b)(7)(C) requested that BOWERS resign from his position with TT and HPNSY and the tone of that conversation between BOWERS and (b)(7)(C) (Exhibit 15, p. 49).

(b)(7)(C) testified that when he and (b)(7)(C) interviewed BOWERS he (b)(7)(C) asked BOWERS if he realized that the area on Crisp Road, which is where the workers were after hours, was already cleared radiologically or what is known as "down-posted." According to (b)(7)(C), BOWERS said that it wasn't down-posted because he (BOWERS) had not sent the final clearance paperwork to (b)(7)(C) to have it signed off on. (b)(7)(C) stated that BOWERS interpretation of the clearance process was incorrect, at which time BOWERS indicated to him that it was his (BOWERS) desire to start having (b)(7)(C) sign off on it. (b)(7)(C) indicated that BOWERS was unaware that the Crisp Road area had been down-posted, although he should have known because he was copied on the email notification which identified the down-posting of that area (Exhibit 15, pp. 43 and 44; and Exhibit 9).

(b)(7)(C) and (b)(7)(C) asked BOWERS to return to work during the initial period in which he was placed on administrative leave following the argument with (b)(7)(C) and (b)(7)(C) at HPNSY. (b)(7)(C) said that BOWERS felt threatened and uncomfortable with returning, although he (BOWERS) was asked to return so that he could assist management in addressing and resolving safety issues that he BOWERS had raised (Exhibit 15, pp. 32, 33, and 38-40; and Exhibit 12, pp. 49 and 59-62).

After the January 13, 2011, argument between BOWERS and staff (b)(7)(C), et al.), (b)(7)(C) said an internal investigation was conducted by TT and "we" made a determination to remove BOWERS from HPNSY based upon the personality conflicts and BOWERS' own statements at how uncomfortable he was on site at HPNSY, due largely, to a great deal of tension between BOWERS and other personnel. (b)(7)(C) also became aware of BOWERS' job performance deficiencies such as not attending the daily morning meetings, spending too much time in the office and not enough time in the field and poor interactions with other TT employees. (b)(7)(C) said the decision was made to offer BOWERS a (b)(7)(C) temporary position (no pay cut) at NAS Alameda (Exhibit 15, pp. 52-55, 63, and 72-75).

> AGENT'S NOTE: On November 20, 2012, OI contacted Timothy MURPHY, legal counsel for TT supra, and he advised that although TT conducted an internal investigation as to what happened between BOWERS (b)(7)(C) staff and (b)(7)(C) on January 13, 2011; TT did not produce a written report. MURPHY added that TT management decided that even if BOWERS resigned from his position; it wasn't BOWERS intent to resign even though BOWERS was

subsequently reassigned to a temporary position at NAS Alameda. MURPHY added that TT produced an audit report which he provided to OI (Exhibit 30).

(b)(7)(C) commented that TT is a project based organization and as TT wins a new contract TT needs to staff up and conversely when projects come to an end TT must reduce staff, i.e., furlough and lay off employees. (b)(7)(C) said that BOWERS was placed into a furlough status because: "We didn't want to lay him off or return him [to HPNSY] for fear of retaliation. Of course, we've got a retaliation complaint anyway. And so we put him on a furlough status, he doesn't get paid but he's allowed to continue his benefits provided he pays his employee share…" (b)(7)(C) stated when TT was awarded a new contract in Saudi Arabia, TT offered a position (b)(7)(C) to BOWERS; however, BOWERS declined TT's offer. According to (b)(7)(C) TT was informed by BOWERS that he (BOWERS) was only interested in employment opportunities in the San Francisco Bay area. (b)(7)(C) denied any knowledge of any TT employees who held grudges and/or had any animus toward BOWERS for having raised safety concerns. When asked by OI if he believed BOWERS was discriminated for raising safety concerns, (b)(7)(C) replied: "Absolutely not" (Exhibit 15, pp. 16-18, 52, 53, 57-62, and 67-71; Exhibit 5; Exhibit 10; and Exhibit 11).

(b)(7)(C) said that BOWERS "was removed from the project at Hunters Point…." was aware of BOWERS claims that (b)(7)(C) asked BOWERS to resign whereas (b)(7)(C) claims that BOWERS resigned from his TT position at HPNSY at his own behest/volition. (b)(7)(C) added that BOWERS was temporary reassigned to work at the NAS Alameda and after approximately eight weeks the dredging operations ended "we [TT management] took him off that project…." (b)(7)(C) also added that BOWERS was offered a position in Saudi Arabia, Tennessee, and a short term position in Michigan, and BOWERS declined all of those employment opportunities. (b)(7)(C) said that he and TT management tried to find a position for BOWERS but BOWERS was not going back to work for TT at HPNSY because TT's workers at HPNSY did not have any respect for BOWERS. (b)(7)(C) opined that BOWERS was not discriminated against for raising safety concerns to his (BOWERS') management (Exhibit 12, pp. 28, 29, 35, 41 and 49; Exhibit 5; Exhibit 10; and Exhibit 11).

(b)(7)(C) stated that when he (b)(7)(C) was first hired by TT BOWERS was very helpful with his (b)(7)(C) transition. (b)(7)(C) said in contrast to the above, he (b)(7)(C) noticed that BOWERS had some difficulty interacting with "other health physics supervisors" and (b)(7)(C) was experiencing some job performance issues with BOWERS such as BOWERS' lack of involvement with attending meetings, and spending too much time in the office vice the field. As part of BOWERS' performance appraisal, (b)(7)(C) attempted to solicit feedback from employees who worked with BOWERS in 2010 and had "trouble getting any kind of positive feedback on Bert [BOWERS]…." (b)(7)(C) acknowledged that he should have done a better job in documenting job performance issues with BOWERS (Exhibit 12, pp. 20-22, 27-28, 30-35, 53, and 54; Exhibit 4; and Exhibits 6-8).

(b)(7)(C) TT, HPNSY, said that he was told by (b)(7)(C) that BOWERS offered his resignation to (b)(7)(C). (b)(7)(C) opined that BOWERS was not retaliated

against by TT management for engaging in NRC PA (Exhibit 14, pp. 15, 16, 19, 26, 30, 31, 37-42, and 51).

(b)(7)(C) testified that he found BOWERS to be more interested in having an "I gotcha" type of mentality, wherein, he (BOWERS) thrived off of tripping people up or catching them in potential mistakes (Exhibit 14, p. 30).

(b)(7)(C) TT, HPNSY, testified that not only did BOWERS employ a "gotcha" attitude; he (BOWERS) also observed violations or potential violations and failed to fix them, in an effort to photograph the problems and then complain to management (Exhibit 28, pp. 25-35, 40, and 40-52).

(b)(7)(C) learned from either (b)(7)(C) or (b)(7)(C) that "he [BOWERS] just quit. He left site [HPNSY]." (b)(7)(C) was unaware of any information that BOWERS was discriminated and/or retaliated against for engaging in NRC PA (Exhibit 24, pp. 15-17).

(b)(7)(C) HPNSY, TT, stated that BOWERS had a way of being "condescending to people." According to (b)(7)(C) the vast majority of employees who worked underneath BOWERS at NWT and TT found it infuriating, i.e., BOWERS being condescending. (b)(7)(C) opined that BOWERS was not good at his job (RSO/RSOR) at HPNSY. (b)(7)(C) asserted that BOWERS was not out in the field very much which he needed to be in order to be effective as an RSOR. (b)(7)(C) does not think that BOWERS was retaliated against by TT management for raising radiological safety concerns associated with TT's work at HPNSY (Exhibit 23, pp. 17-28).

Former NWT (b)(7)(C) worked directly for BOWERS when he served as the NWT Project Manager. (b)(7)(C) advised that BOWERS was very adamant and stern about safety and he took it very seriously. (b)(7)(C) opined that BOWERS was discriminated against by TT management for raising safety concerns but offered no evidence to support her view (Exhibit 17, pp. 10, 11, 17, and 18).

(b)(7)(C) C&T Labs (CTL), HPNSY, believed that BOWERS was retaliated against by TT management for engaging in NRC PA; however, he acknowledged that he had no firsthand information/evidence that BOWERS was discriminated against (Exhibit 19, pp. 12-16).

(b)(7)(C) CTL, said that BOWERS had told her that he raised a safety concern (NFI) to his management and it was not well received. (b)(7)(C) was unable to provide any additional relevant information to OI concerning this investigation (Exhibit 20, pp. 13-19).

(b)(7)(C) NWT, was not working at HPNSY and was gone approximately six months before BOWERS. (b)(7)(C) offered no substantive information to OI about BOWERS and/or this investigation (Exhibit 22, pp. 20 and 21).

(b)(7)(C) TT, served as the (b)(7)(C) (b)(7)(C) for TT at HPNSY. (b)(7)(C) knew BOWERS when BOWERS worked for NWT at HPNSY. (b)(7)(C) thinks that he (b)(7)(C) left the site to go to work at another site for TT before BOWERS started working for TT. (b)(7)(C) said that he and BOWERS are friends and he learned of BOWERS discrimination concerns with TT after the fact and acknowledged that he (b)(7)(C) was only aware of BOWERS' version of the events and not TT's, i.e., that BOWERS was discriminated against for engaging in NRC PA (Exhibit 26, pp. 6 and 15-22).

Susan ANDREWS, former SR HP, AWS (subcontractor for TT), HPNSY, opined that BOWERS was discriminated against for raising safety concerns to TT management. ANDREWS offered no direct evidence to OI that supported her opinion that BOWERS was retaliated against for engaging in NRC PA (Exhibit 13, pp. 21-32 and 36).

Agent's Analysis of the Evidence

BOWERS claims that he was discriminated against by Tetra Tech management for engaging in NRC PA; specifically he asserted that he was asked to resign from his position as RSO/RSOR at HPNSY by (b)(7)(C) for raising concerns about postings, unlocked gates in RCAs and items left out in and/or near RCAs. BOWERS claimed that (b)(7)(C) specifically requested his resignation after a heated exchange (an argument) on January 13, 2011, and as a result he [BOWERS] was re-assigned as radiation supervisor (a temporary position and no loss of pay) at the NAS Alameda. BOWERS was subsequently furloughed by TT from his position at NAS Alameda on April 1, 2011.

(b)(7)(C) claims that he observed BOWERS, (b)(7)(C) and other (b)(7)(C) (b)(7)(C) and possibly (b)(7)(C) in a heated discussion and requested that they go back to work on January 13, 2011. According to (b)(7)(C) BOWERS followed him into his (b)(7)(C) office and suggested that he (b)(7)(C) should support him. Although (b)(7)(C) acknowledged that an argument ensued between them (b)(7)(C) and BOWERS); it was BOWERS who voluntarily resigned his position as RSO at HNPSY. As a result, (b)(7)(C) immediately accepted BOWERS' resignation and asked BOWERS to get his things and leave the work area/premises. Additionally, (b)(7)(C) claims that he overheard BOWERS stating that he resigned. OI understands that (b)(7)(C) was engaged in an argument with BOWERS; however, absent any information to the contrary, OI has no reason to question his (b)(7)(C) veracity. In OI's view, based upon the preponderance of the evidence, i.e., the testimony of both (b)(7)(C) and (b)(7)(C) BOWERS, whether he intended to do so or not, effectively resigned from his position as RSO/RSOR at HPNSY. OI takes this view even if BOWERS made the decision to resign as RSO/RSOR in the "heat of the moment."

Notwithstanding the controversy surrounding whether or not BOWERS offered a verbal resignation to (b)(7)(C) OI believes that it was TT's management right/prerogative to remove BOWERS from HPNSY, largely based upon the arguments which took place on the morning of January 13, 2011, work performance of BOWERS and BOWERS own statement(s)

that he was uncomfortable in returning to work at HPNSY. BOWERS was subsequently placed on administrative leave (with pay), before his February 1, 2011, reassignment to the NAS, Alameda. BOWERS' temporary assignment at Alameda lasted a few months (until April 1, 2011) before he was instructed by TT management to utilize his (BOWERS') paid vacation time, as he was not working on an active project at that point in time.

According to (b)(7)(C) and (b)(7)(C), TT attempted to assign BOWERS additional work assignments following NAS Alameda, however, BOWERS declined. Most notably, BOWERS was offered a position as the RSOR for a project in Saudi Arabia, in addition to an assignment in Michigan. BOWERS declined TT's employment offers, as well as stifled discussions regarding potential job offers from TT to work in Oak Ridge, TN. Documentary evidence obtained during this investigation disclosed that BOWERS' attorney; John SCOTT declined offers on his client's behalf citing that he (BOWERS) would only consider work assignments in the San Francisco Bay area. Despite TT management's failure to adequately document alleged deficiencies with BOWERS' job performance in 2009 and 2010, OI contends that a major factor why BOWERS was not allowed by TT management to resume his duties at HPNSY was based upon personality conflicts between BOWERS and his colleagues, and management's decision to place him on an assignment, which would not be as combative or tenuous. BOWERS' position at NAS Alameda was clearly a temporary position and TT offered other positions to BOWERS which he refused to accept; a decision presumably solely made by BOWERS. OI also contends that if TT management wanted to discriminate/retaliate against BOWERS why did TT management offer BOWERS a position at NAS Alameda and/or anywhere else with the organization. Thus, OI does not believe that BOWERS was discriminated for raising safety concerns to TT management.

OI thinks that it's important to note that BOWERS was extremely concerned about the craft employees working in a RAD area, when the fact of the matter was that the area had previously been down-posted, and BOWERS was on the email distribution list documenting that action, thus, he should have been aware of that fact. BOWERS' misunderstanding of something that he should have been aware of, led to the argument(s) between BOWERS and the (b)(7)(C) (b)(7)(C) and subsequently BOWERS and (b)(7)(C)

Conclusion

Based upon the evidence developed during the investigation, OI:RI did not conclude that BOWERS was discriminated against for having raised safety concerns.

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION I~~

LIST OF EXHIBITS

Exhibit No.	Description
1	Investigation Status Record, dated October 7, 2011 (1 page).
2	Allegation Review Board Summary and Allegation Receipt Report, multiple dates (9 pages).
3	"Statement of Events In the Vicinity of Bert BOWERS' Office on January 13, 2011," dated January 17, 2011(2 pages).
4	Memorandum from (b)(7)(C) (b)(7)(C) TT, to (b)(7)(C) (b)(7)(C) TT, subj: "Future Assignment of Bert BOWERS to HPS," dated May 12, 2011 (2 pages).
5	Memorandum to BOWERS, subj: "Temporary Assignment to Radiological EMAC Projects at former NAS Alameda in Alameda, California," dated February 1, 2011 (5 pages).
6	BOWERS' Performance Appraisal, dated December 4, 2009 (6 pages).
7	BOWERS' Performance Appraisal, dated November 24, 2010 (6 pages).
8	"Memo to File," subj: "Performance Appraisal for Bert BOWERS for Year 2011," dated November 21, 2011 (1 page).
9	E-mail messages to TT Staff Personnel from (b)(7)(C) (b)(7)(C) Advising of Concurrence to Backfill Trenches in Work Areas, Which Was Radiologically Cleared, dated January 6, 2011 (4 pages).
10	E-mail messages between (b)(7)(C) and BOWERS, subj: (b)(7)(C) voice message to BOWERS dated December 30, 2011, dated December 30, 2011, and January 4, 2012 (2 pages).
11	E-mail from John H. SCOTT, Scott Law Firm, Legal Counsel for BOWERS, to Timothy MURPHY, Legal Counsel for TT, dated September 2, 2011 (1 page).
12	Transcribed Interview of (b)(7)(C) dated, May 24, 2012 (66 pages).
13	Transcribed Interview of ANDREWS, dated October 26, 2011 (40 pages).

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14 Transcribed Interview of (b)(7)(C) dated February 9, 2012 (52 pages).

15 Transcribed Interview of (b)(7)(C) dated February 9, 2012 (77 pages).

16 Transcribed Interview of BOWERS, dated October 26, 2011 (114 pages).

17 Transcribed Interview of (b)(7)(C) dated October 25, 2011 (34 pages).

18 Transcribed Interview of (b)(7)(C) dated February 9, 2012 (92 pages).

19 Transcribed Interview of (b)(7)(C) dated October 27, 2011 (17 pages).

20 Transcribed Interview of (b)(7)(C) dated October 27, 2011 (21 pages).

21 Transcribed Interview of (b)(7)(C) dated February 7, 2012 (63 pages).

22 Transcribed Interview of (b)(7)(C) dated October 26, 2011 (33 pages).

23 Transcribed Interview of (b)(7)(C) dated February 9, 2012 (41 pages).

24 Transcribed Interview of (b)(7)(C) dated February 8, 2012 (25 pages).

25 Transcribed Interview of (b)(7)(C) dated February 7, 2012 (39 pages).

26 Transcribed Interview of (b)(7)(C) dated November 1, 2011 (24 pages).

27 Transcribed Interview of (b)(7)(C) dated February 8, 2012 (34 pages).

28 Transcribed Interview of (b)(7)(C) dated February 7, 2012 (52 pages).

29 NRC Safety Inspection Report and Compliance Inspection, dated April 29, 2011 (2 pages).

30 TT "Radiation Safety Annual Audit Report," surveillance dates January 18-21, 2011 (26 pages).

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION I~~

NRC ADVISEMENT ON IDENTITY PROTECTION

This advisement is provided to clarify the degree of protection which can be afforded by the NRC to a concerned citizen making an allegation:

In resolving technical issues, the NRC in protecting your identity intends to take all reasonable efforts to not disclose your identity to any organization, individual outside the NRC, or the public unless:

- You have clearly indicated no objection to being identified.
- Disclosure is necessary because of an overriding safety issue.
- Disclosure is necessary pursuant to an order of a court or NRC adjudicatory authority or to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust.
- Disclosure is necessary in furtherance of a wrongdoing investigation, including an investigation of harassment and intimidation (H&I) allegations.
- Disclosure is necessary to support a hearing on an enforcement matter.
- You take actions that are inconsistent with and override the purpose of protecting your identity.

If your allegation is that you have been discriminated against for having raised safety concerns, the NRC will normally disclose your identity during an NRC investigation if you are the victim of the discrimination.

For allegations involving other wrongdoing (e.g., record falsification or other conduct in violation of NRC regulatory requirements), your identity may be disclosed at the NRC's discretion in order to pursue the investigation.

Information provided under the Freedom of Information Act (FOIA) will, to the extent consistent with that act, be purged of names and other potential identifiers; however, disclosures may be necessary under this act.

I Elbert G. Bowen, fully understand the degree of protection of my identity as explained in this document.

Date: 10.26/1 Elbert G. Bowen (Concerned Citizen)

Witness: (b)(7)(C) (b)(7)(C)

NRC OFFICE OF INVESTIGATIONS
INVESTIGATIVE PLAN

CASE NO.: 1-2012-002

TITLE / FACILITY: H & I/ Hunters Point Naval Shipyard

ALLEGATION:

The CI formerly served as the Radiation Safety Officer (RSO) and RSO, Representative (RSOR) for Tetra Tech EC, Inc., the primary contractor at the Hunters Point Naval Shipyard Decommissioning site in San Francisco, CA has alleged that he was removed from HPNSY for raising safety concerns to management.

SUBJECTS: Elbert "Bert" BOWERS (Alleger)

POSSIBLE VIOLATIONS:

10 CFR 50.7 (Employee Protection)
10 CFR 50.5 (Deliberate Misconduct)

INVESTIGATIVE ISSUES:

Was RSO Bert BOWERS terminated for raising safety concerns at the HPNSY?

INVESTIGATIVE STEPS:

-Interview CI.
-Interview members of management.
-Interview other officers with a knowledge of the safety concern and subsequent reporting thereof.
-Obtain CR and other system generated documents associated with the issues reported by CI.
-Interview officers who may have also reported safety concerns or been involved in an equitable way.
-Obtain internal audit report as well as NRC safety inspection report

Prepared by: (b)(7)(C)

10/26/11

Special Agent (b)(7)(C) Date

Field Office Director Date

CASE CHRONOLOGY

CASE NO.:	1-2012-002	*OPENED :* 10/07/2011	*AGENT :* (b)(7)(C)

DATE	ITEM	ACTIVITY
10/10/2011	1	Reporting agent attempted to contact alleger Bert BOWERS via both email and telephone, leaving messages through both mechanisms. Contact was initiated by the reporting agent in an effort to schedule the alleger interview in this matter.
10/14/2011	1	On Wednesday October 12, 2011, reporting agent received a return call and email from alleger Bert BOWERS, who confirmed to meeting with the reporting agent for the purpose of initial interview on Wednesday October 26, 2011, in Redwood City, CA.
10/31/2011	1	Between the time periods covering 10/25/11 and 10/27/11, reporting agent interviewed alleger Elbert "Bert" BOWERS, along with five other individuals who are currently or were previously employed at Hunters Point Naval Shipyard, by either Tetra Tech EC, Inc. (TT) or a subcontractor to TT.
11/07/2011	1	On Tuesday November 1, 2011, reporting agent interviewed former Tectra Tech (b)(7)(C) (Hunters Point Naval Shipyard) (b)(7)(C) in (b)(7)(C)
11/21/2011	1	On Wednesday evening November 16, 2011, reporting agent received a voice mail message from State of California, Deputy Labor Commissioner Kathy DALEY. DALEY advised that her office was investigating the matter of wrongful termination filed by Elbert "Bert" BOWERS, former Radiation Safety Officer at Tetra Tech EC, INC. DALEY further advised of some safety concerns which she had and some critical information that she desired to share with the NRC. Reporting agent forwarded the voicemail message to the RI (b)(7)(who, in turn, sent it to the appropriate technical staff personnel and Office of Regional Counsel, for further review. This investigation continues.
12/19/2011	1	(b)(7)(C) reviewed chrons.
02/17/2012	1	(b)(7)(C) reviewed case chrons - SA needs to update chrons
02/28/2012	1	From February 6-10, 2012, reporting agent conducted 9 interviews with members of the management and leadership team at Tetra Tech EC, Inc. The interviews were held in conjunction with parallel interviews also performed by the State of

CASE CHRONOLOGY

CASE NO.:	1-2012-002	*OPENED :* 10/07/2011	*AGENT :* (b)(7)(C)

DATE	ITEM	ACTIVITY
02/28/2012		California, Department of Labor, at their facility in downtown San Francisco, CA. Interviews were conducted separately, which accounts for such the extended period of time utilized for the interviews, and were in the presence of Tetra Tech legal counsel Tim MURPHY, Esq. from the Law firm of FISHER, PHILLIPS, LLP. Testimony provided by management personnel was fairly consistent, wherein it was confirmed that BOWERS was furloughed in the summer of 2011 after being transferred from Hunters Point Naval Shipyard to Alameda. BOWERS was offered subsequent work as recently as the fall of 2011, however , those jobs were in Saudi Arabia and Oak Ridge, TN. BOWERS declined both offers citing a desire to remain in the San Francisco Bay Area. This investigation continues pending supplemental management interviews.
03/30/2012	1	SA needs to update chrons. (b)(7)(C) review
03/30/2012	2	Reporting agent reached contacted Tetra Tech (b)(7)(C) (b)(7)(C) who agreed to be interviewed. (b)(7)(C) did advise of his desire to have counsel and indicated that his attorney would call the reporting agent with perspective interview dates. This investigation continues pending further investigative efforts.
04/09/2012	1	Reporting agent has contact Tetra Tech (b)(7)(C) approximately three times since March 30, 2012, however messages were left twice with no subsequent return received by OI to date. Reporting agent intends to contact previously interviewed individuals within the Tetra Tech Management Chain, in an effort to locate (b)(7)(C) This investigation continues.
04/30/2012	1	(b)(7)(C) reviewed.
05/30/2012	1	On May 24, 2012, reporting agent interview Tetra Tech EC, INC. (b)(7)(C) (b)(7)(C) at his office in (b)(7)(C) (b)(7)(C) was BOWERS' (b)(7)(C) during his tenure of employment with Tetra Tech at Hunters Point Naval Shipyard.
05/30/2012	2	(b)(7)(C) reviewed

CASE CHRONOLOGY

CASE NO.:	1-2012-002	*OPENED :* 10/07/2011	*AGENT :* (b)(7)(C)

DATE	ITEM	ACTIVITY
06/29/2012	1	Interview transcript of (b)(7)(C) was recently received and will be reviewed on today. Based upon investigative case priorities (particularly, the closing ROI and process associated with case No. 1-2012-001), reporting agent did not satisfy the nine month metric regarding this case. Reporting agent is also awaiting additional documentation from the legal representatives for Tetra Tech, as supplemental documentation has been requested. A draft ROI will be prepared upon complete review of all subsequent transcripts and documentation.
06/29/2012	2	(b)(7)(C) reviewed
08/01/2012	1	Closing ROI has been submitted to SSA (b)(7)(C) for editorial review and amendements where necessary.
09/11/2012	1	I
10/18/2012	1	(b)(7)(C) reviewed case chrons and did case review with SA. Rewritten/revised ROi is about to be submitted to SAIC for review.
11/20/2012	1	TC: Tim MURPHY, Attorney for Tetra Tech (TT), stated that although (TT) conducted an internal investigation as to whether or not Bert BOWERS resigned; no written report was produced. MURPHY added that an audit was conducted which resulted in a written report. OI requested the audit written report.
11/26/2012	1	TC: Tim MURPHY, OI again requested that he provide TT's audit report to OI.
11/27/2012	1	MURPHY provided a copy of the TT audit report to OI. Case Agent added the audit report to the ROI and submitted same for closure.

STATE OF CALIFORNIA

Edmund G. Brown Jr., *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
RETALIATION COMPLAINT INVESTIGATION UNIT
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
Fax :(415)703-4130

October 20, 2011

Tetra Tech Ec, Inc.
1230 Columbia Suite 750
San Diego, CA 92101

Re: State Case No. 23564-SFRCI; Bowers v Tetra Tech

Dear Respondent:

The above-named Complainant filed a complaint with this Division alleging he/she suffered unlawful retaliation in violation of Labor Code section(s): 6310.

A copy of Complainant's declaration is enclosed for your information.

A conference may be scheduled in connection with subject case. A hearing is **not** usually conducted as part of the investigation.

Please provide documents and a list of witnesses you wish to submit in support of your response. Any and all evidence, documents, position statements, and witness lists should be prepared **in duplicate** and submitted to me at the above address **by November 7, 2011.** Witness lists should include the witness' name, address, telephone number and a short statement describing the information the witness may provide. It is important that you provide all evidence and supporting documents that you wish to be part of the record as the decision may be based on the evidence and supporting documents in the file. A copy of the information you submit may be provided to Complainant for response.

In your response, please identify the legal entity (owner) for the business and specify the name and address of the person authorized to accept legal service and provide a copy of your corporate registration or business license.

Very truly yours,

Catherine Daly

Catherine Daly
Deputy Labor Commissioner

24. Please provide a copy of warnings and reprimands Tetra Tech issued (b)(7)(C) relating to health, safety, or retaliation.

25. Please list all Tetra Tech employees, or other contact employees, at the Hunters Point worksite for the two year proceeding and following Bowers termination with discipline issues similar to those leading to Bowers' termination. Identify these employees by name, title, discipline issue, and action taken.

26. Please list all Tetra Tech employees, or other contact employees, at the Hunters Point work site terminated in the two years preceding and following Bowers' termination. Please identify these employees by name, title, hire date, and issue leading to termination.

27. Please provide a copy of Tetra Tech's written discharge policies.

28. Please provide a copy of Tetra Tech's grievance procedures.

29. Please provide a list of all employees who have worked at any time under decision makers (b)(7)(C) during Bowers employment with Tetra Tech Please identify them by name, title, hire date, and current employment status.

30. Please provide a list of all persons involved in making the specific decisions to which Bowers complains. State each person by job title and responsibility as it related the issues Bowers raised.

31. Please provide a copy of Tetra Tech's business license or other incorporation documents.

11. Please explain what, if any, discipline Tetra Tech issued Bowers for his verbal outburst against Bowers.

12. Please provide an organizational chart showing reporting relationships during Bowers' employment tenure with Tetra Tech at Hunters Point.

13. Please provide an organizational chart showing reporting relationships post Bowers' employment tenure with Tetra Tech at Hunters Point.

14. Please identify management personnel at Tetra Tech to whom Bowers brought safety violations complaints at the Hunters Point worksite.

15. Please identify all governmental entity safety violations issued against Tetra Tech at the Hunter's Point worksite in the two years proceeding and following Bowers' termination. Please list the date, description, fines imposed, remedies ordered, and your compliance with those remedies and fines.

16. Please name all known employees and individuals who complained about health or safety concerns at the Hunters Point for the two year proceeding and following Bowers' termination. Please list by name, title, complaint date, issue involved, and current employment status (if employees).

17. Please provide a copy of Tetra Tech's safety procedures at the Hunters Point worksite.

18. Where were these safety procedures listed? Who was supposed to provide training? How often was this training provided

19. Please provide a copy of Bowers performance evaluation for each year he worked for Tetra Tech.

20. Please provide a copy of warnings and reprimands that Tetra Tech's Industry Inc has issued to Bowers.

21. Please provide a copy of warnings and reprimands Tetra Tech issued (b)(7)(C) relating to health, safety, or retaliation.

22. Please provide a copy of warnings and reprimands Tetra Tech issued (b)(7)(C) relating to health, safety, or retaliation.

23. Please provide a copy of warnings and reprimands Tetra Tech issued (b)(7)(C) relating to health, safety, or retaliation.

STATE OF CALIFORNIA Arnold Schwarzenegger, *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

October 20, 2011

Supplemental Questions

Re: *State Case 23564: Bowers v Tetra Tech EC, Inc.*

1. Please respond to Bowers' allegation Tetra Tech EC (*"Tetra Tech"*) managers allowed laborers to work with radiological materials without adequate supervision.

2. Please respond to Bowers' allegation Tetra Tech managers deliberately cut his hours so he could not perform all the required safety inspections.

3. Please respond to Bowers' allegation Tetra Tech managers deliberately added a morning meeting to schedule so he could not perform all the required evening safety inspections.

4. Please explain why Tetra Tech did not consult with Bowers in his Radiation Safety Officer Representative (RSOR) role before agreeing to Navy's cutbacks in the RSOR position.

5. Please identify who replaced Bowers on the NRC issued license at Hunters Point. Please also provide the replacement's certification and training

6. Please provide the two most recent Memorandum of Understandings (*"MOU"*) Tetra Tech signed with the United States Navy (*"Navy"*) regarding Hunters Point.

7. Please respond to allegations the recent MOUs regarding Hunters Point Tetra Tech signed with the Navy guarantees Tetra Tech a bonus if it finishes the project early.

8. Please explain why (b)(7)(C) and other Radiation Protection Field Supervisors believed laborers could work in *"Parcel E near the 'Triangle Area' and the RSY4"* with radiological materials without supervision from an authorized user listed on the NRC license.

9. Please explain why (b)(7)(C) did not cut off (b)(7)(C) verbal assault of Bowers.

10. Please explain why (b)(7)(C) terminated and escorted Bowers offsite after (b)(7)(C) verbally assaulted Bowers.

STATE OF CALIFORNIA Arnold Schwarzenegger, *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

October 20, 2011

By E-Mail (PDF)

Timothy Murphy, Partner
Fisher & Phillips, LLP
One Embarcadero Center, Suite 2340
San Francisco, CA 94111

Re: *Bowers v Tetra Tech EC, Inc.*
State Case 23564-SFRCI

Dear Mr. Murphy:

I write to inform you Bert Bowers filed a Division of Labor Standards Enforcement (DLSE) retaliation complaint alleging Tetra Tech, EC (*"Tetra Tech"*) violated Labor Codes §§1102.5 and 6310 by improperly reducing his duties and eventually wrongfully terminating him. Specifically Bowers alleged Tetra Tech's supervisors purposely (1) reduced his hours to prevent his safety oversight of the work site; (2) hid from him their improper use of laborers to perform tasks not under the supervision of RAD Field Supervisors; and (3) verbally assaulted him, and essentially threw him offsite, when he confronted the supervisors about these and other potentially illegal practices. The DLSE will add the Labor Code §1102.5 violation because prior to his termination Bowers attended a DLSE sponsored conference with Tetra Tech supervisors present to support his former coworker (b)(7)(C)

I enclose a copy of Bower's declaration for your review, our form letter, and a pamphlet explaining the procedures we follow when investigating such claims. I also include a set of supplemental questions for you to answer. I will need your evidence, documents, position statement, supplemental responses and witness list by **November 7, 2011.**

As part of your response, please identify the legal entity (owner) for the business and the person authorized to accept legal service.

Sincerely,

Catherine S Daly

Catherine S. Daly
Deputy Labor Commissioner
Retaliation Complaint Unit

MEMORANDUM

EDS
PI
7/13/11

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)

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT

Give a written statement answering each of the questions in the space provided below. After answering these questions, if you wish, you may also attach additional sheets to provide a more detailed description of the circumstances of the retaliatory act.

1. Protected activity (What did you do that caused your employer to retaliate against you?)

While retained by Tetra Tech EC, Inc from March 30, 2009 to present, I oversee licensed and regulatory mandated tasks so as to confirm continued compliance with criteria as detailed in 10CFR20, "Standards for Protection against Radiation". A series of declining compliance trends - as recently identified and attached - present potential regulatory deficiencies specific to the reliable and continued safety of the project employees, the public, and the environment.

Date of protected activity: Jan 12, 2011

2. Employer knowledge (How did your employer know you engaged in a protected activity?)

Initially by way of verbal notification, e-mails, follow-up attempts based on concerns voiced by others (present and past project employees voicing concerns, Navy/State/City representatives posing regulatory based questions, etc).

Date of employer knowledge: Jan 12, 2011

3. Adverse action (What did your employer do to you because you engaged in a protected activity?)

In performing duties associated with the vested role of Project Radiation Safety Officer Representative (e.g., addressing the prior day's communication deficiencies related to employee safety), a (b)(7)(C) verbally assaulted me with shouting and profane attacks after which the (b)(7)(C) intervened; the [redacted] later threatened me (said he could arrange to have me removed as Radiation Safety Officer Representative), then followed by profanely ordering me to pack my office and get off his project (reference attachment initially provided direct report: (b)(7)(C)). (b)(7)(C)

Date of adverse action: Jan 13, 2011

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct

EXECUTED ON, July 13, 2011 **, AT** San Francisco, **CALIFORNIA**

SIGNATURE

IF ADDITIONAL PAGES ARE USED, YOU MUST INITIAL, DATE AND NUMBER EACH PAGE.

RECEIVED
JUL 13 2011

RETALIATION COMPLAINT

VIOLATION OF SECTION	NAME OF CODE
7/13/11	San Francisco
ASSIGNED INVESTIGATOR	CASE NUMBER
6310 Walsh	23564

PLEASE PRINT ALL INFORMATION

NAME	HOME TELEPHONE NO.	CURRENT WORK PHONE NO.
Bowers, Elbert G (Bert)	(	(

YOUR ADDRESS-NUMBER AND STREET, APARTMENT OR SPACE NUMBER, CITY, ZIP CODE

SEX	SOCIAL SECURITY	CALIFORNIA DRIVER LICENSE NO.	DATE OF BIRTH

NAME OF BUSINESS	EMPLOYER'S NAME	☑ CORPORATION ☐ PARTNERSHIP ☐ SOLE OWNER
Tetra Tech (Construction)	Tetra Tech EC, Inc	

ADDRESS OF BUSINESS-NUMBER AND STREET, CITY, ZIP CODE	TELEPHONE NUMBER
1000 The American Road, Morris Plains, NJ 07950	(973) 630-8214

ADDRESS WHERE YOU WORKED IF DIFFERENT THAN ABOVE	DATE OF HIRE?
Hunters Point Naval Shipyard 200 Fisher Ave, San Francisco, CA 94124	March 30, 2009

YOUR DEPARTMENT AND JOB TITLE	RATE OF PAY	NUMBER OF HOURS WORKED?
Env Safety Quality, Radiation Safety Officer	$54.27 / hour	PER DAY 10 PER WEEK 50

NAME OF SUPERVISOR	TYPE OF BUSINESS	ESTIMATED NO. EMPLOYEES
(b)(7)(C) (b)(7)(C)	Construction	~125 (field/project specific)

WAS YOUR JOB UNION?	IF YES, NAME AND ADDRESS OF UNION?	TELEPHONE
No	N/A	N/A

WERE YOU DISCHARGED?	IF YES-DATE	BY WHOM? NAME AND TITLE	ARE YOU STILL WORKING FOR THIS EMPLOYER?
☐ YES ☑ NO	Likely Aug '11	(b)(7)(C)	Only on CTO/TWOP Thru July '11 ☑ YES ☐ NO

DID YOU NOTIFY YOUR EMPLOYER OF INTENTION TO FILE A CLAIM WITH THE LABOR COMMISSIONER?	IF YES-DATE	NAME AND TITLE OF PERSON NOTIFIED?
☑ YES ☐ NO	July 13, 2011	(b)(7)(C)

DID YOU FILE A SAFETY COMPLAINT?	IF YES-DATE	WITH WHOM-NAME AND ADDRESS?
UNDER CTO/TWOP Thru July '11 ☑ YES ☐ NO	1.12.2011	(b)(7)(C) / initial verbal; (b)(7)(C) Jan 18, 2011 / documented

DID YOU NOTIFY OSHA?	IF YES-DATE	WHICH OFFICE?
☑ YES ☐ NO	July 8, 2011	USDOL-OSHA 90 7th Street, Ste 18100, San Francisco, CA

NAME AND TITLE OF PERSON(S) YOU BELIEVE RETALIATED AGAINST YOU?

(b)(7)(C) - Tetra Tech EC, Inc (b)(7)(C) Hunters Pt (initially)

WHAT REMEDY ARE YOU SEEKING THROUGH THIS DIVISION?

Reinstatement of 1) Hunters Point RSOR position, 2) lost CTO/TWOP/OT wages; related remedies as provided by law.

HAVE YOU FILED WITH ANY OTHER GROUP OR AGENCY? ☑ YES ☐ NO IF YES, WHICH OFFICE?

NAME	ADDRESS	TELEPHONE
US Nuclear Regulatory Commission	POB 80377, Valley Forge, PA 19484-0377	(800) 432-1156 ext 5222

ARE YOU BEING REPRESENTED BY AN ATTORNEY? ☑ YES ☐ NO

NAME	ADDRESS	TELEPHONE
The Scott Law Firm (Considering)	1388 Sutter Street, Ste 715 San Francisco, CA 94109	(415) 561-1388

INTERPRETER NEEDED?	IF INTERPRETER NEEDED, WHAT LANGUAGE?
☐ YES ☑ NO	N/A

LIST NAME, JOB TITLES AND TELEPHONE NUMBER (IF POSSIBLE) OF WITNESSES, CO-WORKERS OR THOSE YOU FEEL COULD PROVIDE EVIDENCE IN YOUR SUPPORT TO THE ACTS YOU ARE COMPLAINING ABOUT. USE ADDITIONAL SHEETS

RECEIVED JUL 13 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

Replied
MAM 11/29/2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EXHIBIT 30
PAGE 1 OF 6 PAGE(S)

1 2012 002

Distribution:
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NAME	J Joustra		R Urban							
DATE	/ /2011		/ /2011							

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EXHIBIT 30
PAGE 2 OF 4 PAGES

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 (b)(7)(C)

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.

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 2-2012-052
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Friday February 7, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 2:15 pm
End Time: 3:05 pm

---

1. In what capacity are you currently employed with Tetra -Tech?
(b)(7)(C)

2. How long have you been in your current position?
Since (b)(7)(C)

3. How long have you been employed with TT?
(b)(7)(C)

4. Where were you employed prior to TT?

5. In what capacity were you employed with your previous employer?

6. What is your professional background consistent of, what areas have you traditionally worked in?

(b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry? (b)(7)(C)

(b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?

(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description? (b)(7)(C)

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns? Not Formal, But a good understanding of what's Required.

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often?
Yes. They Learn During RAD worker training

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?

Speak to managers or Supervisors. Yes they are Also given access to ZIP SLIPS

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)?

yes

14. What is the TT policy regarding in regards to employees ability raising safety related concerns? It is Encouraged. Safety is #1 Concern.

15. Are employees protected from retaliation for raising safety related issues?

Yes.

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly? yes.

17. When layoffs occur, how is it determined which employees are laid off and which are retained?

With Craft, they Base on skill set and Abilities gets Input from (b)(7)(C) OP (b)(7)(C)

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

Yes

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? Depending on the severity of The safety concern. Issues he encanters, takes care of them immediately.

20. Do you Know Mr. Elbert "Bert" BOWERS?

Yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

Bowers AT Hunters at Working for Contractor when MCW ADE got there In (b)(7)(C)

22. Under what circumstances did you initially have contact with BOWERS?

(b)(7)(C) ASKED (b)(7)(C) to HELP get Involved In Field work more.

23. What kind of employee was BOWERS described as?

Fine Bert wasn't as Involved as he should have Been: (b)(7)(C) is current (b)(7)(C).

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

Yes., As Long as he had the BACKUP OF Other guys.

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

Yes.

26. If so, what was done ?

It was Corrected.

27. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

28. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

✓

29. Who determined that BOWERS would be ~~Laid off~~ ?

NO,

30. Do you know why BOWERS was ~~Laid off~~ Transferred. ?

NO

31. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

Yes

(b)(7)(C)

32. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

yes.

33. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

34. Did you have any discussions with BOWERS following his layoff?

NO

35. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light/

NOt Doing his Duties (that Being Bowers)

36. Does TT follow a progressive discipline policy/ Please elaborate

yes

37. How does TT identify performance concerns to it's employees?

TAlking it out,

38. Had BOWERS ever been placed on a PIP or received some form of notice?

Not sure

(b)(7)(C)

39. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

NO

40. Where there any other employees who raised safety related concerns who invariably were laid off? (b)(7)(C) and he was somewhat Legit in his concerns.

41. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS?

Not sure.

42. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO would be his opinion

43. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly? There are problems yes.

44. What is the requirement for the conduction of radiation surveys at HP?

45. Are corners being cut as it relates to the proper conduction of radiation surveys?

NO

46. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done? Lasers leave something in work areas.

47. Are audits conducted of your radiation program and by whom, and how often?

yes they are, Not sure How often

QC Surveillances Done.

48. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

NO.

49. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure? Not Sure How Distinctly

the New Chars are

50. Does HP operate under the assumption of safety conscious work environment? And are these things stressed? yes.

51. Did BOWERS develop a reputation as a stickler for radiation safety/protection?

Not Particularly

52. If so was that well received amongst the general TT employee base?

53. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

NO.

54. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details? NO.

55. Were you subject to any adverse action as a result of raising your safety related concern?

N/A

56. Do you feel that the Radiation Protection program at HP is sufficient?

YES

57. Are TT employees effectively abiding by the RP program accordingly?

YES.

58. How would you respond to the allegation that HP is a nuclear site being run like a construction site?

59. Are there any other employees who might have more intricate knowledge of this situation, that you would recommend we talk to?

60. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

61. Is there anything else you would like to add to the record at this time?

U.S. Nuclear Regulatory Commission

Office of Investigations

Investigative Interview Questions

Case Number: 1-2012-002

Interviewee: (b)(7)(C)
RSO, Tetra Tech EC, INC.
1569 Lake Wright Dr.
Norfolk, VA

Date: May 24, 2012

Start Time: 2:25
End Time: _____

---

1. How long have you served as the (b)(7)(C) for TT?
   (b)(7)(C)

2. Were you employed with TT prior to this current position, if so in what capacity?
   (b)(7)(C)

3. How Long have you been employed with TT?
   (b)(7)(C)

4. Whom were you previously employed by prior to TT, and in what capacity?
   (b)(7)(C)

5. When did you begin working in the Nuclear Industry?
   (b)(7)(C)

6. What has your professional background traditionally consisted of?
   (b)(7)(C)

7. What are your duties and responsibilities as (b)(7)(C)?
   (b)(7)(C)

8. What are your official requirements/ Responsibilities under the license?
   (b)(7)(C)

(b)(7)(C) [redacted]

9. What type of trainings have you received and what type of certifications do you hold for your current position as RSO?
(b)(7)(C) [redacted]

10. As (b)(7)(C) are you responsible for providing training to employees in the area of RAD Protection/safety? yes - he (b)(7)(C) [redacted] while (b)(7)(C) [redacted] implement

11. Is that done in person and by whom?
(b)(7)(C) [redacted]

12. How often is this training conducted?
Atleast Annually -

13. Are all employees required to complete training wherein they are orientated on what nuclear safety concerns are? Yes.

14. Are all employees trained on how to report safety related concerns?
yes

15. Are employees granted protection from reprisal if they raise safety related concerns?
Yes.

16. If an employee raises safety related concerns, how is it documented by management, and what is the proceeding process? ZIP SLIPS, AUDITS

17. How are employees supposed to raise safety related concerns? What mechanisms are in place?
ZIP SLIPS, Supervisor, Deficiency notice

18. Is the procedure for reporting safety concerns and the fact that employees will receive immunity / protection from reprisal, captured in an employee handbook or procedural manual?

19. When layoffs occur how is it determined which employees are laid off and which are retained?
How many Billable Hours they Have.

20. Is it encouraged for employees to raise safety related concerns to management, and by what mechanism is that done? Yes

21. How do management personnel document these notifications/ safety concerns raised by subordinate employees? Is it done at just the site level or is it also ran up the corporate chain of command?
already covered

22. When did you become acquainted with Bert Bowers and under what circumstances?
(b)(7)(C) when he came to HP for interviews Bowers was RSO on license + RSOR on site,

23. Under what circumstances did you initially have contact with BOWERS?
BOWERS worked for (b)(7)(C) and site mgr @ HP.

24. What kind of employee was BOWERS?
At First, he was helpful. The last year he was there he was getting into issues with other HP supervisors.

25. Was BOWERS responsible for training you in any way or getting you up to speed when you took over?
yes. Bowers also did site training with (b)(7)(C) + (b)(7)(C).

26. Did BOWERS raise safety related concerns to you, if so when?
yes, But they were minor. Water cooler found within Bandy of RCA - 2010. Postings also

27. If yes, what actions did you take upon receiving the information?
Told Bert to raise issues @ 7:00am safety mtg

28. Were you ever advised by other managers at TT, that BOWERS raised safety related concerns to to them? If so whom and when?
NO

29. Were you aware of the nature of BOWERS safety related concerns? Were they nuclear safety or more OSHA related?
maybe OSha, But not Legit safety concerns.

30. Can TT employees report safety related concerns directly to the NRC or to RASSO (Dept. of Navy)?
yes.

31. Are employees required to first discuss their issues with TT Management before going to external entitites?
NO

32. When BOWERS worked for you did you write his annual performance appraisals?
(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

33. What were his appraisals like?

34. What employment action was leveraged against BOWERS and why?
Removed from HP and transferred to Alameda. Was offered JOBS IN Sanoi, OAK Ridge + Michigan

35. Who made the determination to take action against BOWERS?

(b)(7)(C)

36. Were there performance issues with BOWERS, leading up to the action taken against him
yes.

UC3 Area which HAD Already Been cleared

37. Was BOWERS advised of the performance issues and was there any documentation associated therewith? No. Oct + Dec. 2010 (b)(7)(C) Verbalized his concerns to Bowers

38. Did site management there at HP ever identify to you that BOWERS was a trouble maker ad was not looked upon in a favorable light? He had a Reputation of kinda trying to trip others up. NOBODY said too many nice things about him.

39. Did BOWERS develop a reputation as a complainer?
yes. Complained About not getting enough respect

40. Had BOWERS ever been placed on a PIP or any other form of progressive discipline?
NO

41. Are you aware of any other employees there at HP which raised safety concerns and were later laid off?
NO

42. Do you know if an internal investigation was conducted by TT with respect to the issues BOWERS raised? yes.

43. What is the requirement for radiation surveys being conducted at HP?
That you Be Surveyed B/F Exiting RAD Area

44. Do you believe that BOWERS was retaliated against for raising safety related concerns?
NO

45. Have there been problems on site at HP regarding postings being utilized accordingly and adhered to? Some Instances But Nothing prevelant

46. Are corners being cut by construction employees and others at HP as it relates to conducting RAD Surveys? Did BOWERS bring this up to you?
NO

They have a problem with Copper miners after Hrs
But overall, not common.

47. Are employees ensuring the safe keeping and operation of all equipment and work related materials in what are thought to be RAD Areas?

48. Was there pressure placed on jobs by construction personnel to get things done quickly even at the expense of RAD Protection? Not At the Expense of RAD Protection

49. Did BOWERS develop a reputation as a stickler for the rules?, if so how did that impact his interaction with personnel on site? Appeared to Be a stickler for his Interpretation on the Rules.

50. Were you privy to any conversations with TT management regarding BOWERS safety concerns and his vocal nature regarding safety?
NO. Bowers had A Rep for Not getting Involved.

51. How often did you travel to HP?
(b)(7)(C)

52. Are TT Employees abiding by RAD Protection guidelines?
yes

53. Were you ever instructed by TT management above you to NOT document BOWERS concerns when he raised them to you/ NO

54. Why was BOWERS removed from the HP Site?
The argument He had onsite with other RP/HP's

55. Is there anything else you'd like to add?

- Jan. 2011 (b)(7)(C) Travelled there & Conducted Audit.

- Bowers leaving RADIUM Button was A self Identifier Item to the NRC.

- Wasn't written In his Job Description to Attend Morning Mngrs. Meeting, But it was an Expectation for Bowers

& Bowers was previously the HR person at New world so there was Bad Blood onsite

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

April 21, 2014

Sewali K. Patel
Regional Investigator
U.S. Department of Labor
Occupational Safety and Health Administration
90 7th Street, Suite 18100
San Francisco, CA 94103

SUBJECT: REQUEST FOR OFFICE OF INVESTIGATIONS (OI) CLOSED CASES

Dear Ms. Patel:

You recently requested that the Nuclear Regulatory Commission, Office of Investigation (OI) provide you with the OI Reports of Investigations (ROI) and investigative exhibits corresponding with the Region I (RI) allegation numbers as follows:

RI-2011-A-0019 (OI Case No. 1-2012-002)
RI-2011-A-0113 (OI Case No. 1-2012-019)
RI-2012-A-0022 (OI Case No. 1-2012-037)

The RI allegation numbers have been completed by OI:RI and the ROIs and exhibits are enclosed for your review in accordance with the Memorandum of Understanding between the Nuclear Regulatory Commission (NRC) and U.S. Department of Labor (DOL), dated September 9, 1998, NRC and DOL may share information and records.

Also, as a reminder the following caveat warning is applicable to all OI investigative materials:

DO NOT DISSEMINATE, PLACE IN THE PUBLIC DOCUMENT ROOM, OR DISCUSS THE CONTENTS OF THIS REPORT OF INVESTIGATION OUTSIDE NRC WITHOUT AUTHORITY OF THE APPROVING OFFICIAL OF THIS REPORT. UNAUTHORIZED DISCLOSURE MAY RESULT IN ADVERSE ADMINISTRATIVE ACTION AND/OR CRIMINAL PROSECUTION

We look forward to working with you on future requests and should you have any questions regarding the documentation provided, please contact me at (301) 415-3486.

Sincerely,

(b)(7)(C)

(b)(7)(C) Senior Special Agent
Office of Investigations

Enclosures:
As Stated

POS. ISSUANCE REVIEW ROUTING SLIP

CASE NO.: 1-2012-002 RECEIVED AT OI:HQ: 1/9/2013

OPERATIONS OFFICER REVIEW: (b)(7)(C) DATE: (b)(7)(C) 9-23-13

OPERATIONS OFFICER RECOMMENDATION:

✓ File

_____ Copy of Post Issuance Review to Field

_____ Return to Field for Further Action/Issue Corrected Copy of Report

_____ Forward to Deputy Director

_____ Forward to Director

Comments:

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

OFFICIAL BUSINESS

1-2012-002
FIELD NOTES

ask (b)(7)(C) office - mngt travel - license

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 1-2012-002
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Thursday February 9, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 2:26 pm PST
End Time: 3:51 pm PST

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1. In what capacity are you currently employed with Tetra -Tech?
(b)(7)(C)

2. How long have you been in your current position?
(b)(7)(C)

3. How long have you been employed with TT?
(b)(7)(C)

4. Where were you employed prior to TT?
(b)(7)(C)

5. In what capacity were you employed with your previous employer?
(b)(7)(C)

6. What is your professional background consistent of, what areas have you traditionally worked in? (b)(7)(C)
(b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry? (b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?
(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description?
NO
RAD training has Been OJT

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns?
yes

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often? yes.

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?
(b)(7)(C) - Safety
(b)(7)(C) - QC
Postings
ZIPSLIPS -

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)? yes.

14. What is the TT policy regarding in regards to employees ability raising safety related concerns? Encourage

15. Are employees protected from retaliation for raising safety related issues?
yes

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly? yes.

17. When layoffs occur, how is it determined which employees are laid off and which are retained?
construction - Decides
(b)(7)(C)
RAD
(b)(7)(C)
Craft - union (Project Labor Agreement w/ TT)
HP - Contractors
Pro Staff - Combination of TT & Contractors

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

yes.

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? Depends on situation. Database is used for trending, etc.

20. Do you Know Mr. Elbert "Bert" BOWERS?

yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

(b)(7)(C)

22. Under what circumstances did you initially have contact with BOWERS?

23. What kind of employee was BOWERS described as?

understands NRC Licensing part of the JOB. He (Bert) had lost Respect of RAD supervisors. Disconnect btwn licensing side and actual Field Work

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

yes

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

NONE OF SUBSTANCE. Bert Brought Issues up Regarding Signs.

26. Please tell me about the issues raised to you by BOWERS, particularly, those that led to the argument between he and the (b)(7)(C) Date, time, , etc?

Jun. 2011. (b)(7)(C) told Bert to get In Earlier.

27. If so, what was done ?

Bert Verbally Resigned. (b)(7)(C) accepted.

28. Did a verbal or physical altercation occur and if so, please outline that for me?

Verbal Brwn Bert and (b)(7)(C).

29. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO, (b)(7)(C) Spent Alot of times with Bowers Coaching him.

30. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

31. Was Bert somewhat of a torn in your side because he was very active and appeared to notice a number of deficiencies and brought them to your attention regarding the construction personnel, not operating appropriately from a RAD perspective?

NO. He (Bert) never left his office.

32. Who determined that BOWERS would be no longer be working at HP ?

Bert Did when he resigned from the project.

33. Do you know why BOWERS was T[redacted]ed?

34. Did you have a grudge against BOWERS in any way?

NO. They were (b)(7)(C). He Like Bert as a peson.

35. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

Yes.

36. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

Yes

37. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

38. Did you have any discussions with BOWERS following his ~~Transfer?~~

NO.

39. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light?

NO. He felt Like Bert was A Tech In over his Head. Bert Avoided his Technical Responsibilities Didn't go to morning meetings, or Conf. Calls

40. Does TT follow a progressive discipline policy/ Please elaborate

yes.

41. How does TT identify performance concerns to it's employees?

Appraisals. Nothing was Documented RE: Bert's performance!

42. Had BOWERS ever been placed on a PIP or received some form of notice?

NO

43. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

NO

44. Where there any other employees who raised safety related concerns who invariably were laid off?

NO

45. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS? (b)(7)(C) + (b)(7)(C)

46. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO

47. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly?

Talked about that.

48. What is the requirement for the conduction of radiation surveys at HP?

- There are weekly, Quartley's + monthly's
- Incoming + outgoing Surveys

49. Are corners being cut as it relates to the proper conduction of radiation surveys?

NO

50. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done?

yes

51. Are audits conducted of your radiation program and by whom, and how often?

Yes. Corporate Also Does Audits In addition TO RASO, NRC.

52. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

NO

53. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure? NO

54. Does HP operate under the assumption of safety conscious work environment? And are these things stressed?

yes.

55. Did BOWERS develop a reputation as a stickler for radiation safety/protection?

yes.

56. If so was that well received amongst the general TT employee base?

Bert would make Comments on things outside of their Perove.

57. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

Small overview.

58. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details?

Yes.

59. Were you subject to any adverse action as a result of raising your safety related concern?

NO

60. Do you feel that the Radiation Protection program at HP is sufficient?

yes

61. Are TT employees effectively abiding by the RP program accordingly?

Yes

62. How would you respond to the allegation that HP is a nuclear site being run like a construction site?

RAD + Construction Need to work In Concert. ONE Dosn't trump Another

63. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

64. Is there anything else you would like to add to the record at this time?

65. Did Bert BOWERS engage in protected activity by raising safety related concerns and was ultimately punished by the company for it?

11:00 Am
2/7/12

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 2-2011-052
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Friday February 7, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.

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1. In what capacity are you currently employed with Tetra Tech?
(b)(7)(C)

2. How long have you been in your current position?
(b)(7)(C)

3. How long have you been employed with TT?
(b)(7)(C)

4. Where were you employed prior to TT?
(b)(7)(C)

5. In what capacity were you employed with your previous employer?

6. What is your professional background consistent of, what areas have you traditionally worked in?

(b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry?

(b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?

(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description?

- OJT
- NO Certs.

10. Were you responsible for any oversight, inspection or even visit activities there onsite at [redacted]?

11. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns? Yes. Familiar with 10 CFR Part 20

WAS trained AT Hunters' Pt. No certs @ Hunters' point.

Training was not at Hunters Point

Training

12. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often? Yes.

13. What mechanism is used whereby employees can raise safety concerns ?
They can go to other Employees, Managers, etc. to report safety issues.

14. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)?
Safety Manager can report/Document Safety Concern. System is Rather Informal However. Many safety issues are verbalized

15. What is the TT policy regarding Whistle-blowing in regards to employees ability raising safety related concerns?
It's Encouraged to Raise Safety Concerns and they Are protected.

16. Are employees protected from retaliation for raising safety related issues?

Yes

17. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly? Believes so.

Zero Incident program In Place - ZIP Slips

18. When layoffs occur, how is it determined which employees are laid off and which are retained? Cut BACK In Funding

19. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

Yes.

20. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate?

✓

21. Do you Know Mr. Elbert "Bert" BOWERS?

yes.

22. How do you know Mr. BOWERS and when did you first have contact with him?

HAD Contact with him, (b)(7)(C) Bowers hired him. Bowers Interviewed him.

23. Under what circumstances did you initially have contact with BOWERS?

✓

24. What kind of employee was BOWERS described as?

OK At his JOB. IT was Thought that he spent too much time worrying about HR issues

25. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

YES. Bowers Didn't know What was going on In the Field more (Radiologically)

26. Did BOWERS raise safety related concerns to you, if so, please provide details?

Yes. Bowers Raised the Fact that workers were working After hours with NO HP's Avail. The area was Deposted so there was no Violation.

27. If so, what was done ?

28. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

29. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

Not Aware.

30. Who determined that BOWERS would be Laid off ?

Bowers was Transferred. (b)(7)(C)

31. Do you know why BOWERS was ~~Laid off?~~ Transferred

He had A Dispute w/ (b)(7)(C)

32. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

Yes. It is posted.

33. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns? Yes

34. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

35. Did you have any discussions with BOWERS following his ~~layoff?~~

NO

36. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light/ NO

37. Does TT follow a progressive discipline policy/ Please elaborate

Not Sure.

38. How does TT identify performance concerns to it's employees?

Yearly Evaluation.

39. Had BOWERS ever been placed on a PIP or received some form of notice?

NO ~~IDEA~~

(b)(7)(C)

40. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

Not Aware

41. Where there any other employees who raised safety related concerns who invariably were laid off?

Not to his knowlesge

42. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS?

43. Do you believe that BOWERS was discriminated against for raising safety related concerns?

44. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly?

45. What is the requirement for the conduction of radiation surveys at HP?

Employees post things wrong, But They Correct them. They Also Recently DID Retraining

46. Are corners being cut as it relates to the proper conduction of radiation surveys?

There ARE NO Corners Being Cut.
Requirements per License are to survey once per week

(b)(7)(C)

47. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done? For the most part yes.

48. Are audits conducted of your radiation program and by whom, and how often?
Corporate RSO + The NRC. NAVY has their own separate Audit

49. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?
NO

~~50.~~ Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure?

51. Does HP operate under the assumption of safety conscious work environment? And are these things stressed? yes

52. Did BOWERS develop a reputation as a stickler for radiation safety/protection?
NO

53. If so was that well received amongst the general TT employee base?

54. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

NO

55. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details? yes.

56. Were you subject to any adverse action as a result of raising your safety related concern?

NO

57. Do you feel that the Radiation Protection program at HP is sufficient?

yes

58. Are TT employees effectively abiding by the RP program accordingly?

yes

59. How would you respond to the allegation that HP is a nuclear site being run like a construction site?

Not true

60. Are there any other employees who might have more intricate knowledge of this situation, that you would recommend we talk to?

61. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

62. Is there anything else you would like to add to the record at this time?

63. What Do you know About an Issue Regarding Bowers' office wherein Documents From his office were Alleged to have Been shredded?

NO

64. Do you have AN understanding of Bowers Asking to Be removed from License.

Not Aware.

Bowers on Furlough!

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 1-2012-002
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Thursday February 9, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time:
End Time: 5:51 PM PST

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1. In what capacity are you currently employed with Tetra -Tech?

   (b)(7)(C)

2. How long have you been in your current position?

   (b)(7)(C)

3. How long have you been employed with TT?

   (b)(7)(C)

4. Where were you employed prior to TT?

   (b)(7)(C)

5. In what capacity were you employed with your previous employer?

6. What is your professional background consistent of, what areas have you traditionally worked in? (b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry? (b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?
(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description?

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns? yes

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often? yes. Annual Radiological Refresher.

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

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?
go to supervisors, HR, Hotline, NRC.

Zero Incident performance Zip slips

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)? yes.

14. What is the TT policy in regards to an employees' ability raising safety related concerns?

Encourage it

15. Are employees protected from retaliation for raising safety related issues?

yes

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly?

yes.

17. When layoffs occur, how is it determined which employees are laid off and which are retained? Primary Input By Supervisor Responsible for that work area. (b)(7)(C) Informs (b)(7)(C) and (b)(7)(C) who they plan to lay off. They make a Team Decision.

(b)(7)(C)

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

yes.

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? Depending on the seriousness of complaint

20. Do you Know Mr. Elbert "Bert" BOWERS?

yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

(b)(7)(C)

22. Under what circumstances did you initially have contact with BOWERS?

visited HP During A project Review. Bowers was NWT/RSO.

23. What kind of employee was BOWERS described as?

* Initially - very good. Bowers 2nd Day @ TT
They were Audited By NRC
*

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

he DID up until the point that he + (b)(7)(C) Conducted an Investigation.

Jan. 3, 2011 scope Reduc

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

NO. he (b)(7)(C) visited site Every. 2-3 months. Bowers never mentioned Anything

26. Please tell me about the issues raised to you by BOWERS, particularly, those that led to the argument between he and the (b)(7)(C) Date, time, , etc?

27. If so, what was done ?

28. Did a verbal or physical altercation occur and if so, please outline that for me?

Verbal

29. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

30. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

31. Who determined that BOWERS would be no longer be working at HP ?

(b)(7)(C)

32. Do you know why BOWERS was Transferred?

They wanted Bert to charge off his comp t (b)(7)(C)

33. Did you have a grudge against BOWERS in any way?

Not that he's aware

They offered him an assignment in Saudi Arabia in Sept. 2011

34. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

Yes.

35. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

36. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

(b)(7)(C)

(Bowers is on Furlough Status.

37. Did you have any discussions with BOWERS following his ~~Transfer~~?

They Went through the NRC mediation In Sept.

38. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light? Not that he was a trouble maker, But was Looked at unfavorbly.

39. Does TT follow a progressive discipline policy/ Please elaborate

Depends on the Act. they tend to ns on overall.

40. How does TT identify performance concerns to it's employees?

Depending on issue.

41. Had BOWERS ever been placed on a PIP or received some form of notice?

NO

42. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

NO

43. Where there any other employees who raised safety related concerns who invariably were laid off?

NO

(b)(7)(C)

44. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS?

Yes

45. What was the extent of the investigation?

Covered previously

46. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO

47. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly?

48. What is the requirement for the conduction of radiation surveys at HP?

Yes

49. Are corners being cut as it relates to the proper conduction of radiation surveys?

50. Are audits conducted of your radiation program and by whom, and how often?

QC, (b)(7)(C), NRC, RASO

51. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

No

52. Does HP operate under the assumption of safety conscious work environment? And are these things stressed?

Yes.

53. Did BOWERS develop a reputation as a stickler for radiation safety/protection?

Reputation as A stickler For RAD paperwork-

54. If so was that well received amongst the general TT employee base?

Not sure.

55. What was discussed regarding in management meetings regarding Bert's safety issues and his subsequent employment , following his verbal resignation?

- 9 Findings that came out of (b)(7)(C) Audit
- keeping TLD'S updated

56. What is TT policy on receipt of verbal resignations from employees?

Discussed Already

57. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details?

58. Were you subject to any adverse action as a result of raising your safety related concern?

59. Do you feel that the Radiation Protection program at HP is sufficient?

Excellent.

60. Are TT employees effectively abiding by the RP program accordingly?

YES.

61. How would you respond to the allegation that HP is a nuclear site being run like a construction site? He would be surprised. NRC said NO.

62. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

63. Is there anything else you would like to add to the record at this time?

64. Did Bert BOWERS engage in protected activity by raising safety related concerns and was ultimately punished by the company for it?

Not in his opinion

65. Talk to me about the day that you all went through BOWERS' old office?

66. What was the purpose or rationale?

67. What is the companies legal obligation if any regarding his things, and any expectation of privacy in his work space?

68. What items were found in his office and subsequently shreaded?

New World Records. RAD Tech's personal Records.

69. Why weren't the performance concerns with Bert Documented?

Not Sure

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 2-2011-052
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Wednesday February 8, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 1:10 pm PST
End Time: 1:41 pm PST

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1. In what capacity are you currently employed with Tetra -Tech?

   (b)(7)(C)

2. How long have you been in your current position?

   (b)(7)(C)

3. How long have you been employed with TT?

   (b)(7)(C)

4. Where were you employed prior to TT?

   (b)(7)(C)

5. In what capacity were you employed with your previous employer?
(b)(7)(C)

6. What is your professional background consistent of, what areas have you traditionally worked in? (b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry? (b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?
(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description? (b)(7)(C)

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns? Received RAD Training.

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often? yes.

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?
TALK to Any Supervisor. Also has ZIPSLIPS

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)? yes

14. What is the TT policy regarding in regards to employees ability raising safety related concerns?
yes, Encourge
yes, protected.

15. Are employees protected from retaliation for raising safety related issues?
yes

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly?
yes

17. When layoffs occur, how is it determined which employees are laid off and which are retained?
Not sure

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

yes

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? Depends on the issue. Simple issue are corrected Immediately on site.

20. Do you Know Mr. Elbert "Bert" BOWERS?

yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

(b)(7)(C)

22. Under what circumstances did you initially have contact with BOWERS?

Intially met Everyone.

23. What kind of employee was BOWERS described as?

Not particularly Involved. Didn't leave office much

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

Didn't have a clear picture of what was Involved. In Bert's position. Has Better relationship w/ current RSO

(b)(7)(C)

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

Every DAY Small Stuff.

26. If so, what was done ?

Logged In Deficiency Tracking Log.

27. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

28. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

Bert Always Went to (b)(7)(C)

29. As the safety, did you have a lot of interaction with Bert regarding the nature of his complaints/issues?

NO

30. Did you find him to be active in the area of QA/QC in that he wanted to continuously ensure that his he was in compliance and that employees were operating in a safe capacity from a radiation perspective?

Imagine NOt, But Bert Never Left Office.

31. Who determined that BOWERS would be ~~Laid off~~? , he heard Bert Quit. (b)(7)(C) or (b)(7)(C) told him

32. Do you know why BOWERS was ~~Laid off~~?

Something Regarding an Argument Btwn Bertor

(b)(7)(C)

33. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

Yes

34. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

Yes

35. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

36. Did you have any discussions with BOWERS following his ~~layoff?~~

NO

37. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light?

NO

(b)(7)(C)

38. Does TT follow a progressive discipline policy/ Please elaborate

yes.

39. How does TT identify performance concerns to it's employees?

Speaking to Employee

40. Had BOWERS ever been placed on a PIP or received some form of notice?

Not Sure.

41. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

NOt Sure.

42. Where there any other employees who raised safety related concerns who invariably were laid off?

NO

43. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS?

Believe so. (b)(7)(C) Questioned hu

44. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO

45. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly? Typical. i.e - wheater

46. What is the requirement for the conduction of radiation surveys at HP?

- Incoming
- outgoing
- Scans when Employees leave work area.
- Quarterly swipes

47. Are corners being cut as it relates to the proper conduction of radiation surveys?

No

48. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done?

49. Are audits conducted of your radiation program and by whom, and how often?

Yes. NRC has in the past.

50. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

NO

51. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure?

NO

52. Does HP operate under the assumption of safety conscious work environment? And are these things stressed?

yes.

53. Did BOWERS develop a reputation as a stickler for radiation safety/protection?

probably not. He wasn't involved enough

54. If so was that well received amongst the general TT employee base?

55. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

NO

56. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details?

yes.

57. Were you subject to any adverse action as a result of raising your safety related concern?

NO

58. Do you feel that the Radiation Protection program at HP is sufficient?

Yes

59. Are TT employees effectively abiding by the RP program accordingly?

yes

60. How would you respond to the allegation that HP is a nuclear site being run like a construction site? Construction and RP/HP are equal.

61. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

62. Is there anything else you would like to add to the record at this time?

(1)

SUSAN ANDREWS
SR. HP
AINS. SUB Contractor to TECHTA Tech
(b)(7)(C)

- 10 yrs. Experience IN Nuclear
- Worked @ MILLSTONE, GINNA, etc.
- 2 yrs as SR.
- Junior HP w/ New World (June 2006)
- Reports to (b)(7)(C)
- Tech Didn't Frisk (b)(7)(C) Leaving An Contaminated. A Hood was knocked Down and (b)(7)(C) Just Walked. (b)(7)(C) was The the (b)(7)(C) Andrews watched. week of Oct. 17 (Day Shift)

NOW Allegation

NOT Posting ADEQUATELY PARCEL - ETC

- (b)(7)(C) Encourage Employees to call hum B/F Hotline with safety concerns.
- Yes
- (b)(7)(C) (b)(7)(C)
- Few Days after Bert was gone, they were (TT) Shreading Documents out of his office

(2)

- (b)(7)(C) was Also let go.

New issue — Laborers Doing Surveys / Against policy
Poor R.A.D. Practices

— Worked for Bowers 6 yrs.

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Case Number: 1-2012-002
Case Type: H & I **Case Agent:** S/A (b)(7)(C)
Facility/Site: Hunters Point Naval Shipyard Decommissioning Project
Interviewee: (b)(7)(C)
Date: November 1, 2011

Witness Interview Questions

Background

1. Are you currently employed, if so by whom?

2. In what capacity / title are you currently employed?

3. How long have you been with your current employer? (b)(7)(C)

4. Have you held any other positions other than the above identified with your current employer? NO

5. What are your duties and responsibilities under your current position?
(b)(7)(C)

6. Whom were you employed with prior to your current employer?

7. In what capacity?

8. What were your duties and responsibilities in that position? (b)(7)(C)
(b)(7)(C)

9. When did you begin your employment in the Nuclear Industry?
(b)(7)(C)

10. Why did you leave Tectra Tech?

11. What type of training have you received since becoming employed in the industry?

12. What type of industry/professional certifications do you hold?
(b)(7)(C)

13. By whom did you receive that training?
Site Access, RAD II training

(b)(7)(C)

(b)(7)(C)

14. What is your professional background, i.e.- laborer, electrician, etc?

(b)(7)(C)

15. What were your duties and responsibilities during your tenure of employment with Tectra Tech?

16. Who did you report to?

(b)(7)(C)

17. Did you have any subordinate employees? Yes.

(b)(7)(C)

18. What policies and procedures were you guided by?

OSHA. & EM385 (Army Corp of Engineers)

19. What were Tectra Tech's (TT) responsibilities as a condition of the license?

New World HCID License

20. What was the safety culture there at Hunter's Point?

Very Strong.

18. Did TT promote a safety conscious work environment, if so , how?

He Believes So.

21. Did you receive training on how to report safety related concerns, if so, who administered the training? (b)(7)(C)

22. Was it acceptable at TT to report safety concerns to Mngt. Did it seem like a welcomed and encouraged practice?

23. Are you aware of Bert Bowers ever raising safety concerns to management?

24. How did you become aware of Mr. Bowers raising safety concerns?

25. Did Bowers tell you directly that he reported his safety concerns to management, if so when? Not Sure.

26. Did he ever raise his safety concerns to management in your presence? If so, to whom within the management chain did he raise concerns to?

27. Did anyone from management ever discuss Bowers' raising safety related concerns with you? If so, what was the content of those conversations?

No

28. Do you believe that Bowers was retaliated against for raising safety related issues? If so why?

29. Are you aware if Bowers took his concerns to any other entities outside TT? If so whom?

30. When personnel action was taken against Bowers, what did management cite as the reason?

31. Were you interviewed by anyone from management or another entity within TT regarding your knowledge of Bowers' concerns?

32. Are you aware of any other employees who were potentially retaliated against for raising safety related issues? NO

33. Did you ever raise any safety related issues, if so what happened?
Yes, No Retaliation

34. Do you believe that Bowers had valid safety related concerns?
Yes

35. Do you have any first- hand knowledge that the personnel action levied against bowers was based on his whistleblowing activity?
NO

36. From your understanding would there have been any major issues with TT just having bowers name removed from the license?

37. What kind of employee was Bowers? What kind of reputation did he have?
GOOD

38. How long did you work with Bowers?
(b)(7)(C)

39. Did you find Bowers complaints valid?

Filename: (b)(7)(C) interview questions
Directory: H:\NRC-OI
Template: C:\Users\Hotel Guest\AppData\Roaming\Microsoft\Templates\Normal.dotm
Title:
Subject:
Author: dly1
Keywords:
Comments:
Creation Date: 11/2/2011 7:47:00 AM
Change Number: 2
Last Saved On: 11/2/2011 7:47:00 AM
Last Saved By: (b)(7)(C)
Total Editing Time: 0 Minutes
Last Printed On: 11/1/2011 3:58:00 PM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 499 (approx.)
Number of Characters: 2,846 (approx.)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ___-_____-_____

Date of Interview: _____

Full Name: _____ _____ _____

Employer: _____

Title: _____

Work Telephone Number: _____

Length of Employment: _____

Employer's Address: _____

Home Address: _____

Home Telephone Number: _____

Cellular Telephone Number: _____

Social Security Number: _____ - ____ - _____

Sex: Male _____
Female _____

Race: _____

Date of Birth: _____ _____, _____

Place of Birth: _____

(b)(7)(C)

10/27/11

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

HAZ Whopper, IRAD training, ect.

(b)(7)(C)

Bowers told her he raised safety issue

Worked w/ Bowers (b)(7)(C)

(b)(7)(C)

10/27/11

(b)(7)(C) C & T

(b)(7)(C)

(b)(7)(C)

Reported to (b)(7)(C) + (b)(7)(C)

(b)(7)(C)

(b)(7)(C) IN Nuclear Industry

Received General Awareness training onsite

(b)(7)(C)

Worked under Bert for (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 1-2012-002
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Thursday February 9, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 11:12 Am PST
End Time: 12:17 pm PST

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1. In what capacity are you currently employed with Tetra -Tech?
(b)(7)(C)

2. How long have you been in your current position?
(b)(7)(C)

3. How long have you been employed with TT?
(b)(7)(C)

4. Where were you employed prior to TT?
(b)(7)(C)

5. In what capacity were you employed with your previous employer?
(b)(7)(C)

6. What is your professional background consistent of, what areas have you traditionally worked in? (b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry? (b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?
(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description?
DOT shipping certification
ORTECH + Camberra training on Gamma Spec. systems
Ludlum measurements (calibration + Repair)

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns?
yes.

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often? yes. Train per New Reg. 1556.

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?
Employees can Report to mngt, NRC Boards Are Around. ZipSlips. Slips go to Keenan and He puts In Database

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)? yes. He hands out the Lamenated Cards, etc.

14. What is the TT policy regarding in regards to employees ability raising safety related concerns? They Have A Raffle, For ZipSlips Being Turned In.

15. Are employees protected from retaliation for raising safety related issues?
Thy go over the protection + Reference an NRC Document.

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly? Yes.

17. When layoffs occur, how is it determined which employees are laid off and which are retained? Usually By Funding. and By Diversity In Skill Set.

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

Yes

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate?

Zip ships, Flow throughout Corporate Chain.

20. Do you Know Mr. Elbert "Bert" BOWERS?

Yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

Bowers has worked @ HP A while. (b)(7)(C) met him in (b)(7)(C)

22. Under what circumstances did you initially have contact with BOWERS?

Bowers was RSO For New World.

23. What kind of employee was BOWERS described as?

Complainer who Did nothing About his complaints Spent Alot of time In his OFFICE.

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

Peco Queue

NO. He Didn't have much Field time on Dirt Jobs. Bert Had A Power Plant mentality

All had CUBES for the room were sources worked.

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

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

SAW ALOT OF PHOTOS.

26. If so, what was done ?

When Bowers Raised Issues; They were not Always Documented.

27. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

28. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA? NOT ALL RAD ISSUES

Bowers had issues with trench Safety. Caution Tape Being Down. Most were Radiation Based.

29. As the (b)(7)(C) what have you done differently than that of Bert BOWERS?

(b)(7)(C)

30. Did you find him to be active in the area of QA/QC in that he wanted to continuously ensure that his he was in compliance and that employees were operating in a safe capacity from a radiation perspective? NO. Bert was the "I gotcha Type"

31. Who determined that BOWERS would be no longer be working at HP ?

Bowers. He heard that Bowers + (b)(7)(C) got Into It. Bowers SAID That He would Resign + Call the NRC. (b)(7)(C) heard this from (b)(7)(C) (b)(7)(C)

32. Do you know why BOWERS was Transferred?

WAS Sent to ALAMEDA NAVAL Air Station. He Stepped Down From HP, But was Sent there While they ConDucted Investigation.

33. Can TT employees report safety concerns to the NRC ? and is that explained in the training? yes

34. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns? yes. Through the (b)(7)(C)

OR (b)(7)(C)

35. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

36. Did you have any discussions with BOWERS following his ~~Transfer~~?

Yes. There were missing or messing Dosemitry Logs. They Connected to DO a handover of the Logs

37. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light?

NO

38. Does TT follow a progressive discipline policy/ Please elaborate

Yes. Not too Many Repeat offenders. They have Rules In place In order to Acheive Compliance.

39. How does TT identify performance concerns to it's employees?

Annual Evaluation that your Technical Lead provides

40. Had BOWERS ever been placed on a PIP or received some form of notice?

Not that he's Aware of.

41. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

NO

42. Where there any other employees who raised safety related concerns who invariably were laid off?

NO

43. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS? Yes. (b)(7)(C) [redacted] Conducted Investigation

44. Do you believe that BOWERS was discriminated against for raising safety related concerns? NO

45. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly? NRC Found NO problems w/ postings. Bert complained that he wasn't respected.

46. What is the requirement for the conduction of radiation surveys at HP?

Weekly's
monthly's
Bi-Annually's

They have A List OF Survey's That Are to be Completed.

47. Are corners being cut as it relates to the proper conduction of radiation surveys?

NO

48. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done?

One Incident w/A generator Which Was outside of Radiation zone.

49. Are audits conducted of your radiation program and by whom, and how often?

Annually, Internally. NRC has Been out Twice this year.

50. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

NO.

51. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure? A Few have Come across his Desk.

52. Does HP operate under the assumption of safety conscious work environment? And are these things stressed? yes.

53. Did BOWERS develop a reputation as a stickler for radiation safety/protection?
NO.

54. If so was that well received amongst the general TT employee base?

55. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?
NO

56. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details? yes.

57. Were you subject to any adverse action as a result of raising your safety related concern?
NO

58. Do you feel that the Radiation Protection program at HP is sufficient?
Sufficient for Activities of Improving

59. Are TT employees effectively abiding by the RP program accordingly?
yes. They are trying.

60. How would you respond to the allegation that HP is a nuclear site being run like a construction site? Thats FAlse as that is an ignorant Statement.

61. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

Never

62. Is there anything else you would like to add to the record at this time?

63. Did Bert BOWERS engage in protected activity by raising safety related concerns and was ultimately punished by the company for it?

NO

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 2-2011-052
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech (b)(7)(C)
Interviewee: (b)(7)(C)
Date: Wednesday February 8, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 2:40 pm PST
End Time: 3:21 pm PST

---

1. In what capacity are you currently employed with Tetra -Tech?

(b)(7)(C)

2. How long have you been in your current position?

(b)(7)(C)

3. How long have you been employed with TT?

(b)(7)(C)

4. Where were you employed prior to TT?

(b)(7)(C)

5. In what capacity were you employed with your previous employer?

(b)(7)(C)

6. What is your professional background consistent of, what areas have you traditionally worked in?

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry?

See above.

8. What are your duties and responsibilities under your current role with TT?

(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description?

No.

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns?

Yes. Power plant HP training

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often?

yes.

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?

- Call managers + supS up to RSO (to Include corporate)
- Believes there is a way to Document

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)?

Not sure.

14. What is the TT policy regarding in regards to employees ability raising safety related concerns?

yes.

15. Are employees protected from retaliation for raising safety related issues?

yes.

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly?

yes. In Site safety orientation/ RAD Awareness training

17. When layoffs occur, how is it determined which employees are laid off and which are retained?

Money is Driving Force, but not Sure How those Decisions Are made

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

yes.

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? Everything goes up to corporate RSO.

20. Do you Know Mr. Elbert "Bert" BOWERS?

yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

Bowers was at HP, when he came in 2005.

22. Under what circumstances did you initially have contact with BOWERS?

(b)(7)(C)

23. What kind of employee was BOWERS described as?

Company guy at New world. He was an office/H person.

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

Not at times. Didn't have much interface w/him.

(b)(7)(C)

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

Yes. Little one's off + on.

26. If so, what was done ?

usually an Email then maybe go.

27. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

Yeah, Construction mngr. More than any other.

28. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

29. As the safety, did you have a lot of interaction with Bert regarding the nature of his complaints/issues?

30. Did you find him to be active in the area of QA/QC in that he wanted to continuously ensure that his he was in compliance and that employees were operating in a safe capacity from a radiation perspective? The ABOVE is Everyone's Job.

31. Who determined that BOWERS would be ~~Laid off?~~

Not Sure of his Status

32. Do you know why BOWERS was ~~Laid off?~~

NO

33. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

yes.

34. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

yes.

35. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

Not Sure.

36. Did you have any discussions with BOWERS following his ~~layoff?~~

Bowers was on site that work. Bert confronted + Questioned (b)(7)(C) But said he wasn't mad with him

37. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light?

NO

38. Does TT follow a progressive discipline policy/ Please elaborate

Haven't Been Involved With that.

39. How does TT identify performance concerns to it's employees?

yearly performance Appraisals.

40. Had BOWERS ever been placed on a PIP or received some form of notice?

Not sure.

41. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

Not Sure

42. Where there any other employees who raised safety related concerns who invariably were laid off?

NO

43. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS? Corporate D.D.

one morning Bowers Confronted (b)(7)(C) Last year. Bowers called them out.

44. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO

45. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly? NO, Nothing MAJOR

46. What is the requirement for the conduction of radiation surveys at HP?
There are Weekly, Monthly & Daily Survey Requirements - One Each

47. Are corners being cut as it relates to the proper conduction of radiation surveys?

NO.

48. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done?

49. Are audits conducted of your radiation program and by whom, and how often?
Yes. By RAD QC. they have surveillance.

50. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

NO

51. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure?

(b)(7)(C)

52. Does HP operate under the assumption of safety conscious work environment? And are these things stressed?

yes.

53. Did BOWERS develop a reputation as a stickler for radiation safety/protection?

NO

54. If so was that well received amongst the general TT employee base?

N/A

55. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

NO

56. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details?

yes.

57. Were you subject to any adverse action as a result of raising your safety related concern?

NO

58. Do you feel that the Radiation Protection program at HP is sufficient?

yes

(b)(7)(C)

59. Are TT employees effectively abiding by the RP program accordingly?

yes

60. How would you respond to the allegation that HP is a nuclear site being run like a construction site?

Construction site w/ Radiological concerns

61. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

62. Is there anything else you would like to add to the record at this time?

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: 2-2011-052
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Friday February 7, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 5:15PM
End Time:

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1. In what capacity are you currently employed with Tetra -Tech?
   (b)(7)(C)

2. How long have you been in your current position?
   (b)(7)(C)

3. How long have you been employed with TT?
   (b)(7)(C)

4. Where were you employed prior to TT?
   (b)(7)(C)

5. In what capacity were you employed with your previous employer?
(b)(7)(C)

6. What is your professional background consistent of, what areas have you traditionally worked in? (b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry?

8. What are your duties and responsibilities under your current role with TT?
(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description? (b)(7)(C)
(b)(7)(C)

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns? yes..

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often? yes

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?

Immediately contact Supervisor. They would go to their construction sup, then on to HP/RP

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)?

Yes

14. What is the TT policy regarding in regards to employees ability raising safety related concerns? Very Encouraged.

15. Are employees protected from retaliation for raising safety related issues?

Yes.

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly? Yes.

17. When layoffs occur, how is it determined which employees are laid off and which are retained? Not Directly Apart of that Process But It's Based on Contracts

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

yes

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? - Run up the Chain

20. Do you Know Mr. Elbert "Bert" BOWERS?

yes

21. How do you know Mr. BOWERS and when did you first have contact with him?

Met (b)(7)(C) But Re-Introduced when He was hired Again Approx. 2005

22. Under what circumstances did you initially have contact with BOWERS?

Bert was RSOR

23. What kind of employee was BOWERS described as?

Doesn't leave office. Doesn't go in the Field much.

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

NO. Bowers is confrontational.

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

NO

26. If so, what was done ?

N/A

27. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

28. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

NO

29. Who determined that BOWERS would be ~~Laid off?~~

Bowers hasn't Been laid off, Fired, etc.

30. Do you know why BOWERS was ~~Laid off~~?

He's not laid off.

31. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

Yes

32. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

Yes

33. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

34. Did you have any discussions with BOWERS following his layoff?

NO

35. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light/

NO

36. Does TT follow a progressive discipline policy/ Please elaborate

Yes

37. How does TT identify performance concerns to it's employees?

Counseled By immediate Sup, Incorporated In Eval + written up

38. Had BOWERS ever been placed on a PIP or received some form of notice?

Not Sure

39. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

NO

40. Where there any other employees who raised safety related concerns who invariably were laid off?

NO

41. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS?

42. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO

43. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly? YES, But Not MAJOR.

44. What is the requirement for the conduction of radiation surveys at HP?

45. Are corners being cut as it relates to the proper conduction of radiation surveys?

NO

46. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done? Property

47. Are audits conducted of your radiation program and by whom, and how often?
yes (2 By the NRC)

48. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?
NO

49. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure? NO

50. Does HP operate under the assumption of safety conscious work environment? And are these things stressed? yes

51. Did BOWERS develop a reputation as a stickler for radiation safety/protection?
yes

52. If so was that well received amongst the general TT employee base?
yes

53. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

54. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details? Yes

55. Were you subject to any adverse action as a result of raising your safety related concern?

NO, Received an (b)(7)(C)

56. Do you feel that the Radiation Protection program at HP is sufficient?

Beyond Sufficient

57. Are TT employees effectively abiding by the RP program accordingly?

Yes

58. How would you respond to the allegation that HP is a nuclear site being run like a construction site?

Not valid

59. Are there any other employees who might have more intricate knowledge of this situation, that you would recommend we talk to?

60. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

61. Is there anything else you would like to add to the record at this time?

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Witness Interview Questions

Case Number: ~~2-2011-052~~
Case Title: Turkey Point H & I
Alleger: Elbert Bowers
Employer: Tetra Tech
Interviewee: (b)(7)(C)
Date: Wednesday February 8, 2012
Location: State of California Office Building
455 Golden Gate Ave.
San Francisco, CA 94102

Counsel Present: Tim Murphy, Esq.
Start Time: 10:52 AM
End Time: 11:45 AM

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1. In what capacity are you currently employed with Tetra -Tech?
(b)(7)(C)

2. How long have you been in your current position?
(b)(7)(C)

3. How long have you been employed with TT?
(b)(7)(C)

4. Where were you employed prior to TT?
(b)(7)(C)

5. In what capacity were you employed with your previous employer?

6. What is your professional background consistent of, what areas have you traditionally worked in? (b)(7)(C)

7. What is your experience in the Nuclear Industry or employment with companies within the industry? (b)(7)(C)

8. What are your duties and responsibilities under your current role with TT?
(b)(7)(C)

9. What type of training and or certifications do you hold with respect to your current job description? (b)(7)(C)

10. Have you been trained on, or do you have an awareness of what is considered Nuclear Safety issues/concerns?

RAD QC Reports to him. previous RSOR supported him in the same way.

11. Are employees trained and orientated on what issues are considered Nuclear Safety Concerns, if so by whom and how often?

Yes. They just completed the annual Training.

12. What mechanism is used whereby employees can raise Nuclear safety concerns ?

Employees can tell managers and or participate in ZIP program. Zero Incidents Program.

13. Is training provided regarding the use of the mechanisms for reporting safety issues, (i.e., are employees instructed on how to write a CR)?

Yes, provided by safety manager.

14. What is the TT policy regarding in regards to employees ability raising safety related concerns?

Encouraged.

15. Are employees protected from retaliation for raising safety related issues?

Yes

16. Is this outlined in an employee handbook or procedural guide of sorts?, if so do you know where exactly?

Yes.

17. When layoffs occur, how is it determined which employees are laid off and which are retained?

Not Sure.

(b)(7)(C)

18. Is it encouraged for employees to report Nuclear Safety Concerns to Management, and what are the mechanisms by which this can be done?

Yes.

19. How do management personnel at Hunters Point document these notifications by employees? Is it just done on the work site level or is it elevated up the chain to members of management to corporate? Depending on the issue. It could Be Run up to mngt.

20. Do you Know Mr. Elbert "Bert" BOWERS?

Yes.

21. How do you know Mr. BOWERS and when did you first have contact with him?

First had Contact With Bert When he was NWO RSO

22. Under what circumstances did you initially have contact with BOWERS?

Work.

23. What kind of employee was BOWERS described as?

Bert had A Challenging Relationship with his Co-workers Both at New World + Tectra-Tech.

24. Did you have confidence in his abilities as the Radiation Safety Officer (RSO)?

No. Bert wasn't In the Field Enough

(b)(7)(C)

25. Did BOWERS raise safety related concerns to you, if so, please provide details?

NO

26. If so, what was done ?

N/A

27. Were you ever advised by other managers at HP that BOWERS raised Safety related issues with them, if so who?

NO

28. Are you aware of the nature of BOWERS safety related issues?, particularly if they were Nuclear Safety Issues or Industrial Safety, which would be OSHA?

He heard that Bert said there were unsafe practice

29. As the (b)(7)(C), did you have a lot of interaction with Bert regarding the nature of his complaints/issues?

Not so much. They shared the RAD HP.

30. Did you find him to be active in the area of QA/QC in that he wanted to continuously ensure that his he was in compliance and that employees were operating in a safe capacity from a radiation perspective?

He tried

31. Who determined that BOWERS would be Laid off ?

Not sure. ~~[illegible]~~ Bowers is still employed.

32. Do you know why BOWERS was ~~Laid off?~~ Transferred

Bert had a Strong Disagreement with other staff
Bert saw employees w/ no Radiological personnel avail
In an area that was Already Cleared. He went off on Staff

33. Can TT employees report safety concerns to the NRC ? and is that explained in the training?

yes

34. Do TT employees have a responsibility to also notify the Navy as it relates to safety related concerns?

yes

35. Was BOWERS retaliated against in any way for raising nuclear safety concerns?

NO

36. Did you have any discussions with BOWERS following his ~~layoff?~~

personally He got Along w/ Bert
Ran Into Bert, (b)(7)(C) + Susan having Lunch.

37. Did site management ever identify to you that BOWERS was a trouble maker and was not looked upon in a favorable light?

NO

38. Does TT follow a progressive discipline policy/ Please elaborate

Yes.

39. How does TT identify performance concerns to it's employees?

TALK to Employee First.

40. Had BOWERS ever been placed on a PIP or received some form of notice?

NO

41. Had BOWERS ever been subject to progressive discipline, if so please elaborate?

Not that he's Aware of

42. Where there any other employees who raised safety related concerns who invariably were laid off?

NO.

43. Do you know if an investigation was conducted regarding the issues raised by Mr. BOWERS?

IF He Raised an Issue, the Company Would have Looked Into It.

44. Do you believe that BOWERS was discriminated against for raising safety related concerns?

NO

(b)(7)(C)

45. Have there been problems on site at HP as it relates to all radiation postings being utilized accordingly? Yes there have Been Issues In the postings, But It's Been corrected.

46. What is the requirement for the conduction of radiation surveys at HP?

- Incoming
- Outgoing
- Weekly outside the RCA.

47. Are corners being cut as it relates to the proper conduction of radiation surveys?

NO

48. Are employees ensuring the safe-keeping of all work related areas of responsibility for TT on site at HP? That is to say, if employees are working in certain zones on site, are they required to lock the equipment and that area up at the conclusion of the day, and is that being done? Yes, But Recently Employees were [redacted] written up for Not Locking up.

49. Are audits conducted of your radiation program and by whom, and how often?

Yes. Annually. Also periodic Inspections

50. Was there often pressure placed on the job assignments at TT by the construction management personnel to complete the job, even at the expense of radiation safety?

NO

51. Have you observed or witnessed incidents wherein radiation surveys were not adequately conducted according to procedure?

52. Does HP operate under the assumption of safety conscious work environment? And are these things stressed?

yes

53. Did BOWERS develop a reputation as a stickler for radiation safety/protection?

NO

54. If so was that well received amongst the general TT employee base?

N/A

55. Were you privy to any conversations or meetings with TT management regarding BOWERS safety concerns and his vocal nature regarding safety? If so, please elaborate?

NO

56. Have you ever raised any safety related issues during your tenure of employment at HP, if so, please provide details?

yes.

57. Were you subject to any adverse action as a result of raising your safety related concern?

NO, But Did get a (b)(7)(C)

(b)(7)(C)

58. Do you feel that the Radiation Protection program at HP is sufficient?

yes - currently. Didn't know what Bert was Doing.

59. Are TT employees effectively abiding by the RP program accordingly?

yes

60. How would you respond to the allegation that HP is a nuclear site being run like a construction site? wrong.

61. Were you ever instructed by management to not document or write up safety issues raised by employees , and particularly, BOWERS?

NO

62. Is there anything else you would like to add to the record at this time?

(b)(7)(C)

New World

(b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Case Number: 1-2012-002
Case Type: H & I **Case Agent:** S/A (b)(7)(C)
Facility/Site: Hunters Point Naval Shipyard Decommissioning Project
Interviewee: (b)(7)(C)
Date: October 25, 2011

Witness Interview Questions

Background

1. Are you currently employed, if so by whom? (b)(7)(C)
2. In what capacity / title are you currently employed?
   (b)(7)(C)
3. How long have you been with your current employer?
   (b)(7)(C)
4. Have you held any other positions other than the above identified with your current employer?
5. Whom were you employed with prior to your current employer?
   (b)(7)(C)
6. In what capacity?
   (b)(7)(C)
7. When did you begin your employment in the Nuclear Industry?
   (b)(7)(C)
8. Why did you leave Tectra Tech?
9. What type of training have you received since becoming employed in the industry?
   (b)(7)(C)
10. By whom did you receive that training?
    Bert Bowers
11. What is your professional background, i.e.- laborer, electrician, etc?
12. What are your duties and responsibilities under your current position?

(b)(7)(C)

13. What were your duties and responsibilities during your tenure of employment with Tectra Tech?

14. Who did you report to? Different - Majority time - Bert Bowers.

15. Did you have any direct reports?, if so please identify?
NO

16. What policies and procedures were you guided by?

17. What were Tectra Tech's (TT) responsibilities as a condition of the license?
Various ADMIN.

18. What was the safety culture there at Hunter's Point?
Safety Was First + Foremost.

(b)(7)(C)

18.Did TT promote a safety conscious work environment, if so , how?

(b)(7)(C)

Safety Briefing Every morning.

19. Did you receive training on how to report safety related concerns, if so, who administered the training?

20. Was it acceptable at TT to report safety concerns to Mngt. Did it seem like a welcomed and encouraged practice?

Bert Reiterated to come to him w/ safety concern

21. Are you aware of Bert Bowers ever raising safety concerns to management? yes

22. How did you become aware of Mr. Bowers raising safety concerns?
Bert

23. Did Bowers tell you directly that he reported his safety concerns to management, if so when? DEC. 2010. SK left IN NOV. Bowers called

24. Did he ever raise his safety concerns to management in your presence? If so, to whom within the management chain did he raise concerns to?

25. Did anyone from management ever discuss Bowers' raising safety related concerns with you? If so, what was the content of those conversations?
NO

26. Do you believe that Bowers was retaliated against for raising safety related issues? If so why? yes

27. Are you aware if Bowers took his concerns to any other entities outside TT? If so whom?

28. When personnel action was taken against Bowers, what did management cite as the reason?

29. Were you interviewed by anyone from management or another entity within TT regarding your knowledge of Bowers' concerns?

30. Are you aware of any other employees who were potentially retaliated against for raising safety related issues?

31. Did you ever raise any safety related issues, if so what happened?

32. Do you believe that Bowers had valid safety related concerns?

33. Do you have any first- hand knowledge that the personnel action levied against bowers was based on his whistleblowing activity?

34. From your understanding would there have been any major issues with TT just having bowers name removed from the license?

35. What kind of employee was Bowers? What kind of reputation did he have?

36. How long did you work with Bowers?

37. Did you find Bowers complaints valid?

(b)(7)(C)

1

10/26/11

1.) (b)(7)(C)

2.) (b)(7)(C)

3. (b)(7)(C)

4.) (b)(7)(C)

5.) (b)(7)(C)

6.) Been in Nuclear Industry Since (b)(7)(C)

7.) Decomm + Chemistry for First 2/3 of Career

8.) NE utilities Test (b)(7)(C)

9.) HAZ Worker training in (b)(7)(C)

10) At Hunters pt., Reported to (b)(7)(C)
Then Reported to (b)(7)(C) (First Name Unknown)
Also Bert Bowers.

11) Responsible for (b)(7)(C)
(b)(7)(C)

12) (b)(7)(C) Did No training. Last Few yrs. Bert Did annual In-service training

13)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C) had No Experience got her on there.

Equipment operator Fired For Equipment Moving when she had put Emergence Break on. she Disputed and Won - (b)(7)(C)

21. Not Aware

22. They Talked Since Bowers left. (b)(7)(C) worked for (b)(7)(C) who wasn't Running things up the Latter to Bert.

NO

NO

(b)(7)(C) Left 6 Months B/F Bowers.

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C) . TT had New Sup.

(b)(7)(C)

1-2012-002

QII

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: 2/2/12

Full Name: (b)(7)(C) [redacted]

Employer: TETRA TECH EC I

Title: (b)(7)(C) [redacted]

Work Telephone Number: _____

Length of Employment: (b)(7)(C) [redacted]

Employer's Address: 200 FISHERMAN, SAN FRANCISCO, CA

Home Address: (b)(7)(C) [redacted]

Home Telephone Number: (b)(7)(C) [redacted]

Cellular Telephone Number: (b)(7)(C) [redacted]

Social Security Number: ___ - ___ - ___

Sex: Male _____
Female _____

Race: (b)(7)(C) [redacted]

Date of Birth: (b)(7)(C) [redacted]

Place of Birth: (b)(7)(C) [redacted]

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1-2012-002

Date of Interview: 2-9-12

Full Name: (b)(7)(C)

Employer: Tetra Tech EC

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: Hunters Point Shipyard

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number:

Social Security Number: — - — - —

Sex: Male ✓
Female ____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

Email (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ____-_____-_____

Date of Interview: 7 Feb 2012

Full Name: (b)(7)(C) [redacted]

Employer: Tetra Tech EC

Title: (b)(7)(C) [redacted]

Work Telephone Numbe (b)(7)(C) [redacted]

Length of Employment: (b)(7)(C) [redacted]

Employer's Address: 1000 Fisher Ave. San Fran CA 94112

Home Address: (b)(7)(C) [redacted]

Home Telephone Number: N/A

Cellular Telephone Number: Same as above

Social Security Number: ____-____-____

Sex: Male ____
Female ✓

Race: (b)(7)(C) [redacted]

Date of Birth: (b)(7)(C) [redacted]

Place of Birth: (b)(7)(C) [redacted]

Email:

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: 2/9/17

Full Name: (b)(7)(C)

Employer: Tetra Tech EC Inc.

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: (b)(7)(C)

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number

Social Security Number: ___ - ___ - ___

Sex: Male ✓
Female ___

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

EMAIL:

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: 2/8/12

Full Name: (b)(7)(C)

Employer: TETRA TECH EC

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: 200 FISHER AVE. SF, CA 94124

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number

Social Security Number: — - — - —

Sex: Male ✓
Female ____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

Email: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: 10-26-11

Full Name: Susan Virginia Andrews

Employer: AWS

Title: Sr HP

Work Telephone Number: (b)(7)(C)

Length of Employment: 6+ yrs. at HPS.

Employer's Address: HPS.

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number:

Social Security Number: ___ - ___ - ___

Sex: Male ___
Female ✓

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: Nov 1 - 2011

Full Name: (b)(7)(C)

Employer: TETRA TECH

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: _____

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number:

Social Security Number: (b)(7)(C)

Sex: Male X
Female _____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ___-_____-_____

Date of Interview: 10-27-11

Full Name: (b)(7)(C)

Employer: (b)(7)(C)

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C) Cell

Length of Employment: (b)(7)(C)

Employer's Address: (b)(7)(C)

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: Same

Social Security Number: _____ - ____ - _____

Sex: Male ✓
Female _____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C) _____, _____

Place of Birth: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ____-_____-_____

Date of Interview: 10-27-11

Full Name: (b)(7)(C) _____ _____

Employer: (b)(7)(C) _____

Title: (b)(7)(C) _____

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C) _____

Employer's Address: _____

Home Address: (b)(7)(C) _____

Home Telephone Number: _____

Cellular Telephone Number: (b)(7)(C)

Social Security Number: _____ - ____ - _____

Sex: **Male** _____
Female ✓

Race: (b)(7)(C) _____

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C) _____

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ___-___-___

Date of Interview: 2/9/2012

Full Name (b)(7)(C) [redacted]

Employer: Tetra Tech ECI

Title: (b)(7)(C) [redacted]

Work Telephone Number: (b)(7)(C) [redacted]

Length of Employment: (b)(7)(C) [redacted]

Employer's Address: 200 Fisher Ave, San Francisco CA 94112

Home Address: (b)(7)(C) [redacted]

Home Telephone Number: (b)(7)(C) [redacted]

Cellular Telephone Number: [redacted]

Social Security Number: ___-___-___

Sex: Male ✓
Female ___

Race: (b)(7)(C) [redacted]

Date of Birth: (b)(7)(C) [redacted]

Place of Birth: (b)(7)(C) [redacted]

Email: (b)(7)(C) [redacted]

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: 02-08-12

Full Name: (b)(7)(C)

Employer: (b)(7)(C)

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: HUNTERS POINT, SAN FRANCISCO, CA.

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: _____

Social Security Number: ___ - __ - ___

Sex: Male X
Female ____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

Email: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1 - 2012 - 002

Date of Interview: 2-7-2012

Full Name: (b)(7)(C)

Employer: Tetra Tech

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: 200 Fisher ave SFO, CA

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: Same

Social Security Number: — - — - —

Sex: Male ✓
Female ___

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: 1-2012-002

Date of Interview: 02-08-12

Full Name: (b)(7)(C)

Employer: TETRA TECH EC/

Title: (b)(7)(C)

Work Telephone Number: (b)(7)(C)

Length of Employment: (b)(7)(C)

Employer's Address: 200 FISHER AVE. S.F. CA 94124

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: _____

Social Security Number: ___-___-___

Sex: Male X
Female ___

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ____-_____-_____

Date of Interview: 26 Oct 2011

Full Name: (b)(7)(C)

Employer: (b)(7)(C)

Title: _____

Work Telephone Number: _____

Length of Employment: _____

Employer's Address: _____

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: (b)(7)(C)

Social Security Number: (b)(7)(C)

Sex: Male _____
Female

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: _____

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ____-_____-_____

Date of Interview: 10/25/2011

Full Name: (b)(7)(C)

Employer: (b)(7)(C)

Title: (b)(7)(C) (b)(7)(C)

Work Telephone Number: 415-

Length of Employment: (b)(7)(C)

Employer's Address: (b)(7)(C)

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: (b)(7)(C)

Social Security Number: _____-_____-_____

Sex: Male _____
Female _____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

Investigation Number: ___-_____-_____

Date of Interview: 10.26.11

Full Name: Elbert Gordon Bowers

Employer: Tetra Tech EC

Title: Radiation Safety Officer - Hunters Point (Former)

Work Telephone Number: 415 314-8727

Length of Employment: ~ 2½ yrs

Employer's Address: 2000 Fisher Ave., San Francisco, CA 94124

Home Address: (b)(7)(C)

Home Telephone Number: (b)(7)(C)

Cellular Telephone Number: (b)(7)(C)

Social Security Number: (b)(7)(C)

Sex: Male X
Female ____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth:

U.S. Nuclear Regulatory Commission
Office of Investigations
Region I Field Office

Case Number: 1-2012-002
Case Type: H & I **Case Agent:** S/A (b)(7)(C)
Facility/Site: Hunters Point Naval Shipyard Decommissioning Project
Interviewee: Bert Bowers
Date: October 26, 2011

C

Alleger Interview Questions

Background

1. Are you currently employed, if so by whom? ON Furlough w/ Tetra Tech
2. In what capacity / title are you currently employed?
3. How long have you been with your current employer? March ~~Apr.~~ 23, 2009 Apr. 1, 2011
4. Have you held any other positions other than the above identified with your current employer? 9 yrs. @ Hunters Point. Previously New World Environmental
5. Whom were you employed with prior to your current employer?
6. In what capacity? Radiation Safety officer Rep.
7. When did you begin your employment in the Nuclear Industry? 1978 - Oconee Nuclear - RP/HP side of House.
8. What type of training have you received since becoming employed in the industry?
9. By whom did you receive that training?
10. What is your professional background, i.e.- laborer, electrician, etc?
11. What are your duties and responsibilities under your current position? ensure license requirements
12. What were your duties and responsibilities during your tenure of employment with Tectra Tech?

Was Project Mngr. At New World.

(b)(7)(C) was RAD Safety ofce. under Tetra Tech

Other Contra
Shaw
EMS
Mack Tech

13. Who did you report to? (b)(7)(C) - on site.
14. Did you have any direct reports?, if so please identify?

15. What policies and procedures were you guided by?
License + HRA (Naval Doc.)
16. What were your individual requirements under the license for which your name was under?

17. What were Tectra Tech's responsibilities as a condition of the license?

Protected Activity / Management Knowledge

18. Did you raise safety related concerns to Tectra Tech management? If so who, and when? (b)(7)(C)
19. What was your safety related issued?
several
20. Where is your safety related concern captured procedurally?

21. How did management respond to you raising your safety concern?
Blew him off
22. Was a condition report or equivelant written regarding your concern, if so by whom?
yes
23. Was there any documentation of your safety related concern?
yes
24. Did you have the ability to document your concerns in some form or another?
Not Really
25. Had this issue been raised by any other Tectra Tech employees, if so what happened?

26. Did you take your concerns to anyone outside your employer (i.e.- the Navy), if so who, when and in what form? yes. When Shaw came on. Late 2010. RASO -
27. What is your understanding of Tectra Tech's company policy regarding whistleblowing/ raising safety related concerns/

28. Does Tectra Tech operate on the principals of safety first? No! Look @ Attrition For Safety employees
29. Was it made clear to TT employees that they had the right and even responsibility to raise safety related concerns without fear of retaliation? yes

30. Was any training provided by TT with respect to how to raise safety related issues and the process by which those issues would be addressed?

31. Was an investigation/inquiry conducted regarding your concerns and if so by whom at TT?

Adverse Action (s)

32. What do you believe was the adverse action taken against you?

33. When was this action taken?

34. Were you ever demoted or given a lesser job, prior to termination proceedings?

35. What did management provide as the reason for personnel action taken against you?

36. Did you ever receive a reduction in pay?

37. Did anyone within the TT management hierarchy ever identify to you either officially or unofficially that the personnel action levied against you had anything to do with you raising safety related issues?

38. What was the impact of you raising your safety concerns, on TT?

39. Are aware of any other employees having been retaliated against for raising safety concerns, if so whom?

40. Was an internal investigation gone by TT or any other entity regarding your termination?

41. Do you currently have any other open complaints, i.e.- DOL or State of California? If so Identify?

42. Do you know if TT management discussed your safety concerns and subsequent termination with any other employees? If so whom/

43. Is there anything additional that you would like to add to the record at this time?

(b)(7)(C)

(b)(7)(C)

Was a former RASO Employee hired by TT - when they told him they had no more PICS.

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

OI Case Number 1 - 2012 - 002

Date of Interview: 5/24/12

Full Name: (b)(7)(C)

Current Employer: Tetra Tech EC

Employer Address: (b)(7)(C)

(b)(7)(C)

Work Phone: (b)(7)(C)

Mobile Phone:

Home Phone:

Home Address:

Title/Position:

Length of Employment: (b)(7)(C)

Sex: **Male** ✓
Female _____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth:

Email Address:

Education: (b)(7)(C)

EXHIBIT 1

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:	08/2012
		Priority:	High
Case Type:	Materials / Industrial	Status:	Report In Draft

Primary Alleg Source: Alleger

Allegation Number(s): RI-2011-A-0019

Subject/Allegation: DISCRIMINATION AGAINST A FORMER RADIATION SAFETY OFFICER FOR HAVING RAISED A SAFETY CONCERN

Monthly Status Report:

10/07/2011: 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) (b)(7)(C) for raising his concerns. BOWERS claimed that the [redacted] told him (b)(7)(C) 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 [redacted] 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, 2011, 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. (b)(7)(C)

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 (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 30.7 (Employee protection) and 10 CFR 30.10 (Deliberate misconduct). The Statute of Limitations tolls on April 1, 2016. Status: FWP ECD (90 days): 01/2012.

Completion Date:		Total Staff Hours:	374.5
Issue Date:		Months Open:	9.9
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):	Harassment and Intimidation - No Result	Statute of Limitations Date:	04/01/2016

EXHIBIT 1

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EXHIBIT 2

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 (b)(7)(C) (b)(7)(C) (b)(7)(C) in the Site RSO's office to convey the expectation of the urgency and importance of timely (b)(7)(C) 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 RAD field technicians; (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) 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.

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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 (b)(7)(C) 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 "Authorized User" was on site; (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 (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) 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)

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(b)(7)(C)

Tetra Tech (b)(7)(C)
Contractor - (b)(7)(C)
Contractor -
Contractor -
(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

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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: 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

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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

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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: 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?

EXHIBIT 2
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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 (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.

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

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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 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

EXHIBIT 2
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EXHIBIT 3

(b)(7)(C)

1-17-11

(b)(7)(C)

Statement of Events In the Vicinity of Bert Bowers' Office
on January 13, 2011

1. What is the issue of concern that Bert Bowers communicated to the HP Supervisors, as you understood it? The back Fill along crisp Rd. Over time was being worked the night of 1-13-2011.

2. Did you agree with Mr. Bowers' stated issue of concern. Why or why not?
No. The Area of the back Fill on crisp Rd. has RASO concurrence for all WA#16. This Area is not posted.
He stated we needed Regulatory concurrence and that we did not have it.

3. As detailed as possible, provide the sequence of events that you personally witnessed from the time that Mr. Bowers initiated a meeting of the HP Supervisors until, he left the site that morning.

1st Event - Bert asked (b)(7)(C) to come to his office (0640).

2nd Event - Bert let us know that on the 12th of Jan. we had workers in a area (WA/16 Crisp Rd.) that did not have Regulatory concurrence.

3rd Event - Steve let Bert know that he was not correct that we had RASO concurrence.

4th Event - (b)(7)(C) also let Burt know that he was mistaken that all of WA/16 Crisp Rd. was clean construction. we did not read a supv. to represent the Tetra Tech license.

5th Event - (b)(7)(C) came in and let Bert know that he was the one who Authorized the overtime for the back fill on Crisp Rd. and that it was clean construction.

6th Event - Bert let (b)(7)(C) know that he was not informed that we were going to be doing any work.

7th Event - A 3 supv.'s walked out of Berts office, (b)(7)(C) went to his office.

8th Event - (b)(7)(C) walked back into Berts office and let him know if he would go the the AM or PM meetings he would have shared vision.

9th Event - Bert went into (b)(7)(C) office gave a verbal resignation and said that he was going to call the NRC.

10th - Event - I left for the AM safety meeting

EXHIBIT 3
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EXHIBIT 4

TETRA TECH FW, INC.

Memorandum

Date: May 12, 2011

To: (b)(7)(C)

From:

RE: Future Assignment of Bert Bowers to HPS

In January 2011, you and I released Bert Bowers from the Hunters Point Shipyard (HPS) project as a result of an outburst that occurred between Bert Bowers, the Radiological Supervisors, and the (b)(7)(C) This outburst stemmed from Bert not knowing that a work area had been down posted and approved for backfill, and Bert's need to go the (b)(7)(C) to ask the status of the work area. The (b)(7)(C) asked Bert to attend the next morning meeting with the Radiological Supervisors to discuss it. The outburst occurred shortly after this morning meeting ended.

Bert had informed us that he felt threatened at HPS, was uncomfortable being on site, and that he was concerned about a "culture of safety" that he felt jeopardized our NRC license. We agreed to assign Bert to Alameda, where an additional RSOR level person was needed during the 24/7 dredging operations occurring at Alameda, knowing this was a short term assignment at Alameda. We informed Bert that we would conduct a thorough investigation, and upon completion, let him know the outcome and our decision.

With regards to Bert's feeling threatened, (b)(7)(C) apologized to him for the outburst and misunderstanding between the two of them, and Bert accepted that apology.

We discussed Bert's discomfort at the site with him on several occasions in January, and after receiving (b)(7)(C) apology, I was under the impression that Bert's concerns were reduced. However, our investigation indicated there was definitely a lack of trust and confidence in Bert by both the (b)(7)(C) and the Radiological Supervisors. This is concerning, since that lack of teamwork and trust will significantly limit Bert's effectiveness in the RSOR position.

You and I interviewed the Radiological Supervisors at the site, and learned that they were all aware that the area in question by Bert had clearly been down posted. They all pointed to the daily 6:30 AM morning planning meeting and status board as the sources of information for areas that were down posted. I find it concerning that an RSOR lacks complete knowledge of areas that are posted or down posted, and that an RSOR is going to the (b)(7)(C) to find out this information. The RSOR is there to support our (b)(7)(C) and should be keeping the (b)(7)(C) informed, not the other way around.

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EXHIBIT 4
PAGE 1 OF 2 PAGE(S)

Bert made several allegations about work at HPS being non-compliant with our NRC license, and repeatedly expressed concerns that work was not being conducted appropriately. However, when questioned and during our site tour, Bert was never able to point to any specific item that was non-compliant. You led a detailed investigation into our NRC license compliance at HPS, and identified multiple findings. All nine findings were a direct result of Bert not performing his RSOR functions.

You then requested that the NRC accelerate their planned inspection schedule at HPS. The NRC conducted an audit with you in Virginia for overall license compliance and an audit in April at the HPS site. The only finding from this audit was a non-citation finding related to Bert leaving a radiation source unattended in a conference room following a training session. During our conference call with Bert this afternoon, he admitted that he left this source on the conference room, and that his action was improper.

Your investigation and that of the NRC revealed serious deficiencies in Bert's performance while serving as the RSOR at HPS. Our discussions with site personnel also revealed significant deficiencies in Bert's supervisory style. With your approval, I recommend that Bert not be returned to HPS as the RSOR, or any other project site as an RSOR.

I recommend you provide very specific guidance and direction to Bert that will focus on improving his performance. I also recommend that you only assign him to non-RSOR positions until you see demonstrated improvements in his performance. We should continue to look for non-RSOR opportunities where Bert can further develop.

You assigned (b)(7)(C) as the (b)(7)(C) during this time period. (b)(7)(C) was instrumental in helping address the findings you identified in your investigation, completing the 2010 TLD summary, completing training of Radiological Supervisors, and providing support during the NRC inspection. (b)(7)(C) was also instrumental in addressing a surprise inspection by OSHA related to an anonymous complaint about lack of radiological training and records that resulted in no OSHA citation. With your approval, I recommend assigning (b)(7)(C) as the long-term (b)(7)(C) for our HPS work.

(b)(7)(C)

Approved: _____

(b)(7)(C)

(b)(7)(C) Tetra Tech EC

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EXHIBIT 5

TETRA TECH EC, INC.

Internal Memorandum

February 1, 2011

TO: Bert Bowers
EE #: 519950
LOCATION: Six Mile, SC

FROM: **Human Resources** LOCATION: **Morris Plains, NJ**

SUBJECT: **Temporary Assignment to Radiological EMAC Projects at Former NAS Alameda in Alameda, California**

This letter will confirm your temporary assignment to the NAVFAC SW Radiological EMAC CTOs 3, 5, and 6 effective January 25, 2011. Your assignment is expected to last through March 15, 2011. At the end of your assignment or completion of the project, whichever comes first, the provisions of this letter will no longer apply.

Please be advised that this temporary assignment may have an effect on your medical benefits if you are currently enrolled in an HMO. To find out what changes, if any, will impact you, please call your Human Resources Representative. You can discuss what options will be available for you at your new location.

Because you are in the same geographical area and your assignment has been ongoing for a period exceeding 12 months, all expenses associated with your assignment as defined in this letter will be considered taxable income and will be subject to all withholding.

A. TAXES

Your tax withholdings may change as a result of this assignment. An employee's state of residency and taxation may be affected by various factors, including a change in assignment from temporary to indefinite. Therefore, State Tax Regulations require TtEC to review the state tax laws for the state in which you work and the state in which you have residency, i.e. your home address of record with the company and to withhold/report accordingly. It is the employee's responsibility to file the necessary tax forms required in the state where he/she works, resides, or both. You may wish to consult a tax accountant in order to determine how this will affect you.

B. LODGING and PER DIEM

Commencing October 29, 2010 you will receive an all inclusive Per Diem (meals and incidentals) of $61 per calendar day. You will also be reimbursed for actual lodging costs not to exceed $89 per calendar day. Lodging in excess of $89/day, including all taxes, will be at your own expense.

This per diem will be paid through the completion of your assignment. Reimbursement for lodging will be based on actual expenses. Receipts are required for all expenditures. The employee will make arrangements to stay at a lodging location of his/her choice as long as the lodging expenses are within the above guidelines.

As an alternative, you may request that the company establish a Purchase Order for lodging, which will be paid directly by the company. You will be responsible for signing any lease or hotel agreements. You will also be responsible for any damage you cause.

Some facilities in the area may have a lower negotiated rate with TtEC that the employee can take advantage of if he or she desires to stay at one of these facilities. In no event will expenses above the current per diem rate for lodging be reimbursed.

Per Diem does not apply if you are on leave of absence (with the exception of medical leave) or are granted days off without pay.

Per Diem is reduced to 75% ($45.75) of the meals and incidental expenses rate on travel days to and from the site. Per Diem is not allowed when you are on home rotations (see below), vacation, or other non-work related activities. If you make a business trip to a home office, meetings, or other work related activities, you will be reimbursed for the trip in accordance with our CRL procedure for travel and expenses.

C. HOME ROTATIONS

The lowest available roundtrip airfare ticket (not to exceed coach) will be provided for the purpose of home visitation once per month. Alternate means of transportation for home visitation, i.e., personal car, train, bus etc., are subject to approval of your Department Manager and the Project Manager. Such visits should be coordinated with the Project Team and your Project Manager. Travel time is not chargeable against the project. If an alternate means of transportation is utilized, reimbursement will be made for actual transportation expenses for bus or train fares, or the established mileage rate for personal car. The costs of alternate means of transportation should not exceed that cost of the lowest available airfare for the intended day of travel (not to exceed coach) and receipts are required for reimbursement, i.e., bus ticket, train ticket etc, (with the exception of travel by personal car).

Additionally, actual and reasonable costs up to $50.00 will be reimbursed on each home visit to assist the employee with ground transportation. The $50.00 reimbursement does not apply when using your personal vehicle as transportation for your home visit.

D. MOVING OF HOUSEHOLD GOODS

If at the end of the assignment you are not assigned to another project under the terms of a new assignment letter, you will be authorized a one-way return shipment by commercial mover of 2,000 pounds of household goods and personal effects from your current location to your home. This includes packing, crating, unpacking and the actual cost of all risk insurance by commercial mover. You should contact your Human Resources Representative to discuss arrangements for moving your personal effects. Additional poundage over the above stated limit will be charged to you.

E. MISCELLANEOUS

By accepting this assignment, you also agree to work the project hours established at your assigned location, which are expected to be Monday through Friday, 45 hours per week. It is recognized that circumstances may arise that will require that you work additional hours. If so, compensation will not be made for work hours exceeding 45 hours per week unless approved in advance by the Project Manager.

Expense Account Forms should be submitted by at least the end of each week or whatever is customary at your assigned location. All other reimbursements (i.e., Per Diem) will be honored following the incurrence. Your Project Manager will provide the charge codes that will be applicable to your wages and expenses. The applicable charge numbers are expected to vary during the course of your assignment based on CTO and task.

Please feel free to contact your Human Resources Representative if you require additional information or have questions concerning any of the above. We would like to take this opportunity to wish you much success on your new assignment.

This letter is a statement of the intentions and policies of the company as they relate to your assignment. It should not be considered by you as a contract nor as a commitment to maintain you at the assigned location for any particular duration. This letter is subject to modification in the event of changes in the business needs of the company or its clients. However, it cannot be modified or amended without the prior written authorization of your Department Head/Project Manager and the Morris Plains, NJ Human Resources Department.

F. ENVIRONMENTAL SAFETY AND QUALITY

At TtEC we have a strong commitment to Health & Safety as demonstrated in our communications, policies, procedures and project record. You have a part in the success of our program. You have the responsibility to work in a safe, healthful, and compliant manner. All employees are required to report all incidents to their supervisor, no matter how minor, including:

- ***unsafe work practices or conditions***
- ***any work-related injury or illness,***
- ***property or vehicle damage incident, and***
- ***spills or releases;***

Prior to your arrival on site, you must provide the following documents to the Site Safety Representative:

1. **40-hr HAZWOPER Training Certificate**
2. **Current 8-hr HAZWOPER Refresher Training Certificate (If 40-hr certificate is greater than 1 year old)**
3. **Current physical approving work on a Hazardous Waste site**
4. **Copies of other training certificates appropriate to the work, such as: DOT HM-126F, Waste Management, Loss Control Leadership, Defensive Driving, OSHA 10-hr Construction Safety, OSHA 30-hr Construction Safety, etc...**

You will not be reimbursed for travel or allowed to start charging the project until copies of these documents are provided.

