

EXHIBIT 15

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS
INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : OI Case No.

(b)(7)(C)

: 1-2012-002

(CLOSED) :

-----X

Thursday, February 9, 2012
State of California Office Building
455 Golden Gate Avenue
San Francisco, California 94102

The above-entitled interview was conducted
at 4:28 p.m.

BEFORE:

Special Agent (b)(7)(C)

122012002

EXHIBIT 15
PAGE 1 OF 77 PAGE(S)

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

On behalf of the interviewee, Tetra Tech,
and other individuals involved in the investigation:

TIMOTHY J. MURPHY, ESQ.

Managing Partner

of: Fisher & Phillips, LLP

One Embarcadero Center

Suite 2340

San Francisco, CA 94111-3712

(415) 490-9011

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

P-R-O-C-E-E-D-I-N-G-S

(4:28 p.m.)

1
2
3 SPECIAL AGENT (b)(7)(C) Today's date is
4 Thursday, February 9th, 2012. The time is currently
5 4:28 p.m., Pacific Standard Time. For the record,
6 this is an interview of (b)(7)(C), who is
7 employed as the (b)(7)(C)
8 (b)(7)(C) with Tetra Tech, EC, Inc., at
9 the Hunters Point -- well, actually, you are located
10 in --

(b)(7)(C)

(b)(7)(C)

11
12 SPECIAL AGENT (b)(7)(C) -- (b)(7)(C)

13 California.

14 This interview is regarding some
15 activities which occurred at Hunters Point Naval
16 Shipyard in San Francisco.

17 The location of this interview is the
18 State of California office building, Department of
19 Labor on the 10th floor at 455 Golden Gate Avenue, San
20 Francisco, California 94102.

21 I am (b)(7)(C), a Special Agent with
22 the Office of Investigations, U.S. Nuclear Regulatory
23 Commission, Region One Field Office in King of
24 Prussia, Pennsylvania. Also present is Mr. Tim
25 Murphy, Esquire, who is legal counsel for (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 here today.

2 I must first inform you that the NRC
3 strictly prohibits recording or transmitting of this
4 interview by any parties other than the NRC or its
5 designee. Having said that, are you recording or
6 transmitting this interview in any way?

7 (b)(7)(C) I am not.

8 SPECIAL AGENT (b)(7)(C) Are you, Mr. Murphy?

9 MR. MURPHY: I am not.

10 SPECIAL AGENT (b)(7)(C) This interview is
11 concerning NRC OI Case Number 1-2012-002, and it
12 relates to former Hunters Point radiation safety
13 officer who was employed at Tetra Tech, Elbert "Bert"
14 Bowers, he goes by the name of Bert, who has made
15 claims of discrimination upon raising safety related
16 issues to Tetra Tech management. That will be the
17 balance of our discussion here this afternoon.

18 I must also inform you that, under Title
19 18 of the United States Code Section 1001, it is
20 ostensibly the false statement provision, which says
21 that if you knowingly and willingly make any false,
22 fictitious or fraudulent statements or representations
23 and provide false information, you could be subject to
24 prosecution under Title 18 of the United States Code,
25 Section 1001, which is a felony punishable by a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sentence up to five years confinement and a \$250,000
2 fine. That's not a threat, that's just to say I'm a
3 federal agent of the U.S. government. It's important
4 that you be honest with me. If you say something and
5 then we find out it's not true, then you would have
6 some concerns.

7 (b)(7)(C) : I understand.

8 SPECIAL AGENT (b)(7)(C) : If you could, please
9 raise your right hand.

10 Whereupon

11 (b)(7)(C)

12 Appeared as a witness herein and, having been first
13 duly sworn to tell the truth, was examined and
14 testified as follows:

15 EXAMINATION

16 SPECIAL AGENT (b)(7)(C) : Please state your
17 full name for the record and spell your last name?

18 (b)(7)(C) :

(b)(7)(C)

19 SPECIAL AGENT (b)(7)(C) : Thank you.

20 (b)(7)(C) , is attorney Murphy representing
21 you personally for the purpose of today's interview?

22 (b)(7)(C) :

He is.

23 SPECIAL AGENT (b)(7)(C) : Okay. Does your
24 employer require you to have an attorney present when
25 interviewed by NRC OI?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 (b)(7)(C): Does my company require me?
2 They do not.

3 SPECIAL AGENT (b)(7)(C): Okay. Does -- or
4 were you threatened with any adverse action if you had
5 not elected to have corporate counsel present here
6 today?

7 (b)(7)(C): I was not.

8 SPECIAL AGENT (b)(7)(C): Okay. Did either
9 corporate counsel or a company representative suggest
10 to you or instruct you as to how you should respond to
11 the level of questioning here?

12 (b)(7)(C): We talked about it, and the
13 counsel advised me to answer honestly.

14 SPECIAL AGENT (b)(7)(C): Okay. Will Mr.
15 Murphy's presence hinder your testimony in any way?

16 (b)(7)(C): It will not.

17 SPECIAL AGENT (b)(7)(C): Do you understand
18 that you have the right to a private interview with me
19 at a time of your convenience?

20 (b)(7)(C): I do.

21 SPECIAL AGENT (b)(7)(C): Mr. Murphy, if you
22 could please introduce yourself for the record?

23 MR. MURPHY: Timothy J. Murphy. I'm a
24 partner with Fisher and Phillips located in the San
25 Francisco, California office, and we are counsel for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Tetra Tech, EC, Inc. in the NRC proceeding that we're
2 here for today.

3 SPECIAL AGENT (b)(7)(C) : And you are acting
4 as personal representative for (b)(7)(C) ?

5 MR. MURPHY: Yes, sir.

6 SPECIAL AGENT (b)(7)(C) : Okay. And as you
7 represent (b)(7)(C), you also represent the company.
8 If you were to determine a conflict of interest
9 between your representation of (b)(7)(C) and that of
10 Tetra Tech, what would be your course of action?

11 MR. MURPHY: I will follow the rules of
12 professional conduct that are established by the
13 Supreme Court of the State of California and the State
14 Bar Association, which sets forth the procedures to
15 follow where there's a conflict of interest that
16 arises.

17 SPECIAL AGENT (b)(7)(C) : All right.

18 MR. MURPHY: If one arises.

19 SPECIAL AGENT (b)(7)(C) : Now we got through
20 all that.

21 (b)(7)(C), you're the (b)(7)(C)
22 (b)(7)(C). How long have you
23 been in the current position?

24 (b)(7)(C) : In -- I've been in (b)(7)(C)
25 since (b)(7)(C), so over (b)(7)(C) now.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPECIAL AGENT (b)(7)(C) : How long have you been employed with Tetra Tech?

(b)(7)(C) : Since (b)(7)(C) So I'm in my (b)(7)(C) going on my (b)(7)(C)

SPECIAL AGENT (b)(7)(C) : Okay. What did you do previously at Tetra Tech?

(b)(7)(C) : I was a (b)(7)(C) on a similar type project in the (b)(7)(C) in the

(b)(7)(C)

SPECIAL AGENT (b)(7)(C) : What state is that in?

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

SPECIAL AGENT (b)(7)(C) : (b)(7)(C)

(b)(7)(C) : Yeah.

SPECIAL AGENT (b)(7)(C) : Where were you employed prior to Tetra Tech?

(b)(7)(C) : I was an (b)(7)(C) in the (b)(7)(C) (b)(7)(C)

(b)(7)(C)

SPECIAL AGENT (b)(7)(C) : How long were you an

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

SPECIAL AGENT (b)(7)(C) : What's your professional background consisting of? Were you a

(b)(7)(C)

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

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So my education is in -- I'm a -- got (b)(7)(C)
 2 and a (b)(7)(C) in (b)(7)(C) And I'm a
 3 (b)(7)(C) in both (b)(7)(C)
 4 and (b)(7)(C)

5 SPECIAL AGENT (b)(7)(C) : So your nuclear
 6 experience, did you do a lot of that in the (b)(7)(C)

7 (b)(7)(C) : No.

8 SPECIAL AGENT (b)(7)(C) : None of that? The
 9 extent to your nuclear experience has been since
 10 you've been out?

11 (b)(7)(C) : Correct.

12 SPECIAL AGENT (b)(7)(C) : Working with Tetra
 13 Tech, I guess?

14 (b)(7)(C) : Right.

15 SPECIAL AGENT (b)(7)(C) : The job in
 16 (b)(7)(C) was it -- were there nuclear
 17 materials at that site?

18 (b)(7)(C) : There -- not that we were
 19 involved with remediating.

20 SPECIAL AGENT (b)(7)(C) : Okay.

21 (b)(7)(C) : So my professional career has -
 22 - with Tetra Tech has been remediation which is
 23 basically environmental clean-up at sites. So --

24 SPECIAL AGENT (b)(7)(C) : What are your duties
 25 and responsibilities under your current position?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

(b)(7)(C)

(b)(7)(C)

1

2

(b)(7)(C)

which includes

3

our project sites, such as Hunters Point, Alameda, and

4

other sites throughout the -- throughout the United

5

States now.

6

SPECIAL AGENT (b)(7)(C) : Oh, it's throughout

7

the whole United States?

8

(b)(7)(C)

: Right.

9

So just to help explain our organization,

10

our (b)(7)(C), such as (b)(7)(C), reports

11

to me.

12

SPECIAL AGENT (b)(7)(C) : Okay.

13

(b)(7)(C)

: So I've got underneath me,

14

multiple (b)(7)(C). And those (b)(7)(C)

15

are responsible for specific projects or multiple

16

projects.

17

SPECIAL AGENT (b)(7)(C) : Right.

18

(b)(7)(C)

: So Hunters Point, (b)(7)(C) our

19

(b)(7)(C) for Hunters Point.

20

SPECIAL AGENT (b)(7)(C) : How many projects do

21

you have (b)(7)(C) working -- reporting to you on? How

22

many different projects?

23

(b)(7)(C)

: Across the country, over two

24

dozen.

25

SPECIAL AGENT (b)(7)(C) : Okay.

NEAL R. GROSSCOURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 (b)(7)(C) : Two dozen what I would consider
2 large projects. Probably 60 to 70, if you factor in
3 what --

4 SPECIAL AGENT (b)(7)(C) : Smaller --

5 (b)(7)(C) : -- smaller projects as well.

6 SPECIAL AGENT (b)(7)(C) : What type of
7 training did you receive for your current position?
8 Was there any specific training you went to?

9 (b)(7)(C) : Yeah. So we have prime
10 contracts with -- and I'll talk specifically about our
11 work at Hunters Point. We have a prime contract with
12 the Navy. We have multiple prime contracts.

13 SPECIAL AGENT (b)(7)(C) : Okay.

14 (b)(7)(C) : And when the Navy issues
15 contracts, they require what they call key personnel.

16 And the (b)(7)(C)
17 (b)(7)(C), is a key personnel position.

18 SPECIAL AGENT (b)(7)(C) : Okay.

19 (b)(7)(C) : So typical requirements are
20 education, years of experience managing multiple --
21 they call them IQID, indefinite quantity and
22 indefinite delivery contracts. And they use the
23 professional engineering registration subtype.

24 SPECIAL AGENT (b)(7)(C) : Okay. So you --
25 it's fair to say that you have an awareness then of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 what's considered a nuclear safety security issue?
2 Nuclear safety concern?

3 (b)(7)(C): Yes.

4 SPECIAL AGENT (b)(7)(C): Are your employees
5 trained on what's a nuclear safety concern and what's
6 not, so they would know what the issue -- how to
7 recognize an issue or problem?

8 (b)(7)(C): Yes.

9 SPECIAL AGENT (b)(7)(C): Who does that
10 training?

11 (b)(7)(C): We do annual training,
12 radiological refresher training. It's typically done
13 by the position we call as the RSOR, radiation safety
14 officer representative at the site. And then that
15 would -- that is over -- the oversight of that is (b)(7)(C)

16 (b)(7)(C) who is our (b)(7)(C). So

17 (b)(7)(C) is named in our -- on our NRC license as the

18 (b)(7)(C) (b)(7)(C) works with the -- his
19 representatives on our project sites to look at the
20 training and ensure that they've done the annual
21 training.

22 (b)(7)(C) also maintains our corporate
23 procedures for radiation safety. And any time he
24 updates those procedures, he ensures that, you know,
25 prior to the procedure going into effect, he would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 work with the radiation safety officers
2 representatives to make sure that we train the staff
3 before we update the procedure.

4 SPECIAL AGENT (b)(7)(C): Where is he located
5 out of?

6 (b)(7)(C): (b)(7)(C) -- or (b)(7)(C)

7 And (b)(7)(C) out here -- our two major sites where we're
8 doing work are Hunters Point and Alameda, and (b)(7)(C)
9 out here pretty regularly.

10 SPECIAL AGENT (b)(7)(C): Okay. Now
11 employees, are they -- do they have a mechanism by
12 where they can report nuclear safety concerns, or what
13 they think are deemed to be nuclear safety concerns?

14 (b)(7)(C): Yes, they do.

15 SPECIAL AGENT (b)(7)(C): What are those
16 mechanisms?

17 (b)(7)(C): We have mechanisms for not just
18 nuclear safety but any sort of concern. So one of the
19 ways we train all of our site workers is that they can
20 go to their immediate supervisors. If they're
21 uncomfortable, they can go to their project manager.
22 They could go to another supervisor. They can call
23 our human resources department.

24 Tetra Tech maintains a 1-800 hotline
25 number. That number is posted throughout the site,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 people are made aware of that. We also include that
2 number in our annual EEO statement from our president.
3 And then we also have the NRC posting onsite as well,
4 with the NRC number available.

5 SPECIAL AGENT (b)(7)(C): Is there a way that,
6 if an employee sees something, he or she can fill out
7 -- in the nuclear -- in the reactor world, they're
8 called condition reports. But is there a way -- a
9 condition discrepancy or some kind of documentation
10 that can be filled out and sent either anonymously, or
11 not anonymously if they don't so choose?

12 (b)(7)(C): There is. Our employees can
13 fill out, we call them ZIP slips. ZIP stands for zero
14 incident performance, it's an acronym.

15 SPECIAL AGENT (b)(7)(C): Uh-huh.

16 (b)(7)(C): So we have ZIP slips that are
17 available for employees to complete, and they can fill
18 them out -- they can either add their name or not. We
19 also have incident reports, they can get filled out,
20 but that's a computer-based reporting system.

21 And then our hotline call, that could be
22 made anonymous, of course, as well.

23 SPECIAL AGENT (b)(7)(C): Are employees
24 trained on these various mechanisms and the use of
25 them?

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 (b)(7)(C) : Yes, sir.

2 SPECIAL AGENT (b)(7)(C) : What's the company's
3 policy regarding an employee's ability to raise a
4 safety related concern?

5 (b)(7)(C) : We encourage people to raise
6 safety concerns.

7 SPECIAL AGENT (b)(7)(C) : Are employees
8 protected from retaliation if they raise a safety
9 concern?

10 (b)(7)(C) : Absolutely.

11 SPECIAL AGENT (b)(7)(C) : Is this outlined in
12 a company handbook or procedural manual?

13 (b)(7)(C) : Yes.

14 SPECIAL AGENT (b)(7)(C) : When layoffs occur,
15 how is it determined which employees are laid off and
16 which are retained? Understanding that I've been told
17 by various folks that the budget predicates that. And
18 that if there are cuts in the budget, that may tell
19 you that you've got to lose two people, three people -

20
21 (b)(7)(C) : Right.

22 SPECIAL AGENT (b)(7)(C) : -- employees. But
23 in terms of --

24 (b)(7)(C) : Mr. Murphy, are you okay?

25 Oh, he's got the mop in there.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Do you mind if we take a break just for a
2 moment?

3 SPECIAL AGENT (b)(7)(C): We'll take a break.
4 Off the record briefly. The time is currently 4:43,
5 Pacific Standard Time.

6 (A short break was taken.)

7 SPECIAL AGENT (b)(7)(C): We're back on the
8 record at 4:45 p.m., Pacific Standard Time.

9 I was asking about the layoffs. And I
10 think I mentioned that the budget, I know, will
11 predicate how many slots you lose or gain, so on and
12 so forth. However, how is it determined which
13 individuals are laid off or retained?

14 (b)(7)(C): Right. When -- we're a project
15 based organization. So as we win a new project, we
16 need to staff up. As that project comes to an end, we
17 need to lay off. Typically that's done with input,
18 primary input by the supervisor responsible for that
19 work area.

20 SPECIAL AGENT (b)(7)(C): So that supervisor,
21 is that essentially who makes the determination?

22 (b)(7)(C): The supervisor, over the past,
23 I would say for four to five years now, because of
24 some of the sensitivities, and for our work here in
25 San Francisco, we've actually asked that that get

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 elevated up to (b)(7)(C). And then (b)(7)(C), our
2 (b)(7)(C) --

3 SPECIAL AGENT (b)(7)(C): He make the
4 decision?

5 (b)(7)(C): No. He lets both myself and
6 (b)(7)(C), who's our (b)(7)(C) --

7 SPECIAL AGENT (b)(7)(C): Uh-huh.

8 (b)(7)(C): -- he informs us of who their
9 plan is to lay off and gives us an opportunity to ask
10 any questions, make sure we're all satisfied we're
11 making the right decision.

12 So as an example, starting January 3rd of
13 this year, our scope changed for one of our projects
14 at Hunters Point, and we had to reduce a couple of
15 radiological technician positions. These were
16 subcontracted positions.

17 (b)(7)(C), who was the (b)(7)(C) he's
18 a Tetra Tech employee, he's our (b)(7)(C)

19 (b)(7)(C). (b)(7)(C) specifically
20 asked him, look, we have the budget cut during
21 negotiations with the Navy. I need you to decide, we
22 need to cut two people. Here's the scope that's being
23 reduced. You tell me which two you recommend.

24 (b)(7)(C) had interviewed -- he talked to the
25 other rad supervisors. He, in his mind, had two who

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 he felt should be laid off. He spoke with the other
 2 rad supervisors that are Tetra Tech employees to get
 3 their input. He also spoke with (b)(7)(C) from
 4 a construction standpoint, to get his -- their input.
 5 They all confirmed. (b)(7)(C) let (b)(7)(C) know, (b)(7)(C) called
 6 me to let me know, (b)(7)(C) who's here we're looking to
 7 lay off. I also called (b)(7)(C) to give (b)(7)(C) an
 8 opportunity to comment.

9 I asked (b)(7)(C) specifically if there were
 10 any outstanding complaints or any concerns that either
 11 one of the two employees that were named -- it was
 12 (b)(7)(C) and Susan.

13 SPECIAL AGENT (b)(7)(C): Uh-huh. (b)(7)(C)
 14 (b)(7)(C) and Susan Andrews?

15 (b)(7)(C): Yes, correct.

16 SPECIAL AGENT (b)(7)(C): Okay.

17 (b)(7)(C): If either one of them had any
 18 safety complaints or any outstanding concerns that, if
 19 we laid them off, could be viewed as a retaliation.

20 (b)(7)(C) confirmed to me not to his knowledge, and I said,
 21 then I agree with that, the layoff decisions (b)(7)(C)
 22 made, go ahead and proceed.

23 (b)(7)(C): You doing all right there?

24 MR. MURPHY: Yeah, I'm doing fine.

25 SPECIAL AGENT (b)(7)(C): So if safety

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 concerns are raised by employees, and they go to a
2 supervisor or manager, does the concern kind of stop
3 at the site level or is there a requirement that it
4 get run up the chain in its entirety, or to a certain
5 extent, I guess?

6 (b)(7)(C): I guess it would depend on the
7 seriousness of the complaint. If somebody -- if
8 somebody were to report to their supervisor an issue,
9 their supervisor may just know the answer right there
10 and address it and say, you know, that's resolved.

11 If it's a more serious complaint, we may
12 elect to do a ZIP slip or a near miss report, to
13 investigate it further so that we can do a root cause
14 analysis and then take any corrective actions. And
15 then also share that as a lesson learned amongst not
16 only the Hunters Point site, but other project sites.

17 I get reports on a monthly basis of all
18 the near miss reports from our different sites. Just
19 so you know, one of the performance goals that I give
20 all my project managers is a goal for near miss
21 reporting. And I'll use (b)(7)(C), since we're talking
22 about Hunters Point. In his performance evaluation in
23 the last couple years, he had a goal of near miss
24 report for every 2,500 hours worked on the project
25 site.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SPECIAL AGENT (b)(7)(C): Okay.

2 (b)(7)(C): So that whole idea is to
3 encourage those near miss reports. And you know, as
4 managers and supervisors, I want information so we can
5 go fix it.

6 SPECIAL AGENT (b)(7)(C): Right. Do you know
7 Mr. Bowers?

8 MR. MURPHY: The goal is not limited to
9 that, but you want to see one?

10 (b)(7)(C): Right.

11 MR. MURPHY: I'm sorry. Just to --

12 SPECIAL AGENT (b)(7)(C): So you're saying
13 it's not a goal that you have these miss things, but
14 in the event you want to reduce how many cases, you
15 know, fall by the wayside, you're --

16 (b)(7)(C): We want to see those near miss
17 reports. Because part of the training that we provide
18 our -- all of our Tetra Tech employees is what we call
19 loss control leadership. And one of the principles is
20 that, is for every serious injury or fatality, you
21 probably had 40 accidents where somebody got injured.
22 And we call it the loss control pyramid. And down at
23 the bottom you probably had 600 to 1,000 near miss
24 reports that never got identified.

25 SPECIAL AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : So the idea is, operate in that
2 near miss zone. Capture those near misses, correct --
3 take corrective action to fix the problem so that you
4 don't end up with an injury or, God forbid, a fatality
5 at the top of the pyramid.

6 SPECIAL AGENT (b)(7)(C) : Okay.

7 (b)(7)(C) : So that's the culture that
8 we've established.

9 SPECIAL AGENT (b)(7)(C) : And is that -- that
10 pyramid, and all that information, is that shared with
11 employees during training?

12 (b)(7)(C) : Yes.

13 SPECIAL AGENT (b)(7)(C) : Okay. So you do
14 know Mr. Bowers?

15 (b)(7)(C) : Yes, I do.

16 SPECIAL AGENT (b)(7)(C) : When do you recall
17 having first come in contact with him and under what
18 circumstances?

19 (b)(7)(C) : It would have been -- my very
20 first contact was probably (b)(7)(C) I visited
21 -- prior to my assignment here in San Diego, I
22 attended what we call a project review at the Hunters
23 Point Shipyard. And I spent some time meeting a lot
24 of the staff.

25 At that point in time, Bert Bowers was the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 radiation safety officer for New World Technology.
2 New World Technology was a subcontractor to Tetra Tech
3 at the Hunters Point site.

4 I met a lot of people that day for the
5 very first time, so --

6 SPECIAL AGENT (b)(7)(C) : Right.

7 (b)(7)(C) : -- I don't know for sure if
8 that's when I met him. But if -- I'm speculating I
9 probably met him during that visit. And if not, it
10 would have been (b)(7)(C)

11 SPECIAL AGENT (b)(7)(C) : And you may or may
12 not have a good answer for this next question, just
13 because of the level of interaction or lack thereof.

14 What kind of employee was Bowers described
15 as?

16 (b)(7)(C) : So, by employee, you're talking
17 about employee of Tetra Tech --

18 SPECIAL AGENT (b)(7)(C) : Right.

19 (b)(7)(C) : -- which started in 2009, March
20 or April 2009 is when he became a Tetra Tech employee.

21 My knowledge of Bert was the day -- the
22 day we hired him, part of our strategy was, we wanted
23 to invoke our own NRC license out at Hunters Point to
24 give ourselves more direct control of radiation
25 safety.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I felt that the health/physics
2 professionals we had at that time weren't really ready
3 for that responsibility. We advertised, Bert applied,
4 and we ended up hiring Bert. At that point, I felt,
5 okay, Bert has been doing the ROSR type job. We hired
6 him and we invoked our licenses that same day.

7 The very next day we invoked our license,
8 the NRC showed up to do an inspection, and we passed
9 that inspection. So my impression of Mr. Bowers at
10 that point was very high. I was impressed. I said,
11 man, here's a guy, the second day on the job, and --
12 and the day after we invoked our NRC license, we went
13 through an audit without any issue.

14 In 2010, especially I would say summer of
15 2010 through the fall, (b)(7)(C) started making me aware of
16 some performance concerns with Bert. In my own site
17 visits, I saw Bert what I would say talking a good
18 game. But I was sensing some concerns from (b)(7)(C)

19 (b)(7)(C)
20 (b)(7)(C) came to me about October 2011 with
21 very specific performance concerns about Bert. I
22 said, all right, (b)(7)(C) -- (b)(7)(C) (b)(7)(C) we're
23 getting ready to do our annual performance evals.
24 Let's you and I call (b)(7)(C) together, and we informed
25 (b)(7)(C) of some of the concerns that (b)(7)(C) had in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 specific, and just my own observations. And we asked
2 (b)(7)(C) to give Bert, you know, some specific improvement
3 goals for the upcoming year.

4 SPECIAL AGENT (b)(7)(C): Okay. So what were
5 some of the concerns that (b)(7)(C) brought up to you?

6 (b)(7)(C): Yeah. (b)(7)(C) biggest concerns
7 were that Bert was spending all his time in the site
8 trailer, and not actively being engaged out onsite.
9 He wouldn't get out and interact with the staff.

10 One of the things (b)(7)(C) knew, and I knew,
11 that the Nayv was changing its workload. That what we
12 called the base-wide supports --

13 SPECIAL AGENT (b)(7)(C): Uh-huh.

14 (b)(7)(C): -- that that was continuing to
15 shrink, continuing to shrink. We wanted to get Bert
16 more engaged in some of the other project work, in the
17 active field work.

18 So (b)(7)(C) was trying to help mentor Bert by
19 having him get out in the field more, interact more
20 with the (b)(7)(C) That was a
21 concern, so he was too much time in the office.

22 The other concern was he wasn't attending
23 a lot of the meetings. So one of the things (b)(7)(C)
24 implemented at the site is, they have a 6:30 a.m.
25 meeting before work starts. It's just the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 construction superintendents and the rad
2 superintendents so that they can go through their plan
3 of the day. What are they going to do, who's working
4 where, who's supporting.

5 SPECIAL AGENT (b)(7)(C): And then there's a
6 tailgate meeting?

7 (b)(7)(C): And then they have a 7:00
8 o'clock tailgate meeting with the entire team. So
9 they -- you know, our supervisors, we want to make
10 sure they're all on the same page what the plan is
11 before they get in front of all the troops and give
12 the plan of the day.

13 And then at the 4:00 o'clock meeting,
14 there is a -- I guess it's a slang term, I call it a
15 white hat meeting. But the supervisors meeting, so
16 that's a cross section of not only our field
17 management staff but our office support staff. So
18 people who work on the database or engineers, things
19 like that. And (b)(7)(C) just kind of runs around the
20 table, how we doing here, how we doing there. So it's
21 a chance for everybody to hear what's going on.

22 Bert was not attending the 6:30 meeting at
23 all. And he was frequently missing the 4:00 o'clock
24 meeting. I viewed that as a concern because Bert was
25 in a senior management position at the site, not only

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 from a position of responsibility standpoint, but from
2 a salary standpoint as well.

3 SPECIAL AGENT (b)(7)(C): Well, are those
4 things, the attendance at those meetings, was it --
5 are those all outlined in his duties and
6 responsibilities, employment duties and
7 responsibilities?

8 (b)(7)(C): I don't know that they're
9 defined quite to that level of detail.

10 SPECIAL AGENT (b)(7)(C): Right.

11 (b)(7)(C): But if your -- if you're a
12 supervisor and you've got responsibility for radiation
13 safety, if you're going to have a daily meeting that's
14 talking about the daily work, and the 4:00 o'clock
15 meeting kind of getting input from everybody, as a
16 supervisor, it's just an expectation that you be
17 there.

18 SPECIAL AGENT (b)(7)(C) Okay. And did (b)(7)(C)
19 have to kind of ring Bert in and say something to him
20 about attendance at these meetings? Had it been an
21 ongoing thing, had he had to keep telling him, okay,
22 maybe you should come or --

23 (b)(7)(C): Yeah. If the 4:00 o'clock
24 meeting -- I don't know all the details. I know at
25 the 4:00 o'clock meeting, (b)(7)(C) was frustrated that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Bert wasn't there all the time. And I know Bert was
2 really -- or (b)(7)(C) was really frustrated that Bert
3 hadn't been attending the 6:30.

4 And he talked to me about it. I said,
5 (b)(7)(C) just direct him to start going. I mean, you're
6 the (b)(7)(C). What -- this isn't an
7 unreasonable request."

8 SPECIAL AGENT (b)(7)(C): Did you have
9 confidence in his abilities as an RSO?

10 (b)(7)(C): I did, up until the point that
11 we did -- (b)(7)(C) and (b)(7)(C) conducted an investigation. And
12 after the results of the investigation, I lost my
13 confidence in Bert.

14 SPECIAL AGENT (b)(7)(C): When was the
15 investigation conducted?

16 (b)(7)(C): In January. So the --

17 SPECIAL AGENT (b)(7)(C): January of last
18 year?

19 (b)(7)(C): Yes, sir.

20 SPECIAL AGENT (b)(7)(C): Now from a timeline
21 perspective, and we'll -- because I have some other
22 questions that will go into that. Was the
23 investigation after he got into the argument with the
24 guys --

25 (b)(7)(C): Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPECIAL AGENT (b)(7)(C) : Okay. We're going to get to that.

(b)(7)(C) : All right. So --

SPECIAL AGENT (b)(7)(C) : Yeah, we're going to get to that.

Did Bert ever raise any safety concerns to you?

(b)(7)(C) : No. And just to be clear, when

Bert became our employee March 2009 -- (b)(7)(C)

(b)(7)(C) And

(b)(7)(C) Bert was always one of the people I would visit. And one of the questions was, how's everything going? Any issues? Things going all right? And Bert -- that I recall, I don't remember him ever bringing anything up.

He would usually tell me things he was working on or things he might do. But --

SPECIAL AGENT (b)(7)(C) : So you're (b)(7)(C)

(b)(7)(C)

(b)(7)(C) : Right, four to six times a year.

SPECIAL AGENT (b)(7)(C) : Four to six times a year, and he's never saying, oh, this is going on, in terms of safety, guys aren't, you know, doing surveys

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 enough, or leaving equipment out, or all these
2 different things. He never said anything to you about
3 it during your visits?

4 (b)(7)(C) : No.

5 SPECIAL AGENT (b)(7)(C) : He never called you
6 or sent emails or photographs? Did he ever email you
7 any photographs?

8 (b)(7)(C) : Not until after --

9 SPECIAL AGENT (b)(7)(C) : Until after the
10 argument?

11 (b)(7)(C) : -- until after the argument.

12 SPECIAL AGENT (b)(7)(C) : Okay. Well, let's
13 talk about that, the argument with the rad
14 supervisors, how this thing kind of spiraled out to
15 where it is today.

16 (b)(7)(C) : Okay. So January 13th -- how
17 do you want to handle the timeline? Do you want to
18 kind of, as if --

19 SPECIAL AGENT (b)(7)(C) : Yeah, well --

20 (b)(7)(C) : -- kind of summarize based on
21 my investigation? Or --

22 SPECIAL AGENT (b)(7)(C) : Yeah, that's fine.

23 (b)(7)(C) : Okay.

24 SPECIAL AGENT (b)(7)(C) : Here's what I know.
25 I know that Bert had it out one morning -- or I know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that prior to him -- the day the argument persisted,
2 (b)(7)(C) had asked him to get in at 6:30, make
3 the 6:30 meeting.

4 (b)(7)(C): Right.

5 SPECIAL AGENT (b)(7)(C): You're not making
6 the meetings, I need you here at 6:30.

7 Bert made -- you know, been trying to come
8 in later, from what I understand, saying, you know, I
9 need to be here at night because here's an example, I
10 was here late and I saw a generator left out, or some
11 equipment left out.

12 And he goes back to (b)(7)(C) to (b)(7)(C)
13 and says, "hey, I need to be here late."

14 (b)(7)(C) says, "no, you need to get here in
15 the morning."

16 So (b)(7)(C) asked him to get in early for the
17 morning meeting. The next morning comes around, Bert
18 misses the meeting, and (b)(7)(C) looks up and he's
19 arguing with -- with (b)(7)(C) and (b)(7)(C) --

20 (b)(7)(C): Right.

21 SPECIAL AGENT (b)(7)(C): -- (b)(7)(C) in the
22 conference room. (b)(7)(C) goes out and breaks
23 it up, says, "okay, you guys go back to work."

24 Bert follows him in his office, they get
25 into it, Bert says, "hey, I want your support. If I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 don't get it, I'm going to -- I'm resigning."

2 He says, "fine, go ahead and resign. Just
3 don't use the phone here" -- you know, he said, "and
4 I'm going to call the" -- Bert threatens to call the
5 NRC.

6 (b)(7)(C) says, "do what" -- you know, "do
7 what you're going to do, just you're not going to use
8 the phone here. Get your things and go." Whatever.

9 (b)(7)(C): Yeah.

10 SPECIAL AGENT (b)(7)(C): So (b)(7)(C) says
11 that, in his mind, Bert had given him his resignation
12 verbally at that point, and from there everything else
13 kind of --

14 (b)(7)(C): Right.

15 SPECIAL AGENT (b)(7)(C): So that's a good
16 place for you to begin. (b)(7)(C): Yeah. So my
17 involvement on that, prior -- leading up to that, as
18 I mentioned before, we had a new task where -- that
19 started January 3rd. Again, the scope had reduced.
20 So our scope reduced in January of 2011, and here
21 again in January 2012.

22 So in coming up, I had (b)(7)(C) and one of our
23 other supervisors up there, a (b)(7)(C)
24 (b)(7)(C) who were putting together what we would call a
25 staffing plan. And that is, based on the new scope,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you know, here's the hours for different people.

2 They had given me a draft of that to
3 review, I said, "yeah, that's a good plan. Make sure
4 you communicate that."

5 Bert had been provided a copy of his
6 reduced hours. I believe that was on January 12th,
7 both (b)(7)(C) and (b)(7)(C) had gotten with Bert to say, "look,
8 your hours are going to be reduced from 50 a week to
9 45 a week."

10 SPECIAL AGENT (b)(7)(C): Right..

11 (b)(7)(C): During the course of that
12 discussion, Bert had brought up the fact that, "look,
13 I can't do my evening drive-arounds. You want me
14 coming in at the 6:30 meetings now." (b)(7)(C) also
15 informed him that he wanted him to start going to the
16 6:30 meetings. You know, "how can I -- I'm not going
17 to be able to do both those things and keep it under -
18 - you know, I need my 50 hours."

19 SPECIAL AGENT (b)(7)(C): In 45 hours?

20 (b)(7)(C): Yeah. "What am I going to do?"

21 He said, "well, just start coming to the
22 morning meetings, we'll work through this."

23 And then I think -- I think later that
24 day, (b)(7)(C) came back to Bert and said, "look, you know,
25 you're going to take some vacation time, I think we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 can still make this work to where you can get the 50
2 in, but" -- you know.

3 That evening, Bert had done his evening
4 drive-through. He observed some folks working in --
5 in what he thought was a rad controlled area, a rad
6 R&A. He drove up enough to see that they were our
7 folks, and asked what they were doing there. And
8 said, oh, we're just locking up and we're going to get
9 out of here.

10 And he asked if they had a HP supervisor
11 with them, they said no.

12 So instead of stopping them and saying,
13 hey wait a minute, we need to frisk you out, or don't
14 move, I'm going to get a meter, he goes back to the
15 trailer and talks to (b)(7)(C). It's the end of the day,
16 (b)(7)(C) getting ready to go home.

17 He tells (b)(7)(C) his concern that he thought
18 he saw them in a rad controlled area. And (b)(7)(C) said,
19 "look, go to the 6:30 meeting tomorrow, like I asked
20 you earlier today, and discuss it with the sups, and
21 let's get it ironed out. There's nothing we can do
22 about it" --

23 SPECIAL AGENT (b)(7)(C): Now.

24 (b)(7)(C): -- "now, basically," right.

25 (b)(7)(C) shows up -- or Bert shows up,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 according to the statement I got from him,
2 approximately 6:20, and he's -- there's only two
3 conference rooms in the trailer. This is -- you're
4 probably seen construction sites.

5 SPECIAL AGENT (b)(7)(C) : Right.

6 (b)(7)(C) : There's two conference rooms
7 there and he goes to one at 6:20. 6:30 rolls around,
8 he notices nobody else is there. Instead of getting
9 down and looking in the other conference room, he just
10 stayed there in the main conference room.

11 And then the meeting broke up, somebody
12 walked by and said, "Bert, where were you? We just
13 had our meeting."

14 "Oh, I thought it was here, nobody told
15 me."

16 So Bert went down to the other conference
17 room, got the HP supervisors and said, "I need to talk
18 to you four right now."

19 He brings them down to his office and
20 says, "hey, we have people working in a rad control
21 area, there wasn't an HP supervisor, what's going on?"

22 I think (b)(7)(C) was the first one
23 to start pushing back saying, "Bert, you're wrong.
24 That area has been down-posted. It's -- there's
25 nothing impacted, it's all cleared."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 At that point Bert said, "I knew you were
2 going to say that," something to that effect.

3 And (b)(7)(C) started pushing back. And at
4 some point, Bert slammed his hands on the table, they
5 got excited. (b)(7)(C) got excited. It's noisy enough
6 that (b)(7)(C) hears it in the other -- (b)(7)(C) office is on
7 the other side of the trailer from that. He hears it.
8 It's a 16-wide trailer, so it's a fairly large
9 trailer.

10 SPECIAL AGENT (b)(7)(C): Right.
11 (b)(7)(C): So (b)(7)(C) comes over and says,
12 "what's going on?"

13 And Bert explained, "you know, I'm trying
14 to talk to these guys about the RCA, that I saw people
15 working last night."

16 (b)(7)(C) said, "no, it's been down-posted.
17 You're wrong, Bert. You guys go back to work." (b)(7)(C)
18 was trying to diffuse the situation.

19 So in (b)(7)(C) mind, he had gotten the guys
20 to go to work and told Bert, "just relax, it's been
21 down-posted, lets, you know, take a look at it."

22 (b)(7)(C) goes back to his office to start his
23 day. Bert follows behind. From my understanding,
24 (b)(7)(C) was sitting in his chair, Bert -- Bert had said,
25 "look, what's going on? You know, you're not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 supporting me, I resign."

2 And (b)(7)(C) said, "I accept your resignation,
3 pack your shit and get out of here," was the statement
4 I got from (b)(7)(C).

5 Immediately after that, (b)(7)(C) called me to
6 let me know what had happened.

7 SPECIAL AGENT (b)(7)(C): Okay.

8 (b)(7)(C): And shortly after that, Bert
9 called (b)(7)(C) to report what happened.

10 The story that Bert told (b)(7)(C) is that,
11 when he went into (b)(7)(C) office, he says, "do you want
12 me to resign?"

13 So (b)(7)(C) and I are talking -- you know,
14 (b)(7)(C) was Bert's (b)(7)(C) was mine. We get
15 (b)(7)(C) our (b)(7)(C) on the phone. Said,
16 "look, you know, (b)(7)(C) saying he's resigned, Bert's
17 saying he just asked if he wanted his resignation. It
18 appears there was some tension here, we think we need
19 to do an investigation."

20 So (b)(7)(C) and (b)(7)(C) conducted that
21 investigation.

22 SPECIAL AGENT (b)(7)(C): And what was the
23 extent of (b)(7)(C) investigation? How did (b)(7)(C) it,
24 who did (b)(7)(C)

25 (b)(7)(C): Yeah. So (b)(7)(C) interviewed (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) that was involved, (b)(7)(C) asked
 2 them to give (b)(7)(C) a written statement summarizing the
 3 events.

4 (b)(7)(C) interviewed -- this was probably a week
 5 or so after the incident, just because (b)(7)(C) --

6 (b)(7)(C)
 7

8 SPECIAL AGENT (b)(7)(C): Right.

9 (b)(7)(C): -- up there. (b)(7)(C) interviewed

10 (b)(7)(C) got written statements.

11 SPECIAL AGENT (b)(7)(C): In the meantime,
 12 what was Bert's status?

13 (b)(7)(C): Bert left the site, as (b)(7)(C)
 14 instructed.

15 SPECIAL AGENT (b)(7)(C): Okay. And at the
 16 time, he had the company car? He left the site --

17 (b)(7)(C): Right.

18 SPECIAL AGENT (b)(7)(C): -- he had the
 19 company vehicle?

20 (b)(7)(C): He had the vehicle.

21 SPECIAL AGENT (b)(7)(C): He was still on
 22 payroll?

23 (b)(7)(C): He was still on payroll, he
 24 still got paid. What (b)(7)(C) and (b)(7)(C) talked about is,
 25 look, there's enough tension here. Bert had told (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 that he was uncomfortable coming back to the site. We
2 said, "Bert, just hang tight. I'm going to come out"
3 -- (b)(7)(C) was able to get out the very next week. I
4 don't remember the day of the week that -- you know,
5 I think maybe Wednesday or so. "But look, I'll be out
6 the next week (b)(7)(C) (b)(7)(C) going
7 to join me later, and we're going to -- we're going to
8 (b)(7)(C) So just hang home, we'll cover
9 you."

10 So he continued to draw salary.

11 SPECIAL AGENT (b)(7)(C): Okay. He was on
12 paid administrative leave, essentially?

13 (b)(7)(C): Right.

14 SPECIAL AGENT (b)(7)(C): Okay. Was he
15 notified in writing of any of this? Or was an email
16 sent to him? Was anything communicated to him that he
17 was on paid leave at that point, and pending the
18 completion of your investigation?

19 (b)(7)(C): Yeah. Well, I don't know if
20 there was done by email, but him and (b)(7)(C) were
21 certainly communicating, because we have to submit
22 time sheets on Friday. And I seem to recall Bert
23 asking (b)(7)(C), you know, what does he charge his time
24 to? And (b)(7)(C) called me to discuss it.

25 I said, "just have him charge it to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 overhead, you know, until we get this resolved."

2 So I couldn't say for -- you know, I don't
3 know for sure, but --

4 SPECIAL AGENT (b)(7)(C): Okay. But at that
5 point, (b)(7)(C) investigation?

6 (b)(7)(C): Right.

7 SPECIAL AGENT (b)(7)(C): And how did that go?

8 (b)(7)(C): It was tough. You know, to cut
9 right to the chase, (b)(7)(C) Bert was convinced --
10 and we asked Bert to come to Hunters Point. He
11 refused. I said, "look, we're going to be there (b)(7)(C)

12 (b)(7)(C) We need you to come there
13 so that -- you know, (b)(7)(C) not only investigating
14 this but we've got to prep for an NRC inspection and
15 he needs your help. I need you to be at the trailer
16 to support that."

17 Bert had indicated that he felt
18 threatened, and was uncomfortable coming to the site.
19 I go, "well, help me understand why you feel
20 threatened?"

21 He goes, "well, I'm just uncomfortable."

22 I said, "well, look, (b)(7)(C) and (b)(7)(C) are both
23 going to be there. Are you -- are you in fear of
24 being physically assaulted or what?"

25 He goes, "no, I'm just uncomfortable."

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So I really couldn't get an answer on why.
2 But he did agree, he said, "all right, if
3 you guys are going to be there, I'll come there and
4 meet you."

5 He showed up late, we asked him to be
6 there the full day. He didn't stay the full day. He
7 had -- he had to go see somebody. I think he -- at
8 one time he said he had an attorney appointment, we
9 certainly weren't going to deny that, so we allowed
10 him to go visit an attorney.

11 And so during [REDACTED] interviews with Bert [REDACTED]
12 were trying to get the story from him on what
13 happened. And as I mentioned or already said, he
14 claimed that he asked if he wanted him to quit.

15 [REDACTED] stuck with, you know, Bert's
16 got one story and [REDACTED] got another. [REDACTED] also had --
17 [REDACTED] written statements was from [REDACTED]

18 And in [REDACTED] written statement, [REDACTED] had heard
19 Bert say, "I resign" to [REDACTED]. So [REDACTED] had that as well.

20 [REDACTED] kind of stuck on what to do. As
21 far as did Bert resign or not, I said, "you know what,
22 he was certainly excited, he was probably angry. He
23 may have said he resigned, he may not have. But it's
24 pretty clear now that did he -- he didn't really
25 intend to resign.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But what else is clear is, we can't have
2 him here at Hunters Point. We also knew the
3 investigation would take a little longer, so we had
4 another project need at Alameda. (b)(7)(C) offered Bert
5 an opportunity to go to Alameda to work as an HP
6 supervisor while (b)(7)(C) completed our investigation.

7 SPECIAL AGENT (b)(7)(C): Was -- what's the
8 company policy regarding receipt of verbal
9 resignations? Is it something you have to deal with
10 often?

11 (b)(7)(C): Right.

12 SPECIAL AGENT (b)(7)(C): And how is that
13 managed?

14 (b)(7)(C): Typically -- I don't know for
15 sure what our policy is on that. When we reported it
16 to (b)(7)(C) who is our (b)(7)(C)
17 (b)(7)(C) asked, "well, did (b)(7)(C) accept it?"
18 And I said, "yeah, (b)(7)(C) told me he
19 accepted."

20 "Well then, he's resigned, we can process
21 him out."

22 That's where (b)(7)(C) said, "well let's have
23 (b)(7)(C) contact Bert and make sure."

24 Because typically we're a matrix
25 organization. So you -- typically, if Bert was going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to resign, he would give that resignation to (b)(7)(C). He
2 gave it to the (b)(7)(C) that he was assigned
3 to.

4 SPECIAL AGENT (b)(7)(C) Right.

5 (b)(7)(C): So that's why we just wanted to
6 follow up with Bert what's happening, did you resign?
7 Did --

8 SPECIAL AGENT (b)(7)(C): Who asked him that?
9 (b)(7)(C): (b)(7)(C) did. (b)(7)(C) called -- Bert
10 contacted (b)(7)(C) after the event and said, you know,
11 (b)(7)(C) threw me offsite. I just asked, 'do you want
12 me to quit?'

13 SPECIAL AGENT (b)(7)(C): All right. So Bert
14 never admits, then, subsequently that he offered a
15 resignation?

16 (b)(7)(C): Not during our investigation.

17 SPECIAL AGENT (b)(7)(C): He said that it was
18 requested?

19 (b)(7)(C): Yeah. He said, "do you want me
20 -- do you want me to resign," is what he said to (b)(7)(C).

21 SPECIAL AGENT (b)(7)(C): And when you asked,
22 did you ask (b)(7)(C) if that was what was said?

23 (b)(7)(C): Yeah. I asked (b)(7)(C), "what
24 exactly did he say?"

25 He goes, "I heard Bert say, 'I resign.'"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I said, "well, Bert's saying what he said
2 was, 'do you want me to resign?' Are you -- any
3 chance you got that confused or misheard it?"

4 He goes, "no, it was clear, (b)(7)(C) He said
5 he quit or -- you know, he resigned."

6 SPECIAL AGENT (b)(7)(C): Were you ever
7 advised by other members of the management there
8 onsite at Hunters Point that Bowers raised safety-
9 related concerns to them?

10 (b)(7)(C): No, not that --

11 SPECIAL AGENT (b)(7)(C): Are you aware of the
12 nature of the concerns that Bowers has alleged to have
13 raised?

14 (b)(7)(C): Yes.

15 SPECIAL AGENT (b)(7)(C): Okay.

16 (b)(7)(C): And so part of (b)(7)(C)
17 investigation, when (b)(7)(C) were interviewing Bert,
18 one of the things he -- his original complaint was,
19 "you know, I told (b)(7)(C) I was concerned about the Crisp
20 Road area, that we had workers in a rad controlled
21 area and we didn't have a supervisor." That was his
22 original complaint.

23 And to explain, "yes, but Bert, do you
24 realize that that was wrong, that area had been down-
25 posted?"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : Right.

2 (b)(7)(C) : Bert replied back and says,
3 "no, it hadn't been down-posted. I was going to --
4 you know, until we down-post, I was going to do this
5 whole formal write-up and sign off on it myself. And
6 then send it to (b)(7)(C) for (b)(7)(C) to do the final sign-off
7 before we down-posted."

8 I'm like, "when did we start doing that?
9 That's not one of our procedure. That's something
10 new."

11 "Oh, that's something I wanted to start
12 doing."

13 So I said, "all right. We've resolved the
14 Crisp Road thing."

15 SPECIAL AGENT (b)(7)(C) : Was he copied on the
16 correspondence --

17 (b)(7)(C) : Yes.

18 SPECIAL AGENT (b)(7)(C) : -- with regard to
19 the down-posting and all those things?

20 (b)(7)(C) : Yeah. What we do is, as we
21 collect samples, you know, we'll get the sample
22 results. Once we're satisfied that this area is
23 clean, we can down-post.

24 So as -- (b)(7)(C) would be the expert on this.
25 But as I understand it, our NRC license would allow us

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to make the decision on whether to down-post or not,
2 since we're the one that's responsible for controlling
3 the rad materials.

4 SPECIAL AGENT (b)(7)(C): Right.

5 (b)(7)(C): As an extra step, and because -
6 - you know, part of the Navy's process, the Navy wants
7 an independent review of that. So we'll send our
8 package, that we're ready to down-post, to RASO. RASO
9 reviews it and says, "yep, this area is clear."

10 So what happened is, Crisp Road -- I don't
11 know if you saw a map or anything, but it's a big long
12 -- I'm an engineer, I've got to do it right.

13 So it's this big long stretch of road.

14 SPECIAL AGENT (b)(7)(C): Uh-huh.

15 (b)(7)(C): So we were clearing things off
16 in segments.

17 SPECIAL AGENT (b)(7)(C): Right.

18 (b)(7)(C): So for each one of those
19 segments, once we cleared a segment, that package
20 would go to RASO. RASO would come back with their
21 concurrence.

22 SPECIAL AGENT (b)(7)(C): Then you'd move on?

23 (b)(7)(C): That would get distributed
24 internally to multiple people, including Bert.

25 SPECIAL AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : So it's right, we'd work our
2 way down. We got the last area cleared, I think it
3 was January 6th, if I remember the date from the
4 investigation. So that, at that point we had RASO
5 concurrence on January 6th. At that point, that was
6 the last one, we can down-post it.

7 So the HP supervisor responsible for that
8 area took the signs down and down-posted it.

9 SPECIAL AGENT (b)(7)(C) : So in the
10 investigation, he tells (b)(7)(C) that that was his
11 complaint?

12 (b)(7)(C) : Right. And then he goes on --
13 during the course of (b)(7)(C) interview with him, he goes
14 on to say, "well (b)(7)(C) there's -- you know, we've got
15 NRC violations all over here."

16 I go, "wait a minute, Bert. You know,
17 this is news to me. What are they? I want to know
18 about them because, if we've got violations, we need
19 to go get them corrected."

20 And then he starts giving examples of
21 things that could have happened. I go, "Bert, give me
22 a specific example."

23 "Well, maybe we don't have any industry
24 license, but this is the kind of stuff that could
25 happen. Or this could happen."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And after about an hour of this, I finally
2 go, "Bert, you're not giving me anything. Where are
3 our NRC violations that we need to correct."

4 "Well, if I could just go around the site
5 with you, I'd show them to you."

6 "Stay right there." I went and got a set
7 of truck keys. I said, "here's a set of truck keys.

8 (b)(7)(C) come with me, we're going for a drive with
9 Bert."

10 So we probably spent another hour and a
11 half driving around the site. "Okay, where are the
12 violations, where are the problems, Bert?"

13 He goes, "well, stop right here. You see
14 this? You know, when we're working in this area, you
15 know, sometimes that gate could be left open at night.
16 So that's one of the things you've got to check for."