In addition, all employees have a responsibility to make suggestions or raise concerns to their supervisor or to Environmental Safety and Quality (ESQ) personnel to help improve the effectiveness of our program.

(b)(7)(C)

2/3/11
Date

(b)(7)(C)

2/3/2011
Date

Bert Bowers
Employee

2/3/11
Date

(b)(7)(C)

February 1, 2011
Date

cc: AP
Payroll

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EXHIBIT 6

TETRA TECH

FULL TIME
TETRA TECH EC,INC.,
PERFORMANCE APPRAISAL FORM

Employee Name : Bowers, Elbert

Employee Number : 526089

Period From : 3/31/08 Period To : 10/31/09

INSTRUCTIONS

PURPOSE: To enhance employee performance and development by serving as a vehicle to:
(a) Establish and Communicate the performance expectations of an employee;
(b) Discuss and document performance in relation to previously established performance goals and standards; and.
(c) Identity the employee's strengths and areas for improvement and assess the employee's overall performance.

FREQUENCY: Performance feedback should be provided to each employee on an ongoing basis. Performance should be formally discussed and documented on an annual basis as a minimum. For designated management level employees whose goals are closely tied to the Company's annual goals, the performance appraisal will be completed on a calendar year basis. For those employees not meeting performance expectations, a documented appraisal and discussion should occur more frequently.

PREPARATION: The following items should be addressed in preparing the performance appraisal form.
. Solicit input of other project, matrix and client personnel in a position to know how the employee has performed for the period.
. Review the employee's progress toward the accomplishment of previously assigned goals and how the employee has met defined role responsibilities.
. Consider all performance categories to determine which have most contributed to the employee's accomplishments(strengths) and which have been the
. Consider future goals and role responsibilities for the next performance period.
. Provide the employee with the "Employee Preparation for Performance Appraisal" instruction sheet for his/her preparation for the process.
. Review and discuss the appraisal with the appraisal's supervisor prior to meeting with the employee.
. Communicate the rating scale and the description of each rating to your employee before initiating the performance appraisal meeting.

GOAL ACHIEVEMENT: Review and document performance against the goals/role expectations set for the previous period. A statement or copy ofprior year goal must be included. Explain in detail where performance either exceeded or did not meet goal/role expectations and rate each goal accomplishment.

RATING SCALE AND DESCRIPTION:
1 - Outstanding: Employee has clearly and consistently performed outstanding accomplishments in this area which exceed expectations. Award of this rating requires an example within the context of the performance appraisal.

2 - Exceeds Expectations: Employee's performance often surpasses/exceeds expectations for the roles and responsibilities assigned to the employee.

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3 - Meets Expectations: Employee performs at a level which is expected for the position and consistently meets the role and responsibilities assigned to the employee.

4 - Below Expectations(Needs Improvement): Employee performance in this area is not consistently meeting expectations for the role and responsibilities assigned to the employee. At times the employee may meet the expectations, however ,the employee does not consistently perform at the level required. The employee requires further development in this area to meet the current role requirements.

5 - Unsatisfactory Performance: Employee performance is rarely meeting the expectations for the role and responsibilities assigned to the employee. The employee requires a performance improvement plan and performance improvement goals, in this area. Award of this rating requires an example of the noted performance shortfall. We recommend a performance improvement plan.

PERFORMANCE CATEGORIES: Rate each Performance Category with regard to how it did or did not contribute to meeting goal and /or role requirements.(Note provided rating scale.). Every category will not necessarily apply to each employee, and accordingly, a category not listed may be added for an employee in space provided.

OVERALL PERFORMANCE EVALUATION: The Overall performance evaluation section is for the appraiser to write a statement that reflects his/her overall assessment of the employee's performance for the period. THERE IS NO OVERALL PERFORMANCE RATING. Issues to be considered in preparing this statement are:

. Goal and role accomplishment.
. Performance problems, warnings and time frames to improve.
. Strengths and areas for position/responsibility growth.
. Development plans to be establish in goals section.
. Explanation of any "5" rating AND any"1" rating.
. Supervisor level of satisfaction with employee performance.

NEW GOALS: Establish goals for the next performance period; finalization of these goals requires input and discussion with the appraiser's supervisor and with the employee. For new employees, goals should be developed and documented with the three months of hire date.

SIGNATURES: The appraiser and the appraiser's supervisor must sign and date the completed appraisal after the discussion with the employee has occurred. The employee must sign and date the form indicating only that the discussion has occurred. Employee comments about the appraisal are optional.

COPIES: All employees should be given a copy of their new goals, and if they wish, a copy of the signed appraisal form.

REVIEW OF GOAL ACHIEVEMENT

From: 3/31/08 To: 10/31/09

State or attach a copy of the goals and /or role requirements established for the employee since the last formal performance review. Review and indicate progress made toward achieving each of the goals and rate each goal(1- outstanding, 2- excees expectations 3- meets expectations, 4- below expectations, 5- unsatisfactory performance).
Make sure description indicates which of the attached goals is referenced. Add sheets where required.

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PERFORMANCE CATEGORIES	Rating
Rate each listed performance category, and any you add, as follows: (1) Outstanding,(2) Exceeds Expectations (3) Meet Expectations, (4) Below Expectations(needs improvement) (5) Unsatisfactory Performance. Rating of either a "1" or "5" requires additional documentation.	
Quality - Produces accurate, complete and useful work.	3
Quantity - Produces the volume of work needed.	2
Competence - Has the skills, training, and knowledge required for the position.	3
Compliance - Adheres, implements, encourages, facilitates and enforces environmental, governmental and other compliance procedures and requirements.	2
EHS - Meets, enforces and ensures compliances with corporate and client safety management and pollution and loss prevention goals, and adheres to corporate Environmental Management System(EMS) and EHS policies and procedures.	3
Initiative - Willingly assumes responsibility and is accountable for performance.	2
Versatility - Handles a variety of responsibilities and adapts to new and different assignments without difficulty.	2
Innovation - Develops original or unique ideas, methods and solutions to difficult problems and situations.	3
Reliability - Meets job requirements such as due dates, assignments, procedures, attendance, and punctuality.	3
Communication - Sends effective verbal and written messages, gives and receives feedback, and listens to others in a way that promotes productive working relationships.	2
Teamwork/Cooperation - Establishes positive working relationships with individuals and groups such that they willingly interact with him/her and meet requests for work and assistance.	3
Client Satisfaction - Negotiates and meets reasonable external and internal client request and establishes postitive business relationships for current and future assignments.	3
Planning/Organization - Plans, organizes and manages all phases of assignments, manages own time effectively.	3
Leadership - Accomplishes performance expectations with and through coworkers and subordinates in a way that employs direction-setting, influence, delegation and employee development.	3
Budget/Control - Accomplishes goals while operating within budgetary constraints and maintaining the appropriate level of contact and follow-up to assure accomplishment.	3
Equal Employment Opportunity - Supports company policies, fair employment practices and Equal Employment Opportunity/Affirmative Action goals.	3
Resume Update - Has provided the Marketing Services Department with an updated resume with the past 12 months.	3

OVERALL PERFORMANCE EVALUATION	
Quantity	He has taken on the RSO position and supervisor of all Rad operations at HPS with minimal, and, at times, no guidance, as he had a 3 month period with no assistance from supervision.
Compliance	He has shown his skills in maintaining the TtEC NRC license at HPS.
Initiative	He has stepped in to fix situations at HPS, Concord, and Alameda.
Versatility	He has been able to adjust priorities to best fit TtEC's needs.
Communication	He is adept at providing succinct, accurate written and oral communications inside and outside of TtEC.

Bert has done an exceptional job as stepping in to lead the HPS radiological team. During this period, he acted as the senior HP personnel with no supervision from above, as the Corporate Health Physics Manager had taken on another job. He had to step in to provide assistance at other projects such as Concord and Lowry to secure public relations with the client. He is a highly effective communicator, and prioritizes tasks quickly, and efficiently to ensure the most important work is completed to the highest standards. He has been particularly effective in ensuring regulatory compliance with respect to the TtEC NRC license.

Bert is a highly valued member of the Health Physics team.

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ESTABLISHING NEW PERFORMANCE GOALS

Indicate the goals to be established and the time frame for their completion. Add sheets where required. Goals fall into three Categories:
TASK GOALS: project and role requirements;
IMPROVEMENT GOALS: performance improvement required;
DEVELOPMENT GOALS: preparation for future assignments.

Goal	Category	Description	Time Frame
1	TASK GOALS	Manage the HP staff at Hunters Point to meet radiological remediation survey milestones.	2010
2	TASK GOALS	Manage the NRC license at Hunters Point to maintain compliance.	2010
3	ESQ GOALS	Develop series of training/briefings to cover corporate procedures/radiation fundamentals for tailgate meetings and refresher trainings.	March 2010
4	DEVELOPMENT GOALS	Take the NRRPT exam. *	2010
5	DEVELOPMENT GOALS	Prepare one Final Status Survey Report for a Hunters Point Survey.	2010

EMPLOYEE COMMENTS

*Would request that Goal 4 be worded to reflect that for rest of Staff @ HPS as being "Prepare for NRRPT certification" due to "unknowns" of project specific requirements/hours reqd.

- Would be interested in enrolling in/completing MARSSIM training

I have reviewed this appraisal and discussed the contents with my supervisor. My signature below indicates that I have been advised of my performance status.

12/4/09

EMPLOYEE'S NAME(PLEASE PRINT) SIGNATURE DATE

APPRAISER'S NAME(PLEASE PRINT) SIGNATURE DATE

APPRAISER'S SUPERVISOR'SNAME(PLEASE PRINT) SIGNATURE DATE

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Bowers, Elbert

EMPLOYEE PREPARATION FOR PERFORMANCE APPRAISAL

You have been provided with the instruction sheet to preparing for your performance appraisal interview scheduled for _____

Completing this preparation sheet is not a requirement, but an opportunity for you to organize your thoughts and identity issues that you would like to address during the interview. You may wish to provide it to your supervisor for consideration prior to your performance appraisal meeting.

This preparation sheet does not have to be submitted to your supervisor and will not become part of any permanent file as an offical performance appraisal document. You determined how you want to use it during the process.

In preparing for your performance appraisal interview, you may want to consider the following:

. assess your performance against last year's goals or role expectations;

. identify new goals or role expectations for the coming year;

. comment on performance difficulties, obstacles or constraints that you may have experienced;

. consider development activities to improve your performance or enhance your capabilities.

. Review the rating scale(with descriptions) which will be applies to each performance category on your appraisal.

RATING SCALE:

1 - Outstanding: Employee has clearly and consistently performed outstanding accomplishments in this area which exceed expectations. Award of this rating requires an example within the context of the performance appraisal.

2 - Exceeds Expectations: Employee's performance often surpasses/exceeds expectations for the roles and responsibilities assigned to the employee.

3 - Meets Expectations: Employee performs at a level which is expected for the position and consistently meets the role and responsibilities assigned to the employee.

4 - Below Expectations(Needs Improvement): Employee performance in this area is not consistently meeting expectations for the role and responsibilities assigned to the employee. At times the employee may meet the expectations, however ,the employee does not consistently perform at the level required. The employee requires further development in this area to meet the current role requirements.

5 - Unsatisfactory Performance: Employee performance is rarely meeting the expectations for the role and responsibilities assigned to the employee. The employee requires a performance improvement plan and performance improvement goals, in this area. Award of this rating requires an example of the noted performance shortfall. We recommend a performance improvement plan.

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EXHIBIT 7

TETRA TECH

FULL TIME
TETRA TECH EC,INC.,
PERFORMANCE APPRAISAL FORM

Employee Name : Bowers, Elbert

Employee Number : 526089

Period From : 10/1/09 Period To : 9/30/10

INSTRUCTIONS

PURPOSE: To enhance employee performance and development by serving as a vehicle to:
(a) Establish and Communicate the performance expectations of an employee;
(b) Discuss and document performance in relation to previously established performance goals and standards; and.
(c) Identify the employee's strengths and areas for improvement and assess the employee's overall performance.

FREQUENCY: Performance feedback should be provided to each employee on an ongoing basis. Performance should be formally discussed and documented on an annual basis as a minimum. For designated management level employees whose goals are closely tied to the Company's annual goals, the performance appraisal will be completed on a calender year basis. For those employees not meeting performance expectations, a documented appraisal and discussion should occur more frequently.

PREPARATION: The following items should be addressed in preparing the performance appraisal form.
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. Review the employee's progress toward the accomplishment of previously assigned goals and how the employee has met defined role responsibilities.
. Consider all performance categories to determine which have most contributed to the employee's accomplishments(strengths) and which have been the
. Consider future goals and role responsibilities for the next performance period.
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. Communicate the rating scale and the description of each rating to your employee before initiating the performance appraisal meeting.

GOAL ACHIEVEMENT: Review and document performance against the goals/role expectations set for the previous period. A statement or copy ofprior year goal must be included. Explain in detail where performance either exceeded or did not meet goal/role expectations and rate each goal accomplishment.

RATING SCALE AND DESCRIPTION:
1 - Outstanding: Employee has clearly and consistently performed outstanding accomplishments in this area which exceed expectations. Award of this rating requires an example within the context of the performance appraisal.

2 - Exceeds Expectations: Employee's performance often surpasses/exceeds expectations for the roles and responsibilities assigned to the employee.

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3 - Meets Expectations: Employee performs at a level which is expected for the position and consistently meets the role and responsibilities assigned to the employee.

4 - Below Expectations(Needs Improvement): Employee performance in this area is not consistently meeting expectations for the role and responsibilities assigned to the employee. At times the employee may meet the expectations, however ,the employee does not consistently perform at the level required. The employee requires further development in this area to meet the current role requirements.

5 - Unsatisfactory Performance: Employee performance is rarely meeting the expectations for the role and responsibilities assigned to the employee. The employee requires a performance improvement plan and performance improvement goals, in this area. Award of this rating requires an example of the noted performance shortfall. We recommend a performance improvement plan.

PERFORMANCE CATEGORIES: Rate each Performance Category with regard to how it did or did not contribute to meeting goal and /or role requirements.(Note provided rating scale.). Every category will not necessarily apply to each employee, and accordingly, a category not listed may be added for an employee in space provided.

OVERALL PERFORMANCE EVALUATION: The Overall performance evaluation section is for the appraiser to write a statement that reflects his/her overall assessment of the employee's performance for the period. THERE IS NO OVERALL PERFORMANCE RATING. Issues to be considered in preparing this statement are:

. Goal and role accomplishment.
. Performance problems, warnings and time frames to improve.
. Strengths and areas for position/responsibility growth.
. Development plans to be establish in goals section.
. Explanation of any "5" rating AND any"1" rating.
. Supervisor level of satisfaction with employee performance.

NEW GOALS: Establish goals for the next performance period; finalization of these goals requires input and discussion with the appraiser's supervisor and with the employee. For new employees, goals should be developed and documented with the three months of hire date.

SIGNATURES: The appraiser and the appraiser's supervisor must sign and date the completed appraisal after the discussion with the employee has occurred. The employee must sign and date the form indicating only that the discussion has occurred. Employee comments about the appraisal are optional.

COPIES: All employees should be given a copy of their new goals, and if they wish, a copy of the signed appraisal form.

REVIEW OF GOAL ACHIEVEMENT

From: 10/1/09 To: 9/30/10

State or attach a copy of the goals and /or role requirements established for the employee since the last formal performance review. Review and indicate progress made toward achieving each of the goals and rate each goal(1- outstanding, 2- excees expectations 3- meets expectations, 4- below expectations, 5- unsatisfactory performance). Make sure description indicates which of the attached goals is referenced. Add sheets where required.

1	TASK GOALS	Manage the HP staff at Hunters Point to meet radiological remediation survey milestones. Radiation survey milestones for the HPS project have been met.	3
2	TASK GOALS	Manage the NRC license at Hunters Point to maintain compliance. No NRC license issues have been raised by external regulators.	3
3	ESQ GOALS	Develop series of training/briefings to cover corporate procedures/radiation fundamentals for tailgate meetings and refresher trainings.	3
4	DEVELOPMENT GOALS	Take the NRRPT exam.	3
5	DEVELOPMENT GOALS	Prepare one Final Status Survey Report for a Hunters Point Survey.	3

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PERFORMANCE CATEGORIES	Cat Rating

Rate each listed performance category, and any you add, as follows: (1) Outstanding,(2) Exceeds Expectations (3) Meet Expectations, (4) Below Expectations(needs improvement) (5) Unsatisfactory Performance. Rating of either a "1" or "5" requires additional documentation.

Quality - Produces accurate, complete and useful work.	2
Quantity - Produces the volume of work needed.	3
Competence - Has the skills, training, and knowledge required for the position.	3
Compliance - Adheres, implements, encourages, facilitates and enforces environmental, governmental and other compliance procedures and requirements.	2
EHS - Meets, enforces and ensures compliances with corporate and client safety management and pollution and loss prevention goals, and adheres to corporate Environmental Management System(EMS) and EHS policies and procedures.	3
Initiative - Willingly assumes responsibility and is accountable for performance.	3
Versatility - Handles a variety of responsibilities and adapts to new and different assignments without difficulty.	3
Innovation - Develops original or unique ideas, methods and solutions to difficult problems and situations.	3
Reliability - Meets job requirements such as due dates, assignments, procedures, attendance, and punctuality.	2
Communication - Sends effective verbal and written messages, gives and receives feedback, and listens to others in a way that promotes productive working relationships.	3
Teamwork/Cooperation - Establishes positive working relationships with individuals and groups such that they willingly interact with him/her and meet requests for work and assistance.	3
Client Satisfaction - Negotiates and meets reasonable external and internal client request and establishes postitive business relationships for current and future assignments.	3
Planning/Organization - Plans, organizes and manages all phases of assignments, manages own time effectively.	2
Leadership - Accomplishes performance expectations with and through coworkers and subordinates in a way that employs direction-setting, influence, delegation and employee development.	3
Budget/Control - Accomplishes goals while operating within budgetary constraints and maintaining the appropriate level of contact and follow-up to assure accomplishment.	3
Equal Employment Opportunity - Supports company policies, fair employment practices and Equal Employment Opportunity/Affirmative Action goals.	3
Resume Update - Has provided the Marketing Services Department with an updated resume with the past 12 months.	3

OVERALL PERFORMANCE EVALUATION	
Quality	The quality of work particularly in the realm of NRC license documentation is of consistent high quality.
Compliance	Mr. Bowers consistently follows up on compliance issues.
Reliability	Mr. Bowers consistently meets due dates for critical projects.
Planning/Organization	Mr. Bowers organizes all projects effectively.

Mr. Bowers has led the Health Physics team at Hunters Point Shipyard effectively. He has ensured the TIEC NRC license is maintained in a compliant fashion, and has coordinated staff to ensure that day-to-day radiation safety operations are conducted properly. Additionally, he has coordinated training and dosimetry for work performed by other entities under the umbrella of the TetraTech basewide radiological support contract, as well as coordinating changes to the Memorandum of Understanding for all contractors working at HPS.

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ESTABLISHING NEW PERFORMANCE GOALS

Indicate the goals to be established and the time frame for their completion. Add sheets where required. Goals fall into three Categories:
TASK GOALS: project and role requirements;
IMPROVEMENT GOALS: performance improvement required;
DEVELOPMENT GOALS: preparation for future assignments.

Goal	Category	Description	Time Frame
1	TASK GOALS	Maintain the NRC license at HPS to achieve continued compliance.	2011
2	TASK GOALS	Develop a searchable spreadsheet or database to track personnel exposure records by wear period and lifetime total.	2011
3	ESG	Develop a series of training briefs based on changes to Corporate Reference Library procedure changes.	2011

EMPLOYEE COMMENTS

I have reviewed this appraisal and discussed the contents with my supervisor. My signature below indicates that I have been advised of my performance status

Elbert G. Bowers — 11.16.10

EMPLOYEE'S NAME(PLEASE PRINT) — SIGNATURE — DATE

(b)(7)(C) — (b)(7)(C) — 11/24/10

APPRAISER'S NAME(PLEASE PRINT) — SIGNATURE — DATE

APPRAISER'S SUPERVISOR'SNAME(PLEASE PRINT) — SIGNATURE — DATE

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Bowers, Elbert

EMPLOYEE PREPARATION FOR PERFORMANCE APPRAISAL

You have been provided with the instruction sheet to preparing for your performance appraisal interview scheduled for 11.16.10

Completing this preparation sheet is not a requirement, but an opportunity for you to organize your thoughts and identify issues that you would like to address during the interview. You may wish to provide it to your supervisor for consideration prior to your performance appraisal meeting.

This preparation sheet does not have to be submitted to your supervisor and will not become part of any permanent file as an offical performance appraisal document. You determined how you want to use it during the process.

In preparing for your performance appraisal interview, you may want to consider the following:

. assess your performance against last year's goals or role expectations;

. identify new goals or role expectations for the coming year;

. comment on performance difficulties, obstacles or constraints that you may have experienced;

. consider development activities to improve your performance or enhance your capabilities.

. Review the rating scale(with descriptions) which will be applies to each performance category on your appraisal.

RATING SCALE:

1 - Outstanding: Employee has clearly and consistently performed outstanding accomplishments in this area which exceed expectations. Award of this rating requires an example within the context of the performance appraisal.

2 - Exceeds Expectations: Employee's performance often surpasses/exceeds expectations for the roles and responsibilities assigned to the employee.

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5 - Unsatisfactory Performance: Employee performance is rarely meeting the expectations for the role and responsibilities assigned to the employee. The employee requires a performance improvement plan and performance improvement goals, in this area. Award of this rating requires an example of the noted performance shortfall. We recommend a performance improvement plan.

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EXHIBIT 8

MEMO TO FILE

DATE: November 21, 2011

SUBJECT: Performance Appraisal for Bert Bowers for Year 2011

A performance appraisal for year 2011 was not completed for the following reasons:

1) As Mr. Bowers ended his time on the Alameda project in early March 2011, he did not accumulate the 1000 hours worked required for a performance appraisal per TetraTech policy. It should be noted that an offer to work as the Radiation Safety Officer Representative for the Al Kharj, Saudi Arabia project was refused by Mr. Bowers.
2) Mr. Bowers has not responded to e-mail requests dated August 4, 2011; August 9, 2011; and August 19, 2011 to update his training and experience information for a California Agreement State Radioactive Materials License application. This indicates a perceived lack of interest in performing work for TetraTech in a Radiation Safety Officer Representative capacity.
3) Mr. Bowers has not responded to e-mail requests dated September 27, 2011 and October 21, 2011 for input to his performance appraisal.

Sincerely,

(b)(7)(C)

EXHIBIT 8
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EXHIBIT 9

(b)(7)(C)

From: (b)(7)(C)
Sent: Thursday, January 06, 2011 7:24 AM
To: (b)(7)(C) Bowers, Bert; (b)(7)(C)
(b)(7)(C)

Subject: FW: HPS Data - Parcel UC3 Sewer Trench Unit 187 (TO03)

Team,

We have received concurrence from the RASO to backfill Trench Unit No. 187. Trench Unit No. 187 (TU187) is located in Work Area #16 of Parcel UC3. It is 757 square meters in area (8148.28 square feet) and 376 linear feet in length. Engineers have estimated that a total of 759 cubic yards of soil will be needed to backfill this trench unit.

The backfill soil proposed for TU187 is as follows:

Trench Unit	Work Area	ES Unit #	IR Site	Estimated Yards^3	Adjusted Yards^3	Remediated Yards^3	Total Estimated Yards^3	RASO Cleared Backfill
187	UC3	0307	00	324	243	2	241	17-Nov-10
	16	0309	00	300	225	7	218	17-Nov-10
		0318	00	140	105	0	105	25-Oct-10
		Total		764	573	9	564	

Imported Mills Peninsula Hospital soil will be utilized for additional cubic yardage (est. 195 yd^3) given the project requirement for a final compacted soil layer. Please keep the Data Group informed on a daily basis as to the actual quantity used in backfilling the trench and the quantity left over to be used in a different trench unit in the future if applicable.

Thank you,

(b)(7)(C)
Direct: (b)(7)(C) Main: 415.671.1990 | Fax: 415.671.1995 | Cell: (b)(7)(C)
(b)(7)(C)

IO Environmental & Infrastructure, Inc. | Hunters Point Shipyard
2840 Adams Ave. | San Diego, CA 92116 | www.ioenvironmental.com

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-----Original Message-----
From: (b)(7)(C)
Sent: Thursday, January 06, 2011 7:15 AM
To: (b)(7)(C)
(b)(7)(C)

(b)(7)(

Cc: (b)(7)(C)

(b)(7)(C)

Subject: RE: HPS Data - Parcel UC3 Sewer Trench Unit 187 (TO03)

(b)(7)(C)

I have reviewed the Survey Unit 187 Project Report. I concur with backfilling the trench.

(b)(7)(C)

(b)(7)(C)

Yorktown Naval Weapons Station

(b)(7)(C)

-----Original Message-----

From: (b)(7)(C)

Sent: Wednesday, December 01, 2010 9:02 AM

To: (b)(7)(C)

(b)(7)(C)

Cc: (b)(7)(C)

(b)(7)(C)

Subject: HPS Data - Parcel UC3 Sewer Trench Unit 187 (TO03)

Attached for your review is the Internal Draft Survey Unit 187 Project Report and Attachments 1 through 5, 7, and 8. Attachment 6 is QA data and is not available at this time. We would like concurrence to backfill the trench.

(b)(7)(C)

Direct: (b)(7)(C) | Main: 415.671.1990 | Fax: 415.671.1995 | Cell: (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

200 South Virginia St. Suite 800 | Reno, NV 89501 | www.radsvcs.com

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(b)(7)(C)

From: (b)(7)(C)
Sent: Thursday, January 06, 2011 1:09 PM
To: (b)(7)(C) Bowers, Bert; (b)(7)(C)
(b)(7)(C)

Subject: FW: HPS Data - Parcel UC3 Sewer Trench Unit 190 (TO03)

Team,

We have received concurrence from the RASO to backfill Trench Unit No. 190. Trench Unit No. 190 (TU190) is located in Work Area #16 of Parcel UC3. It is 580 square meters in area (6243.07 square feet) and 250 linear feet in length. Engineers have estimated that a total of 635 cubic yards of soil will be needed to backfill this trench unit.

The backfill soil proposed for TU190 is as follows:

Trench Unit	Work Area	ES Unit #	IR Site	Estimated Yards^3	Adjusted Yards^3	Remediated Yards^3	Total Estimated Yards^3	RASO Cleared Backfill
190	UC3	0312	00	300	225	1	224	17-Nov-10
	16	0317	00	300	225	0	225	25-Oct-10
		Total		600	450	1	449	

Imported Mills Peninsula Hospital soil will be utilized for additional cubic yardage (est. 186 yd^3) given the project requirement for a final compacted soil layer. Please keep the Data Group informed on a daily basis as to the actual quantity used in backfilling the trench and the quantity left over to be used in a different trench unit in the future if applicable.

Thank you,

(b)(7)(C)
Direct: (b)(7)(C) | Main: 415.671.1990 | Fax: 415.671.1995 | Cell: (b)(7)(C)
(b)(7)(C)

IO Environmental & Infrastructure, Inc. | Hunters Point Shipyard
2840 Adams Ave. | San Diego, CA 92116 | www.ioenvironmental.com

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-----Original Message-----
From: (b)(7)(C)
Sent: Thursday, January 06, 2011 1:05 PM
To: (b)(7)(C)
(b)(7)(C)

EXHIBIT 9
PAGE 3 OF 4 PAGE(S)

(b)(7)

Cc: (b)(7)(C)

(b)(7)(C)

Subject: RE: HPS Data - Parcel UC3 Sewer Trench Unit 190 (TO03)

(b)(7)(C)

I have reviewed the Survey Unit 190 Project Report. I concur with backfilling the trench.

(b)(7)(C)

(b)(7)(C)

Yorktown Naval Weapons Station

(b)(7)(C)

-----Original Message-----

From: (b)(7)(C)

Sent: Thursday, December 02, 2010 4:02 PM

To: (b)(7)(C)

(b)(7)(C)

Cc: (b)(7)(C)

(b)(7)(C)

Subject: HPS Data - Parcel UC3 Sewer Trench Unit 190 (TO03)

Attached for your review is the Internal Draft Survey Unit 190 Project Report and Attachments 1 through 5, 7, and 8. Attachment 6 is QA data and is not available at this time. We would like concurrence to backfill the trench.

(b)(7)(C)

Direct: (b)(7)(C) | Main: 415.671.1990 | Fax: 415.671.1995 | Cell: (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

200 South Virginia St. Suite 800 | Reno, NV 89501 | www.radsvcs.com

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EXHIBIT 10

From: (b)(7)(C)
Sent: Wednesday, January 04, 2012 3:14 PM
To: Bowers, Bert
Subject: RE: (b)(7)(C) voice message to B. Bowers dated December 30, 2011 at 1007 hrs....

Bert,

Just to be clear, are you interested in possible opportunities with Tt HEI, and should I explore those further? Or, do you want to remain in the Bay Area, so the opportunity with HEI is not of interest to you?

If you're interested, I'll start discussions with Tt HEI about you and the the capabilities you can bring to them to see if there's a fit.

Thanks,
(b)(7)(C)

From: Bowers, Bert
Sent: Wednesday, January 04, 2012 2:17 PM
To: (b)(7)(C)
Subject: RE: (b)(7)(C) voice message to B. Bowers dated December 30, 2011 at 1007 hrs....

(b)(7)(C)

Many thanks for your response. While not yet "aware of a specific current opportunity" in the San Francisco Bay Area unique to my original Tetra Tech assignment, I remain optimistic that such a role will eventually surface. In that regard - and due to ongoing regulatory and investigative activities still ongoing specific to that assignment, current needs are to remain in the San Francisco area so as to be readily available to support related processes and obligations.

In the interim, Tetra Tech's commitment to "find a suitable position" for me is appreciated and accepted with positive anticipation.

Regards,

Bert

From: (b)(7)(C)
Sent: Wednesday, January 04, 2012 7:34 AM
To: Bowers, Bert
Subject: RE: (b)(7)(C) voice message to B. Bowers dated December 30, 2011 at 1007 hrs....

Bert,

I'm following up on the voicemail I left you last week, and your e-mail reply below. I am not aware of a specific current opportunity in Tetra Tech for

which you would be suited. However, HEI is a Tetra Tech subsidiary based in Oak Ridge, TN that is heavily involved in DOE projects. HEI's primary locations are Oak Ridge, Portsmouth,OH, and Paducah, KY.

Please let me know if you are interested in potential opportunities with Tetra Tech HEI. If you are, I will contact their management to pursue possible opportunities for you. We want to find a suitable position for you.

Thanks,
(b)(7)(C)

From: Bowers, Bert
Sent: Friday, December 30, 2011 2:52 PM
To: (b)(7)(C)
Subject: (b)(7)(C) voice message to B. Bowers dated December 30, 2011 at 1007 hrs....

(b)(7)(C)

In reference to the subject line above, I am in receipt of your message. Regarding "possible opportunities" as was referred to, I would respectfully submit that any corresponding proposal(s) be placed in writing. Strong consideration will be given to whatever is conveyed. This recommended approach should avoid any misunderstandings.

"Happy Holidays" and many thanks (b)(7)(C) I look forward to hearing from you.

Bert Bowers

EXHIBIT 10
PAGE 2 OF 2 PAGE(S)

EXHIBIT 11

(b)(7)(C)

From: Murphy, Timothy [tmurphy@laborlawyers.com]
Sent: Thursday, July 19, 2012 2:17 PM
To: (b)(7)(C)
Subject: Couple of Scott's Message Declining the Saudi Arabia Position: September 2, 2011

Donrich,

I looked again and found a copy of an email from John Scott declining the Tetra Tech offer of a position for Bowers in Saudi Arabia. His email indicates he was "currently employed" in the Bay Area and not interested in leaving.

Please let me know if you have any further questions.

Regards,

Tim

> From: "John H. Scott" <john@scottlawfirm.net<mailto:john@scottlawfirm.net>>
> Date: September 2, 2011 4:17:39 PM PDT
> To: "Murphy, Timothy" <tmurphy@laborlawyers.com<mailto:tmurphy@laborlawyers.com>>
> Subject: Bert Bowers
>
> Tim,
>
> Bert is presently employed in the Bay Area and is not interested in leaving. He would seriously consider a job offer in the Bay Area but is not interested in a job in Saudi Arabia. Thank you for thinking of him.
>
> John H. Scott
> Scott Law Firm
> 1388 Sutter Street, #715
> San Francisco, CA 94109
> Direct: 415.561.9601
> Fax: 415.561.9609
> john@scottlawfirm.net<mailto:john@scottlawfirm.net>
> www.scottlawfirm.net<http://www.scottlawfirm.net>
>

12012002

EXHIBIT 11
PAGE 1 OF 1 PAGE(S)

EXHIBIT 12

1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 ----------x

7 IN THE MATTER OF: :

8 INTERVIEW OF : OI Case No.

9 (b)(7)(C) : 1-2012-002

10 (CLOSED) :

11 ----------x

12 Thursday, May 24, 2012

13

14 (b)(7)(C)

15 Tetra Tech EC, Inc.

16 (b)(7)(C)

17

18

19 The above-entitled interview was conducted

20 at 2:25 p.m. Eastern Standard Time.

21

22 BEFORE:

23 Special Agent (b)(7)(C)

24

25

EXHIBIT 12
PAGE 1 OF 66 PAGE(S)

1-2012-002

1 APPEARANCES:

2 On Behalf of the Interviewee, Other Individuals

3 Involved in the Case and Tetra Tech EC, Inc.:

4 TIMOTHY J. MURPHY, ESQ. (via telecon)

5 Managing Partner

6 of: Fisher & Phillips, LLP

7 One Embarcadero Center

8 Suite 2340

9 San Francisco, CA 94111-3712

10 (415) 490-9011

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 (2:25 p.m.)

3 SPECIAL AGENT (b)(7)(C): Today's date is

4 Thursday, May 24th, 2012. The time is currently 2:25

5 p.m. Eastern Standard Time. For the record, this is an

6 interview of (b)(7)(C) who is employed

7 with Tetra Tech EC, Inc. We are at (b)(7)(C)

8 office at (b)(7)(C)

9 (b)(7)(C) And the zip code here in (b)(7)(C)

10 I am (b)(7)(C) a Special Agent with

11 the Office of Investigations, U.S. Nuclear Regulatory

12 Commission, Region I Field Office in King of Prussia,

13 Pennsylvania. Also present via teleconference from his

14 office in San Francisco, California is legal counsel

15 to (b)(7)(C) today, Mr. Timothy Murphy of the law

16 firm of Fisher Pillips. I will give Mr. Murphy an

17 opportunity to introduce himself to the record

18 shortly.

19 The subject of this interview today is to

20 discuss NRC OI Case Number 1-2012-002 and concerns

21 Tetra Tech former RSO, Radiation Safety Officer

22 representative at Hunters Point, Elbert Bowers, goes

23 by the name Bert Bowers, who has filed claims of

24 discrimination against Tetra Tech upon raising safety-

25 related concerns. That will be the balance of our

1 discussion here this afternoon.

2 I want to first tell you that I'm a

3 Special Agent with the United States Government. Under

4 Title 18 of the United States Code, Section 1001, the

5 false statement provision. And what it essentially

6 says, if you knowingly and willingly make any false,

7 fictitious, or fraudulent statements or

8 representations and provide false information you can

9 be subject to prosecution under 18 USC Section 1001

10 which is a felony punishable by a sentence of up to

11 five years confinement and a $250,000 fine.

12 That's not a threat in any way. That's

13 just to say as a U.S. Federal Agent and as a

14 representative of the NRC it's imperative that you be

15 honest and forthright with us here today.

16 (b)(7)(C): Sure.

17 SPECIAL AGENT (b)(7)(C): Okay. And Mr. Murphy

18 has previously been apprized of this with the other

19 interviews we've done in this matter.

20 Okay. If you could please raise your right

21 hand.

22 Do you swear that the testimony you're

23 about to provide is the truth, the whole truth, and

24 nothing but the truth, so help you God?

25 (b)(7)(C): Yes, I do.

1 SPECIAL AGENT (b)(7)(C): Thank you. Please
2 state your full name for the record, spell your last
3 name.
4 (b)(7)(C): It's (b)(7)(C)
5 (b)(7)(C) as in (b)(7)(C).
6 SPECIAL AGENT (b)(7)(C): Okay. I have a couple
7 of questions for you regarding your representation
8 here today. Is Mr. Murphy representing you personally
9 for the purpose of today's interview?
10 (b)(7)(C): Yes.
11 SPECIAL AGENT (b)(7)(C): Does your employer
12 require you to have an attorney present when being
13 interviewed by NRC OI?
14 (b)(7)(C): No.
15 SPECIAL AGENT (b)(7)(C): Were you ever
16 threatened with adverse action if you did not request
17 corporate counsel here today?
18 (b)(7)(C): No.
19 SPECIAL AGENT (b)(7)(C): Did either corporate
20 counsel or a company representative instruct or
21 suggest to you how you should respond to the line of
22 questioning here today by OI?
23 (b)(7)(C): No.
24 SPECIAL AGENT (b)(7)(C): Will the presence of
25 Mr. Murphy hinder your testimony in any way?

1 (b)(7)(C): No.

2 SPECIAL AGENT (b)(7)(C): Do you understand

3 that you have the right to a private interview with me

4 at a time of your convenience?

5 (b)(7)(C): Yes.

6 SPECIAL AGENT (b)(7)(C): Thank you. Okay. Mr.

7 Murphy, some attorney questions for you.

8 Are you acting as the personal

9 representative for (b)(7)(C) for the purpose of

10 today's interview?

11 MR. MURPHY: Yes, I am.

12 SPECIAL AGENT (b)(7)(C): Could you please

13 introduce yourself and your firm for the record.

14 MR. MURPHY: T. J. Murphy, law firm of

15 Fisher & Phillips. And my office is located at One

16 Embarcadero Center, Suite 2050, San Francisco,

17 California.

18 SPECIAL AGENT (b)(7)(C): And, Mr. Murphy, have

19 you deemed there to be any conflict with your

20 representation for (b)(7)(C) here today?

21 MR. MURPHY: No.

22 SPECIAL AGENT (b)(7)(C): Should you determine

23 that there is any conflict between your representation

24 of (b)(7)(C) and also Tetra Tech, what is your

25 course of action?

1 MR. MURPHY: I will follow the Rules of
2 Professional Conduct as set out by the Administrative
3 -- well, by the Supreme Court of the State of
4 California in resolving any conflict, should one
5 arise.
6 SPECIAL AGENT (b)(7)(C): Okay. Thank you, sir.
7 Okay. (b)(7)(C), how long have you served as the
8 (b)(7)(C) here at Tetra Tech?
9 (b)(7)(C): Well, I've been employed
10 here for about (b)(7)(C). I guess the -- I've been
11 on the license (b)(7)(C) I believe.
12 SPECIAL AGENT (b)(7)(C): Okay. And in what
13 other position were you employed prior to --
14 (b)(7)(C): Well, my official position
15 is the (b)(7)(C).
16 SPECIAL AGENT (b)(7)(C): Oh.
17 (b)(7)(C): Okay. So, on our NRC
18 license there is a position called a (b)(7)(C)
19 (b)(7)(C), and in order for me to get on that I had to
20 go and submit paperwork and all that, so that took a -
21 - there was a little bit of delay from the time that
22 I came in on the job until I got put on the license as
23 the (b)(7)(C).
24 SPECIAL AGENT (b)(7)(C): Okay. With whom were
25 you previously employed prior to Tetra Tech and in

1 what capacity?

2 (b)(7)(C): I was a (b)(7)(C)

3 (b)(7)(C) at the (b)(7)(C)

4 (b)(7)(C)

5 (b)(7)(C) for I think maybe (b)(7)(C). That's in

6 (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C): (b)(7)(C)

8 (b)(7)(C): Yes. Correct. Did you want

9 all my history, or just --

10 SPECIAL AGENT (b)(7)(C): No, that's good.

11 (b)(7)(C): Okay.

12 SPECIAL AGENT (b)(7)(C): When did you begin

13 working in the nuclear industry?

14 (b)(7)(C): (b)(7)(C), I guess. I started

15 working in the (b)(7)(C) as a (b)(7)(C)

16 (b)(7)(C)

17 SPECIAL AGENT (b)(7)(C): Civilian?

18 (b)(7)(C): Yes. Correct. Civil

19 Service.

20 SPECIAL AGENT (b)(7)(C): So, your professional

21 background has essentially been all in engineering,

22 radiation --

23 (b)(7)(C): Yes, engineering and health

24 physics, yes.

25 SPECIAL AGENT (b)(7)(C): And you're a degreed

1 (b)(7)(C) ?

2 (b)(7)(C): I have a (b)(7)(C) in health

3 physics. My (b)(7)(C) was in electrical

4 engineering.

5 SPECIAL AGENT (b)(7)(C): Okay. So, what are

6 your duties and responsibilities under your current

7 position as a (b)(7)(C) ?

8 (b)(7)(C): There's a number of things.