17 I go, "well, the gate's open now, Bert,
18 but we're working in that area, you know. So are you
19 -- you're doing your evening drive, do you see that
20 gate open frequently?"

21 "No, but it's one of those things that
22 could happen."

23 "Okay."

24 "Okay, drive around a little more. Drive
25 to another area. Well, can you see this rope here?"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You know, sometimes that sign will get knocked over by
2 the wind, and you'll have to go pick it up."

3 "Okay. Where is that the violation?"

4 So like I say, we spent over an hour
5 driving around the site with all this. And finally
6 towards the end I said, "Bert, we just spent an hour
7 and 15 minutes, whatever, driving. Where are the
8 violations? I'm not seeing any. You're telling me --
9 all you've given me is examples of things that could
10 happen. I understand, any of those things could
11 happen. That's why we have controls and checks in
12 place."

13 SPECIAL AGENT (b)(7)(C): Right.

14 (b)(7)(C): "So where are the violations?"

15 "Well, we really don't have any right now.
16 But you know, we've got this culture of safety here
17 that could lead to those violations if there isn't
18 somebody watching it."

19 I go, "okay. Then this is" -- that's when
20 we started hearing about culture of safety from Bert.
21 I go, "what do you mean 'culture of safety?' Help me
22 understand that? What does that mean?" I go, "to me,
23 when you say 'culture of safety,' I would agree with
24 you. We have a very strong culture of safety. So
25 help me understand that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 "Well, you know, I" -- just he would go
2 around in circles without making a specific point.

3 So we kind of wrapped up that week. One
4 of the things (b)(7)(C) was also tasked -- we knew we were
5 having our annual NRC inspection, and I'm coming up in
6 March. So (b)(7)(C) also had a goal of getting our
7 quarterly TLDs processed. Bert was supposed to help
8 with that and didn't.

9 I also wanted (b)(7)(C) to do our own prep
10 inspection, our internal inspection, to make sure we
11 were ready. So (b)(7)(C) needed some time to do that.

12 So we kind of had inconclusive on, did
13 Bert quit or resign, inconclusive on whether it was
14 retaliation because, according to Bert, he says, "do
15 you want me to quit?"

16 And (b)(7)(C) says, "pack your stuff and get
17 out of here."

18 Bert says, "well, I think I need to call
19 the NRC."

20 "Well then, you get out of here and go
21 call it somewhere else."

22 That might be retaliation. (b)(7)(C)
23 interview (b)(7)(C) (b)(7)(C) was, "I heard him resign first.
24 I accepted his resignation. I asked him to pack and
25 get out of here."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And at that point Bert said, "well, I
2 think I need to call the NRC."

3 And Bert said -- and (b)(7)(C) response was,
4 "you can call the NRC, but you're not going to do it
5 from a site phone because he's no longer an employee.
6 Get your stuff and get out of here, and then go make
7 your call."

8 So to hear that, is that retaliatory? No,
9 he wasn't denied the opportunity to call.

10 So no answer on that. Addressed Bert's
11 concern about compliance. We couldn't find any
12 evidence of compliance issues so the other piece was
13 downgraded to his -- his audit of our license.

14 In concluding that audit, (b)(7)(C) came up
15 with nine findings that -- I think maybe it was four
16 findings and five observations, or five findings and
17 four observations but nine things that were not being
18 done correctly, that were all in Bert's direct
19 responsibility. So there is another data point for
20 me.

21 And then NRC inspection was in March. We
22 knew Bert highly valued the NRC's inspection. We got
23 the NRC inspection result, one finding having to do
24 with the rad instrument that was left in the training
25 room. That was something that Bert had done.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : All right.

2 (b)(7)(C) : So in about late March, early
3 April, I said, "all right, it's time to -- we need to
4 wrap up the investigation."

5 SPECIAL AGENT (b)(7)(C) : So all this time, he
6 had been --

7 (b)(7)(C) : He had been at Alameda.

8 SPECIAL AGENT (b)(7)(C) : At Alameda.

9 (b)(7)(C) : On the project, right.

10 SPECIAL AGENT (b)(7)(C) : So how long was he
11 at home for on paid leave, two weeks?

12 (b)(7)(C) : Maybe a week and a half, two
13 weeks at most.

14 SPECIAL AGENT (b)(7)(C) : And then you
15 assigned him to go to Alameda?

16 (b)(7)(C) : Right.

17 SPECIAL AGENT (b)(7)(C) : And how long was he
18 there?

19 (b)(7)(C) : The original assignment was
20 going to end late March. It actually went until mid-
21 April. It got extended.

22 SPECIAL AGENT (b)(7)(C) : When you assigned
23 him to Alameda, was it as an RSO?

24 (b)(7)(C) : No. We already had an RSOR at
25 Alameda.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : So he went there as
2 what, a tech?

3 (b)(7)(C) : No, he wasn't a rad tech. He
4 was a health/physics supervisor. See, he was a
5 supervisory level.

6 SPECIAL AGENT (b)(7)(C) : Oh, okay.

7 (b)(7)(C) : There was no pay cut --

8 SPECIAL AGENT (b)(7)(C) : So he didn't lose
9 any money? Okay, that was my next --

10 (b)(7)(C) : There was no pay cut, he's a
11 salaried employee, so the same salary transferred. It
12 was just helping another site.

13 And (b)(7)(C) gave him a very specific
14 list of goals that we wanted him to focus on and
15 perform while he was at Alameda.

16 SPECIAL AGENT (b)(7)(C) : And he was there a
17 couple of months?

18 (b)(7)(C) : Yeah, it would have been
19 February 'til mid-April.

20 SPECIAL AGENT (b)(7)(C) : Okay. And at that
21 time, when was the determination made to pull him out
22 of Alameda and --

23 (b)(7)(C) : Yeah. So the project at
24 Alameda ended:

25 SPECIAL AGENT (b)(7)(C) : Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 [REDACTED] We specifically needed him at
2 Alameda, because we were providing radiologic controls
3 for a dredging project that was running 24/7. Once
4 that dredging project was complete, we no longer
5 needed the 24/7 support. So that extra health/physics
6 supervisor wasn't needed any longer.

7 SPECIAL AGENT [REDACTED]: Okay.

8 [REDACTED] So that ended his assignment.

9 Prior to that, we knew we needed to
10 conclude the investigation with Bert. I had prepared
11 a memo to [REDACTED] summarizing what I felt was our
12 combined investigation. And in my position, having
13 operational responsibility for this work, I told him
14 that I had serious concerns about Bert's performance
15 as a radiation safety officer, based on, you know, the
16 nine finding [REDACTED] had, the finding the NRC had in
17 their inspection. You know, the fact -- the
18 interviews we conducted onsite, and that there
19 appeared to be a lack of leadership.

20 And that with [REDACTED] concurrence, I
21 recommended that Bert, in any future assignments, be
22 assigned more of a health/physics supervisor and not
23 a radiation safety officer representative until -- and
24 that [REDACTED] work on a corrective action plan to improve
25 his deficiencies and get up to speed with what we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would want to see as a RSOR type position.

2 SPECIAL AGENT (b)(7)(C) : Okay. And --

3 (b)(7)(C) : And (b)(7)(C) concurred with that.

4 So what did is say, okay, we need to have a conference
5 call with Bert, so -- to explain the results of our
6 investigation.

7 So (b)(7)(C) and I
8 had a conference call with Bert and let him know that
9 (b)(7)(C) investigation. Apologized for taking
10 so long, but we knew he was on a project assignment
11 and that we wanted to get the NRC investigation
12 results as well, so that we could share the whole
13 picture here with him.

14 In it we explained that we had performance
15 concerns, based on (b)(7)(C) investigation. We had
16 performance concerns with him based on the NRC
17 inspection, and that we had leadership concerns based
18 on (b)(7)(C) interviews with (b)(7)(C)

19 And that, as such, I was not -- I go, "it
20 was clear to us that" -- and by Bert's own statements
21 during the investigation, he was uncomfortable being
22 at Hunters Point, that he would not be returning at
23 Hunters Point in any capacity.

24 SPECIAL AGENT (b)(7)(C) : Uh-huh.

25 (b)(7)(C) : And that we would be working

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with (b)(7)(C) to find other, you know, rad type
2 assignments for him within Tetra Tech.

3 SPECIAL AGENT (b)(7)(C): Okay. And what
4 happened after that?

5 (b)(7)(C): He asked, "well, what other
6 assignments do we have right now?"

7 I said, "unfortunately we don't have any
8 assignment in the Bay Area, you know, the Alameda
9 project, you know, that work's wound up. And so we're
10 not going to be there any longer. We're not going to
11 put you back. We've got some projects for bidding, we
12 need to wait and see how they come out."

13 So at that point I said, "in the meantime,
14 because we don't have an immediate assignment" -- and
15 I think (b)(7)(C) the one that told him this. "Because
16 we don't have an immediate assignment, we want you to
17 go back and just charge your comp time back."

18 So one of the things we have, since we're
19 all salaried employees is, when we do work additional
20 time, it goes into a comp time bank, so it --
21 compensatory time.

22 SPECIAL AGENT (b)(7)(C): Right.

23 (b)(7)(C): So Bert had at least 320 hours,
24 or eight weeks of compensatory time built up. So we
25 asked him to go on his comp time while we tried to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 find another assignment for him.

2 SPECIAL AGENT (b)(7)(C): Is that standard?

3 Is that typical? It's a company policy?

4 A That's a company policy, right.

5 SPECIAL AGENT (b)(7)(C): Now why wouldn't the

6 -- at that point, because they didn't have work for

7 him and under the circumstances, why wouldn't his

8 salary just get paid as it normally would? And --

9 SPECIAL AGENT (b)(7)(C): Yeah, that's in

10 essence what that does. It's just -- yeah, as a

11 salaried employee, you don't necessarily get the

12 overtime, but you don't get the pay.

13 We do a lot of government cost

14 reimbursible work, so part of our accounting system is

15 to track that comp time that people work.

16 SPECIAL AGENT (b)(7)(C): And was he

17 susceptible -- was he open to charging off the comp

18 time?

19 (b)(7)(C): Uh-huh.

20 SPECIAL AGENT (b)(7)(C): And that's what he

21 did?

22 (b)(7)(C): Yeah.

23 SPECIAL AGENT (b)(7)(C): Okay. So what

24 happens next? How do you get to the point where he's

25 not coming back or -- in fact, let's do this, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this is -- what is his status as of today?

2 (b)(7)(C): Yeah. Right now, he's still
3 considered employed, but he's in a furlough status.
4 So he used up all his comp time and vacation time. We
5 didn't have an assignment. We didn't want to lay him
6 off or return him for fear of retaliation. Of course,
7 we've got a retaliation complaint anyway.

8 And so we put him on a furlough status.
9 So in a furlough status, he doesn't get paid but he's
10 allowed to continue his benefits provided he pays his
11 employee share. So he's on unpaid leave, basically.

12 SPECIAL AGENT (b)(7)(C): Okay.

13 (b)(7)(C): I think -- I talked to him last
14 summer, he had taken work with a company. I don't
15 know whether he's getting the benefits or not, that
16 would be -- you know, our HR department could tell you
17 that. But he was provided a furlough letter, and
18 provided the opportunity to continue his benefits
19 until we found an assignment.

20 SPECIAL AGENT (b)(7)(C): Okay.

21 (b)(7)(C): We did offer him an assignment
22 in September. We won a project that needed a rad
23 supervisor type person. He declined that.

24 SPECIAL AGENT (b)(7)(C): Where was that at?

25 (b)(7)(C): It was in Saudi, so certainly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not a glamorous job. But it would have -- you know,
2 it was a job.

3 (b)(7)(C) tried to reach him about another
4 possible assignment and didn't have any luck getting
5 hold of Bert. And then last -- I don't know, I think
6 it might have been early January, late December, early
7 January, one of our sister companies does a lot of
8 work down in Oak Ridge. And they help write
9 procedures and stuff.

10 And I approached Bert of -- you know, no
11 promises, but if I could find you an employment with
12 that sister company, is that something you'd be
13 interested in? I didn't want to go talk to them about
14 it if he wasn't going to be interested.

15 So I asked if he'd be interested. And he
16 informed me that he would only be interested in
17 assignments in the Bay Area, he needed to stay close
18 to the Bay Area while he went through the complaint
19 process.

20 SPECIAL AGENT (b)(7)(C): Okay. Did you or
21 any other members of management have a grudge against
22 Bert?

23 (b)(7)(C): Not -- not that I'm -- I did
24 not have a grudge against Bert, and I'm not aware of
25 anybody that had a grudge against Bert.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 During the investigation, the (b)(7)(C)
2 (b)(7)(C) expressed frustration with Bert, as a
3 supervisor. I don't know that I would consider that
4 a grudge, but there was certainly a frustration level
5 in his management style.

6 SPECIAL AGENT (b)(7)(C) Was Bert retaliated
7 against in any way for raising safety concerns?

8 (b)(7)(C): Not that I can see.

9 SPECIAL AGENT (b)(7)(C): Well, (b)(7)(C)
10 investigation didn't conclusively say that he was or
11 wasn't, right?

12 (b)(7)(C): Right.

13 SPECIAL AGENT (b)(7)(C): (b)(7)(C) came up to kind
14 of a neutral no finding?

15 (b)(7)(C): Right. And so, in my
16 perspective, it was clear -- even if we wanted to --
17 let's say in my role, I wanted him back at Hunters
18 Point, I also knew the reality was, that was never
19 going to work. And that it had been a -- there was a
20 trend of that falling apart anyway. So --

21 SPECIAL AGENT (b)(7)(C): Did you have any
22 discussions with Bert following -- I guess by the time
23 you guys came up with the conclusion of your
24 investigation, did you talk to him after that?

25 (b)(7)(C): Since the conclusion of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 investigation?

2 SPECIAL AGENT (b)(7)(C): Yeah, since the
3 conclusion. And that was in April, correct?

4 (b)(7)(C): That was in April. I spoke to
5 him, well, for an (b)(7)(C)

6 (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C): Okay.

8 (b)(7)(C): (b)(7)(C) (b)(7)(C) and (b)(7)(C)

9 who is out of our -- he's our (b)(7)(C)

10 (b)(7)(C) out of (b)(7)(C), so he's at our

11 headquarters facility. The three of us participate in
12 an NRC mediation, along with Bert and his counsel.

13 SPECIAL AGENT (b)(7)(C) Okay. And what came
14 out of that? Or can you talk about it? Can you
15 discuss --

16 (b)(7)(C): So let me ask something here,
17 I'm going to ask both of you. During the NRC
18 investigation or during the mediation, we were told
19 that we weren't to discuss the results of the
20 mediation outside the room. So --

21 SPECIAL AGENT (b)(7)(C) It's all right. You
22 can't discuss it.

23 (b)(7)(C): -- in the case of this
24 investigation --

25 (b)(7)(C): Well, it was an NRC

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 mediation.

2 (b)(7)(C): Right. And he's an NRC
3 representative. That's why I'm a little --

4 MR. MURPHY: So if the NRC wants to ask
5 you under oath what took place at the mediation, I'm
6 not going to tell you don't answer the question.

7 SPECIAL AGENT (b)(7)(C): Right. That's fine.

8 (b)(7)(C): So at the end of the day, we
9 spent most of the morning going around in circles, and
10 Bert not being able to answer a question. Towards the
11 end of the day, I finally said, "look, Bert, what is
12 it you want? You don't want a monetary settlement,
13 what is it you want?"

14 SPECIAL AGENT (b)(7)(C): Okay.

15 (b)(7)(C): He goes, (b)(7)(C) I want to keep
16 working for Tetra Tech."

17 I said, "okay." That's something I can
18 work with." I go, "now I've already -- as you know,
19 I'm not going to return you to Hunters Point, we've
20 already had that discussion. But if you're willing --
21 if what you want is to continue working with Tetra
22 Tech in the rad profession, you know, that's something
23 I can work with. We've got a couple bid in."

24 This is September, I think, timeframe.
25 Because with government contracts, end of fiscal year,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I said, "we've got a couple bids in, we should know
2 the results of those in early October." We agreed to,
3 when we got the results of those, we would follow up
4 through Tim to his counsel.

5 So we got the call, provided (b)(7)(C) the
6 opportunity in Saudi. It was the one project we won
7 that needed a rad, so Bert's counsel informed us that
8 he declined that.

9 And then I think the only other time is,
10 I forwarded Bert an email in, like I said, January, to
11 ask about possible employment down at Savannah. It
12 was either Savannah or Oak Ridge. It might have been
13 Oak Ridge, I'm sorry. Yeah, Oak Ridge.

14 SPECIAL AGENT (b)(7)(C): And he -- did he
15 ever respond or his attorney ever --

16 (b)(7)(C): Yeah. That was me going
17 straight to Bert. Bert came back and said, "no, I" --
18 well, his first response, I don't know what he said.

19 So I go back, "just so I'm clear, are you
20 interested or not?" You know, yes or no?

21 And he came back and said, "I'm only
22 interested in projects in the Bay Area, I need to stay
23 here for legal reasons."

24 SPECIAL AGENT (b)(7)(C): Okay. Did site
25 management personnel there at Hunters Point identify

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to that, at any point, Bert was a troublemaker, and he
2 was looked upon unfavorably?

3 (b)(7)(C): Not that he was a troublemaker,
4 but he was looked on -- but I did get reports that he
5 was looked upon unfavorably. And specifically, as I
6 mentioned earlier, not participating in the morning
7 meeting was looked at unfavorably. Not getting out of
8 the office to see the actual field work while it was
9 going on, and doing the end of shift drives, when
10 nobody else is around, were viewed as "gotchas." And
11 his subordinates, the (b)(7)(C) were
12 getting very frustrated by that.

13 SPECIAL AGENT (b)(7)(C) Does the company
14 follow a policy of progressive discipline?

15 (b)(7)(C): It depends on -- it depends on
16 what the act is. Some acts are so egregious, you're
17 not going to go progressive, you'll go straight to
18 one. I would say in general, we tend to use
19 progressive disciplinary process.

20 SPECIAL AGENT (b)(7)(C): How do you all
21 identify -- how did management personnel at Tetra Tech
22 identify performance issues to the employee? As in
23 verbal? Do you put things in writing? How are those
24 concerns relayed?

25 (b)(7)(C): If there's -- again, it would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 depend on how egregious the action was. A typical
2 course would be, it may be a verbal warning. If the
3 performance doesn't change based on a verbal warning,
4 the next step would be a written counseling session
5 where it gets documented. If that continues, we may
6 go to what we call a final warning counseling session,
7 or we may go to termination.

8 So it depends on what it is, and to what
9 degree it's occurring.

10 SPECIAL AGENT (b)(7)(C): Had Bowers ever been
11 placed on a performance improvement plan?

12 (b)(7)(C): Not to my knowledge.

13 SPECIAL AGENT (b)(7)(C): Okay. Had he been
14 subject to progressive discipline in any way?

15 (b)(7)(C): No, not that I'm aware of.

16 SPECIAL AGENT (b)(7)(C): So you could see
17 that, from one perspective, there's nothing in writing
18 leading up to his poor behavior, or the things going
19 on. It's never been -- maybe it was verbally brought
20 to his attention that, you know, you've got to do
21 this. But nothing was ever placed in writing --

22 (b)(7)(C): Correct.

23 SPECIAL AGENT (b)(7)(C): -- in his file
24 stating that, you need to make the morning meetings,
25 here's a demerit for that, so to speak. Or -- but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 nothing was placed in writing, which makes it, you
2 know, somewhat challenging in the evaluation of the
3 whole thing.

4 (b)(7)(C): I understand. And we had --
5 (b)(7)(C) (b)(7)(C) had called (b)(7)(C) as I've told you before,
6 in October 2010, prior to performance evals, to give
7 (b)(7)(C) our performance input and specific goals we would
8 like to see. Unfortunately those -- our input --

9 SPECIAL AGENT (b)(7)(C): You said that
10 happened in September of 2010?

11 (b)(7)(C) Yeah. Like I think it was
12 October of 2010. We do performance evals every
13 October/November timeframe.

14 SPECIAL AGENT (b)(7)(C): And did he put that
15 in --

16 (b)(7)(C): (b)(7)(C) did not capture the
17 specific goals and concerns we had. And we were
18 talking about things like, you know, we need him going
19 to the morning meeting, we need him getting out in the
20 field more.

21 Now (b)(7)(C) -- I did ask (b)(7)(C) about -- when
22 this all came up and during our investigation, (b)(7)(C)
23 I'm looking at the eval here, you didn't -- you didn't
24 include any input that I gave you."

25 He goes, "yeah, (b)(7)(C) I just spoke with

1 Bert verbally, but I didn't put it in there."

2 I said, "well, that's" --

3 Now (b)(7)(C) as the (b)(7)(C) had been
4 giving daily reminders on, you know, Bert, you need to
5 start going to the meeting.

6 SPECIAL AGENT (b)(7)(C): But that's --

7 (b)(7)(C): But again, that's not in
8 writing.

9 SPECIAL AGENT (b)(7)(C): It isn't documented
10 anywhere, though.

11 Were there any other employees who raised
12 safety related concerns who invariably were laid off,
13 or terminated or transferred?

14 (b)(7)(C): Because they raised the safety
15 concern?

16 SPECIAL AGENT (b)(7)(C) Right.

17 (b)(7)(C): No. There may have been people
18 laid off that in the past had raised a safety concern.
19 But that wasn't the reason they were laid off.

20 SPECIAL AGENT (b)(7)(C): Okay.

21 (b)(7)(C): And to give you some
22 perspective on that, we're a culture that encourages
23 near miss reporting. You know, everybody probably in
24 that site has probably put in a near miss -- near miss
25 by now. At some point, the work's going to end and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 people are going to get laid off.

2 SPECIAL AGENT (b)(7)(C) : Right.

3 (b)(7)(C) : Does that mean we retaliated
4 because they --

5 SPECIAL AGENT (b)(7)(C) : Right. Do you
6 believe that Bowers was discriminated against for
7 raising safety related concerns?

8 (b)(7)(C) : Absolutely not.

9 SPECIAL AGENT (b)(7)(C) : Have the staff there
10 onsite been efficient in conducting surveys or the
11 requirements? As far as you --

12 (b)(7)(C) : As far as I know, yes. Now I'm
13 not an expert in this area, so I rely on (b)(7)(C)
14 inspections and our QC program and things.

15 SPECIAL AGENT (b)(7)(C) : QC does your audits
16 of your rad program?

17 (b)(7)(C) : QC helps with the day-to-day
18 inspections to be sure we're complying with our plans.

19 (b)(7)(C) would do the actual audit of how we're
20 implementing NRC license compliance onsite.

21 SPECIAL AGENT (b)(7)(C) : And then NRC comes
22 onsite as well, right?

23 (b)(7)(C) : Correct.

24 SPECIAL AGENT (b)(7)(C) : What about RASO, do
25 they do --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : RASO's onsite all the time,
2 yeah. So RASO will inspect us, the state inspects us.

3 SPECIAL AGENT (b)(7)(C) : Was there ever
4 pressure placed by the construction side of the house
5 to get the job done, even at the expense of radiation
6 safety?

7 (b)(7)(C) : Never at the expense of
8 radiation safety or construction safety.

9 SPECIAL AGENT (b)(7)(C) : Okay. So it's fair
10 to say that you guys attempt to operate under a safety
11 conscious work culture?

12 (b)(7)(C) : Yes.

13 SPECIAL AGENT (b)(7)(C) : Did Bert develop a
14 reputation as a stickler for radiation protection and
15 safety?

16 (b)(7)(C) : The reputation I would say, he
17 was a stickler for radiation paperwork. And
18 documentation is a key part of it, but the focus we
19 were trying to get is -- or actually, having the
20 paperwork correct is a good thing, but are we actually
21 implementing keeping people safe in the field? That's
22 what's --

23 SPECIAL AGENT (b)(7)(C) : Right.

24 (b)(7)(C) : -- we believed was a higher
25 priority.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): His being a stickler
2 for radiation paperwork, was -- was that well received
3 by his subordinates and employees?

4 (b)(7)(C): Yeah, I don't know. I don't
5 have a good sense of that. They were frustrated with
6 his lack of coming out to the field.

7 SPECIAL AGENT (b)(7)(C): Okay. What was
8 discussed in the management meetings regarding his
9 safety issues in his subsequent employment, when you
10 and (b)(7)(C) and you all put your heads together to
11 determine what was going to happen? Like, were there
12 any prevailing factors, so to speak, that stuck out in
13 your discussions about Bert?

14 (b)(7)(C): Yeah. One of the big things
15 for me were the nine findings that (b)(7)(C) had. You
16 know, if Bert's reputation, as I just mentioned, was
17 being a stickler for paperwork, yet (b)(7)(C) -- (b)(7)(C)
18 audit indicated a lot of those findings were related
19 to poor documentation, and not doing some of the
20 documentation correctly.

21 Keeping TLDs updated, providing training.
22 Some areas like that that needed to be tightened up.

23 SPECIAL AGENT (b)(7)(C): So just for -- to
24 rehash that. Company policy at Tetra Tech allows for
25 the receipt of verbal resignations? You can take a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 verbal resignation, there's not a requirement that it
2 be put in writing?

3 (b)(7)(C): Yeah, I believe that's allowed.

4 Yeah. In fact, I would say yes. Because when I asked
5 (b)(7)(C) about it, that was the first question
6 (b)(7)(C) asked. Well, did (b)(7)(C) accept it.

7 SPECIAL AGENT (b)(7)(C): Do you feel that the
8 radiation protection program at Hunters Point is
9 sufficient?

10 (b)(7)(C): I would say it's more than
11 sufficient. It's an excellent program.

12 SPECIAL AGENT (b)(7)(C): And are the
13 employees abiding by the R&P program and its rules?

14 (b)(7)(C): Yes.

15 SPECIAL AGENT (b)(7)(C): How would you
16 respond to someone that made a statement that Hunters
17 Point is a nuclear site being run like a construction
18 site? That construction is out, it's trumping rad.

19 (b)(7)(C): I would be surprised by that.
20 And during the out-brief -- the NRC just conducted an
21 inspection last month, as you know, unannounced. Came
22 in surprised. They spent three days onsite. The two
23 inspectors went out and, on their own, without any
24 management escort, interviewed craft labor, teamsters,
25 equipment operators, rad control techs. And one of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the questions they asked was, does construction take
2 precedence over radiation safety?

3 And during the out-brief, the NRC said,
4 every person said, no, or absolutely not.

5 SPECIAL AGENT (b)(7)(C): Okay.

6 (b)(7)(C): Every single person. So that's
7 my basis for my response to you, is based on outside
8 audits by your own agency, and our own internal
9 audits. I think we have an excellent program. And
10 audits by the Navy. I think we have an excellent
11 program.

12 SPECIAL AGENT (b)(7)(C): Did you ever
13 instruct any of your managers onsite not to document
14 or write up any safety related issues raised by
15 employees, to include Bert?

16 (b)(7)(C): To not document them?

17 SPECIAL AGENT (b)(7)(C): To not document
18 them.

19 (b)(7)(C): No.

20 SPECIAL AGENT (b)(7)(C): Okay. Did Bert
21 engage in protected activity by raising safety related
22 concern and he was ultimately punished for it by the
23 company, in your opinion?

24 (b)(7)(C): No. Not in my opinion.

25 SPECIAL AGENT (b)(7)(C): What about the day

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that you all went through Bert's office and locks were
2 broken off? I understand something occurred with --

3 (b)(7)(C): Uh-huh.

4 SPECIAL AGENT (b)(7)(C): -- things that were
5 left in his office. Kind of run me through that
6 really quick?

7 (b)(7)(C): Sure. So the incident happened
8 in January. One of the things that Bert was late in
9 completing was the quarterly TLDs, getting them sent
10 off to get analyzed. Bert left the site, he told us
11 he refused to come to the site because he was
12 uncomfortable. We needed to get the TLD records so we
13 could -- between (b)(7)(C) while he was onsite, assisted
14 by (b)(7)(C) get the TLD records.

15 So they asked what they should do. They
16 talked to (b)(7)(C). (b)(7)(C) picked up the phone and called
17 me. I said, "well, do we know where they are?"

18 "Yes, they're in a locked file cabinet."

19 I said, "well, those are company records,
20 we have a company business need to get in there,
21 that's a company cabinet. Can we break the lock? If
22 we can't find the key, can we break the lock open? We
23 need to access it. And then let's make sure we secure
24 those records when we're done."

25 SPECIAL AGENT (b)(7)(C): Okay. And that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 all -- that's -- that was the extent of what occurred?

2 (b)(7)(C) : With the records?

3 SPECIAL AGENT (b)(7)(C) : Yes.

4 (b)(7)(C) : Yeah. So --

5 SPECIAL AGENT (b)(7)(C) : And what about the
6 shredding? I understand there was some shredding.

7 (b)(7)(C) : Yeah. Let me -- I was going to
8 say, that's not all that occurred.

9 So the guys in there, got the TLD records.
10 And in getting in those file cabinets, they discovered
11 Bert had records dating back to his time as a New
12 World employee. And these were records of rad control
13 techs that were not Tetra Tech employees. From what
14 the guys described to me, there were personal records,
15 they had Social Security numbers. There were things
16 like maybe medical information contained in there.
17 Records that we had no business keeping.

18 SPECIAL AGENT (b)(7)(C) : Uh-huh.

19 (b)(7)(C) : When I arrived, and we started
20 doing (b)(7)(C) pointed
21 that out, they were upset to see that -- to learn that
22 their -- that Bert had, you know, private files in
23 there. I was concerned about HIPPA violation and
24 records control.

25 I called (b)(7)(C) our (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and said, "look, I'm of the opinion these are sub --
2 these are records Bert had when he was with our sub,
3 or involving our sub. I don't think we have any
4 business keeping those. I think we should destroy
5 them, do you agree?"

6 (b)(7)(C) said, "absolutely, we need to
7 destroy them."

8 SPECIAL AGENT (b)(7)(C): Why didn't you just
9 mail them back to New World? Why didn't you ship them
10 back to them?

11 (b)(7)(C) When I asked Bert, I go, "Bert,
12 why do you still have those records here?"

13 He said, "well, I contacted New World to
14 see if they wanted them back. They didn't want them
15 back. So I felt like they" --

16 SPECIAL AGENT (b)(7)(C) Did you
17 independently verify that?

18 (b)(7)(C): I thought I had -- I'd have to
19 go back. I thought I had (b)(7)(C) and somebody else check
20 to see if New World wanted them back.

21 SPECIAL AGENT (b)(7)(C) Okay. And do you
22 know if it was conveyed to New World that you were
23 going to shred them if they didn't want them back?
24 That you would take care of the disposal?

25 (b)(7)(C): Yeah, that we were going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 destroy them. Right.

2 SPECIAL AGENT (b)(7)(C): So there was nothing
3 -- no information that Bert had developed a file of
4 all these safety issues and that attempts were made to
5 destroy his file of all these violations he knew of?
6 Was a safety file of any sort found in those?

7 (b)(7)(C): If there was, I didn't hear
8 about it. And I guess my own reaction to that would
9 be, why would Bert even need to maintain his own
10 private file of safety violations? We encourage those
11 reports. Bert, as a senior manager onsite, should
12 have been entering those into the database and
13 reporting them. There shouldn't be a reason for --
14 so a clandestine file is -- that didn't even occur to
15 me that that might have been there.

16 SPECIAL AGENT (b)(7)(C): Okay. And why
17 weren't his performance issues documented, at the end
18 of the day?

19 (b)(7)(C): I think in 2011 -- or excuse
20 me, in the fall of -- the October, November 2010 eval,
21 we did try to write that -- or provide (b)(7)(C) input.
22 (b)(7)(C) missed it.

23 And so going in and doing our
24 investigation, that's where we did start documenting
25 some of the performance issues and what we found.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SPECIAL AGENT (b)(7)(C) So --

2 (b)(7)(C): So now, let me point something
3 out. I think there were -- because we do near miss
4 reporting, there are near miss reports that probably
5 document some performance. And one example would be
6 the rad instrument that got left on the table. Now we
7 didn't specifically name Bert in that, we try not to
8 name people. Because -- but we name positions. But
9 that would be an example of documentation of a
10 performance by Bert.

11 We also have (b)(7)(C) NRC and our internal
12 NRC evaluation assessment.

13 SPECIAL AGENT (b)(7)(C): And at this point,
14 he's technically still on the books. Have -- has
15 anything developed since you offered him the position
16 in January and he declined? His status is still kind
17 of in limbo with the company?

18 (b)(7)(C): Right, he's on a furlough
19 status. So if we were to have a position, a job that
20 came open, and you know, we could reach out and say,
21 "Bert, this job started, do you want to take it?"

22 "Yeah, I'm back on there."

23 So we can just, with a phone call to HR,
24 bring him right back to an active status. Get the
25 same pay rate he had, it wouldn't -- you know, a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 furlough basically freezes him at the point in time
2 that the furlough occurred.

3 SPECIAL AGENT (b)(7)(C): Okay.

4 SPECIAL AGENT (b)(7)(C): Anything, Mr.
5 Murphy?

6 MR. MURPHY: No.

7 SPECIAL AGENT (b)(7)(C): A couple closing
8 comments and questions.

9 Have I offered you any reward in exchange
10 for your testimony?

11 (b)(7)(C): You have not.

12 SPECIAL AGENT (b)(7)(C): Have I threatened
13 you in any manner in exchange for your testimony?

14 (b)(7)(C): You have not.

15 SPECIAL AGENT (b)(7)(C): Has it been given
16 freely and voluntarily?

17 (b)(7)(C): It has.

18 SPECIAL AGENT (b)(7)(C): The time is now 5:51
19 p.m., Pacific Standard Time. This interview is
20 concluded.

21 (The interview was concluded at 5:51 p.m.)

22

23

24

25

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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

EXHIBIT 16

P-R-O-C-E-E-D-I-N-G-S

11:42 a.m.

1
2
3 SPEC. AGENT (b)(7)(C) Today's date is
4 Wednesday, October 26, 2011; the time is currently
5 11:42 a.m. Pacific Standard Time. For the record,
6 this is an interview of Mr. Bert Bowers, Elbert
7 Bowers, he goes by Bert; correct?

8 MR. BOWERS: Correct.

9 SPEC. AGENT (b)(7)(C): Mr. Bowers is a former
10 radiation safety officer at the Hunters Point Naval
11 Shipyard, and was employed through Tetra Tech, Inc.
12 Mr. Bowers has raised issues with the NRC Office of
13 Investigations regarding discrimination claims, that
14 upon raising safety concerns to Tetra Tech management,
15 he was subsequently terminated. The location of this
16 interview is the Holiday Inn Express Hotel, located
17 1836 El Camino Real, Redwood City, California, 94063.
18 I am (b)(7)(C), a special agent with the Office of
19 Investigations, U.S. Nuclear Regulatory Commission,
20 Region I field office, located in King of Prussia,
21 Pennsylvania. This interview concerns OI case number
22 1-2012-002, and again, it's surrounding Mr. Bowers'
23 allegations of discrimination, employment
24 discrimination.

25 Mr. Bowers, I must first advise you that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the NRC strictly prohibits the recording or
2 transmitting of this interview by any parties other
3 than the NRC or its designee. Having said that, are
4 you transmitting or recording this interview?

5 MR. BOWERS: I am not.

6 SPEC. AGENT (b)(7)(C): Thank you. Please
7 raise your right hand. Do you swear that the
8 testimony you are about to provide is the truth, the
9 whole truth, and nothing but the truth, so help you
10 God?

11 MR. BOWERS: I do.

12 SPEC. AGENT (b)(7)(C): Thank you. Please
13 state your full name for the record, and spell your
14 last name.

15 MR. BOWERS: Elbert Gordon Bowers, B-O-W-
16 E-R-S.

17 SPEC. AGENT (b)(7)(C): Thank you. Okay Mr.
18 Bowers, are you currently employed?

19 MR. BOWERS: I am on furlough with Tetra
20 Tech EC; other than that, as far as employed with
21 compensation, no.

22 SPEC. AGENT (b)(7)(C): And what were your
23 dates of employment with Tetra Tech?

24 MR. BOWERS: The most recent--well first
25 off, my first day of employment with Tetra Tech was on

1 April 1, 2009, and the last day I was actively
2 employed doing paid work was on--actually April 1,
3 2011. Excuse me, I'm going to have to--

4 SPEC. AGENT (b)(7)(C): We're going to take a
5 brief recess, there was a knock at the door; the time
6 is now 11:45 a.m.

7 (A recess was taken).

8 SPEC. AGENT (b)(7)(C) The time is now 11:45
9 a.m.; we are back on the record, after the brief
10 recess. Okay, so you were saying April 1, 2009 was
11 when you started at Tetra Tech--

12 MR. BOWERS: Can I confirm that? Let me
13 look at a calendar, because I know it--

14 SPEC. AGENT (b)(7)(C): Okay.

15 MR. BOWERS: --was, April 1st was the date
16 that Tetra Tech's NRC license was invoked at the
17 project, and I hired on like a week before that, but
18 let me the exact date for you by looking at this
19 calendar here. It would have been March--the week of
20 beginning March 23, 2009. My apologies.

21 SPEC. AGENT (b)(7)(C): Not a problem.

22 MR. BOWERS: But our license was started,
23 invoked effective April 1st--

24 SPEC. AGENT (b)(7)(C): A week later.

25 MR. BOWERS: --yes, that same week.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Okay, so March 23, '09
2 through when?

3 MR. BOWERS: Through April 1st of this
4 year, 2011 is when I got the call that my work at
5 Alameda was over due to lack of funding. Since that
6 time, I used up earned comp time off and time off with
7 pay; those things were exhausted effective the 1st of
8 August, but no gainful employment or hours paid for
9 hours worked--

10 SPEC. AGENT (b)(7)(C) : Okay.

11 MR. BOWERS: --after April 1st.

12 SPEC. AGENT (b)(7)(C) : So you were not
13 terminated, you were--

14 MR. BOWERS: I was never terminated, only
15 advised the same week the NRC was talking to me, the
16 inspectors (b)(7)(C) and (b)(7)(C), they were there on
17 that Wednesday, and I got a call the following day
18 from (b)(7)(C) that Alameda was out of funding,
19 and as of the 1st of April, which was that Friday, two
20 days later, my job at Alameda would be over. I got
21 that call from (b)(7)(C) he was (b)(7)(C)
22 (b)(7)(C).

23 SPEC. AGENT (b)(7)(C) : (b)(7)(C) ?

24 MR. BOWERS: (b)(7)(C) last name is (b)(7)(C)
25 (b)(7)(C) and he the (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) out of (b)(7)(C) for Tetra Tech.

2 SPEC. AGENT (b)(7)(C): Okay. So he advised
3 you a couple of days after you met with the NRC
4 inspectors--

5 MR. BOWERS: It was the very next day.

6 SPEC. AGENT (b)(7)(C): --the very next day?

7 MR. BOWERS: Yes.

8 SPEC. AGENT (b)(7)(C): What did you tell the
9 inspectors upon your meeting with them? And I guess
10 I'm kind of jumping the cart--pulling the cart before
11 the horse, but I'll just kind of briefly allow you to
12 touch on it. Did you tell them anything significant
13 in your meeting with them?

14 MR. BOWERS: They, if I recall correctly,
15 I had first spoken with Rick, Ricardo Munoz in Region
16 IV.

17 SPEC. AGENT (b)(7)(C): Okay.

18 MR. BOWERS: And then Inspectors (b)(7)(C)
19 and (b)(7)(C) were the ones who ultimately got with me
20 in person to discuss my allegations. And so at that
21 point, I'm trying to remember what paperwork they had,
22 but they pretty much had the info that I first shared
23 with Mr. Munoz, and there were different concerns, the
24 biggest one dealing with me being kicked off the
25 project after raising a communications concern, a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 safety concern.

2 SPEC. AGENT (b)(7)(C) So, they were out
3 doing an inspection based upon a complaint or issues
4 that you had previously raised?

5 MR. BOWERS: No, not in totality I do not
6 believe.

7 SPEC. AGENT (b)(7)(C): Okay.

8 MR. BOWERS: What I did learn was that, in
9 addition, while trying to resolve the issues
10 internally through Tetra Tech, getting due recourse
11 through avenues through the company, (b)(7)(C)

12 (b)(7)(C) for the Tetra Tech Hunters Point
13 project, had made the comment--I made the comment "A
14 lot of what's happened could be viewed as unlawful by
15 the NRC with how things have happened." He made the
16 comment "Well, we're a step ahead of you; we've
17 already requested an inspection by the NRC." I said,
18 "Well, great. That's great." So that was probably
19 back in early February, late January when this
20 conversation occurred. And then we--the first that we
21 knew that the NRC was coming to do an inspection at
22 Hunters Point and Alameda was the last week in March.

23 So that's kind of what led up to--that was
24 my understanding when I talked to (b)(7)(C) and
25 (b)(7)(C), was that they had been to the Hunters

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Point project, they had also been to Alameda, which I
2 was aware of, and that particular day, they were
3 driving back from Treasure Island, totally unrelated
4 to Tetra Tech, but they wanted to talk with me if I
5 had the opportunity to meet with them. So that was
6 the first--that's how that unfolded.

7 SPEC. AGENT (b)(7)(C): Okay. Okay so we'll
8 go back to your employment a little bit.

9 MR. BOWERS: Okay.

10 SPEC. AGENT (b)(7)(C): Now had you held any
11 other positions with Tetra Tech prior to being a
12 radiation safety officer?

13 MR. BOWERS: Not directly with Tetra Tech.
14 Now I did hold positions with a subcontractor to Tetra
15 Tech at the project, but not directly with Tetra Tech.
16 This was my first time ever with them.

17 SPEC. AGENT (b)(7)(C): Okay, so--

18 MR. BOWERS: The time frames (inaudible
19 08:55).

20 SPEC. AGENT (b)(7)(C): Who were you employed-
21 -how long had you been at the site?

22 MR. BOWERS: I'd been at the site, I was
23 in my ninth year at Hunters Point when this happened.

24 SPEC. AGENT (b)(7)(C): Okay, and who was the
25 other contractor you had worked for?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: The subcontractor that I
2 worked for prior to Tetra Tech was named New World
3 Environmental, also known as New World Technology, but
4 they most recently started going by New World
5 Environmental, NWE. That's out of Livermore,
6 California.

7 SPEC. AGENT (b)(7)(C): And in what capacity?

8 MR. BOWERS: I was the radiation safety
9 officer representative, that was my last job title
10 before I transferred. I had numerous positions over
11 that nine--that seven-year tenure with New World, but
12 that was my last position.

13 SPEC. AGENT (b)(7)(C): Okay, and when did you
14 begin working in the nuclear industry altogether?

15 MR. BOWERS: Back in February of 1978.

16 SPEC. AGENT (b)(7)(C): And where was that at?

17 MR. BOWERS: That was at Ocone Nuclear
18 Station with Duke Power Company, I think we go by Duke
19 Energy now.

20 SPEC. AGENT (b)(7)(C): Duke Energy, yes.

21 MR. BOWERS: Uh-huh.

22 SPEC. AGENT (b)(7)(C): And have you always
23 been on the RPHP side, radiation protection health
24 physics side of the house?

25 MR. BOWERS: That is correct, from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 technical field support to ALARA to engineering to
2 training and technical qualification.

3 SPEC. AGENT (b)(7)(C) : ALARA?

4 MR. BOWERS: Correct. As Low as
5 Reasonably Achievable.

6 SPEC. AGENT (b)(7)(C) : Okay.

7 MR. BOWERS: So the acronym and the
8 (inaudible 10:46) addressing the desire that we keep
9 all exposures to ionizing radiation as low as
10 reasonable achievable, ALARA.

11 SPEC. AGENT (b)(7)(C) : And what kind of
12 training had you received over the years in the
13 business?

14 MR. BOWERS: When I first hired on with
15 Duke Power Company, I was enrolled in their basic
16 chemistry and health physics training course. It was
17 conducted in Charlotte, North Carolina, and for the
18 candidates that successfully passed a pre-testing
19 phase, the successful ones were paid to go to
20 Charlotte and go through basic chemistry and health
21 physics indoctrination training. There, we were
22 taught by a number of established teachers, one being
23 (b)(7)(C), who is a (b)(7)(C)
24 retained by Duke Power, and then a lot of other
25 degreed professionals within the Duke system that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 focused on health physics and radiation protection.
2 So that's where the start began; then there was--
3 SPEC. AGENT (b)(7)(C): And had you come out,
4 when you got in the industry, had you come right out
5 of college?

6 MR. BOWERS: I was actually going to
7 college, I was going to Anderson College in Anderson,
8 South Carolina; I was majoring in business
9 administration and management; when the station health
10 physicist at Ocone inquired into my interest into the
11 health physics field. The station (b)(7)(C)
12 (b)(7)(C) and my family went to the same church
13 together; I ran around with (b)(7)(C) through high
14 school and into college, and so it was basically
15 through acquaintances, and also the fact that Ocone
16 was in my back yard; it was actually built on some of
17 the land that (b)(7)(C) owned.

18 SPEC. AGENT (b)(7)(C): Okay.

19 MR. BOWERS: I got into it by default in
20 that regard, and I thought at that time okay, they're
21 going to pay me to go to school, and so I thought I'll
22 give it a shot; I can always get out, but also I'll
23 get an idea of what's going on in our back yard.

24 SPEC. AGENT (b)(7)(C): Right.

25 MR. BOWERS: So anyway, that's how I got

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 my feet wet so to speak.

2 SPEC. AGENT (b)(7)(C) : Okay.

3 MR. BOWERS: I've been in it ever since.

4 SPEC. AGENT (b)(7)(C) : And leading, or around
5 the time that you were doing the RSO work, had you been
6 certified, industry certifications which quantified
7 you or qualified you to be the radiation safety
8 officer?

9 MR. BOWERS: Well, I guess I would come
10 back with the question, what defines the requirements?
11 If you look at definitions, I think there's a
12 statement, a paper by (b)(7)(C) addressing the
13 title of the RSO, and saying there's different
14 backgrounds that would be appropriate for different
15 requirements or needs for an RSO. I can tell you that
16 through my initial training and continuing training in
17 health physics as a field technician, I satisfactorily
18 completed all of that, and actually maintained ANSI
19 18-1 and 3.1--

20 SPEC. AGENT (b)(7)(C) : ANSI being?

21 MR. BOWERS: --qualifications, that's
22 American National Standards Institute--

23 SPEC. AGENT (b)(7)(C) : Okay.

24 MR. BOWERS: --section 3.1 and 18.1; the
25 requirements, minimum requirements for senior

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 technician designation.

2 SPEC. AGENT (b)(7)(C): Okay.

3 MR. BOWERS: I also, after, gosh, a number
4 of years doing work in the field with the workers
5 themselves, monitoring the radiological environment,
6 I was eventually transitioned into the training arena-

7
8 SPEC. AGENT (b)(7)(C): Okay.

9 MR. BOWERS: --where I got my NPO
10 certification through the Institute of Nuclear Power
11 Operations, basically just through default and
12 experience. Took more on, and took other openings
13 within the radiation specialty field, radiation
14 protection specialty, to the point that once I got to
15 Hunters Point, I'd been--prior to that, I'd been the
16 ALARA engineer at Vermont Yankee Nuclear; I had been
17 a health physicist IV at the Rocky Flats Environmental
18 Technology site; in addition to training instructor at
19 Palo Verde, at the Treasure Nuclear Power Plant, and
20 then health physics technician specialist at multiple
21 commercial nuke plants. This spans a 33-plus year
22 period, so by experience and progression I guess is
23 the best way to put it, so.

24 SPEC. AGENT (b)(7)(C): So I hadn't pictured
25 all that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: Okay. I mean, I can go into
2 greater detail--

3 SPEC. AGENT (b)(7)(C): No, that's--

4 MR. BOWERS: --if you want greater detail.

5 SPEC. AGENT (b)(7)(C): --that's fine, I just
6 wanted to get a snapshot of kind of your background
7 and your history in the industry, and some of the
8 training that you received, so that's perfect. What
9 were your duties and responsibilities as an RSO?

10 MR. BOWERS: My duties and
11 responsibilities ultimately as the RSO was to insure
12 license compliance. When I say license compliance,
13 compliance with our NRC-issued license to handle
14 radioactive materials subject to that license. My
15 biggest challenge, through experience at these prior
16 sites, was to insure to everyone working out there
17 working under that license the understanding that what
18 might take you 15 minutes to do as a pipe fitter or a
19 laborer in your normal work, once you come past the
20 yellow and magenta barricade, and you're in a
21 radiological environment, that 15-minute job probably
22 will go into a 30 to 45-minute job, just due to our
23 systems of checks and balances.

24 So fast forward to this project specific
25 to Hunters Point, this is the first time in my career

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I had been working on the project where a construction
2 company was the prime contractor, and also where this
3 construction company had an NRC-issued materials
4 license, which they decided to invoke, okay. Prior to
5 April 1, 2009, with the Navy, the Navy had used New
6 World Environmental on this project under their NRC
7 license--

8 SPEC. AGENT (b)(7)(C): So New World had their
9 own license?

10 MR. BOWERS: Yes sir, they sure did. And
11 so it's like we played--

12 SPEC. AGENT (b)(7)(C): So is that one license
13 at a time on the site there?

14 MR. BOWERS: --oh yes.

15 SPEC. AGENT (b)(7)(C): So New World had the
16 license before April 1?

17 MR. BOWERS: That's correct.

18 SPEC. AGENT (b)(7)(C): And then Tetra Tech
19 got it; do you know why the switch?

20 MR. BOWERS: Tetra Tech--you would have to
21 ask Tetra Tech project management--

22 SPEC. AGENT (b)(7)(C): Okay, I'm just
23 curious.

24 MR. BOWERS: --I have my opinions, but I'm
25 sure they've got their rationale, but I will put it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like this. When New World was there before Tetra Tech
2 ever showed up--

3 SPEC. AGENT (b)(7)(C): And you worked for New
4 World?

5 MR. BOWERS: --oh, yes.

6 SPEC. AGENT (b)(7)(C): So you had been there?

7 MR. BOWERS: I was actually the project
8 manager for New World, and also the radiation safety
9 officer representative at that time. But what
10 happened while there with New World, I had my
11 position, I had a QA/QC supervisor position, purely
12 for RAD protection purposes, then I had like four
13 supervisory positions. Once Tetra Tech was on site
14 and we rolled under them as a subcontractor and they
15 were the prime, they rolled over a certain number of
16 contract renewals. They took the supervisory
17 positions from New World and decided they wanted those
18 to be Tetra Tech, filled by full-time Tetra Tech
19 positions. And they--basically the incumbents that
20 were New World supervisors, rolled over to Tetra Tech,
21 except for one person who wanted to stay with New
22 World, at which point they decided they would have
23 three supervisor positions, they didn't have a need
24 for this other person, his job ended and he was gone.
25 Okay. I don't know if that was right or wrong, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 that was what happened. Then later on, the QA/QC
2 supervisory position, that was a New World position;
3 well, Tetra Tech decided to roll that under their
4 umbrella, and they had their own person, so we lost
5 (b)(7)(C), who--

6 SPEC. AGENT (b)(7)(C): Okay, so they were
7 bringing their people in, is what you're saying?

8 MR. BOWERS: Breaking it down; they were
9 breaking down the New World ranks. So basically it
10 got to the point where it was just myself; it was kind
11 of awkward because I was still working for New World
12 as the radiation safety officer representative, our
13 license was in effect, but yet Tetra Tech had my
14 former supervisors working for them now out in the
15 field and calling the shots, and so it was kind of
16 like, you know, you started seeing some of these
17 squares running into circles, trying to make things
18 work together in the project with what construction
19 wanted done timely versus what we had to do
20 radiologically.