9 First of all, I'm involved in (b)(7)(C)

10 (b)(7)(C)

11 (b)(7)(C)

12 (b)(7)(C) I'm sure they probably went into this

13 but the vast majority of what we do is cleanups of

14 radiological contaminated areas, (b)(7)(C)

15 (b)(7)(C)

16 (b)(7)(C)

17 As far as the (b)(7)(C)

18 (b)(7)(C)

19

20 (b)(7)(C) . And we

21 have an RSOR representative at each site since I can't

22 be everywhere at once.

23 SPECIAL AGENT (b)(7)(C): And what are your

24 requirements by the license because you're the

25 (b)(7)(C) , so what does that entail?

1 (b)(7)(C): Well, that's going to
2 require that (b)(7)(C)
3 (b)(7)(C)
4
5
6
7
8
9 Although on our sites technically we
10 wouldn't really be required to have people monitored
11 for external exposure because we have plenty of
12 documentation that we're less than 100 millirem a
13 year. (b)(7)(C)
14 (b)(7)(C)
15
16
17 (b)(7)(C) --
18 (b)(7)(C)
19
20 (b)(7)(C) That's kind of it in a
21 nutshell.
22 SPECIAL AGENT (b)(7)(C): Okay. What type of
23 trainings have you received and what type of
24 certifications do you hold for your current position?
25 (b)(7)(C): I'm a (b)(7)(C)

1 (b)(7)(C) so I had to get -- that involved getting
2 recommendations, experience, and testing for that. I'm
3 a (b)(7)(C). I'm also a (b)(7)(C)
4 (b)(7)(C) I've had a number of different
5 NRC courses, including like the NRC inspection course,
6 the NRC material licensing course. I've had some
7 moisture density training, some industrial radiography
8 training. In my previous position working at (b)(7)(C) we -
9 - what (b)(7)(C) does for the (b)(7)(C) is essentially acts as
10 sort of a mini-NRC for the (b)(7)(C)
11 SPECIAL AGENT (b)(7)(C): Right, for the (b)(7)(C)
12 (b)(7)(C): Right.
13 SPECIAL AGENT (b)(7)(C): What does RASO stand
14 for?
15 (b)(7)(C): (b)(7)(C)s
16 Support Office.
17 SPECIAL AGENT (b)(7)(C): Okay. And that was --
18 - when you worked there that was here in (b)(7)(C)
19 (b)(7)(C): Yes, you're correct.
20 (b)(7)(C)
21 SPECIAL AGENT (b)(7)(C): But there is a rep,
22 if I'm to understand this correctly, on all the sites
23 such as Hunters Point, a decommissioning site. There's
24 a RASO office there on site, or there's a
25 representative?

1 (b)(7)(C): Well, for somebody from
2 Tetra Tech, there will be a radiation safety officer
3 representative.
4 SPECIAL AGENT (b)(7)(C): Right.
5 (b)(7)(C): Somebody like Bert who's
6 always there.
7 SPECIAL AGENT (b)(7)(C): Right.
8 (b)(7)(C): RASO will come out
9 periodically, somewhat (b)(7)(C)
10 SPECIAL AGENT (b)(7)(C): Okay.
11 (b)(7)(C): I mean, a lot of times (b)(7)(C)
12 (b)(7)(C) with RASO because we're going --
13 SPECIAL AGENT (b)(7)(C): Do the --
14 (b)(7)(C): Yes, we're going to work on
15 issues together. We want to go and look at this
16 particular site, how are we going to handle it, all
17 that. So, a lot of times --
18 SPECIAL AGENT (b)(7)(C): RASO is actually here
19 locally in (b)(7)(C)
20 (b)(7)(C): Right. Correct, but they
21 fly out.
22 SPECIAL AGENT (b)(7)(C): Okay. So, you are --
23 you said you're responsible for (b)(7)(C)
24 (b)(7)(C)?
25 (b)(7)(C): Correct. I mean, typically,

I'm not the one who's actually doing it, but I'll put it together and (b)(7)(C) the RSOR --

SPECIAL AGENT (b)(7)(C): So, the RSORs are the ones that actually initiate, facilitate the training on site?

(b)(7)(C): Correct. Correct.

SPECIAL AGENT (b)(7)(C): And how often is that training conducted?

(b)(7)(C): It depends. We have at least annually we have training. What we do right now at Hunters Point, we have five to ten-minute training additionally every day to strengthen rad contacts on their fundamentals and everything. So, it's a minimum of annually but we try to do a whole lot more above and beyond.

SPECIAL AGENT (b)(7)(C): And are all employees on site required to complete training wherein they are oriented on what a nuclear safety concern is? Are they trained to know what's nuclear safety and what's not, kind of decipher the difference?

(b)(7)(C): Right. We go and provide them information on the NRC Form 3, and that info, so if they have a concern about something that we prefer that they go and bring it up to the supervisor, and let us work it internally, but by all means they have

1 every right to go to the NRC and make a complaint or
2 allegation.
3 SPECIAL AGENT (b)(7)(C): But are they being
4 trained to know the difference between the two, this
5 is a safety concern and this isn't. This is probably -
6 - or even to know what's nuclear safety-related.
7 (b)(7)(C): Well, yes.
8 SPECIAL AGENT (b)(7)(C): What's OSHA, what's
9 Occupational Safety Related? Do you think the guys on
10 site there have a pretty good meter on what's what?
11 (b)(7)(C): Yes, I think so. I mean, we
12 -- because one of our main things is well, here's an
13 RCA. If it's posted as a Radiologically Controlled
14 Area that's where we might have something that we can
15 have contamination or an external dose hazard. So, if
16 you're going to be going in there, you have to have
17 training, and you have to have a TLD. And you have to
18 get surveyed on your way out.
19 SPECIAL AGENT (b)(7)(C): Right.
20 (b)(7)(C): So, they're all aware of
21 that, yes.
22 SPECIAL AGENT (b)(7)(C): Are employees granted
23 protection from reprisal if they raise safety-related
24 concerns?
25 (b)(7)(C): Yes. Again, they're trained

1 that they can notify the NRC if they want.

2 SPECIAL AGENT (b)(7)(C): Is that frowned upon,

3 though?

4 (b)(7)(C): No. I mean, there's all

5 sorts of ways that you can bring up any internal

6 stuff. You grab your supervisors, you can use ZIP

7 slips, you can notify --

8 SPECIAL AGENT (b)(7)(C): Are ZIP slips like

9 anonymous tips you throw in a box and somebody looks

10 at them? Are they in the computer system? What are ZIP

11 slips?

12 (b)(7)(C): It's a computer -- well, I

13 believe you can hard copy them, too, but there's a

14 computer system way to go and load them in there. I'm

15 not sure whether you have the option of being

16 anonymous on it or not. I'd have to go look at it.

17 But, I mean, generally you want to go and say who you

18 are so somebody can follow-up. So, like well, what did

19 you see, what was your current --

20 SPECIAL AGENT (b)(7)(C): Right.

21 (b)(7)(C): So we can fix it.

22 SPECIAL AGENT (b)(7)(C): Okay. If an employee

23 raises a safety-related concern how is it documented

24 by management and what does the procedure and process

25 consist of?

1 (b)(7)(C): Well, it depends on what it
2 is. I mean, it could be documented through a
3 deficiency notice from the QA Department. It could be
4 documented through a ZIP slip. It could be if it's the
5 results of -- like I periodically do audits and
6 document those, so if it's a result of an audit, it
7 could be in my annual audit. Any one of those
8 mechanisms really. And it depends on the level of the
9 severity, or whatever, as well.
10 SPECIAL AGENT (b)(7)(C): Okay. What --
11 (b)(7)(C): Right.
12 SPECIAL AGENT (b)(7)(C): Are there -- do you
13 guys use -- it's typical in then nuclear world,
14 condition reports, CRs?
15 (b)(7)(C): Well, that's deficiency
16 notices is what we call them.
17 SPECIAL AGENT (b)(7)(C): You call them
18 deficiency notices.
19 (b)(7)(C): Yes.
20 SPECIAL AGENT (b)(7)(C): Can any employee
21 generate those? Can any employee go on in the computer
22 system and generate a deficiency notice, like in the
23 nuclear world --
24 (b)(7)(C): Right.
25 SPECIAL AGENT (b)(7)(C): -- you know, Rps,

1 laborers, the guys can have access to go in on a
2 terminal, log in and write a CR if they see something.
3 (b)(7)(C): Right. No, I mean, our
4 parallel I guess would really be like the ZIP slip
5 situation.
6 SPECIAL AGENT (b)(7)(C): Now, you said the
7 employees are supposed to raise the concerns through
8 the use of ZIP slips, going to their supervisor,
9 deficiency notice. These are all --
10 (b)(7)(C): Yes. And, also, on the
11 radiation safety side, I mean, we train them such that
12 now if they don't get a satisfactory answer from their
13 supervisor, that they're supposed to go to the RSOR.
14 If they don't get a satisfactory answer from that
15 person, to contact me. Everybody should have the
16 RSOR's and my phone number in their log books. And the
17 same thing, if I don't give them a satisfactory
18 answer, please call the NRC.
19 SPECIAL AGENT (b)(7)(C): When layoffs occur,
20 how is it determined which employees are laid off and
21 which are retained?
22 (b)(7)(C): I think a lot of it has to
23 do or has been recently how many billable hours they
24 have, because we've had management layoffs primarily
25 since I've been here, and I'm on my (b)(7)(C)

1 supervisor/boss.

2 SPECIAL AGENT (b)(7)(C): And does that work

3 the same for employees, non-management employees?

4 (b)(7)(C): Yes, I would think it would

5 work the same way. I mean, that and I think people are

6 going to look at your relative value as far as how

7 your performance appraisals have been and the feedback

8 from other people. Again, I'm just kind of

9 speculating.

10 SPECIAL AGENT (b)(7)(C): When did you become

11 acquainted with Bert Bowers and under what

12 circumstance?

13 (b)(7)(C): It was right before I

14 started working at Tetra Tech. I came out for

15 essentially an interview with some of the people out

16 there at the project, so I met him around that time.

17 SPECIAL AGENT (b)(7)(C): So, that was --

18 (b)(7)(C): It was about (b)(7)(C)

19 ago.

20 SPECIAL AGENT (b)(7)(C): Okay, so (b)(7)(C) --

21 (b)(7)(C): (b)(7)(C) probably like (b)(7)(C)

22 something like that, beginning of (b)(7)(C), maybe.

23 SPECIAL AGENT (b)(7)(C): And at the time you

24 met him, what position was he in?

25 (b)(7)(C): At the time he was the RSO

on the Tetra Tech license, and he was -- but kind of serving as the RSOR on site, as well.

SPECIAL AGENT (b)(7)(C): Now, was that a common thing to be the RSO and the RSOR on site. Was he kind of doing a fill-in role?

(b)(7)(C): He was kind of doing a fill-in role because he got hired on and then the person I replaced, (b)(7)(C), I think just left maybe (b)(7)(C) later or something like that. So, in the meantime they had to go and have somebody fill the RSO position while they were looking for a replacement for (b)(7)(C).

SPECIAL AGENT (b)(7)(C): Okay. Do you know how long he filled in that position before you got here?

(b)(7)(C): I want to say he was maybe working maybe four months before I got there.

SPECIAL AGENT (b)(7)(C): Okay.

(b)(7)(C): But he was actually technically on the license as the RSO for a few months after that, like I said, when I put in my application.

SPECIAL AGENT (b)(7)(C): So, when you initially came on was he working for you at that time? Was he -- he was still on the license as the RSO, you were transitioning.

(b)(7)(C): Right.

1 SPECIAL AGENT (b)(7)(C): So, he was kind of
2 helping you get acclimated.
3 (b)(7)(C): Right, right, right. Yes.
4 And the way it's set up, I mean, everybody is assigned
5 to projects so like he works for me, and at the time
6 he worked for (b)(7)(C), who was the (b)(7)(C)
7 (b)(7)(C)
8 SPECIAL AGENT (b)(7)(C): On the site.
9 (b)(7)(C): Right. So, like all of the
10 health physics supervisors come out of like the Rad
11 Department pool of people, and then when they're on
12 their project they're essentially working for the
13 project manager.
14 SPECIAL AGENT (b)(7)(C): Right. What kind of
15 employee was Bowers?
16 (b)(7)(C): Well, when I first started
17 off he was helpful when I was transitioning, but the -
18 - I guess probably the last year he was there they
19 kind of had some difficulty because he seemed to be
20 getting into sort of issues with the other health
21 physics supervisors. And (b)(7)(C) had some
22 issues with him not getting involved in the day-to-day
23 rad decisions. Let's see, I think it was about October
24 of 2010, whenever we were doing our performance
25 appraisals for the year, one of the things I do is

1 solicit feedback from the people that everybody works
2 with, and I was having trouble getting any kind of
3 positive feedback on Bert. So, we had a conversation,
4 (b)(7)(C) about well,
5 could we maybe get somebody else in the RSOR position.
6 Would that be possible? Is there some kind of
7 education or something that Bert had that put him
8 above and beyond everybody else, and I said not
9 really. We could switch it up. You know, try something
10 different, and kind of debated it back and forth. And
11 he said well, should we maybe put something in his
12 performance appraisal to go and say you have to be at
13 these meetings or whatever, like the 6:30 supervisor
14 meeting. And (b)(7)(C) said no, that's a little -- I don't
15 know, like a little heavy-handed or something, so we
16 kind of left it a little nebulous, said we'll talk
17 about it later, and that probably wasn't a great idea.
18 And the next day I called Bert and said hey, look, the
19 way you're perceived at the site is not getting
20 involved in some of the things that are going on. Like
21 we're trying to -- at the time, we were trying to get
22 the onsite analytical laboratory on line and get them
23 certified under the DOD eLab, and said I think it
24 would help if you got involved in that. And he kind of
25 wasn't happy about that, said I've got too much other

1 stuff to do. And I said well, you know, just between
2 you and me, within the company they're always looking
3 for who's producing and contributing, and it doesn't
4 help you not getting involved like that. So, we had a
5 little bit of an issue.
6 SPECIAL AGENT (b)(7)(C): Was Bowers
7 responsible for training -- did he train you and kind
8 of get you up to speed when you took over?
9 (b)(7)(C): I mean, he pointed me out
10 where certain projects were at and everything like
11 that, yes.
12 SPECIAL AGENT (b)(7)(C): And he conducted the
13 RSOR training on site for the staff?
14 (b)(7)(C): Between him and I believe
15 (b)(7)(C) did the training at that
16 time.
17 SPECIAL AGENT (b)(7)(C): Did Bowers raise
18 safety concerns to you?
19 (b)(7)(C): Yes, they were -- a lot of
20 them were kind of minor in nature. You know, hey, we
21 found this, the water cooler was inside this RCA
22 boundary which wasn't roped, so things like that. I'd
23 say hey, look, go to the 7:00 meeting. Make sure that
24 everybody is aware of where it's supposed to be, go
25 and see if you can figure out how it got put there,

1 things like that.

2 SPECIAL AGENT (b)(7)(C) So, more

3 specifically, what issues did he raise, and when you

4 recall him raising them? And this is kind of

5 significant from a time line perspective, as best you

6 can remember, or was this an all the time thing?

7 (b)(7)(C): It was a periodic thing. I

8 mean, like I said, I can't remember anything that he

9 brought to me that was like oh, my goodness, this is

10 a serious problem that we have to stop work right now

11 and retrain people.

12 SPECIAL AGENT (b)(7)(C) So, you said the

13 water cooler was inside a boundary of an RCA. Do you

14 recall when that issue happened?

15 (b)(7)(C): It was probably two years

16 ago, something like that.

17 SPECIAL AGENT (b)(7)(C): Okay, roughly 2010?

18 (b)(7)(C): Right. Yes, and there would

19 be things like well, hey, signs were down.

20 SPECIAL AGENT (b)(7)(C) Postings.

21 (b)(7)(C): Right. Again, that's just

22 something that -- you know, a day-to-day thing that

23 the RCTs were supposed to be keeping their eyes on and

24 taking care of, and putting up. If you see it --

25 SPECIAL AGENT (b)(7)(C): Are those things that

1 -- are those issues that warrant work stoppages?

2 (b)(7)(C): No. No.

3 SPECIAL AGENT (b)(7)(C): Did you document it

4 when he brought it up to you?

5 (b)(7)(C): I can't say that I did,

6 because like I said, those were all pretty minor in

7 nature. And other than -- I mean, not written, but I

8 mean verbally say --

9 SPECIAL AGENT (b)(7)(C): So, what actions did

10 you take when you received the information from Bert?

11 (b)(7)(C): I gave him direction to go

12 and bring it up at the 7:00 safety meeting, to go make

13 sure that the water coolers aren't set inside the

14 boundaries, and to go and see if he can track down

15 who's in charge of putting those materials out, see if

16 you could personally talk to the person.

17 SPECIAL AGENT (b)(7)(C): Were you ever advised

18 by other managers at Tetra Tech that Bowers raised

19 safety-related concerns to them? If so, when and who?

20 Anybody else in management ever say yes, Bert came to

21 me and raised this issue?

22 (b)(7)(C): No, I don't think so.

23 SPECIAL AGENT (b)(7)(C): And would you say

24 that his issues were legitimate nuclear safety issues,

25 or were they more on the OSHA side of the house, or

1 was it a mixture?

2 (b)(7)(C) I would say, if anything,

3 it might lean towards OSHA. But, I mean, a lot of them

4 I don't even think were really legitimate safety

5 concerns. I mean, like signs fall down, people have to

6 put them back up. We're in a windy environment. I

7 mean, things happen. That's why we had Rad contacts on

8 site all the time to take care of those things. To me,

9 an issue is really when somebody does something that

10 could lead to an unsafe act or condition, or somebody

11 on purpose goes against training, things of that

12 nature.

13 SPECIAL AGENT (b)(7)(C): And are employees at

14 Tetra Tech as it relates to safety concerns, are

15 employees encouraged to also go to RASO?

16 (b)(7)(C): They can. I guess in my

17 view, they're not really in our licensing chain.

18 SPECIAL AGENT (b)(7)(C): NRC more so is than

19 RASO.

20 (b)(7)(C): Right. Exactly, because, I

21 mean, RASO is really -- in this particular instance,

22 that branch of RASO is really the technical advisor

23 for the Navy as far as did we take enough samples or

24 whatever to clear this area? So, I mean, there's

25 certainly no problem with anybody talking to RASO if

1 they wanted to. I just don't think that they're in the
2 particular chain from the person up through supervisor
3 through (b)(7)(C) to the NRC.
4 SPECIAL AGENT (b)(7)(C): Now, are employees
5 required to first discuss their issues with Tetra Tech
6 management before going to any external entities?
7 (b)(7)(C): No, they're not required
8 to. Like I said, we say we'd sure like it because that
9 gives us an opportunity to go to try to correct any
10 deficient conditions before going outside.
11 SPECIAL AGENT (b)(7)(C): When Bowers worked
12 for you, you wrote his (b)(7)(C)
13 (b)(7)(C): Yes.
14 SPECIAL AGENT (b)(7)(C): For what years?
15 (b)(7)(C): It was for 2009 and 2010.
16 SPECIAL AGENT (b)(7)(C): And do you recall
17 what those -- how he graded out?
18 (b)(7)(C): Yes. He did a lot better in
19 2009, in 2010 I guess he got mostly threes except for
20 like, I think (b)(7)(C) like probably a two for
21 pointing out safety stuff. Because like I said, he
22 seemed to make a -- to highlight even small stuff.
23 SPECIAL AGENT (b)(7)(C): What's the scale?
24 (b)(7)(C): Like a one to five.
25 SPECIAL AGENT (b)(7)(C): One to five, one

1 being?

2 (b)(7)(C): Being good.

3 SPECIAL AGENT (b)(7)(C): Being the best.

4 (b)(7)(C): Yes.

5 SPECIAL AGENT (b)(7)(C): Five being the worst.

6 (b)(7)(C): Right.

7 SPECIAL AGENT (b)(7)(C): So, in 2009 did he

8 get a lot of fives, fours?

9 (b)(7)(C): He got like more fours and

10 stuff, yes.

11 SPECIAL AGENT (b)(7)(C): Did he receive a --

12 do you recall him getting a bonus for his

13 performance?

14 (b)(7)(C): Yes, but as a smaller

15 percentage than others.

16 SPECIAL AGENT (b)(7)(C): Than other HPs?

17 (b)(7)(C): Yes, than other HPs. Yes.

18 Because (b)(7)(C) at the time, the other

19 supervisors were doing a better overall job, I guess.

20 SPECIAL AGENT (b)(7)(C): Did he get a bonus in

21 2010, as well?

22 (b)(7)(C): Yes, well, 2009, 2010. Yes,

23 he got something both years.

24 SPECIAL AGENT (b)(7)(C): Okay. So, on his 2010

25 appraisal, this is the year you're saying you guys had

1 problems with him. Did you identify those problems in
2 (b)(7)(C)
3 (b)(7)(C): No, I did not. Admittedly,
4 I should have documented stuff better. I mean, I told
5 him he needed to get more involved in the day-to-day
6 production survey stuff, and the lab. And,
7 unfortunately, I probably tend to be too soft of a
8 (b)(7)(C) on everybody.
9 SPECIAL AGENT (b)(7)(C): So, for all intents
10 and purposes, he had fair to good performance
11 appraisals.
12 (b)(7)(C): Yes.
13 SPECIAL AGENT (b)(7)(C): Where in both years
14 he got a bonus.
15 (b)(7)(C): Right.
16 SPECIAL AGENT (b)(7)(C): A performance bonus
17 of some sort. Okay. What employment action was later
18 leveraged against Bowers and why? He ended up finally
19 things kind of fizzled out, was he -- what actually --
20 - was he terminated, was he laid off, was he
21 furloughed?
22 (b)(7)(C): No. He was removed from the
23 project at Hunters Point, and then we had him at the
24 Alameda project, I want to say like eight weeks. And
25 then when the three-shift coverage for the dredging

operations ended, we took him off that project, and while we were looking for other work, we gave him like an opportunity to work in the Saudi al Karish job, which he didn't want to do that.

SPECIAL AGENT (b)(7)(C): In Saudi Arabia.

(b)(7)(C): Correct. Right. And we -- there was another very short-term like safety job I think --

SPECIAL AGENT (b)(7)(C): Was that the one in Oak Ridge?

(b)(7)(C): Well, Michigan.

SPECIAL AGENT (b)(7)(C): Michigan.

(b)(7)(C): And he wasn't interested in that one. And then (b)(7)(C) had talked to him at Oak Ridge about the Oak Ridge thing, and apparently he didn't want to do that either.

SPECIAL AGENT (b)(7)(C): So, why was he removed from the Hunters Point project?

(b)(7)(C): Because he went and -- I guess the way we kind of viewed it was he instigated an argument with health physics supervisors, and for the (b)(7)(C) that was kind of the straw that broke the camel's back, I guess. Because it was a little bit of a microcosm of what the problem with Bert was with not getting involved with day-to-day

1 operations because he had been asked to go and show up
2 at the 6:30 meeting, so instead of going and bringing
3 up problems that he saw at his end of the day drive
4 down, he could get involved in the actual planning of
5 events with the other health physics supervisors. So,
6 if somebody was going to bring up something that for
7 some reason would not be safe, Bert could interject
8 and say that's a bad idea. We're not going to do that,
9 or whatever. But he showed up and -- I guess he showed
10 resistance on coming in for those earlier meetings
11 because that was going to take away from his end of
12 the day drive down.
13 SPECIAL AGENT (b)(7)(C): Was the end of the
14 day drive down part of -- in his job description?
15 (b)(7)(C): No, it's not --
16 SPECIAL AGENT (b)(7)(C): Or was that kind of
17 an ancillary thing he created?
18 (b)(7)(C): Yes.
19 SPECIAL AGENT (b)(7)(C): How did that drive
20 down come --
21 (b)(7)(C): It's something he liked to
22 do. I mean, it's a good --
23 SPECIAL AGENT (b)(7)(C): Practice.
24 (b)(7)(C): Yes, it's a good practice
25 to go and check at the end of the day. I mean,

1 personally, I think it's a little bit better to go out
2 there during the middle of the day so you can observe
3 things as they're going on, so you can catch people
4 being good and say like, you know, keep on doing
5 things this way, or I see you doing this. Let's go and
6 tighten this up, and opposed to going at the end of
7 the day where you don't have people around, you don't
8 have context for what's gone on.
9 SPECIAL AGENT (b)(7)(C): Do you know what he
10 was looking for by going at the end of the day when
11 the employees were gone?
12 (b)(7)(C): Yes. He said he was looking
13 for things like, you know, signs being down, which
14 again we already -- at the time we still have (b)(7)(C)
15 (b)(7)(C) and Susan Andrews doing that like every week
16 anyway, so it wasn't like that wasn't covered. But I
17 guess he's looking also for gates being locked and
18 things like that. So, it's not a bad thing to do. It's
19 certainly not in his job description, certainly not
20 mandatory, certainly not something I said you have to
21 do this every day.
22 SPECIAL AGENT (b)(7)(C): Right. So, was (b)(7)(C)
23 (b)(7)(C) the one who ultimately made the
24 determination to cut him off the project at Hunters
25 Point?

1 (b)(7)(C): Correct.

2 SPECIAL AGENT (b)(7)(C): Okay. And that was

3 because he just was -- he felt that he was unhappy

4 with Bert, or it was because of the argument that

5 started after the morning meeting?

6 (b)(7)(C): Right. He was already on

7 edge. I mean, we talked in October I think it was,

8 like could we switch it up? Like what we are going to

9 do about Bert --

10 SPECIAL AGENT (b)(7)(C): This is October of?

11 (b)(7)(C): Of 2010.

12 SPECIAL AGENT (b)(7)(C): 2010.

13 (b)(7)(C): Right. Right. Right. So, a

14 couple of months before January when the incident

15 happened. So, there was already --

16 SPECIAL AGENT (b)(7)(C): Tension.

17 (b)(7)(C): -- tension there. And I

18 think that this was kind of the straw that broke the

19 camel's back.

20 SPECIAL AGENT (b)(7)(C): Okay. And he got into

21 it with who?

22 (b)(7)(C): Well, based on the

23 interviews I had, he -- I guess I'll try to start at

24 the beginning, but from what Bert then said, (b)(7)(C) had

25 come in the night before to talk to him about how his

1 hours were going to be reduced because we're going
2 from a cost-reimbursable contract to a fixed price
3 contract so we had to kind of shrink hours. And Bert
4 wasn't really happy about that, and then he said -- he
5 went out and did his drive down and at the time he saw
6 people coming out of an RCA without any rad
7 supervision there. So, he went and came back and told
8 (b)(7)(C), and then I guess (b)(7)(C) said talk to the
9 supervisors the next day about that.
10 SPECIAL AGENT (b)(7)(C): The next morning.
11 (b)(7)(C): And I should say one thing
12 that a little bit bothers me about this is that if
13 Bert really thought that somebody was coming out of
14 a radiologically controlled area, as a rad safety
15 professional what he should have done at that point
16 was say all you guys coming out of there, you know,
17 stop. I've got to go get an instrument to go and frisk
18 you because you might be tracking out contamination
19 all over the place, and also like get some background
20 on what were you guys doing, were you digging? I need
21 to know what's going on.
22 SPECIAL AGENT (b)(7)(C): Figure out what's
23 going on.
24 (b)(7)(C): Yes, because this might be
25 a big situation, you know.

1 SPECIAL AGENT (b)(7)(C): From what Bert told
2 you, did he do that?
3 (b)(7)(C): No, no. From what Bert told
4 me, he said he like asked them like well, what are you
5 guys doing here? It was like well, we're working
6 overtime, and we're going. And then they left, so he
7 went and told (b)(7)(C), and (b)(7)(C) said get the supervisors.
8 And then the next day Bert showed up for the 6:30
9 supervisors meeting, but he went to the wrong location
10 because he's never gone before. And then he went and
11 grabbed the supervisors to go and tell them that hey,
12 there wasn't somebody with -- an authorized user, one
13 of the health physics supervisors on site, so that
14 would have been an NRC violation in his mind. And then
15 I forget who, it might have been (b)(7)(C) or (b)(7)(C) said
16 well, what area are you talking about?
17 SPECIAL AGENT (b)(7)(C): (b)(7)(C).
18 (b)(7)(C): (b)(7)(C).
19 SPECIAL AGENT (b)(7)(C): Or (b)(7)(C).
20 (b)(7)(C): (b)(7)(C), correct. And
21 then said show me on the map. And it was the UC-3
22 corridor, and they went and I guess all the
23 supervisors said that's already -- that area has
24 already been cleared. We already have all of our
25 samples back. We already have surveys back. We got

1 approval from RASO to go and backfill.

2 SPECIAL AGENT (b)(7)(C): So, that area had

3 been released.

4 (b)(7)(C): Right. Right. Right.

5 SPECIAL AGENT (b)(7)(C): Okay.

6 (b)(7)(C): So, that's essentially just

7 putting dirt back in a hole, and anybody can do that.

8 And we have reams of documentation to back that up.

9 But at this point, I guess, Bert got a little irate

10 and said like I knew you'd say that. So, an argument

11 continued, and then I guess (b)(7)(C) showed up after he

12 heard the commotion and said what's going on here? And

13 I think Bert described well, hey, somebody wasn't here

14 when they were backfilling over here in UC-3. And (b)(7)(C)

15 said well, wait a minute, that area has already been

16 cleared. Let's break this meeting up, or whatever. And

17 then I think there was some more arguing in the hall

18 or something. And then (b)(7)(C) went over to his office,

19 and then Bert followed in afterwards and said he

20 wasn't supporting him, and like depending on whose

21 version, either Bert said he was going to quit, or

22 said do you want me to quit? And I'll never know who

23 said what.

24 SPECIAL AGENT (b)(7)(C): Right. So, (b)(7)(C) never

25 admitted to wanting Bert to tell him -- Bert to quit,

1 or telling him that he would take his resignation?

2 (b)(7)(C): Yes. I mean, (b)(7)(C) said that

3 Bert said he was going to quit and (b)(7)(C) said fine, you

4 know, go ahead and quit.

5 SPECIAL AGENT (b)(7)(C): Go ahead and quit.

6 (b)(7)(C): Do whatever. And then Bert

7 said something about calling the NRC, and then (b)(7)(C)

8 said something like call whoever you want but you're

9 not doing it from my phone, or the project's phone, or

10 something like that.

11 SPECIAL AGENT (b)(7)(C): So, was Bert aware of

12 the performance problems you were having with him?

13 (b)(7)(C): Yes, only --

14 SPECIAL AGENT (b)(7)(C): I know you didn't

15 document it.

16 (b)(7)(C): Right.

17 SPECIAL AGENT (b)(7)(C): I know that didn't,

18 so he didn't sign anything, there were no annotations

19 in his appraisal. Did you verbalize the concerns to

20 him?

21 (b)(7)(C): Yes. No, I verbalized them.

22 I definitely verbalized them to him. I mean, he was

23 aware --

24 SPECIAL AGENT (b)(7)(C): On how many

25 occasions, regularly?

1 (b)(7)(C): Two phone cons I had with
2 him, the first one was around October, and the second
3 one was around when he signed his performance
4 appraisal around December.
5 SPECIAL AGENT (b)(7)(C): Of 2010.
6 (b)(7)(C): Yes. Or maybe it was the
7 end of November. But whenever his -- it was a couple
8 of days I think after he signed it, whenever.
9 SPECIAL AGENT (b)(7)(C): Okay. Did site
10 management there at Hunters Point identify to you that
11 Bowers was a trouble maker and he wasn't looked upon
12 in a favorable light?
13 (b)(7)(C): Well, yes, that he wasn't
14 looked upon -- I mean, he had a reputation of I guess
15 trying to catch other people in like gotcha kind of
16 situations, as opposed to being proactive, like I said
17 getting involved with the planning stages of things.
18 I mean, when I came on to site to go and investigate
19 what happened, I was having trouble finding anybody
20 could really say much nice about him, unfortunately.
21 And I mean not just management, but rad contacts and
22 other workers.
23 SPECIAL AGENT (b)(7)(C): Did he have a
24 reputation as somewhat of a complainer?
25 (b)(7)(C): Yes, definitely. I mean,

1 from the time I got there he kind of had a thing that
2 he didn't get enough respect, or that I guess he
3 didn't like (b)(7)(C) management style, or whatever.
4 SPECIAL AGENT (b)(7)(C): Had Bowers ever been
5 placed on a PIP or any other form of progressive
6 discipline?
7 (b)(7)(C): No. No.
8 SPECIAL AGENT (b)(7)(C): Are you aware of any
9 other employees at Hunters Point that raised safety-
10 related concerns and were later laid off or let go?
11 (b)(7)(C): No.
12 SPECIAL AGENT (b)(7)(C): You said you
13 conducted the internal investigation when Bowers
14 raised his issues.
15 (b)(7)(C): Right.
16 SPECIAL AGENT (b)(7)(C): Did you end up
17 producing a report of all your findings and so forth?
18 (b)(7)(C): Yes. Well, I had a tech
19 memo that I wrote saying that from the documentation
20 that area was already cleared, so it was no longer--
21 SPECIAL AGENT (b)(7)(C): Okay. I'm going to --
22 - that will be one of the documents I'll need to get
23 from you guys.
24 MR. MURPHY: Yes. I'll talk to (b)(7)(C) and see
25 exactly what document he's talking about.

1 SPECIAL AGENT (b)(7)(C): Okay, not a problem.
2 MR. MURPHY: Okay.
3 (b)(7)(C): It's just a one-page
4 document basically saying --
5 SPECIAL AGENT (b)(7)(C): Did you highlight who
6 you interviewed and what the disclosure of those
7 interviews were?
8 (b)(7)(C): I'd have to go look at it.
9 I don't know that I did.
10 SPECIAL AGENT (b)(7)(C): You could take a look
11 at it.
12 (b)(7)(C): I mean, I could tell you
13 the -- primarily, I got the information (b)(7)(C)
14 who runs the database, and from (b)(7)(C) who is
15 the (b)(7)(C) for that area to go and look at the
16 emails generated given approvals from RASO to go
17 backfill.
18 SPECIAL AGENT (b)(7)(C): Okay. And what's the
19 requirement at Hunters Point for rad surveys for
20 employees to complete, like if they're in an area and
21 they have to always survey out, they survey sometimes,
22 do they have to use a particular device? What's the --
23 - if there is an overarching rad protection concept or
24 requirement?
25 (b)(7)(C): Right. If anybody is

1 leaving an RCA they'll have a rad contact survey them
2 out with a frisker, a Ludlum 23, well, the 449
3 detector.
4 SPECIAL AGENT (b)(7)(C): So, do you always
5 have a rad HP tech there at the entry and exit point
6 of those areas posted there to get everybody coming in
7 and out?
8 (b)(7)(C): Correct, if it's still a
9 radiologically controlled area.
10 SPECIAL AGENT (b)(7)(C): Okay.
11 (b)(7)(C): If it's not anymore, then
12 we wouldn't.
13 SPECIAL AGENT (b)(7)(C): Okay.
14 (b)(7)(C): I mean, it's --
15 SPECIAL AGENT (b)(7)(C): All the techs that
16 you have, are they kind of -- are they certified rad
17 and HP techs, or do you have laborers or somebody else
18 doing that job of frisking people and running surveys?
19 (b)(7)(C): I mean, we have technicians
20 who are trained.
21 SPECIAL AGENT (b)(7)(C): Trained.
22 (b)(7)(C): Right.
23 SPECIAL AGENT (b)(7)(C): Okay. Because
24 everybody has been HPRP trained.
25 (b)(7)(C): Right. We give them some

1 training. I mean, there's not like a certificate
2 saying this person --
3 SPECIAL AGENT (b)(7)(C): You complete --
4 (b)(7)(C): Right.
5 SPECIAL AGENT (b)(7)(C): Do you believe that
6 Bowers was retaliated against for raising safety-
7 related concerns?
8 (b)(7)(C): No.
9 SPECIAL AGENT (b)(7)(C): Have there been
10 problems on site at Hunters Point regarding postings
11 being utilized and adhered to, the rad postings? Has
12 there been a problem with the fact that those are up
13 and that people are abiding by them?
14 (b)(7)(C): I mean, there are probably
15 instances where somebody did not go and pay attention
16 to them, but it's not something that was prevalent.
17 You know, unfortunately we deal with human beings and
18 not everybody always plays by the rules, so I can't
19 say 100 percent of the time.
20 SPECIAL AGENT (b)(7)(C): Are corners being cut
21 by construction employees and others at Hunters Point
22 as it relates to conducting rad surveys?
23 (b)(7)(C): No. I mean --
24 SPECIAL AGENT (b)(7)(C): Did Bowers bring that
25 up to you? Yes, I mean, essentially, is Hunters Point

1 operating purely as a construction site, and kind of
2 ignoring the rad component and the rad requirements?
3 (b)(7)(C): No. I mean, in fact, that's
4 one of the things that we have so many steps, checks
5 in place before somebody can backfill. I mean, that's
6 the whole thing. We have a data management base. I
7 mean, if in my investigation I found out that we
8 didn't have the samples to prove that we had an area
9 cleared, and that we didn't have RASO concurrence to
10 backfill, I mean, we would have had a big situation
11 and I would have said Bert is absolutely right, but
12 that's not the situation.
13 SPECIAL AGENT (b)(7)(C): Are employees
14 insuring the safekeeping of all equipment in work-
15 related areas and material where rad -- in rad
16 concentrated areas? I believe we heard some testimony,
17 and it was raised that other equipment had been left
18 out, a gate had been left open one night in a rad
19 area. Is that common? Have those issues been
20 addressed?
21 (b)(7)(C): I don't know that it's
22 common. I mean, sometimes we have like copper miners
23 or something will go and cut locks and go into areas
24 after hours. But, again, I wouldn't say it's common.
25 SPECIAL AGENT (b)(7)(C): Was there pressure

1 placed on jobs by construction personnel to get things
2 done quickly at the expense of rad protection?
3 (b)(7)(C): Not at the expense of rad
4 protection, no. Obviously, the efficiency of the
5 project is important to go get things done as quickly
6 and safely as possible.
7 SPECIAL AGENT (b)(7)(C): Did Bowers develop a
8 reputation as a stickler for the rules? And, if so,
9 did that impact his interaction with personnel on
10 site?
11 (b)(7)(C): Well, he appeared to be a
12 stickler for his own interpretation of rules, which
13 was very flexible, you know, depending on the
14 situation. I mean, a classic example is when I came to
15 do the investigation, he'd get upset by okay, we had
16 this water cooler slightly inside this boundary. And
17 then I go into his cabinet and he's got radioactive
18 sources right next to food.
19 SPECIAL AGENT (b)(7)(C): Was that the cesium,
20 the issue with the cesium button in a jar?
21 (b)(7)(C): Well, that was actually a
22 radium button in a jar.
23 SPECIAL AGENT (b)(7)(C): Radium.
24 (b)(7)(C): But that was something --
25 that was separate. This was when I came to

1 investigate what went on. I also did like a 100
2 percent audit of everything.
3 SPECIAL AGENT (b)(7)(C): What month was that?
4 What month and year was that?
5 (b)(7)(C): That was January of 2011.
6 SPECIAL AGENT (b)(7)(C): 2011.
7 (b)(7)(C): Right. So, the week after
8 this incident happened, because I had to figure out
9 what happened, who was in the right, who was in the
10 wrong. And I wanted to make sure that there wasn't
11 anything else wrong. But he had that radium button
12 source and some other check sources --
13 SPECIAL AGENT (b)(7)(C): Wasn't he using those
14 for training and --
15 (b)(7)(C): Yes. He was using the
16 radium button source for training. I mean, there's not
17 a problem with having the sources. I mean, that's
18 fine.
19 SPECIAL AGENT (b)(7)(C): Okay.
20 (b)(7)(C): It's just -- it's not good
21 (b)(7)(C) practice to have them by food.
22 SPECIAL AGENT (b)(7)(C): Right.
23 (b)(7)(C): The same reason that you
24 don't want to go and have water in a RCA.
25 SPECIAL AGENT (b)(7)(C): Right.