21 SPEC. AGENT (b)(7)(C): Right.

22 MR. BOWERS: Radiologically in a sound
23 manner. So with that said, ultimately here comes
24 March of 2009, and (b)(7)(C)

25 (b)(7)(C) for Tetra Tech, comes in my office--

1 SPEC. AGENT (b)(7)(C) Is that who you
2 reported to?

3 MR. BOWERS: That's who I reported to at
4 the project.

5 SPEC. AGENT (b)(7)(C): Okay.

6 MR. BOWERS: My direct report, my direct
7 technical report was (b)(7)(C), but not at that
8 time. I mean, like I said, I was reporting to New
9 World at this time I'm telling you about now.

10 SPEC. AGENT (b)(7)(C): Okay.

11 MR. BOWERS: But he came in my office, and
12 he shared with me that he was looking at--Tetra Tech
13 was looking at invoking their own NRC license. And I
14 won't use the exact words that (b)(7)(C) used for New
15 World, but basically they were about to go down the
16 drain, okay. In a nice way.

17 SPEC. AGENT (b)(7)(C): Sure.

18 MR. BOWERS: And so he said basically that
19 they did have someone there with Tetra Tech that they
20 had hired themselves, his name was (b)(7)(C) and he
21 was the (b)(7)(C) for Hunters Point under
22 Tetra Tech. However, right before this meeting with
23 (b)(7)(C) had turned in his notice,
24 and he now works, and has since worked, continues to
25 work for (b)(7)(C) out of (b)(7)(C). But they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 were trying to fill (b)(7)(C) position, that's when (b)(7)(C)
2 (b)(7)(C) came in my office, and he was saying he was
3 looking at letting New World go, he needed to replace
4 (b)(7)(C) position, and he wanted to consider me if
5 I was willing to do it, and said you know, you can
6 come on our side and play with the big guys and we'll
7 see how it goes. What do you think? And so, I'd
8 worked for New World for seven and a half years, you
9 know, and there was some loyalty there.

10 SPEC. AGENT (b)(7)(C): Right.

11 MR. BOWERS: But also I had put a lot of
12 blood, sweat and tears into that project.

13 SPEC. AGENT (b)(7)(C): To the site.

14 MR. BOWERS: You know, I can drown you in
15 examples, but I won't do it unless you ask for it.
16 But you know, a lot of time had been put in there, so-

17 -
18 SPEC. AGENT (b)(7)(C): And just for second,
19 I don't mean to cut you off, but let me just get an
20 understanding of what you guys were tasked to do.
21 Give me the laymen's version of what you all were on
22 site there to do. I understand that there was a--it's
23 a big constructor's dirt, and you're--was it surveying
24 the dirt?

25 MR. BOWERS: Well, at the very top, at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 very echelon, our job was to insure the protection,
2 safety and protection and well-being of the workers on
3 the project, the general public, and the environment.

4 SPEC. AGENT (b)(7)(C): I see.

5 MR. BOWERS: Everything spouts off from
6 those three major criteria that's established by the
7 NRC.

8 SPEC. AGENT (b)(7)(C) Okay.

9 MR. BOWERS: So unique to Hunters Point,
10 what we were having to do, that site had tenants,
11 members of the general public occupying and still
12 occupying some of those buildings there on the
13 project, okay. And so anywhere--if you look at
14 Hunters Point, if you'll allow me, let me grab this
15 sheet, it should be--here it is. This is a map of the
16 Hunters Point site, and this is also something that
17 the--every employee gets in their RAD safety
18 orientation briefs.

19 SPEC. AGENT (b)(7)(C) Okay.

20 MR. BOWERS: The shaded areas in here were
21 determined as being impacted areas as defined in our
22 historical radiological assessment manual, the HRA.

23 SPEC. AGENT (b)(7)(C) Okay.

24 MR. BOWERS: So the HRA identifies any
25 spot that's shaded here on Hunters Point property as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 being a location based on historical information that
2 prior activities involved the use or the introduction
3 of radioactive materials.

4 SPEC. AGENT (b)(7)(C): Okay.

5 MR. BOWERS: So, now with that said, the
6 Navy only releases certain amounts of work in certain
7 restricted areas of the site.

8 SPEC. AGENT (b)(7)(C): Right.

9 MR. BOWERS: So if they gave Tetra Tech
10 some work to do, then if it was intrusive type work,
11 and remediation based and it was in this area, then
12 our license went into effect; we'd post the yellow and
13 magenta barricades where appropriate, and then our
14 responsibility is to insure that the employees that go
15 into these areas, we track their entries, we monitor
16 their work environment--

17 SPEC. AGENT (b)(7)(C): Through dosimetry?

18 MR. BOWERS: --through dosimetry, through
19 radiation detection surveys, through doing routine--
20 the whole works, yes.

21 SPEC. AGENT (b)(7)(C): Okay.

22 MR. BOWERS: But you're right, through
23 dosimetry as well. So we were looking out for their
24 radiological well-being, as well as conspicuously
25 posting these areas so that during the work day and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 after hours--

2 SPEC. AGENT (b)(7)(C): Nobody--

3 MR. BOWERS: --if we're gone, if members
4 of the general public come happening by--

5 SPEC. AGENT (b)(7)(C): --they know not to go
6 in those areas.

7 MR. BOWERS: --and plus there's vandals,
8 there's trespassers and, you know, it's a high-profile
9 place, but they--we take care of our obligation to
10 conspicuously post these areas of concern.

11 SPEC. AGENT (b)(7)(C): Right.

12 MR. BOWERS: So again, that's where we
13 come into play. But also anything we generate, okay,
14 if it falls under the license, there's license
15 generated radioactive material that's due for
16 disposal, then we have to containerize it, store it
17 until we process it, analyze it, and then get it
18 approved for off-site burial in an approved burial
19 site. So a whole hodge podge--

20 SPEC. AGENT (b)(7)(C): Of things.

21 MR. BOWERS: --of things in that regard,
22 yes.

23 SPEC. AGENT (b)(7)(C): Okay. And what, I
24 guess what's the major policy or guidance that you
25 work under? Is it the license?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: Thank you for asking. This
2 is my policy. Having been in all backgrounds or all
3 shapes and forms of radiological work in this type of
4 industry, NRC regulated commercial plants to
5 Department of Energy regulated facilities to
6 environmental clean up sites--

7 SPEC. AGENT (b)(7)(C): Right.

8 MR. BOWERS: --one thing in my 33 years of
9 experience is it's hard to get non-RAD protection
10 types to understand why it takes so long to do things
11 in our turf.

12 SPEC. AGENT (b)(7)(C): Right.

13 MR. BOWERS: And why is that? Well you
14 know, is to, again, take care of those with a
15 questioning attitude, to also take care of the needs
16 of the regulators and the entities that do the final
17 validation, in this case of releasing a tract of
18 formerly impacted land back to the City of San
19 Francisco.

20 SPEC. AGENT (b)(7)(C): Right.

21 MR. BOWERS: And while construction might
22 have deadlines to meet, they've still got to
23 understand that what takes 15 minutes for you to do
24 elsewhere is going to take a little longer in our
25 world, so we can do our checks.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) Because of the
2 procedures.

3 MR. BOWERS: So with that concern known,
4 and that challenge known, they're in to the front line
5 workers, the techs in the field, okay, and the lab
6 techs in the lab, whatever, they get pressured. They
7 get pressured. Why is it taking so long, you know,
8 you don't have to do this; you don't have to do that.
9 And I always preach to them, when you're out there in
10 the field, regardless of what you're doing, if you run
11 into a dispute or a disagreement with someone, try to
12 work it out. Try to explain it to them why we do it
13 this way, okay. But if you're finding that you're not
14 getting anywhere, you don't reach common ground, call
15 time out. Say agree to disagree, and take it to the
16 next level. Come to me, okay; I'll try to resolve it
17 with you. If we don't agree, I'll take it to my
18 boss's level; we'll keep progressing until ultimately,
19 if let's say I'm taking it to the license RSO's level,
20 and he's still not getting it, or he's still, I really
21 feel passionate that he's incorrect, then we can still
22 agree to disagree at that level as well, and take it
23 to the NRC.

24 SPEC. AGENT (b)(7)(C) Right.

25 MR. BOWERS: And get the justification so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that ultimately, I've got to be able to defend the
2 actions and the decisions made on this project,
3 ultimately with the NRC. If the NRC shows up, I've
4 got to be able to substantiate the basis of the
5 actions I take. If anybody short circuits that,
6 you're depriving me and my direct report and the NRC
7 of that opportunity to do so. It boils down to that,
8 plain and simple.

9 SPEC. AGENT (b)(7)(C) So is the--and I guess
10 kind of what my question is, in terms of the policies
11 and procedures that you work under, I was more or less
12 referring to the actual document procedure numbers or
13 the actual--is it the license? Are all the--is kind
14 of the bible that you, if you call it that--

15 MR. BOWERS: Yes.

16 SPEC. AGENT (b)(7)(C): --the bible of sorts
17 that you are guided by, is it the license?

18 MR. BOWERS: Here's the hierarchy that
19 (inaudible 27:16) tried to incorporate at the project.
20 Start out with our license.

21 SPEC. AGENT (b)(7)(C) Right.

22 MR. BOWERS: But in parallel with that,
23 our customer is the Navy. The Navy has the historical
24 radiological assessment manual, the HRA.

25 SPEC. AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: So that's the bible of the--
2 that's got the right to know information for the RAD
3 technicians; if an area is released for us to work in,
4 and it's an impacted area, we can go to that HRA
5 document, pull up the section for R02, or wherever the
6 location is, Building 211, whatever it is. We can
7 pull up that (inaudible 27:52) for that section of the
8 project, and we can readily assess all the historical
9 information the Navy has on it, okay, what took place
10 there for it to be designated as impacted.

11 Then with that said, based on the work
12 we're going to do, typically you're going to do
13 preliminary surveys, things like that, set up postings
14 and all, then that defaults to our base-wide radiation
15 protection procedures, and that's something that was
16 incorporated with the Navy through RASO, the
17 Radiological Affairs Support Organization; they kind
18 of chaired and spearheaded that process. And those
19 are the driving, controlling documents that are in
20 place. Matter of fact, I'm glad you brought that up,
21 because one of the last things I had tasked my
22 supervisors with at Tetra Tech was to look at these
23 procedures; they were last updated in 2005, and
24 there's like 16 procedures. So I had tasked each
25 supervisor to take--I think it was equal numbers like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 four; I think we had a total of 16 procedures, so they
2 had equal numbers to look at and review with their
3 techs in the field, get their mark ups, and they
4 review it and mark it up; feed it to me, and then I
5 would feed it to (b)(7)(C) so we could
6 get those updated and then get new dates on there more
7 recent than 2005.

8 SPEC. AGENT (b)(7)(C): Okay.

9 MR. BOWERS: But those were the procedures
10 we followed.

11 SPEC. AGENT (b)(7)(C): Okay.

12 MR. BOWERS: With that, there's oftentimes
13 work plans that are job specific--

14 SPEC. AGENT (b)(7)(C): Right.

15 MR. BOWERS: --to complement those
16 procedures, but that's pretty much--

17 SPEC. AGENT (b)(7)(C): But they should be in
18 line with the procedures?

19 MR. BOWERS: You bet you. You bet you.
20 They should tie in as a reference or something like
21 that. So that's the mind set, yes. Now with that
22 said, we're out there at Hunters Point, but the Navy
23 has also released work to Shaw under their NRC
24 license.

25 SPEC. AGENT (b)(7)(C): Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: They also brought in EMS, who
2 was working under their license, and then the week I
3 was booted off the project, Mactec came on site to do
4 pure work under their NRC license, so we had this
5 memorandum of understanding that was also posted; it
6 identified and specified whose turf was whose on
7 Hunters Point, what work was going to be done by whom
8 at Hunters Point; we even had our own RAD signs posted
9 with our own logos so that if somebody wandered on
10 site--

11 SPEC. AGENT (b)(7)(C): They could
12 distinguish--

13 MR. BOWERS: --exactly. Exactly. So it--
14 I, you know, I've got my own personal feelings about
15 that now, where you have multiple licenses working on
16 a site, tripping over everyone.

17 SPEC. AGENT (b)(7)(C): Has it always been
18 that way?

19 MR. BOWERS: No, this was the first--2011-

20 -
21 SPEC. AGENT (b)(7)(C): Was the first time
22 you had multiple licenses?

23 MR. BOWERS: 2010 I believe is when Shaw
24 came back. 2009, 2010--

25 SPEC. AGENT (b)(7)(C) But prior, prior to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that, from the time you had been there, it was always-
2 -so you had, at that point , you had multiple RSOs
3 then?

4 MR. BOWERS: Yes, yes we did.

5 SPEC. AGENT (b)(7)(C): Okay.

6 MR. BOWERS: Yes we did, and it created a
7 nightmare. We didn't--I didn't even get into that
8 with the NRC inspectors, but yes.

9 SPEC. AGENT (b)(7)(C): Got you.

10 MR. BOWERS: I would love to go into
11 detail on that. Again, positive feedback,
12 constructive feedback, that's what I'm willing to
13 give.

14 SPEC. AGENT (b)(7)(C): And what were--and you
15 may have kind of answered this, in terms of your
16 individual requirements, because your name was on the
17 license, correct? As RSO, your name is attached to
18 that license; what does that hold you accountable for?

19 MR. BOWERS: Here's the history behind
20 that. As I stated before, right before Tetra Tech
21 invoked their own license, (b)(7)(C) was the Tetra
22 Tech (b)(7)(C).

23 SPEC. AGENT (b)(7)(C): Right.

24 MR. BOWERS: He (b)(7)(C) of
25 (b)(7)(C) and then I filled his position. (b)(7)(C) at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that time reported to (b)(7)(C) who was the
2 (b)(7)(C) at that time. (b)(7)(C) worked out of
3 (b)(7)(C) that's why the license, Tetra
4 Tech's license was subject to NRC oversight by Region
5 IV. So, when I began employment with Tetra Tech, when
6 did I say it was, March 23rd, 24th, that week, anyway,
7 I reported to (b)(7)(C). In that first week on
8 the job, (b)(7)(C) shows up for an unannounced
9 inspection. The following week, (b)(7)(C) turns
10 in his notice of resignation. So that hit me out of
11 the right field, like just slapped me upside the face,
12 you know, all of a sudden, I'm finishing up this
13 surprise audit, which went well, but then all of a
14 sudden I'm getting a call from (b)(7)(C) that he's
15 resigning.

16 So now I'm thinking now wait now, (b)(7)(C)
17 (b)(7)(C) just resigned, and now (b)(7)(C) is
18 resigning, and so I'm talking to his direct report,
19 (b)(7)(C) who is at his level, he's the (b)(7)(C)
20 (b)(7)(C) of ESQ, Environmental Safety and Quality.
21 I'm told--

22 SPEC. AGENT (b)(7)(C): Was he out of Richland
23 as well?

24 MR. BOWERS: Yes sir. I was directed by
25 (b)(7)(C) when he--again, he just called me and said he's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 gone, and I need to get a ticket ASAP and get up there
2 and get a turnover from him. So I go up there and I
3 fly up, you know, that next week or either that same
4 week; anyway, next thing I know, I'm getting the
5 turnover, getting pertinent records from him, and then
6 I'm talking to (b)(7)(C) and he's asking me if I
7 want the position. Well, getting back to what you
8 were asking me about requirements to be an RSO, I told
9 him at that level, I didn't--

10 SPEC. AGENT (b)(7)(C): He asked you if you
11 wanted what position?

12 MR. BOWERS: (b)(7)(C) position as
13 the (b)(7)(C).

14 SPEC. AGENT (b)(7)(C): Oh, okay.

15 MR. BOWERS: And I said I'd be more than
16 willing to fill it on an interim basis, but I said I
17 don't think in the long run, at this level, that I
18 have all the qualifications you're going to be looking
19 for. And typically, I'm not a CHP, I didn't go to
20 college and get the degree and things that like, and
21 most--

22 SPEC. AGENT (b)(7)(C): They all have the
23 health physics--

24 MR. BOWERS: --they've got the degree,
25 yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Right.

2 MR. BOWERS: They get their degree in
3 health physicist.

4 SPEC. AGENT (b)(7)(C) : Okay.

5 MR. BOWERS: And I did not have that type
6 of qualification, so I told him in all honesty, I'm
7 more valuable to him at Hunters Point doing what I'm
8 doing, being the eyes and the ears for the license
9 RSO, whoever that may be. He said well, you're going
10 to have a role in who we hire. And so that's how that
11 happened. So in the interim, (b)(7)(C) did the
12 paperwork, notified the NRC that he--there would be a
13 name change for the RSO, and I did get the
14 documentation from the NRC recognizing me as--

15 SPEC. AGENT (b)(7)(C) : Did you have to
16 provide the NRC with anything relative to your
17 qualifications--

18 MR. BOWERS: I never provided--well, I
19 provided (b)(7)(C) that information and he
20 forwarded it. But yes, they did have the chance to
21 review that, and obviously accepted it.

22 SPEC. AGENT (b)(7)(C) : Okay.

23 MR. BOWERS: So that was provided, and so
24 I started--(b)(7)(C) started forwarding resumes
25 from interested parties. I saw (b)(7)(C) name

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 on one of the resumes, saw RASO, Radiological Affairs
2 Support Organization with the Navy. I thought whoa,
3 that might be beneficial, because we coordinate our
4 efforts with the RASO.

5 SPEC. AGENT (b)(7)(C): Right.

6 MR. BOWERS: The radiological entity to
7 get their buy in. So I called up some RASO contacts
8 to get some feedback on (b)(7)(C); got positive
9 feedback, and so submitted that resume back to (b)(7)(C)
10 (b)(7)(C) with recommendations that he look deeper into
11 it; then he said any apprehensions or concerns with
12 it? I said well, I said he's got the key words, I
13 said it looks like he's aware of the NRC terminology;
14 I said although he's working at DOE facilities, he's
15 aware of how that works. I said he's probably a big
16 time engineer, but he works with RASO; I said wherever
17 he's weak on NRC aspects, I'm heavy on it; I can help
18 him out or bring him along as far as inspections and
19 audits, things like that, but I'm getting good
20 feedback from the RASO entities, and he would be right
21 there at RASO's back door on the east coast, so let's
22 give him a chance. And it started out great, too.
23 But getting back, staying in line with your question--

24 SPEC. AGENT (b)(7)(C): So when they hired--so
25 at that point, Tetra Tech hired (b)(7)(C)?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: Correct. So between the time
2 that (b)(7)(C) resigned--

3 SPEC. AGENT (b)(7)(C): But he didn't have to
4 move to (b)(7)(C)

5 MR. BOWERS: No. (b)(7)(C) was already living
6 in (b)(7)(C) -

7 SPEC. AGENT (b)(7)(C): Right.

8 MR. BOWERS: --which is where RASO's--I'm
9 sorry; he's in (b)(7)(C) and RASO is in (b)(7)(C)
10 (b)(7)(C)

11 SPEC. AGENT (b)(7)(C): Okay.

12 MR. BOWERS: So they're right next door to
13 one another basically, so no, (b)(7)(C) not in--no, no.

14 SPEC. AGENT (b)(7)(C): But wasn't (b)(7)(C) in
15 (b)(7)(C)

16 MR. BOWERS: Yes. (b)(7)(C) did the paperwork
17 to have the license transferred back to Region I at
18 that time.

19 SPEC. AGENT (b)(7)(C): Okay. So that's why
20 he didn't have to move?

21 MR. BOWERS: Yes. Exactly. So I was for,
22 let's see, (b)(7)(C) left in April, (b)(7)(C) hired on sometime
23 in June, so for about two to three months, I was the

24 (b)(7)(C) at that
25 point. So once (b)(7)(C) took the role, I was still the--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SPEC. AGENT (b)(7)(C): On site--

2 MR. BOWERS: --the Hunters Point radiation
3 safety officer.

4 SPEC. AGENT (b)(7)(C): Right.

5 MR. BOWERS: And so again, there's that
6 shady area, it's not defined, I mean, I'm (b)(7)(C) eyes
7 and ears on the project, but also you know, I'm making
8 decisions. So I'm looking at it as I'm still bound by
9 radiation safety officer defined responsibilities.

10 SPEC. AGENT (b)(7)(C): Right.

11 MR. BOWERS: Okay?

12 SPEC. AGENT (b)(7)(C): I mean, what were
13 Tetra Tech's responsibilities as a company for the
14 license? What did that license hold them to?

15 MR. BOWERS: Well, that license, verbatim,
16 to compliance, all the compliance line items, but the
17 biggest, most important prevailing responsibility was
18 that overarching definition in that document by (b)(7)(C)

19 (b)(7)(C) that all companies should be aware of if
20 they want the NRC's perspective. I mean, I talked
21 with (b)(7)(C) and (b)(7)(C); they acknowledge
22 (b)(7)(C) statement, the support, the backing,
23 and the respect for the position, and the power
24 associated with that position, in invoking and
25 insuring compliance with that license. That's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 management's role; that was something that commercial
2 plants took very seriously in general employee
3 training, RAD protection fundamentals, they had a
4 section about management's commitment to the RAD
5 protection license, the RAD protection safety program,
6 and any NRC oversight criteria.

7 And that was a concern I had with (b)(7)(C)
8 when he hired on, you know, when he took the reins, I
9 said it's missing. And I said "I'm going to send you
10 a booklet that I got from Trojan, that was developed
11 at Trojan Nuclear Plant, to give you an idea." I
12 said, "We need a management statement." I said when
13 I got up there to see (b)(7)(C) I said "He had
14 radioactive sources in his office, he had an estimate
15 that wasn't even calibrated." I said "You need an
16 instrument;" I said "I've got possession of the
17 source," I said "You need calibrated instrumentation
18 where you can just hop on the plane, take your
19 instruments with you to any project, and do your
20 independent verifications." I said "Tetra Tech should
21 invest in that." To this point in time, I doubt he's
22 still got it, you know, but again, your question is
23 being asked as far as management expectations, they
24 should be giving--they should recognize with all
25 staff, with all crafts and trades, the role and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 authority of the radiation safety officer, and the
2 need or the expectation of adherence to direction from
3 that RAD safety officer to insure compliance.

4 If they don't agree with it, follow the
5 process. You and I agree to disagree, take it to the
6 next level, keep taking it to the next level;
7 ultimately if the NRC warrants notification, then give
8 it to them to get a (inaudible 39:31). And we
9 actually did that with (b)(7)(C) one time, and the posting
10 of signs at Hunters Point, and he--I asked him, I said
11 you know, why don't you call the NRC, call Rick Munoz
12 and get their position on this. I'm fine with that;
13 I can lose. I don't have to win a disagreement or,
14 you know, a different position.

15 SPEC. AGENT (b)(7)(C): Right.

16 MR. BOWERS: Just as long as those--
17 ultimately the NRC will be satisfied with what we do
18 collectively, I'm fine with that.

19 SPEC. AGENT (b)(7)(C): Right.

20 MR. BOWERS: Does that make sense?

21 SPEC. AGENT (b)(7)(C): Good enough.

22 MR. BOWERS: Okay.

23 SPEC. AGENT (b)(7)(C): Okay, now we're going
24 to shift. I've got a lot about your background and
25 understanding into what the NRC deems and defines as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 protected activity. Do you--are you familiar with
2 that phrase, and are you familiar with what is--

3 MR. BOWERS: I've heard it in a lot of
4 arenas, so why don't you explain it from your arena.

5 SPEC. AGENT (b)(7)(C): From the vantage point
6 and in the context of this discussion, with
7 discrimination cases, protected activity is that thing
8 that is raised when an employee is--when an employee
9 raises a--

10 MR. BOWERS: Got you.

11 SPEC. AGENT (b)(7)(C): --nuclear safety
12 issue; it's a viable issue that it overall speaks to
13 the welfare, the safety of the plant employees and the
14 community, and upon raising that issue to management,
15 they are essentially bringing up issue--that that
16 activity is protected; they can't be harassed, they
17 can't be discriminated against, they can't be
18 intimidated; they're bringing up a viable set of
19 issues or concerns, or even one concern that it grants
20 them protection.

21 MR. BOWERS: Okay.

22 SPEC. AGENT (b)(7)(C): That--

23 MR. BOWERS: Now that you've defined that,
24 why don't you ask that question again; I forgot how
25 you phrased it.

1 SPEC. AGENT (b)(7)(C) Well I just asked you
2 if you knew what--

3 MR. BOWERS: Oh, okay.

4 SPEC. AGENT (b)(7)(C) : I hadn't really gotten
5 started. So having said that, we're going to talk now
6 about your protected activity, or what you deem to be
7 your protected activity. Did you raise safety related
8 concerns to Tetra Tech management? If so, who did you
9 raise them and when and--

10 MR. BOWERS: Yes I did.

11 SPEC. AGENT (b)(7)(C) Okay.

12 MR. BOWERS: Yes I did.

13 SPEC. AGENT (b)(7)(C) : Let's talk about that.

14 MR. BOWERS: And that's part of my job,
15 you know. I've been doing--I've been raising that
16 since April 1, 2009, but I'm sure you're alluding to
17 most recently what's raised my complaints filed with
18 the NRC, right?

19 SPEC. AGENT (b)(7)(C) : Well, yes, and what
20 ultimately what were the, I guess the issues that were
21 raised around the time span that may have contributed
22 to your furlough? Because you said you had been
23 raising them in the beginning; I guess if you were
24 raising them in the beginning, maybe there was a build
25 up--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: It was, that's exactly what
2 it was.

3 SPEC. AGENT (b)(7)(C): Okay, well let's talk
4 about the build up, then.

5 MR. BOWERS: Did you have a chance to look
6 at that binder that I sent to (b)(7)(C)?

7 SPEC. AGENT (b)(7)(C): I still have not--

8 MR. BOWERS: Okay.

9 SPEC. AGENT (b)(7)(C): --seen the binder.

10 MR. BOWERS: It's all in there, basically.

11 SPEC. AGENT (b)(7)(C): I have not, because
12 I've been on--

13 MR. BOWERS: Okay. It gets kind of in
14 depth, to say the least, but again--

15 SPEC. AGENT (b)(7)(C): Do you kind of have a
16 chronology of the--

17 MR. BOWERS: I can.

18 SPEC. AGENT (b)(7)(C): --of the issues, of
19 the issues that you've--the safety-related issues you
20 raised?

21 MR. BOWERS: Yes.

22 SPEC. AGENT (b)(7)(C): Would you describe
23 these as nuclear safety issues? Are they--

24 MR. BOWERS: These are safety issues that
25 could, even though Hunters Point acknowledged, Hunters

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Point is a site to date where we have traces,
2 confirmed residual trace amount of contaminants
3 present; however, if work control practices are not
4 scrutinized and maintained adequately, it could be
5 residual trace amounts if introduced inside the body,
6 you could have a biological effect that's adverse. So
7 I have to look at it like that.

8 SPEC. AGENT (b)(7)(C): Okay.

9 MR. BOWERS: So I have to look at work
10 practices out there. And there were concerns I had
11 with the first year--the first full year on the job,
12 doing my end of the day radiation integrity field
13 checks, that's what I would call it, okay. I would do
14 intermittently, at various strategic times, I would do
15 field drive-throughs of our work areas, and I called
16 that a radiation integrity field check, or a RAD
17 integrity field check. And I chose most often to do
18 that at the end of the day, at the end of my work day,
19 when all the field hands had left about an hour
20 earlier, and I could verify did they have all the
21 gates locked, or all the postings across the fences,
22 all the equipment put away; is there anything or
23 everything that looks--does it look compliant?

24 SPEC. AGENT (b)(7)(C): Right.

25 MR. BOWERS: If Rick Munoz shows up after

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I leave the site, is he going to say yes, Bert left
2 the site and that looks like everything's the way it
3 should be, or is he going to find things that are an
4 exception to what he expects?

5 SPEC. AGENT (b)(7)(C) : Right.

6 MR. BOWERS: So again, the culture.
7 Starting out with this culture, I would do a drive-
8 through, this is an example of March of 2010. I did
9 a drive-through, and a door is open in a posted RCA.
10 It's actually where we staged and stored our collected
11 radioactive waste from the project. We were doing
12 characterization of devices and sources that were
13 drummed up, and then we were going to do a
14 characterization, and then based on what we found from
15 isotopic composition, we were going to put it in the
16 appropriate drum, and then ship it to an approved
17 burial site. Well all of a sudden I'm driving
18 through--

19 SPEC. AGENT (b)(7)(C) : And that was an
20 exercise?

21 MR. BOWERS: Absolutely.

22 SPEC. AGENT (b)(7)(C) : Okay.

23 MR. BOWERS: There's a work plan for the
24 procedure, but it's in this building where these doors
25 are conspicuously posted that it's a radiologically

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 controlled area. At the end of the day, if nobody's
2 there, it sure as heck better be locked.

3 SPEC. AGENT (b)(7)(C): Right.

4 MR. BOWERS: Some days I drive up, I'd see
5 a generator sitting outside; it's still plugged up,
6 and the cord's running through the door that's
7 unlocked and cracked open. So hey, if I'm a
8 trespasser, I can just open that door right up, walk
9 right into an RCA and to the radiation area inside and
10 all that stuff--

11 SPEC. AGENT (b)(7)(C): There's a--what's--is
12 there an NRC or even a Hunters Point procedure that
13 requires that all those things be locked? Is there
14 some--a procedural nexus, I guess is what I'm asking.
15 I know what you're saying, that's an obvious thing,
16 that you've got radioactive material, or even that
17 we're doing an exercise to see how we're going to
18 manage it, and it's not done--

19 MR. BOWERS: You know, it's tough to say
20 yes or no, does it get clearly like black and white--

21 SPEC. AGENT (b)(7)(C): Right.

22 MR. BOWERS: --these doors are locked at
23 the end of the day, I--

24 SPEC. AGENT (b)(7)(C): No, but it seems that
25 it should be.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: --yes. I don't have the work
2 instruction in front of me.

3 SPEC. AGENT (b)(7)(C) Okay.

4 MR. BOWERS: So I don't know how it's
5 worded, or the procedure, but there should be.

6 SPEC. AGENT (b)(7)(C) Okay.

7 MR. BOWERS: Because I can guarantee you
8 this, regardless of how it's written, my
9 interpretation of that work instruction--

10 SPEC. AGENT (b)(7)(C): That's an unsafe
11 thing.

12 MR. BOWERS: --is that that's locked at
13 the end of the day.

14 SPEC. AGENT (b)(7)(C): Right.

15 MR. BOWERS: Not saying that the first
16 time--first off, I'm not there to fire people; I'm
17 just out there to insure compliance.

18 SPEC. AGENT (b)(7)(C): Everything's being
19 done.

20 MR. BOWERS: If I see this door is
21 unlocked, I'm going to say hey (b)(7)(C) this is your
22 area, you need to talk to your techs and make sure
23 before they leave tomorrow, these doors are locked,
24 and that generator is put back inside so it doesn't
25 get stolen. You know, simple things like that. On

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this day I'm leaving, and where basically--this is
2 parcel E, this is a parcel E area around this property
3 boundary fence, okay. This whole area is posted as a
4 radiologically-controlled area. A snapshot picture,
5 it's also near a UCSF, University of California San
6 Francisco facility; I think they breed rats for lab
7 experiments elsewhere. But anyway, their entrance is
8 on a main road through way of the Hunters Point site;
9 they've got a little electric gate and all that.
10 Well, we're going to be working digging up pipes out
11 there, treating it as impacted area. So we--Tetra
12 Tech made the agreement that they would build them a
13 new access road to a different portion of the Hunters
14 Point access location. It just so happens that
15 they're going to put this road inside a posted RCA,
16 coming on site.

17 Well, to get to the chase, what happened
18 was they started this job and didn't even tell me that
19 they were doing it. I catch it because at the end of
20 this day when they started, I'm doing my end of the
21 day drive through, and I go out to the far ends of the
22 site, and come back; I'm seeing that they have opened
23 up this fence, that is looking from inside a
24 radiologically-controlled area on a non-impacted road;
25 they've moved earth, they've done intrusive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 activities, and also, there's a straight shot right to
2 the--I mean, even for the general public, to come
3 right in through this building, there's a roller door
4 right here. And the snapshot picture on this
5 particular day was there were employees of this
6 business walking between this double fence; they could
7 walk right in to Hunters Point property, into a posted
8 RCA, radiologically-controlled area, and nothing would
9 have stopped them.

10 So what I had to do, I had to--I had a
11 roll of ribbon in the back of my car; I put it across
12 here, yellow magenta and a sign conspicuously saying
13 no entry unless you're authorized, basically, and then
14 had to cover this with the guys. So again, it's the
15 culture. And it goes on and on and on. I'm having
16 problems getting the management support also to say
17 hey, you know, you really need to listen to what
18 Bert's saying; in other words, I was getting like
19 well--

20 SPEC. AGENT (b)(7)(C): So you're raising,
21 this is one of them.

22 MR. BOWERS: Windows open. There's a
23 table they set up; they just left it. For a
24 trespasser, that's an invitation, crawl right in. So
25 I'd have to move the table away myself, and these are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 posted in RCAs here. So yes, and it's just trying to
2 get people to think--

3 SPEC. AGENT (b)(7)(C): And these photos with
4 the caption notes on it, these were forwarded to
5 (b)(7)(C)?

6 MR. BOWERS: Yes.

7 SPEC. AGENT (b)(7)(C): And the allegations
8 that were--

9 MR. BOWERS: Yes. I've never had a chance
10 to discuss this with an NRC rep yet, but yes; these
11 were--

12 SPEC. AGENT (b)(7)(C): Okay, (b)(7)(C) will
13 have--

14 MR. BOWERS: --this is the one I was
15 telling you about that had references, but somehow or
16 another, my copy, I was missing reference 10 through
17 15.

18 SPEC. AGENT (b)(7)(C): Right.

19 MR. BOWERS: And so--but here's a good
20 example. I was leaving work at the end of the day;
21 I'd done my drive through way down through here, and
22 as I was leaving, I drove to this overpass off site,
23 looking down where this intrusive work is happening.
24 There's work taking place; there's people from
25 Portland General Electric--I'm sorry, Pacific Gas and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Electric, and they're in a boom box, relocating high
2 voltage lines; the boom box is directly over our
3 posted RCA on the ground where the intrusive work is.
4 And I'm thinking nobody told me there was work taking
5 place. I had to turn around and go back on site; they
6 had a field laborer out there for Tetra Tech watching
7 them, and I said "Who's the technician assigned?" Oh,
8 there's no tech here. I said that's unacceptable. I
9 had to stay there because I'm on the license, I'm
10 named on the license; I stayed there until they left,
11 because my big concern is they're going to say no, the
12 truck was outside on the non-impacted road.

13 SPEC. AGENT (b)(7)(C): Right.

14 MR. BOWERS: My concern was the box--

15 SPEC. AGENT (b)(7)(C) Overhead.

16 MR. BOWERS: --was over it, and if they
17 dropped a tool, who's there to stop them from going in
18 to get it? I mean come on, you know, I know, we all
19 know if they didn't get nothing beyond--examples about
20 that. I brought it up, and I'd get it shoved back in
21 my face basically. Now, if somebody didn't have to be
22 there, and I went through the construction manager--

23 SPEC. AGENT (b)(7)(C): Who did you generally--
24 --and this is one of several issues, and when I get
25 back, I'll get a chance to look at the binder that you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sent [REDACTED], that has copies of these.

2 MR. BOWERS: Oh yes. It's in color, too.

3 SPEC. AGENT [REDACTED]: Is there a prevailing
4 issue or set of issues that occurred closer to the
5 time that this--was there a point--what was the
6 boiling point? Where's the boiling issue--was there
7 some--

8 MR. BOWERS: (inaudible 51:28).

9 SPEC. AGENT [REDACTED]: --right, and I don't
10 diffuse the seriousness. Was there some issue on the
11 --closer to the end of things that just catapulted
12 this thing?

13 MR. BOWERS: Yes.

14 SPEC. AGENT [REDACTED]: What was that?

15 MR. BOWERS: What happened was I was
16 making these findings, and I was also relaying the
17 concerns to [REDACTED] in [REDACTED] because he's
18 the [REDACTED]

19 SPEC. AGENT [REDACTED]: So he was the person
20 you would take all your concerns to first?

21 MR. BOWERS: Yes. Oh yes. Yes. I mean,
22 I took it to the supervisors, but remember, I have to
23 do performance appraisals of the supervisors and their
24 job, too, you know. So unfortunately, I'd get it
25 shoved back in my face; I would let [REDACTED] know about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 some of these concerns and these challenges with the
2 supervisors. So he would ask me for ammo, you know,
3 and he would talk to (b)(7)(C) and all of a sudden, you
4 know, he finally started seeing a lot of the pain I
5 was feeling as far as getting on board with the right
6 plan. Again--

7 SPEC. AGENT (b)(7)(C): You said he talked to
8 (b)(7)(C) that being (b)(7)(C)?

9 MR. BOWERS: (b)(7)(C)
10 (b)(7)(C) yes.

11 SPEC. AGENT (b)(7)(C): Right. So a lot of
12 the issues that were coming up were ultimately people
13 that worked under (b)(7)(C) because they were construction
14 employees that were doing a lot of these things. He's
15 the (b)(7)(C) on site--

16 MR. BOWERS: It was that, and it was also
17 the (b)(7)(C) that reported to me. But they're
18 kind of taking, they're being strong-armed by
19 construction, (b)(7)(C) --

20 SPEC. AGENT (b)(7)(C): Shouldn't the RAD
21 supervisors have a real good understanding of the
22 significance of this relative to radiation? I mean,
23 they're RAD supervisors--

24 MR. BOWERS: I let them know they make
25 their own choices; and again, that's where I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there's the intimidation factor of okay, if I buck the
2 system, I can be gone like a lot of people before me
3 that I saw gone that didn't work the Tetra Tech way,
4 the construction way. That's what I was seeing, but
5 I was trying to educate these guys--I took this as a
6 challenge. I tried to educate them, look, here's the
7 consequences, but it wasn't really fully bought into
8 to that point, you know, that--like I said before, I
9 tried to use the mentality if we have a situation, we
10 try to correct it with those involved, okay.

11 Initially starting out, these guys would
12 come along begrudgingly. That's the best way I can
13 put it. They would, you know, they would tolerate it,
14 but over time, I kept getting more and more push back.
15 Then all of a sudden I'd get (b)(7)(C) involved
16 or whatever, so I would share it with (b)(7)(C) so that he
17 would know, then it's in his lap. Okay, who-what
18 level do we take it to, (b)(7)(C)? You know, you've got to
19 decide now. Can you resolve it where we all live
20 happily ever after, or is it to the point where we've
21 got to take it to the next level, i.e. the NRC?

22 SPEC. AGENT (b)(7)(C): What was (b)(7)(C)
23 response?

24 MR. BOWERS: He would talk to (b)(7)(C), he
25 would work on it and it was kind of a peacekeeper type

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 role, but it always was kind of gray and clouded.

2 SPEC. AGENT (b)(7)(C): And were things pretty
3 tense between you and (b)(7)(C)?

4 MR. BOWERS: It was cordial, but it was
5 tolerable until the day of the 13th of January when it
6 all came to a head.

7 SPEC. AGENT (b)(7)(C): Let's talk about--

8 MR. BOWERS: Okay.

9 SPEC. AGENT (b)(7)(C): Let's talk about that.

10 MR. BOWERS: There's a lot of in betweens
11 fast-forwarding to the 13th, but it was tolerable.

12 SPEC. AGENT (b)(7)(C): Now you said that
13 there was a lot of in between; were there just a lot
14 of issues being raised in between?

15 MR. BOWERS: Yes, the thing that jumps out
16 when I say that, (b)(7)(C) and then his, one of
17 his (b)(7)(C) he wanted
18 to meet with (b)(7)(C) and I after work at (b)(7)(C)
19 Restaurant, and at that restaurant, he shared his
20 vision where basically, he had worked at projects in
21 (b)(7)(C) with (b)(7)(C) he's worked other
22 successful projects; he needed our--he needed for us
23 to work with them what he had to do, or he'll just
24 find another job, he can go work somewhere else, and
25 we can try to survive on our own RAD project on our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 own.

2 SPEC. AGENT (b)(7)(C): That's what (b)(7)(C) said?

3 MR. BOWERS: Yes. And so I was--

4 SPEC. AGENT (b)(7)(C): The construction guy?

5 MR. BOWERS: Yes sir. And I said--he said

6 basically I need for you to make sure that you know

7 what our needs are and that they happen, essentially.

8 And so what I--I looked at (b)(7)(C) and I looked back at

9 (b)(7)(C), and I said (b)(7)(C), my role as a radiation safety

10 officer--

11 SPEC. AGENT (b)(7)(C): So (b)(7)(C) was in town?

12 MR. BOWERS: --oh yes, yes. He comes out

13 every so often, but this was when he was there, this

14 is when (b)(7)(C) wanted to meet with us to have this talk

15 obviously. I didn't know it was coming, same day.

16 And--but I looked at him, with (b)(7)(C) there as my--

17 present, you know, and I told him I said (b)(7)(C) I said

18 "I'm here to support you and to make you successful,

19 but I'm here to do it in a way that it's compliant

20 with the license." And I stated "if we ever have an

21 impasse, I said I'd rather know it and walk away and

22 maintain the friendships, but I said I cannot

23 compromise the integrity of the license. And (b)(7)(C)

24 all three of them were there, whether they want to

25 admit that I said that or not, that's what came out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that particular evening at that (inaudible 56:25). I
2 don't know what date or month was it, I can only say
3 sometime in 2010. There's no way I can guarantee you
4 the exact date, but--

5 SPEC. AGENT (b)(7)(C): And that was (b)(7)(C)

6 MR. BOWERS: (b)(7)(C)

7 (b)(7)(C). It was early on, because

8 (b)(7)(C)-well, it had to be sometime after June, and

9 sometime probably it was before winter months, so it

10 was sometime between June and October of 2009 when we

11 had that talk. So I kind of got the idea that (b)(7)(C)

12 and (b)(7)(C) were basically starting to try to break (b)(7)(C)

13 and I in together, in a fashion that we would know how

14 their--how we're going to be expected to do business

15 with them. In other words, they don't ask the

16 questions, you know, this is what we want to do, is

17 this idea compliant with the license:

18 SPEC. AGENT (b)(7)(C): They tell you what

19 they want.

20 MR. BOWERS: There you go. And that's--

21 SPEC. AGENT (b)(7)(C): And you play ball or

22 you don't.

23 MR. BOWERS: There you go. That's what

24 happens. That's what happens.

25 SPEC. AGENT (b)(7)(C): Let me ask you this;

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was there a--were your concerns captured in a
2 documentary fashion? Were condition reports written?

3 MR. BOWERS: Emails.

4 SPEC. AGENT (b)(7)(C): Emails?

5 MR. BOWERS: Emails. I was--and I first
6 thought, you'd like to think you don't have to
7 document every single thing you do; I mean you know,
8 it drives you crazy, you spend your whole day doing
9 that.

10 SPEC. AGENT (b)(7)(C): Right.

11 MR. BOWERS: I tried, you know, verbal
12 exchanges with the people in the field.

13 SPEC. AGENT (b)(7)(C): Right.

14 MR. BOWERS: Then they'd try to document
15 that, but then I started having to keep logs, field
16 event logs, but also the phone calls to (b)(7)(C). All of
17 a sudden I realized I'm going to have to start doing
18 emails to capture the dates. Then all of a sudden, it
19 carried over to where I needed to start taking
20 pictures. It was that serious. I was finding too
21 many things out there that would just not float if I
22 was a Rick Munoz or any regulatory entity for that
23 matter, even the Navy.

24 SPEC. AGENT (b)(7)(C): Right.

25 MR. BOWERS: It was just--it was sloppy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Very sloppy and very--it was an obvious lack of
2 conscientious effort.

3 SPEC. AGENT (b)(7)(C): To do it right.

4 MR. BOWERS: To do it right the first
5 time.

6 SPEC. AGENT (b)(7)(C): So, I'm going to kind
7 of deviate a little bit.

8 MR. BOWERS: Okay.

9 SPEC. AGENT (b)(7)(C): Did Tetra Tech
10 provide--and this is as a generalization to employees,
11 were employees provided any training on how they are
12 to raise safety related issues? Were employees told
13 that--told and encouraged to raise safety-related
14 issues where they came up, where they saw fit, and
15 trained on the mechanism to do so, whether it be
16 through condition reports, whether it be during
17 morning meeting verbal, or whether it be anonymously,
18 through paper going in a box; how did that total
19 reporting of safety issue thing go? Or even to the
20 fact that, if you wanted to call it whistle-blowing to
21 an extent. How were those--how did the company treat
22 those things?

23 MR. BOWERS: We'd have morning tailgate
24 safety meetings at the start of every shift.

25 SPEC. AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: Probably last five minutes
2 max; some of it would involve doing morning stretches,
3 things like that, then the (b)(7)(C)
4 would cover some topic. I do not remember ever being
5 present where it was covered as far as radiation
6 safety protocol and the reporting of safety concerns,
7 much less any training was giving likewise. I mean
8 there's--for the field hands and outside of management
9 types and all that, I can't recall that.

10 I remember they have the postings on the
11 right to no postings and things like that, the legally
12 compliant minimum, but I know that I gave radiation
13 orientation briefs, and when it first began, before
14 Tetra Tech came on the scene, I was basically--I had
15 the flexibility to use a half a day to cover RAD
16 protection fundamentals, but also cover the NRC Form
17 3, and the reporting of concerns and how you're
18 encouraged, if you find a concern, I mean that always
19 came out.

20 SPEC. AGENT (b)(7)(C): That was when you were
21 at New World?

22 MR. BOWERS: Yes; now it's gotten cut
23 down, it's not even--they want you to get it done in
24 an hour. They want you to get that kind of training
25 done in the hour. That's where it was initially

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 addressed when I got out here, and I used that as a
2 carryover from my experience at commercial nuke
3 plants, and also DOE facilities, where you--commercial
4 nuke plants, you had--at Trojan, we had three days'
5 worth of initial training for just Category 1 workers,
6 and for RAD workers, people that actually went in
7 those areas, it was a full week of training.

8 SPEC. AGENT (b)(7)(C): So you're saying at
9 Tetra Tech, this didn't go on?

10 MR. BOWERS: It was one hour.

11 SPEC. AGENT (b)(7)(C): One hour?

12 MR. BOWERS: One hour.

13 SPEC. AGENT (b)(7)(C): For everybody?

14 MR. BOWERS: Yes, all of a sudden they
15 weren't even making--

16 SPEC. AGENT (b)(7)(C): Was that field workers
17 and--

18 MR. BOWERS: Everybody, yes.

19 SPEC. AGENT (b)(7)(C): All right, and RAD
20 supervisors and--

21 MR. BOWERS: Yes.

22 SPEC. AGENT (b)(7)(C): --everybody in one
23 hour?

24 MR. BOWERS: They wanted it scrunched
25 down.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Did you conduct that
2 training?

3 MR. BOWERS: I conducted the training, but
4 what I did also, because there was always this push,
5 I made binders up for all the supervisors, and they
6 could actually give critical path training right there
7 on the spot with individuals in their one on one--

8 SPEC. AGENT (b)(7)(C) : Right.

9 MR. BOWERS: --if they needed to get them
10 out there quickly, but it got to where when I first
11 was there in 2010, I wanted to give everybody the
12 training, okay. And then I wanted to give them a
13 test.

14 SPEC. AGENT (b)(7)(C) : Right.

15 MR. BOWERS: So I could measure what did
16 they retain--

17 SPEC. AGENT (b)(7)(C) : For competency level.

18 MR. BOWERS: --and also you know what
19 else? So I could verify could they read the English
20 language, because we have Hispanics there, we have
21 Orientals there, and I have a big concern, can these
22 folks even read the signs that's out there in the
23 field.

24 SPEC. AGENT (b)(7)(C) : That wasn't determined
25 upon hiring these folks?

1 MR. BOWERS: I don't have the answer to
2 that question, because I didn't bring them on; I just
3 know what I ran into in the field, and some of the
4 people I would ask questions of and the response I
5 would get, like no comprehend, no comprehende.

6 SPEC. AGENT (b)(7)(C): Okay.

7 MR. BOWERS: And so again, the more I
8 started to bring that up, the more I started getting
9 the feeling that hey, you're going down the wrong
10 road. You better look at--you remember what happened
11 to (b)(7)(C); you remember what happened to (b)(7)(C) you
12 know, they're not here anymore, you know, and--

13 SPEC. AGENT (b)(7)(C): And who--

14 MR. BOWERS: (inaudible 62:44) I talked to
15 (b)(7)(C) the most, you know, because he's the one that's
16 got to fight my battles, but (b)(7)(C) would kind of come
17 back to me, I know you called (b)(7)(C) you know. Just
18 little sidebars, little comments like that on the
19 side, you know, and so I could feel the antagonistic--

20 SPEC. AGENT (b)(7)(C): Did you take your
21 concern--well what was that--we talked about that big
22 concern, I think you said in January, on January 13th--

23 -

24 MR. BOWERS: Yes, that's what catapulted--
25 that was the final straw.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Let's talk about--well
2 let me ask this other question, then we'll talk about
3 that.

4 MR. BOWERS: Okay.

5 SPEC. AGENT (b)(7)(C) : Did you take any of
6 these other, these prevailing things that built up,
7 did you take any of those to any outside entities--

8 MR. BOWERS: Yes.

9 SPEC. AGENT (b)(7)(C) : --prior? Did you go
10 to the Navy?

11 MR. BOWERS: Yes.

12 SPEC. AGENT (b)(7)(C) : Did you go to--

13 MR. BOWERS: Yes. Yes. There was one in
14 particular I went to the Navy on, that's when Shaw
15 came on site. And they're working under their
16 license; we're working under ours, let's say this was
17 the--

18 SPEC. AGENT (b)(7)(C) : Was that 2011? Early?

19 MR. BOWERS: It was probably 2010, late
20 2010; could have been early 2011. I can pull it up
21 and find you the date, but let's say this table top
22 represents Parcel E, and take trends--all of Parcel E
23 is considered by the HRA as an impacted area.

24 SPEC. AGENT (b)(7)(C) : Okay.

25 MR. BOWERS: So to get through here,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you're going to have Shaw working under their license
2 on this half, Tetra Tech on this half, and there's a
3 line of demarcation where we put down a liner--

4 SPEC. AGENT (b)(7)(C): Right.

5 MR. BOWERS: --a non-impacted liner, and
6 clean fill on top of it; that was our roadway to get
7 through.

8 SPEC. AGENT (b)(7)(C): Right.

9 MR. BOWERS: So over here, you've got
10 impacted work taking place on what we call the
11 triangle area, okay, and it's posted as a
12 radiologically-controlled area, and a radioactive
13 materials area. Over here is RO2, and it goes from
14 this side of the road all the way to the bay; it's
15 bordered by San Francisco Bay, and it was a burial
16 site; we had worked over there before.

17 SPEC. AGENT (b)(7)(C): Okay.

18 MR. BOWERS: But Shaw has this posted as
19 a radiologically controlled area, and a contaminated
20 area, okay. Well you see where I'm headed? Over
21 here, you got people working in an RCA/RMA--

22 SPEC. AGENT (b)(7)(C): Right.

23 MR. BOWERS: --just regular street
24 clothes, PPE and instruments.

25 SPEC. AGENT (b)(7)(C): Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: Over here, you got people in
2 canary suits or white paper suits--

3 SPEC. AGENT (b)(7)(C): Right.

4 MR. BOWERS: --posted contaminated area,
5 and I'm getting a call from people in the field saying
6 hey, you need to come out here and look at this. I
7 drive out there, and at this time of the day, the wind
8 starts blowing in off the bay, and the snapshot
9 picture I'm seeing, even though you've got these
10 fences and everything's contained, you see these dust
11 clouds blow across from this contaminated area across
12 the--

13 SPEC. AGENT (b)(7)(C): And it's blowing, and
14 the contamination is blowing--

15 MR. BOWERS: --across the clean, non-
16 impacted roadway, right into a non-contaminated area
17 where I have my staff working, and well, okay. We've
18 got problems.

19 SPEC. AGENT (b)(7)(C): Right.

20 MR. BOWERS: So I took pictures of it and
21 went to a lot of great lengths to detail what the
22 pictures look like. This was very initial, I mean the
23 same day they set it up, I already knew pretty much
24 what the levels were; it's not a contaminated area,
25 first off. By definition, and I can tell you that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not a contaminated area.

2 SPEC. AGENT (b)(7)(C): Why did Shaw have it
3 posted as such?

4 MR. BOWERS: Because of the way they wrote
5 their procedures--

6 SPEC. AGENT (b)(7)(C): Okay.

7 MR. BOWERS: --and the way they got RASO
8 to approve it when they came on site, and somebody
9 didn't read the documentation clear enough to envision
10 the potential problem. So what I did, I took a
11 picture and made a snapshot, and I've got it in this
12 book, and then I sent it to RASO, and let (b)(7)(C) run it
13 for me, and then they were on site, and eventually
14 that contaminated area insert went away, and they
15 pushed it in further to only the intrusive points.

16 SPEC. AGENT (b)(7)(C): Okay. And you brought
17 that to the Navy?

18 MR. BOWERS: Yes.

19 SPEC. AGENT (b)(7)(C): Who at the--who was
20 it? Who--

21 MR. BOWERS: (b)(7)(C) and (b)(7)(C)
22 (b)(7)(C) were the two RASO entities who came out to
23 look at it and made it go away, and I'm fairly certain
24 that (b)(7)(C) probably got involved with that
25 one, also. But--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 SPEC. AGENT (b)(7)(C): Okay.

2 MR. BOWERS: --yes, like I said, that's an
3 example of the growing pains we had with other license
4 holders that came on site and worked with different
5 contacts, and you know, having been there as long as
6 I had been there, I just wanted to insure consistency
7 in posts, so what I had to do, I had to get my people
8 over there pulling air samples on our side, just so
9 I'd have something to--anyway, that was an example of
10 another entity I notified.

11 SPEC. AGENT (b)(7)(C): What was Tech Tura's
12 company policy regarding whistle blowing and any
13 protections--

14 MR. BOWERS: Whose policy? Tetra Tech's?

15 SPEC. AGENT (b)(7)(C): I'm sorry. I'm--okay,
16 Tetra Tech.

17 MR. BOWERS: Well, on the surface, it's
18 what you see in all the publications, you know, rah
19 rah, you know, we endorse that, you do that. Well,
20 behind the scenes, I didn't see that. And I've been--
21 I've had multiple reporters and been to multiple
22 sites, and this wasn't even close. This was
23 insulting. I'll just leave it at that.

24 SPEC. AGENT (b)(7)(C): Does Tetra Tech
25 operate on the principles of safety first?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: No. I do not feel that way,
2 and to support that is the high level of attrition
3 that they've had at just the Hunters Point project
4 over the past five years dealing with the safety role
5 players.

6 SPEC. AGENT (b)(7)(C): Okay.

7 MR. BOWERS: Not just the radiation
8 safety, but industrial safety. That attrition rate,
9 (b)(7)(C) --see, I only worked with Tetra Tech for
10 like 18 months before I was removed from the site.
11 (b)(7)(C) is a (b)(7)(C) he once was at Hunters
12 Point, he's down in (b)(7)(C) now, but he knows a
13 lot of these folks that used to be there before. I
14 can give you some names, but it's kind of like--I'm
15 kind of convinced that, and I think other people will
16 tell you as well, whether you're a technician or a
17 safety role player, if you go against the grain, you
18 have fear of getting kicked off the project and being
19 replaced.

20 SPEC. AGENT (b)(7)(C): So, and I probably
21 know the answer to this, but I'm going to ask you, was
22 it made clear to Tetra Tech employees that they had
23 the right and even the responsibility to raise safety
24 related concerns without fear of retaliation?

25 MR. BOWERS: I put out read and sign

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 documents to re-emphasize, like I started this out
2 with you know, if you have issues, resolve it; if you
3 can't, bring it up. I didn't go to--I honestly didn't
4 go to the degree of saying without retaliation,
5 because that should be a given. It's in the NRC Form
6 3 posting, it's on the "Right to Know" boards. They
7 knew at least with me, they wouldn't be retaliated
8 against, you know.

9 SPEC. AGENT (b)(7)(C): Right.

10 MR. BOWERS: What happens out in the
11 field, obviously that's a different set of
12 circumstances, but it looks good on the surface, but
13 once you've been there awhile and people let their
14 hair down, well you might see a different set of
15 circumstances in the field. And things I don't even
16 (inaudible 69:45).

17 SPEC. AGENT (b)(7)(C): And you said earlier
18 there really wasn't any training provided on how to
19 raise safety issues, and the different formats to do--
20 ways to do it? In terms of like, was there a computer
21 database that if employees saw something that was
22 wrong, they could jump in the database and generate a
23 condition report?

24 MR. BOWERS: They have discrepancy report
25 procedures, but it's usually the ones that management

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 directs to be initiated. There was one--yes, that's
2 how that works. As far as people in the field coming
3 forward, it's very rare. It's very rare. Like I
4 said, I can give you multiple examples, but again,
5 it's very technical, technically oriented, and it's
6 probably best with a technical person to cover, but
7 they tried to fight me on that, after I was removed
8 from the site, you know, but--

9 SPEC. AGENT (b)(7)(C): For what, the CRs, or
10 the discrepancy reports?

11 MR. BOWERS: For discrepancy, yes. Yes.

12 SPEC. AGENT (b)(7)(C): Did they say you
13 weren't writing them?

14 MR. BOWERS: No, they tried to get me
15 saying that I committed a violation of the radiation
16 safety program protocol, and so then they volunteered
17 that to the NRC, when actually, we had an audit just
18 before that, an internal audit right after that
19 happened, where they didn't even volunteer that. I
20 mean, what I did, I was teaching a new hire, a RAD
21 orientation brief, I had a piece of Fiestaware, okay,
22 you can buy it from ebay. Again, to use as something,
23 a source check. You can get it in the general public
24 anywhere. I also had an example of a radium dial
25 button, it was inside a jar with a lid on it, it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 closed, RASO had authorized me to use that as show and
2 tell. I have an instrument in there, and I give an
3 example of what levels of radiation are coming from
4 these sources, but also so you know, you can get
5 Fiestaware in the general public, you can get it on
6 ebay, it's a collector's item. This radium dial
7 button, I said you can go on ebay, you can get watches
8 with radium dial paint on the hands, hotter than what
9 this is showing.

10 Well anyway, it was just this one on one,
11 and I walked out, it was lunchtime, I walked out to
12 get some paperwork; came back in; (b)(7)(C) wanted to catch
13 up with (b)(7)(C) and go get lunch, come back. In
14 between that, when I came back to restart after lunch,
15 (b)(7)(C) walks in, he's got this little jar and
16 my Fiestaware's still sitting there, he's bringing
17 this jar with this button. He says "Speaking of
18 radiation protection," he said "You need to tighten
19 up; this was left on the table." And I looked at it
20 and thought holy crap, you know. And so I thought
21 about it for second, it was kind of embarrassing, but
22 then I went in to tell him hey, I said technically, I
23 said "that wasn't a violation." I said "It's my bad."
24 I said "you're right, you know, if--I shouldn't have
25 been rushing, I should have put it back in my office."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But I said "the system worked." I said "somebody
2 found it obviously." I said "did you find it?" He
3 said "no, it wasn't me." And I said well, I said
4 "whoever it is, I should talk to them and thank them
5 because they did the right thing." And so the next
6 morning, at the safety tailgate, they always give me
7 a chance to say something, and I announced to the
8 whole staff, I said "you know, I can't hold you to
9 high standards if I don't hold myself to high
10 standards." And I said "yesterday I screwed up." So
11 I told them what it was that I did. And I said "it
12 wasn't a violation per se because again, it's
13 something--I said if it had been a cesium button or
14 something like that, yes. Okay. But I said with
15 Fiestaware, radium, I said by definition, I said "I
16 still should have put it up, but I didn't." So I said
17 "slap me on the hand," but I said "again, watch me.
18 Watch my back, you watch each other's back, make sure
19 you insure compliance."

20 Well, fast forward to March when the NRC
21 came out for Tetra Tech's requested inspection; they
22 had no findings except where Tetra Tech volunteered
23 that I had left radioactive material in a conference
24 room, and basically that was the only observation for
25 that whole time since the last inspection. Well, I've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 got the write up on that, after I covered that safety
2 tailgate, later that morning, I got this write up,
3 this field discrepancy report, and (b)(7)(C) asked
4 me to sign it. I said "what is this?" He said "it has
5 something to do with the source you talked about." I
6 started reading it, and the person that read it said
7 that I had a cesium-137 button that I left--I said
8 "what is this? It's not right." And so I signed it,
9 sent it to--I said "let me have a copy of that." And
10 so I wanted to give it back to (b)(7)(C) because (b)(7)(C) had
11 told me once before these reports don't go past my
12 office unless I say so. So I had a concern because
13 the person that wrote it up was one of my supervisors.
14 I never talked to him; that report--and I got a copy
15 of it--that report said that I'd left a cesium-137--

16 SPEC. AGENT (b)(7)(C): One of your
17 supervisors that reported to you?

18 MR. BOWERS: Yes. And didn't even talk to
19 me, okay. And so I went in and showed it to (b)(7)(C), and
20 I said I'm rescinding--I want to rescind my signature
21 on this because it's a lie. I said it's showing
22 cesium-137, it's showing that he covered the
23 procedures that applied to it. I said "this is
24 bogus." And so they ended up re-writing it, asked me
25 to sign it, and so I did sign that at that point, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 know, that's supposed to be positive reinforcement,
2 okay. And I've got to play with it, and certainly
3 that was, you know I should have put it up.

4 SPEC. AGENT (b)(7)(C): Right.

5 MR. BOWERS: But it's got to be
6 technically correct. So anyway I went--we had, the
7 following Wednesday, we have a CQQA meeting with the
8 Navy.

9 SPEC. AGENT (b)(7)(C): CQQA?

10 MR. BOWERS: I don't know, I don't even
11 know what that--I'd have to look that up. It's
12 something that the Navy requires every week for
13 contract status, status of work on each contract.
14 I'll have to send that to you. I'll have to dig that
15 one out; it might take awhile to find it, unless I
16 can--anyway, the point is, at that meeting, I walked
17 in after it started, and (b)(7)(C) is sitting there
18 covering the minutes, and he's covering the fact that
19 there was a discrepancy involving--and it was talking
20 about this report he wrote up, and he was using his
21 information saying it was a cesium-137 button source,
22 and I had to interrupt and say well, hold on
23 everybody. I said first off, what he's talking about
24 has to do with me, and it was a radium dial button
25 that I was authorized to share in classes by RASO, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a piece of Fiestaware. I said it was not a cesium
2 (inaudible 76:27) source. And I said just for the
3 record, and so I said as far as the procedures covered
4 in all that, I said I'm looking into that, and I said
5 I'm covering it with the staff. So it's like that was
6 dirty poker, that whole process was dirty poker.

7 SPEC. AGENT (b)(7)(C): Well I'm sure you
8 (inaudible 76:43).

9 MR. BOWERS: Well, and when they came out,
10 like I said, when the NRC came out, they decided to
11 volunteer that with the corrected report; my question
12 is did they volunteer the incorrect report before
13 that, and did they volunteer that they didn't offer
14 that to their internal auditor about six months
15 before, however long it was before their internal
16 audit had occurred.

17 SPEC. AGENT (b)(7)(C): Was an investigation
18 ever conducted by Tetra Tech, an internal
19 investigation on any of the safety-related issues you
20 raised?

21 MR. BOWERS: As of January 13th or
22 anytime?

23 SPEC. AGENT (b)(7)(C): Or any time.

24 MR. BOWERS: No. No. There was one
25 effort; I had called--after the NRC came out in March,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and then I got the call from (b)(7)(C) that my work at
2 Alameda was over, I went from April 1 to somewhere in
3 late May with no word whatsoever from anybody with
4 Tetra Tech. I had not seen anything documented on
5 their internal investigation, and so what I did, I
6 called (b)(7)(C) to ask (b)(7)(C) I
7 said where's all this going? I said I've not seen
8 anything and I said I'd like to move forward with
9 this; should I call the employee hotline or not? Or
10 have I used all the resources up yet? (b)(7)(C) said "you
11 haven't signed anything?" I said "no, I've not seen
12 a thing." And I said "I don't want my statute of
13 limitations to run out as far as my protected rights."
14 "Let me call you back."

15 (b)(7)(C) called back, left a voice mail on my
16 temporary home phone, saying that they were waiting to
17 get the results of the NRC investigation, and they
18 expected it sometime that week, after which when they
19 get a copy of it, they'll share a copy of it with me.

20 (b)(7)(C) termed that investigation; I saved the recording.
21 I called the NRC up to find out, and they were
22 emphatic, they said there's not been an investigation;
23 if there's an investigation, we'll inform you.

24 SPEC. AGENT (b)(7)(C): Right, as you got the
25 letter when you dealt with the allegations from (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C)

2 MR. BOWERS: And so that kind of bothered
3 me, and so that's when I started to realize well, are
4 they being genuine or not from this point forward.

5 SPEC. AGENT (b)(7)(C): Right.

6 MR. BOWERS: And so (b)(7)(C) called back
7 about two days later, said we got the report, and I'm
8 forwarding a copy of it to you. That's when I saw,
9 you know, the NRC came out, they didn't have any
10 findings, but there was a self-reported--

11 SPEC. AGENT (b)(7)(C): Right.

12 MR. BOWERS: --claim.

13 SPEC. AGENT (b)(7)(C): And that was your
14 issue?

15 MR. BOWERS: Yes.

16 SPEC. AGENT (b)(7)(C): So it was the
17 inspection (b)(7)(C) talking about, or the auditing--

18 MR. BOWERS: It wasn't--

19 SPEC. AGENT (b)(7)(C): --it wasn't--

20 MR. BOWERS: --it wasn't an investigation;
21 there was a--it's on the recording.

22 SPEC. AGENT (b)(7)(C): (b)(7)(C) claimed it to you
23 that it was an investigation?

24 MR. BOWERS: Yes, and I can play it for
25 you if you want; I've already got it saved and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 everything.

2 SPEC. AGENT (b)(7)(C): Let's kind of keep--

3 MR. BOWERS: Okay.

4 SPEC. AGENT (b)(7)(C): --trucking away. Well,
5 I wanted to get to that big prevailing issue that you
6 said you, which catapulted all this, because now we're
7 kind of--we're going to start talking about adverse
8 action, but what was that last issue that you said you
9 raised that really kept this going?

10 MR. BOWERS: Well what started the
11 avalanche was Tetra Tech, the whole project stands
12 down with Tetra Tech for the last two weeks of the
13 year for Christmas/New Years Holidays. During that
14 time, everything's secured and basically myself or a
15 designated person will be authorized to do random
16 intermittent drive throughs to verify RAD integrity
17 while the site's shut down. Last two years I've done
18 that, okay. During that stand down, there were
19 multiple examples of storms blowing through, and fence
20 panels got blown over with RAD postings, trespassers,
21 multiple examples of that and buildings getting broken
22 into; a lot of vandals go in to do copper mining,
23 getting the copper wire out--

24 SPEC. AGENT (b)(7)(C): Right.

25 MR. BOWERS: --you know what I'm saying.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But there are also trespassers in the parking lot;
2 they would call me a lot of times and let me know, the
3 caretaker's office for the Navy. So I came in, and
4 anytime there's a storm, I'll just automatically drive
5 in the following morning, and verify the checks. And
6 so anyway, that's what I was doing. And while there,
7 I was taking some pictures of before and after, and on
8 this particular day, we had Baker tanks out there, and
9 that's wastewater, they're posted as radiologically
10 controlled areas and RAD material until we sample it
11 and release it for offsite disposal, and when I was
12 driving this one morning, I see some people out there
13 around it. Well, there's not supposed to be anyone
14 working there. I've already done these checks, and I
15 know who's supposed to be and who's not supposed to be
16 there.

17 So--but by the time I get around the fence
18 panels to get up there to the site, these folks are
19 gone. So I'm thinking okay, well I take a picture of
20 the valve gallery and ladder and all that, so I'll
21 have a picture found as is, and was going to save that
22 and cover it with the guys when they get back, like
23 hey, make sure when you go out to these Baker tanks,
24 I saw some people out there during the stand down.
25 Well, later on, I'm in my office downloading those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 pictures, and I hear this big truck engine, and I look
2 out my window, and here's this truck, and it's pulling
3 a scrap metal bin. I said what are they doing? And
4 the truck keeps on going, and headed offsite, so I run
5 outside--I (inaudible 82:11) my camera, run offsite--
6 because see, anything that leaves that site, RASO had
7 already told me--

8 SPEC. AGENT (b)(7)(C): Whose truck was this?

9 MR. BOWERS: That's a good question, you
10 know. I didn't even know.

11 SPEC. AGENT (b)(7)(C): Okay.

12 MR. BOWERS: And so, but the Navy requires
13 any scrap, anything that leaves that site, it goes
14 through a portal monitor, okay, and it has a final
15 radiological check.

16 SPEC. AGENT (b)(7)(C): So they survey it
17 before it leaves?

18 MR. BOWERS: Yes. Well, I don't know who
19 that is either, and by the time I'm out with my camera
20 and in the car to catch up with them, they're offsite.
21 So now I technically can't do anything other than I
22 take a picture of the truck, and I think I got the
23 back side with the tags. So I'm sending these emails
24 to (b)(7)(C) and to (b)(7)(C); (b)(7)(C) is down
25 in (b)(7)(C) at his home; (b)(7)(C) back in (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'm saying when it rains it pours, you know, we've got
2 to discuss this when we get back.

3 SPEC. AGENT (b)(7)(C): Right.

4 MR. BOWERS: There was--I had enough
5 trending data that as far as anything out there scrap
6 metal wise, you could probably justify it was probably
7 safe to go, but it did not, still did not get that
8 required survey.

9 SPEC. AGENT (b)(7)(C): Right.

10 MR. BOWERS: So that's an issue, I wanted
11 to make sure who's authorizing this stuff.

12 SPEC. AGENT (b)(7)(C): Who's also responsible
13 for the survey, for surveying the material before it
14 leaves the site?

15 MR. BOWERS: For anything that leaves that
16 site, that falls under base wide, which falls under
17 Tetra Tech's umbrella, which actually was now under my
18 jurisdiction because they had assigned base wide
19 responsibilities to me, in addition to everything else
20 I'd already been doing. They were cutting back a
21 supervisor.

22 SPEC. AGENT (b)(7)(C): Okay.

23 MR. BOWERS: So I took a picture showing
24 the Baker tanks were going. I also took a picture--
25 that's the other thing, the next day I came in, those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Baker tanks were gone. So the day before, I'm seeing
2 people at the Baker tanks, I'm seeing a scrap metal
3 bin leaving the site; the next day I come in after a
4 storm, I'm seeing the Baker tanks are gone.

5 SPEC. AGENT (b)(7)(C): Okay.

6 MR. BOWERS: And I'm having a fit, like
7 okay.

8 SPEC. AGENT (b)(7)(C): Mind you, this is all
9 during kind of a shut down period, too--

10 MR. BOWERS: Yes.

11 SPEC. AGENT (b)(7)(C): --so all this is going
12 on--

13 MR. BOWERS: So is this planned? Did
14 somebody strategically plan that and not think I would
15 catch it, or you know--

16 SPEC. AGENT (b)(7)(C): Is it normally that
17 way during shut downs?

18 MR. BOWERS: No, it wasn't the year
19 before.

20 SPEC. AGENT (b)(7)(C): Well, right, because
21 you had only done it two years.

22 MR. BOWERS: Yes. So I'm sitting here
23 just livid as could be, so okay, I'm documenting it.
24 I'm sending the emails with the pictures out, and I'm
25 having to write novels instead of just quick little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 emails with--I'm having to write novels with pictures,
2 and so it carried over to the start of the year, when
3 (b)(7)(C) got there. Well when (b)(7)(C) gets there, I'm doing
4 start of the year things. I'm having to change out
5 dosimetry, I'm having to update training orientation,
6 I'm having to update Form 4s, I've got a load of
7 stuff.

8 And so all of a sudden, in that first week
9 we're doing this, and then on the evening of the 12th,
10 I'm sitting there, it's dark, almost dark, and (b)(7)(C)
11 and (b)(7)(C) come in and they're basically saying they're
12 cutting back my hours. I said cutting back my hours?
13 You know, it's like they've made the decision from 50
14 hours a week to 45. So my big concern right off the
15 bat is they want me to come in 30 minutes earlier on
16 top of it. So they shift my schedule back, and I'm
17 thinking well, that screws up my end of the day RAD
18 integrity checks. How am I going to do that--

19 SPEC. AGENT (b)(7)(C): Did they know you were
20 doing those checks--

21 MR. BOWERS: Yes.

22 SPEC. AGENT (b)(7)(C): --at the end of the
23 day?

24 MR. BOWERS: Absolutely; they knew that's
25 part of my job. They sure--I know they knew because

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 when I had a major finding, (b)(7)(C) was still there, I'd
2 come in and tell him hey, you want to take a ride, or
3 you want to know what's going on out here? So he knew
4 it. And so--and a lot of times, I'd find tools left
5 out there, so I'd put them in the car and give them to
6 the construction superintendent the next day. So yes,
7 they all knew.

8 SPEC. AGENT (b)(7)(C): Okay.

9 MR. BOWERS: But in the end, the feeling
10 was I was out there snooping around, but in either
11 case, these things were happening, and so he basically
12 said we'll talk about it. He didn't--I said hey, I'll
13 take an hour, hour and a half for lunch, just so I can
14 get the hours in, and still be able to do my end of
15 the day checks. I said that's proved too valuable in
16 the past to just scrap that. But it's like I wasn't
17 given a choice, you know, it's like--he said "we'll
18 talk about it." So I said well I've got to hurry, I
19 have a little bit of sunlight left, I want to do a
20 drive through right quick.

21 And that's when I was out in Parcel E, and
22 as I'm leaving, you know I do my furthestest drive
23 through, now it's dark, I've got my headlights on, and
24 I'm driving back out, getting ready to go back up to
25 the trailers to get my things to leave. All of a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sudden I see these headlights coming from way back in
2 the bowels of Parcel E, and I'm thinking who could
3 that be, you know. And I'm thinking now are these
4 trespassers, or is that Shaw, or is that Tetra Tech;
5 I didn't know. And so I just stopped and watched
6 these vehicles come through, and now I'm realizing
7 they're in the impacted area on this non-impacted
8 road, and they're driving up to this gate that I had
9 just verified as being locked.

10 So I pulled up to the gate, I do a u-turn,
11 start to drive to the gate, and I realize as I get
12 closer, it's a red truck, it's a Tetra Tech truck, and
13 so I pull on up, roll my window down, and I say
14 "anybody else in there?" And this guy was saying
15 "well, they better not be, because we're going home."
16 I said "well what are you guys doing here?" He said
17 anytime there's overtime, you know, you've got to jump
18 for it. So I said well, I said "I hope nobody else is
19 there." I said "have a safe evening," because I'm
20 wanting to get back up there to (b)(7)(C) before he leaves
21 to tell him what I just saw. Again, perfect example
22 of doing that end of the day drive through.

23 SPEC. AGENT (b)(7)(C): Right.

24 MR. BOWERS: And so they locked up, they
25 drive off, and so I drive back up because the other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thing I had asked them was is there a supervisor there
2 with you, somebody that's named on the license--

3 SPEC. AGENT (b)(7)(C): Right.

4 MR. BOWERS: --as an authorized user. No,
5 they'd all gone home. I was the only one there; if I
6 drove offsite, again, we would have been non-
7 compliant. And so I drove back up to (b)(7)(C) office to
8 tell him what I had just seen in regards to this end
9 of day check, and he didn't offer any knowledge of who
10 those people were. Now if he had mentioned it to me,
11 we might have resolved it then and there, but that was
12 his chance; he didn't say anything except "cover it
13 with the sups in the morning." That's what I did. I
14 left the office; he was in his (b)(7)(C) ready to go
15 (b)(7)(C) he left. I closed down my office, before I
16 left the site, I drove back out there, verified
17 everything was still locked and secure, and then I
18 left.

19 The next morning, I came in early, and was
20 sitting in that conference room outside my office and
21 (b)(7)(C) office, there were three guys in there
22 including (b)(7)(C) that guy I gave you the name for--

23
24 SPEC. AGENT (b)(7)(C): Right.

25 MR. BOWERS: --and so we were sitting, it

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was about 15 after six, we just did small talk, I
2 figured the other guys would show up. And (b)(7)(C)
3 pops his head in. He says "Bert, where are you?" And
4 I said "well, I'm right here waiting for this
5 meeting." He said "the meeting's up front." And I
6 said oh, and I looked up at the clock, and it was like
7 6:35. Because first thing, it's just natural, I saw
8 the clock, it was 6:35. So I followed him out the
9 door, and we're walking up to the front, (b)(7)(C)
10 (b)(7)(C) walking down, (b)(7)(C) said he was in that
11 room. It's no big deal with (b)(7)(C), he said oh, he said
12 the morning meetings are up here in the small
13 conference room. I said okay, I didn't realize it.
14 But by the time we walked the corner, it couldn't have
15 been another minute, minute and a half, the meeting's
16 already adjourning, you know, and I'm thinking they're
17 asking me to come in at 6:30 for a five-minute
18 meeting, and sacrifice my end of the day drive
19 throughs? Come on, you know.

20 It's just what I was thinking, there's
21 stuff that I've got to bring up to (b)(7)(C); as the guys
22 were coming out of the meeting, I got my sups that
23 were there, one of them was (b)(7)(C) (b)(7)(C). I
24 said I need to talk to you guys before you go down to
25 Building 400. After they have their morning meeting,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they all scoot down to Building 400 with all the field
2 hands, and have their safety tailgate.

3 SPEC. AGENT (b)(7)(C): Okay.

4 MR. BOWERS: So I wanted to tell these
5 guys to pass this message on from last night before
6 they go down there, so it was so loud, I finally got
7 them, I said let's go to my office, we'll cover it
8 there. So we got in my office, and shut the door, and
9 I told them basically what I just shared with you, and
10 I said I have no clue who these guys were, but I said
11 at any time there's someone--

12 SPEC. AGENT (b)(7)(C): You didn't recognize
13 them?

14 MR. BOWERS: No, it was too dark; they
15 were field laborers, like I said, I don't see them
16 every day--

17 SPEC. AGENT (b)(7)(C): (inaudible 90:22)

18 MR. BOWERS: No.

19 SPEC. AGENT (b)(7)(C): Okay, so you don't
20 know--

21 MR. BOWERS: No. And I wished I had now,
22 but you know hindsight is 20/20 I guess, but in any
23 case, I was telling them what I saw, and (b)(7)(C)
24 ups and says well Bert, who--what are you talking
25 about? So I (inaudible 90:36), and all of a sudden

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 he--I said when somebody's working after hours in an
2 area defined on the HRA as an impacted area, I've got
3 to know--you need to let me know so we can decide does
4 an authorized user need to be there or not. He said
5 "no we don't, that was utility quarter work." He said
6 "that area's been cleared." I said "yes, we do." And
7 I pounded my fist to be emphatic, and that was it.
8 And about that time, (b)(7)(C) just burst out
9 "that's a bunch of f-ing bs" and before he even
10 finishes--

11 SPEC. AGENT (b)(7)(C): (b)(7)(C) was one
12 of the supervisors that worked for you, correct?

13 MR. BOWERS: Yes. Yes.

14 SPEC. AGENT (b)(7)(C): Okay.

15 MR. BOWERS: And he worked for me with (b)(7)(C)
16 (b)(7)(C) and I liked (b)(7)(C) okay, but (b)(7)(C) a (b)(7)(C)
17 (b)(7)(C) he looks like he'd be (b)(7)(C)
18 (b)(7)(C) seriously. But he's really good deep
19 down, but he caters to whoever he feels like he
20 reports to, and obviously he's reporting to somebody
21 in the field in construction instead of me at this
22 point. And when he let this first volley go out, he's
23 not even finished, and (b)(7)(C) pops his head
24 in, what's going on? So they're telling him what's
25 going on, you know, what their position is, and I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 kind of sitting back holding my hands up, you see,
2 because I already talked to him about (b)(7)(C) and his
3 (b)(7)(C) with others and all, you know. He was a
4 little (b)(7)(C) you might say.

5 And so I'm holding my hands out, I'm
6 thinking okay (b)(7)(C), now you're going to come to my
7 rescue and give me the support. And instead, he looks
8 at me and he says "they're right, that area was
9 released by RASO, you don't have to have anybody
10 there," and by now, I'm pushing back, holding my head
11 in my face, rubbing my face, and hearing (b)(7)(C) just
12 continuously with the barrage of just verbose
13 profanities, and I can hear (b)(7)(C); I'm just trying
14 to tell myself--I'm seeing (inaudible 92:29). I'm
15 just--I'm furious. There's no other way to describe
16 it, you know. I have been betrayed by the guy that's--
17 -I need the management support from.

18 SPEC. AGENT (b)(7)(C): Right.

19 MR. BOWERS: And so I can hear them out
20 there shouting and fussing and making a big to do, and
21 I can hear (b)(7)(C) especially, and all of a sudden I
22 hear him "by the way," and I look up, and they're
23 standing in my doorway, and all the other sups have
24 left. (b)(7)(C) standing at the doorway, (b)(7)(C) behind
25 him, pointing over his shoulder--you're (b)(7)(C), he's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 pointing over his shoulder, touching him, in my--and
2 (b)(7)(C) letting him do it. And so I'm just sitting
3 here burying my face in my hands, trying to take a
4 deep breath, and just thinking, I'm in shock, like
5 this can't be happening. I've been here, I'm in my
6 ninth year here, and I've never been put in anywhere
7 close to--I'm being attacked. I'm being verbally
8 attacked.

9 And so I'm just--I'm focusing, I'm going
10 to take three deep breaths, and I can hear him,
11 (b)(7)(C) voice is moving outside in the hallway, and
12 all of sudden I hear (b)(7)(C) and he's back in the
13 doorway, and he says "hey, you know, you seem to be
14 concerned that all this is because your name's on the
15 license; I can arrange to have it removed." And then
16 he walks off. And I'm sitting back kind of like this
17 at this point, behind my desk, and now I'm going from
18 shock to realizing I've just been threatened. I have--
19 -he just threatened me, and I cannot let him cross the
20 line. I've got to call him on it. And so I got up,
21 and he walked through this conference room that's
22 between the two hallways and his office and mine; I
23 walked through the conference room, (b)(7)(C) was
24 sitting in there with two other gentlemen, and they're
25 just staring. I don't say a word, just--I know they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 had to hear, but I walk over to (b)(7)(C) door, (b)(7)(C)
2 (b)(7)(C) is in there; not 20 seconds he walks out. I go
3 in, and (b)(7)(C) kind of fidgeting I'm staring at--my
4 point was to get his attention and say hey (b)(7)(C), if we
5 don't get this straightened out, now I'm obligated to
6 notify the NRC.

7 SPEC. AGENT (b)(7)(C): Right.

8 MR. BOWERS: Because of what happened.
9 And so what he said was Bert--to the effect I don't
10 know the exact words now, but to the effect you
11 shouldn't have let it disintegrate to that level. But
12 he said but I'll tell you what, and he's never looking
13 at me, that was the one thing I was wanting to do, was
14 establish eye contact. He was just fidgeting. He
15 reached down like he was getting (b)(7)(C)
16 (b)(7)(C) he walked over to his desk, he said yes, you
17 go ahead, call the NRC. He said "matter of fact, just
18 call whoever you want, but while you're at it, pack
19 the shit in your office and get the hell off my
20 project." I said (b)(7)(C) I said "are you serious?" He
21 said "you heard me." By now, he's looking at me, he
22 said "pack the shit in your office and get the hell
23 off my project." And I'm just looking at him, this
24 is a guy, he's been (b)(7)(C) I've been (b)(7)(C)
25 (b)(7)(C) and it's--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Did he have the
2 authority to--

3 MR. BOWERS: I was being attacked. I was
4 being intimidated at this point. Did he have the
5 authority? I don't know, but I said okay. Okay, you
6 know what you're doing. So I walked out, walked back
7 through the conference room, (b)(7)(C) was sitting
8 there with these other guys, I said "I'm not believing
9 this."

10 And I just walked to my office and thought
11 I've got to call (b)(7)(C). I've got to call (b)(7)(C). But
12 these walls, these walls are like paper here. I've
13 got to get off site--he told me to get off site. What
14 I've got to do--I shut down my computer, my laptop,
15 put it under my desk, and then my cabinet was open; I
16 put everything that I had set to work on that day was
17 across my desk, stacked it, placed it in the cabinet;
18 took the box of spare dosimetry, put it under my desk,
19 locked everything up, and I got out in the car, and
20 drove offsite to an overlook where I could call (b)(7)(C).

21 The time--and I've got the records--the
22 time that I called (b)(7)(C) and made contact with him was
23 something like 6:47, something like that. This whole
24 window, this all happened in a span of less than five
25 minutes, that's how quickly--that's how trivial this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 should have been at this point, but also that's where
2 I was threatened and verbally assaulted, but also
3 where (b)(7)(C) followed through with his threat,
4 because I'm no longer at Hunters Point, and it was all
5 about voicing a communication concern with RAD workers
6 being out there with non-RAD workers after hours.

7 SPEC. AGENT (b)(7)(C): Okay. So that was the

8 --that's the--

9 MR. BOWERS: The issue.

10 SPEC. AGENT (b)(7)(C): --that was the issue,
11 you brought that issue up about the RAD workers being
12 out there after hours--

13 MR. BOWERS: Yes.

14 SPEC. AGENT (b)(7)(C): --and your name being
15 on the license; (b)(7)(C) comes back and says we
16 can fix that, and--

17 MR. BOWERS: Yes.

18 SPEC. AGENT (b)(7)(C): Okay.

19 MR. BOWERS: Now here's the reason why
20 this is important. Because getting back to the
21 training, remember I told you we don't even test these
22 people, and people don't understand English or
23 whatever, we had some areas where--now I'm losing my
24 train, it was just--I told you in 2010 I wanted to
25 test everyone and find out what they retained. He

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 nixed that for this current year, and he said what
2 we're going to do is, anyone that's not tested, they
3 will have a tested person with them as a RAD worker,
4 i.e., a RAD technician. We don't have enough RAD
5 techs to cover all that kind of work. There wasn't a
6 RAD tech with those guys that night in that impacted
7 area.

8 They're trying to say the area was cleared
9 by RASO; that's fine and dandy, but even the areas
10 that have been surveyed and RASO has blessed off,
11 they're still not going by the other regulatory
12 entities to be released, okay. In the past, if it was
13 a building, they would put a posting on a door, no
14 entry. The State of California would do confirmatory
15 surveys, and then once it passed their surveys, then
16 it was released, then it goes away. But you don't
17 mess with it, okay.

18 Same thing with these outdoor areas. You
19 don't have people after hours with no person on the
20 license insuring that their actions are monitored so
21 that they don't compromise the integrity of the
22 surveys done to date. I didn't have a chance--(b)(7)(C)

23 (b)(7)(C) should have pulled that offline when he saw
24 that (b)(7)(C) was fussing--cussing at me, and it was
25 only (b)(7)(C). He should have pulled that offline,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 gotten the facts from me, and then made a decision.
2 We could have resolved it right then and there, but in
3 his anger or whatever spurred it, I don't know if he
4 just didn't like the fact that I'm obligated to call
5 the NRC or whatever. That's where he handled it
6 wrong, you know, he played judge and jury, out there
7 with the sups present, and then he had to follow that
8 position; when I confronted him with it, saying what
9 I was obligated to do by saying while you're at it,
10 get off my project.

11 SPEC. AGENT (b)(7)(C): So the adverse action
12 against you was you were furloughed?

13 MR. BOWERS: Ultimately. I was asked by
14 (b)(7)(C) to go to Alameda, they had a need for me
15 over there.

16 SPEC. AGENT (b)(7)(C): Who is (b)(7)(C)

17 MR. BOWERS: (b)(7)(C). He's the (b)(7)(C)

18 (b)(7)(C) down in (b)(7)(C) Yes, the way it was first
19 posted, they asked that I go over to Alameda, where
20 they had a need for me there, and to treat it as a
21 cooling off period. I asked (b)(7)(C) if that was a
22 condition of employment, and he said no. And I said
23 well, I said in good faith I will do it, but I said
24 you know, I'll be able to come back here, right? And
25 he said we'll give due--something to that effect,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we'll give due consideration or--he didn't say I
2 couldn't come back.

3 But also keep in mind, that's what blew
4 the powder keg, the morning of the 13th of January,
5 but also between that date and what happened, and the
6 time that (b)(7)(C) was able to fly out to do--start the
7 investigation, that following week, they busted--they
8 drilled out the locks in all of my office furniture,
9 and all the locking key documentation that I had in
10 there was compromised, and that had never, that had
11 not even remotely happened in the past in seven, eight
12 plus years there. That had never happened that they
13 actually drilled out the locks, and when I approached
14 (b)(7)(C) about it, the second time I came back to the
15 project, I tried to, like I said, I gathered a lot of
16 the stuff, but what had locks still on it, I kept it
17 locked, (b)(7)(C) the day I came back the second
18 time, he had a shredder in my office, and basically
19 wasn't saying about it, so I asked--I saw this hanging
20 file that looked like something from that cabinet, at
21 my desk that he was sitting behind.

22 And again, he was asking me to pack the
23 rest of my personal belongings to take to Alameda. I
24 said (b)(7)(C) I said "I've got to ask you a question."
25 I said "that file right there beside your laptop," I

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 said "did that come out of this cabinet here?" He
2 said "no." And I said okay. I said well can I ask
3 you why this shredder is sitting here with these files
4 here? He said "we've determined that these are
5 personnel files, and they're duplicate, and that's
6 illegal to keep duplicate files, and we're going to
7 destroy them." I said (b)(7)(C), I said "I strongly
8 encourage you to re-think that." I said "there's
9 legal documentation in there," and I said "those are
10 tickle files." And I said "it has to do with license
11 control criteria, and also personal criteria for the
12 names of the people that's active. He said "I've
13 already talked to (b)(7)(C) and I'm basing this on (b)(7)(C)
14 decision, and they're being destroyed." He said "I'll
15 let you have your file if you want."

16 And so he opened it up and let me get my
17 file and take it with me, but I've since been told, I
18 think Susan Andrews, at the start of the year, she was
19 the one technician assigned to me, and she verified in
20 fact that she saw (b)(7)(C) or something
21 like that, the (b)(7)(C) that replaced
22 (b)(7)(C) she saw (b)(7)(C) in my office destroying those
23 files.

24 SPEC. AGENT (b)(7)(C): Were you ever demoted
25 or given a lesser job?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: At Alameda, I was over there
2 as a supervisor, as a RAD protection supervisor, but
3 I was not even given dosimetry where I could go into
4 the field, and I did ask about that. I was only asked
5 to work on procedures. I stayed in a--I was
6 ostracized at Alameda, you know, they had--the offices
7 were in former apartment buildings, and most of the
8 people were in one apartment building, but they put me
9 in a second one upstairs in what was a former bedroom,
10 and I just did procedure development, you know, that
11 (b)(7)(C) sent me.

12 Also when I was there, they, in front of
13 the project management there, (b)(7)(C) read to me with
14 (b)(7)(C) present a list of my goals at Alameda; I've got
15 a copy of it. But one of the things on it said "I
16 will not get into shouting matches." And then it gave
17 me the proper protocol to follow to run things up the
18 food chain if I had issues or conflicts, and so when
19 he read that first, it caught my ear, but then when he
20 showed it to me, there was nothing on there where I
21 was supposed to sign it, and he didn't offer me a
22 copy. So I just bit my tongue, because I didn't want
23 to rock the boat with new people in the room now that
24 weren't even--so later on I asked (b)(7)(C) if I could have
25 a copy of it, and then when I read it and looked at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it, you know again, I wasn't required to sign
2 anything, but when he came out--I waited until he came
3 out to the project--I said hey, I'm going to look you
4 in the eye and tell you I did not get into a shouting
5 match over there. I said for the record, I said you
6 know, I've got thick skin, and I said but if this is
7 a way of closing out an investigation, I said for the
8 record, I did not start that; (b)(7)(C) started
9 that series, that barrage of profanities.

10 SPEC. AGENT (b)(7)(C): Did you ever receive
11 a reduction in pay?

12 MR. BOWERS: No. Just received an end of
13 pay. Once (b)(7)(C) and (b)(7)(C) were there,
14 the next day he called me; he said that my work at
15 Alameda was over, and that--he said you realize that
16 means no more per diem, you know, I was on living
17 expenses out here, so after that, April 1st the per
18 diem stopped, and so it was out of pocket, and the
19 house that I was leasing through the project, and I
20 had a two-month commitment on that if I gave notice.

21 SPEC. AGENT (b)(7)(C): Right.

22 MR. BOWERS: So anyway, it--no.

23 SPEC. AGENT (b)(7)(C): Did you ever--did
24 anyone within Tetra Tech management identify to you,
25 either officially or unofficially, that the personnel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 action against you had anything to do with you raising
2 safety concerns?

3 MR. BOWERS: No. No. That's what I've
4 been waiting for, too. I've been waiting for--

5 SPEC. AGENT (b)(7)(C): What manager provided
6 you a reason for the action against you? The
7 personnel action, the transfer?

8 MR. BOWERS: At the mediation that just
9 happened on August 17th, I finally got to see their
10 hand. (b)(7)(C) said, he said that basically they had
11 had performance issues with me for about the preceding
12 six months.

13 SPEC. AGENT (b)(7)(C): Had you been counseled
14 on those issues?

15 MR. BOWERS: Absolutely not.

16 SPEC. AGENT (b)(7)(C): Had it been put in
17 your file?

18 MR. BOWERS: Absolutely not. Not beyond
19 that incident report that I shared with you earlier
20 about that source.

21 SPEC. AGENT (b)(7)(C): Had there been any
22 email correspondence--

23 MR. BOWERS: No.

24 SPEC. AGENT (b)(7)(C): --about your
25 performance?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: Not to me. Not to me.

2 SPEC. AGENT (b)(7)(C): Did you have regular
3 or quarterly performance--

4 MR. BOWERS: You bet you.

5 SPEC. AGENT (b)(7)(C): --reviews?

6 MR. BOWERS: You bet you, and I've got
7 them.

8 SPEC. AGENT (b)(7)(C): And all of your
9 reviews were fine?

10 MR. BOWERS: Yes. I've got anything you
11 want to see any time. All of my performance criteria
12 met the category of "Meets Expectations" or "Exceeds
13 Expectations."

14 SPEC. AGENT (b)(7)(C): Okay.

15 MR. BOWERS: And also, to throw in
16 something else with that, our performance appraisals
17 every year have to be done by December 1st.

18 SPEC. AGENT (b)(7)(C): Okay.

19 MR. BOWERS: (b)(7)(C) sat there in that
20 room with his attorney, and also the (b)(7)(C)

21 (b)(7)(C) for Tetra Tech, and my attorney and me, and
22 he said that they had performance issues with me at
23 least six months leading up to--

24 SPEC. AGENT (b)(7)(C): But there's no
25 documentation to speak to that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: There's not documentation for
2 that, and also I've got a handwritten card, Christmas
3 card from (b)(7)(C) I received on December 17th, and his
4 handwritten note in red ink says Bert--to the effect--
5 we appreciate the good work you do in insuring
6 compliance with our license, and keep up the good
7 work. I didn't throw it away. I was insulted. I
8 mean, I was able to put our relationships in proper
9 perspective when I was able to witness a person of his
10 rank absolutely bold face lying. Sorry, it is what it
11 is, as you said a while ago, and that's what it is.

12 And I've got an email where (b)(7)(C) sent me
13 my appraisal from (b)(7)(C) and the first year, he
14 said send me all the ammo you can, I know you're in a
15 tough situation; give me all the ammo to that effect
16 so that I can back you. Thanks for making my
17 transition easier than it would have other--you know,
18 words to that effect. And so I've got all of that.
19 That's what I had to do; I have all these manuals you
20 see, and documents--

21 SPEC. AGENT (b)(7)(C): What was his position
22 on all of this?

23 MR. BOWERS: He started out, when we drove
24 through and re-lived the events, he was behind me. I
25 said play devil's advocate; shoot holes in it if you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 want. But all of a sudden, that evening, and then as
2 the week progressed, he became more and more
3 disenchanted and sort of pulling back from my
4 perspective to the point, we got together for a meal,
5 and I asked him. I asked him point blank I said (b)(7)(C)
6 I said when this investigation gets to the point where
7 you have to draw the line in the sand, and if Bert
8 used rational judgment and sound judgment in the
9 decisions he made, I said what are you going to do?
10 And he said "what do you mean? You want me to throw
11 my hands up and say Bert was right; Tetra Tech, you're
12 wrong; if you don't do what Bert says I'm leaving?"
13 He said "I've got to go to the restroom." He got up
14 and walked off, and so that answered my question right
15 there.

16 You know, and when I first talked to Mr.
17 Munoz, his first question to me was "well, what's your
18 take on (b)(7)(C)? Is he going to be one that gets in the
19 bird's nest with construction?" Because when he was
20 first out for that unannounced audit, he walked me
21 outside. He said "How do you feel about working under
22 an NRC license issued to a construction company?" I
23 said "I have nothing to gauge it against." Well, I
24 found out, and his concern now, how do you think (b)(7)(C)
25 (b)(7)(C) is going to react? Is he going to cover

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 your back? He didn't, and I wished I could tell you
2 he did, and maybe we'd both be talking to you right
3 now. But he didn't.

4 SPEC. AGENT (b)(7)(C) : Are you aware of any
5 other employees having been retaliated against for
6 raising safety concerns?

7 MR. BOWERS: Yes. Yes I do.

8 SPEC. AGENT (b)(7)(C) : Okay, who would that
9 be?

10 MR. BOWERS: (b)(7)(C), I think you've
11 got his contact information.

12 SPEC. AGENT (b)(7)(C) : Yes.

13 MR. BOWERS: And he's currently involved
14 with a claim through the (b)(7)(C)

15 (b)(7)(C) and something just came through
16 I guess with Tetra Tech wanting to (b)(7)(C).

17 Actually that's the other thing, too. That mediation
18 --that's the other thing that insulted me--they just
19 wanted to offer a half month's salary to me as a
20 termination package, provided I'd sign documentation
21 to withdraw my complaints, at which point I shared
22 with my attorney no, that's not acceptable, you know,
23 that's not what I'm here for.

24 Came back and said we'd rather let the
25 regulatory process run its course, (inaudible 110:06)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'm going to stop this; aww come on, you've got to be
2 kidding. So they walked out, came back, and that's
3 when they came up with this performance issue concern
4 with me. But now (b)(7)(C) was one that voiced a
5 concern about sample techniques in the field, came
6 back, (b)(7)(C) called New World and said,
7 according to (b)(7)(C) I want him off my project. And
8 so New World got him off the project.

9 SPEC. AGENT (b)(7)(C): So the power player in
10 all this is (b)(7)(C)?

11 MR. BOWERS: Yes sir. Yes sir. Never had
12 problems before. Like I said, I never had problems
13 with (b)(7)(C). I was shocked; I'd never seen that side of
14 him. We palled around to some degree. You know, you
15 try to build working relationships, and so it got
16 amicable, but at the start of the year it was just
17 crazy. I didn't know the guy.

18 SPEC. AGENT (b)(7)(C): And you currently have
19 a DOL complaint and also something filed with the
20 State of California?

21 MR. BOWERS: That is correct. Matter of
22 fact, the lady, Catherine Daly at the State of
23 California just sent this, and wanted me to point that
24 out to you, that it just got--Tetra Tech was just
25 notified--this is all backwards, but Tetra Tech was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 just notified last Friday. And they got--this is the
2 paperwork with the complaint. I did get a screening
3 call--

4 SPEC. AGENT (b)(7)(C): Where did Tetra--did
5 Tetra Tech folks and management that have handled
6 this, are they all out at (b)(7)(C)

7 MR. BOWERS: Yes.

8 SPEC. AGENT (b)(7)(C): Okay.

9 MR. BOWERS: Yes. But yes, see, I was
10 worried, but this lady called me and put me through
11 the screening process; after she collected all the
12 information, she determined that my complaint had
13 merit from an employee safety perspective in the
14 field, and so she--that's the whole package, I think
15 that's in order. But she basically hit them with
16 about 31 separate responses to give her. So that just
17 got off the ground last Friday.

18 SPEC. AGENT (b)(7)(C): Okay.

19 MR. BOWERS: And then like I said, I
20 called the lady, Sawale Patel with DOL--

21 SPEC. AGENT (b)(7)(C): That's the DOL
22 investigation.

23 MR. BOWERS: --and she's just, she said
24 that Tetra Tech had received paperwork with my
25 complaints, had called and requested an extension of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 time to respond to them, and so I asked her at that
2 time I said well what--did you give them an extension?
3 She said "yes." I said "what did you extend it to?"
4 She said "let me look it up." And this was on the
5 21st of October. She said "oh my gosh, they were
6 extended to October 7th." She said "I need to call
7 them." So they're already two weeks--

8 SPEC. AGENT (b)(7)(C): Behind.

9 MR. BOWERS: --overdue, and so she said
10 she would call me back when she got the response, or
11 notify me. I got an email, she said she would have to
12 redact the names, things like that, and I would get a
13 copy. So I asked her when can I expect to get a copy;
14 all she would say was "sometime." Based on her
15 workload and what it would allow, but that's all I
16 could get from her was "sometime." So I'm waiting to
17 get that Tetra Tech response.

18 SPEC. AGENT (b)(7)(C): Okay. Okay. And for
19 the record, Mr. Bowers has provided me with
20 information from the State of California Department of
21 Industrial Relations, Division of Labor Standards
22 Enforcement, and it's regarding his retaliation
23 complaint and open file against Tetra Tech EC, Inc.
24 It's dated October 20th from Catherine Daly, Deputy
25 Labor Commissioner. So those documents will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reviewed and filed accordingly.

2 MR. BOWERS: Okay. The last thing I'd
3 like to throw in, while it's on my mind, during that
4 mediation, the question was asked by my attorney, you
5 know, is there other work for which Mr. Bowers can
6 perform to get income, to maintain billable hours.
7 They said no, but in October, they hoped that they
8 would have some responses to some RFPs, at which point
9 they would hopefully have a job for me. So they asked
10 basically could we extend the mediation to sometime
11 this month. The mediator said he wasn't aware that
12 that had ever happened, but he would try to find out.

13 But in the meantime, my attorney asked,
14 have you got--had any other positions to date that you
15 have filled that Mr. Bowers would have filled, and
16 they said no. And I did find out--they don't realize
17 this--but I'm still on email distributions for like
18 people that don't get a time sheet turned in or
19 started. One of my sups didn't do his time sheet; I
20 got the flag posting in the email, which has everyone
21 on there system-wide. I saw this name on there, it
22 said "[redacted] (b)(7)(C)" "[redacted] (b)(7)(C)" to my knowledge,
23 was a RASO employee with the Navy. So you open up the
24 attachment, it shows the names--the attachment shows
25 [redacted] (b)(7)(C) was now working for Tetra Tech at

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Alameda and assigned to (b)(7)(C).