1 (b)(7)(C): So, it's just a little --
2 it's hard for me to reconcile saying like you guys
3 are being all bad because you've got this thing
4 slightly inside this boundary, but it's okay for me to
5 have radioactive sources next to food.
6 SPECIAL AGENT (b)(7)(C): Next to food. Right.
7 (b)(7)(C): So, that's where it was a
8 little hard for me to marry those two together.
9 SPECIAL AGENT (b)(7)(C): Now, was that the
10 issue you self-reported to the NRC, was his -- because
11 I believe an inspection was done and the only thing
12 that came up was a self-reported identification by you
13 all.
14 (b)(7)(C): Right. That was the radium
15 button source. That was probably like nine months
16 before that. He left it out in the main conference
17 room during lunch, so that got identified as a
18 deficiency notice, and so we self-identified that to
19 the NRC. The issue about having sources in the same
20 locker as his food, that was one of my findings during
21 the audit so, I mean, that -- I guess you could say
22 that's self-identified, but that's not something that
23 the NRC wrote in their inspection report.
24 SPECIAL AGENT (b)(7)(C): Now, was that turned
25 in -- was that self-reported by you all because you

1 guys were kind of at odds with Bert, and because it
2 was Bert that this occurred with? Would it have been -
3 - if it was another employee would it still have been
4 reported?
5 (b)(7)(C): Oh, yes. Yes, certainly it
6 would have been reported. It had nothing to do with
7 who it was, nothing like that. If I would have done
8 it, I would have gotten a deficiency notice, as well.
9 I mean, yes. I don't think it's the end of the world.
10 I mean, he was very sorry for having done it.
11 SPECIAL AGENT (b)(7)(C): Was there any adverse
12 action placed or leveraged against him because of this
13 issue with the button?
14 (b)(7)(C): No. No, absolutely not.
15 SPECIAL AGENT (b)(7)(C): Were you privy to any
16 conversations with management, with Tetra Tech
17 management regarding Bowers' safety concerns and his
18 vocal nature regarding safety? Did management have a
19 call and say look, this -- we've got to do something
20 about this guy because he's just -- were you ever in
21 any of those conversations, did you have access to
22 some of that knowledge?
23 (b)(7)(C): No. I mean, like I said,
24 the only thing was that he had a reputation for going
25 and doing gotcha type stuff in his drive downs. And

1 making maybe a mountain out of a molehill. And he also
2 had a reputation for not getting involved on the front
3 on how projects were going to be worked out. So, I
4 mean -- because, I guess, even earlier (b)(7)(C) had asked
5 him if he could move his office so he would be over on
6 the same side of the trailer as where (b)(7)(C) and (b)(7)(C)
7 and he are, because --
8 SPECIAL AGENT (b)(7)(C): (b)(7)(C) and (b)(7)(C)
9 (b)(7)(C)?
10 (b)(7)(C): Right. So, that -- because
11 a lot of times the project things are sort of fluid or
12 whatever, so if a problem comes up --
13 SPECIAL AGENT (b)(7)(C): You can go right
14 there.
15 (b)(7)(C): Just go right there and
16 let's -- typically, (b)(7)(C) grabs people and brings them
17 in the office, so he was hoping that well, hey, if
18 Bert were over there in that same vicinity, there
19 would be a natural inclination like kind of second in
20 the office to get involved. And Bert resisted that
21 because he said he needed to be the public relations
22 guy for (b)(7)(C) because he was difficult to deal
23 with with other people. So, Bert --
24 SPECIAL AGENT (b)(7)(C): Who is (b)(7)(C)?
25 (b)(7)(C): He's the lab director for

1 the gamma spec lab. So, Bert had a tendency to sort of
2 have an excuse for changing anything, didn't want to
3 change his office, didn't want to change the drive
4 down. It's sort of like it's my way. I know the way,
5 the only way how to do it, and everybody else --
6 SPECIAL AGENT (b)(7)(C): Stand back.
7 (b)(7)(C): -- needed to stand back.
8 Yes.
9 SPECIAL AGENT (b)(7)(C): How often did you
10 travel out to Hunters Point?
11 (b)(7)(C): Probably once every six
12 weeks.
13 SPECIAL AGENT (b)(7)(C): Are Tetra Tech
14 employees out at Hunters Point embodied by rad
15 protection guidelines?
16 (b)(7)(C): Yes. Yes.
17 SPECIAL AGENT (b)(7)(C): Were you ever
18 instructed by Tetra Tech management to not document
19 Bowers' concerns when he raised them to you?
20 (b)(7)(C): Absolutely not. I mean, if
21 anything, Tetra Tech actually looks more favorably to
22 go and report anything that you see amiss. I mean,
23 they like to see people bringing up issues.
24 SPECIAL AGENT (b)(7)(C): Do you know what the
25 current status -- what Bowers' current employment

1 status is with the company?

2 (b)(7)(C): As far as I know he's still

3 an employee of the company, and if we find work that

4 he has the knowledge, skills, and ability to do and he

5 wants to go take the position, he'd be able to take

6 the position. Thus far, he's chosen not to. Again,

7 when I went out there to go and investigate, I tried

8 to figure out how can we use him somewhere, and he

9 basically said he's not accepting anything other than

10 working at Hunters Point, and (b)(7)(C) got to

11 go. And I'm like, you know --

12 SPECIAL AGENT (b)(7)(C): Was there any

13 consideration of sending him back to Hunters Point?

14 (b)(7)(C): Well, we had talked about

15 it, but only very briefly because in my estimation it

16 would have been a very bad idea, because like I said,

17 he didn't have any respect of the workers there. I

18 mean, he even refused to go and help in the

19 investigation. I mean, he came in and talked to me for

20 about an hour when we went to the site, and then I

21 explained that like, well, on the surface what I'm

22 hearing is, I haven't had a chance to look at the

23 paperwork but this area has already been cleared, and

24 I don't see any RCA postings on it. And he said well,

25 you know, you can understand where I'd be confused

because of the fencing, because the fencing is still up, because for safety, because you don't want to let somebody walk in --

SPECIAL AGENT (b)(7)(C): Right.

(b)(7)(C): -- and fall into a 12-foot ditch.

SPECIAL AGENT (b)(7)(C): And it's still posted as a rad area.

(b)(7)(C): It was not.

SPECIAL AGENT (b)(7)(C): So, the fence was up but there was no posting on it.

(b)(7)(C): Correct. Correct.

SPECIAL AGENT (b)(7)(C): Okay. Now, there was all these problems with postings often blowing off because of the wind, and this and that. So, was it conceivable to believe that he would struggle to differentiate the two because that's a common theme there?

(b)(7)(C): No, because again we have like one of those areas, we have a sign like every 30 feet.

SPECIAL AGENT (b)(7)(C): Okay.

(b)(7)(C): So, that would -- you'd have to have -- I mean, we're talking probably 80 signs would have to fall off. And, again, we have

technicians who are going on a weekly basis going to each area, going sign, sign, sign, sign, so --

SPECIAL AGENT (b)(7)(C): Is there a checklist that they have to turn in and state that they checked all the --

(b)(7)(C): They send me a weekly Excel spreadsheet with the initials of the person who checked that particular area.

SPECIAL AGENT (b)(7)(C): Okay.

(b)(7)(C): So, there's a -- and there may be even an actual checklist. There's also a board, a status board on the inside of the front side of the office where they have the RCAs and everything mapped off. So, again, this is what's a little weird to me. If Bert's doing a drive down every day and he's checking the postings, then he should be aware that there's been a change in the postings.

SPECIAL AGENT (b)(7)(C): Right.

(b)(7)(C): And if something was there and it had 80 signs on one day and the next day there's none, that would have been the time for me to go like why did we de-post that?

SPECIAL AGENT (b)(7)(C): Right.

(b)(7)(C): So, that's a little weird that he wouldn't even have picked up on that

1 previously.

2 SPECIAL AGENT (b)(7)(C): Now, is it ever

3 disseminated amongst all the employees about the

4 posting changes? Does that occur in the morning

5 meetings, does that occur to be an email to everybody?

6 How does that -- when an area is cleared and you're

7 moving on, and there's been matriculation of things,

8 are all those things discussed in a particular format?

9 (b)(7)(C): Well, they're annotated on

10 that status board. I can't swear that it's like always

11 brought up in a safety meeting, but I think generally

12 speaking it's brought up that there's a change. And

13 there's also an understanding from people that when

14 somebody says we got approval from RASO to backfill,

15 we'll be backfilling over in this area, everybody kind

16 of understands that that means that the area has been

17 cleared.

18 SPECIAL AGENT (b)(7)(C): Now, a lot of this

19 would be talked about at the safety meetings that Bert

20 wasn't going to, or was going to?

21 (b)(7)(C): Well, he wasn't -- he

22 definitely wasn't going to the 6:30 supervisor

23 meeting.

24 SPECIAL AGENT (b)(7)(C): Right.

25 (b)(7)(C): And from what I understand

1 maybe he was going 50 percent of the time, the 7:00
2 safety meeting, which is where all of the --
3 SPECIAL AGENT (b)(7)(C): So, the supervisors
4 meet first at 6:30 and then at 7:00 --
5 (b)(7)(C): Right.
6 SPECIAL AGENT (b)(7)(C): So, they meet at
7 6:30, get their heads together and make sure everybody
8 is on the same page, and at 7:00 they disseminate the
9 information to the employees for the day.
10 (b)(7)(C): Correct. Right.
11 SPECIAL AGENT (b)(7)(C): So, Bert about 50
12 percent of the time went to the 7:00 meeting, hardly
13 ever went to the management meeting.
14 (b)(7)(C): From what I understand now
15 he absolutely never went.
16 SPECIAL AGENT (b)(7)(C): Okay. And was that in
17 his job description to attend those meetings? Was it
18 written in there, do you know?
19 (b)(7)(C): No, it was not in the job
20 description. It's one of those things I would have
21 expected him to have done. You know, because again
22 that's where you come up with the plan of the day, and
23 if in Bert's mind he ought to be involved in every rad
24 decision and everything, that would be one of the main
25 focal points where you can be involved in that.

1 SPECIAL AGENT (b)(7)(C): And you conveyed that
2 to him that you wanted him to start going?
3 (b)(7)(C): No, I did not. I was not
4 aware that he was not going. It was (b)(7)(C) who brought
5 it up I think the day before the blowup was that, you
6 know, hey, I need you to start going to the 6:30
7 supervisor meetings. Because, again, talking to (b)(7)(C)
8 and (b)(7)(C), what was happening -- I guess I should
9 back up a little bit.
10 All right. Again, since we're on a fixed
11 price project, we only have a certain amount of
12 technicians or whatever.
13 SPECIAL AGENT (b)(7)(C): Right.
14 (b)(7)(C): So, on a day-to-day job
15 tasking, (b)(7)(C) might need three technicians for doing
16 his trench work, and (b)(7)(C) might need two or three
17 technicians for doing something at building.
18 SPECIAL AGENT (b)(7)(C): Right.
19 (b)(7)(C): And at the time Bert might
20 need one or two technicians to survey materials and
21 equipment, or something like that. So, that's the time
22 to kind of go hey, I need somebody from your crew or
23 whatever.
24 SPECIAL AGENT (b)(7)(C): Right.
25 (b)(7)(C): So, the supervisors were

1 having their planning done and saying well, I've got
2 my crews and everything. Then they'd send people off
3 to start their jobs, and then Bert would like send an
4 email like at 8:00 saying well, I need two of your
5 technicians for doing something for base wide. So,
6 that was becoming a problem because you can't just--
7 SPECIAL AGENT (b)(7)(C): Yes, it was throwing
8 things off.
9 (b)(7)(C): Right, because we already
10 had a meeting to plan stuff, and now you're saying I
11 can't do whatever we were going to do. So, that's what
12 led to that. Like I said, it wasn't something I had
13 ever asked like, you know, are you going to these
14 meetings? Because I just assumed --
15 SPECIAL AGENT (b)(7)(C) Assumed that he was.
16 (b)(7)(C): I assumed that he was. I
17 mean, it's a prudent thing to do. He's a supervisor
18 also.
19 SPECIAL AGENT (b)(7)(C): And nobody else from
20 Tetra Tech management had said hey, you know, Bert is
21 not -- sending emails today, we need -- maybe he
22 should come to meetings to talk to him?
23 (b)(7)(C): No, nobody -- no. I wish
24 that something more direct like that -- I mean, people
25 had like said some things like well, Bert is not

1 involved or whatever, but it's not like they were
2 looking to get him involved, you know, to a certain
3 extent.
4 SPECIAL AGENT (b)(7)(C): When you guys
5 switched from a cost-reimbursable to a fixed cost, did
6 that subsequently result in Bert losing some money?
7 Was he no longer getting as many hours?
8 (b)(7)(C): Well, from what I
9 understand, initially Bert was going to go back I
10 think maybe from 50 hours a week to 45.
11 SPECIAL AGENT (b)(7)(C): Right.
12 (b)(7)(C): Which is still overtime,
13 but then I guess -- I think that it worked out that as
14 long as Bert took a certain number of weeks of
15 vacation that it was still going to be pretty close to
16 whatever he was doing before.
17 SPECIAL AGENT (b)(7)(C): Did it -- was there
18 any inference that he began to make mountains out of
19 molehills and so forth after this happened with the
20 contract and his hours getting cut? Was there any
21 correlation to that?
22 (b)(7)(C): Well, I mean, in that -- I
23 mean, to me it kind of seems like from Bert's own
24 testimony when (b)(7)(C) said hey, I'm going to have to cut
25 your hours that it seems to me that Bert went out on

a drive down almost intent on finding something to say--

SPECIAL AGENT (b)(7)(C): This is why I need to be here for the other hours.

(b)(7)(C): Exactly. So, if I weren't here, we would have been in this big problem. So, that's why I need to do this. And, again, I think one of the things that's a little frustrating to me, there are ways that this could have been worked out. He still could have done a drive down. He still could have gone to the 6:30 meeting and had a slightly shortened drive down or something like that.

SPECIAL AGENT (b)(7)(C): Right.

(b)(7)(C): So, there are ways around this, so I don't know, it's a little frustrating to me.

SPECIAL AGENT (b)(7)(C): So, was that how he got out of the morning meetings by saying that I need to start later so that I can do the drive downs and not exceed the hours?

(b)(7)(C): Yes. See, I don't know that anything was ever verbalized or discussed with anybody, but I -- you know, I think that's probably what he thought in his mind. And, again, that's just me taking a guess.

1 SPECIAL AGENT (b)(7)(C): Do you believe that
2 he was -- at any point he became a target for the
3 construction personnel and so forth on site, and other
4 even HPRP folks once he began to bring those issues
5 up, what he thought were big issues? Did he kind of
6 become a target at that point?
7 (b)(7)(C): No. He -- again, he worked
8 there for New World Technology for a long time before
9 that, and from what I understand he was essentially
10 the Human Resources guy, so he was in charge of hiring
11 and firing people.
12 SPECIAL AGENT (b)(7)(C): Right.
13 (b)(7)(C): So, there was a lot of bad
14 blood from that, so I don't know that -- I mean, a lot
15 of these technicians had been working there for a good
16 many years, so there are some issues from I guess he
17 kept files on people on what they were doing after
18 hours, like whether they were drinking or something
19 like that, so there was that kind of tension.
20 SPECIAL AGENT (b)(7)(C): Okay. A couple of
21 closing comments. Actually, Mr. Murphy, do you have
22 anything?
23 MR. MURPHY: I just want to make sure that
24 we are going to provide you with what you wanted. And
25 when (b)(7)(C) was talking about --

1 (b)(7)(C): Yes, I have like it's a
2 one-page memo basically saying I looked at, you know,
3 things, the email records, and the survey records that
4 that particular work area had been down posted. So, I
5 can get you a copy of that.
6 MR. MURPHY: I just wanted to make sure we
7 had that nailed down.
8 SPECIAL AGENT (b)(7)(C): Okay. Yes, you guys
9 can coordinate and then you can get that over to me
10 electronically or hard mail, either way.
11 MR. MURPHY: The only other thing that I
12 think is relevant, if I might, is that (b)(7)(C)
13 was involved in a drive around the job site with Mr.
14 Bowers following -- when he went out to Hunters Point.
15 (b)(7)(C): Yes, actually, there's a
16 couple of things. If you don't mind me kind of
17 explaining.
18 SPECIAL AGENT (b)(7)(C): No, let's discuss
19 those things.
20 (b)(7)(C): When I initially went out,
21 because I think this incident happened maybe on a
22 Thursday, and I flew out Sunday to go and investigate
23 it. You know, after that initial looking at the area
24 and saying like well, you know, I've got to go check
25 the records but it looks kind of odd. I don't see any

1 postings, and he kind of said okay, well, you could
2 see where I'd be confused. At that point, you know, I
3 said can you go and write down your recollection of
4 events and everything, because that's important
5 because I'm doing that to everybody. You know, (b)(7)(C)
6 got to do it, the supervisor's got to do it and
7 everything. He said well, I don't feel comfortable
8 doing it here because I feel intimidated, so can I go
9 home. I said okay, you know, that's fine, whatever.
10 And it took him more than two days to go and finish
11 his events. And meanwhile, you know, he like refused
12 to come in when I'm trying to go and investigate if
13 there's anything else going on. I asked him point
14 blank --
15 SPECIAL AGENT (b)(7)(C): So, he stayed home
16 for the two days.
17 (b)(7)(C): Yes. Well, he actually
18 stayed home for Monday, Tuesday, Wednesday, and
19 Thursday he came in again for another hour, because I
20 said I'm trying to do an audit and I can't find the
21 TLD records. I can't find the inventory records, you
22 know. Help me out here. And then when he was there, I
23 said, you know, can you tell me any other issues,
24 because if there are, I've got to know about them, and
25 we've got to figure out what we've got to do. And he

1 said, you know, there aren't any other issues. I
2 wouldn't do that to you.
3 So, this is where it's a little bit
4 frustrating for me because at the one hand I'm
5 inferring that there's -- he's saying there's all
6 sorts of stuff that was brought up that somehow we
7 brushed under the rug, but I'm getting time to go and
8 actually have document on the record. And if for some
9 reason I didn't document stuff on the front end, let's
10 fix it now. And I kind of got resistance.
11 And in the audit, I mean, there were a
12 number of things that he wasn't doing that he could
13 have done better, too.
14 SPECIAL AGENT (b)(7)(C): Can we get a copy of
15 that audit, as well?
16 (b)(7)(C): Yes. Sure.
17 SPECIAL AGENT (b)(7)(C): Okay. Yes, Tim, (b)(7)(C)
18 said that he could provide that, as well. So, I'll
19 look to get a copy of that audit from you all, also.
20 MR. MURPHY: And that's the self-audit in
21 which we -- in which you made the nine findings.
22 Correct, (b)(7)(C)?
23 (b)(7)(C): Right. Correct.
24 SPECIAL AGENT (b)(7)(C): Okay. So, the drive
25 down, you guys did the drive down together.

1 (b)(7)(C): Well, yes. And this was
2 actually -- well, at that point since he had somewhere
3 else to go because he was going to go talk to a lawyer
4 or something, he couldn't do it that day. (b)(7)(C)
5 and I came out again I think the week after that
6 maybe, so we could talk to him. And, again, I'm still
7 trying to get the TLD records from him. And (b)(7)(C) and
8 I took him on a drive down of the site saying well,
9 you know, like point out all the things that are wrong
10 that we needed to fix.
11 SPECIAL AGENT (b)(7)(C): That you see, that
12 you talked about.
13 (b)(7)(C): Right. And he -- we went on
14 the drive down and he pointed out things well, like
15 once I found this gate open like six years ago, or
16 once I found an unlocked generator over here. So, I
17 mean, he brought up -- he gave us a history of what he
18 had found in the past, but none of those items was it
19 something that well, somebody was blatantly on purpose
20 like not doing something, or we had prevented somebody
21 from doing a safe thing. It was just that sometimes
22 people -- you know, when you're there for eight years,
23 somebody forgets to go and lock something, or they
24 don't verify they locked it, or whatever. So, there
25 wasn't anything that he could point out that was --

1 that we're not doing right.

2 SPECIAL AGENT (b)(7)(C): Was there any

3 documentation of that drive down after you guys

4 completed it? Did you write something up, or notes

5 taken --

6 (b)(7)(C): No. No, we didn't. I mean,

7 I did at the time like a scrap paper kind of thing,

8 but not anything I held on to.

9 SPECIAL AGENT (b)(7)(C): Do you know if (b)(7)(C)

10 (b)(7)(C) had taken any special notes or anything after the

11 drive down?

12 (b)(7)(C): I don't think he did

13 either. I mean, he was driving.

14 SPECIAL AGENT (b)(7)(C): Oh.

15 (b)(7)(C): And I think this was

16 actually on a -- we were on the way to lunch together,

17 I think, so again it wasn't --

18 SPECIAL AGENT (b)(7)(C): How long did that

19 drive down last?

20 (b)(7)(C): I want to say a half hour,

21 45 minutes.

22 SPECIAL AGENT (b)(7)(C): Okay.

23 (b)(7)(C): I mean, we pretty much

24 drove --

25 SPECIAL AGENT (b)(7)(C): The entire --

1 (b)(7)(C): Yes, the entire site. And,
2 again, we're just trying to find to what extent are
3 the problems that we have to go and fix. And, again,
4 it wasn't anything that hey, at this time something is
5 wrong. It's like I found these things in the past.
6 And, again, those things will be found.
7 SPECIAL AGENT (b)(7)(C): And all the past
8 things could you -- were you able to go back and
9 attach that to a report or some form of documentation
10 from his previous reportings?
11 (b)(7)(C): No, because again a lot of
12 them happened when he was with New World and
13 everything. I don't even know if --
14 SPECIAL AGENT (b)(7)(C): You weren't there.
15 Okay.
16 (b)(7)(C): Yes.
17 SPECIAL AGENT (b)(7)(C): Okay. Anything else,
18 Mr. Murphy?
19 MR. MURPHY: That's it.
20 SPECIAL AGENT (b)(7)(C): Okay. A couple of
21 closing questions. Have I threatened you in any manner
22 in exchange for your testimony?
23 (b)(7)(C): No.
24 SPECIAL AGENT (b)(7)(C): Have I offered you
25 any reward in exchange for your testimony?

1 (b)(7)(C): No.

2 SPECIAL AGENT (b)(7)(C): Has it been given

3 freely and voluntarily?

4 (b)(7)(C): Yes.

5 SPECIAL AGENT (b)(7)(C): Okay. The time is

6 currently 3:47 p.m. Eastern Standard Time. This

7 interview is concluded.

8 MR. MURPHY: Perhaps you might say -- I

9 don't believe that you covered the ability at some

10 point for the witness perhaps to review a transcript

11 of what he said?

12 SPECIAL AGENT (b)(7)(C): Okay. Actually, we're

13 going to remain on the record. Mr. Murphy has

14 identified covering the witness' ability to review his

15 transcript. (b)(7)(C), we do make available the

16 opportunity to review the transcript. At the

17 conclusion of our investigative activities there will

18 be an opportunity for you to do that. You'll have an

19 opportunity to come out and proctor, it will probably

20 be multiple individuals, witnesses being able to look

21 over their transcript at one time, or there's also,

22 obviously, after-the-fact, the Freedom of Information

23 Act request. But we have obliged ourselves to make it

24 available, your transcript, upon completion of our

25 activities.

1 (b)(7)(C): Okay.

2 SPECIAL AGENT (b)(7)(C): Okay. Good to go?

3 MR. MURPHY: Yes.

4 SPECIAL AGENT (b)(7)(C): Mr. Murphy?

5 MR. MURPHY: Yes.

6 SPECIAL AGENT (b)(7)(C): You're okay?

7 MR. MURPHY: I'm fine.

8 SPECIAL AGENT (b)(7)(C): Okay. All right. The

9 time is now 3:49 p.m. The interview is concluded.

10 (INTERVIEW CONCLUDED.)

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-002

Location: (b)(7)(C)

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

(b)(7)(C)

Official Transcriber
Neal R. Gross & Co., Inc.

EXHIBIT 13

1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 ----------x

7 IN THE MATTER OF: :

8 INTERVIEW OF : OI Case No.

9 SUSAN VIRGINIA ANDREWS : 1-2012-002

10 (CLOSED) :

11 ----------x

12 Wednesday, October 26, 2011

13

14 Susan Andrew's Residence

15 (b)(7)(C)

16

17

18 The above-entitled interview was conducted

19 at 7:28 p.m. Pacific Standard Time.

20 BEFORE:

21 Special Agent (b)(7)(C)

22

23

24

25

EXHIBIT 13
PAGE 1 OF 40 PAGE(S)

OI# 2012-002

1 P-R-O-C-E-E-D-I-N-G-S

2 7:28 p.m.

3 SPEC. AGENT (b)(7)(C): Today's date is

4 Wednesday, October 26, 2011; the time is currently

5 7:28 p.m. Pacific Standard Time. For the record, this

6 is an interview of Susan Virginia Andrews, who is

7 currently employed with AWS, a subcontractor to Tetra

8 Tech, at the Hunters Point Naval Shipyard in San

9 Francisco, California. The location of this interview

10 is the residence of Ms. Andrews, at (b)(7)(C)

11 that's (b)(7)(C) separate word, (b)(7)(C)

12 (b)(7)(C). I am (b)(7)(C) a

13 special agent with the Office of Investigations, U.S.

14 Nuclear Regulatory Commission, Region I Field Office

15 in King of Prussia, Pennsylvania.

16 The content of our interview this evening

17 is to discuss allegations and claims made by former

18 RSO, Radiation Safety Officer at Hunters Point, Mr.

19 Bert Bowers, who has made claims of discrimination

20 against Tetra Tech based upon his raising safety

21 concerns, and subsequently being furloughed or

22 terminated from employment. This involves OI case

23 number 1-2012-002. Ms. Andrews, I must first inform

24 you that the NRC strictly prohibits the recording of

25 this interview by any parties other than the NRC or

its designee. Having said that, are you recording or transmitting this interview in any way?

MS. ANDREWS: No.

SPEC. AGENT (b)(7)(C): Please raise your right hand. Do you swear that the testimony you are about to provide is the truth, the whole truth, and nothing but the truth, so help you God?

MS. ANDREWS: Yes, I do.

SPEC. AGENT (b)(7)(C): Thank you. Please state your full name for the record, and spell your last name.

MS. ANDREWS: Susan Andrews, A-N-D-R-E-W-S.

SPEC. AGENT (b)(7)(C): Okay, and you are currently employed as a Senior HP, health physicist with AWS?

MS. ANDREWS: Yes.

SPEC. AGENT (b)(7)(C): How long have you been in that position?

MS. ANDREWS: I've been at Hunters Point for six years, plus a couple of months.

SPEC. AGENT (b)(7)(C): Okay, and where were you before that?

MS. ANDREWS: I worked at Neilstone (phonetic) Nuclear, HP, or no, I was a junior HP at

1 the Neilstone Nuclear Power Plant. I was at Gonay
2 (phonetic) before that--boy, you're going back some
3 time.
4 SPEC. AGENT (b)(7)(C): Okay.
5 MS. ANDREWS: So I work refueling.
6 SPEC. AGENT (b)(7)(C): Okay.
7 MS. ANDREWS: And before that, I worked
8 nine months at Oak Ridge for BNFL, and then just power
9 plants.
10 SPEC. AGENT (b)(7)(C): How much time do you
11 have in the nuclear industry all together?
12 MS. ANDREWS: Nine years plus.
13 SPEC. AGENT (b)(7)(C) And what kind of
14 training have you received and qualifications to get
15 you to the point to be a Senior HP?
16 MS. ANDREWS: I just kind of was a
17 laborer, and started in two nuclear plants, and
18 somebody said I should call Bartlett.
19 SPEC. AGENT (b)(7)(C): Okay.
20 MS. ANDREWS: And so they put me on as a
21 junior deconner, and I took the RAD test that they
22 give, and their training at Peach Bottom and--a
23 nuclear power plant there; you're probably familiar
24 with that. Okay. And from there, I just--they just
25 kept employing me until they sent me to Oak Ridge on

a junior job, and then from there on, my next two jobs at Gonay and Neilstone were Junior HP jobs, and then I was hired out here at Hunters Point Shipyard.

SPEC. AGENT (b)(7)(C): Okay. And you were hired here as a Senior?

MS. ANDREWS: No.

SPEC. AGENT (b)(7)(C): You were hired as a Junior?

MS. ANDREWS: Yes.

SPEC. AGENT (b)(7)(C): Okay, you became a Senior while you were out at--what did you have to do to transition from a Junior to a Senior? Or (inaudible 4:28)?

MS. ANDREWS: Well, they have RAD tests they give every year, and I only worked a couple of months as a Junior, and I got--I think it was only one month--and I got into the lab for New World, and I've worked in there for four years. And they were downsizing, and somebody from the lab, they needed to downsize one employee out of the lab, so they asked if anybody wanted to go to the field, and they told me what I'd be doing in the field was basically kind of what I did in the lab, paperwork and stuff, and that's what they still needed done, but they needed somebody to move out of the lab. So I said okay, I'll do it.

1 And--but at the same pay, and the lab pay was
2 identical to Senior pay.
3 SPEC. AGENT (b)(7)(C): Okay.
4 MS. ANDREWS: So, but when they moved me
5 out, they titled me a Senior. And I've been out there
6 in the field over two years now.
7 SPEC. AGENT (b)(7)(C): Okay. That's two
8 years. And you arrived here in 2006 at Hunters Point?
9 MS. ANDREWS: 2005. Yes, June 28th.
10 SPEC. AGENT (b)(7)(C): Now, when you came
11 out, it was--you came out as a New World employee,
12 correct?
13 MS. ANDREWS: Yes.
14 SPEC. AGENT (b)(7)(C): Okay.
15 MS. ANDREWS: As a Junior. No barking.
16 SPEC. AGENT (b)(7)(C): He wants to be on the
17 record.
18 MS. ANDREWS: Well we have another puppy
19 next door, and she probably senses her when I don't
20 sense.
21 SPEC. AGENT (b)(7)(C): So you came out as a
22 Junior?
23 MS. ANDREWS: Yes.
24 SPEC. AGENT (b)(7)(C): With New World; New
25 World was taking--was New World--well, from my

1 understanding of it, New World was then--

2 MS. ANDREWS: They had the license.

3 SPEC. AGENT (b)(7)(C): --they had the

4 license, and then Tetra Tech got their own license,

5 and New World, the New World employees were either

6 brought on, or they left at that point; is that

7 correct?

8 MS. ANDREWS: Yes, they were all offered

9 a job.

10 SPEC. AGENT (b)(7)(C): When did that license

11 switch happen? Last--

12 MS. ANDREWS: Last year.

13 SPEC. AGENT (b)(7)(C): --last year?

14 MS. ANDREWS: Yes.

15 SPEC. AGENT (b)(7)(C): 2010?

16 MS. ANDREWS: Yes.

17 SPEC. AGENT (b)(7)(C): Okay. Let's go--okay,

18 I got a little bit about your background. What--tell

19 me what are your responsibilities as a Senior HP?

20 MS. ANDREWS: Mine, I'm down at the site,

21 so I do incoming and outgoing surveys on all the

22 equipment or, you know, thing that comes in or leaves

23 the site. I can--I man a gate if I need to make sure

24 an RCA or RMA is controlled. I do weekly, monthly,

25 quarterly routine surveys of buildings and walk-

1 arounds, make sure nothing comes out of the
2 perimeters. I do a lot of paperwork for them, and I
3 do job coverage for outside contractors. When they
4 come in, I'll follow them around and make sure they go
5 in the RAD, that they've had their RAD orientation,
6 and assigned on an RWP and that they are all fitted
7 out and--
8 SPEC. AGENT (b)(7)(C): RWP being a
9 radiological work permit?
10 MS. ANDREWS: Yes.
11 SPEC. AGENT (b)(7)(C): Okay.
12 MS. ANDREWS: Oh, I'm sorry.
13 SPEC. AGENT (b)(7)(C): That's okay.
14 MS. ANDREWS: And get them into an area
15 and get them out of the area safely.
16 SPEC. AGENT (b)(7)(C): Okay.
17 MS. ANDREWS: You know, that they don't
18 bring any contamination out with them.
19 SPEC. AGENT (b)(7)(C): So are all employees,
20 contractors, employees, everybody, when they come on
21 site there at Hunters Point, is everybody given an
22 orientation relative to HP practices and principles
23 and is everybody notified of their responsibilities in
24 terms of how they conduct themselves in the facility,
25 in and around the facility--

1 MS. ANDREWS: Yes.

2 SPEC. AGENT (b)(7)(C): --regarding HP

3 practices?

4 MS. ANDREWS: Yes, if they're going near

5 a RAD area, oh yes, they all have to go through RAD

6 orientation.

7 SPEC. AGENT (b)(7)(C): Do they have a test,

8 is there an examination associated with it at the end,

9 the conclusion of the orientation?

10 MS. ANDREWS: I don't know.

11 SPEC. AGENT (b)(7)(C): Okay, so you just know

12 they have to take the--how long is that training?

13 MS. ANDREWS: Depends on who's giving it

14 and if they're long-winded or if they've got a busy

15 day, maybe an hour.

16 SPEC. AGENT (b)(7)(C): Okay, an hour. Is

17 that sufficient? In your opinion?

18 MS. ANDREWS: Well a lot of people were

19 re-quals, you know what I--

20 SPEC. AGENT (b)(7)(C): Re-quals?

21 MS. ANDREWS: Yes.

22 SPEC. AGENT (b)(7)(C): They've done it before

23 somewhere else?

24 MS. ANDREWS: Yes, well they've been on

25 our site before. Like--

1 SPEC. AGENT (b)(7)(C): Okay.

2 MS. ANDREWS: --like Kleinfelder's

3 (phonetic) coming in, and a lot of people have been

4 there, but they have to be refreshed.

5 SPEC. AGENT (b)(7)(C): Is Kleinfelder a

6 contractor?

7 MS. ANDREWS: Yes. Yes. So they'll all

8 come in and be refreshed on it, so. Uh-huh.

9 SPEC. AGENT (b)(7)(C): Okay. Who do you

10 report to now?

11 MS. ANDREWS: (b)(7)(C).

12 SPEC. AGENT (b)(7)(C): Okay, and what is his

13 position?

14 MS. ANDREWS: He's in charge of (b)(7)(C)

15 (b)(7)(C), and he's also the (b)(7)(C).

16 And then he fills in for (b)(7)(C) when (b)(7)(C)

17 gone, and he's the (b)(7)(C).

18 SPEC. AGENT (b)(7)(C): That's (b)(7)(C)

19 (b)(7)(C)?

20 MS. ANDREWS: Yes.

21 SPEC. AGENT (b)(7)(C): Okay.

22 MS. ANDREWS: He also (b)(7)(C)

23 (b)(7)(C) down there, too.

24 SPEC. AGENT (b)(7)(C): Okay. Power grading

25 and--

1 MS. ANDREWS: Yes, he sees that it's done
2 right. Yes, he watches that.
3 SPEC. AGENT (b)(7)(C): Okay, did anybody--
4 MS. ANDREWS: He's got a lot of hats.
5 SPEC. AGENT (b)(7)(C): --did anyone, do you
6 have any report--employees that report to you?
7 MS. ANDREWS: No.
8 SPEC. AGENT (b)(7)(C): Okay. What are the
9 policies and procedures, if there is a piece of
10 legislation so to speak, that you guys at Tetra Tech
11 are guided by? What's the bible for you, so to speak?
12 Is it--is it a Naval, is it Navy documents, is it the
13 NRC license, what is kind of the governing document
14 for you?
15 MS. ANDREWS: The NRC license.
16 SPEC. AGENT (b)(7)(C): It's the NRC license?
17 MS. ANDREWS: Yes.
18 SPEC. AGENT (b)(7)(C): Okay. Do you know
19 what that license specifies in terms of what--have you
20 ever viewed the license or looked at it from a content
21 perspective in terms of your job, and where it fits in
22 the license?
23 MS. ANDREWS: The CFR-20 you're talking
24 about?
25 SPEC. AGENT (b)(7)(C): Well, the license

itself is aligned with--I'll say that the license and the CFRs are aligned, so do you know what, from a radiation perspective, what does the license say about how you are to respond to things from an RP perspective, and an HP perspective? Does the license say that you are insure that all persons and equipment are scanned or surveyed? Is there anything in particular in that license from a documentation perspective that ties you to--what ties you to it?

MS. ANDREWS: Yes.

SPEC. AGENT (b)(7)(C): Okay. And what does it--what is your requirement by the license? Is it to insure that everything's safe, is it to--kind of give me a rundown of what--from your knowledge--

MS. ANDREWS: Yes, we're to keep the RAD contained in a safe environment so that it doesn't spread out to the community. Is that what you're--

SPEC. AGENT (b)(7)(C): Right. Well yes, I just wanted to get--and does the license tell you guys how you're supposed to do that, or is there some other policy that--company policy that says you're supposed to do it by keeping things under lock and key, by having surveys done once a day, or whatever the rules are?

MS. ANDREWS: No, that--it sets the

1 guidelines for everything, and then procedures come
2 out of those guidelines pertaining to the site.
3 SPEC. AGENT (b)(7)(C): Okay. And those
4 procedures are Tetra Tech company procedures?
5 MS. ANDREWS: Yes.
6 SPEC. AGENT (b)(7)(C): Okay. That's what I
7 wanted to know.
8 MS. ANDREWS: Okay. Okay.
9 SPEC. AGENT (b)(7)(C): That's what I was
10 getting at. I didn't mean to ask you in a too
11 convoluted manner.
12 MS. ANDREWS: No, I just didn't know. No,
13 you're fine; I just--sometimes I don't know where
14 people are coming at.
15 SPEC. AGENT (b)(7)(C): What was the safety
16 culture at Tetra Tech? What's the safety--well what
17 is the--(inaudible 13:14) what's the safety culture
18 like? Is it heavily promoted, is it encouraged, is it
19 one of those things that it's put on paper, but nobody
20 really means what they say?
21 MS. ANDREWS: Yes, you got it.
22 SPEC. AGENT (b)(7)(C): So, it's something
23 that--
24 MS. ANDREWS: Yes, we have a lot of--
25 SPEC. AGENT (b)(7)(C): --it's formally

1 required--

2 MS. ANDREWS: Yes.

3 SPEC. AGENT (b)(7)(C): --but it's not really--

4

5 MS. ANDREWS: But as soon as you're over

6 with the 7:00 meeting in the morning, where they do

7 the safety briefing, then it's push, push, push. You

8 know, don't speed, don't speed, but hurry, hurry,

9 hurry.

10 SPEC. AGENT (b)(7)(C): When you say--

11 MS. ANDREWS: You better be--

12 SPEC. AGENT (b)(7)(C): --when you say speed--

13 MS. ANDREWS: We have a speed limit. We

14 have a speed limit on site, just a little tiny thing,

15 you know.

16 SPEC. AGENT (b)(7)(C): Speed limit in terms

17 of your work or driving a car?

18 MS. ANDREWS: Driving a car. Just a speed

19 limit, like you're used to. And then it's all at once

20 hurry up up here. Hurry down here. Hurry, you know,

21 and it's like--

22 SPEC. AGENT (b)(7)(C): Why is there such a

23 push for everything?

24 MS. ANDREWS: There shouldn't be, but

25 there is. They want to get the job pushed faster and

1 faster, and sometimes people in such a hurry to
2 please, we're trying to please them so much, that we
3 hurry. They have accidents and--
4 SPEC. AGENT (b)(7)(C): Okay--
5 MS. ANDREWS: Okay, the other day. You're
6 never supposed to drive a JLG without somebody in
7 front of you guiding you.
8 SPEC. AGENT (b)(7)(C): What's a JLG?
9 MS. ANDREWS: A man lift.
10 SPEC. AGENT (b)(7)(C): Okay.
11 MS. ANDREWS: Okay, and--
12 SPEC. AGENT (b)(7)(C): Without a spotter?
13 MS. ANDREWS: Right.
14 SPEC. AGENT (b)(7)(C): Right.
15 MS. ANDREWS: And they wanted it hurriedly
16 to get to the other end of the site. So nobody was
17 available; everybody else had something else to do--
18 SPEC. AGENT (b)(7)(C): Somebody was driving
19 it with no spotter.
20 MS. ANDREWS: So they just--yes. So they
21 just drove across site without a spotter, and we're
22 like okay.
23 SPEC. AGENT (b)(7)(C): That's--that's
24 problematic. Okay. Yes, that's bad. So there's a
25 push to get things done fast; is that by the

construction--is that construction folks, is that the HP leadership--

MS. ANDREWS: That's not the HPs.

SPEC. AGENT (b)(7)(C): It's not the HPs?

MS. ANDREWS: We're all complaining about it.

SPEC. AGENT (b)(7)(C): Okay, so it's the construction people which, from a practical standpoint, many of which haven't worked in the nuclear industry, they're construction people; they're not--

MS. ANDREWS: Right, yes.

SPEC. AGENT (b)(7)(C): --they're not nuclear folks or industry personnel, so they just see getting a ditch dug as quick as possible, and moving on, or whatever the construction project is? Okay.

MS. ANDREWS: Now you'll have the younger, the younger HPs are in there, that this is the only place maybe they've ever worked.

SPEC. AGENT (b)(7)(C): So they don't know any better?

MS. ANDREWS: Right, this is the only culture they know, so they're in a hurry mode of hurry and scan, hurry get out, you know, hurry, hurry, you know, it's lunchtime, let's go.

1 SPEC. AGENT (b)(7)(C): Okay.

2 MS. ANDREWS: Just like the other day, I
3 was sitting and watching them work down a thing, and
4 was waiting on something, and I had to stop and pull
5 off the side of the road, and here comes (b)(7)(C)
6 (b)(7)(C) out of his area, and the tech is--the tech
7 never even frisked him out, because you just don't do
8 that to (b)(7)(C) because he's just coming along, and
9 you don't need to frisk him. Okay, so the radiation
10 he didn't (inaudible 16:13), and that just was a
11 previously contaminated area. But now the kid frisked
12 everybody else out, the other--the laborers that come
13 along later, and I sat there for a good while. You
14 know, they all stopped, but (b)(7)(C) was talking, and he
15 just kept on walking out. And the guy intimidates
16 people that you're not going to say hey, you know,
17 come back here until I frisk you. You just not--
18 you're just beat up by him, that's all.