2 I dug a little deeper when I saw that one,
3 and saw that an (b)(7)(C), who used to work for
4 RSRS at Hunters Point as a (b)(7)(C),
5 was now working for Tetra Tech at Alameda, and was
6 assigned to (b)(7)(C). So again, another example
7 of what I call deceit in that mediation process. Also
8 (b)(7)(C) said that he didn't think that I had the
9 qualifications to be an RSO, but wanted to groom me
10 elsewhere so that I could hopefully one day reassume
11 that position, and I just bit my tongue. My attorney
12 was sitting there, just tapping me, said just--because
13 he'd seen my documents, too.

14 SPEC. AGENT (b)(7)(C): Right.

15 MR. BOWERS: So.

16 SPEC. AGENT (b)(7)(C): Do you have a copy--
17 well, do you have--is there a transcript of some sort
18 of the mediation, of everything that was--

19 MR. BOWERS: It was all confidential.

20 SPEC. AGENT (b)(7)(C): It was all--okay,
21 right.

22 MR. BOWERS: He destroys all that. But
23 see, I'm assuming that what came out in the mediation
24 is basically a tipping of our cards to each other.

25 SPEC. AGENT (b)(7)(C): Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BOWERS: And so he did let me read--I
2 kept asking the question what deficiencies, what
3 concerns? And so he folded this stapled document to
4 this page, and unfortunately, because of my eyes, I
5 couldn't read it well, but it all looked like things
6 that were part of my goals for 2011, which I never got
7 to pursue because they kicked me off the site in
8 January.

9 SPEC. AGENT (b)(7)(C): Right.

10 MR. BOWERS: You know, I can fight that
11 one when that time comes. I'm more than ready and
12 more than willing, because I take pride in archiving
13 things and insuring that I can go and reconstruct
14 things. The only reason I've got a lot of these
15 binders, reference binders, is because I have an
16 external hard drive in my office, and a lot of these
17 hard copies, before I'd file them, I'd scan them.

18 SPEC. AGENT (b)(7)(C): So was your mediation
19 extended? Where is your--

20 MR. BOWERS: No. The NRC responded back
21 saying no, they will not pay for it, and that's why
22 you and I are meeting now. They immediately called me
23 up, (b)(7)(C), wanting to know if I was still
24 requesting an investigation. So it took off fast; all
25 of sudden, boom, you're here, which I'm thankful for.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Right.

2 MR. BOWERS: Now I wanted--I wanted to be
3 able to say that I had exhausted all the avenues step
4 by step to show that in good faith, I'm giving Tetra
5 Tech every chance to see the light on this.

6 SPEC. AGENT (b)(7)(C) : Right, so they've had
7 an opportunity--

8 MR. BOWERS: Oh yes.

9 SPEC. AGENT (b)(7)(C) : --to find you another
10 job and to put you in another position?

11 MR. BOWERS: I called the hotline, and
12 this guy (b)(7)(C) responded to me, (inaudible
13 117:47) out of (b)(7)(C) he met me at (b)(7)(C) took me
14 up there, I never heard from him again.

15 SPEC. AGENT (b)(7)(C) : (b)(7)(C) --

16 MR. BOWERS: (b)(7)(C)

17 SPEC. AGENT (b)(7)(C) : From Tetra Tech?

18 MR. BOWERS: Yes sir. I never heard back--

19 --he's in the (b)(7)(C) office. He's the (b)(7)(C)

20 (b)(7)(C) Tetra Tech (b)(7)(C)

21 (b)(7)(C) He and another lady, I can pull her name
22 up, she was the Tetra Tech (b)(7)(C)

23 (b)(7)(C) or something like that. She was with him, but
24 I went through the same thing you and I are going
25 through now. So they thanked me, said they would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 back in touch; never heard from them, never heard from
2 (b)(7)(C) again until guess when? The August 17th
3 mediation, and he was over there opposite the table,
4 refuting everything I was saying. That was the next
5 time I saw the rascal.

6 SPEC. AGENT (b)(7)(C): Okay. Okay.

7 MR. BOWERS: Like I said, the safety
8 mentality, the safety culture, I have to question it,
9 what they may say on the surface and how they wanted
10 to look on the surface versus what they really do.
11 I've never been put through something like that
12 before.

13 SPEC. AGENT (b)(7)(C): And have they in any
14 way precluded you from ascertaining, or do you believe
15 that they've precluded you from other employment in
16 the industry in any other way?

17 MR. BOWERS: I'm concerned because again,
18 in this type of work in the Bay Area, I'm concerned
19 that even though I can't prove it, that it's likely.
20 Because I got a call from (b)(7)(C) the guy that was
21 (b)(7)(C) who's now with (b)(7)(C) out of
22 (b)(7)(C) and he called me up and just said it's
23 been a while since we talked, so I shared with him
24 what was happening with me. He said wow, he said
25 well, he said let me run it up the ladder, I'd like to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 bring you on. I used to work for (b)(7)(C) on the (b)(7)(C)
2 (b)(7)(C) the owner of (b)(7)(C) and I are (b)(7)(C)
3 from way back when. Well, all of a sudden, I never
4 heard from him, and it sounded like it was just a
5 formality, and I would hear from him; he was going to
6 send me RFPs to work on from here while I let this
7 regulatory process run its course; never heard back
8 from him. Then I heard (b)(7)(C) --and
9 I should have known it-- (b)(7)(C)
10 works at the project as a technician, and he rooms
11 with, of all people, (b)(7)(C)
12 that--so basically, I got a feeling that I was being
13 prone to somebody picking my ear.

14 SPEC. AGENT (b)(7)(C): Okay.

15 MR. BOWERS: You know, but anyway, beyond
16 that, I'd love to--my vision with this is, I honestly
17 don't feel like a construction company has a genuine
18 need to work under an NRC-issued license on a project
19 they have control of. From what I've experienced and
20 know with Shaw, on our project at Hunter's Point and
21 Tetra Tech, but also Shaw's experiences at Treasure
22 Island in the past year or two. The Navy has a
23 license, an NRC license as well, and to me, you would
24 have better process of checks and balances if an
25 independent entity, reporting directly to the Navy,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 dealt with NRC issues and outside the influence of a
2 construction company. And that's what I've learned,
3 to respond to Mr. Munoz's original question back in
4 2009, that's what I have realized. There's too many
5 opportunities for abuse of the true intent and spirit
6 of the license. Can't say it any better than that.

7 SPEC. AGENT (b)(7)(C): Okay. Okay. Have I
8 offered you any reward in exchange for your testimony?

9 MR. BOWERS: Oh, absolutely not.

10 SPEC. AGENT (b)(7)(C): Have I threatened you
11 in any manner in exchange for your testimony?

12 MR. BOWERS: Absolutely not.

13 SPEC. AGENT (b)(7)(C): Has it been given
14 freely and voluntarily?

15 MR. BOWERS: Yes sir.

16 SPEC. AGENT (b)(7)(C): Okay. Anything else
17 you'd like to add to the record?

18 MR. BOWERS: I can talk you until you're
19 just flooded with information, but I think we hit the
20 essence of it. I would think, like you said before,
21 with the technical end, a lot of these other details
22 would be further explored at a later time. I guess
23 one of the more productive talks I had was when (b)(7)(C)
24 (b)(7)(C) and (b)(7)(C) were out here, because they
25 understand the terminology and the rationale, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 obviously they're colleagues in the field, you know.

2 SPEC. AGENT (b)(7)(C): Right.

3 MR. BOWERS: No offense to you, but you
4 know, I--

5 [End of tape]

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Elbert Bowers, III

Docket Number: 1-2012-002

Location: Redwood City, 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.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

EXHIBIT 17

P-R-O-C-E-E-D-I-N-G-S

8:31 p.m.

SPEC. AGENT (b)(7)(C) Today's date is

Tuesday, October 25, 2011; the time is currently 8:31 p.m. Pacific Standard Time. For the record, this is an interview with (b)(7)(C). This interview is

being conducted at (b)(7)(C) in (b)(7)(C)

(b)(7)(C). I am (b)(7)(C) a special agent with

the Office of Investigations, U.S. Nuclear Regulatory Commission, Region I Field Office in King of Prussia, Pennsylvania. The content of our interview this evening concerns OI case number 1-2012-002, and moreover, regards former employee, Tetra Tech employee, Tetra Tech being a contractor at the Hunters Point Naval Shipyard, but the name of Bert Bowers, who has claimed discrimination upon raising safety-related concerns to management at Tetra Tech.

I must first advise you that the NRC strictly prohibits the recording of this interview by any parties other than the NRC or its designee; in another case would be like a court reporter. Having said that, are you recording or transmitting this in any way?

(b)(7)(C)

No.

SPEC. AGENT (b)(7)(C): Okay, thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Please raise your right hand. Do you swear that the
2 testimony you're about to provide is the truth, the
3 whole truth, and nothing but the truth, so help you
4 God?

5 [redacted]: Yes.

6 SPEC. AGENT [redacted]: Thank you. Please
7 state your full name for the record, and spell your
8 last name.

9 [redacted]: [redacted]

10 SPEC. AGENT [redacted]: Thank you. And by
11 whom are you currently employed?

12 [redacted]: The [redacted]

13 [redacted]

14 SPEC. AGENT [redacted]: Okay, in what
15 capacity? What's your job?

16 [redacted]: [redacted]

17 [redacted].

18 SPEC. AGENT [redacted]: Okay. How long have
19 you been at this job?

20 [redacted]: For about [redacted]

21 SPEC. AGENT [redacted]: Okay. Whom were you
22 previously employed before this?

23 [redacted]: [redacted]

24 SPEC. AGENT [redacted]: Now was that at the
25 Naval--was that the position at the Navy Yard?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(7)(C) : Yes.

SPEC. AGENT (b)(7)(C) : Okay. Now were you

(b)(7)(C)

(b)(7)(C) : No.

SPEC. AGENT (b)(7)(C) : Okay. Were you

working with Tetra Tech personnel--

(b)(7)(C) : Yes.

SPEC. AGENT (b)(7)(C) : --as an employee at

(b)(7)(C)

(b)(7)(C) : Yes.

SPEC. AGENT (b)(7)(C) : What were you doing

for (b)(7)(C)

(b)(7)(C) : For (b)(7)(C) I worked as an

(b)(7)(C)

(b)(7)(C) when I left.

SPEC. AGENT (b)(7)(C) : And how long had you

been there?

(b)(7)(C) : About (b)(7)(C) and about--

(b)(7)(C) something like that.

SPEC. AGENT (b)(7)(C) : Okay, what type of

training did you have while--when you got there? Did

they go through general employee training, and did you

have any site-specific training? Just accessing the

facility, those kind of things?

(b)(7)(C) : I did, early on. I can't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 remember exactly what the training was, but early on,
2 we did have some site-specific training.

3 SPEC. AGENT (b)(7)(C): And did you refresh
4 that training every year, or did you have to retake it
5 every year?

6 (b)(7)(C): I didn't. I didn't have to
7 refresh it every year.

8 SPEC. AGENT (b)(7)(C): Were you working in--
9 and it's different, because I'm not as familiar with
10 the site there. Nuclear plants, in a nuclear
11 facility, there's normally a containment area, there's
12 a protected area where you have to dose in and so
13 forth. Did you have to dose in an area, or were you
14 outside of that--

15 (b)(7)(C): I was (b)(7)(C)

16 SPEC. AGENT (b)(7)(C): Okay. And what is
17 your professional background? Do you--did you have a
18 background in the nuclear industry prior to this
19 employment?

20 (b)(7)(C): No.

21 SPEC. AGENT (b)(7)(C): That was your first
22 nuclear industry affiliated job?

23 (b)(7)(C): Yes.

24 SPEC. AGENT (b)(7)(C): The time is now 8:35;
25 we're going to take a brief recess.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (A recess was taken).

2 SPEC. AGENT (b)(7)(C): Okay, back on the
3 record with (b)(7)(C) at 8:50 p.m. Pacific Time. I
4 think we were talking about the site access last, and
5 some training you had received. When you guys did
6 that basic training when you first got there, who
7 provided that training? Was it someone from (b)(7)(C)
8 (b)(7)(C) was it someone from Tetra Tech, or was--
9 where was the--

10 (b)(7)(C): When I first got there, the
11 person that provided the training was Bert, but at
12 that time--

13 SPEC. AGENT (b)(7)(C): Okay, Bert Bowers?
14 (b)(7)(C): --yes, Bert Bowers, but at
15 that time he was not working for Tetra Tech. He was
16 working for New World Technology.

17 SPEC. AGENT (b)(7)(C): Okay, and in what
18 capacity was he employed at that time?

19 (b)(7)(C): He was the project manager.

20 SPEC. AGENT (b)(7)(C): He was the project
21 manager, and then he ended up going over to Tetra
22 Tech?

23 (b)(7)(C): Yes, a few years after that.

24 SPEC. AGENT (b)(7)(C): Okay. What year did
25 you get there?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 [redacted]: I got there in [redacted].

2 SPEC. AGENT [redacted]: Okay. And you worked
3 there through when?

4 [redacted]: [redacted]

5 SPEC. AGENT [redacted]: Okay, so you worked
6 there [redacted] and who did you report to initially?

7 [redacted]: Different people during the--

8 SPEC. AGENT [redacted]: The course of the--

9 [redacted]: --during the course of the

10 [redacted] reported to different people, but for
11 the most part, for the majority of time, I reported to
12 Bert.

13 SPEC. AGENT [redacted]: Okay. Did you have
14 anybody who [redacted]?

15 [redacted]: Well, [redacted] I mean--

16 SPEC. AGENT [redacted]: Anybody at work that
17 you [redacted]

18 [redacted]: No.

19 SPEC. AGENT [redacted]: [redacted] Okay.

20 When you worked there, what policies were you guys
21 governed by? Did they identify that to you, what
22 regulation or how you guys were able to work there,
23 there was a certain procedure that you had to abide
24 by?

25 [redacted]: Yes, there was a lot of

1 procedures and a lot of different policies, I mean it
2 really didn't (b)(7)(C) because it was like I had
3 (b)(7)(C) I only deal directly with Bert in the
4 (b)(7)(C), but I know like as far as signing
5 in and you know, things of that nature, they re-
6 emphasized that we need to sign in and sign out, and
7 don't go in certain areas, and things--it all depends
8 on specifically what you're talking about.

9 SPEC. AGENT (b)(7)(C): Okay. I guess, kind
10 of like, what was the--was there an overarching
11 guidance that it was kind of drilled and re-emphasized
12 that you guys follow, that you went under a particular
13 directive, or that it was a particular piece of
14 legislation that you kind of hung your hat to while
15 working on site there? This is almost the bible so to
16 speak for the job you guys do.

17 (b)(7)(C): Well for me, like I said, in
18 the beginning, it really (b)(7)(C) -

19 SPEC. AGENT (b)(7)(C): Right.

20 (b)(7)(C): --but for the field techs,
21 there was like a book for procedures--

22 SPEC. AGENT (b)(7)(C): Okay. Sounds like--

23 (b)(7)(C): --there was a bunch of work
24 plans, there was like a bunch of different things.
25 Like as soon as the employees would come, they would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have to have a series of training, which most times
2 Bert would conduct.

3 SPEC. AGENT (b)(7)(C): Okay.

4 (b)(7)(C): And they would have to sign
5 off on a bunch of different procedures, a bunch of
6 different policies; but however, (b)(7)(C)

7 (b)(7)(C) because I was (b)(7)(C)
8 (b)(7)(C) and (b)(7)(C) and (b)(7)(C) and
9 (b)(7)(C) and--

10 SPEC. AGENT (b)(7)(C): So walk me through the
11 extent of your responsibilities really quick, like
12 what--on a day-to-day basis, what were your
13 responsibilities?

14 (b)(7)(C): Okay. I would (b)(7)(C)

15 (b)(7)(C) I would do--

16 (b)(7)(C)

17 (b)(7)(C) you know--

18 SPEC. AGENT (b)(7)(C) Okay. Were you the

19 (b)(7)(C) that did that?

20 (b)(7)(C): I was the (b)(7)(C) for (b)(7)(C)

21 (b)(7)(C) however, through the duration of the

22 --through that duration of my (b)(7)(C) --sorry.

23 Through--while I was there, towards the end of my

24 employment, I actually worked for (b)(7)(C)

25 (b)(7)(C) but I also did things for Tetra Tech as

1 well. They actually had their (b)(7)(C)

2 (b)(7)(C) and when (b)(7)(C) was absent, I would take on
3 (b)(7)(C) responsibilities.

4 SPEC. AGENT (b)(7)(C): Okay.

5 (b)(7)(C): Which would include (b)(7)(C)

6 (b)(7)(C)

7 (b)(7)(C) etc.

8 SPEC. AGENT (b)(7)(C): Okay. Did--what was

9 the safety culture there at Hunters Point? Was it--
10 what kind of was the atmosphere overall regarding
11 safety? Was it a place that safety was revered and it
12 was the thing, and you had to--it was first and
13 foremost, or was it casual? What would you describe
14 it as?

15 (b)(7)(C)

16 As far as I'm concerned, it
17 was first and foremost. I mean, they--we received
18 safety incentives quarterly, so that was the really
19 big thing. They would have like this thing on the
20 wall that would say, you know, this has been a safe
21 site for however many days, and--

22 SPEC. AGENT (b)(7)(C) Was there somebody
23 there who checked off on all this? Was there a safety
24 manager?

25 (b)(7)(C)

26 There was a safety manager,
27 his- (b)(7)(C) he was supposed to be like the health

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and safety--

2 SPEC. AGENT (b)(7)(C): Okay.

3 (b)(7)(C): --he worked in some area of
4 health and safety, I'm not sure exactly what his title
5 was; I forgot, but I know that they had safety
6 briefings in the morning, so there was a safety
7 briefing that was held in the mornings in the field.

8 I (b)(7)(C) that meeting. They would have
9 to sign off on a piece of paper saying basically this
10 is what we're going to do today; these people are
11 going to be working in this area; they're going to be
12 doing these types of stuff. This is what I know from
13 being there.

14 SPEC. AGENT (b)(7)(C): Right.

15 (b)(7)(C): They would have like a safety
16 briefing like 7:00 in the morning, as soon as
17 everybody got there. They would exercise, like do
18 some stretches and stuff like that, and they basically
19 would talk about safety concerns. Every single
20 morning, in the morning, they would have a safety
21 briefing where they talked about safety concerns, what
22 was going to be happening as far as production for
23 that day, and anything that they felt like people
24 needed to know about safety concerns or safety for
25 that particular day. That was like a daily thing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : Okay.

2 (b)(7)(C) : But for me, like I said, it
3 really (b)(7)(C), I didn't really--

4 SPEC. AGENT (b)(7)(C) : Do you know if the
5 engineering staff and the other, the field employees,
6 were they allowed to raise concerns during these
7 safety meetings, and were they encouraged to as far as
8 you know?

9 (b)(7)(C) : As far as I know, I don't
10 know. I don't know. Like for the most part, it would
11 be upper management that would really--like from the
12 times that (b)(7)(C) of these meetings,
13 because (b)(7)(C) I mean out of those (b)(7)(C)
14 (b)(7)(C) (b)(7)(C) of those meetings, and I
15 would only--it--not really the techs would say
16 anything, it was more so like upper management and the
17 health and safety techs, or QC/QA or like Bert, for
18 instance. You know, I didn't really hear anyone voice
19 any concerns about anything.

20 SPEC. AGENT (b)(7)(C) : Okay.

21 (b)(7)(C) : But like I said, (b)(7)(C) t

22 (b)(7)(C) Probably (b)(7)(C) out of a

23 (b)(7)(C)

24 SPEC. AGENT (b)(7)(C) : Was there any training
25 provided on how employees were to go about raising

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 safety concerns? Was there ever anybody that said
2 hey, if you want to raise a safety concern, you can do
3 it via XY and Z format; these are the ways you can do
4 it; these are the protections if you do do it. Do you
5 ever recall that?

6 (b)(7)(C) : Like that (b)(7)(C)
7 (b)(7)(C) but I'm sure that for the techs, I'm pretty sure
8 that they had something in place for them.

9 SPEC. AGENT (b)(7)(C) : Did you ever see any
10 documentation, I mean doing the (b)(7)(C), would
11 that ever, you know, when techs had to complete that
12 kind of training or if briefings like that were given,
13 was there ever anything that passed your desk that
14 spoke to that kind of training being conducted?

15 (b)(7)(C) : On a safety concern?

16 SPEC. AGENT (b)(7)(C) : Yes. How to raise a
17 safety concern, and the rights, an employee's rights
18 to do so.

19 (b)(7)(C) : Well I know like as far as I'm
20 concerned, when they would have--like, they would have
21 the briefings, the annual briefings. In those
22 briefings, because (b)(7)(C) Bert would re-
23 emphasize if there was a safety concern, to come to
24 him. Throughout the whole entire shipyard, there was
25 postings that, you know, they had the postings that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 said, you know, hazardous material, contact this
2 person, you know, there was contact information
3 everywhere. So for the most part, I think if there
4 was a safety concern, I think that everyone there
5 would know to contact Bert or contact--

6 SPEC. AGENT (b)(7)(C): It was pretty well
7 understood?

8 (b)(7)(C): --yes, it pretty well
9 understood that if you had a safety concern, you
10 pretty much knew who to contact, and most times the
11 point of contact would be Bert or (b)(7)(C) or
12 someone of upper management.

13 SPEC. AGENT (b)(7)(C): Okay.

14 (b)(7)(C): Like wherever the chain of
15 command was.

16 SPEC. AGENT (b)(7)(C): Okay.

17 (b)(7)(C): For that person. Like if I
18 had a safety concern, I would go directly to Bert, or
19 my supervisor.

20 SPEC. AGENT (b)(7)(C): Are you aware of Bert
21 Bowers raising safety-related issues to management?

22 (b)(7)(C): Yes, I do know about that.

23 SPEC. AGENT (b)(7)(C): Okay. What were the
24 issues, and how did you find out about it?

25 (b)(7)(C): Bert actually told me about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the issues, and the issue was that--there was a bunch
2 of different issues. Specifically, there was people
3 working when they shouldn't have been working, I guess
4 he observed the area there and I guess some people
5 were working and they shouldn't have been working
6 because some--I guess no one was there to supervise
7 them or something like that. Yes.

8 SPEC. AGENT (b)(7)(C): Did he give specifics
9 relative to that, why they weren't supposed to
10 working, who it was and--did he ever go into that, or
11 he just said hey, these guys weren't supposed to be--
12 they were working and they weren't supposed to be, or
13 they were in an area they weren't supposed to--how did
14 he describe that to you?

15 (b)(7)(C): He described it as they
16 weren't supposed to be working there without him
17 knowing, I believe. I'm not sure, don't quote me on
18 that, but--

19 SPEC. AGENT (b)(7)(C): And do you recall when
20 that was?

21 (b)(7)(C): That was--

22 SPEC. AGENT (b)(7)(C): Rough year, around
23 about?

24 (b)(7)(C): --it probably was sometime
25 like either in January or December of last year.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C): Okay, 2010?

2 (b)(7)(C): Yes, in 2010.

3 SPEC. AGENT (b)(7)(C): And when did you (b)(7)(C)
4 there?

5 (b)(7)(C): I (b)(7)(C).

6 SPEC. AGENT (b)(7)(C): Okay.

7 (b)(7)(C): So--

8 SPEC. AGENT (b)(7)(C): So he called you after
9 (b)(7)(C) ?

10 (b)(7)(C): Yes. And I also heard about,
11 you know, through different people, what was going on
12 there. But when he addressed his safety concern with
13 Tetra Tech, (b)(7)(C)

14 SPEC. AGENT (b)(7)(C): Okay, so he called you
15 and said, you know, just talking to an (b)(7)(C)
16 after the fact, and he mentioned that he raised a
17 safety concern. (b)(7)(C) did you ever
18 observe him raise a safety concern? Did you ever
19 witness him tell somebody in management--bring it up;
20 were you ever visible to say he said this or that, or
21 that you actually saw him raise the concern?

22 (b)(7)(C): No.

23 SPEC. AGENT (b)(7)(C): Did anyone from
24 management ever discuss with you that Bert raised a
25 concern?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : No.

2 SPEC. AGENT (b)(7)(C) : Do you believe that
3 Bert was retaliated against for raising the concern,
4 and if you do believe that, why do you believe that?

5 (b)(7)(C) : Yes I do believe that Bert was
6 retaliated against for raising a concern because I
7 just feel like the--well how can I say this--Bert is
8 really, you know, when it comes to safety issues and -
9 -

10 SPEC. AGENT (b)(7)(C) : We are going to--it is
11 9:03 p.m.; we're going to take a very brief recess as
12 a point of clarification.

13 (A recess was taken)

14 SPEC. AGENT (b)(7)(C) : We're back on the
15 record with (b)(7)(C) at 9:07 p.m. Pacific Standard
16 Time. We were talking relative to Mr. Bowers, and I
17 think we were kind of going down the road of what kind
18 of employee was he and I think you mentioned that he
19 was pretty passionate when it came to his job and he
20 took things very seriously, and relative to safety, he
21 was kind of the same way?

22 (b)(7)(C) : Especially because his name
23 was on the license.

24 SPEC. AGENT (b)(7)(C) : Okay.

25 (b)(7)(C) : You know--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C) : And he's actually, you
2 said he was the project manager, but I guess his
3 technical title was the RSO, the Radiation Safety
4 Officer?

5 (b)(7)(C) : Yes, now he was the project
6 manager when (b)(7)(C) for (b)(7)(C)

7 SPEC. AGENT (b)(7)(C) : Okay.

8 (b)(7)(C) : However, when (b)(7)(C) he was
9 the RSO--

10 SPEC. AGENT (b)(7)(C) : The Radiation Safety
11 Officer?

12 (b)(7)(C) : Yes. But he always adamant
13 and stern about safety concerns from day one, since he
14 was the project manager, and through- (b)(7)(C)

15 (b)(7)(C) Bert did raise a lot of concerns
16 about--not--I'm not sure if it was safety issues, but
17 concerns about procedures and policies which could
18 have been a safety concern, but I can't say for sure
19 if it was. And when he would raise concerns, there
20 would always be an issue with someone.

21 SPEC. AGENT (b)(7)(C) : Who was he typically--
22 was he raising these issues to the same--these
23 concerns to the same folks all the time?

24 (b)(7)(C) : To the staff in general. Like
25 if--whoever needed to be in compliance with what was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 going on, whatever--if he felt like it wasn't in
2 compliance, then he would raise a concern, and go from
3 there. But when he would, there would always be a big
4 argument.

5 SPEC. AGENT (b)(7)(C): Backlash?

6 (b)(7)(C): Yes.

7 SPEC. AGENT (b)(7)(C): There was--he was
8 going back and forth with--

9 (b)(7)(C): Back and forth, yes. There
10 would be a lot of back and forth for whatever concern
11 he was raising. I can't really say exactly what the
12 concerns were, but like I said, if there was a
13 concern, he would always try to make sure that
14 everybody was in compliance, everybody understood what
15 was going on, or try to orchestrate everybody taking
16 the necessary steps to make sure that everybody was in
17 compliance, you know.

18 SPEC. AGENT (b)(7)(C): Do you know if he took
19 these concerns to any entities outside of Tetra Tech
20 management? Do you know if he went to--do you know if
21 he went to the NRC, or if he went to the Navy, or if
22 he went to any of these other components that all
23 make things work and go there at the Shipyard?

24 (b)(7)(C): (b)(7)(C)

25 SPEC. AGENT (b)(7)(C): Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(b)(7)(C)

(b)(7)(C)

no, I've

1
2 never heard of Bert going to the NRC or going to other
3 people. Considering that he was the RSO, I think he
4 would try to handle things internally first. As far
5 as I'm concerned, he's never expressed to me that he
6 went to the NRC; however, I have heard other people
7 talk about going to the NRC for different issues,
8 which I can't really throw anything out there at you,
9 but I'm not really familiar with all the policies and
10 procedures and things that are pertaining to the NRC.
11 But other people would, and I heard that other people
12 have been to the NRC, or tried to make a complaint, or
13 expressed that they could complain about different
14 things that were taking place on the Shipyard.

15 SPEC. AGENT (b)(7)(C): Okay. Were you ever
16 interviewed by anyone from management regarding your
17 knowledge of Bert's concerns? Did anybody ever--did
18 they ever do an internal investigation when he was
19 bringing these things up? Did management ever come to
20 you and say hey, you know, Bert raised these issues
21 and we're trying to look into it?

(b)(7)(C)

No.

22
23 SPEC. AGENT (b)(7)(C): Are you aware of any
24 other employees that may have been retaliated against
25 for raising safety-related issues?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C): Well, I did hear that there
2 was a (b)(7)(C) on site that people felt like was not
3 qualified to be there; would that be considered a
4 safety concern? If (b)(7)(C) --they felt like (b)(7)(C) didn't
5 have the knowledge to be out there handling the
6 instruments and--

7 SPEC. AGENT (b)(7)(C): That would all depend
8 on was (b)(7)(C) trained appropriately, what kind of
9 training (b)(7)(C) received, and could (b)(7)(C) convey a
10 competency to do (b)(7)(C) job. So that one's kind of
11 somewhat gray area; I think it would depend on very
12 much specifics to the particular situation.

13 (b)(7)(C): Yes, well--

14 SPEC. AGENT (b)(7)(C): And I think that goes
15 to your point what you mentioned earlier, which I want
16 to capture kind of in here about the overall culture
17 there, the people that maybe weren't as qualified,
18 being friends of friends, being brought on--

19 (b)(7)(C): Because--

20 SPEC. AGENT (b)(7)(C): --the overall toxic
21 environment.

22 (b)(7)(C): --because I feel like if
23 someone's not qualified, how can they, you know, be
24 aware of what's going on? You know, like especially
25 out there where they're digging up dirt and they may

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 run into whatever, and they don't know these things,
2 you know.

3 SPEC. AGENT (b)(7)(C): What was the overall--
4 between Tetra Tech and New World, what were you guys
5 doing? In laymen--very laymen's terms. If I knew
6 nothing about decommissioning or what was going on
7 there, what was the overall job?

8 (b)(7)(C): The overall job was to survey
9 the dirt to see what was in it, and they basically
10 would survey the dirt to see if it was--there was any
11 radioactive material, and if it was, then they would
12 basically--

13 SPEC. AGENT (b)(7)(C): Clean it.

14 (b)(7)(C): --clean it, or get rid of it.

15 SPEC. AGENT (b)(7)(C): Get rid of it. Okay.

16 Did you ever raise any safety-related concerns?

17 (b)(7)(C): Not really, and I didn't only
18 because like I said before, I don't know if we have
19 that on record, but I never really raised a lot of
20 concerns because I just felt like I probably wouldn't
21 even be heard, I'll say that, because--I don't know,
22 I can't even really explain. It was just--the
23 environment and the culture there, I just felt like I
24 couldn't really say anything.

25 SPEC. AGENT (b)(7)(C): Okay. And that was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 based upon what? Was it just--did you see that a lot
2 of people that were raising issues were getting thrown
3 out of there, was there an undergirding opinion that
4 if you talk against the company or you raise an issue,
5 and management's not going to be happy with it, that
6 you're going to be tossed out on the street, you're
7 going to lose your job? What gave you that feeling
8 that you wouldn't be heard?

9 (b)(7)(C): Yes, pretty much exactly that.

10 If you shared a concern, regardless of whether it was
11 safety or not, it was like--

12 SPEC. AGENT (b)(7)(C): If you complained at
13 all about anything--

14 (b)(7)(C): --if you complained at all
15 about anything, that's how I felt, you know, if you
16 complained about anything, it would be, you know,
17 there would be some--either you would be retaliated
18 against by losing your job, or they would move you
19 somewhere you didn't want to be, or something like
20 that. But yes, I definitely felt like if I raised a
21 concern about anything, or if I had a safety concern
22 with--and that's why I never really paid too much
23 attention to that type of stuff, because I felt like
24 if I say something, then all eyes are on me now, and
25 I'm--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPEC. AGENT (b)(7)(C): And you (b)(7)(C)

2 (b)(7)(C) where the potential radiation
3 could have been, where the dirt was being dug up at;
4 you (b)(7)(C) of that area, correct?

5 (b)(7)(C): Yes.

6 SPEC. AGENT (b)(7)(C): Okay. I'm sorry, the
7 containment area, which they call it at plants. Do
8 you have any first-hand knowledge of personnel action
9 taken against Mr. Bowers, that being--

10 (b)(7)(C): No.

11 SPEC. AGENT (b)(7)(C): --him being fired or
12 terminated--

13 (b)(7)(C): I don't know, because--

14 SPEC. AGENT (b)(7)(C): --or whatever happened
15 with his employment situation?

16 (b)(7)(C): (b)(7)(C) when he left,
17 and I know the (b)(7)(C) he was
18 doing a lot of traveling; I don't know if he was
19 working for, if they sent him to another place, or
20 what the specifics were, but he basically, I didn't
21 see him as much those (b)(7)(C)

22 SPEC. AGENT (b)(7)(C): Do you know if he had
23 ever been given a demotion or a lesser job? Did they
24 throw him into, you know, he's an RSO, did they ever
25 have him cleaning toilets or doing something that an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 RSO would not have normally done, and that may have
2 been predicated upon his whistle-blowing? Do you ever
3 know if that happened?

4 (b)(7)(C): No. I don't know about that,
5 no.

6 SPEC. AGENT (b)(7)(C): From your
7 understanding of things, would there have been a major
8 issue with Tetra Tech just taking Bert's name off the
9 license as the RSO? Because I think it came up
10 somewhere, I just saw some documentation on it, that
11 he's claimed that they told him at one point we'll
12 just have your name taken off the license. Was that
13 a big issue? What was the problem with that from your
14 understanding? With just removing him off the
15 license?

16 (b)(7)(C): I don't understand why they
17 would do that.

18 SPEC. AGENT (b)(7)(C): If he had a problem
19 with something and he didn't--

20 (b)(7)(C): Oh, oh, like basically
21 threatening to take him off the license if he had a
22 problem with something?

23 SPEC. AGENT (b)(7)(C): Well, did that happen?

24 (b)(7)(C): No, not that I'm aware of.
25 Most of the--like I said before, there was always

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 concerns, there was always arguments and things of
2 that nature, but (b)(7)(C) of those
3 things, because I was in a situation to where I had,
4 you know, had to protect myself. You know, I couldn't
5 really just--I pretty much stayed--I didn't really pay
6 attention to things that were going on, but I wouldn't
7 doubt it. I wouldn't doubt if they threatened to take
8 him off the license.

9 SPEC. AGENT (b)(7)(C): But would that impact
10 him in any way, if they just took his name off the
11 license? He was the RSO--

12 (b)(7)(C): He pretty much wouldn't have
13 a--

14 SPEC. AGENT (b)(7)(C): A job?

15 (b)(7)(C): --yes.

16 SPEC. AGENT (b)(7)(C): Okay. So he's on the
17 license to be the RSO there, that's his active job;
18 you move him off of that--if you remove him from that
19 license, then you have to put him somewhere else, is
20 that what you're saying?

21 (b)(7)(C): Yes.

22 SPEC. AGENT (b)(7)(C): Okay. Were there any
23 other qualified RSOs or anyone that had RSO experience
24 there on site that could replace Bert that you know
25 of?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 [REDACTED]: I think that they brought
2 someone in; I believe his name is [REDACTED], I'm not sure,
3 to work with Bert, but he was never really there on
4 site, and Bert had been there--because [REDACTED]
5 [REDACTED] Bert had already been on the shipyard,
6 familiar with everything that's going on on the
7 shipyard, probably four years prior to [REDACTED]
8 So he--by the time Bert was let go, he had already
9 been there for 10 years. So even if they did have
10 someone else qualified, they didn't have anyone that
11 had--

12 SPEC. AGENT [REDACTED]: The experience.
13 [REDACTED]: --the experience and the
14 background.

15 SPEC. AGENT [REDACTED]: Okay. So, just to
16 kind of recap, you didn't--Bert told you after the
17 fact about his raising safety issues, [REDACTED]

18 [REDACTED]
19 [REDACTED]: Yes; however, as I mentioned
20 earlier, I do believe that Bert did raise concerns
21 early on [REDACTED] but as I mentioned,
22 I [REDACTED] in the mess, because it was
23 like a mess when someone raised a concern, and when--I
24 believed Bert raised concerns about procedures and
25 about safety things early on; I'm not sure exactly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what, it could have been different from what he was
2 actually--what happened when I wasn't there. So yes,
3 I believe he raised concerns before.

4 SPEC. AGENT (b)(7)(C): Was there a way, and
5 this will go back to kind of the training that you
6 received, that everyone received as a general
7 practice. Were you all allowed to write condition
8 reports if you had a problem with something? If there
9 was something that happened out in the field or at the
10 site, and you had a safety concern about it, could you
11 write a condition report, or could you write an
12 anonymous letter or note; was there a box, was there
13 some way to get your concern voiced, maybe from a
14 formal channel?

15 (b)(7)(C): I'm pretty sure there was.
16 Like I said before, I think most people there knew if
17 you had a concern, you can contact either Bert or (b)(7)(C)
18 (b)(7)(C), and I'm pretty sure there was a paper, but I'm
19 just not familiar with it.

20 SPEC. AGENT (b)(7)(C): Okay.

21 (b)(7)(C): But there was a paper that
22 people can use in order to voice concerns. However,
23 if that concern was--like say for instance, there's a
24 supervisor and that concern has to do something with
25 that supervisor, and you know, that supervisor should

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know that whatever their concern is, that shouldn't be
2 happening or something like that.

3 SPEC. AGENT (b)(7)(C): Right.

4 (b)(7)(C): I think that--do you get I'm
5 saying? Hopefully I explained it right, but--

6 SPEC. AGENT (b)(7)(C): So you're saying in
7 instances where maybe there's a supervisor that has
8 some culpability to things, if it involved that
9 supervisor, it's going to get squashed before it even
10 went anywhere, because nobody wants to be implicated?

11 (b)(7)(C): Exactly. No one wants to be
12 implicated, and no one wants to--basically what you
13 said, no one wants to be implicated. So if there's a
14 supervisor in the area, and he notices a safety
15 concern, or the tech--or he doesn't even notice the
16 safety concern, he doesn't even care about the safety
17 concern, he's just there to get his check.

18 SPEC. AGENT (b)(7)(C): Right.

19 (b)(7)(C): And a tech notices the safety
20 concern, but that's the supervisor, and that's the
21 person that's close to the supervisors and all the
22 head bosses--

23 SPEC. AGENT (b)(7)(C): The tech's not even
24 going to say anything.

25 (b)(7)(C): --the tech's not even going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 say anything, because they're there to get their
2 check, and I feel like that environment was so hostile
3 to where if there was a safety concern, they wouldn't
4 say anything. I mean, and if they did, they would say
5 it directly probably to the supervisor, and that--it
6 would probably be patched up then, or it probably
7 would be let go; I'm not sure because [REDACTED]

8 [REDACTED] But I do know that that environment was
9 like that to where people felt like they could not say
10 anything about different things.

11 SPEC. AGENT [REDACTED]: Okay. Okay. And you
12 mentioned an issue with Bert getting into it with a
13 particular employee, and you said it got kind of--

14 [REDACTED]: Loud.

15 SPEC. AGENT [REDACTED]: --kind of loud, and
16 there was a lot of static. What do you remember about
17 that particular incident, and what can you offer to--
18 the time is--

19 [REDACTED]: I'm sorry.

20 SPEC. AGENT [REDACTED]: --not a problem.
21 9:22; we're going to take a brief recess; a knock at
22 the door.

23 (A recess was taken)

24 SPEC. AGENT [REDACTED]: We are back on the
25 record at 9--

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : Because I was like--oh go
2 head.

3 SPEC. AGENT (b)(7)(C) : --at 9:26 p.m. What
4 we were clarifying is regarding an incident, a couple
5 of relative incidences revolving around (b)(7)(C)
6 and also (b)(7)(C) who were members of the Tetra
7 Tech, I guess they would be considered members of the
8 management team, who often had issues or kind of went
9 back and forth with Bert Bowers over different issues.
10 So at this time, (b)(7)(C), I'm going to have you kind
11 of explain, go through what you just mentioned off the
12 record, capturing the issues that Bert had with them,
13 and where they fall in line in the management chain.

14 (b)(7)(C) Okay. From what I can
15 remember, when Bert would have issues or concerns
16 regarding different things, maybe procedures or
17 policies and/or safety concerns, there would be like
18 a huge argument, and I personally heard--I would--
19 personally heard (b)(7)(C) and (b)(7)(C) talking about how
20 Bert was like a pain in the ass, and he always raised
21 concerns, or he always did things that were
22 unnecessary, or he always wanted to do something that
23 was unnecessary. And (b)(7)(C) and (b)(7)(C) worked for
24 Tetra Tech, and I believe they reported directly to
25 the superintendent, (b)(7)(C) (phonetic), and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) worked closely with (b)(7)(C) and they
2 reported directly to the (b)(7)(C)

3 (b)(7)(C) And all of those guys were like, you know-

4
5 SPEC. AGENT (b)(7)(C): Close.

6 (b)(7)(C): --close, very close, and--

7 SPEC. AGENT (b)(7)(C): Were they (b)(7)(C)

8 (b)(7)(C)?

9 (b)(7)(C): I believe so. I believe all
10 of those guys were (b)(7)(C), and they
11 were all close, and I just basically--when Bert would
12 raise concerns, they all seemed irritated that Bert
13 had a concern. You know, it was like him against
14 them.

15 SPEC. AGENT (b)(7)(C): And you could say it
16 was--would you say he was a stickler for the rules?

17 (b)(7)(C): Yes.

18 SPEC. AGENT (b)(7)(C): Okay. That being
19 Bert, he's very detail-oriented?

20 (b)(7)(C): Very detail-oriented and
21 basically just wants to make sure, especially since
22 his name is on the license, because that's what
23 everybody should be doing--

24 SPEC. AGENT (b)(7)(C): Right.

25 (b)(7)(C): --you know, Bert would--Bert

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would just try to make sure that everything--everybody
2 was in compliance, and everything--people were doing
3 things the way they should be.

4 SPEC. AGENT (b)(7)(C): Who was running--who
5 was in charge of QA and QC, Quality Assurance and
6 Quality Control? Because it sounds like Bert's doing
7 his job and somebody else's.

8 (b)(7)(C): There was, (b)(7)(C)
9 I'm not sure (b)(7)(C)
10 (b)(7)(C); I want to say (b)(7)(C) which is
11 the person, like I said, was the health and safety
12 tech as well.

13 SPEC. AGENT YOUNG: Right.

14 (b)(7)(C): But (b)(7)(C) who
15 used to work for (b)(7)(C) which was
16 someone that I reported to, (b)(7)(C) was the (b)(7)(C)
17 (b)(7)(C) but (b)(7)(C) position was let go. I'm not sure
18 why or what happened, but (b)(7)(C) position was let go; I
19 want to--I assume that (b)(7)(C) may have taken over (b)(7)(C)
20 roles and responsibilities, or maybe it was even
21 distributed, the roles and responsibilities were even
22 distributed amongst the people that were still there.
23 I'm not sure how that worked.

24 SPEC. AGENT (b)(7)(C): Okay. Okay. Oh, I'm
25 sorry.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C): They did hire a few more
2 people, but I did not know exactly what their roles
3 were there.

4 SPEC. AGENT (b)(7)(C): Okay. A couple of
5 closing comments.

6 (b)(7)(C): Okay.

7 SPEC. AGENT (b)(7)(C): Have I offered you any
8 reward in exchange for your testimony?

9 (b)(7)(C): No.

10 SPEC. AGENT (b)(7)(C): Have I threatened you
11 in any manner in exchange for your testimony?

12 (b)(7)(C): No.

13 SPEC. AGENT (b)(7)(C) Has it been given
14 freely and voluntarily?

15 (b)(7)(C): Yes.

16 SPEC. AGENT (b)(7)(C): Is there anything else
17 that you--

18 [End of tape]

19

20

21

22

23

24

25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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) 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.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

INVESTIGATION STATUS RECORD

Facility: HUNTERS POINT NAVAL SHIPYARD Case Agent: (b)(7)(C)
Case Number: 1-2012-019 Date Opened: 01/19/2012
Docket Number(s): 03038199 ECD:
Priority: High
Case Code: Materials/Waste Status: Case is closed
Primary Alleg Source: (A) Alleger
Allegation Number(s): RI-2011-A-0113
Subject/Allegation: DISCRIMINATION AGAINST A SENIOR HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS

Monthly Status Report:

01/19/2012 On December 11, 2011, Susan ANDREWS, a Senior Health Physicist (former), employed by Aleut Solutions, a sub-contractor to Tetra-Tech, contacted NRC:RIV employee Rick MUNOZ. MUNOZ documented ANDREWS's concerns in which she alleged that her employment was terminated due to her raising safety concerns regarding: 1) radiation decontamination surveys, soil sample collection and sample preparation not being performed contrary to established procedures and 2) for having participated as a "silent witness" in a discrimination hearing for another (b)(7)(C) Tetra-Tech employee. ANDREWS claims that she last reported her safety concerns on December 2, 2011, to (b)(7)(C) her (b)(7)(C) ANDREWS reported that she was notified on December 9, 2011, that her employment was being terminated due to a reduction in force, effective December 16, 2011.

These concerns were discussed during a NRC:RI Allegation Review Board (ARB) held on December 21, 2011. The ARB, to include Regional Counsel determined that ANDREWS had articulated a prima facie case of discrimination and that ANDREWS would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. On January 11, 2012, ANDREWS chose to pursue the OI investigation option.

Potential Violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on December 16, 2016. Status: FWP ECD (90 days): 04/2012.

01/31/2012 During this reporting period, reporting agent conducted the initial file review in this matter, as well as prepared an appropriate investigative plan. The allegor, who was previously interviewed by OI:RI in an unrelated matter, agreed to be interviewed. Reporting agent will travel to San Francisco, CA, in February to conduct the allegor interview. This investigation continues pending further investigative activities. Status: FWP ECD: 04/2012.

02/29/2012 On February 10, 2012, reporting agent conducted allegor interview of Susan ANDREWS at her former residence in (b)(7)(C). ANDREWS is currently residing however in (b)(7)(C) as she was (b)(7)(C) after being laid off by Tetra Tech EC, Inc., at the Hunters Point Naval Shipyard in San Francisco, CA. This investigation continues pending further investigative efforts. Status: FWP ECD: 04/2012.

03/31/2012 Allegor transcript was recently received in this matter and requires review by the reporting agent. Reporting agent attempted to contact some of the potential witnesses identified by ANDREWS, however, responses have been slow and limited, at best. Reporting agent has contacted one of ANDREWS' witnesses by the name of (b)(7)(C) who is also a Concerned Individual (CI) in a separate Discrimination claim against Tetra Tech, EC, Inc. This investigation continues pending further investigative efforts. Status: FWP ECD: 06/2012

04/30/2012 During this reporting period, reporting agent has been in contact with ANDREWS who identified a few additional witnesses of interest, who could potentially speak to the alleged discrimination. Reporting Agent is in the process of scheduling future interviews to occur during the next trip to the San Francisco area in May or early June. This investigation continues pending investigative activities. Status: FWP ECD: 06/2012.

INVESTIGATION STATUS RECORD

Facility: HUNTERS POINT NAVAL SHIPYARD Case Agent: (b)(7)(C)
Case Number: 1-2012-019 Date Opened: 01/19/2012

05/31/2012 During this reporting period, reporting agent has coordinated with witnesses in the San Francisco, CA area in an effort to conduct required interviews during the week of June 12-16, 2012. This investigation continues pending further witness interviews in this matter. Status: FWP ECD: 06/2012.

06/30/2012 During the week of June 12-16, 2012, additional witness interviews were conducted in this matter with witnesses to include Bert BOWERS, (b)(7)(C) and (b)(7)(C). Additional witnesses (b)(7)(C) and (b)(7)(C) were initially scheduled to also be interviewed, but do to personal and scheduling matters, requested that there OI interviews be postponed. (b)(7)(C) Tetra Tech (b)(7)(C) was also interviewed relative to this investigation, during this quarter. This investigation continues pending additional field work in this matter to include receipt and review of interview transcripts and completion of interviews with Tetra Tech management personnel. Status: FWP ECD: 08/2012.

07/31/2012 During this reporting period, there has been minimal field work completed due to other investigative priorities. Additionally, this investigation has been transferred to Special Agent (b)(7)(C) Status: FWP ECD: 10/2012.

08/31/2012 Case was transferred from OI:RI SA (b)(7)(C) after he resigned from NRC to take a position with another federal agency. Received the case file this reporting period. No investigative work was completed. During the September reporting period efforts will be made to review the case to determine what interviews need to be conducted. Status: FWP ECD: 10/2012.

09/30/2012 Since last reporting period efforts continue to review the transcripts related to this case as well as two other cases (1-2012-032 and 1-2012-037) which are interrelated. It is anticipated that one trip will be made to the San Francisco, CA area to accomplish all of the interviews for the three cases. Status: FWP ECD: 10/2012.

10/31/2012 Since last reporting period, no additional work has been completed on this investigation due to other priority investigations (1-2012-022, 1-2012-045, 1-2012-049 and 2-2012-035). As a result the ECD will have to be changed to February 2013. It is anticipated that one trip will be made to complete all of the investigative taskings related to this investigation as well as 1-2012-032 and 1-2012-037. Status: FWP ECD: 02/2013.

11/30/2012 Since last reporting period, efforts continue to review transcripts and to arrange the interviews of witnesses in the San Francisco area. The witness interviews are being tentatively scheduled for the January 2013 timeframe. It is anticipated that one trip will be made that will accomplish all witness interviews for this case as well as 1-2012-032 and 1-2012-037. Status: FWP ECD: 02/2013.

02/28/2013 Since last reporting period, investigation is pending the receipt of transcripts of interviews that took place in January 2013. In addition, investigation is also pending the receipt of requested documentation from Tetra Tech. As a result the ECD will have to be changed to April 2013. FWP ECD: 04/2013.

03/07/2013 December entry:

Since last reporting period, approximately 6 witness interviews have been scheduled for January 2013, in San Francisco, CA, and (b)(7)(C) it is anticipated that after these witness interviews are completed report writing will begin. FWP ECD: 02/2013.

INVESTIGATION STATUS RECORD

Facility: HUNTERS POINT NAVAL SHIPYARD Case Agent: (b)(7)(C)
Case Number: 1-2012-019 Date Opened: 01/19/2012

03/19/2013 JANUARY ENTRY

Since last reporting period, on January 23, 2013, (b)(7)(C) Radiological Survey and Remedial Services (RSRS) and (b)(7)(C) RSRS were interviewed. On January 25, 2013, the following Tetra Tech personnel were interviewed: (b)(7)(C)
(b)(7)(C)
(b)(7)(C) On January 30, 2013, (b)(7)(C) New World Environmental Inc, was interviewed. Investigation is pending the receipt of requested documentation from Tetra Tech counsel. It is anticipated that after the witness interview transcripts and requested documentation are received the report will be prepared for submission to SAIC for review. Status: FWP ECD: 02/2013.

03/26/2013 Since last reporting period, investigation is pending the review of transcripts of interviews that took place in January 2013. In addition, investigation is also pending the receipt of requested documentation from Tetra Tech FWP ECD: 04/2013.

04/30/2013 Since last reporting period it was determined that several additional interviews are needed to complete this investigation. Efforts are on going to schedule the interviews of Tetra Tech employees in San Francisco, CA, for the end of May. Once these interviews are completed, case will be prepared for submission to SAIC. Due to the additional interviews, the ECD needs to be changed to June 2013. Status: FWP ECD: 06/2013.

06/04/2013 On May 30 and 31, 2013, (b)(7)(C) (b)(7)(C) Tetra Tech and (b)(7)(C) (b)(7)(C) Tetra Tech, were interviewed. The report is in draft/ Status: RID ECD: 06/2013.

06/12/2013 Case was closed (unsubstantiated) and issued on June 12, 2013.

Completion Date:	Total Staff Hours:	210.5
Issue Date:	Months Open:	17.0
DOJ Action(s):	DOJ Referral Date:	
OI Violation(s):	Statue of Limitations Date:	12/16/2016



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

POST ISSUANCE REVIEW ROUTINE SLIP

CASE NO.: 1-2012-019

RECEIVED AT OI:HQ: 06/17/2013

OPERATIONS OFFICER: (b)(7)(C)

(b)(7)(C)

OPERATIONS OFFICER REVIEW: _____

DATE: 7-17-13

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:

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

Case #: 1-2012-019

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

AGENT RESPONSIBILITY:

OPEN CASE:

- [] Completed Allegor Advisement on Identity Protection Form
- [] NCIC Information: Case File Marked with Red Dot *NIA*
- [] 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 CHRONOLOGY

Facility: HUNTERS POINT NAVAL SHIPYARD Case Agent: (b)(7)(C)
Case Number: 1-2012-019 Date Opened: 01/19/2012

- Date Activity**
- 02/28/2012 On February 10, 2012, reporting agent conducted alleged interview with Susan ANDREWS at her former residence in (b)(7)(C). ANDREWS is currently residing however in (b)(7)(C) as she was forced to relocate back to her (b)(7)(C) after being laid off by Tetra Tech EC, Inc., at the Hunters Point Naval Shipyard in San Francisco, CA. This investigation continues pending further investigative efforts.
- 03/30/2012 SA needs to update chrons. FOD review
- 03/30/2012 Reporting has made approximately three attempts at contacting Tetra Tech (b)(7)(C) (b)(7)(C) in an effort to schedule an interview. CI ANDREWS identified (b)(7)(C) as an individual who witnessed first hand the violations occurring, which she raised to management and was ultimately terminated over. Reporting agent left messages for (b)(7)(C) however, has received no return call/communication to date. This investigation continues pending additional interviews to be conducted with current and former Tetra Tech staff employees and managers.
- 04/09/2012 Reporting agent scheduled a witness interview with a friend and colleague of the CI's by the name of (b)(7)(C) (b)(7)(C) will be interviewed at his residence in (b)(7)(C) on April 20, 2012. (b)(7)(C) is also a CI in a discrimination case of his own against New World Technologies, a sub Contractor to Tetra Tech EC, INC.
- 04/24/2012 On April 20, 2012, reporting agent interviewed (b)(7)(C) with Tetra Tech who was identified as a key witness by ANDREWS, who could subsequently support her claims. An additional call was made to (b)(7)(C) who again refrained from taking the reporting agent's call. A voice mail message was again left with (b)(7)(C) This investigation continues.
- 04/30/2012 fod reviewed
- 06/22/2012 Reporting agent conducted subsequent interviews in this investigative matter with various witnesses during the week of June 16-12, in the San Francisco, CA Bay Area.
- 06/29/2012 During this reporting period five witnesses were interviewed during the week of June 12, 2012, in San Francisco, CA. The interviewed witnesses include: Bert BOWERS, (b)(7)(C) (b)(7)(C) Additional witnesses unfortunately postponed interviews at the last minute due to extenuating circumstances. This investigation continues pending additional field work in this matter.
- 06/29/2012 fod reviewed
- 08/10/2012 Received case this date from SA (b)(7)(C) due to job change.
- 09/04/2012 Called alleged to obtain phone numbers for potential witnesses.
- 09/11/2012 Case transferred to OI:RI SA (b)(7)(C)
- 10/18/2012 fod reviewed case chrons and did case review with SA
- 11/15/2012 Left messages with several potential witnesses to contact me in order to schedule an interview.
- 11/21/2012 (b)(7)(C) (Tetra Tech) advised they want counsel present during their interview.
- 11/27/2012 Received phone message from Tim Murphy, Attorney, about representing Tetra Tech employees.
- 05/30/2013 Interviewed (b)(7)(C) this date.

CASE CHRONOLOGY

Facility: HUNTERS POINT NAVAL SHIPYARD Case Agent: (b)(7)(C)
Case Number: 1-2012-019 Date Opened: 01/19/2012
05/31/2013 Interviewed (b)(7)(C) this date.
06/12/2013 Case was closed (unsubstantiated) and issued on June 12, 2013.

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

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 Susan V. Andrews, fully understand the degree of protection of my identity as explained in this document.

Date: 2-16-12

Witness (b)(7)(C)

Susan V. Andrews
(Concerned Citizen)

**NRC OFFICE OF INVESTIGATIONS
INVESTIGATIVE PLAN**

CASE NO.: 1-2012-~~08~~ 019

TITLE / FACILITY: Discrimination for having raised safety concerns.

ALLEGATION:

Senior Health Physicist Susan ANDREWS, employed by Aleut Solutions, Inc., a sub-contractor to Tetra-tech and working at Hunters Point Naval Shipyard, contact NRC:RIV employee Rick MUNOZ, alleging that her employment was terminated due to her raising safety related concerns. ANDREWS safety related concerns were with respect to samples and surveys not being performed. ANDREWS allegedly attempted to report these matters to her (b)(7)(C) on December 2, 2011, and was later terminated on December 9, 2011.

SUBJECTS: Susan ANDREWS

POSSIBLE VIOLATIONS: 10 CFR 50.7
10 CFR 50.5

INVESTIGATIVE ISSUES:

- Did the CI raise safety related concerns?
- What steps were taken by the licensee regarding the CI's allegations?
- What is the timeline of events involved?
- What was the adverse Act take against the CI?
- Was progressive discipline utilized by the employer?
- Did the CI exhibit behaviors or a pattern of behaviors which warranted subsequent termination?
- Was the CI terminated for raising safety related concerns to management?
- What was the nature of the safety related concerns?
- Was there a legitimate business reason for terminating ANDREWS?

INVESTIGATIVE STEPS:

- Interview CI
- Interview other employees from the site?
- Review CI's personnel records
- Review documentation relative to the allegations of impropriety on the behalf of the licensee
- Coordinate with NRC Staff personnel regarding technical concerns involved

Prepared by:

(b)(7)(C)
Special Agent

1/18/12
Date

Field Office Director

1/19/12
Date

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

Allegation No.: RI-2011-A-0113

Site/Facility: Navy – Hunters Point, CA (decommissioning site)

ARB Date: 12/21/2011

Branch Chief (AOC): Ferdas

Acknowledged: No

Confidentiality Granted: NO, email sent to OI

Concern(s) Discussed:

1. CI alleges that she was terminated by Tetra Tech for "Attempts to address/correct observations considered adverse to industry standard radiation safety practices as well as regulatory license compliance...". Also, CI contends that she was fired after "participating as a silent witness" in discrimination hearing for another (b)(7)(C) Tetra Tech employee.

Security Category: N/A

Does alleege object to providing concerns to the licensee via an RFI? Need to find out from Allegations and/or OI.

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson

Branch Chief: Hammann

SAC: Urban

OI: (b)(7)(C)

RI Counsel:

Others: Masnyk Bailey, Holody, Orendi, Spitzberg (RIV)

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

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

DISPOSITION ACTIONS

1. Regional counsel to confirm via e-mail that the CI has made a prima facie case of discrimination. DB to provide Regional Counsel documentation for decision.

Responsible Person: Farrar
Closure Documentation: e-mail

ECD: 12/30/11
Completed:

2. Status letter update. Status letter with offer of ADR/OI/DOL rights. Also ack the additional tech concerns as described during the previous ARB.

Responsible Person: Urban/Ferdas
Closure Documentation:

ECD: 12/30/2011
Completed:

SAFETY CONCERN: Chilling effect on contractor staff

PRIORITY OF OI INVESTIGATION: High

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)

What is the potential violation and regulatory requirement?

When did the potential violation occur?

G:\ora\alleg\panel\20110113arb3.docx

NOTES:

Repanel of RI-2011-A-0113. CI sent in letter clarifying previous concerns and added this concern.

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

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

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

DISPOSITION ACTIONS

1. Status letter to CI. DB to provide Enclosure to status letter.

Responsible Person: Ferdas
Closure Documentation:

ECD: Dec 30, 2011
Completed:

2. Perform inspection of Tetra Tech (Concerns 1 and 3-16)

Responsible Person: Ferdas/Masnyk Bailey
Closure Documentation:

ECD: Jan 13, 2012
Completed:

3. Refer concern 2 to OSHA

Responsible Person: Tiff
Closure Documentation:

ECD: 12/31/2011
Completed:

4. Refer concerns 17 and 18 to Navy IG. Work with NRC IG.

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

ECD: 12/31/2011
Completed:

SAFETY CONCERN: Inadequate radiation safety and decommissioning practices could lead to the spread of contamination and inappropriate release of contaminated facilities and grounds for unrestricted use.

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)

What is the potential violation and regulatory requirement?

When did the potential violation occur?

NOTES:

This should be treated as an update to RI-2011-A-0113 and a status letter with the additional concerns should be issued to the CI.

In the enclosure letter remember to include the following as a response to the issue:

Concern 6 – Allegation Office provide "boiler plate" language concerning production over safety.
Concern 17/18 - Allegation Office provide boiler plate" language that issues should be provided to CA and Navy IG. Provide contact information.

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



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

June 12, 2013

(b)(7)(C)

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 SENIOR HEALTH PHYSICIST FOR HAVING RAISED SAFETY
CONCERNS (CASE NO. 1-2012-019/ALLEGATION NO.
RI-2011-A-0113)

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

Title: HUNTERS POINT NAVAL SHIPYARD

DISCRIMINATION AGAINST A SENIOR HEALTH PHYSICIST FOR HAVING RAISED
SAFETY CONCERNS

Licensee:

Tetra Tech EC, Inc.
1230 Columbia Street
San Diego, CA 92101

Docket No.: 03038199

Allegation No.: RI-2011-A-0113

Case No.: 1-2012-019

Report Date: June 12, 2013

Control Office: OI:RI

Status: CLOSED.

Reported by:

(b)(7)(C)

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

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

Reviewed and Approved by:

(b)(7)(C)

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

WARNING

~~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.~~

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI) Field Office, King of Prussia, PA, on January 19, 2012, to determine whether a contract Senior Health Physicist Technician (SHPT), working at the Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, remediation site, was subjected to discrimination for raising safety concerns. The SHPT was a contract employee working for Aleut World Solutions (AWS), Anchorage, Alaska, a subsidiary of Tetra Tech EC, Inc. (TT), who is the prime contractor for the HPNS remediation site. The SHPT alleged that after raising several safety concerns to a Health Physics (HP) Supervisor, TT, and being a witness in a discrimination hearing for another TT employee whose employment [REDACTED]

Based upon the evidence developed during the course of this investigation, OI did not conclude that the SHPT was discriminated against for raising nuclear safety concerns, or for having been a witness in a discrimination hearing for another TT employee whose employment [REDACTED]

[REDACTED]

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

Case No. 1-2012-019

1

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

THIS PAGE LEFT BLANK INTENTIONALLY

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

Case No. 1-2012-019

2

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
TESTIMONIAL EVIDENCE	5
DOCUMENTARY EVIDENCE	7
DETAILS OF INVESTIGATION.....	9
Applicable Regulations	9
Purpose of Investigation	9
Background.....	9
Allegation (Discrimination Against a Senior Health Physicist for Having Raised Safety Concerns)	10
Agent's Summary of the Evidence.....	10
Agent's Analysis.....	14
Conclusion	15
LIST OF EXHIBITS	17

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

~~OFFICIAL USE ONLY - OF INVESTIGATION INFORMATION~~

THIS PAGE LEFT BLANK INTENTIONALLY

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

Case No. 1-2012-019

4

~~OFFICIAL USE ONLY - OF INVESTIGATION INFORMATION~~

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

TESTIMONIAL EVIDENCE

Exhibit

ANDREWS, Susan, Senior Health Physicist Technician (SHPT), Aleut World Solutions (AWS), Anchorage, Alaska, Hunters Point Naval Shipyard (HPNS), Hunters Point, CA 4

(b)(7)(C) TT, HPNS 14

BOWERS, Elbert (Bert), former Radiation Safety Officer (RSO), Tetra Tech EC, Inc. (TT), HPNS 9

(b)(7)(C) Radiological Survey and Remedial Services (RSRS), Reno, NV 10

(b)(7)(C) RSRS 11

(b)(7)(C) TT, HPNS 12 & 20

(b)(7)(C) Curtis and Thompkins, Inc., HPNS 6

(b)(7)(C) AWS, HPNS 5

(b)(7)(C) TT, HPNS 15

(b)(7)(C) AWS, HPNS 8

(b)(7)(C) AWS, HPNS 7

(b)(7)(C) TT, HPNS 13 & 19

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

~~OFFICIAL USE ONLY - OH INVESTIGATION INFORMATION~~

THIS PAGE LEFT BLANK INTENTIONALLY

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

Case No. 1-2012-019

6

~~OFFICIAL USE ONLY - OH INVESTIGATION INFORMATION~~

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

DOCUMENTARY EVIDENCE

Correspondence from the Department of Navy (DON), Naval Facilities Engineering Command Southwest (NAVFAC), San Diego, CA, to Tetra Tech EC, Inc., San Diego, CA, dated June 24, 2011. The subject of the letter is the modification to contract N62473-10-D-0809, for base wide radiological support at the Hunter's Point Naval Shipyard, San Francisco, CA. The letter indicates that a modification is proposed due to a reduction in scope due to changing laboratory requirements and a smaller volume of soil expected to be screened for radiological contamination (Exhibit 16).

Record of Negotiations for Contract N62473-10-D-0809, dated July 18, 2011. As part of the negotiations the elimination of a radiological screening yard (RSY) is discussed. (b)(7)(C) worked at RSY 2 which was closed as the result of the contract modification (Exhibit 17).

DON, NAVFAC, Amendment of Solicitation/Modification of Contract, specifically Contract No. N62473-10-D-0809, dated August 10, 2011. Document shows the full financial terms of the negotiated contract. This Exhibit, in its entirety, will be kept in the OI case file for review (Exhibit 18).

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

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

THIS PAGE LEFT BLANK INTENTIONALLY

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

Case No. 1-2012-019

8

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 30.10: Deliberate misconduct (2011 Edition)
10 CFR 30.7: Employee protection (2011 Edition)

Purpose of Investigation

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI) Field Office, King of Prussia, PA, on January 19, 2012, to determine whether Susan ANDREWS, contract Senior Health Physicist Technician (SHPT), working at the Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, remediation site, was subjected to discrimination for raising safety concerns. ANDREWS was a contract employee working for Aleut World Solutions (AWS), Anchorage, Alaska, a subsidiary of Tetra Tech EC, Inc. (TT), who is the prime contractor for the HPNS remediation site. ANDREWS alleges that after raising several concerns to (b)(7)(C) TT, ANDREWS was terminated by (b)(7)(C) TT (b)(7)(C) at HPNS. ANDREWS also indicated that he/she was a "silent witness" in a discrimination hearing for another (b)(7)(C) TT employee and that may have been a factor in her termination (Exhibit 1).

Background

On October 27, 2011, while providing information to OI in support of a separate OI investigation (1-2012-002), ANDREWS advised that her employment was terminated for raising safety concerns regarding whether work practices being conducted at HPNS were being performed correctly. ANDREWS specifically identified the following issues: a) the control point at Gummold Pier (HPNS) was left unsecured, b) numerous issues concerning (b)(7)(C) TT, HPNS, specifically, (b)(7)(C) brought (b)(7)(C) to the office, (b)(7)(C) (b)(7)(C) was in the lab/instrument room, it was rumored that (b)(7)(C) resume was falsified, (b)(7)(C) was smoking in a company truck, (b)(7)(C) authorized the release of surveys when not authorized to do so and (b)(7)(C) authorized a "bin driver" to remove a bin full of contaminated material from the RCA, c) raised the issue of the use of a portamonitor and trucks leaving the site, d) raised concerns about laborers "pounding dirt" when they were not authorized to do so, and e) whether the procedures to collect and process soil samples were being followed. In addition, ANDREWS advised that she had been a "silent witness" in a discrimination hearing for a co-worker (Bert BOWERS) and that may also have been a factor in the termination of her employment.

On December 21, 2011, ANDREWS' concerns went before a NRC:RI Allegation Review Board (ARB) and it was determined that ANDREWS articulated a prima facie showing. On January 11, 2012, ANDREWS declined Alternative Dispute Resolution (ADR) and chose to pursue an OI investigation (Exhibits 2 and 3).

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

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

Allegation: Discrimination Against a Senior Health Physicist for Having Raised Safety Concerns

Agent's Summary of the Evidence

Sworn Testimony of Susan ANDREWS (Exhibit 4)

ANDREWS stated she worked for AWS as a SHPT at HPNS from June 27, 2005, to December 16, 2011, and that (b)(7)(C) was her (b)(7)(C). ANDREWS noted that on one occasion she went to Gummold Pier (HPNS), found the control point unposted, and subsequently informed (b)(7)(C) what she had found. ANDREWS indicated that the vast majority of safety concerns she raised to (b)(7)(C) involved (b)(7)(C) TT, HPNS. ANDREWS informed (b)(7)(C) that she had concerns with (b)(7)(C) (b)(7)(C) involvement in the instrument room/lab, her (b)(7)(C) decision to allow a "bin driver" to remove a bin full of radiological material from the radiological controlled area (RCA), that her (b)(7)(C) (b)(7)(C) was onsite in an unauthorized status, and the rumor that (b)(7)(C) resume was falsified. ANDREWS also stated that she informed (b)(7)(C) that she had written a "zip-slip" documenting (b)(7)(C) smoking in a company truck, that (b)(7)(C) released a survey without having the authority to do so, that there were concerns with a portable monitor used to survey trucks leaving the RCA, and that laborers were "pounding dirt" in the lab without senior oversight. ANDREWS indicated that she was a witness in a co-workers discrimination claim and that may have been a factor in her dismissal (pp. 3, 22-24, 31-50, and 55-106).

ANDREWS reported that on December 9, 2011, (b)(7)(C) informed her that she would be laid off, with (b)(7)(C), AWS, HPNS, on December 16, 2011, due to Department of Navy (DON) budget cuts. ANDREWS noted that (b)(7)(C) told her that they tried to find her other work but were unable to do so. During a conversation with (b)(7)(C) (b)(7)(C) Radiological Survey and Remedial Services (RSRS), Reno, NV, who was at HPNS on occasion, ANDREWS was instructed to forward her resume to RSRS to be considered for employment at an Alameda, CA, remediation site. ANDREWS stated she was eventually informed that there were no employment opportunities available with RSRS at Alameda and never received a job there. ANDREWS believes she was laid off as a result of raising safety concerns, especially those involving (b)(7)(C) (pp. 33 and 107-109).

AGENT'S NOTE: During OI's interview of ANDREWS, when initially asked why she was laid off at HPNS, ANDREWS stated it was because of the DON budget cut (p. 32). ANDREWS later stated it was because she had raised safety concerns.

Protected Activity

According to ANDREWS, she raised the following safety concerns to (b)(7)(C): a) the control point at Gummold Pier (HPNS) was left unsecured, b) numerous issues concerning (b)(7)(C) specifically, (b)(7)(C) brought (b)(7)(C) to the office, (b)(7)(C) (b)(7)(C) was in the lab/instrument room, (b)(7)(C) authorized the release of surveys when not authorized to do so,

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

(b)(7)(C) authorized a "bin driver" to remove a bin full of contaminated material from the RCA, (b)(7)(C) resume was rumored to be falsified, (b)(7)(C) was caught smoking in a company truck, c) raised the issue of the use of a portamonitor and trucks leaving the site, d) raised concerns about laborers "pounding dirt" when they were not authorized to do so and e) whether the procedures to collect and process soil samples were being followed. In addition, ANDREWS advised that she had been a "silent witness" in a discrimination hearing for co-worker (Bert BOWERS) and that may also have been a factor in her termination (Exhibit 4, pp. 24-49 and 55-103).

Management Knowledge

(b)(7)(C) TT, stated that ANDREWS came to him and reported that she had found a post at Gummole Pier (HPNS) unmanned. (b)(7)(C) also reported that in July 2011, ANDREWS informed him that (b)(7)(C) had instructed a bin driver to go into the RCA to pick up contaminated material. (b)(7)(C) stated that ANDREWS notified him that (b)(7)(C) had (b)(7)(C) on site without having the required training, and that (b)(7)(C) (b)(7)(C) was in the lab carrying samples. (b)(7)(C) noted that at no time did ANDREWS inform him that she (ANDREWS) believed (b)(7)(C) resume to be falsified. (b)(7)(C) also reported that he did not know that ANDREWS was a "silent witness" in a State of California, Department of Labor discrimination investigation that BOWERS had initiated. (b)(7)(C) related that ANDREWS never approached him to report that she (ANDREWS) believed that the procedures were not being followed as it related to the collection and processing of soil samples (b)(7)(C) noted that ANDREWS never approached him to report that she had concerns with the portable radiological monitors being used when trucks left the site (Exhibit 13, pp. 9-10, 13-14, 18, and 26).

(b)(7)(C) TT, (b)(7)(C) HPNS, related that he does not remember ANDREWS informing him that laborers at HPNS were "pounding the dirt" and should have senior oversight. (b)(7)(C) stated he was not aware of any concerns that ANDREWS raised to him directly. (b)(7)(C) reported that at no time did ANDREWS tell him that she (ANDREWS) thought (b)(7)(C) resume was falsified. (b)(7)(C) stated that he was not aware that ANDREWS was a "silent witness" in a State of California, Department of Labor discrimination investigation that BOWERS had initiated. (b)(7)(C) advised that ANDREWS never directly approached him regarding whether the procedures to collect and process soil samples were being followed. He was informed of the concern (nfi) after conducting a review determined that the appropriate procedures were being followed (Exhibit 12, pp. 5-17 and Exhibit 20).

Adverse Act

ANDREWS' employment was terminated on December 16, 2011.

Nexus: Was ANDREWS Discriminated Against for Raising Safety Concerns?

(b)(7)(C) stated that ANDREWS went to (b)(7)(C) on several occasions to raise safety issues but is unsure if anything ever was corrected. (b)(7)(C) noted he believes ANDREWS was

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

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

discriminated against but was unable to provide any specific proof to corroborate his assertion (Exhibit 5, pp. 12-16).

AGENT'S NOTE: (b)(7)(C) has also filed a discrimination complaint with the NRC against TT, which was investigated in OI Case No. 1-2012-037, and in which OI concluded that (b)(7)(C) was not discriminated against for having raised safety concerns.

(b)(7)(C) Curtis and Tompkins Lab, Inc., HPNS, stated she worked with ANDREWS in the lab in approximately 2009. (b)(7)(C) advised that she was not personally aware that ANDREWS had approached management to report safety concerns. (b)(7)(C) reported that she was not aware of any discriminatory statements made towards ANDREWS and was unable to provide any proof that ANDREWS was laid off because she had raised safety concerns (Exhibit 6, pp.8-12).

(b)(7)(C) AWS, HPNS, advised that she was aware that ANDREWS raised safety concerns to (b)(7)(C) on numerous occasions. (b)(7)(C) noted that ANDREWS would question (b)(7)(C) on a variety of issues ranging from surveys to issues with (b)(7)(C) bringing (b)(7)(C) to work. (b)(7)(C) stated that she has no knowledge that ANDREWS was laid off for having raised safety concerns (Exhibit 7, pp. 27-35).

(b)(7)(C) AWS, HPNS indicated that he is a (b)(7)(C) and has been working for AWS at the HPNS site for approximately (b)(7)(C). (b)(7)(C) was not aware that ANDREWS had raised safety concerns but indicated that ANDREWS had a problem with everything. (b)(7)(C) noted that ANDREWS had mood swings and was difficult to get along with. (b)(7)(C) believes that ANDREWS was not discriminated against for raising safety concerns, that management went out of their way to be good to her, and she was only laid off as a result of the DON budget reduction (Exhibit 8, pp. 4 and 15-18).

Elbert (Bert) BOWERS, former Radiation Safety Officer (RSO), TT, HPNS, advised that he was aware that ANDREWS had raised safety concerns. When BOWERS was asked to provide specific concerns that ANDREWS had raised BOWERS stated that "nothing jumps out at me." BOWERS stated that he had been removed from HPNS approximately one year before ANDREWS was laid off and had limited knowledge. BOWERS reported that he believes ANDREWS was retaliated against because (b)(7)(C) knew that ANDREWS had been in contact with OI and the California Department of Labor. When questioned by OI, BOWERS was unable to provide any tangible proof that (b)(7)(C) or anyone else at TT knew that ANDREWS had spoken to OI or the California Department of Labor or that (b)(7)(C) retaliated against ANDREWS (Exhibit 9, pp. 44-45 and 51-54).

AGENT'S NOTE: BOWERS was laid off by TT in December 2011 and is currently pursuing legal action against TT and NWE. In OI Case No. 1-2012-002, OI concluded that BOWERS was not discriminated against because he had raised safety concerns.

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

~~OFFICIAL USE ONLY - OF INVESTIGATION INFORMATION~~

(b)(7)(C) RSRs, indicated that the only interaction he had with ANDREWS was that she randomly sent him a resume (Summer 2011) for consideration for employment at a TT site in Alameda, California. (b)(7)(C) stated RSRs is a subcontractor at the Alameda site and he forwarded ANDREWS' resume to the RSRs representative at Alameda for consideration. (b)(7)(C) was later informed that they were not hiring at the Alameda site. (b)(7)(C) noted that he receives many phone calls and resumes from people looking for work but unfortunately not everyone can be hired. (b)(7)(C) noted that the last person who was hired (Spring 2012) at the Alameda site as an RSRs employee was a SHPT by the name of (b)(7)(C). (b)(7)(C) stated (b)(7)(C) was hired because he had previously worked for RSRs at the Alameda site and could hit the ground running. (b)(7)(C) said at no time was he ever contacted by anyone from TT and told not consider ANDREWS for employment at the Alameda site due to ANDREWS previously raising safety concerns (Exhibit 10, pp. 2-17).

(b)(7)(C) Radiological Survey and Remedial Services (RSRS), Reno, NV, stated he was approached by (b)(7)(C) who informed him (b)(7)(C) that due to a DON budget reduction ANDREWS and (b)(7)(C) were being laid off. (b)(7)(C) advised that (b)(7)(C) asked him if RSRs had any positions available and after several days ANDREWS sent her resume to (b)(7)(C) because they may have had positions open at the Alameda site. (b)(7)(C) related that (b)(7)(C) also provided a resume but by the time they received their (ANDREWS and (b)(7)(C) resumes all of the positions at the Alameda site had been filled. (b)(7)(C) noted that at no time did he ever promise ANDREWS a position at the Alameda site. (b)(7)(C) noted that all of SHPT positions are contract positions and an employee's tenure depends on the length of the contract and the amount of money that has been budgeted to do the work. (b)(7)(C) stated that he spoke to ANDREWS when she was notified that she was being laid off and ANDREWS did not appear to be upset. (b)(7)(C) reported that at no time did ANDREWS ever say to him that she was being laid off as a result of raising safety concerns or that she was being discriminated against. (b)(7)(C) noted that he is surprised by ANDREWS' allegation because people in her line of work know that the job duration is only for the length of the contract (Exhibit 11, pp. 5-15).

AGENT'S NOTE: (b)(7)(C) indicated that ANDREWS provided him with her resume in the Summer of 2011. ANDREWS and (b)(7)(C) testified it was in December 2011.

(b)(7)(C) TT, (b)(7)(C) HPNS, stated ANDREWS worked at HPNS for approximately seven years, reported directly to (b)(7)(C) and related that ANDREWS' position was a contract position and was never guaranteed. (b)(7)(C) noted that ANDREWS was laid off because the contract had ended and not because of any safety concerns that she had raised. (b)(7)(C) stated that ANDREWS was laid off after conferring with (b)(7)(C) and it was decided that (b)(7)(C) was the better individual to keep employed because he had more experience and versatility. (b)(7)(C) reported that when ANDREWS was laid off she was advised to contact RSRs (b)(7)(C) because there may have been positions available at the Alameda remediation site. (b)(7)(C) advised he never told anyone from RSRs not to hire ANDREWS because she raised safety concerns and refutes the claim that

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

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~

ANDREWS was laid off because she had raised safety concerns (Exhibit 12, pp. 5-17 and Exhibit 20).

(b)(7)(C) related that in December 2011, he informed ANDREWS and (b)(7)(C) that they were being laid off because DON funding had been drastically reduced. (b)(7)(C) stated he spoke to (b)(7)(C) and tried to get both ANDREWS and (b)(7)(C) employment at Alameda, CA. (b)(7)(C) advised that ANDREWS delayed providing her resume to RSRS and at a later time while talking to (b)(7)(C) was informed that since ANDREWS did not provide her resume in a timely fashion RSRS filled the positions. (b)(7)(C) indicated that it was his decision to keep (b)(7)(C) and lay off ANDREWS. He based his decision on (b)(7)(C) having (b)(7)(C) of experience and (b)(7)(C) was the better candidate. (b)(7)(C) stated at no time did (b)(7)(C) or anyone else from TT instruct him (b)(7)(C) to lay off ANDREWS because she had raised safety concerns. He denied doing that as well (Exhibit 13, pp. 6-45 and Exhibit 19).

(b)(7)(C) TT, HPNS, stated that he provided supervision to ANDREWS regarding radiological issues but her (b)(7)(C) was (b)(7)(C). (b)(7)(C) related that on one occasion ANDREWS informed him that (b)(7)(C) was walking her (b)(7)(C) around the lab and thought it was outside the scope of the license. (b)(7)(C) reported that (b)(7)(C) made the decision to lay off ANDREWS and it was based solely on a reduction in the DON budget at HPNS. (b)(7)(C) stated he had no knowledge or information that would indicate that ANDREWS was laid off as the result of raising safety concerns (Exhibit 14, pp. 2-14).

(b)(7)(C) TT, HPNS, stated he knew ANDREWS but did not supervise her. (b)(7)(C) advised that he does not remember an incident where (b)(7)(C) instructed a truck driver to remove a bin of contaminated waste from the RCA which resulted with (b)(7)(C) being counseled by (b)(7)(C).

AGENT'S NOTE: (b)(7)(C) specifically stated he issued a deficiency notice against (b)(7)(C) as a result of this incident because (b)(7)(C) gave (b)(7)(C) permission to have the truck driver go into the RCA (Exhibit 13, p. 17).

(b)(7)(C) also indicated that he does not remember if ANDREWS wrote a corrective action notice against him and (b)(7)(C) for smoking in a company truck. (b)(7)(C) noted that ANDREWS was laid off because of a reduction in work base wide and not because she had raised safety concerns (Exhibit 15, pp. 2-19).

Agent's Analysis

While reviewing the documentation related to this investigation it became very clear that with the exception of ANDREWS' testimony OI found insufficient evidence to conclude that ANDREWS' employment was terminated for raising safety concerns.

Both (b)(7)(C) and (b)(7)(C) ^{that} indicated that the only reason ANDREWS was laid off was as the result of their client's (DON) decision to reduce the scope of work at HPNS. In the DON scope of work reduction that was submitted to TT (Exhibit 11, pp. 2 and 12; and Exhibit 12, p. 1),

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

it stated that RSY3 and RSY4 would remain open while one RSY (RSY2) would close due to budget constraints. When the decision was made to close RSY2 ANDREWS' position was eliminated due to the lack of funding. OI finds the DON's reduction in scope significant evidence in reaching this conclusion. (b)(7)(C) related that with any contract worker it is routine to be hired and laid off when the contract money runs out. (b)(7)(C) also advised that in addition to ANDREWS' position being eliminated, in December 2012, an additional scope of work reduction was implemented at HPNS which led to the layoff of (b)(7)(C) and (b)(7)(C). OI finds that (b)(7)(C) efforts to help ANDREWS obtain additional employment at the Alameda, CA, remediation site support they harbored no animus towards ANDREWS.

After examining all of the available testimonial and documentary evidence, OI concluded that ANDREWS had not been discriminated against for raising safety concerns. In fact, during OI's interview of ANDREWS, when questioned why she had been laid off, ANDREWS responded that it was due to the DON budget cut (Exhibit 4, p. 32). With the exception of ANDREWS' testimony, OI found insufficient testimony and documentary evidence to support any part of ANDREWS' claim that she was discriminated against for engaging in protected activity.

Conclusion

Based upon the evidence developed during the course of this investigation, OI did not conclude that ANDREWS was discriminated against for raising nuclear safety concerns, or for having been a witness in a discrimination hearing for another TT employee whose employment was terminated.

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

~~OFFICIAL USE ONLY - OFFICE OF INVESTIGATION INFORMATION~~

THIS PAGE LEFT BLANK INTENTIONALLY

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

Case No. 1-2012-019

16

~~OFFICIAL USE ONLY - OFFICE OF INVESTIGATION INFORMATION~~

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated January 19, 2012 (1 page).
2	Allegation Receipt Report, dated October 27, 2011 (2 pages).
3	Allegation Review Board Disposition Record, dated November 9, 2011, December 5, 2011, and December 21, 2011 (8 pages).
4	Sworn Testimony of Susan ANDREWS, dated February 10, 2012 (134 pages).
5	Sworn Testimony of (b)(7)(C) dated April 20, 2012 (23 pages).
6	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (16 pages).
7	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (39 pages).
8	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (33 pages).
9	Sworn Testimony of Elbert BOWERS, dated June 14, 2012 (86 pages).
10	Sworn Testimony of (b)(7)(C) dated January 23, 2013 (22 pages).
11	Sworn Testimony of (b)(7)(C) dated January 23, 2013 (35 pages).
12	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (43 pages).
13	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (82 pages).
14	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (36 pages).
15	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (32 pages).
16	DON Letter to Tetra Tech, dated June 24, 2011 (22 pages).
17	DON Record of Negotiation, dated July 18, 2011 (2 pages).
18	DON Amendment of Solicitation of Contract, dated August 10, 2011 (64 pages).
19	Interview Report of (b)(7)(C) dated May 30, 2013 (1 page).
20	Interview Report of (b)(7)(C) dated May 31, 2013 (1 page).

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

May 21, 2012

MEMORANDUM TO: Richard Urban, Senior Allegations Coordinator
Region I

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

SUBJECT: HUNTERS POINT NAVAL SHIPYARD: ALLEGED DISCRIMINATION
AGAINST A SENIOR HEALTH PHYSICS TECHNICIAN FOR
RAISING SAFETY CONCERNS (CASE NO. 1-2012-019/RI-2012-A-
0113)

On February 10, 2012, Susan ANDREWS, Senior Health Physics Technician, Tetra Tech EC, INC., Hunters Point Naval Shipyard, was interviewed by Special Agent (b)(7)(C) Office of Investigations (OI), Nuclear Regulatory Commission (NRC), Region I. ANDREWS alleged that She was subjected to discrimination for raising safety concerns.

A transcript of ANDREWS' interview has been forwarded to you for the staff's review for any potential safety/technical issues. Since the OI:Region I investigation is pending, please ensure that appropriate measures are taken to safeguard the dissemination of the transcript of interview and related information.

Enclosure: As stated

OFFICIAL BUSINESS

1-2012-019
PTI

5/30/2013

(b)(7)(C)

Started
1:14 PM

Interview of (b)(7)(C)

Sworn Statement -
(b)(7)(C) on phone @ (b)(7)(C) 10:08 B

Info on (b)(7)(C)
Business: (b)(7)(C)
Address: Tetra Tech EC
100 The Americas Rd
North Plains NJ 07950

#1 Yes (b)(7)(C) (b)(7)(C) out next gate unattended -
what's reported (b)(7)(C) - And
gate locked w/ 1/2 hour.

gate - Right part to REF 2:

No - (b)(7)(C)
(b)(7)(C) name for in that
resume was falsified.

No - (b)(7)(C) Andrew gave b1p in that
resume was falsified.

#3 No - P. 11 out from Andrew was a select
witness in a declassification complaint in
California. White was interviewed during
Bert Powers being let go. Pol of California -
Dill the interview.

#4 Andrew Port being concerns found to (b)(7)(C)
about how ^{soil} samples were collected + processed.

Never Talled to address body again about the fire.

Passed fire orders to (b)(7)(C)

→ When told (b)(7)(C) n (b)(7)(C)

Andrews ~~was~~ said that the time that were being collected + prepared. wasn't the same.

No indication that Andrews/ (b)(7)(C) were ~~left~~ off for reason, safety issues.

Interview @ Federal / (b)(7)(C)

5/31/2013 Sworn Interview

(b)(7)(C)

Interview of (b)(7)(C) Tetra Tech (b)(7)(C)

Question #1: Brought up issue to staff that back gate was left open - And it came to me - corrective action take proactive attention to the site.

#2 No - (b)(7)(C)
No - Andrews

Believe that as a result of this possibility we = contractor determine that resource - ok

#3 No - Not aware that Andrews was a witness in Discrimination case. Focused unit that

Andrews was a witness after she Andrews was
laid off. (b)(7)(C) interviewed by PCL
California. But no further involvement.

4/ Andrews P. part came to me directly -
however the issue (b)(7)(C) came to me
and after doing the research - we were
convinced of our procedures.

When the issue came to me I P. part
know exactly that it came from Andrews
but it had to be Andrews a (b)(7)(C)

was (b)(7)(C) / Andrews discriminated
against for raising safety issues - ASD.

→ Contract Expired - (b)(7)(C) (b)(7)(C) /
Andrews let go.

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

OI Case Number _____ - _____ - _____

Date of Interview: 6.14.2012

Full Name: Ebert Gordon Bowers "Bert"

Current Employer: None

Employer Address: _____

Work Phone: _____

Mobile Phone: _____
Home Phone: _____
Home Address: _____

Title/Position: RAD Safety Specialist

Length of Employment: 33+ Yrs. Emp.

Sex: Male
Female

Race: _____

Date of Birth: _____

Place of Birth: _____

Email Address: _____

Education: _____

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

OI Case Number _____ - _____ - _____

Date of Interview: 6-18-12

Full Name: (b)(7)(C)

Current Employer: AWS

Employer Address: _____

Work Phone: (b)(7)(C)
Mobile Phone: (b)(7)(C)
Home Phone: (b)(7)(C)
Home Address: (b)(7)(C)
Title/Position: (b)(7)(C)

Length of Employment: (b)(7)(C)

Sex: Male _____
Female _____

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: (b)(7)(C)

Email Address: _____

Education: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

OI Case Number _____ - _____ - _____

Date of Interview: 6/13/12

Full Name: (b)(7)(C)

Current Employer: (b)(7)(C)

Employer Address: _____

Work Phone: _____

Mobile Phone: (b)(7)(C)

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: (b)(7)(C)

Email Address: (b)(7)(C)

Education: (b)(7)(C)

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

OI Case Number _____ - _____ - _____

Date of Interview: 6.13.12

Full Name: (b)(7)(C)

Current Employer: AWS

Employer Address: _____

Work Phone: _____

Mobile Phone: (b)(7)(C)

Home Phone: _____

Home Address: (b)(7)(C)

Title/Position: _____

Length of Employment: (b)(7)(C)

Sex: Male _____
Female

Race: _____
Date of Birth: _____
Place of Birth: _____
Email Address: _____

Education: (b)(7)(C) _____

EXHIBIT 1

~~OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION~~
INVESTIGATION STATUS RECORD

Facility:	HUNTERS POINT NAVAL SHIPYARD	Case Agent:	(b)(7)(C)
Case Number:	1-2012-019	Date Opened:	01/19/2012
Docket Number(s):	03038199	ECD:	10/2012
Case Type:	Materials / Waste	Priority:	High
Primary Alleg Source:	Alleger	Status:	Field Work In Progress
Allegation Number(s):	RI-2011-A-0113		
Subject/Allegation:	DISCRIMINATION AGAINST A SENIOR HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS		

Monthly Status Report:

01/19/2012: On December 11, 2011, Susan ANDREWS, a Senior Health Physicist (former), employed by Aleut Solutions, a sub-contractor to Tetra-Tech, contacted NRC:RIV employee Rick MUNOZ. MUNOZ documented ANDREWS's concerns in which she alleged that her employment was terminated due to her raising safety concerns regarding: 1) radiation decontamination surveys, soil sample collection and sample preparation not being performed contrary to established procedures and 2) for having participated as a "silent witness" in a discrimination hearing for another (b)(7)(C) Tetra-Tech employee. ANDREWS claims that she last reported her safety concerns on December 2, 2011, to (b)(7)(C) her (b)(7)(C) ANDREWS reported that she was notified on December 9, 2011, that her employment was being terminated due to a reduction in force, effective December 16, 2011.

These concerns were discussed during a NRC:RI Allegation Review Board (ARB) held on December 21, 2011. The ARB, to include Regional Counsel determined that ANDREWS had articulated a prima facie case of discrimination and that ANDREWS would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. On January 11, 2012, ANDREWS chose to pursue the OI investigation option.

Potential Violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on December 16, 2016. Status: FWP ECD (90 days): 04/2012.

Completion Date:	Total Staff Hours:
Issue Date:	Months Open:
DOJ Action(s):	DOJ Referral Date:
OI Violation(s):	Statute of Limitations Date: 12/16/2016
Harassment and Intimidation - No Result	

EXHIBIT 1
PAGE 1 OF 1 PAGE(S)

1-2012-019

EXHIBIT 2

Allegation Receipt Report

Date Received: October 27, 2011

Allegation No. RI-2011-A-0113

Received via: In-person

Employee Receiving Allegation: (b)(7)(C) OI:RI

Source of information: contractor

Alleger Name: Susan Andrews
Home Phone:

Home Address:
City/State/Zip:

Alleger's Employer: AWS

Alleger's Position/Title: Senior HP Tech

Facility: Hunters Point Naval Shipyard
200 Fisher Ave.
San Francisco, CA 94124

DN. or LN: 030-38199/29-31396-01

Is it a declaration, statement, or assertion of impropriety or inadequacy?	Yes
Is the impropriety or inadequacy associated with NRC regulated activities?	Yes
Is the validity of the issue unknown?	Yes

If NO to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information, public responsiveness matter, or an OSHA referral).

Is there a potential immediate safety significant issue that requires an Ad-Hoc ARB? No

Was alleger informed of NRC identity protection policy?	Yes	No	N/A
If H&I was alleged, was alleger informed of DOL rights?	Yes	No	N/A
Did they raise the issue to their management and/or ECP?	Yes	No	N/A
Does the alleger object to having their issue(s) forwarded to the licensee?	Yes	No	

Provide alleger's verbatim response to this question: _____

Was confidentiality requested?	Yes	No	
Was confidentiality initially granted?	Yes	No	N/A
Individual Granting Confidentiality:			

Allegation Summary:

- (1) During an interview of the CI as a witness in OI Investigation No. 1-2012-002 (a discrimination investigation), the CI who is a contract Senior HP Technician with AWS, subcontracted to Tetra-Tech, alleged that last week there was an occasion(s) when Tetra-Tech personnel (nfi) did not perform surveys and/or frisks when they entered and exited a contaminated area. The CI did not state this was an immediate safety concern. When asked by OI for more specifics on frequency or number of occasions that this conduct occurred, the CI did not respond.
- (2) The same CI said that another Senior HP Tech who works on the site, knows very little and does not really follow RAD principals. The CI did not provide any more specific information on that issue.

Functional Area: Decommissioning Materials On Site Contractor

Discipline For Each Concern: Health Physics

EXHIBIT 2
PAGE 1 OF 2 PAGE(S)

Allegation Receipt Report

Date Received: 11/21/2011 (Additional information)

Allegation No. RI-2011-A-0113
Supplemental

Received via: E-mail

Employee Receiving Allegation: These concerns were obtained from a series of emails exchanged between a current and a former Tetra-Tech employee. These emails were forwarded by the CA Labor Commission to NRC. These are additional concerns provided by the CI listed in R1-2011-A-0113.

These allegations are similar to others received about radiological work practices at Navy decommissioning sites. Most of the other allegations have been about contractors working at sites with concurrent Agreement State/NRC jurisdiction, where NRC cedes its authority to the Agreement State. Hunters Point is under exclusive Federal Jurisdiction so NRC has sole authority.

Source of information: licensee employee

Alleger Name: Susan Andrews
Cell Phone: (b)(7)(C)
Home Phone: (b)(7)(C)

Home Address: (b)(7)(C)
City: (b)(7)(C)

Alleger's Employer: Tetra Tech

Alleger's Position/Title: Radiation Technician (RT)

Facility: Tetra - Tech at Hunters Point, CA
Navy decommissioning site

Docket No. or License No.: 29-31396-01

Is it a declaration, statement, or assertion of impropriety or inadequacy? **Yes**
Is the impropriety or inadequacy associated with NRC regulated activities? **Yes**
Is the validity of the issue unknown? **Yes**

If NO to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information, public responsiveness matter, or an OSHA referral).

Is there a potential immediate safety significant issue that requires an Ad-Hoc ARB? **No**

The original allegation receipt form for R1-2011-A-0113 did not contain the information needed below.

Was alleger informed of NRC identity protection policy? **Yes No N/A**
If H&I was alleged, was alleger informed of DOL rights? **Yes No N/A**
Did they raise the issue to their management and/or ECP? **Yes No N/A**
Does the alleger object to having their issue(s) forwarded to the licensee? **Yes No**

Provide alleger's verbatim response to this question: _____

Was confidentiality requested? **Yes No**
Was confidentiality initially granted? **Yes No N/A**
Individual Granting Confidentiality:

EXHIBIT 2
PAGE 2 OF 2 PAGE(S)

1-2012-019

EXHIBIT 3

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

Allegation No.: RI-2011-A-0113
Site/Facility: Navy – Hunters Point, CA (decommissioning site)
ARB Date: 11/09/2011

Branch Chief (AOC): Ferdas
Acknowledged: No
Confidentiality Granted: NO, intake by OI during investigation into another matter.

Concern(s) Discussed:

1. During an interview of the CI as a witness in OI Investigation No. 1-2012-002 (a discrimination investigation), the CI who is a contract Senior HP Technician with AWS, subcontracted to Tetra-Tech, alleged that last week there was an occasion(s) when Tetra-Tech personnel (nfi) did not perform surveys and/or frisks when they entered and exited a contaminated area. The CI did not state this was an immediate safety concern. When asked by OI for more specifics on frequency or number of occasions that this conduct occurred, the CI did not respond.
2. The same CI said that another Senior HP Tech who works on the site, knows very little and does not really follow RAD principals. The CI did not provide any more specific information on that issue.

Security Category: N/A

Does allegor object to providing concerns to the licensee via an RFI? NA

ALLEGATION REVIEW BOARD ATTENDEES

Chair: D Collins/Lorson	Branch Chief: MFerdas	SAC: RUrban
OI: (b)(7)(C)	RI Counsel: Others:	OMasnyk Bailey, McFadden

DISPOSITION METHOD (See Attached RFI Worksheet, if Applicable)

Inspection

DISPOSITION ACTIONS

1. Acknowledgment letter to CI – Branch to provide Enclosure 1

Responsible Person: Urban/Ferdas
Closure Documentation:

ECD: 11/25/2011
Completed:

2. RI to perform an inspection of Tetra Tech at Hunters Point (ensure that review of quals of senior HP techs).

Responsible Person: Ferdas/Masnyk-Bailey
Closure Documentation:

ECD: 1/31/2012
Completed:

SAFETY CONCERN:

Potential to spread low levels of contamination outside of impacted areas. Low safety significance.

PRIORITY OF OI INVESTIGATION:

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

EXHIBIT 3
PAGE 1 OF 8 PAGE(S)

1-2012-019

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

NOTES:

There has been a previous Tetra Tech allegation (RI-2011-A-0019) regarding radiation safety practices at Hunters Point by a different CI. Several of the concerns were substantiated although most of the concerns were unsubstantiated.

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

Allegation Summary:

1. **Chain of Custody (CoC) documents have been falsified.**
CI states that "someone" was falsely signing CoC sample forms for "someone else", evidenced by wrong handwriting and misspelling of name.
2. **There has been an increase in occupational accidents and mistakes at Hunters Point.**
Staff is told to work quickly and ignore safety rules about not using cell phone or radio while driving. State OSHA does not have jurisdiction at Federal site.
3. **Radiation safety training for Radiation Technicians (RTs) is lacking or inadequate.**
4. **The (b)(7)(C) refused to allow a Radiation Supervisor to discipline a (b)(7)(C) (b)(7)(C) for failure to take a required test. (b)(7)(C) was overheard saying there will be "no write ups of anyone".**
5. **Laborers are handling potentially contaminated soil without proper training and certification by processing soil samples for the lab.** They have been observed working without wearing required gloves. In August 2010 laborers were surveying and sampling soil on the soil pads.
6. **Production over safety.**
RTs are told to work quickly so as not to slow down remediation work. Tetra Tech work practices are "construction dominated," with production taking precedence over radiation safety.
7. **Inaccurate labeling.**
Some RTs have entered inaccurate information on radioactive waste storage bags because they do not understand their instruments. There has been confusion about the use of RO-20 meters.
8. **Incorrect calibrated survey meters.**
Some meters have not been calibrated correctly:
9. **Inaccurate records.**
Some survey records are corrected, when a mistake is made, by whiting out the mistake, correcting it, and then photo copying the form.
10. **Inadequate postings.**
Source storage locations have not always been posted or secured. On at least one occasion a RT was told to "hide it and lock up and go about my work".
11. **Improper area monitoring.**
TLDs have not always been located correctly on poles. The CI opines that they may be shielded or not placed at the right height, but are not located on the posting pole.
12. **Incorrect license.**
The wrong individual is named as the authorized user on a posted materials license.
13. **Incorrect work area postings.**
A supervisor attempted to alter the radiation work area postings to allow laborers to remove a pipe. The CI did not allow this to occur.
14. **Improper contamination controls.**
Laborers removed a pipe from a radiation controlled area without the pipe being frisked for contamination. The CI questions what happens when other RTs are on duty.
15. **Improper access control to radioactive material.**

A Tetra Tech employee brings [redacted] to work. The [redacted] has been seen moving potentially contaminated samples, entering and leaving a radiation controlled area without frisking, and drinking soda within a radiation controlled area. The employee intimidates other employees who question this practice by virtue of [redacted]

16. Inadequate RWP controls.

Personnel not always signing in and out on Radiation Work Permits, and sometimes failing to frisk themselves when leaving radiation controlled areas. Disparate discipline is applied for violators. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

17. Inadequate RT training.

A Senior RT is not adequately trained. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

18. Concerns at another site (Alameda).

The CI states "According to XX they have lots of "real" problems over there. Not just little HR problems like here." This refers to Alameda, another Navy decommissioning site in California. Alameda is under concurrent Agreement State/Federal jurisdiction. California and the Navy have jurisdiction.

19. Falsification of time sheets.

The CI implies that employees are falsifying their time sheets, "...why do they let [redacted] and [redacted] leave early and some times even add more OT to their time sheet...".

Functional Area: Decommissioning Materials

Discipline For Each Concern: [1] Falsification [8, 11, 13, 14, 15, and 16] Health Physics [2, 6, 9] Industrial Safety [3, 5, 7, 17] Training/qualification [2, 4, 12, 18, 19] Other: [4] procedural adherence. [12] materials license posting. [18] issues at non-NRC related site. and [19] time sheet falsification.