19 SPEC. AGENT (b)(7)(C): And he was coming out
20 of a contaminated area?

21 MS. ANDREWS: An RCA/RMA that--they had
22 just knocked a hood down; he was working too fast or
23 something, you probably can figure it out. I was in
24 the office, I just heard the radio transmissions, and
25 a hood that comes out of that glass building I pointed

1 at down there, and a lot of stuff come out, and it
2 was--they got it all supposedly cleaned up. But that
3 had just happened, and right along there, they're
4 digging up that asphalt, and underneath that asphalt,
5 according to the history of the site, it's pretty well
6 polluted with whatever they put out there, so it's got
7 to be taken up easy. So all they were doing was
8 digging up the asphalt, and for some reason, they tore
9 down, knocked down this hood. And so that whole area,
10 it flies, you know, it doesn't just like land right
11 where it's supposed to. So you know, you've got to be
12 careful coming out of there.
13 SPEC. AGENT (b)(7)(C): And he--and at that
14 point, (b)(7)(C) was not frisked; he didn't scan,
15 he--nothing?
16 MS. ANDREWS: No. No. It was--
17 SPEC. AGENT (b)(7)(C): No, he didn't--no hand
18 and foot device?
19 MS. ANDREWS: No. No.
20 SPEC. AGENT (b)(7)(C): Nothing?
21 MS. ANDREWS: Huh-uh.
22 SPEC. AGENT (b)(7)(C): So he could have been
23 hot for all intents and purposes when he left--
24 MS. ANDREWS: Yes. He could have tracked
25 it right out onto the--I mean, that's the idea of

1 having RAD control there.

2 SPEC. AGENT (b)(7)(C): Right. Who was the

3 RAD tech?

4 MS. ANDREWS: (b)(7)(C) And I think

5 he's a (b)(7)(C) or he came in as a (inaudible 18:14),

6 well I don't know what people get paid, you know, but

7 they tell us when they're promoted; it's none of your

8 business, you know. But he came in as a (inaudible

9 18:22).

10 SPEC. AGENT (b)(7)(C): (Inaudible 18:23)?

11 MS. ANDREWS: It's, they get on the back

12 of a, like a lawnmover thing, you know, riding

13 lawnmower, and they have the detectors all down and

14 they come across the ground, and they drive a little

15 pack on a pad, and the 2350, you know, scan that whole

16 area. So that's why he came in, to run one of those,

17 but now he's working a gate, and he might be a (b)(7)(C)

18 I don't know what he is. He might be a (b)(7)(C) for all

19 I know. I don't know what they--how or when people--

20 SPEC. AGENT (b)(7)(C): And you said you heard

21 all this over radio traffic?

22 MS. ANDREWS: No, I sat there and watched

23 that.

24 SPEC. AGENT (b)(7)(C): Oh, you watched it?

25 MS. ANDREWS: I watched (b)(7)(C) walk out.

1 I couldn't believe it.

2 SPEC. AGENT (b)(7)(C): And what day was this?

3 MS. ANDREWS: Well, let me look. Last

4 week.

5 SPEC. AGENT (b)(7)(C): As best you can

6 remember.

7 MS. ANDREWS: Last week; it wasn't this

8 week, it was this last week. I mean as long as I sat

9 there for waiting on--

10 SPEC. AGENT (b)(7)(C): Day, was this during

11 day shift?

12 MS. ANDREWS: Yes. Oh yes.

13 SPEC. AGENT (b)(7)(C): Okay. Okay. I'll

14 move on. I just needed to get all those details,

15 because I have to take this information back with me.

16 Okay. Did Tetra Tech provide training to employees on

17 how to report safety concerns, safety related issues?

18 Was there a training wherein they had someone say hey,

19 if you want to report a safety issue, you're not

20 comfortable with something, you can write a condition

21 report; you can annotate it in the database; you can

22 call this person; you can leave an anonymous note in

23 a box; whatever the mechanisms were, were you all

24 trained on how to report safety issues?

25 MS. ANDREWS: I don't know if you call it

1 trained; I know in the morning meeting, they bring it
2 up that if we have any issues, there's an 800 number
3 you can call.
4 SPEC. AGENT (b)(7)(C): So there's a platform?
5 MS. ANDREWS: Yes.
6 SPEC. AGENT (b)(7)(C): And they put it out
7 there?
8 MS. ANDREWS: Yes, and then the other day
9 a while back, (b)(7)(C) comes out to a meeting;
10 somebody made that 800 phone call, and he came out and
11 said "I'd appreciate it if you come talk to me first,
12 and here's my cards." And he handed out his card,
13 told everybody to call him instead of calling the 800
14 number. Well, I tell you what, I got a feeling it was
15 the laborers, because I kind of heard some
16 scuttlebutt, but these people have been trying to
17 talk. They won't listen, so you've got to take it up
18 a notch.
19 SPEC. AGENT (b)(7)(C): Okay.
20 MS. ANDREWS: Would you like a thing of
21 water?
22 SPEC. AGENT (b)(7)(C): No, I'm fine. Thank
23 you. Okay. Are you aware of Bert Bowers, former RSO,
24 raising safety concerns to management?
25 MS. ANDREWS: Yes, whenever there was a

concern he, you know, because I'd go to him--

SPEC. AGENT (b)(7)(C): Were they safety-related?

MS. ANDREWS: Safety?

SPEC. AGENT (b)(7)(C): Right. Were they nuclear safety issues or were they general complaints about just things that may not have had a safety significance?

MS. ANDREWS: No, Bert--

SPEC. AGENT (b)(7)(C): They were safety issues?

MS. ANDREWS: Bert--yes.

SPEC. AGENT (b)(7)(C): Okay. And did you witness him go to management? Did you ever witness him go to (b)(7)(C) or anyone in the leadership regarding his safety issues?

MS. ANDREWS: I never saw him go to him, but I know that if I had a concern about something, Bert would figure it out and come back, and it was pretty well resolved.

SPEC. AGENT (b)(7)(C): Did you ever see any condition reports written by Bert on certain safety related issues, or issues that you felt were safety-related issues? Did you have access or opportunity to view any CRs? Do you guys write condition reports

1 here? Discrepancy reports? Maybe you call them--

2 MS. ANDREWS: No, I don't--no I wouldn't

3 see something written against somebody like that.

4 SPEC. AGENT (b)(7)(C): Right. Well, if it's

5 a general, not necessarily pointing any one person out

6 or throwing anyone under the bus, but a safety concern

7 that, you know, was very--

8 MS. ANDREWS: Like lessons learned?

9 SPEC. AGENT (b)(7)(C): Okay, is that what you

10 guys call it here? Lessons learned?

11 MS. ANDREWS: I would call it that.

12 SPEC. AGENT (b)(7)(C): Is that a database

13 that everybody has access to?

14 MS. ANDREWS: No, but when we would have

15 our yearly training with Bert, Bert would bring up

16 issues of past things--

17 SPEC. AGENT (b)(7)(C): That came up.

18 MS. ANDREWS: --yes, and he'd go like we

19 don't do it that way, everybody understands, you know.

20 And he had the platform to speak, Bert did.

21 SPEC. AGENT (b)(7)(C): Did he ever tell you

22 directly that he reported safety concerns to

23 management? Did he come to you and say hey, you know,

24 I reported this or this, and it's being received in

25 whatever type of way?

1 MS. ANDREWS: If I had a concern, I took
2 it to him, and he had to go to somebody higher up, he
3 would tell me he did, yes.
4 SPEC. AGENT (b)(7)(C): And did he ever tell
5 you that he took his own concerns to management on
6 whatever the issue was?
7 MS. ANDREWS: We were having a real rough
8 time with posting out there, and the guys not posting
9 after they were locking their gates up, and him and I
10 were just running all over trying to post this place
11 back up before we left at night for a period of time.
12 And I was kind of getting a little weary of it, and he
13 was definitely weary of it, and so he--yes, he brought
14 it up to management; he came out to the 7:00 meeting
15 and tried to talk, please post your areas, you know,
16 we can't have this; if somebody walks on site, you
17 know, we're in violation, and--
18 SPEC. AGENT (b)(7)(C): Is that how--there
19 were issues that it was going on pretty regularly, and
20 they were leaving doors unlocked, generators out--
21 MS. ANDREWS: Yes.
22 SPEC. AGENT (b)(7)(C): --without putting
23 equipment up--
24 MS. ANDREWS: Yes.
25 SPEC. AGENT (b)(7)(C): Okay.

1 MS. ANDREWS: Yes.

2 SPEC. AGENT (b)(7)(C): Okay.

3 MS. ANDREWS: Oh yes. And I even went to

4 the techs, trying to be polite and say hey, on my way

5 out, you know, I stopped, fixed your gate, locked your

6 gate, whatever--you know, re-posted your gate; please

7 do this, you know, don't--and this--I hate to keep

8 bringing the poor kid's name up, but it was basically

9 (b)(7)(C) area. (b)(7)(C) area is--you

10 have to watch that--him.

11 SPEC. AGENT (b)(7)(C): Okay.

12 MS. ANDREWS: I just had to fix a posting

13 a couple of weeks ago. I was like dumbfounded; I said

14 how did this all get messed up? And--

15 SPEC. AGENT (b)(7)(C): Do you know who in

16 particular that Bert took his issues to? Did he go to

17 the same person all the time? Who did he address his

18 concerns with?

19 MS. ANDREWS: Well, he would have taken it

20 up to (b)(7)(C) once (b)(7)(C) was there. When Bert

21 was with New World, he would have taken it up the line

22 through New World.

23 SPEC. AGENT (b)(7)(C): So he never took it to

24 (b)(7)(C)?

25 MS. ANDREWS: See, he was just kind of--

1 SPEC. AGENT (b)(7)(C): He never took it--

2 MS. ANDREWS: Yes, he'd go over and talk

3 to (b)(7)(C).

4 SPEC. AGENT (b)(7)(C): Okay.

5 MS. ANDREWS: You know, I thought they got

6 along pretty good.

7 SPEC. AGENT (b)(7)(C): Okay. Did anyone from

8 management ever discuss with you the fact that Bert

9 raised safety issues?

10 MS. ANDREWS: No.

11 SPEC. AGENT (b)(7)(C): Okay. Do you believe

12 that Bert was retaliated against for raising safety

13 issues?

14 MS. ANDREWS: Yes.

15 SPEC. AGENT (b)(7)(C): Okay, now why do you

16 think that?

17 MS. ANDREWS: Well, we couldn't keep that

18 end of the area posted correctly, and all at once,

19 this was when they were going--and they would just--

20 all at once, we'd be like why did you take those

21 postings down? The laborers would go they were told

22 to take the postings down. And when we told--why did

23 we survey it out? When was this released? You know,

24 so right there in that period of time was a real bad

25 time that things were getting moved around--(inaudible

26:41) site, we're supposed to de-post that and keep track of the RCA/RMAs. That's my job and (b)(7)(C) job to keep track of all this. They were moving fences, doing everything; we're going like what's going on here? And we go to Bert and say what's going on, or (b)(7)(C) and what's going on, and okay, just make the maps like they've moved it. It's okay, it's okay. Well, did somebody survey it out? I don't know those answers; I was just told to do my job. And so--but it was pretty bad out in that Parcel E area.

SPEC. AGENT (b)(7)(C): So this is all going on in Parcel E, is the--

MS. ANDREWS: Yes.

SPEC. AGENT (b)(7)(C): --the primary area of concern?

MS. ANDREWS: Yes, and now it's C, because that's where (b)(7)(C) working now.

SPEC. AGENT (b)(7)(C): It was Parcel E, and now it's C. Okay.

MS. ANDREWS: See, you have kind of two RAD supervisors out there in charge of the working stuff like that.

SPEC. AGENT (b)(7)(C): And who's that?

MS. ANDREWS: (b)(7)(C) and (b)(7)(C) (b)(7)(C).

1 SPEC. AGENT (b)(7)(C): Those are the two RAD?

2 MS. ANDREWS: Yes, yes. And (b)(7)(C)

3 (b)(7)(C) group is totally different--

4 SPEC. AGENT (b)(7)(C): Is it (b)(7)(C) or (b)(7)(C)?

5 MS. ANDREWS: (b)(7)(C) I

6 think.

7 SPEC. AGENT (b)(7)(C): (b)(7)(C)?

8 MS. ANDREWS: Uh-huh. And his group move

9 right along, and he doesn't push them, he just works

10 them; he doesn't intimidate them, he talks to them

11 politely, and when you come up around their area, you

12 know daggone well it's all going to be posted right;

13 you're not going to have any issues; you're not going

14 to see people not--you're not going to see anybody

15 come out of an area that hasn't been frisked and

16 looked over and everything else upside down. You just

17 aren't going to see that when you see his group

18 working. But (b)(7)(C) group is--he's forward, he's

19 loud, he's push, push, push, do, do, do; and these

20 people are just like--and--

21 SPEC. AGENT (b)(7)(C): How many people work

22 for him?

23 MS. ANDREWS: RAD wise, he usually only

24 has maybe three RAD techs under him, but he watches

25 over the laborers, too. So he stands there and kind

1 of directs the whole show. And (b)(7)(C) does too,
2 but he directs it, and everybody works calmly, safely;
3 I mean extremely organized. It's just night and day.
4 SPEC. AGENT (b)(7)(C): Okay. Do you know if
5 Bert took his concerns to any other entities outside
6 of Tetra Tech before everything went down, or before
7 things got bad, do you know if he went to the Navy or
8 if he went to anyone else to report--
9 MS. ANDREWS: Before he got asked to
10 leave?
11 SPEC. AGENT (b)(7)(C): Yes, before--
12 MS. ANDREWS: No, I would say that Bert
13 only talked to (b)(7)(C) his upline--
14 SPEC. AGENT (b)(7)(C): Okay.
15 MS. ANDREWS: If he had a problem. I was
16 floored, they told me he was sick. I thought he was
17 sick for a couple of days.
18 SPEC. AGENT (b)(7)(C): Do you know what
19 management said was the reason for getting rid of him?
20 MS. ANDREWS: They never said. I was told
21 by (b)(7)(C) that he thought he was sick.
22 SPEC. AGENT (b)(7)(C): Okay.
23 MS. ANDREWS: He said "So you just answer
24 to me now, and send your reports to me; just send them
25 to me." And I thought okay, wow, what's wrong with

1 Bert?

2 SPEC. AGENT (b)(7)(C): Now, when you worked

3 for Bert, did you know him to be very safety-

4 conscious?

5 MS. ANDREWS: Oh yes.

6 SPEC. AGENT (b)(7)(C): And detail-oriented

7 relative to the rules and the procedures?

8 MS. ANDREWS: Oh yes.

9 SPEC. AGENT (b)(7)(C): Did he take it pretty

10 seriously that his name on the license, the NRC

11 license--

12 MS. ANDREWS: Oh yes.

13 SPEC. AGENT (b)(7)(C): --as the RSO? Was

14 that a big thing to him?

15 MS. ANDREWS: That was--yes. That's very

16 important.

17 SPEC. AGENT (b)(7)(C): Did you ever overhear

18 any conversation by anyone in management at Tetra Tech

19 telling Bert that they would just take his name off

20 the license, and--

21 MS. ANDREWS: No, I never overheard that.

22 SPEC. AGENT (b)(7)(C): Okay. Were you ever

23 interviewed by anyone at Tetra Tech regarding Bert's

24 issues that he may have raised, and then his

25 subsequent termination? Did they ever do an internal

1 investigation and ask employees--

2 MS. ANDREWS: No. They don't talk to me

3 about Bert. The only thing that was ever said to me

4 about Bert, (b)(7)(C) came up to me a couple of

5 days after, you know, we obviously knew he wasn't

6 there, because they were shredding his stuff, and I

7 was--tears in my eyes--but (b)(7)(C) looked at me, I

8 was at the printer or copier and he says "You okay?"

9 And I said "Yes, I'll be okay." And he says "Do you

10 think you can work for (b)(7)(C)?" And I went like

11 I'll give it my best shot. And that's as much as I

12 knew of anything like that. That's all the more words

13 that (b)(7)(C) had.

14 SPEC. AGENT (b)(7)(C): You said they were

15 shredding his things out of his office?

16 MS. ANDREWS: Yes.

17 SPEC. AGENT (b)(7)(C): Out of Bert's office?

18 MS. ANDREWS: Yes. (b)(7)(C) was just

19 sitting there shredding stuff. I walked in, I went

20 like whoa. She's just shredding, I went like well,

21 okey doke. They broke into his cabinets and

22 everything. He had depleted sources in there that he

23 that he used for like training purposes and stuff that

24 was given to him. I did a survey on them all the

25 time, but--

1 SPEC. AGENT (b)(7)(C): On the depleted
2 sources--
3 MS. ANDREWS: Yes, just--
4 SPEC. AGENT (b)(7)(C): --that he used for
5 training?
6 MS. ANDREWS: Yes, just--
7 SPEC. AGENT (b)(7)(C): Was that the button
8 and--was one a button, and--
9 MS. ANDREWS: And there was some like
10 orange Fiestaware.
11 SPEC. AGENT (b)(7)(C): Fiestaware?
12 MS. ANDREWS: Yes, just, it was all in a
13 little suitcase, like attache case type thing, in his
14 cupboard there. And you know, I'd always make sure it
15 was right there, and it was--
16 SPEC. AGENT (b)(7)(C): So those things had
17 been surveyed and were clean; they were okay?
18 MS. ANDREWS: Yes. And they had that
19 cupboard open; they broke the locks, they didn't even
20 ask him for his keys so they could just open something
21 up. They--and he still was on the license. He--
22 SPEC. AGENT (b)(7)(C): Right.
23 MS. ANDREWS: --he was still like supposed
24 to be there, and they're breaking into his stuff, and
25 then shredding files. What files they were shredding,

1 I don't know, but they were just shredding. For days
2 they were shredding.
3 SPEC. AGENT (b)(7)(C): Are you aware of any
4 other employees who were potentially retaliated
5 against for raising safety-related issues?
6 MS. ANDREWS: Yes.
7 SPEC. AGENT (b)(7)(C): Who else?
8 MS. ANDREWS: (b)(7)(C). Holy
9 tamole, you don't think every ain't scared about
10 saying something now, they just let him--told him go.
11 I mean--
12 SPEC. AGENT (b)(7)(C): Do you know what
13 happened in particular? Do you have any more--a
14 direct knowledge of what happened with (b)(7)(C)?
15 MS. ANDREWS: (b)(7)(C) and I were pretty (b)(7)(C)
16 (b)(7)(C) He didn't have much respect for (b)(7)(C),
17 and you know, at that particular time, you know,
18 Bert's in charge, and he has supervisors that are to
19 be doing what he tells them to do. And (b)(7)(C) was going
20 out having laborers, untrained people, go out and do
21 our sampling in the field, and no Senior around, no
22 supervision around, they'd just--she'd give them a
23 list and say go collect this many samples, whatever,
24 and (b)(7)(C) couldn't stand it any longer. You know, there
25 she goes again, sending the laborers out, and there's

1 no Senior overseeing them; they're not even Juniors,
2 they're not nothing; they're laborers. And--
3 SPEC. AGENT (b)(7)(C): Right.
4 MS. ANDREWS: --so he was trying to tell
5 supervisors there she goes again, and he called her
6 kind of a name, and then he was frustrated, because
7 there's nothing you can do about this lady.
8 SPEC. AGENT (b)(7)(C): So he did call her the
9 name?
10 MS. ANDREWS: Well, I didn't hear it, but
11 they say he did.
12 SPEC. AGENT (b)(7)(C): Okay. I know what
13 that is, you don't have to repeat it.
14 MS. ANDREWS: Well, sometimes in the
15 dictionary, she might fall under that name.
16 SPEC. AGENT (b)(7)(C): Yes, that's certainly
17 outside of what I know--
18 MS. ANDREWS: Yes, but she's getting paid
19 a Senior wage, (inaudible 35:17) a Senior job, and all
20 she did was go out and tell laborers to go out and
21 sample--
22 SPEC. AGENT (b)(7)(C): Right, she wasn't
23 doing them herself?
24 MS. ANDREWS: She wasn't even overseeing
25 them. She left. She'd meet them at the gate and tell

them to go do their job, and off.

SPEC. AGENT (b)(7)(C): But laborers shouldn't be doing samples anyway.

MS. ANDREWS: No. No, that's not in our procedure at all.

SPEC. AGENT (b)(7)(C): So there's another procedural issue and nuance with laborers doing surveys.

MS. ANDREWS: Thanks to (b)(7)(C).

SPEC. AGENT (b)(7)(C): Policy calls--your procedures call for you to have RP-trained personnel conducting all surveys; correct?

MS. ANDREWS: Yes, that's correct.

SPEC. AGENT (b)(7)(C): Okay. Did you ever raise any safety issues?

MS. ANDREWS: Yes. To Bert; I always went to Bert.

SPEC. AGENT (b)(7)(C): You always went to Bert, and he'd pass them up the--he came back with an answer for you one way or the other?

MS. ANDREWS: Yes, yes, he always resolved my little issues.

SPEC. AGENT (b)(7)(C): Okay.

MS. ANDREWS: Except the (b)(7)(C) one. We can't seem to get around that girl.

1 SPEC. AGENT (b)(7)(C): Right. And how long
2 had you worked for Bert?
3 MS. ANDREWS: Ever since I got out here.
4 Six, seven years.
5 SPEC. AGENT (b)(7)(C): Six years ago?
6 MS. ANDREWS: Yes, he was New World RSO;
7 he had so many hats on then. He was project manager
8 and back and forth and, but--
9 SPEC. AGENT (b)(7)(C): And he had a pretty
10 good reputation?
11 MS. ANDREWS: Oh yes.
12 SPEC. AGENT (b)(7)(C): He was pretty
13 credible?
14 MS. ANDREWS: Yes.
15 SPEC. AGENT (b)(7)(C): Okay.
16 MS. ANDREWS: I mean if you--you might
17 talk to some people that will dispute that, but if you
18 dig deep enough into them, you'll kind of figure out
19 that they were doing poor RAD practices.
20 SPEC. AGENT (b)(7)(C): Right.
21 MS. ANDREWS: You know what I mean? And
22 they wanted to do it their way, and it wasn't the
23 procedural way.
24 SPEC. AGENT (b)(7)(C): What's the benefit of-
25 -why were, or why have all these corners been cut?

1 What's the significance? What's the benefit to Tetra
2 Tech for cutting it, to cut those corners?
3 MS. ANDREWS: Well I think they're on a
4 fixed contract now, you know, money's fixed. So it's
5 the push to get it done, and--
6 SPEC. AGENT (b)(7)(C): So you can move on to
7 the next thing?
8 MS. ANDREWS: Yes.
9 SPEC. AGENT (b)(7)(C): You're not billing
10 hourly anymore, you're flat rate essentially?
11 MS. ANDREWS: Right. Yes.
12 SPEC. AGENT (b)(7)(C): Okay. If you could
13 bill it hourly, you could take your time; now it's a
14 thing where they want to get in, get it done, so they
15 can go to what's next?
16 MS. ANDREWS: Right. Yes. That's the
17 only way they're going to make money.
18 SPEC. AGENT (b)(7)(C): Okay. Okay. I have
19 a couple of closing questions for you. Have I
20 threatened you in any manner in exchange for your
21 testimony?
22 MS. ANDREWS: Oh no.
23 SPEC. AGENT (b)(7)(C): Have I offered you any
24 reward in exchange for your testimony?
25 MS. ANDREWS: No.

1 SPEC. AGENT (b)(7)(C): Has it been given
2 freely and voluntarily?
3 MS. ANDREWS: Yes, it has.
4 SPEC. AGENT (b)(7)(C): Is there anything else
5 you'd like to add to the record at this time?
6 MS. ANDREWS: Should I?
7 SPEC. AGENT (b)(7)(C): Well, that's certainly
8 up to you, if there was anything that we have not
9 talked about or have not captured.
10 MS. ANDREWS: Well on this little
11 recorder, we didn't record how (b)(7)(C) intimidated me
12 when I first got there. Should that be on there?
13 SPEC. AGENT (b)(7)(C): You certainly--yes.
14 You talked about--
15 MS. ANDREWS: When I first got here, I was
16 only here a couple, maybe a week, and I was in
17 (b)(7)(C) group at metal debris brief, in BR, and he
18 pulled me aside with a witness, and said--
19 SPEC. AGENT (b)(7)(C): Who was the witness?
20 MS. ANDREWS: You know, man, I can't
21 remember that gentleman's name, but he got tired of
22 it, and he (b)(7)(C) and went to a (b)(7)(C)
23 (b)(7)(C), whatever.
24 SPEC. AGENT (b)(7)(C) (b)(7)(C).
25 MS. ANDREWS: Point, yes. What was his

1 name? (b)(7)(C) would know; I don't remember.

2 SPEC. AGENT (b)(7)(C): Okay, that's fine.

3 MS. ANDREWS: Didn't know him that well

4 for that long, because I went into the lab.

5 SPEC. AGENT (b)(7)(C): Right.

6 MS. ANDREWS: And then he left, because he

7 couldn't put up with it any longer, (b)(7)(C) on him.

8 But anyhow, (b)(7)(C) pulled me over to the side, told me

9 if I had a problem with cuss words, which he shared a

10 few of them with me, that he--how he spoke, and how he

11 was, if I had a problem with that, then I needed to

12 leave his group, you know. And--but he told me then

13 that I was just put in his group, nobody else wanted

14 me, and so I would lose my job. If I couldn't work

15 for him, I couldn't work at Hunters Point Shipyard.

16 So I said okay. And then I tried to figure out how to

17 get away from him. And I started doing the porta-

18 monitor, they started a porta-monitor up there, and so

19 (b)(7)(C) (phonetic) let me do that, and then (b)(7)(C)

20 (b)(7)(C) decided he'd like to have my skills into the lab.

21 So I bumped right into the lab, and I stayed there

22 protected by them.

23 SPEC. AGENT (b)(7)(C): So you--that's how

24 you've been able to get away from him?

25 MS. ANDREWS: Yes, that's how I got away

1 from (b)(7)(C).

2 SPEC. AGENT (b)(7)(C): And you're--just for

3 clarification, are you reporting to him now?

4 MS. ANDREWS: No.

5 SPEC. AGENT (b)(7)(C): No? Okay. Got you.

6 MS. ANDREWS: The only time I come

7 remotely close to having to report to him is if (b)(7)(C)

8 (b)(7)(C) and (b)(7)(C) are both off the same day.

9 SPEC. AGENT (b)(7)(C): Okay.

10 MS. ANDREWS: And then we walk rice paper,

11 you know.

12 SPEC. AGENT (b)(7)(C): Okay.

13 MS. ANDREWS: I really try to get along

14 with him; he just, you know. So I just--he lays low;

15 I lay low.

16 SPEC. AGENT (b)(7)(C): Okay.

17 [End of tape]

18

19

20

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22

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of Susan Andrews

Docket Number: 1-2012-002

Location: San Francisco, California

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

(b)(7)(C)

Official Transcriber
Neal R. Gross & Co., Inc.

EXHIBIT 14

1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 ----------x

7 IN THE MATTER OF: :

8 INTERVIEW OF : OI Case No.

9 (b)(7)(C) : 1-2012-002

10 (CLOSED) :

11 ----------x

12 Thursday, February 9, 2012

13

14 State of California Office Building

15 455 Golden Gate Avenue

16 San Francisco, California 94102

17

18 The above-entitled interview was conducted

19 at 11:12 a.m.

20

21 BEFORE:

22 Special Agent (b)(7)(C)

23

24

25

EXHIBIT 14
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12012002

1 APPEARANCES:

2 On behalf of the Interviewee, Tetra Tech,

3 and other individuals involved in the investigation:

4 TIMOTHY J. MURPHY, ESQ.

5 Managing Partner

6 of: Fisher & Phillips, LLP

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8 Suite 2340

9 San Francisco, CA 94111-3712

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1 P R O C E E D I N G S

2 11:12 a.m.

3 SPECIAL AGENT (b)(7)(C): Today's date is

4 Thursday, February 9, 2012. Time is currently 11:12

5 a.m. Pacific Standard Time.

6 For the record, this is an interview of

7 (b)(7)(C) who is employed with Tetra Tech EC,

8 Inc. at the Hunters Point Naval Shipyard in San

9 Francisco, California.

10 The location of this interview is the

11 State of California Office Building, the 10th Floor,

12 Department of Labor at 455 Golden Gate Avenue, San

13 Francisco, California 94102.

14 I am (b)(7)(C), a special agent with

15 the NRC Office of Investigations, Region I Field

16 Office in King of Prussia, Pennsylvania.

17 Also present is Mr. Tim Murphy, Esquire,

18 who is legal counsel today for (b)(7)(C) here this

19 morning.

20 We are here to discuss issues pertaining

21 to NRC OI Case No. 1-2012-002. And that is in regard

22 to former radiation safety officer representative

23 Elbert, he goes by the name Bert, Bowers who was

24 previously employed at Hunters Point with Tetra Tech

25 and was subsequently transferred and/or subject to

1 some form of adverse action and has made claims of
2 discrimination based upon his raising safety-related
3 concerns. That will be the balance of our discussion
4 here this morning.
5 I want to first advise you that the NRC
6 strictly prohibits the recording or transmitting of
7 this interview by any parties other than the NRC or
8 its designee. Having said that, are you recording or
9 transmitting this in any way?
10 (b)(7)(C): No, sir.
11 SPECIAL AGENT (b)(7)(C): Are you, Mr. Murphy?
12 MR. MURPHY: I am not.
13 SPECIAL AGENT (b)(7)(C): Secondarily, the NRC
14 wants to make it known that under 18 U.S.C. 1001 which
15 is essentially known as the false statement provision
16 that it is relevant and germane to our level of
17 dialogue here today. That is to say if you knowingly
18 and willfully make any false, fictitious, or
19 fraudulent statements or representations and provide
20 false information you could be subject to prosecution
21 under Title 18 United States Code Section 1001 which
22 is a felony punishable by a sentence of up to five
23 years in confinement and a $250,000 fine. That is not
24 a threat. That is just to say that I'm a federal
25 agent and if you tell me something and I find out it's

1 not true, we're going to have a problem.

2 (b)(7)(C): Understood. We won't have any

3 problems.

4 SPECIAL AGENT (b)(7)(C): Please raise your

5 right hand. Do you swear that the testimony you're

6 about to provide is the truth, the whole truth, and

7 nothing but the truth so help you God?

8 (b)(7)(C): Yes, sir. I do.

9 SPECIAL AGENT (b)(7)(C) Please state your

10 full name for the record and spell your last name?

11 (b)(7)(C) Last name

12 is spelled (b)(7)(C)

13 SPECIAL AGENT (b)(7)(C): Is Attorney Murphy

14 representing you personally for the purpose of today's

15 interview?

16 (b)(7)(C) Yes, he is.

17 SPECIAL AGENT (b)(7)(C) Does your employer

18 require you to have an attorney present when you are

19 interviewed by the NRC OI?

20 (b)(7)(C) No, sir.

21 SPECIAL AGENT (b)(7)(C) Were you threatened

22 in any way with adverse action if you did not elect to

23 have corporate counsel here today?

24 (b)(7)(C) No, sir.

25 SPECIAL AGENT (b)(7)(C) Did either corporate

1 counsel or a company representative instruct or
2 suggest to you how you should respond to the line of
3 questions presented by OI this morning?
4 (b)(7)(C): No, sir.
5 SPECIAL AGENT (b)(7)(C): Will Mr. Murphy's
6 presence hinder your testimony in any way?
7 (b)(7)(C) No, sir.
8 SPECIAL AGENT (b)(7)(C): Do you understand
9 that you have a right to a private interview with me
10 at a time of your convenience?
11 (b)(7)(C): Yes, sir. I do.
12 SPECIAL AGENT (b)(7)(C): Thank you. Mr.
13 Murphy, could you please introduce yourself for the
14 record?
15 MR. MURPHY: My name is Timothy J. Murphy.
16 I'm a partner in the law of Fisher & Phillips located
17 here in San Francisco, California and we are counsel
18 for Tetra Tech EC, Inc. in the NRC matter which you
19 have previously identified.
20 SPECIAL AGENT (b)(7)(C): And are you acting
21 as a personal representative for (b)(7)(C) for today's
22 interview?
23 MR. MURPHY: I am.
24 SPECIAL AGENT (b)(7)(C): Should you determine
25 that there's any conflict of interest as you are also

1 counsel to Tetra Tech what would be your course of
2 action?
3 MR. MURPHY: The course of action that I
4 would follow would be to follow the rules of
5 professional conduct of lawyers that practice in the
6 State of California. And generally, that is that when
7 there is a conflict of interest that arises between
8 two people that you represent, you identify the
9 conflict of interest to the individuals and under
10 certain circumstances after you fully explain that
11 conflict to them they can waive that conflict in
12 writing and you can continue to represent both and
13 that would fall within the rules of professional
14 conduct.
15 SPECIAL AGENT (b)(7)(C): Thank you. (b)(7)(C)
16 (b)(7)(C) in what capacity are you employed with Tetra
17 Tech?
18 (b)(7)(C) I'm a (b)(7)(C)
19 of record.
20 SPECIAL AGENT (b)(7)(C): How long have you
21 been in your current position?
22 (b)(7)(C) Almost (b)(7)(C) I'd say (b)(7)(C)
23 (b)(7)(C)
24 SPECIAL AGENT (b)(7)(C): How long have you
25 been employed with Tetra Tech?

1 (b)(7)(C) (b)(7)(C).

2 SPECIAL AGENT (b)(7)(C): What was your

3 previous assignment at Tetra Tech prior to this?

4 (b)(7)(C): I was a (b)(7)(C)

5 SPECIAL AGENT (b)(7)(C): Prior to Tetra Tech

6 where were you employed?

7 (b)(7)(C): Radiologically? My last job

8 was in (b)(7)(C) working

9 for (b)(7)(C)

10 SPECIAL AGENT (b)(7)(C) So before -- after

11 that position and before Tetra Tech you did something

12 non-radiation?

13 (b)(7)(C): Non-rad, yes. I had a

14 (b)(7)(C)

15 into that.

16 SPECIAL AGENT (b)(7)(C): And when you were at

17 the site in (b)(7)(C) in

18 what position, what kind of capacity were you in?

19 (b)(7)(C): (b)(7)(C)

20 (b)(7)(C)

21 SPECIAL AGENT (b)(7)(C): What is your

22 professional background consisting of? What have you

23 typically done? Have you been in radiation most of

24 your professional career, construction? What has it

25 been?

1 (b)(7)(C): I started off in staffing. I
2 did so well in that I got to go and (b)(7)(C) in
3 (b)(7)(C) During that time I was looking
4 for (b)(7)(C) I found a large DOE presence out
5 there, starting staffing radiation protection
6 technologists. Saw that they made great money, more
7 than I was making. So I made a jump. From that
8 point, I started off in the (b)(7)(C)
9 in (b)(7)(C) which was (b)(7)(C)
10 (b)(7)(C) That was a (b)(7)(C) (phonetic) job doing
11 source recovery and from there I went back to
12 (b)(7)(C) Did a (b)(7)(C) for (b)(7)(C) and
13 was on the road jumping job to job to job, (b)(7)(C)
14 (b)(7)(C) all over.
15 SPECIAL AGENT (b)(7)(C): So your experience
16 in the nuclear industry dates back about how long?
17 (b)(7)(C): I would say (b)(7)(C) to present,
18 so (b)(7)(C)
19 SPECIAL AGENT (b)(7)(C): What are your duties
20 and responsibilities in your current role?
21 (b)(7)(C): I am the (b)(7)(C)
22 (b)(7)(C) under (b)(7)(C) who is the (b)(7)(C)
23 (b)(7)(C) to him and the Hunters
24 Point Quality Control Department.
25 SPECIAL AGENT (b)(7)(C) In addition to

1 (b)(7)(C) do you have a
2 responsibility for corrective action to those issues
3 of noncompliance?
4 (b)(7)(C): Yes, sir. I do.
5 SPECIAL AGENT (b)(7)(C): Do you hold any
6 certifications currently for the job for which you are
7 in?
8 (b)(7)(C): Certifications? I have lots
9 of training certifications, yes.
10 SPECIAL AGENT (b)(7)(C): That's site stuff.
11 Is there any national certifications?
12 (b)(7)(C): No, this wasn't site stuff.
13 There's some national stuff, too. Shipping, DOT
14 shipping. That just fell out of being current though.
15 Nationally recognized by Ortech (phonetic) and
16 Canberra (phonetic) as being trained along with Ludlum
17 (phonetic) Instruments.
18 SPECIAL AGENT (b)(7)(C): Ortech, what is
19 Ortech?
20 (b)(7)(C): They make gamma spec systems.
21 And so does Canberra, along with Ludlum Measurements
22 and that training was certified in calibration and
23 repair.
24 SPECIAL AGENT (b)(7)(C): So is it fair to say
25 that with your experience, both with these various

1 certs you have and in the field, that you have a
2 pretty good awareness of what a nuclear safety concern
3 is?
4 (b)(7)(C): I would like to think so, yes.
5 SPECIAL AGENT (b)(7)(C): Hope so at this
6 point.
7 (b)(7)(C): Yes.
8 SPECIAL AGENT (b)(7)(C): To that same extent,
9 are the employees trained and oriented on what issues
10 are considered nuclear safety concerns, do the
11 employees also know?
12 (b)(7)(C): Yes. We train per NUREG-1556.
13 SPECIAL AGENT (b)(7)(C): What mechanism is
14 used whereby employees can raise nuclear safety
15 concerns?
16 (b)(7)(C): All the employees during our
17 annual rad brief are shown the NRC boards. They are
18 also given a line of communication by a card I make
19 that has all of the management's phone numbers, the
20 rad safety phone number, health and safety's phone
21 number. They are informed that we are in Region 1
22 King of Prussia and they are described where the
23 boards are at. We have two NRC boards on site. One
24 resides in a building where a lot of those craft folks
25 take breaks. The other one is up in the main office

building where the management type hangs out.

SPECIAL AGENT (b)(7)(C): So if an employee has a safety concern, they see something, they can obviously -- they can go to the NRC.

(b)(7)(C): They are informed in training please start with us.

SPECIAL AGENT (b)(7)(C): Because you're management.

(b)(7)(C): Start with me. If you don't think I'm doing a good job, please contact (b)(7)(C) (b)(7)(C) who is the (b)(7)(C). If he fails to satisfy you, please call the NRC.

SPECIAL AGENT (b)(7)(C): Is there a way that employees can raise those issues anonymously or can they fill out -- in the power plant world, they call it a condition report.

(b)(7)(C): Yes.

SPECIAL AGENT (b)(7)(C): Do you guys have an equitable form such as a condition report that can be filled out by an employee and sent in without -- sent in anonymously?

(b)(7)(C): Yes, we do. That's called the ZIP slip.

SPECIAL AGENT (b)(7)(C): Okay. And is that a hard copy document or is that in a database?

1 (b)(7)(C): That is a hard copy document
2 that goes to database.
3 SPECIAL AGENT (b)(7)(C) Who does the ZIP
4 slip go to?
5 (b)(7)(C): (b)(7)(C).
6 SPECIAL AGENT (b)(7)(C): So they go to him
7 and he transfers it into the system?
8 (b)(7)(C): He puts it into our database
9 and what that does is it recognizes all the managers
10 who that report would be value to and from there a
11 report is generated and sent out to said managers for
12 their reaction and/or repair of said problem.
13 SPECIAL AGENT (b)(7)(C): Is it possible that
14 he doesn't put that information out? It can kind of
15 stop at him?
16 (b)(7)(C) No.
17 SPECIAL AGENT (b)(7)(C): Conceivably?
18 (b)(7)(C): No, I get them. I still get
19 them to this day. My name is included on the ZIP
20 slip, I get them. And I'm forced to do something.
21 SPECIAL AGENT (b)(7)(C): And is that by
22 procedure that if you're included, if your name is
23 included in any way that you also are required to get
24 a copy?
25 (b)(7)(C): Yes.

1 SPECIAL AGENT (b)(7)(C): Is training provided
2 to employees with regard to the use of that mechanism,
3 ZIP slips and how they can report things up? Are they
4 trained on that or informed about that?
5 (b)(7)(C): They are trained and I
6 actually (b)(7)(C) the phone numbers (b)(7)(C). That is
7 something (b)(7)(C) It's a laminated card built
8 for ruggedness out in the field. The ZIP slips we
9 discuss. Those are in envelopes by the state boards
10 or the state hiring information.
11 SPECIAL AGENT (b)(7)(C): And what's Tetra
12 Tech policy regarding employees' ability to raise
13 safety concerns? How does that work? Are they
14 allowed to do it?
15 (b)(7)(C): Oh, yes.
16 SPECIAL AGENT (b)(7)(C): It occurs. Are they
17 protected once they do it?
18 (b)(7)(C): We pay them to do it. We
19 actually have a raffle and the more of these ZIP slips
20 that are turned in, we enter those names into a hat,
21 if you will, for a raffle. We love ZIP slips. It's
22 -- even though some of the issues brought up may be
23 very minor, those could turn into major obstacles
24 later.
25 SPECIAL AGENT (b)(7)(C): And employees, are

1 they also advised of the fact that they are protected
2 once they raise a safety concern? Do they get
3 apprised on the concept of protected activity once
4 they raise a concern, they can't be retaliated against
5 and they should not be treated in any disparate way?
6 (b)(7)(C) We go over that and we
7 actually have an NRC published document that we hang
8 on our NRC boards to inform them as well.
9 SPECIAL AGENT (b)(7)(C): Is that also
10 outlined in the handbook or procedural guide?
11 (b)(7)(C): There is a yellow handbook
12 that all our employees get. And yes, it is outlined
13 in that.
14 SPECIAL AGENT (b)(7)(C): When layoffs occur,
15 how is it determined which employees are laid off and
16 which are retained?
17 (b)(7)(C): Usually by funding, our
18 client's funding.
19 SPECIAL AGENT (b)(7)(C): So the funding
20 predicates that somebody has got to go, but how is it
21 determined who is going to go?
22 (b)(7)(C): Well, starting at the top
23 recently we had a situation where our base-wide
24 funding was reduced. It was reduced significantly.
25 So we had to get rid of two technicians in that group.

1 From there we looked at who was in the kitty and those
2 who made a better, all rounded tool were kept. When
3 you are limited to the amount of tools in your tool
4 box, you try to find the one that can do the most jobs
5 and --
6 SPECIAL AGENT (b)(7)(C): Most diverse skill
7 sets stay?
8 (b)(7)(C): Exactly.
9 SPECIAL AGENT (b)(7)(C) Most comprehensive
10 skill sets stay?
11 (b)(7)(C): Exactly.
12 SPECIAL AGENT (b)(7)(C): Those who can only
13 do one thing really good probably had to go?
14 (b)(7)(C): Correct.
15 SPECIAL AGENT (b)(7)(C): When someone raises
16 a safety concern via ZIP slips per se, and management
17 takes it in, they do the intake process, is it -- does
18 it stop at the site level or can it -- or is it always
19 run up the chain or does it depend on the issue?
20 (b)(7)(C): These ZIP slips are nice
21 because there's no way to cap on who gets the report.
22 It flows throughout the entire company with regards to
23 our management layers.
24 SPECIAL AGENT (b)(7)(C): So it's not a deal
25 where it could just -- it comes to (b)(7)(C) as I've

1 heard him referred to.

2 (b)(7)(C): I love (b)(7)(C).

3 SPECIAL AGENT (b)(7)(C): It comes to (b)(7)(C)

4 (b)(7)(C) desk and he says I don't want to deal with this,

5 put this over here and it never goes anywhere. That's

6 not really possible?

7 (b)(7)(C): No, he enters those into the

8 system and they go to all the PZMs (phonetic). The

9 PZMs are the decision makers within each group, within

10 a given expertise.

11 SPECIAL AGENT (b)(7)(C): Okay. Somebody is

12 going to see it.

13 (b)(7)(C) So the site managers get it

14 and it goes out to the PZMs. In the past, the

15 president has received these. So I don't know at what

16 level they start filtering for him, but these things

17 get out quick and the phone starts ringing

18 immediately.

19 SPECIAL AGENT (b)(7)(C) Do you know Elbert

20 Bowers?

21 (b)(7)(C): Yes.

22 SPECIAL AGENT (b)(7)(C) How do you know Mr.

23 Bowers and when did you first have contact with him?

24 (b)(7)(C): Mr. Bowers has worked out at

25 Hunters Point for various groups and what was the

1 second part to your question, I'm sorry?

2 SPECIAL AGENT (b)(7)(C): When did you first

3 meet him or have contact with him?

4 (b)(7)(C): I met him probably within (b)(7)

5 (b)(7)(C).

6 SPECIAL AGENT (b)(7)(C): So that was (b)(7)(C)

7 (b)(7)(C) Yes.

8 SPECIAL AGENT (b)(7)(C): And under what

9 circumstances did you initially have contact with him?

10 Did you work for him? Was it just passing, you met

11 him as you came on the job? Did you have a lot of

12 interaction with him?

13 (b)(7)(C) He was the radiation safety

14 officer for New World Technologies. That was the

15 license we were operating under at the time.

16 SPECIAL AGENT (b)(7)(C): So his name was on

17 the license?

18 (b)(7)(C) As the -- I don't know if his

19 name was on the license, but I know that the company

20 had made him the RSO at some time and had put that on

21 a letter to file and had it hung up on their NRC

22 board.

23 SPECIAL AGENT (b)(7)(C) So currently, you're

24 the (b)(7)(C) Is your name on the license or is it

25 (b)(7)(C) name on the --

1 (b)(7)(C): (b)(7)(C) name is on the
2 license as the (b)(7)(C) and I am listed on a letter to file
3 as the (b)(7)(C) for Hunters Point.
4 SPECIAL AGENT (b)(7)(C): Which is (b)(7)(C)
5 (b)(7)(C) was with Bert.
6 (b)(7)(C) Correct.
7 SPECIAL AGENT (b)(7)(C) At one point he was
8 on the license?
9 (b)(7)(C) At one point he was on the
10 license. Yes, sir.
11 SPECIAL AGENT (b)(7)(C): We're going to get
12 back to that at some point. What kind of employee
13 would you describe Bowers as? I want an honest
14 assessment.
15 (b)(7)(C): A complainer who would do
16 nothing about his complaints. He would not -- if
17 there was something he saw in the field that was
18 incorrect, he wouldn't come and instruct me to go fix
19 it. I would be shown photographic evidence of said
20 issue and it was almost as if there was supposed to be
21 a celebration that we got them.
22 SPECIAL AGENT (b)(7)(C) So as an RSO and
23 RSOR, he was in both positions, what was he required
24 to do if he saw a safety issue? Was he required to
25 not report it? Was he required to fix it, then report

1 it? What was he required -- because it sounds like
2 you're saying all he did when he saw issues was just
3 raise them and never fix them?
4 (b)(7)(C): Yes. I don't know what he was
5 supposed to do, but I know what I am currently doing.
6 SPECIAL AGENT (b)(7)(C): And my assumption is
7 that the duties are probably fairly consistent with
8 what he was supposed to do as the RSOR and (b)(7)(C)
9 (b)(7)(C)
10 (b)(7)(C): Correct.
11 SPECIAL AGENT (b)(7)(C): Unless the job
12 description has changed a lot. I don't know if that's
13 happened.
14 (b)(7)(C): Bert and I are two very
15 different individuals. We operate very differently.
16 I like to get into my work. I like to be out into the
17 field. He spent a lot of time in his office.
18 SPECIAL AGENT (b)(7)(C) But under the scope
19 and direction of the job you do now, if you see things
20 in the field --
21 (b)(7)(C): Yes.
22 SPECIAL AGENT (b)(7)(C) -- as Bert did, are
23 you required to report those things?
24 (b)(7)(C) Yes, I am.
25 SPECIAL AGENT (b)(7)(C) Are you required to

1 fix them or ensure that -- or delegate someone to fix
2 them?
3 (b)(7)(C): Yes, I am.
4 SPECIAL AGENT (b)(7)(C): Bert was seeing
5 things in the field and he brought them up, but you're
6 saying he wasn't delegating the repair of those
7 issues.
8 (b)(7)(C): No, sir. He was not.
9 SPECIAL AGENT (b)(7)(C): Did you have
10 confidence in his abilities as the RSO?
11 (b)(7)(C): No.
12 SPECIAL AGENT (b)(7)(C): Why not?
13 (b)(7)(C): He didn't have a whole lot of
14 field time on dirt jobs. He went into everything with
15 a power plant mentality and that wasn't the case. Out
16 at Hunters Point we were remediating soil that
17 contains I would say I'll give you a cap of around 2.5
18 or 3 picocuries per gram of radium. The reason we are
19 remediating that soil is solely because it was brought
20 in, it was an import that was brought in from a long,
21 long time ago. No one cared about picocuries back
22 then. So most of the material we're handling is less
23 than 2.5 picocuries radium. We do get strontium hits
24 from time to time, but everything is in the picocurie
25 per gram range with the exception of devices that we

1 find. Then we're talking about microcuries.

2 I don't believe his actions were

3 commensurate with the activity we had on site.

4 SPECIAL AGENT (b)(7)(C): Now have you ever

5 worked at a power plant?

6 (b)(7)(C): No, sir.

7 SPECIAL AGENT (b)(7)(C): So what was the

8 difference in his approach? You said he had a power

9 plant mentality and that's not really transferrable to

10 what you all do. What was his approach?

11 (b)(7)(C): His approach was almost as if

12 it was fuel on site and there was not. Now we still

13 have to take the rad components seriously, but at no

14 time have we been working with material that could

15 have (a) given the public a dose of more than 100

16 millirem a year. All of my --

17 SPECIAL AGENT (b)(7)(C): Below public limits.

18 (b)(7)(C): Yes. And all of my dosimetry

19 within the past year has been zero reports, no dose.

20 Before that we were using land hour (phonetic) that

21 could report down to one millirem. At that time we

22 had a lot of onesies and twosies, but nothing over ten

23 millirem ever.

24 SPECIAL AGENT (b)(7)(C): So very, very low

25 doses.

1 (b)(7)(C): Very low dose. Very low
2 activity, yes.
3 SPECIAL AGENT (b)(7)(C): Bowers raised
4 safety-related concerns to you?
5 (b)(7)(C): Did he?
6 SPECIAL AGENT (b)(7)(C): Yes.
7 (b)(7)(C): I saw a lot of photos.
8 SPECIAL AGENT (b)(7)(C): Elaborate on that.
9 (b)(7)(C): Well, for instance, there was
10 a time when Mr. Bowers was out on his radiological
11 integrity drive down. And he had observed a water
12 break station that someone had put right inside of an
13 RCA. Now this was an area that was not delineated
14 with rope. It was delineated with T posts and a
15 posting every 50 feet. Well, because the lack of that
16 rope someone had accidentally put that break station
17 into an RCA. He had observed that on his drive down
18 and he had taken a photo.
19 He came back and showed me the photo. I
20 asked him if he had righted the situation. He said
21 no. At that point, I just assumed the responsibility
22 and went out and pulled that station that weighed no
23 more than 25 pounds --
24 SPECIAL AGENT (b)(7)(C): The water cooler,
25 right?

1 (b)(7)(C): Yes. On to the appropriate
2 side and hit it with a frisker to make sure there was
3 no contamination. We went on with life. We made a
4 deficiency notice of that and went on.
5 SPECIAL AGENT (b)(7)(C): Was that the only
6 incident that sticks out in your mind?
7 (b)(7)(C): There were some that were
8 brought up today during our earlier meeting, but there
9 was an incident where we had been doing a
10 characterization of some drums that had radium dials
11 and devices. And the Navy wanted each and every one
12 of those devices characterized. We brought in an
13 outside contractor who had a gamma spec system and hit
14 each one up and characterized.
15 We had some time away from that job
16 because we had found UXO (phonetic) and we had to stop
17 and bring in a UXO expert and once we had done that,
18 we went back to work. On about the second or third
19 day of going back to work, we opened up our source
20 room where we kept all our drums and we noticed a
21 seventh drum. We only had six drums. One drum was
22 for strontium devices. The rest were for radium
23 devices. I now had a seventh drum with sources in it.
24 I questioned how that could have happened
25 and turned that over to the quality department because

1 I figured at that time someone had gotten into that
2 building and done that. And there were only four
3 people at that time who knew the combination into that
4 building.
5 SPECIAL AGENT (b)(7)(C): How was that
6 situation managed? How was it adjudicated?
7 (b)(7)(C): I filed a complaint with (b)(7)(C)
8 (b)(7)(C) with Quality Control. I alerted (b)(7)(C)
9 (b)(7)(C) and informed (b)(7)(C)
10 (b)(7)(C)
11 (b)(7)(C)
12 SPECIAL AGENT (b)(7)(C): And was an
13 investigation or an inquiry conducted as to how that
14 seventh drum was the source -- got in there?
15 (b)(7)(C): Yes, sir. An investigation
16 was conducted.
17 SPECIAL AGENT (b)(7)(C): What was the final
18 determination?
19 (b)(7)(C): There was no determination
20 made.
21 SPECIAL AGENT (b)(7)(C): Who were the other
22 people that had access to the code? You said four
23 people knew the code.
24 (b)(7)(C): Yes. Myself, (b)(7)(C), and then
25 I had (b)(7)(C), and (b)(7)(C). I can

1 spell the last name for you. It's a tough one. (b)(7)(C)
2 (b)(7)(C). And myself.
3 SPECIAL AGENT (b)(7)(C): And was this an
4 issue that Bert subsequently raise, that seventh drum?
5 (b)(7)(C): No.
6 SPECIAL AGENT (b)(7)(C): Who discovered the
7 additional drum?
8 (b)(7)(C): (b)(7)(C) when we went in
9 to start our characterization backup.
10 SPECIAL AGENT (b)(7)(C): So the seventh drum,
11 was it surveyed accordingly and locked or put where it
12 was supposed to be?
13 (b)(7)(C): It was in the room where we
14 kept all the drums, containing the devices. That
15 inner room was locked and then the outer room was
16 locked as well, the outer building was locked as well.
17 SPECIAL AGENT (b)(7)(C): And all appropriate
18 reports were made on that issue?
19 (b)(7)(C): Yes, yes.
20 SPECIAL AGENT (b)(7)(C): So when Bert brought
21 things up to you, were they always documented? Did
22 you always document them?
23 (b)(7)(C): No. He typically stepped in
24 and would document first, almost even before
25 investigating. Photos would immediately be taken.

1 SPECIAL AGENT (b)(7)(C) Was he emailing
2 these photos to anybody?
3 (b)(7)(C): I never got them. I got shown
4 snippets here and there. In fact, today on our
5 earlier talk I saw photos for the first time that
6 involved me.
7 SPECIAL AGENT (b)(7)(C): Were you ever
8 advised by other members of management of Tetra Tech
9 that Bowers raised safety issues with them?
10 (b)(7)(C): No.
11 SPECIAL AGENT (b)(7)(C): The nature of
12 Bowers' safety concerns, were they all rad-related
13 issues?
14 (b)(7)(C): No.
15 SPECIAL AGENT (b)(7)(C): What were some of
16 the other things he raised?
17 (b)(7)(C): In some previous photos from
18 today, I mean I've just discovered this, but I guess
19 he had some issues with trench safety, possibly.
20 SPECIAL AGENT (b)(7)(C): Anything else?
21 (b)(7)(C): These were random photos, but
22 stuff such as caution tape being down, but the area
23 where the caution tape was hung, it didn't need to be
24 so I don't know what you would call that.
25 (b)(7)(C): I think he wants to know

1 whether at the time he raised the issues, not the
2 photographs.
3 (b)(7)(C): Oh, no.
4 SPECIAL AGENT (b)(7)(C): At the time.
5 (b)(7)(C): No, I'm sorry.
6 SPECIAL AGENT (b)(7)(C): And even with
7 respect to when he did raise the issues, were some of
8 these more -- were they industrial safety issues or
9 was it a combination between the radiation stuff and
10 maybe OSHA stuff?
11 (b)(7)(C): I would say most of it was
12 radiation, but from time to time you would get an
13 industrial hygiene issue or an OSHA issue, yeah, not
14 often.
15 SPECIAL AGENT (b)(7)(C): What have (b)(7)(C)
16 (b)(7)(C) than Bowers did as the (b)(7)(C)
17 (b)(7)(C): Everything. Everything.
18 First thing, the dosimetry logs were completely found
19 not in good shape. They were simply photocopies of
20 TLDs that had come in from the TLD supplier, sometimes
21 with names written on them. Sometimes there was a TLD
22 log, but they were never complete. So when (b)(7)(C)
23 (b)(7)(C)
24 with hard copy backup.
25 Another thing I do is my training runs a

1 lot longer (b)(7)(C) I try to provide more details
2 that are site specific versus general rad. I want to
3 make sure all of our folks are informed as to the
4 conditions of our site that our license is covering.
5 On top of that, (b)(7)(C) probably I would
6 say 40 percent of my time is spent (b)(7)(C)
7 Bowers' time was probably 10 percent or less.
8 I also believe in an open door policy
9 where anyone with concerns can come by, voice
10 opinions. If it's something that requires more
11 investigating, we do it or else we'll pull out a
12 procedure or a work document to satisfy questions.
13 SPECIAL AGENT (b)(7)(C): Did Bert not
14 maintain an open door policy?
15 (Pause.)
16 (b)(7)(C): I don't think he did.
17 SPECIAL AGENT (b)(7)(C): Why is that?
18 (b)(7)(C): The craft folks had a lot of
19 radiological questions when (b)(7)(C)
20 And I don't feel that they had a place they could go
21 because Bert was only interested in the folks he could
22 manage which would be rad folks. He wasn't really
23 open to the craft asking questions and unfortunately
24 they were the ones who do a lot of our work and need
25 to have questions answered.

1 I've come across instances where dosimetry
2 was lost or missed, but I found no arrears report, no
3 investigation report done as to why that dosimetry was
4 missing.
5 SPECIAL AGENT (b)(7)(C): That's supposed to
6 be accounted for?
7 (b)(7)(C): Yes, sir.
8 SPECIAL AGENT (b)(7)(C): Did you find Bert to
9 be active to the point that he was really concerned
10 with compliance and employees operating in a safe
11 manner radiologically?
12 (b)(7)(C) No. I found him more
13 interested in getting evidence to say "I gotcha." And
14 using that as a political stronghold on the site.
15 SPECIAL AGENT (b)(7)(C): Who determined that
16 Bowers would no longer be working at Hunters Point?
17 (b)(7)(C): Bowers.
18 SPECIAL AGENT (b)(7)(C): Bowers determined
19 that he would no longer be working at Hunters Point?
20 (b)(7)(C): From what I understand, yes.
21 SPECIAL AGENT (b)(7)(C): Where did you hear
22 that?
23 (b)(7)(C): I heard that he -- him and (b)(7)(C)
24 (b)(7)(C) had gotten into an argument over a
25 difference and that Mr. Bowers said "I'm going to have

to resign and call the NRC."

SPECIAL AGENT (b)(7)(C): Where did you hear that?

(b)(7)(C): From (b)(7)(C) (b)(7)(C).

SPECIAL AGENT (b)(7)(C): (b)(7)(C)?

(b)(7)(C): Yes.

(Pause.)

SPECIAL AGENT (b)(7)(C): So what was or do you even know what the actual deal was with Bert's employment? Was he transferred? Was he put on administrative leave? What was the nature --

(b)(7)(C): After the argument?

SPECIAL AGENT (b)(7)(C): Yes.

(b)(7)(C): I believe that he was repositioned at Alameda Naval Air Station.

SPECIAL AGENT (b)(7)(C): Was that because of the argument?

(b)(7)(C): No. He had stepped down from his position at Hunters Point and was still an employee. No one had done anything. I mean this was Bert's move and from what I understand they placed him over there while this investigation was being done.

SPECIAL AGENT (b)(7)(C): Did he go over there to be the RSO?

1 (b)(7)(C): No.

2 SPECIAL AGENT (b)(7)(C): What was he?

3 (b)(7)(C): There was already an RSO over

4 there. I think they were having him track some costs

5 or do something administrative.

6 SPECIAL AGENT (b)(7)(C): Do Tetra Tech

7 employees also have a responsibility to notify the

8 Navy as it relates to safety-related concerns?

9 (b)(7)(C): Yes.

10 SPECIAL AGENT (b)(7)(C): How is that done?

11 What's the mechanism? I know you said with the NRC

12 there is the NRC cards, the notification is available,

13 how to reach the NRC personnel. Is it the same thing

14 with the Navy?

15 (b)(7)(C): That is done through two

16 channels. One is done through the project manager and

17 one would be the RSO from the level that I see.

18 SPECIAL AGENT (b)(7)(C): Who is the project

19 manager?

20 (b)(7)(C)

21 SPECIAL AGENT (b)(7)(C): Was Bowers

22 retaliated against in any way for raising nuclear

23 safety concerns?

24 (b)(7)(C): No.

25 SPECIAL AGENT (b)(7)(C): Did you have any

1 discussions with Bowers following his departure from
2 the site?
3 (b)(7)(C): Yes.
4 SPECIAL AGENT (b)(7)(C): What did the
5 discussion consist of?
6 (b)(7)(C): I was told to get with him
7 over the dosimetry issue. We had dosimetry logs that
8 were not in good shape and through (b)(7)(C) he
9 would set up meetings for Bert and I to get together
10 and (b)(7)(C) if you will.
11 SPECIAL AGENT (b)(7)(C): And did that occur?
12 (b)(7)(C): Yes.
13 SPECIAL AGENT (b)(7)(C): How did that process
14 go?
15 (b)(7)(C): It was uncomfortable.
16 SPECIAL AGENT (b)(7)(C): Why was that?
17 (b)(7)(C): Because all the man had for
18 records was photocopies and some makeshift logs and
19 when I looked at the logs and looked at the
20 photocopies of the TLDs, we still didn't have enough
21 information to reference to make an issue log. So at
22 that point (b)(7)(C)
23 (b)(7)(C)
24 (b)(7)(C) dosimetry in the past to employees we still
25 had on record for current. And I wasn't real happy

1 (b)(7)(C) because as an RSO that is
2 your job, that is your domain and he was not doing it.
3 SPECIAL AGENT (b)(7)(C): Did site management
4 ever identify to you that Bowers was a trouble maker
5 or wasn't looked upon in a favorable light?
6 (b)(7)(C): No.
7 SPECIAL AGENT (b)(7)(C): Does Tetra Tech
8 follow a progressive discipline policy?
9 (b)(7)(C): Progressive -- I haven't been
10 disciplined.
11 SPECIAL AGENT (b)(7)(C): Have you see anybody
12 else disciplined and in the manner in which they've
13 been disciplined? Generally, if you get in trouble
14 for something the first time, you get a warning. And
15 then it goes to written and then it goes to verbal,
16 written, and then --
17 (b)(7)(C): I've seen lots of warnings and
18 log book entries made. I have not seen anyone perform
19 a write-up on anyone else for disciplinary action.
20 SPECIAL AGENT (b)(7)(C): Okay. Is that
21 because management just is oblivious or avoiding these
22 things or because the environment there is one that
23 you all just take corrective action, move forward and
24 operate efficiently?
25 (b)(7)(C): You got part of it there. In

1 the end, we try to document what we've done wrong.
2 Put that in a deficiency log, have a corrective action
3 in place to try to prevent whatever happened from
4 happening again and go on from there.
5 But also -- what was that question again?
6 I want to make sure I'm answering this right.
7 SPECIAL AGENT (b)(7)(C): Relative to
8 progressive discipline.
9 (b)(7)(C): Progressive discipline,
10 everyone is pretty good in the fact that once they've
11 been warned on something, not to do it again. We
12 don't have too many repeat offenders. For instance,
13 if you miss a sign out on my RWP log, you take a day
14 off. And that may sound harsh to some, but I would
15 like to remind them that (b)(7)(C) who had
16 to take a day off.
17 In order to achieve compliance we had to
18 start putting rules down and so far it's done nothing
19 but help the program in the way that we might have one
20 or two individuals a month miss a sign out, whereas
21 under the Bowers regime I was told to fill in the
22 blanks by him. So (b)(7)(C) to
23 the worker where it ought to be versus the
24 responsibility falling on middle management to make
25 things look good.

1 SPECIAL AGENT (b)(7)(C): Okay. And when you
2 worked as a (b)(7)(C) and Bert was RSO, it was not
3 that way?
4 (b)(7)(C): No.
5 SPECIAL AGENT (b)(7)(C): Was progressive
6 discipline when the r (b)(7)(C) and you were
7 (b)(7)(C) and he was the RSO, was that even an issue
8 then?
9 (b)(7)(C): No. There was no -- I've
10 never been disciplined by Mr. Bowers. Company-wide,
11 the only discipline that we would be able to offer
12 would be internally within our company. Most of the
13 technicians that work for us are subcontracted, so I
14 haven't seen anyone be disciplined at Hunters Point.
15 Has it happened in the past? Yes. But I was not
16 privy to it. I haven't seen such action go down.
17 SPECIAL AGENT (b)(7)(C): How does Tetra Tech
18 identify performance concerns to its employees? Say
19 you got an issue with somebody in the work they're
20 performing. How would you convey that? Is it in
21 writing. Is it a conference call with somebody? How
22 does that go about?
23 (b)(7)(C): Well, you have a yearly
24 evaluation that your technical lead will provide to
25 you. Our technical lead or my technical lead right

1 now is (b)(7)(C). A couple months back I got
2 time to sit down with him and go through the
3 evaluation. I was asked if I had any questions. I
4 stated no and I signed the evaluation and we're good
5 for another year.
6 SPECIAL AGENT (b)(7)(C): Had Bowers ever been
7 placed on a Performance Improvement Plan as far as you
8 know?
9 (b)(7)(C): Not that I'm aware of.
10 SPECIAL AGENT (b)(7)(C): Had Bowers been
11 subject to progressive discipline in any way?
12 (b)(7)(C): No. No. Not that I'm aware
13 of.
14 SPECIAL AGENT (b)(7)(C): Were there any other
15 employees that raised safety-related concerns who were
16 invariably laid off, transferred, or subject to
17 adverse action?
18 (b)(7)(C): Not that I'm aware of, no.
19 SPECIAL AGENT (b)(7)(C): You said an
20 investigation was conducted relative to Mr. Bowers
21 raising issues and then resigning?
22 (b)(7)(C): Yes.
23 SPECIAL AGENT (b)(7)(C): Do you know who
24 conducted the investigation?
25 (b)(7)(C) I believe that was (b)(7)(C)

1 (b)(7)(C). (b)(7)(C) with some of the on-site
2 investigation that happened, but that was mainly
3 headed up by (b)(7)(C) and (b)(7)(C).
4 SPECIAL AGENT (b)(7)(C): Do you believe that
5 Bowers was discriminated against for raising those
6 safety concerns?
7 (b)(7)(C): No.
8 SPECIAL AGENT (b)(7)(C): Have you ever had
9 any problems on the site as it relates to radiation
10 postings?
11 (b)(7)(C): Mr. Bowers loved his postings.
12 Problems. The NRC has been out twice. They have
13 found no problems with our postings. Has Mr. Bowers
14 brought up issues with our postings? Yes.
15 SPECIAL AGENT (b)(7)(C): What were his
16 issues?
17 (b)(7)(C): Oh, his issues with postings,
18 if someone accidentally backed a dump truck into one
19 and bent the T post that was holding the posting down,
20 he would get angry. He would want a photo taken and
21 then he would run around to all management showing
22 what happened and he stated that no one respected the
23 rad component and that no one respected him because a
24 sign was bent.
25 (b)(7)(C) on posting areas,

1 types of postings in areas. I believe the others
2 probably have as well.
3 SPECIAL AGENT (b)(7)(C): Is there a
4 requirement for the amount of surveys that should be
5 conducted? Is it once a week, once a day? Is it
6 survey and all ingoing equipment and outgoing
7 equipment? What's the survey requirement?
8 (b)(7)(C): We have various types of
9 surveys. We have weeklies, monthlies. We've even got
10 some biannualies and we have a routine that is put in
11 writing that shows what needs to be surveyed. It's an
12 Excel spreadsheet and a technician goes and performs
13 a routine survey. Not only will they type in their
14 initials that they've done it, but the surveys go to
15 the base-wide rad supervisor as well. He verifies
16 that all the weekly surveys, monthly surveys, or
17 biannuals are done and there we go.
18 The routine of those surveys was put
19 together by (b)(7)(C) and (b)(7)(C) based upon the
20 activity of the site.
21 SPECIAL AGENT (b)(7)(C): Are corners being
22 cut as it relates to proper conduction of the
23 radiation surveys?
24 (b)(7)(C): No.
25 SPECIAL AGENT (b)(7)(C): Are employees

1 ensuring the safekeeping of all work-related areas and
2 equipment? I mean for example, if you have some
3 employees that go out to a portion of the site and
4 they take out -- they take a Bobcat out there and
5 tools, are those tools, are they being locked up at
6 the end of the night or being surveyed appropriately
7 and put back? Are all things being managed like they
8 should?
9 (b)(7)(C): They're being surveyed out in
10 most cases. Sometimes we leave the heavy equipment
11 behind in an area because that would require a pretty
12 extensive survey. But as for hand tools and stuff
13 like that, we're going to hit them up at the control
14 point. If it's something that's leaving site and we
15 would be doing an outgoing survey on it, throughout
16 the week we probably generate somewhere between oh,
17 I'm going to say 8 and 12 incoming or outgoing
18 surveys. We do have those in our database. They are
19 assigned either a designator EO for equipment outgoing
20 or EI, equipment ingoing. And yes, (b)(7)(C)
21 (b)(7)(C) a copy of those under a log sheet.
22 SPECIAL AGENT (b)(7)(C): And I got
23 information that there was an issue that Bowers may
24 have raised about an area not being chained up at the
25 end of the night or the chain supposedly blocking off

1 the area, that equipment had been left out by some of
2 the craft staff?
3 (b)(7)(C): Yes.
4 SPECIAL AGENT (b)(7)(C): Would you care to
5 speak to that?
6 (b)(7)(C): Sure. We discussed it a
7 little earlier with regards to the combination locks.
8 Bert wanted everything locked up and I did, too. (b)(7)(C)
9 (b)(7)(C) I put in a combination that
10 isn't already being used on site. We have general
11 combinations to get you in the buildings. Another set
12 to get you into work areas. This was something I came
13 up with myself because I wanted access to be very
14 limited. I gave the RSOR at that time the combination
15 because he should have access to radioactive material.
16 The thing that got me is he sent in a
17 crew, a team to go investigate this area that I was
18 working in and no one was under an RWP when they did
19 it.
20 SPECIAL AGENT (b)(7)(C): So there was no
21 radiological work permit for that area?
22 (b)(7)(C): There was a radiological work
23 permit. He was the one that requested the RWP, yet he
24 never signed on to the log sheet that he would follow
25 the rules. I have it with me if you care to see it.

1 SPECIAL AGENT (b)(7)(C): Yes, I'll take a
2 look at that at the conclusion.
3 (b)(7)(C): Okay.
4 SPECIAL AGENT (b)(7)(C): But overall,
5 employees were, areas were being secured accordingly?
6 (b)(7)(C): Yes, a generator was left out
7 one night. The photo I saw today, it was quite a
8 story that was attached to it. We simply -- we were
9 given a generator to run our operation. That way we
10 could start early in the morning, we go right in, and
11 go to work. We had requested a pickup of said
12 generator. (b)(7)(C) crew comes by and picks up
13 all the commodities that we use and it was simply
14 forgotten that night. My crew didn't stick around
15 long enough to watch it be picked up. We dropped the
16 ball on that.
17 SPECIAL AGENT (b)(7)(C): Was a deficiency
18 report written?
19 (b)(7)(C): I would have to ask (b)(7)(C)
20 (b)(7)(C) on that. Because we typically, when it comes
21 to property, you have to have $500 in damage and it
22 wasn't stolen.
23 SPECIAL AGENT (b)(7)(C): It was just left
24 out.
25 (b)(7)(C): So there was no damage. It

1 was just left out. And as for radiological protocol,
2 that had never been in the building.
3 SPECIAL AGENT (b)(7)(C): Did it require that
4 generator to be surveyed and all that --
5 (b)(7)(C): No, sir.
6 SPECIAL AGENT (b)(7)(C): Was there --
7 (b)(7)(C): It stayed outside of the
8 building we were working in and then we simply ran --
9 SPECIAL AGENT (b)(7)(C): It was outside of a
10 radiated area?
11 (b)(7)(C): Yes, sir.
12 SPECIAL AGENT (b)(7)(C): And you guys do have
13 audits being conducted of your RP program?
14 (b)(7)(C): Yearly.
15 SPECIAL AGENT (b)(7)(C): And that's
16 internally?
17 (b)(7)(C): Yes, sir.
18 SPECIAL AGENT (b)(7)(C): And you mentioned
19 that NRC had been out as well?
20 (b)(7)(C): Twice this year. I have those
21 reports, too.
22 SPECIAL AGENT (b)(7)(C): Was there often
23 pressure being placed by a construction management
24 personnel to get the job done faster, even at the
25 expense of radiation safety?

1 (b)(7)(C): Not that I've seen, no.

2 SPECIAL AGENT (b)(7)(C): Have you witnessed

3 or observed incidents wherein radiation surveys were

4 not adequately done, either done incorrectly, or not

5 done at all?

6 (b)(7)(C): I've seen a few that have

7 crossed my desk where they've been done incorrectly.

8 SPECIAL AGENT (b)(7)(C): How have the

9 corrections been managed towards those particular

10 incidents?

11 (b)(7)(C): Are we talking about (b)(7)(C)

12 (b)(7)(C) or back in the day?

13 SPECIAL AGENT (b)(7)(C): Well, let's do both.

14 (b)(7)(C): Okay. Same building, 271.

15 The crew that Bert had assembled to go in and

16 investigate what I was doing or do routine survey,

17 whatever they claim they were doing --

18 SPECIAL AGENT (b)(7)(C): Who was on that

19 team?

20 (b)(7)(C): Susan Andrews and that was

21 also (b)(7)(C). And they were instructed by

22 Bowers to go do whatever he instructed them to do.

23 SPECIAL AGENT (b)(7)(C): Was that under the

24 guidelines and the auspices of his duties to instruct

25 them to go in and conduct that?

1 (b)(7)(C): Certainly.

2 SPECIAL AGENT (b)(7)(C) Okay.

3 (b)(7)(C): But once again, they didn't go

4 in under an RWP.

5 SPECIAL AGENT (b)(7)(C): Okay. And that is

6 against procedure?

7 (b)(7)(C): That is strictly against

8 procedure.

9 SPECIAL AGENT (b)(7)(C): Okay. So he had

10 them go in --

11 (b)(7)(C): He had them go in. He claimed

12 it was for purposes of routines which was fine. They

13 also went in and did dose rates on these drums.

14 When the report got to me, it was quite

15 apparent that someone didn't know how to use an ion

16 chamber. And (b)(7)(C) this is

17 all wrong. (b)(7)(C) my technicians do the survey.

18 Thank you very much. Because they had been using ion

19 chambers every day during the characterization process

20 of those 2800 devices.

21 SPECIAL AGENT (b)(7)(C): Okay. And so that

22 was when Bert was the RSO?

23 (b)(7)(C): Yes, sir.

24 SPECIAL AGENT (b)(7)(C): In terms of since

25 (b)(7)(C), when have you seen

1 instances where people have -- employees have
2 incorrectly conducted the surveys?
3 (b)(7)(C): Oh, I've seen situations where
4 on our surveys, on our outgoing, we will actually take
5 a physical picture of the equipment that has the
6 outgoing and then we will place smear locations on
7 that photo. I've seen instances where I go through
8 and one or two of the smear locations might be
9 missing. One, two, three, wait, where's four?
10 There's nothing in the special notes saying four was
11 inside the cav (phonetic) of a piece of equipment or
12 something like that. So I will reject those and say
13 we need to have a complete and full report here.
14 SPECIAL AGENT (b)(7)(C): Okay. Does Tetra
15 Tech at Hunters Point work under the assumption of a
16 safety conscious work environment?
17 (b)(7)(C): Yes. Absolutely.
18 SPECIAL AGENT (b)(7)(C): Did Bowers develop
19 a reputation as a stickler for radiation safety and
20 protection?
21 (b)(7)(C): He developed an image for
22 something, but I wouldn't say that would be it. That
23 would be quite honorary. No, he did not portray the
24 image of radiation safety. He portrayed the image of
25 wanting to control production through radiation

safety, yet the radiation safety he was requiring was not commensurate with the activity of the materials we have at the site.

SPECIAL AGENT (b)(7)(C): Which goes back to that whole ideology of treating it like a power plant?

(b)(7)(C): Yes, sir.

SPECIAL AGENT (b)(7)(C): Okay.

(b)(7)(C): I hope I answered that clearly for you.

SPECIAL AGENT (b)(7)(C): I think so. Were you privy to any conversations or meetings with Tetra Tech management regarding Bowers' safety concerns and his status of employment?

(b)(7)(C): No.

SPECIAL AGENT (b)(7)(C): Have you ever raised safety-related issues during the tenure of employment at Hunters Point and Tetra Tech?

(b)(7)(C): Yes.

SPECIAL AGENT (b)(7)(C): Were you subject to any adverse act as a result of raising those safety concerns?

(b)(7)(C): No, sir.

SPECIAL AGENT (b)(7)(C): Were your safety concerns addressed accordingly?

(b)(7)(C): Yes, they were.

1 SPECIAL AGENT (b)(7)(C): Do you feel that the
2 radiation protection program at Hunters Point is
3 sufficient?
4 (b)(7)(C): I feel it is sufficient for
5 the activity we have out at Hunters Point. And I
6 believe it's improving.
7 SPECIAL AGENT (b)(7)(C): And are employees
8 effectively abiding by the RP program?
9 (b)(7)(C): I'm sorry?
10 SPECIAL AGENT (b)(7)(C): Are employees
11 effectively abiding by the radiation protection
12 program?
13 (b)(7)(C): Yes, they're trying, yes.
14 SPECIAL AGENT (b)(7)(C): You say they're
15 trying. Is that to say they haven't always?
16 (b)(7)(C): There have been lapses in the
17 past on certain things but there wasn't enough
18 involvement by the past radiation safety officer to
19 correct them. (b)(7)(C) and (b)(7)(C)
20 (b)(7)(C). And if I see
21 something I try to get all eyes and ears present and
22 come up with ideas on fixing it.
23 SPECIAL AGENT (b)(7)(C): Does that lend to
24 the fact that maybe there were things going on that
25 were never even addressed because he didn't see them?

1 (b)(7)(C): I believe so, yes.

2 SPECIAL AGENT (b)(7)(C): And is it to assume

3 to some extent that the craft employees didn't have

4 the knowledge to really know? Or did they have

5 questions? Because in the beginning we talked about

6 most employees should know what a nuclear safety --

7 (b)(7)(C): Right, right.

8 SPECIAL AGENT (b)(7)(C): But then you also

9 mentioned that the craft employees had questions and

10 you got on as the (b)(7)(C).

11 (b)(7)(C): Correct.

12 SPECIAL AGENT (b)(7)(C): So were there just

13 kind of some gray area items that were going on in the

14 field and they didn't know how to address them?

15 (b)(7)(C): I think there might have been

16 things going on out in the field and when he did come

17 out of his office and did see something, instead of

18 trying to correct it, he was on a fact-finding

19 mission, i.e., the camera. Hence, the water break

20 station we talked about. That could have been right

21 then and there pulled to the right side of the RCA and

22 repaired. And then the following day at the morning

23 meeting, the kickoff safety meeting that we have at 7

24 o'clock should have been addressed with the entire

25 crew.

1 SPECIAL AGENT (b)(7)(C): And that wasn't?

2 (b)(7)(C): That was not done.

3 SPECIAL AGENT (b)(7)(C): He just took the

4 pictures and came in and said hey, this is what I saw.

5 (b)(7)(C): Yes, sir.

6 SPECIAL AGENT (b)(7)(C): How would you

7 respond to the statement that Hunters Point is a

8 nuclear site being run like a construction site? If

9 someone said that to you, what would be your response?

10 (b)(7)(C): I would say the person that

11 made that call is uneducated as to the conditions of

12 the site.

13 SPECIAL AGENT (b)(7)(C): Okay. I'm

14 listening.

15 (b)(7)(C): I would say that is a rather

16 ignorant statement. And the reason I would say that

17 is I've had a lot of involvement from our friends at

18 the NRC and I've gone through one inspection with (b)(7)(C)

19 (b)(7)(C) a couple weeks back. I went through an

20 audit with (b)(7)(C) (phonetic) (b)(7)(C). It was a very

21 thorough audit, the most thorough audit I've ever been

22 involved in. And they seem to think we have a pretty

23 good program. They pointed out some areas that were

24 weaker and would like to see improvement and they also

25 had already seen proof that corrective actions were

1 being taken on those weaknesses. That's how I feel.
2 SPECIAL AGENT (b)(7)(C): Were you ever
3 instructed by management to not document or write up
4 safety-related issues by employees?
5 (b)(7)(C): Never.
6 SPECIAL AGENT (b)(7)(C): Did Bert Bowers
7 engage in protected activity by raising safety-related
8 concerns and was ultimately punished by the company?
9 (b)(7)(C): No.
10 SPECIAL AGENT (b)(7)(C): Mr. Murphy?
11 MR. MURPHY: Nothing. Thank you.
12 SPECIAL AGENT (b)(7)(C): I have a couple of
13 closing comments and remarks. Have I threatened you
14 in any manner in exchange for your testimony?
15 (b)(7)(C): No, sir.
16 SPECIAL AGENT (b)(7)(C): Have I offered you
17 any reward in exchange for your testimony?
18 (b)(7)(C): No, sir.
19 SPECIAL AGENT (b)(7)(C): Has it been given
20 freely and voluntarily?
21 (b)(7)(C): Yes, sir.
22 SPECIAL AGENT (b)(7)(C): Anything else you
23 would like to add to the record at this time?
24 (b)(7)(C): I would like to show you those
25 documents that we discussed earlier.

1 SPECIAL AGENT (b)(7)(C): We can do that
2 offline. For the record, (b)(7)(C) will provide some
3 documents that were referenced earlier such as the
4 audit report, correct?
5 (b)(7)(C): The audit report and the RWP
6 that covered the work done in Building 271.
7 SPECIAL AGENT (b)(7)(C): Those items will be
8 reviewed and provided at a later date and time.
9 The time is now 12:17 p.m., Pacific
10 Standard Time. This interview is concluded.
11 (Whereupon, at 12:17 p.m., the interview
12 was concluded.)
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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-002

Location: San Francisco, California

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

(b)(7)(C)

Official Transcriber
Neal R. Gross & Co., Inc.

EXHIBIT 15