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

Allegation No.: RI-2011-A-0113
Site/Facility: Tetra-Tech, Hunters Point, CA
ARB Date: 12/5/2011

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

Concern(s) Discussed:

None of the concerns has a security component.

These concerns were gleaned from a series of emails exchanged between a current and a former Tetra-Tech employee. These emails were forwarded by the CA Labor Commission to NRC OI. This is additional information provided by the CI for R1-2011-A-0113.

These allegations are similar to others received about radiological work practices at Navy decommissioning sites. Most of the other allegations have been about contractors working at sites with concurrent Agreement State/NRC jurisdiction, where NRC cedes its authority to the Agreement State. Hunters Point is under exclusive Federal Jurisdiction so NRC has sole authority.

1. Chain of Custody (CoC) documents have been falsified.

CI states that "someone" was falsely signing CoC sample forms for "someone else", evidenced by wrong handwriting and misspelling of name.

2. There has been an increase in occupational accidents and mistakes at Hunters Point.

Staff is told to work quickly and ignore safety rules about not using cell phone or radio while driving. State OSHA does not have jurisdiction at Federal site.

3. Radiation safety training for Radiation Technicians (RTs) is lacking or inadequate.

4. The (b)(7)(C) refused to allow a Radiation Supervisor to discipline a (b)(7)(C) (b)(7)(C) for failure to take a required test. The (b)(7)(C) was overheard saying there will be "no write ups of anyone".

5. Laborers are handling potentially contaminated soil without proper training and certification by processing soil samples for the lab. They have been observed working without wearing required gloves. In August 2010 laborers were surveying and sampling soil on the soil pads.

6. Production over safety.

RTs are told to work quickly so as not to slow down remediation work. Tetra Tech work practices are "construction dominated," with production taking precedence over radiation safety.

7. Inaccurate labeling.

Some RTs have entered inaccurate information on radioactive waste storage bags because they do not understand their instruments. There has been confusion about the use of RO-20 meters.

8. Incorrect calibrated survey meters.

Some meters have not been calibrated correctly.

9. Inaccurate records.

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

10. Inadequate postings.

Source storage locations have not always been posted or secured. On at least one occasion a RT was told to "hide it and lock up and go about my work".

11. Improper area monitoring.

TLDs have not always been located correctly on poles. The CI opines that they may be shielded or not placed at the right height, but are not located on the posting pole.

12. Incorrect license.

The wrong individual is named as the authorized user on a posted materials license.

13. Incorrect work area postings.

A supervisor attempted to alter the radiation work area postings to allow laborers to remove a pipe. The CI did not allow this to occur.

14. Improper contamination controls.

Laborers removed a pipe from a radiation controlled area without the pipe being frisked for contamination. The CI questions what happens when other RTs are on duty.

15. Improper access control to radioactive material.

A Tetra Tech employee brings (b)(7)(C) to work. The (b)(7)(C) has been seen moving potentially contaminated samples, entering and leaving a radiation controlled area without frisking, and drinking soda within a radiation controlled area. The employee intimidates other employees who question this practice by virtue of her (b)(7)(C)

16. Inadequate RWP controls.

Personnel not always signing in and out on Radiation Work Permits, and sometimes failing to frisk themselves when leaving radiation controlled areas. Disparate discipline is applied for violators. This was previously brought to the attention of the NRC and will be addressed in an inspection in January 2012 (R1- 2011-A-0113)

17. Concerns at another site (Alameda).

The CI states "According to XX they have lots of "real" problems over there. Not just little HR problems like here." This refers to Alameda, another Navy decommissioning site in California. Alameda is under concurrent Agreement State/Federal jurisdiction. California and the Navy have jurisdiction.

18. Falsification of time sheets.

The CI implies that employees are falsifying their time sheets, "...why do they let (b)(7)(C) and (b)(7)(C) leave early and sometimes even add more OT to their time sheet..."

Does allegor object to providing concerns to the licensee via an RFI? Unknown at this time.

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Collins Branch Chief: M. Ferdas SAC: Urban OI: (b)(7)(C) RI Counsel: Farrar
Others: Masnyk Bailey, Robert Johnson (FSME), T Stokes (OGC), McFadden, Seeley, M Roberts

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

Allegation No.: RI-2011-A-0113
Site/Facility: Navy – Hunters Point, CA (decommissioning site)
ARB Date: 12/21/2011

Branch Chief (AOC): Ferdas
Acknowledged: No
Confidentiality Granted: NO, email sent to OI

Concern(s) Discussed:

1. CI alleges that she was terminated by Tetra Tech for "Attempts to address/correct observations considered adverse to industry standard radiation safety practices as well as regulatory license compliance...". Also, CI contends that she was fired after "participating as a silent witness" in discrimination hearing for another (b)(7)(C) Tetra Tech employee.

Security Category: N/A

Does allegor object to providing concerns to the licensee via an RFI? Need to find out from Allegations and/or OI.

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson **Branch Chief:** Hammann **SAC:** Urban **OI:** (b)(7)(C)
RI Counsel: **Others:** Masnyk Bailey, Holody, Orendi, Spitzberg (RIV)

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

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

DISPOSITION ACTIONS

1. Regional counsel to confirm via e-mail that the CI has made a prima facie case of discrimination. DB to provide Regional Counsel documentation for decision.

Responsible Person: Farrar
Closure Documentation: e-mail

ECD: 12/30/11
Completed:

2. Status letter update. Status letter with offer of ADR/OI/DOL rights. Also ack the additional tech concerns as described during the previous ARB.

Responsible Person: Urban/Ferdas
Closure Documentation:

ECD: 12/30/2011
Completed:

SAFETY CONCERN: Chilling effect on contractor staff

PRIORITY OF OI INVESTIGATION: High

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)

What is the potential violation and regulatory requirement?

When did the potential violation occur?

G:\ora\alleg\panel\20110113arb3.docx

NOTES:

Repanel of RI-2011-A-0113. CI sent in letter clarifying previous concerns and added this concern.

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

EXHIBIT 4

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATION

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : OI Case No.

SUSAN ANDREWS : 1-2012-019

(CLOSED) :

-----X

Friday, February 10, 2012

(b)(7)(C)

The above-entitled interview was conducted
at 1:47 p.m.

BEFORE:

Special Agent (b)(7)(C)

EXHIBIT 4
PAGE 1 OF 134 PAGES

1-2012-019

P R O C E E D I N G S

1:47 p.m.

1
2
3 SPECIAL AGENT (b)(7)(C): Today's date is
4 Friday, February 10th, 2012. The time is currently
5 1:47 p.m. Pacific Standard Time.

6 For the record, this is an interview of
7 Mrs. Susan Andrews, who was previously employed by
8 Tetra Tech EC, Inc., at the Hunters Point Naval
9 Shipyard in San Francisco, California.

10 The location of this interview is the
11 Andrews residence at (b)(7)(C) and that is
12 in (b)(7)(C).

13 I am (b)(7)(C), a Special Agent with
14 the Office of Investigations, U.S. Nuclear Regulatory
15 Commission, Region I Field Office in King of Prussia,
16 Pennsylvania.

17 I am here to discuss allegations raised by
18 Ms. Andrews to the NRC that, upon raising safety-
19 related issues to Tetra Tech management, she was
20 subject to adverse actions, to include subsequent
21 layoff on or about December 17th, 2011.

22 This concerns NRC OI Case No. 1-2012-019.

23 Okay. Ms. Andrews, I must first inform
24 you that the NRC strictly prohibits the recording or
25 transmitting of this interview by any parties other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 than the NRC.

2 Having said that, are you transmitting or
3 recording this interview in any way?

4 MS. ANDREWS: No.

5 SPECIAL AGENT (b)(7)(C): Please raise your
6 right hand.

7 MS. ANDREWS: (Complies).

8 SPECIAL AGENT (b)(7)(C): Do you swear that
9 the testimony you are about to provide is the truth,
10 the whole truth and nothing but the truth, so help
11 you, God?

12 MS. ANDREWS: Yes, I do.

13 SPECIAL AGENT (b)(7)(C): Okay. If you could,
14 please state your full name for the record, and spell
15 your last name.

16 MS. ANDREWS: Susan Virginia Andrews, A-n-
17 d-r-e-w-s.

18 SPECIAL AGENT (b)(7)(C): Okay. And you were
19 recently employed with Tetra Tech. What was the dates
20 -- what were the dates of employment with Tetra Tech?

21 MS. ANDREWS: Well, I was employed by AWS.

22 SPECIAL AGENT (b)(7)(C): Okay.

23 MS. ANDREWS: Subcontractor to Tetra Tech.
24 And I -- I've been on the site since June 27th, 2005,
25 until December 16th, 2011.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I first was with New World as a
2 subcontractor to Tetra Tech, and then for the last
3 year, from January 3rd till December 16th, with AWS,
4 as subcontractor with Tetra Tech.

5 SPECIAL AGENT (b)(7)(C): Okay. And in what
6 capacities were you employed there?

7 MS. ANDREWS: I was brought out as a
8 junior HP and within about a month I was promoted or
9 moved into being a lab technician for the on-site
10 laboratory.

11 And then, the last two and a half years,
12 approximately, I was assigned out into the field, into
13 the field work, as a senior RCT.

14 SPECIAL AGENT (b)(7)(C): What is an RCT?

15 MS. ANDREWS: Rad control tech. Radiation
16 control tech.

17 SPECIAL AGENT YOUNG: What kind of
18 training had you received under the -- these positions
19 that you worked with? Was it -- do you have any
20 professional certifications, or was all your training
21 on-the-job training?

22 MS. ANDREWS: Yes.

23 SPECIAL AGENT (b)(7)(C): Where were you
24 initially trained as a rad tech?

25 MS. ANDREWS: I started my work at Peach

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Bottom Nuclear Power Plant in Pennsylvania, Delta,
2 Pennsylvania. And I started out as a junior de-con'er
3 and I did a few outages, and then I was sent to Oak
4 Ridge as a junior HP, and from there on, Bartlett put
5 me in as a junior HP in a few other outages.

6 SPECIAL AGENT (b)(7)(C): When did your
7 employment in the nuclear industry begin?

8 MS. ANDREWS: I think 2003. February
9 2003, I do believe that was the year. I'll write that
10 down.

11 SPECIAL AGENT (b)(7)(C): And have you --

12 MS. ANDREWS: And that was being a
13 laborer. I was a laborer before I was an H -- or
14 anything, you know, rad -- like a de-con'er or an RCT.
15 I was --

16 SPECIAL AGENT (b)(7)(C): And what -- what
17 contractor -- contractors have you worked with
18 previously?

19 MS. ANDREWS: Bartlett.

20 SPECIAL AGENT (b)(7)(C): Yes.

21 MS. ANDREWS: And New World.

22 SPECIAL AGENT (b)(7)(C): Okay. And AWS?

23 MS. ANDREWS: And AWS.

24 SPECIAL AGENT (b)(7)(C): So you began in 2003
25 in the nuclear industry, and by 2005 you came up to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Hunters Point and at that --

2 MS. ANDREWS: As a junior.

3 SPECIAL AGENT (b)(7)(C) : -- as a junior HP,
4 employed through New World?

5 MS. ANDREWS: Yes.

6 SPECIAL AGENT (b)(7)(C) : When did you end in
7 -- you became an AWS employee, as of when, 2010?

8 MS. ANDREWS: No, '11.

9 SPECIAL AGENT (b)(7)(C) : '11. 2011.

10 MS. ANDREWS: January 1st.

11 SPECIAL AGENT (b)(7)(C) : So, from -- you were
12 at New World from '05 to 2011?

13 MS. ANDREWS: Yes.

14 SPECIAL AGENT (b)(7)(C) : Beginning of last
15 year you became --

16 MS. ANDREWS: AWS.

17 SPECIAL AGENT (b)(7)(C) : -- AWS, and then you
18 were with AWS until your layoff in December of 2011?

19 MS. ANDREWS: Correct.

20 SPECIAL AGENT (b)(7)(C) : Okay.

21 MS. ANDREWS: I forgot that tape recorded
22 couldn't see me nod.

23 SPECIAL AGENT (b)(7)(C) : Okay. So, all your
24 experience has been all OJT at the different sites
25 you've worked at, it's been --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. ANDREWS: Yes..

2 SPECIAL AGENT (b)(7)(C): -- in-house
3 training?

4 MS. ANDREWS: Yes. Yes.

5 SPECIAL AGENT (b)(7)(C): Okay. In terms of
6 the rad protection and --

7 MS. ANDREWS: Yes.

8 SPECIAL AGENT (b)(7)(C): -- do you --

9 MS. ANDREWS: Well, they test you. Every
10 power plant you go in, you have to take a battery of
11 tests to qualify to get in.

12 SPECIAL AGENT (b)(7)(C): Okay.

13 MS. ANDREWS: You know, in your position.

14 SPECIAL AGENT (b)(7)(C): Right. And then you
15 have to show a competency, I'm assuming.

16 MS. ANDREWS: Right.

17 SPECIAL AGENT (b)(7)(C): And you get an
18 annual exam?

19 MS. ANDREWS: Oh, yes. Especially after
20 you're 50, you get a physical. You know, they -- a
21 lot of plants are like that.

22 SPECIAL AGENT (b)(7)(C): Okay.

23 MS. ANDREWS: I liked it. It's cool.

24 SPECIAL AGENT (b)(7)(C): Okay. So time here
25 at New World and you were still, all the time you've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 been here, Tetra Tech has been the prime contractor --

2 MS. ANDREWS: Oh, yes.

3 SPECIAL AGENT (b)(7)(C) : -- correct?

4 MS. ANDREWS: Yes.

5 SPECIAL AGENT (b)(7)(C) : Okay.

6 MS. ANDREWS: Yes.

7 SPECIAL AGENT (b)(7)(C) : So, have you worked
8 with pretty much the same individuals at Tetra Tech
9 all this time, or have they had a big shift in
10 management since you've been here?

11 MS. ANDREWS: Yes. (b)(7)(C)
12 position, I think is new. (b)(7)(C) (phonetic),
13 maybe, and then a (b)(7)(C), and then a (b)(7)(C) --
14 and now (b)(7)(C). So, that's changed three
15 times.

16 You know, they have their own RSO's.
17 There was --

18 SPECIAL AGENT (b)(7)(C) : RSO, meaning
19 radiation safety officer?

20 MS. ANDREWS: Yes.

21 SPECIAL AGENT (b)(7)(C) : Okay.

22 MS. ANDREWS: And they -- they went --
23 Bert Bowers was the New World, so I was -- answered to
24 them, but had to do what Tetra Tech wanted to do.
25 Okay. So he was -- they -- the project managers and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 their RSOR's were on-site.

2 SPECIAL AGENT (b)(7)(C): Right.

3 MS. ANDREWS: So that was Bert Bowers, and
4 he was off and on project manager, too. But there was
5 (b)(7)(C) (phonetic) and (b)(7)(C) as the (b)(7)(C)
6 (b)(7)(C) for New World that were on-site at those
7 times, too.

8 And then, when they weren't, Bert was.

9 SPECIAL AGENT (b)(7)(C): Okay.

10 MS. ANDREWS: You know, he had two hats
11 on, I guess.

12 SPECIAL AGENT (b)(7)(C): Okay.

13 MS. ANDREWS: Yes.

14 SPECIAL AGENT (b)(7)(C): So, pretty much
15 people have left, but -- and changed some positions,
16 but a lot of the positions are the same -- same
17 people.

18 SPECIAL AGENT (b)(7)(C): Okay. Now, before
19 we went on the record, I kind of gave you an
20 explanation of what was considered protected activity.

21 We talked about protected activity as when
22 you bring something forward to management, when you
23 bring a safety-related concern up to management, you
24 then, by the raising, by the basic raising of that
25 concern, you have now basically been allotted

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 protection from retaliation or adverse action for
2 raising -- because you raised a concern.

3 MS. ANDREWS: Yes.

4 SPECIAL AGENT (b)(7)(C): They can't -- let's
5 just say that the employer cannot terminate or subject
6 you to adverse action because you raised a nuclear
7 safety issue, because that's basically for the
8 promotion of public safety, public health and, you
9 know, everything in and around the facility that could
10 be subject to radiated material, products, et cetera.

11 MS. ANDREWS: Yes.

12 SPECIAL AGENT (b)(7)(C) So, do you have a
13 fair understanding of the consequences of protected
14 activity.

15 MS. ANDREWS: Yes. Yes, I do now. Thank
16 you.

17 SPECIAL AGENT (b)(7)(C): Okay. Great. I
18 wanted to make sure that you have that.

19 You have forwarded your complaint to the
20 NRC in this -- I understand the technical staff from
21 the Region I has already been out and conducted some
22 inspection activities there at Hunters Point.

23 MS. ANDREWS: On January 9th.

24 SPECIAL AGENT (b)(7)(C) January 9th, they
25 did their inspection.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: No, that's when they were
2 here talking to me, and they were here that whole
3 week.

4 SPECIAL AGENT (b)(7)(C): Okay.

5 MS. ANDREWS: Yes.

6 SPECIAL AGENT (b)(7)(C): When did you begin
7 to notice that there were these safety-related
8 problems? Now, what was the nature of the problems
9 that you observed?

10 MS. ANDREWS: When did I start seeing
11 them?

12 SPECIAL AGENT (b)(7)(C): Yes. When did you -
13 - yes. When did you first become aware of these
14 things or it -- you know, it was --

15 MS. ANDREWS: When I first got out onto
16 the project I could see that --

17 SPECIAL AGENT (b)(7)(C): Is that after you
18 came out of the lab tech position?

19 MS. ANDREWS: Yes. Out of -- yes.

20 SPECIAL AGENT (b)(7)(C): So when did you
21 first get out in the -- and you were still at New
22 World then, correct?

23 MS. ANDREWS: Yes.

24 SPECIAL AGENT (b)(7)(C): Okay.

25 MS. ANDREWS: Yes. Yes. Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : So some of this --
2 MS. ANDREWS: I'm trying to think of a
3 date and I can't --
4 SPECIAL AGENT (b)(7)(C) : Okay.
5 MS. ANDREWS: -- I can't put my finger.
6 It's eleven, ten, nine, eight maybe 2008. Nine, ten,
7 eleven, that's three years. Yes.
8 SPECIAL AGENT (b)(7)(C) : Okay, so it's -- In
9 or around two thousand and --
10 MS. ANDREWS: Yes. It's been two and a
11 half years.
12 SPECIAL AGENT (b)(7)(C) : In and around 2008
13 or '09 --
14 MS. ANDREWS: Yes. The -- yes.
15 SPECIAL AGENT (b)(7)(C) : -- you went -- you
16 left the lab and went out in the field?
17 MS. ANDREWS: Yes.
18 SPECIAL AGENT (b)(7)(C) : Okay. How did that
19 come about that you would be going out of -- was the
20 lab position cut? How did -- how did that work?
21 MS. ANDREWS: Yes. They -- they did away
22 with the wet lab so that employed a lot of us, and --
23 SPECIAL AGENT (b)(7)(C) : What's the wet lab?
24 MS. ANDREWS: Chemistry, wet chemistry.
25 SPECIAL AGENT (b)(7)(C) : Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: Yes. And the find strontium
2 and alpha, you know, the strontium. You know, that
3 was pretty interesting.

4 Anyhow, they did away with that, so that
5 left a lot of people that had to be moved around, and
6 (b)(7)(C) didn't really want any of the lab people
7 to not be employed, in case they brought it back or if
8 they -- we knew how to work in the lab, so he didn't
9 want to lose that work ability.

10 All that, you know, so they put us -- put
11 us out in the field. If we were needed back in the
12 lab for some reason, somebody quick or something, they
13 could pull that person right out of the field and put
14 them right back in the lab, and they know what to do
15 and they don't have to train somebody.

16 So, he didn't want anybody to do that.
17 So, it came down to they offered me to go out and what
18 I was going to do out in the -- when I got out there.

19 SPECIAL AGENT (b)(7)(C): Okay.

20 MS. ANDREWS: And which isn't what I
21 actually ended up doing. But, anyhow, I took their
22 word for what I was going to do and I accepted the
23 position.

24 SPECIAL AGENT (b)(7)(C): Now, were you a
25 senior lab tech? What -- senior lab tech? What was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 your title in the lab?

2 MS. ANDREWS: Yes. I was considered a lab
3 tech, senior lab tech, I think is --

4 SPECIAL AGENT (b)(7)(C): Okay.

5 MS. ANDREWS: I never called it that. We
6 just were called lab technicians.

7 SPECIAL AGENT (b)(7)(C): And when you left
8 the lab to go into the field, was there a reduction in
9 pay? Was there a lateral --

10 MS. ANDREWS: Not -- yes, a lateral.

11 SPECIAL AGENT (b)(7)(C): Lateral.

12 MS. ANDREWS: Yes.

13 SPECIAL AGENT (b)(7)(C): You didn't lose any
14 money?

15 MS. ANDREWS: No.

16 SPECIAL AGENT (b)(7)(C): Okay.

17 MS. ANDREWS: Well, now, I want to bring
18 up something real important right here while we're
19 talking about this.

20 SPECIAL AGENT (b)(7)(C): Okay.

21 MS. ANDREWS: When I went -- when they
22 offered me this, (b)(7)(C) was (b)(7)(C)

23 (b)(7)(C) (phonetic) is the (b)(7)(C).

24 SPECIAL AGENT (b)(7)(C): Okay.

25 MS. ANDREWS: They are still here. I said

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to (b)(7)(C) "I'm not a senior. I'm a junior when
2 it comes to field work." Okay. He said, "That's
3 okay. They want you out there and they're going to
4 give you senior pay and they're going to give you the"
5 -- I said, "But I'm not a senior. I am a junior. I
6 go back into the nuclear business, I will go back as
7 a junior."

8 SPECIAL AGENT (b)(7)(C): Now, is that based
9 on experience?

10 MS. ANDREWS: Yes. It's how many -- when
11 you are a junior, your time -- you know, like you go
12 out there and work 40 hours, 40 hours goes towards
13 your ANSI qualifications of 14-1.

14 SPECIAL AGENT (b)(7)(C): Okay.

15 MS. ANDREWS: What does it stand for.
16 American something institution. It's a way that they
17 classify your -- college education counts for some,
18 and work experience.

19 And, once you have a year and eight
20 months, then you can become what they call a senior,
21 but you're only -- you're only an 18-1, and then when
22 you become three years of experience, work experience,
23 not just setting out here unemployed.

24 SPECIAL AGENT (b)(7)(C): Yes.

25 MS. ANDREWS: This doesn't count. That's

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 actual time on the job. And once you get three hours
2 of time on the job --

3 SPECIAL AGENT (b)(7)(C): Three years?

4 MS. ANDREWS: Yes, three years of work
5 time, which might take you six or seven years to
6 accumulate.

7 SPECIAL AGENT (b)(7)(C): Right.

8 MS. ANDREWS: Okay. Okay. Then you
9 become a 3.0 and then that is considered the top of
10 the senior, that you're -- you've got enough
11 background in you that you can work, and you've been
12 taking whatever qualification tests you have to take,
13 the COR test or the Northeast Utility Test.

14 SPECIAL AGENT (b)(7)(C): Right.

15 MS. ANDREWS: And you've had to take this
16 repeatedly, so they feel by the time you got three
17 years of real good solid work time in, that you're a
18 solid senior now. That's what we -- how we say that.

19 SPECIAL AGENT (b)(7)(C): All right. And at
20 that time that this -- that they put you back in the
21 field, 2009 or so, did you have three years of solid
22 field experience?

23 MS. ANDREWS: No. No, I didn't have that
24 when I came to Hunters Point.

25 SPECIAL AGENT (b)(7)(C): Okay.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: As a junior.

2 SPECIAL AGENT (b)(7)(C): Okay.

3 MS. ANDREWS: And now, if they want to
4 count my lab time as progressively going toward that,
5 then I do.

6 SPECIAL AGENT (b)(7)(C): Right. But as far
7 as you saw at the time of the conversation, when you
8 told this to -- to (b)(7)(C), you didn't have the
9 time?

10 MS. ANDREWS: Right.

11 SPECIAL AGENT (b)(7)(C): And you told him
12 that?

13 MS. ANDREWS: Yes, I told him that.

14 SPECIAL AGENT (b)(7)(C): And he said, "That's
15 okay. They want you.."

16 MS. ANDREWS: Yes. Meaning -- yes.
17 Meaning Tetra Tech.

18 SPECIAL AGENT (b)(7)(C): Okay.

19 MS. ANDREWS: And that they -- there was
20 kind of a problem. There was another kid there that -
21 - I assume he's -- he's been brought on the site as a
22 senior. I don't think he really had senior
23 qualifications when he came, but that's not here or
24 there.

25 But he was -- he was the last one to come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in the lab, and that's -- that's who they said was
2 going back out in the field.

3 He said that if they put him back out in
4 the field he was quitting because he wasn't going to
5 work with (b)(7)(C) no more. And his --

6 SPECIAL AGENT (b)(7)(C): Who is this?

7 MS. ANDREWS: (b)(7)(C). And (b)(7)(C)

8 (b)(7)(C), and he
9 also said at that time, "If I leave, she leaves."

10 So, I'm going like, "Well, we can't lose
11 (b)(7)(C). My Heavens, she does all the paperwork around
12 here."

13 And so, when they came with this really
14 nice package for me to go back -- I was going to do
15 inventory on -- on all the -- inventory all the -- I
16 was going to kind of like still work at the lab, but
17 I would be out in the field doing it.

18 I would -- I was -- anyhow, I went to
19 (b)(7)(C) -- or (b)(7)(C), which would be my
20 (b)(7)(C) out in the field at the time, asked her if
21 this was what I was going to do for her, and she said
22 yes.

23 I went to Bert Bowers. I went to (b)(7)(C)
24 (b)(7)(C). I went to everybody and said, "Is this for
25 real?" And they went, "Yes."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SPECIAL AGENT (b)(7)(C) : What -- what --

2 MS. ANDREWS: So I thought, okay, I'm not
3 going to hurting anybody. I'll go out, you know.

4 SPECIAL AGENT (b)(7)(C) : Okay.

5 MS. ANDREWS: And do my paperwork and keep
6 the lab inventory going straight and help (b)(7)(C) with
7 her paperwork. That was what I was supposed to do.

8 SPECIAL AGENT (b)(7)(C) : Okay.

9 MS. ANDREWS: And the interim of that, a
10 gentleman decided he wanted to go some place else, a
11 real good senior, (b)(7)(C) (phonetic), and so --
12 -- and they're not going to hire anybody.

13 So they said, "Susan, you know, you're
14 going to have to go out in the field and do gates and
15 do this and do that," and I said, "Okay. Show me how
16 you all do this, and I know I can do it, but" -- so
17 that's how I never really got to do what they said I
18 was going to do.

19 Like -- and I didn't mind. I went all
20 over the place --

21 SPECIAL AGENT (b)(7)(C) : So, the initial plan
22 was for you to go in the field and kind of do field
23 work, kind of -- do lab work from the field and kind
24 of --

25 MS. ANDREWS: Yes. I was going to

1 reinventory all their samples and get -- get all the
2 inventory straightened up, this whole building.

3 SPECIAL AGENT (b)(7)(C): Were you going to --
4 were you going to do it in the field or -- actually in
5 the field, physically, or --

6 MS. ANDREWS: It's in a building where the
7 lab stores their samples.

8 SPECIAL AGENT (b)(7)(C): Yes.

9 MS. ANDREWS: And I'm -- I already know
10 how -- go in and out of there --

11 SPECIAL AGENT (b)(7)(C): Right.

12 MS. ANDREWS: -- because, you know, for
13 skimming out (phonetic), you know, RWP.

14 So, I wasn't going out into the field
15 where I was really --

16 SPECIAL AGENT (b)(7)(C): RWP standing for
17 radiological work permit?

18 MS. ANDREWS: Yes. Thanks.

19 SPECIAL AGENT (b)(7)(C): Okay. I just -- we
20 hadn't got to them --

21 MS. ANDREWS: I know, I'm sorry.

22 SPECIAL AGENT (b)(7)(C): We've got to get
23 them captured for the recorder.

24 MS. ANDREWS: I just get going so fast.
25 So I felt comfortable going out into the field with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 all the more experience I had.

2 SPECIAL AGENT (b)(7)(C) : Right.

3 MS. ANDREWS: They weren't paying me that
4 wage to do this work. I'm okay with it.

5 SPECIAL AGENT (b)(7)(C) : Right.

6 MS. ANDREWS: Okay. So, I accept the job.
7 Well, now, my job progresses that -- I'm out there,
8 you know, covering everything. And I really try to
9 comp the speed and do a good job, and I felt -- I feel
10 I have.

11 But, every time I would trip across
12 something that I didn't think was quite right in my
13 upbringing and through my little bit of experience, I
14 would address it to -- to (b)(7)(C) which left quickly.

15 She was -- like (b)(7)(C) and she was
16 gone. And so then (b)(7)(C) became my --

17 SPECIAL AGENT (b)(7)(C) : Where did she --

18 MS. ANDREWS: She just left. She (b)(7)(C)

19 (b)(7)(C) and I think the job just got too much with,
20 you know, and she wanted to (b)(7)(C) so she
21 decided she'd saved enough money, she was going to go
22 back to (b)(7)(C) and have (b)(7)(C) which she does.

23 SPECIAL AGENT (b)(7)(C) : Okay.

24 MS. ANDREWS: Okay. So, she just, you
25 know, gave her notice and left. She still lives out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there somewhere in (b)(7)(C) I think. And --

2 SPECIAL AGENT (b)(7)(C): And that was (b)(7)(C)

3 --

4 MS. ANDREWS: (b)(7)(C) (b)(7)(C) is

5 her married name now. And so (b)(7)(C) was put in

6 to (b)(7)(C) then, so he became my

7 new boss.

8 And I kept informing him of what I was
9 supposed to do, and he just smiled. And so --

10 (inaudible) took two weeks and left, and so that put
11 me out there doing more senior work.

12 What was the question? How did we get
13 around to this?

14 SPECIAL AGENT (b)(7)(C): We're just talking
15 about what your -- your duties were --

16 MS. ANDREWS: Oh, okay. So --

17 SPECIAL AGENT (b)(7)(C): -- and the shifting
18 position that --

19 SPECIAL AGENT (b)(7)(C): So, when I got
20 shifted up into a senior, then I'm on high alert, and
21 when I see something that I don't feel is quite right,
22 a posting wrong, somebody not being frisked out, the
23 things that they mentioned in that morning meeting, or
24 mentioned in any of the classes that we would take,
25 just a little, you know, rad test we had to take, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 all really stuck in my head.

2 And so those are the things that I've got
3 to make sure we're doing the -- I'm doing this right.

4 SPECIAL AGENT (b)(7)(C): Right.

5 MS. ANDREWS: And people around me need to
6 do it right, too. So, that's where, all of a sudden,
7 I see things aren't. So, I go to (b)(7)(C).

8 I go like, "Am I wrong or am I right?"
9 You know, because I'm still like, in my mind, in
10 training, you know.

11 SPECIAL AGENT (b)(7)(C): Okay.

12 MS. ANDREWS: And "No, you're right." And
13 I said, "Do you need to correct them?" And as the two
14 and a half years progressed --

15 SPECIAL AGENT (b)(7)(C): You felt comfortable
16 at that point?

17 MS. ANDREWS: Yes. I always went to
18 (b)(7)(C).

19 SPECIAL AGENT (b)(7)(C): Okay.

20 MS. ANDREWS: And if I couldn't get any
21 resolution from (b)(7)(C), I knew I could from Bert.

22 SPECIAL AGENT (b)(7)(C): Now, when you began
23 -- when you began to notice, to have these -- were
24 these safety issues, were they -- were they more
25 quality issues --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: No. It would be --

2 SPECIAL AGENT (b)(7)(C): -- OSHA -- OSHA type
3 issues? What kind of issues were these?

4 MS. ANDREWS: Okay.

5 SPECIAL AGENT (b)(7)(C): Give me a sample of
6 what type of issue --

7 MS. ANDREWS: Okay. It would be like I
8 would be -- early on, I was doing Gummold Pier
9 (phonetic) or the salvage yard where they had -- these
10 bins I was telling you about earlier, that's where EMS
11 stored their bins, in an RCA/RMA (phonetic). Well, --

12 SPECIAL AGENT (b)(7)(C): Radiological
13 controlled area. What's the RMA mean?

14 MS. ANDREWS: A rad material area.

15 SPECIAL AGENT (b)(7)(C): Okay.

16 MS. ANDREWS: And I would come across
17 another person doing it and maybe they went to the
18 bathroom, but they didn't put the posting back up.
19 They've left the control point unposted.

20 And I thought, that ain't right. Am I
21 right or wrong? We can't go to the bathroom and leave
22 that like that, can we?

23 And so, I'd see (b)(7)(C) and I'd be like --
24 not allowed to walk off and leave it like that, right?

25 See, you understand what I'm saying? That

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was early one.

2 SPECIAL AGENT (b)(7)(C) : Okay.

3 MS. ANDREWS: And so those were the things

4 --

5 SPECIAL AGENT (b)(7)(C) : Now, would --
6 correct -- let me ask you this. When you brought
7 things up were the issues being corrected?

8 MS. ANDREWS: Yes.

9 SPECIAL AGENT (b)(7)(C) : Okay.

10 MS. ANDREWS: He went to that (b)(7)(C) and
11 said, "Hey, you can't go to the bathroom," and they
12 were all mad at me, but it was really -- first-on, was
13 me getting to know like am I right or wrong,
14 (inaudible) right.

15 SPECIAL AGENT (b)(7)(C) : Right.

16 MS. ANDREWS: They are supposed to frisk
17 them out of there, right, and, yes, okay.

18 SPECIAL AGENT (b)(7)(C) : And everything that
19 you're asking, are these all things in -- that are
20 covered under the company procedure and policy?

21 MS. ANDREWS: Yes.

22 SPECIAL AGENT (b)(7)(C) : Okay. Were you
23 given a copy of those procedures and policies when you

24 --

25 MS. ANDREWS: Yes.

1 SPECIAL AGENT (b)(7)(C) : -- started in the
2 field?

3 MS. ANDREWS: Yes. We -- well, we know
4 where they're at to get a copy.

5 SPECIAL AGENT (b)(7)(C) : Okay.

6 MS. ANDREWS: If you want to make a copy,
7 you are more than welcome to make a copy, which I did,
8 and I'd have highlighted and such. And --

9 SPECIAL AGENT (b)(7)(C) : And when you went
10 back out in the field, knowing that you, I guess,
11 were, for all intents and purposes, a junior, being
12 thrust into a senior role, did you ask for any
13 additional training or was there any training
14 provided?

15 MS. ANDREWS: No. I just -- Bert said
16 just come to me if you have any questions.

17 SPECIAL AGENT (b)(7)(C) : And at that time
18 Bert was the --

19 MS. ANDREWS: At that time --

20 SPECIAL AGENT (b)(7)(C) : Was he Tetra Tech or
21 New World RSO?

22 MS. ANDREWS: I think he was still New
23 World.

24 SPECIAL AGENT (b)(7)(C) : So he was the RSO?

25 MS. ANDREWS: For New World, yes.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : Okay.

2 MS. ANDREWS: Yes. And so, you know, yes.
3 I always knew I could go to Bert. When I had issued
4 in the lab, my boss -- my final line was Bert, and
5 whenever I went to Bert he got it resolved.

6 SPECIAL AGENT (b)(7)(C) : Okay. So --

7 MS. ANDREWS: So I'd already established,
8 when I got out in the field, that Bert was my bottom-
9 line go-to person --

10 SPECIAL AGENT (b)(7)(C) : He was your point of
11 contact --

12 MS. ANDREWS: -- if this (b)(7)(C) can't
13 get this stuff done --

14 SPECIAL AGENT (b)(7)(C) : And (b)(7)(C)
15 about three months into your tenure in the field in
16 2009, (b)(7)(C) took over as your (b)(7)(C)

17 MS. ANDREWS: Yes.

18 SPECIAL AGENT (b)(7)(C) : After the departure
19 of (b)(7)(C).

20 MS. ANDREWS: (b)(7)(C) .

21 SPECIAL AGENT (b)(7)(C) : (b)(7)(C)
22 yes.

23 MS. ANDREWS: Yes. Yes. And (b)(7)(C) come
24 along within a short period of time of that and -- and
25 told me that I wasn't to go to Bert, that I was to go

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to him. I said, "I do."

2 And he goes, "I don't want you going to
3 Bert at all." And I was like, "Well, okay, but if I
4 have a question and you're not around, who do I ask?"

5 And he goes, "You find me." And I'm like,
6 okay. Right. Well, I didn't -- I didn't settle for
7 that because I -- I always did. I said, (b)(7)(C) I do.
8 I go to you first." He goes, "I know, but don't --
9 I don't want you going to Bert."

10 So what happened was, now, that's when
11 Bert became the Tetra Tech person, because now (b)(7)(C)
12 has to answer to Bert, and he don't want me going to
13 his boss.

14 SPECIAL AGENT (b)(7)(C): And Bert, once
15 employed by Tetra Tech, was the RSOR --

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C): -- the radiation
18 safety officer representative. So he was the site
19 rep, not the --

20 MS. ANDREWS: yes.

21 SPECIAL AGENT (b)(7)(C): -- the rep of record
22 on the license, which the (b)(7)(C) was, I think, (b)(7)(C)

23 (b)(7)(C) --

24 MS. ANDREWS: Yes.

25 SPECIAL AGENT (b)(7)(C): -- is that correct?

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: Yes.

2 SPECIAL AGENT (b)(7)(C): In (b)(7)(C)
3 somewhere?

4 MS. ANDREWS: Yes.

5 SPECIAL AGENT (b)(7)(C): Okay.

6 MS. ANDREWS: Okay. So, that's like to be
7 worked out. I don't know if there was an R on the end
8 of Bert's title or not whenever, I don't -- that's not
9 -- I just knew I could go to Bert and, you know, he
10 was my bottom-line person, my last resort.

11 And Bert always -- and people knew I went
12 to Bert, and when Bert became Tetra Tech, (b)(7)(C) told
13 me not to go to him.

14 SPECIAL AGENT (b)(7)(C): Okay.

15 MS. ANDREWS: Because I said, wait. So,
16 I -- sometimes I didn't get an answer from (b)(7)(C) that
17 I liked, and I was still confused. So I'd go to Bert.

18 And then Bert naturally had to wing it
19 back at (b)(7)(C) and say -- and then (b)(7)(C) would be like,
20 "Well, I told you not to go to him." I go, "Well, I
21 didn't get an answer from you." I just didn't -- you
22 know, "You just wanted to scuff it under and I'm not
23 scuffing it under."

24 SPECIAL AGENT (b)(7)(C): Okay.

25 MS. ANDREWS: So, --

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): Was (b)(7)(C) giving you
2 resolution when you were -- if you brought up a safety
3 issue and said, "Hey, this wasn't safe. This person
4 did this and that," was he -- he was, for the most
5 part, you said earlier --

6 MS. ANDREWS: Yes.

7 SPECIAL AGENT (b)(7)(C): -- he was addressing
8 it?

9 MS. ANDREWS: Yes. He was trying.

10 SPECIAL AGENT (b)(7)(C): Okay.

11 MS. ANDREWS: He was trying. Right at the
12 end, that's the end of 2011 when there's just a whole
13 bunch of stuff going on, and that's when I really just
14 fell though.

15 I had lost Bert at the beginning of the
16 year and then I had, you know, really, just going to
17 (b)(7)(C) and I would go like,
18 "You've got to do something. You got to do
19 something."

20 You know, no, you -- because, see, when he
21 wasn't going to do something -- excuse me. When he
22 wasn't going to do something, then I would -- just
23 went on to Bert then.

24 So (b)(7)(C) hesitated and wasn't going to do
25 anything. Now, it's okay. No. Everybody out on site

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 knows that this is happening, and then everybody else
2 is going to start doing it, too, --

3 SPECIAL AGENT (b)(7)(C): Right.

4 MS. ANDREWS: -- and then we're going to
5 have a mess out here.

6 You got to stop this, nip it in the bud
7 and get (b)(7)(C) thought.

8 SPECIAL AGENT (b)(7)(C): So, the balance and
9 the substance of your safety-related concerns come
10 into play when you start talking about (b)(7)(C)?

11 MS. ANDREWS: Yes, or -- yes. Pretty much
12 her, yes.

13 SPECIAL AGENT (b)(7)(C): Okay. When --

14 MS. ANDREWS: Some things I had with the
15 instrument room.

16 SPECIAL AGENT (b)(7)(C): Okay.

17 MS. ANDREWS: Yes, so I --

18 SPECIAL AGENT (b)(7)(C): Which occurred
19 first? Which occurred -- which issues kind of came
20 first from a time line perspective, the ones that
21 started with (b)(7)(C) or the equipment room or was it --

22 MS. ANDREWS: Probably --

23 SPECIAL AGENT (b)(7)(C): -- simultaneous?

24 MS. ANDREWS: Yes. They are all just
25 mingled in there, one on top of the other.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): Okay.

2 MS. ANDREWS: Yes.

3 SPECIAL AGENT (b)(7)(C): And like the issue
4 with the equipment, and we'll talk about it in depth,
5 but was that one that was brought to management's
6 attention?

7 MS. ANDREWS: Yes. I brought it --
8 brought it to (b)(7)(C) attention and --

9 SPECIAL AGENT (b)(7)(C): Did you get
10 resolution?

11 MS. ANDREWS: I think I did, yes. It got
12 --

13 SPECIAL AGENT (b)(7)(C): Okay.

14 MS. ANDREWS: -- it got fixed.

15 SPECIAL AGENT (b)(7)(C): Okay.

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C): All right. So,
18 let's talk about the issues that you brought up that
19 you believe, upon raising these issues, it led to your
20 layoff.

21 You weren't terminated, just they had a --
22 was it --

23 MS. ANDREWS: A budget cut.

24 SPECIAL AGENT (b)(7)(C) A budget cut. The
25 Navy had a budget cut and they announced that to Tetra

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Tech and one or two persons -- you know, a couple of
2 bodies had to -- salaries had to be alleviated and a
3 few employees had to be laid off.

4 MS. ANDREWS: Yes.

5 SPECIAL AGENT (b)(7)(C): And you were
6 subsequently one of the ones laid off.

7 What safety issues that you raised, what
8 protected activity did you engage in that you felt
9 like contributed to your layoff?

10 MS. ANDREWS: Oh, boy, that's a lot of
11 things. Mostly all my -- my safety concerns about

12 (b)(7)(C)

13 SPECIAL AGENT (b)(7)(C): Okay. Let's start -
14 - let's start with --

15 MS. ANDREWS: Okay. So that's the big one

16 --

17 SPECIAL AGENT (b)(7)(C): Okay.

18 MS. ANDREWS: -- because you can't
19 complain about her and stay on site. So, okay, I told
20 you about the bin, do we have to go over that again on
21 this?

22 SPECIAL AGENT (b)(7)(C): Yes. We have to
23 because it wasn't -- we talked about that and that
24 wasn't on the record.

25 MS. ANDREWS: Here we go.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): And when did this
2 happen?

3 MS. ANDREWS: Let's see.

4 SPECIAL AGENT (b)(7)(C): And you're going to
5 provide me that time line.

6 MS. ANDREWS: Yes, you can have it. It's
7 all there.

8 SPECIAL AGENT (b)(7)(C): We can summarize it
9 for the -- we can do it in summary for the purpose of
10 the recording, and we'll --

11 MS. ANDREWS: Okay.

12 SPECIAL AGENT (b)(7)(C): -- annotate.

13 For the record, Ms. Andrews has -- has a
14 very detailed and developed time line that was
15 information extracted from her personal journal, or
16 diary.

17 She had a personal logbook where --
18 wherein she identified daily activities, times, dates,
19 personnel and so forth. She has ostensibly
20 transferred that into a typewritten document which she
21 will provide me with a copy of for the purpose of
22 inclusion into this file.

23 So, we can summarize --

24 MS. ANDREWS: Right. Okay. It started.
25 I don't have an absolute date on it for some reason,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 but it started in July when (b)(7)(C) told a bin driver in
2 EMS --

3 SPECIAL AGENT (b)(7)(C): 2011 or '10?

4 MS. ANDREWS: '11. These are all 2011.

5 SPECIAL AGENT (b)(7)(C): Okay.

6 MS. ANDREWS: And -- because, I mean, it
7 can go circling out further, you know, like, but why
8 go any -- you know, a whole bunch further.

9 So she tells a bin driver to go ahead and
10 go into an RCA/RMA --

11 SPECIAL AGENT (b)(7)(C): Well, before we
12 really get --

13 MS. ANDREWS: Okay. That's --

14 SPECIAL AGENT (b)(7)(C): -- into it, can we --
15 - tell me who (b)(7)(C) is.

16 MS. ANDREWS: Okay.

17 SPECIAL AGENT (b)(7)(C): And give me a little
18 background on her, if you could.

19 MS. ANDREWS: Okay. She came out on the
20 project about (b)(7)(C) of, I think, (b)(7)(C) and she
21 came out as a (b)(7)(C) and within (b)(7)(C)
22 (b)(7)(C) she was -- well, was bumped up to a (b)(7)(C)
23 knocked back down to a (b)(7)(C) and then bumped back up
24 to a (b)(7)(C)

25 And then she stayed that for her whole

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 time there. She did take -- she gave her two-week
 2 notice in a [REDACTED] -- while I was still in the
 3 lab, and then came back out to the site shortly after
 4 that.

5 Maybe [REDACTED]. She went back
 6 [REDACTED] and then she was brought back out to the site
 7 again as a [REDACTED]

8 This is the lady that I've been told has
 9 falsified her resume at getting on the job, and you
 10 know, you can talk to Bert Bowers and [REDACTED] more
 11 about that.

12 And that's why the flip-flop with the
 13 [REDACTED] there for the first couple of months.
 14 She came in as a [REDACTED] and with a resume saying that
 15 she had -- had had training.

16 SPECIAL AGENT [REDACTED]: How would -- how
 17 would [REDACTED] and Bert Bowers know that her --

18 MS. ANDREWS: Okay. [REDACTED] -- [REDACTED] was asked
 19 by [REDACTED] [REDACTED] had come out on the
 20 project the same time I did, [REDACTED].

21 SPECIAL AGENT [REDACTED]: Right.

22 MS. ANDREWS: I had previously worked with

23 [REDACTED] not knowing [REDACTED], in [REDACTED],

24 [REDACTED] We were both [REDACTED]

25 And so, with coming out here, word got out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 to (b)(7)(C) that I was coming out, a few other were
 2 coming out, so she came out. And we all worked
 3 together until (b)(7)(C). She had a little (b)(7)(C)
 4 (b)(7)(C) and decided to go back home to have it taken
 5 care of.

6 In the meantime, she apparently talked (b)(7)(C)
 7 (b)(7)(C) into going back out, that she was coming back
 8 out here, and that they could, you know, both work.
 9 And (b)(7)(C) was a (b)(7)(C)
 10 And (b)(7)(C) never did come back out, but
 11 the way (b)(7)(C) got involved in that was (b)(7)(C) called
 12 (b)(7)(C) and asked her to call New World and ask -- and
 13 give --

14 SPECIAL AGENT (b)(7)(C): Asked (b)(7)(C) to call
 15 New World?

16 MS. ANDREWS: Yes. And give a reference
 17 for (b)(7)(C).

18 SPECIAL AGENT (b)(7)(C): For (b)(7)(C). Okay.

19 MS. ANDREWS: Saying that he had worked
 20 with her --

21 SPECIAL AGENT (b)(7)(C): Okay.

22 MS. ANDREWS: -- previously. And (b)(7)(C)
 23 would not do that. (b)(7)(C) (b)(7)(C) would not do
 24 that. So, that's how I know that (b)(7)(C) you know --
 25 (b)(7)(C) had, you know, told him what she was up to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 and would she -- would he lie to New World and say
2 that he's worked, and he wouldn't do it.

3 Bert Bowers has a copy of her resume.

4 SPECIAL AGENT (b)(7)(C) : So, how does he know
5 that it's false, though?

6 MS. ANDREWS: Because -- okay. Now, I'm
7 living -- she's a poor little (b)(7)(C) can't make ends
8 meet. I have an (b)(7)(C) so she asked me if she
9 could (b)(7)(C) (b)(7)(C)

10 (b)(7)(C)

11 (b)(7)(C)

12 I said, okay. (b)(7)(C) calls, "Come on.
13 (b)(7)(C) she's, you know, (b)(7)(C) they just --
14 you know, (b)(7)(C) said, we just renewed our (b)(7)(C)
15 and I'm a (b)(7)(C) Ya-da, ya-da."

16 And I said, "Okay. If you are what you
17 are, you can come into (b)(7)(C) and I'll help you
18 out."

19 Well, that didn't last long because now
20 (b)(7)(C) to try to get -- and all at once, she
21 becomes a (b)(7)(C) And I'm like, "How did you do
22 that?"

23 "Well, I don't know. They just gave me a
24 (b)(7)(C) and now I can (b)(7)(C)." And I
25 thought, "Good, because that means you can move out on

1 your own," --

2 SPECIAL AGENT (b)(7)(C): Right.

3 MS. ANDREWS: -- but that's what I kept in
4 my head.

5 So then, the next thing that happened just
6 very quickly within, you know, a pay period or so, New
7 World (b)(7)(C) (phonetic), the (b)(7)(C) there, sent
8 a notice over that she needed an updated -- she needed
9 an updated resume.

10 And I don't know if it was just an updated
11 resume from (b)(7)(C), or the whole site, but (b)(7)(C)
12 was the first one that was told that she had to give
13 them an updated resume.

14 Well, I'm (b)(7)(C) so she's
15 frantic at the (b)(7)(C) like, "What am I going to
16 do?" And I said, "Well, what did you do?" You know,
17 because I didn't know.

18 And she said, "I don't have a computer.
19 Can I use your computer to talk to (b)(7)(C) so
20 she's going to do everything through your computer if
21 you don't mind, and print me -- and make me up another
22 resume, and you print it out so I can get it to (b)(7)(C)." "

23 And I'm like, "Fine." I had no idea what
24 was going on at this point and why she needed to
25 update her resume like that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 And so, as I got the first one I saw, and
2 then when I got the second one and printed it out, I
3 saw where she had changed it to no experience at all
4 as a rad, only three months to present at Hunters
5 Point Shipyard.

6 SPECIAL AGENT (b)(7)(C): But she had gotten
7 hired saying that she had more experience?

8 MS. ANDREWS: Right.

9 SPECIAL AGENT (b)(7)(C) Okay.

10 MS. ANDREWS: Yes, the first one said --
11 kind of at the end, I just kind of like, "Whoa." Said
12 that, you know, previous to all these other jobs she
13 had worked in the rad business and was qualified --

14 SPECIAL AGENT (b)(7)(C): Okay.

15 MS. ANDREWS: -- as a (b)(7)(C)

16 So, I was like, I don't want to know this.
17 Here's your paper. And then it came out that we all
18 had to update our thing, which that was fine, you
19 know.

20 But that's how I know that happened.

21 SPECIAL AGENT (b)(7)(C): Okay.

22 MS. ANDREWS: And Bert Bowers got it and
23 he -- he tried to rebuttal it, but it -- it went past
24 him, that he -- that this is what she gets. So --

25 SPECIAL AGENT (b)(7)(C): So she's --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: -- that's what she got.

2 SPECIAL AGENT (b)(7)(C) : -- a (b)(7)(C) ?

3 MS. ANDREWS: Yes.

4 SPECIAL AGENT (b)(7)(C) : Got a (b)(7)(C)

5 (b)(7)(C)

6 MS. ANDREWS: With absolutely no
7 experience, except what she gets from people on the
8 site.

9 SPECIAL AGENT (b)(7)(C) : Has she passed all
10 her qualifications?

11 MS. ANDREWS: The tests that they give her
12 out here, yes. But here's -- here's the other kicker
13 to that.

14 When we were given our rad tests out,
15 (b)(7)(C) would go into Bert and ask Bert to see
16 the test that he was going to give out to the rad
17 technicians, and Bert didn't want to give it to him,
18 but (b)(7)(C) pulled rank. He said, "I want to see this
19 test."

20 And she -- she got the test to know what
21 the answers were before she took the test. Now, I'm
22 sure by now the years that she's taken the test, she
23 could probably pass this little -- little test, but
24 when she left here to (b)(7)(C) she'd
25 got (b)(7)(C) to here, (b)(7)(C) (phonetic), she went

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 back to work at (b)(7)(C)

2 So you have --

3 SPECIAL AGENT (b)(7)(C): When did she leave?

4 MS. ANDREWS: Oh, when that -- I was still

5 -- I wasn't out in the field when she left.

6 SPECIAL AGENT (b)(7)(C): You were still in
7 the lab?

8 MS. ANDREWS: Yes. So that was in that
9 time -- toward the end of my stay at the lab.

10 SPECIAL AGENT (b)(7)(C): Okay.

11 MS. ANDREWS: And she goes back there --
12 he passes the COR test to get a job, but you know, the
13 scuttle is that she couldn't get a job back there, so
14 she's -- you know, gets in touch with (b)(7)(C)
15 and he brings her back out and he comes into Bert's
16 office and tells Bert she's going to be here Monday,
17 and she is coming back as a (b)(7)(C).

18 So, you know, she -- she has all these
19 special privileges that other people --

20 SPECIAL AGENT (b)(7)(C): Don't have.

21 MS. ANDREWS: -- don't have, and I don't
22 want to have special privileges obtained that way.

23 SPECIAL AGENT (b)(7)(C): Right.

24 MS. ANDREWS: Okay. And she comes back,
25 she gets a (b)(7)(C) she gets to work in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 [REDACTED], she gets a nice, little [REDACTED] that
2 she does and goes around.

3 But, as she's more attached and securely
4 attached to [REDACTED] as their [REDACTED]
5 [REDACTED] and more people know about it, the more she
6 becomes like a supervisor and tells people what to do.

7 SPECIAL AGENT [REDACTED]: But she's not --
8 MS. ANDREWS: She's not.

9 SPECIAL AGENT [REDACTED]: -- officially a
10 supervisor?

11 MS. ANDREWS: No.

12 SPECIAL AGENT [REDACTED]: So she, to this day,
13 as far as you know, is still a [REDACTED]?

14 MS. ANDREWS: Yes.

15 SPECIAL AGENT [REDACTED]: Okay.

16 MS. ANDREWS: With duties to do, like all
17 the rest of us.

18 SPECIAL AGENT [REDACTED]: Okay. So when did
19 you start with the problems? When did you start
20 seeing her act in unsafe manners and start to become
21 an issue? When did you start running it up the chain
22 and all these problems started?

23 MS. ANDREWS: Okay. Let's just go from --
24 back just a little bit. The one with the EMS bin
25 driver --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): Right.

2 MS. ANDREWS: -- blatantly telling him to
3 go in and get his rad box and take it and do his
4 business, take the rad rope down, take the postings
5 down and just go ahead and get the bin and leave.

6 SPECIAL AGENT (b)(7)(C): What are the bins
7 for? Just kind of give me a --

8 MS. ANDREWS: They're -- they're filled
9 with radiological material.

10 SPECIAL AGENT (b)(7)(C): Okay.

11 MS. ANDREWS: And they are posted as such
12 and they were in a posted RCA/RMA area that (b)(7)(C)
13 had posted prior that day when they set them off
14 outside of a regular RCA/RMA.

15 SPECIAL AGENT (b)(7)(C): Right.

16 MS. ANDREWS: And she told (b)(7)(C)
17 (b)(7)(C) just go get your stuff and go about your
18 job.

19 Well, first of all, you can't do that.
20 You need an RCT there to frisk him out, to take your
21 postings down. He doesn't have the right to take our
22 postings down. And -- and just take off with rad
23 material that we have control of.

24 SPECIAL AGENT (b)(7)(C): Right.

25 MS. ANDREWS: And he needs to sign on an

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 RWP. He needs to sign on a TSA which is a safety task
2 sheet that they -- everybody signs on if you're going
3 into areas.

4 So, there was just a lot of rules there
5 broken by -- and then (b)(7)(C) -- (b)(7)(C) comes
6 up to check his postings to make sure they didn't fall
7 down in the wind during the night, and sees that the
8 postings are on the ground and that there is a bin
9 missing.

10 (b)(7)(C) comes along -- I don't know if
11 (b)(7)(C) called him or (b)(7)(C) just was coming up that way
12 and saw (b)(7)(C) stopped and came over to see what was
13 going on, and they -- they don't know what's happened
14 to the bin, when (b)(7)(C) comes up to get a second bin
15 out of there.

16 And they stop (b)(7)(C), ask him what
17 happened, and that's what (b)(7)(C) told them. (b)(7)(C)
18 said I could just go ahead and get my stuff."

19 And so (b)(7)(C) is upset. (b)(7)(C) goes
20 ahead and (b)(7)(C) (phonetic) the RCT and takes care of the
21 area now.

22 SPECIAL AGENT (b)(7)(C): RCT, meaning what?

23 MS. ANDREWS: Radiological control tech.

24 SPECIAL AGENT (b)(7)(C): All right.

25 MS. ANDREWS: And (b)(7)(C) goes back into the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 office because he's going to write a site deficiency
 2 on (b)(7)(C). And (b)(7)(C) is not going to
 3 let him do that.

4 I was at the printer and I didn't --
 5 wasn't eavesdropping, it's just loud enough that you
 6 can hear, that (b)(7)(C) told (b)(7)(C) with (b)(7)(C)
 7 (b)(7)(C) as the witness to the conversation, that he --
 8 you're not going to write her up over this.

9 If you're going to write anybody up,
 10 you're going to write me up. And (b)(7)(C) says, "Okay.
 11 I'll write you up, because I'm writing somebody up
 12 over this. This is a site deficiency."

13 So he turns to leave, and -- and (b)(7)(C)
 14 (b)(7)(C) says, "Good luck with that one." And (b)(7)(C)
 15 went on to his office. I went about my business.

16 Later that day at 4:30, I was trying to
 17 leave, and I have to drop off papers onto (b)(7)(C)
 18 (b)(7)(C) desk, so I got all my papers together so that
 19 I could do that and then I could go home.

20 And, as I go up to the -- his office, with
 21 the door open, (b)(7)(C) is setting in there
 22 talking with (b)(7)(C) as the witness to that
 23 conversation.

24 SPECIAL AGENT (b)(7)(C) : (b)(7)(C) --
 25 (b)(7)(C) being the (b)(7)(C) p

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: (b)(7)(C) --
 2 SPECIAL AGENT (b)(7)(C): And (b)(7)(C) is
 3 the (b)(7)(C)?

4 MS. ANDREWS: (b)(7)(C).
 5 SPECIAL AGENT (b)(7)(C): (b)(7)(C)

6 MS. ANDREWS: Yes.

7 SPECIAL AGENT (b)(7)(C): Okay.

8 MS. ANDREWS: And so (b)(7)(C) -- (b)(7)(C) is a
 9 (b)(7)(C). Not only does he balance the site, he's
 10 (b)(7)(C).

11 SPECIAL AGENT (b)(7)(C): Yes.

12 MS. ANDREWS: So, he's got two issues
 13 here. He's got his --

14 SPECIAL AGENT (b)(7)(C): Quality issue?

15 MS. ANDREWS: Yes. And he's got his own --
 16 -- he's in charge of (b)(7)(C).

17 SPECIAL AGENT (b)(7)(C): Right.

18 MS. ANDREWS: Because she's (b)(7)(C)
 19 (b)(7)(C) He's her (b)(7)(C) (b)(7)(C) plus he's

20 (b)(7)(C) And so he's got two issues here about this,
 21 and (b)(7)(C) is telling (b)(7)(C) to not write
 22 it up, just let it go away. Just let this one go
 23 away.

24 And I don't think that's right because
 25 everybody on --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : When did you bring
2 it up?

3 MS. ANDREWS: When did I bring it up? I
4 brought it up in between, "You are going to do
5 something about this, right?" and then after -- after
6 I heard (b)(7)(C) telling that he was going to write
7 (b)(7)(C) up, he left.

8 Back out in the field (b)(7)(C) tells me what
9 all happened on his side. (b)(7)(C) had already told
10 me what happened, and I said to (b)(7)(C) I said, "You
11 are going to do something about this, aren't you,
12 because this whole site is watching you."

13 SPECIAL AGENT (b)(7)(C) : Right.

14 MS. ANDREWS: "You've got to correct this.
15 She can't be blatantly going around doing this stuff."
16 And he said, "No, I am. I am really -- I'm going to
17 write -- I'm going to write (b)(7)(C) up."

18 And I said, "Well, good. I'm proud of
19 you." So off he goes, and then I walk into the office
20 with (b)(7)(C), telling him that he can't, and
21 poor (b)(7)(C) is sitting there, his little shoulders are
22 slumped and just beat down, because he can't.

23 It's either, you know, -- I mean, the
24 bottom line is, you write him up, you lost your job.

25 SPECIAL AGENT (b)(7)(C) : Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: And so (b)(7)(C) didn't, and the
2 next day I go like, "So you couldn't do it?" And he
3 said, "No. I don't want to talk about it."

4 I said, "I really feel bad for you." And
5 I know he felt bad about it, but he -- he took -- you
6 know, he just didn't do it and he knows it was wrong,
7 but he's -- that's when he started to curb and do what
8 they want to do and not really address these site
9 sufficient.

10 And then (b)(7)(C) brings (b)(7)(C) out.
11 (b)(7)(C) starts coming out in (b)(7)(C) And in
12 this time line it shows where she starts showing up on
13 site.

14 And now, she would show up, or she came --
15 SPECIAL AGENT (b)(7)(C): And she doesn't work
16 -- she doesn't work for Tetra Tech?

17 MS. ANDREWS: No, she doesn't -- this
18 isn't the (b)(7)(C) -- this isn't (b)(7)(C) the
19 (b)(7)(C) I talked about first. This is (b)(7)(C).

20 SPECIAL AGENT (b)(7)(C): Right.

21 MS. ANDREWS: (b)(7)(C) that has
22 (b)(7)(C) And she would come out here
23 periodically for a (b)(7)(C) and visit (b)(7)(C) and
24 if (b)(7)(C) wanted to bring her and show her when Bert was
25 there, he would like, "You stay in that office. You

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 stay right here in this building. You're not allowed
2 out of this building."

3 And (b)(7)(C) you're not supposed to bring
4 people here. But don't move." And so there was
5 enough people around and she stayed there. But now,
6 there's no Bert to stop this. So now she's taking her
7 out into the field.

8 SPECIAL AGENT (b)(7)(C): So previously you
9 were bringing these issues up to Bert Bowers when he
10 was the RSOR, and he was handling it?

11 MS. ANDREWS: Yes.

12 SPECIAL AGENT (b)(7)(C): Okay.

13 MS. ANDREWS: Now I bring this same thing
14 up to (b)(7)(C). (b)(7)(C) really tries to handle it. And
15 here's how this works.

16 I see her out in the field. I go like,
17 (b)(7)(C) come here." So we get together and I go,
18 "She's riding around on site with (b)(7)(C) She
19 can't be doing that."

20 SPECIAL AGENT (b)(7)(C): (b)(7)(C) has no
21 rad training.

22 MS. ANDREWS: Right.

23 SPECIAL AGENT (b)(7)(C): She's not an
24 employee.

25 MS. ANDREWS: No.

1 SPECIAL AGENT (b)(7)(C): Has she been --
2 MS. ANDREWS: She doesn't have --
3 SPECIAL AGENT (b)(7)(C): -- does she have a
4 TLD?
5 MS. ANDREWS: No.
6 SPECIAL AGENT (b)(7)(C): Nothing.
7 MS. ANDREWS: Nothing. Nothing. She
8 doesn't even have a site badge for the Navy.
9 SPECIAL AGENT (b)(7)(C): No dosimeter, no
10 badge. She -- she is, for all intents and purposes,
11 just a visitor?
12 MS. ANDREWS: Yes.
13 SPECIAL AGENT (b)(7)(C): Okay. What's the
14 company's policy on that?
15 MS. ANDREWS: I think a supervisor can
16 have a visitor. They have to stay right with that
17 person.
18 SPECIAL AGENT (b)(7)(C): They will stay with
19 them, right.
20 MS. ANDREWS: Yes. And --
21 SPECIAL AGENT (b)(7)(C): They can't be
22 unescorted.
23 MS. ANDREWS: Right. Yes. And so he goes
24 and tells (b)(7)(C) you know, -- I tell him what
25 previously, because I didn't know if he was aware of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) coming once in a while and I said, "Bert
2 always just had her sit in the office."

3 SPECIAL AGENT (b)(7)(C) About how often is
4 she coming?

5 MS. ANDREWS: Maybe (b)(7)(C) for (b)(7)(C)

6 SPECIAL AGENT (b)(7)(C) Okay. So it wasn't
7 a big --

8 MS. ANDREWS: No. No. And -- but she'd
9 be like out here for (b)(7)(C) so (b)(7)(C) wanted to bring
10 and, you know, show -- you can understand that.

11 SPECIAL AGENT (b)(7)(C): Right.

12 MS. ANDREWS: I'd like to do that with my
13 kids, but I wouldn't.

14 SPECIAL AGENT (b)(7)(C) Right.

15 MS. ANDREWS: But introduce them to the
16 fellow workers that, you know.

17 SPECIAL AGENT (b)(7)(C): Right.

18 MS. ANDREWS: But Bert always had her stay
19 there in the office. And so I told (b)(7)(C) that. I
20 said, "Previously this is the way we've handled her
21 bringing (b)(7)(C) here;" and I said, "She's never
22 been allowed to ride around site."

23 Now, if you start letting everybody just
24 bring their relatives out here and drive around site,
25 it's going to be a free-for-all, and if she's allowed

1 to do it, so can everybody --

2 SPECIAL AGENT (b)(7)(C): Everybody else --

3 MS. ANDREWS: Yes. You set a precedent
4 here --

5 SPECIAL AGENT (b)(7)(C): Right.

6 MS. ANDREWS: -- for everybody else to do
7 that. So then -- so (b)(7)(C) went to her and talked to
8 her. So, (b)(7)(C) tried to stay in the office as long
9 as she could. She brought little (b)(7)(C) to do, but
10 she was coming every day.

11 SPECIAL AGENT (b)(7)(C): She was coming to
12 work with her?

13 MS. ANDREWS: Yes. Every day.

14 SPECIAL AGENT (b)(7)(C): What shift was (b)(7)(C)
15 working?

16 MS. ANDREWS: Daylight.

17 SPECIAL AGENT (b)(7)(C): Daylight. So you
18 guys were working days.

19 MS. ANDREWS: Yes, seven to 4:30.

20 SPECIAL AGENT (b)(7)(C): What time of year
21 was this?

22 MS. ANDREWS: Starting in (b)(7)(C)

23 SPECIAL AGENT (b)(7)(C): Of?

24 MS. ANDREWS: Pretty sure. This year.

25 SPECIAL AGENT (b)(7)(C): Oh, so this just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 happened?

2 MS. ANDREWS: Yes. Yes. This is -- I'm
3 just trying to be recent stuff for you.

4 And so then, next thing I know, and it's
5 in here somewhere, she's -- she's still going out
6 there, and I call (b)(7)(C) "Okay, (b)(7)(C) I'm -- I'm at
7 RSY-3 gate. She has now drove up in the Tetra Tech
8 truck. Her and (b)(7)(C) have gone into my area to flag,
9 and she's left (b)(7)(C) set unattended in the back
10 seat of her car. Now, I'm not going to be in charge
11 of this (b)(7)(C) She's not even supposed to be here."

12 So (b)(7)(C) came over. I get -- I go up to
13 (b)(7)(C) while he's setting in his truck and I point to
14 the car and (b)(7)(C) sees all this so she comes out of my
15 area. I frisk her out. She signs out, and she gets
16 that (b)(7)(C) back up to the front, because she
17 knows (b)(7)(C) has already told her not to do this, but
18 she's still doing it anyhow, trying to get away with
19 it.

20 So, she refuses to do what her (b)(7)(C)
21 says. So, this is an ongoing thing that kept
22 constantly -- I called (b)(7)(C) every time I saw her.
23 (b)(7)(C) she's out here again." And he'd -- he'd text
24 me back, "Acknowledged."

25 You know, then she --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : What was -- was he
2 at any point doc -- was he writing discrepancy reports
3 or zip slips, were they -- were zip slips being put
4 in?

5 MS. ANDREWS: No.

6 SPECIAL AGENT (b)(7)(C) : No zip slips?

7 MS. ANDREWS: I don't think so. I don't
8 recall any --

9 SPECIAL AGENT (b)(7)(C) : Did you ever -- did
10 you ever write a zip slip on anything?

11 MS. ANDREWS: Yes. Anything? I wrote a
12 zip slip on the fact that at our morning meeting that
13 they're not allowed to smoke in a company vehicle and
14 her -- (b)(7)(C) and (b)(7)(C) just as soon as
15 they hear that, they just leave the morning meeting.

16 Not just to be doing it because they just
17 heard it, but every morning they just get in their
18 vehicles, anyhow, and light up. So I wrote a zip slip
19 up on it to see if it could help (b)(7)(C) maybe have some
20 leverage to get these people to comply with safety --
21 things that are mentioned in our -- and that's a
22 safety thing.

23 But the fact that (b)(7)(C)

24 (b)(7)(C)

25 (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) and then she comes back and so they
2 attach her with (b)(7)(C) to go around because, you know,
3 they don't want her out in the field --

4 SPECIAL AGENT (b)(7)(C): By herself.

5 MS. ANDREWS: Yes. Well, they -- an
6 easier job, riding around in a truck. And (b)(7)(C) --
7 (b)(7)(C) has the windows up, or cracked a little bit,
8 maybe, but smoking with (b)(7)(C) that just (b)(7)(C)
9 (b)(7)(C) that's still -- and I -- and I said something
10 to her.

11 "Like, why do you smoke in that truck with
12 her?"

13 "I have the window down." And I thought,
14 "No, you don't. I've watched you. I'm looking at
15 this."

16 SPECIAL AGENT (b)(7)(C): Right.

17 MS. ANDREWS: And then I went to (b)(7)(C) and
18 I said, "How can you do that? Have you not filed a
19 complaint?" And she said, "No." She said, "I don't
20 want to get fired."

21 So this (b)(7)(C) gave up her health concerns
22 for this job because she knows if she complains about
23 (b)(7)(C) smoking in the vehicle, she's probably going to
24 lose her job.

25 SPECIAL AGENT (b)(7)(C): Did (b)(7)(C) witness --

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was (b)(7)(C) a witness to all of -- to (b)(7)(C) -- (b)(7)(C)
2 (b)(7)(C) being in the car --

3 MS. ANDREWS: Oh, yes. Yes. She --

4 SPECIAL AGENT (b)(7)(C): It was (b)(7)(C) who?

5 MS. ANDREWS: (b)(7)(C).

6 SPECIAL AGENT (b)(7)(C).

7 MS. ANDREWS: Her maiden name was (b)(7)(C)

8 so it's (b)(7)(C) (phonetic). Yes. She's

9 (b)(7)(C) If (b)(7)(C) is not there, then she is

10 (b)(7)(C) of the whole thing. So they work together

11 as a team.

12 And not beliken (phonetic) to (b)(7)(C)
13 really doesn't care that much for (b)(7)(C) but that's how
14 she keeps her job. So, they get along now. They're
15 getting along pretty good, you know what I mean.

16 So, -- but -- but I felt bad for (b)(7)(C)
17 She said, "Don't worry about me. I'll be fine." I'm
18 like, "Okay."

19 But I did bring it up to (b)(7)(C).

20 SPECIAL AGENT (b)(7)(C): Right.

21 MS. ANDREWS: I go, "That is not right."
22 And he said, "Well, I've mentioned to (b)(7)(C) not to
23 smoke, but she does it, anyhow."

24 And, okay, back to the (b)(7)(C) Now,
25 this is the biggie. We have to turn in smears --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 which I have -- I have to turn in smears connected
2 with my surveys, my routine surveys.

3 SPECIAL AGENT (b)(7)(C) : Correct.

4 MS. ANDREWS: Okay. I have a COC, chain
5 of custody.

6 SPECIAL AGENT (b)(7)(C) : Yes.

7 MS. ANDREWS: That has -- when I
8 relinquish those smears, I -- who I'm relinquishing
9 them to --

10 SPECIAL AGENT (b)(7)(C) : Has to sign it.
11 Accept it.

12 MS. ANDREWS: Yes. Yes. Okay. So,
13 that's the lab. So now I have to find a lab employee
14 to do that for me. So I come out to do that, and I
15 see (b)(7)(C) pulls up in a company truck, backs it up to
16 the conex where -- where -- the conex is an RCA/RMA,
17 and it's where we off-load soil samples that came from
18 the field to be processed through the lab to have
19 gamma spectrometry done on it.

20 Okay. So she's in a company truck, and
21 backing up the way she did, I assumed she's got
22 samples. You know, why else do you park over there.

23 And I thought, oh, I don't even want to go
24 near this, because here's (b)(7)(C) getting out of
25 the truck. Now, I don't want to see this again.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So, I'm pounding on the door, trying to
2 get a lab tech to come out -- you know, come out on
3 the prodian (phonetic). Nobody. Go down to gammas.
4 I pound on all those doors.

5 But while I'm doing this, I'm watching.
6 I'm turning toward -- because I looked -- I turned and
7 -- and now I see the (b)(7)(C) is helping (b)(7)(C)
8 carry in potentially contaminated soil samples out of
9 the back of the Tetra Tech white pickup truck, into
10 the RCA/RMA.

11 And I'm like, Oh, I don't want to see
12 this. Oh, my God. Oh, my God. Somebody answer me.
13 Somebody let me in and take my things so I can --

14 SPECIAL AGENT (b)(7)(C) : Well, is it --

15 MS. ANDREWS: -- out of here.

16 SPECIAL AGENT (b)(7)(C) : Are employees, when
17 you handle that, as (b)(7)(C) was doing, are you supposed
18 to be having -- are you supposed to wear PPE --

19 MS. ANDREWS: Yes.

20 SPECIAL AGENT (b)(7)(C) : -- when you do that?

21 MS. ANDREWS: Yes.

22 SPECIAL AGENT (b)(7)(C) : Did the (b)(7)(C)
23 have --

24 MS. ANDREWS: No.

25 SPECIAL AGENT (b)(7)(C) : -- PPE -- Okay. So,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they're carrying in samples into the lab.

2 MS. ANDREWS: Into the lab conex.

3 SPECIAL AGENT (b)(7)(C): In the lab conex.

4 No protective personal --

5 MS. ANDREWS: Right.

6 SPECIAL AGENT (b)(7)(C): -- no personal
7 protective equipment?

8 MS. ANDREWS: Right. She's going into an
9 RCA/RMA. Okay. So now I'm down to I have to go to
10 this lab. Okay. I have no choice, because I've got
11 to get on with my work for today. I can't be piddling
12 around waiting for (b)(7)(C) to get done over there and
13 bullshit for a while to (b)(7)(C). I've got work to do.

14 SPECIAL AGENT (b)(7)(C): Right.

15 MS. ANDREWS: Okay. So I start over
16 there. There's a parking lot gap to get there. When
17 I'm starting down the ramp slowly, because it's like
18 pulling teeth. Don't want to go.

19 (b)(7)(C) pulls up in his black pickup
20 truck. He sees this -- now, by this time -- by this
21 time the samples are in there and she is -- because
22 I've got four doors to knock on for gamma and by then
23 I'm headed toward the thing, the oven conex.

24 (b)(7)(C) pulls up. This (b)(7)(C) is
25 now drinking -- drinking a styrofoam something, a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 straw -- something. I don't know what's in it. A
2 pop, probably. A slushie, you know what I'm saying,
3 something cold.

4 SPECIAL AGENT (b)(7)(C): Okay.

5 MS. ANDREWS: In and out of the RCA. So,
6 as I turned, here she comes walking out, sucking this
7 thing up and (b)(7)(C) sees it and I look at him and he
8 looks back at her and he looks back at me, and he
9 wants to go this way, past me, because I'm going
10 toward them, and I stopped to see if he was going to
11 do anything about it.

12 He's a (b)(7)(C) for RSRs, and he
13 just laughs and shrugged his shoulders and goes on.
14 And I'm like, "Oh, God. That's not funny." Okay.

15 So, as I start going back again, (b)(7)(C) --
16 (b)(7)(C) instantly pulls up, and he's a Tetra Tech
17 supervisor. And he sees it, because, I mean, he's
18 parking right there by them. He sees it.

19 And so I stopped to see if he was going to
20 do anything, because I'm by (b)(7)(C) truck now. And he
21 gets out, walks --

22 SPECIAL AGENT (b)(7)(C): How do you spell

23 (b)(7)(C) last name? Do you know?

24 MS. ANDREWS: (b)(7)(C)

25 (b)(7)(C)

1 SPECIAL AGENT (b)(7)(C): Okay.

2 MS. ANDREWS: Okay. So he -- (b)(7)(C) then
3 turns -- goes to get out of the truck and, getting out
4 of the truck he sees me standing there.

5 And he sees this (b)(7)(C) drinking the soda,
6 going back into the RCA/RMA, and he just chuckles,
7 puts his hands in his pockets, shrugs his shoulders
8 and walks on into the office.

9 And I thought, "Oh, my God, now here I go
10 and I'm going to have to tell (b)(7)(C) all this." All
11 right. Here we go.

12 So, I'm not upset because I've had it, a
13 Tetra Tech supervisor walk away from it, right in
14 front of my face. So I thought, no, this isn't going
15 to happen.

16 So I go over and I go into the entrance of
17 the RCA/RMA, oven conex, and (b)(7)(C) and (b)(7)(C) are
18 back in there, and (b)(7)(C) checking off their samples,
19 and checking the samples to the COC to what she's
20 going to sign off for.

21 There's also in there a gentleman staging
22 his Shaw samples. So there's a Shaw employee and I
23 don't know --

24 SPECIAL AGENT (b)(7)(C): Another contractor.
25 Shaw is another contractor?

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: Yes. Right.

2 SPECIAL AGENT (b)(7)(C): Okay.

3 MS. ANDREWS: And he's in there.

4 SPECIAL AGENT (b)(7)(C): And what was his --

5 MS. ANDREWS: And he doesn't understand --

6 I don't know. I don't really know his name. I could
7 point him out. I just -- and I've always spoke to him
8 and said hi, but I just don't know his name.

9 SPECIAL AGENT (b)(7)(C): Right.

10 MS. ANDREWS: And a very nice gentleman.

11 But he's in there placing all his samples so he can be
12 next to get checked out by (b)(7)(C).

13 SPECIAL AGENT (b)(7)(C): Okay.

14 MS. ANDREWS: (b)(7)(C) looks at me and she
15 said, "What you want?" and I said, "COC." And she
16 said, "Well, it's going to be a while." And I said,
17 "Okay." And she said, "You can come back if you
18 want." And I said, "No, I'll just wait."

19 Because, I -- I really didn't have
20 anything I could go on and do, might as well wait
21 right there. Right?

22 So I stood there and waited. Now, the
23 (b)(7)(C) has finished her soda by the time I got there,
24 has -- when she came out that last time, when (b)(7)(C)
25 saw her, she was taking the last sip of it. Put the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 cup in the truck and walked back in.

2 Now, she's in there without the soda. No
3 PPE on, no nothing.

4 SPECIAL AGENT (b)(7)(C) : No dosimeter?

5 MS. ANDREWS: No. And, you know, no --

6 SPECIAL AGENT (b)(7)(C) : She even signed into
7 a visitor log?

8 MS. ANDREWS: No.

9 SPECIAL AGENT (b)(7)(C) : So nobody even knows
10 she's in there?

11 MS. ANDREWS: That's exactly right.

12 SPECIAL AGENT (b)(7)(C) : What's the policy
13 and procedure say?

14 MS. ANDREWS: Well, you have to sign on in
15 the visitor's log as soon as you come in and as soon
16 as you leave.

17 SPECIAL AGENT (b)(7)(C) : Right. But are
18 visitors even allowed into the RCA without --

19 MS. ANDREWS: Not unless they go through
20 (b)(7)(C). They have to have some kind of rad
21 briefing.

22 SPECIAL AGENT (b)(7)(C) : Training, briefing,
23 right.

24 MS. ANDREWS: Through him. And then --
25 then he --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 SPECIAL AGENT (b)(7)(C): Got you.

2 MS. ANDREWS: And then when they are done,
3 I bring them back there.

4 SPECIAL AGENT (b)(7)(C): Right.

5 MS. ANDREWS: And they sign off --

6 SPECIAL AGENT (b)(7)(C): They sign it and --

7 MS. ANDREWS: And I say, "Go in there and
8 sign off of that visitor's log" --

9 SPECIAL AGENT (b)(7)(C): Right.

10 MS. ANDREWS: -- "before you leave."
11 Okay. "Well, we want to talk to (b)(7)(C) and we've got to
12 talk to" -- they usually have business and -- okay.

13 So, she's in there and they -- they go to
14 leave and here's the good part. Going in and out,
15 they've never frisked. There's a frisker sitting
16 right there.

17 SPECIAL AGENT (b)(7)(C): And they never
18 stopped to use it?

19 MS. ANDREWS: No. And so they walked past
20 me and I just watched (b)(7)(C) and (b)(7)(C) walk out.

21 SPECIAL AGENT (b)(7)(C): Did you say anything
22 to them?

23 MS. ANDREWS: And I said, "Frisking,
24 anybody?" And (b)(7)(C) just gave me a dirty look and
25 walked on to the truck and left.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 SPECIAL AGENT (b)(7)(C) : Now, who else saw
2 this?

3 MS. ANDREWS: (b)(7)(C) definitely saw it. So
4 (b)(7)(C) clicks me out and I said, "Well, that was kind
5 of interesting." And she said, "What are you talking
6 about?"

7 I said, "I'll get back to you later." I
8 was so upset. So I go back to (b)(7)(C) a few days later
9 and I said, (b)(7)(C) what -- why did you let that (b)(7)(C)
10 come in your RCA/RMA?"

11 And she said, "Well, isn't she working for
12 somebody? I thought she was hired by AWS or
13 something." I said, "No. She's not hired by
14 anybody." She said, "Well, I don't know that."

15 And I said, "Okay. So you thought she was
16 employed but she don't have safety vests, she don't
17 have steel-toed shoes on." Up there we don't have to
18 wear hats --

19 SPECIAL AGENT (b)(7)(C) : Or a badge?

20 MS. ANDREWS: Yes. She don't have
21 anything. She's, "Well, I just figured, well, she was
22 with (b)(7)(C) she was employed."

23 So there -- there starts the pretense that
24 (b)(7)(C) is trying to establish, even though (b)(7)(C)
25 (b)(7)(C) not working there, she's going to get

1 everybody to believe that she's working there so she
2 can just ride around with (b)(7)(C) all day.

3 So, now we're -- I'm telling (b)(7)(C) all
4 this, and he goes, "This ain't happening." So, he
5 said, "She's not going to be hired here. Nobody's
6 hiring her. Don't worry about it. She doesn't work
7 here."

8 Now, whether he goes and talks to (b)(7)(C)
9 about it, I don't know. I'm hoping he does, but then
10 -- and I hope he did so -- but it wasn't just not too
11 much longer after that we were at the morning, seven
12 o'clock morning meeting.

13 And then, when we have this great, big
14 field meeting, basically it's a safety meeting, and
15 it's to make sure everybody's at work, and if you walk
16 in that safety meeting late, you get docked pay.

17 If you don't come with all your hard hat
18 and, you know, safety gear on --

19 SPECIAL AGENT (b)(7)(C): All your equipment.

20 MS. ANDREWS: -- you're docked somehow.
21 I don't know. They do something to you. But it's a
22 way of establishing who's here and who's not.

23 And then -- and then after there -- they
24 have a little briefing and, you know, a little talk
25 around safetywise.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): And then you go out
2 and --

3 MS. ANDREWS: No. Then we break down into
4 our own groups.

5 SPECIAL AGENT (b)(7)(C): Okay.

6 MS. ANDREWS: Okay. So like (b)(7)(C) crew
7 will talk with (b)(7)(C) (b)(7)(C) -- (b)(7)(C) group
8 will talk here. And they get all their -- we get all
9 of our assignments from there and then -- so I meet
10 with (b)(7)(C), whoever's, you know, going to be in
11 our group that day, we meet with (b)(7)(C).

12 So, I'm standing there, waiting for, you
13 know, us all to get in our little groups, and I'm
14 facing (b)(7)(C) car where everybody parks that
15 come to these meetings, and out shoots this (b)(7)(C)
16 (b)(7)(C) jumps in the caboda with (b)(7)(C) with a vest
17 and a hard hat on, in her purse.

18 And I went like "Whoa." And (b)(7)(C) goes
19 "What's wrong?" And I said, "Who hired her?"

20 SPECIAL AGENT (b)(7)(C) Right.

21 MS. ANDREWS: And he goes, "What are you
22 talking about?" I said, "She just got in that caboda
23 with (b)(7)(C) and he" --

24 SPECIAL AGENT (b)(7)(C): And a caboda is
25 what?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: It's like a little golf
2 cart.

3 SPECIAL AGENT (b)(7)(C): A little golf car.
4 Okay.

5 MS. ANDREWS: Yes. And he said, "What are
6 you talking about?" And I said, "Look right there.
7 Look. Look. She's got a safety vest, a hard hat and
8 she's going -- and there she goes out in the field
9 with her."

10 So they made a left to go out toward the
11 RSY's, not the right to go to the office.

12 SPECIAL AGENT (b)(7)(C): RSY's meaning what?

13 MS. ANDREWS: What does RSY -- it's a
14 yard.

15 SPECIAL AGENT (b)(7)(C): Radiation safety?

16 MS. ANDREWS: Yes. Yes. Radiation safety
17 yard.

18 SPECIAL AGENT (b)(7)(C): Okay.

19 MS. ANDREWS: Yes. Yes. That's a good
20 one. Yes, that is what that means. I know, I know.
21 I just keep --

22 SPECIAL AGENT (b)(7)(C): I sort of guessed
23 it. Yes. It was just --

24 MS. ANDREWS: So she -- she goes that way
25 and if she had turned and went toward the office, back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to the office, I wouldn't have had such a -- whoa.

2 SPECIAL AGENT (b)(7)(C) Issue with it,
3 right.

4 MS. ANDREWS: But she's taking her out to
5 the field now. And I said, "Who does she work for,
6 (b)(7)(C)?" And he said, "She doesn't work for anybody."
7 And I said, "Now, there she goes." And I said,
8 "Somebody's got to put a stop to this, (b)(7)(C)."

9 See, that's the kind of person I am. (b)(7)(C)
10 (b)(7)(C) was laughing about it. The other people that
11 (b)(7)(C) -- (b)(7)(C) they laugh about it to (b)(7)(C).
12 They don't make it --

13 SPECIAL AGENT (b)(7)(C): Who is (b)(7)(C)
14 (b)(7)(C)

15 MS. ANDREWS: (b)(7)(C)
16 (b)(7)(C) for AWS. So, I go
17 to get my instruments. He said, "Susan, just don't
18 worry about it." You know, I said, "Fine."

19 So I go get my instruments and there's
20 some RSRs folks standing there, (b)(7)(C) and I
21 said, (b)(7)(C) I said, "Did you guys hire her?" He
22 said, "No. I thought AWS did. Did you guys hire
23 her?"

24 And I said, "No. She's not working for
25 us. So I figured RSR has hired her. Did you guys

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 hire her?" And he said, "No, she's not working for
2 us."

3 And [REDACTED] says to me, then, "Susan, you
4 know, this is a battle you're not going to win. Why
5 don't you leave this alone because you know anybody
6 that comes up against [REDACTED] and [REDACTED] are gone."

7 SPECIAL AGENT [REDACTED]: Who said that?

8 MS. ANDREWS: [REDACTED] He said,
9 "You're going to be gone."

10 SPECIAL AGENT [REDACTED]: He's a Tetra Tech
11 employee?

12 MS. ANDREWS: No. He's a [REDACTED]

13 [REDACTED]

14 I said, "Yes, I know you're right, but I,
15 you know me, I just -- this isn't right, [REDACTED]." He
16 said, "But Susan, you can't win them all." I said,
17 "Okie-dokie."

18 And I went about my business. And I just
19 -- I was furious. [REDACTED] -- [REDACTED] could not stop her
20 from bringing [REDACTED] on site, even though he
21 told her to keep her in the office, [REDACTED] continually
22 just took her off the --

23 Oh, the other thing. They -- and I think
24 this happened right in the same day that I saw her
25 bringing samples into the oven conex. She had went to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 -- (b)(7)(C) told me this. She pulled me over at
2 the end of the day and I said, "How's things going out
3 there? Is she bringing her in your area?"

4 And she said, "Yes. Today. She brought
5 her in," and that's in here. "She brought her in."
6 And I said, (b)(7)(C) you didn't let her go in your area,
7 did you?" And she said, "What am I supposed to do,
8 Susan?"

9 And I said, "Well," -- and she said, "She
10 pulled rank on me." And I said -- and (b)(7)(C) was very
11 upset about it.

12 She said, "I stopped her, said she could
13 not go in. She couldn't sign on an RWP because she
14 hadn't had any briefing. She was not -- she had no
15 rad training. She had no TLD. She wasn't going into
16 that area."

17 And (b)(7)(C) said, "Yes, she is. She's not
18 getting out of the truck and she's going to stay in
19 this truck and she's going to ride in and out with me.
20 And you're not going to stop her, or else."

21 I said, "Or else"? She said, "Yes, you
22 know, or else you get fired." And I'm like, "Yes, I
23 know. So, brother.

24 So she had done the same thing with (b)(7)(C)
25 (b)(7)(C) that day. (b)(7)(C) was covering RSY-2

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 gate and she came in and (b)(7)(C) looked at her and she
2 said, "Don't -- she's just staying in the truck."

3 And (b)(7)(C) so -- so fed up with (b)(7)(C)
4 being allowed to do whatever she wants to do, radwise,
5 safetywise, whatever. He just went, "Yes, ma'am,"
6 because he knows it's the end of his career at Hunters
7 Point Shipyard if he bucks (b)(7)(C).

8 So, I told (b)(7)(C) The (b)(7)(C) still came
9 on site. Now, is that safety-related your way?

10 SPECIAL AGENT (b)(7)(C): Yes. I mean, that's
11 -- you've certainly -- are in that zone, because you
12 can't have someone in an RCA that hadn't been trained
13 and you don't know what they're picking up in there
14 and taking out.

15 MS. ANDREWS: Right.

16 SPECIAL AGENT (b)(7)(C): You don't -- and
17 without surveying that person, frisking them, that's -
18 - and that's -- the policy says that. You got to
19 frisk and --

20 MS. ANDREWS: Right.

21 SPECIAL AGENT (b)(7)(C): -- you've got to
22 have PPE on.

23 MS. ANDREWS: Right.

24 SPECIAL AGENT (b)(7)(C): That's a very large
25 liability.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: And, you know, the thing,
2 too, you're not allowed to take into an RCA/RMA,
3 you're not allowed to take water in there. You're not
4 allowed to take your cigarettes in there.

5 And that's -- that's actually put out in --
6 - I wish I hadn't given that to Bert. -- in Attachment
7 1 of all the safety rules that I had given to me by
8 Tetra Tech.

9 Blatantly it says, you know, you're not
10 allowed to eat, drink or whatever in the RCA, but
11 you're not allowed to take cigarettes in there.
12 You're not allowed to take water in there. You're not
13 allowed to take food products into the RCA/RMA.

14 (b)(7)(C) does all the time. You know, so I
15 mean, they -- she breaks that.

16 SPECIAL AGENT (b)(7)(C): So --

17 MS. ANDREWS: They don't clean out their
18 truck before they go in there.

19 SPECIAL AGENT (b)(7)(C): Why is she able to
20 do whatever she wants?

21 MS. ANDREWS: Because she's (b)(7)(C) -- now

22 (b)(7)(C) to (b)(7)(C)

23 SPECIAL AGENT (b)(7)(C): And (b)(7)(C) is the --

24 MS. ANDREWS: (b)(7)(C)

25 SPECIAL AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: And (b)(7)(C) likes him
2 a lot.

3 SPECIAL AGENT (b)(7)(C): Okay.

4 MS. ANDREWS: So, there -- (b)(7)(C) going to
5 keep (b)(7)(C) happy. (b)(7)(C) is going to keep (b)(7)(C)
6 happy. So, there you go.

7 And Bert could reel her in. Like, "Slow
8 it down," you know. "Let's don't be doing this." But
9 she's totally out of control because she knows she can
10 walk all over (b)(7)(C) because when she went up -- when
11 (b)(7)(C) wanted her to be trained on how to carry the
12 source to Building 258, he -- he called HR in for a
13 talk because he said to me, he said, "I'm either a
14 supervisor or I'm not a supervisor, and we're going to
15 find out, because (b)(7)(C) (phonetic) is
16 coming."

17 Well, after (b)(7)(C) was coming,
18 poor (b)(7)(C) --

19 SPECIAL AGENT (b)(7)(C): She is the (b)(7)(C)
20 (b)(7)(C)?

21 MS. ANDREWS: Yes. For Tetra Tech.

22 SPECIAL AGENT (b)(7)(C): Okay.

23 MS. ANDREWS: After (b)(7)(C) comes
24 with -- with (b)(7)(C) demeanor and everything, he
25 didn't win, because he told me, "Don't come to me

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 anymore about anything about (b)(7)(C) because I'm
2 not in charge of her no more. (b)(7)(C) is in
3 charge of her now."

4 SPECIAL AGENT (b)(7)(C) Who is (b)(7)(C)
5 (b)(7)(C)?

6 MS. ANDREWS: (b)(7)(C)

7 (b)(7)(C). Now, (b)(7)(C) did work with
8 (b)(7)(C) on, you know, like doing surveys and
9 stuff like that.

10 They did report to her in a sense, but not a rad
11 sense. A work -- working sense, you know, so they'd
12 know where to take their samples and stuff like that
13 and if they got taken, you know, she kind of watched
14 that project.

15 She was (b)(7)(C) that part of it, so she
16 naturally, you know, interacted with (b)(7)(C) on
17 that, but she wasn't their rad (b)(7)(C) but she
18 became that, apparently, because (b)(7)(C) told me he
19 didn't want to hear no more. He wasn't in charge of
20 her.

21 SPECIAL AGENT (b)(7)(C): Okay. And she's
22 still there?

23 MS. ANDREWS: Yes. (b)(7)(C)

24 (b)(7)(C) She's nice.

25 But, yes, just bunches of stuff.

1 SPECIAL AGENT (b)(7)(C) : She's the (b)(7)(C)

2 (b)(7)(C) . She's considered -- she's a Tetra
3 Tech employee or AWS?

4 MS. ANDREWS: No, Tetra Tech.

5 SPECIAL AGENT (b)(7)(C) : Okay. She's a
6 manager. All right.

7 MS. ANDREWS: And one time we did a
8 survey. We -- we did the whole perimeter of parcel E,
9 and we divide it up in two sections because it's so
10 big. And it was a monthly routine survey that we did.

11 And (b)(7)(C) did that just before we
12 went out for December, at Christmas break 2010. We
13 had to have all our surveys done. Okay. So that was
14 done.

15 When we came back in January to do -- to
16 go out there to do it again, he comes to me and goes,
17 "Who moved a rad -- rad postings on this and didn't
18 tell anybody?" I said, "I don't know."

19 So I started to inquire as to why part of
20 parcel E was smaller now.

21 SPECIAL AGENT (b)(7)(C) : Right.

22 MS. ANDREWS: And here (b)(7)(C) had
23 told (b)(7)(C), a junior, to go out and do a
24 release survey, a walk-over survey to release this
25 land and repost that back so that construction could

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 use that for clean dirt that they needed to do.

2 SPECIAL AGENT (b)(7)(C) : Was that within the
3 scope of the procedure?

4 MS. ANDREWS: I didn't think it was. I
5 didn't think a senior -- or a junior could release --
6 release a particle of land. It was always a senior I
7 thought was doing it.

8 And was there a survey -- did he write a
9 survey on it, you know.

10 SPECIAL AGENT (b)(7)(C) : All right. Is that
11 required?

12 MS. ANDREWS: Yes.

13 SPECIAL AGENT (b)(7)(C) : The survey review?

14 MS. ANDREWS: Yes.

15 SPECIAL AGENT (b)(7)(C) : You don't know if he
16 did or not, though?

17 MS. ANDREWS: I -- he -- I'm pretty sure
18 he didn't.

19 SPECIAL AGENT (b)(7)(C) : Okay.

20 MS. ANDREWS: I asked him if he did. He
21 said he didn't.

22 SPECIAL AGENT (b)(7)(C) : He said he didn't?

23 MS. ANDREWS: Yes.

24 SPECIAL AGENT (b)(7)(C) : Okay.

25 MS. ANDREWS: So --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : Was that -- did you
2 raise that issue?

3 MS. ANDREWS: Yes.

4 SPECIAL AGENT (b)(7)(C) : Who did you raise it
5 to?

6 MS. ANDREWS: (b)(7)(C) .

7 SPECIAL AGENT (b)(7)(C) : Okay.

8 MS. ANDREWS: Yes.

9 SPECIAL AGENT (b)(7)(C) : And what was his
10 response?

11 MS. ANDREWS: He said, "I don't know,
12 it's" -- he didn't know.

13 SPECIAL AGENT (b)(7)(C) : So, he -- okay. He
14 kind of did an overview. He was good about addressing
15 your issues up until the point that it became about
16 (b)(7)(C) and then he didn't do anything.

17 MS. ANDREWS: He didn't do anything.

18 SPECIAL AGENT (b)(7)(C) : She just was able to
19 run amok?

20 MS. ANDREWS: Yes.

21 SPECIAL AGENT (b)(7)(C) : Essentially?

22 MS. ANDREWS: And if she can run amok, as
23 you say, she can tell more people to go out there and
24 redo an RCA/RMA whenever (b)(7)(C) wants it reduced
25 without any oversight.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Before, when (b)(7)(C) had -- when Bert was
2 here and (b)(7)(C) decided he needed more room, we went
3 out and did surveys. We did walk-overs. I mean, I
4 did walk-overs, and you draw -- draw a survey and --
5 or take a picture. We got so we could take pictures
6 of it, and mark on there where we did our direct.

7 It was a big deal to move a rad rope.
8 Now, it's not a big deal to move it back because
9 (b)(7)(C) has (b)(7)(C) and they do whatever -- they have --
10 they have honed this in so well that you know that
11 you're going to go off that site if you don't do what
12 she says, and you make too good of money to be let
13 gone.

14 SPECIAL AGENT (b)(7)(C): So people don't buck
15 the system, then?

16 MS. ANDREWS: No. It's not worth -- not
17 worth losing your job over.

18 SPECIAL AGENT (b)(7)(C): So, when you -- were
19 you bringing these issues up a lot with -- to (b)(7)(C)?
20 When did -- when did you feel like it became a problem
21 to where management said, "We're not -- we're going to
22 get rid of her"?

23 And, did anyone from senior management
24 ever -- did (b)(7)(C) or (b)(7)(C) or
25 anybody ever come to you and say, "Hey, you need to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 cool out with this. We're tired of this"?

2 MS. ANDREWS: No. Just (b)(7)(C).

3 SPECIAL AGENT (b)(7)(C): Just (b)(7)(C).

4 MS. ANDREWS: That's right.

5 SPECIAL AGENT (b)(7)(C): And all he told you
6 was -- he just threw his hands up and said --

7 MS. ANDREWS: Yes.

8 SPECIAL AGENT (b)(7)(C): -- "Hey, not
9 anymore."

10 MS. ANDREWS: Yes. Oh, I've got it
11 documented where he says -- "Just let it alone, Susan.
12 Let it go away. It's" -- you know.

13 So, no. I also had an issue with going in
14 to take a sample, a soil sample off of a pad that
15 comes into the lab for gamma spectrometry.

16 When they -- (b)(7)(C) has been noted to do --
17 just to give these people to go to this pad, take this
18 many samples, and has told laborers, untrained
19 laborers to do this.

20 SPECIAL AGENT (b)(7)(C): The craft staff?

21 MS. ANDREWS: Yes. And then just go about
22 whatever she wants to do, whatever -- whatever it is
23 she's into, you know.

24 SPECIAL AGENT (b)(7)(C): Is she supposed to
25 be doing the samples?

1 MS. ANDREWS: Yes. Between her and (b)(7)(C)

2 yes.

3 SPECIAL AGENT (b)(7)(C): Between her and

4 (b)(7)(C)

5 MS. ANDREWS: Yes.

6 SPECIAL AGENT (b)(7)(C): So she's got the

7 craft personnel who -- I mean, they've had very
8 limited training on the rad stuff. She's got craft
9 personnel doing surveys. Do they even know how to use
10 the equipment?

11 MS. ANDREWS: I don't know. Have they
12 ever been trained and signed off on, that's the thing.
13 I mean, sure, you stand around. You're not -- you're
14 not stupid. You assist her when she's doing it, so
15 you pick up on how they do it.

16 Are they doing it right or wrong? I don't
17 know. I don't think they are doing it right because
18 that's where I get in with this portamonitor thing.
19 If they are doing it right and they are finding
20 everything and they are taking the right samples, then
21 why is my portamonitor alarming as these -- as these
22 pads are coming out.

23 Okay. One day -- this is all this year.
24 This is all toward the end of this year.

25 SPECIAL AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: The trucks are going
2 through. The portamonitor gets changed. I used to --
3 SPECIAL AGENT (b)(7)(C): A portamonitor is
4 what?

5 MS. ANDREWS: Like 2350's, detectors like
6 this, poles, and the trucks go through them. And I
7 know we can't see this on --

8 SPECIAL AGENT (b)(7)(C): It's a form -- it's
9 a piece of surveying equipment?

10 MS. ANDREWS: Yes.

11 SPECIAL AGENT (b)(7)(C): Okay.

12 MS. ANDREWS: The trucks have to drive
13 through it.

14 SPECIAL AGENT (b)(7)(C): Okay.

15 MS. ANDREWS: Okay. Oh, bummer. I
16 thought I had one here.

17 SPECIAL AGENT (b)(7)(C): Okay. So the trucks
18 go through this?

19 MS. ANDREWS: Yes. Right here. Can you
20 see that? See, these are the detectors.

21 SPECIAL AGENT (b)(7)(C): Okay.

22 MS. ANDREWS: And this one -- they are the
23 same size. It's just up close to that one. And then
24 the truck drives either this way or that way, through
25 this while you're in with -- you've got your -- these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are the detectors.

2 You've got the instrument in there reading
3 this. Okay. If a truck --

4 SPECIAL AGENT (b)(7)(C): A truck can get
5 through there?

6 MS. ANDREWS: Yes. It's --

7 SPECIAL AGENT (b)(7)(C): It's narrow.

8 MS. ANDREWS: -- just taken at an angle.

9 SPECIAL AGENT (b)(7)(C): Oh, okay.

10 MS. ANDREWS: See the tire marks right
11 here.

12 SPECIAL AGENT (b)(7)(C): Okay. Got you.

13 MS. ANDREWS: The pickup truck.

14 SPECIAL AGENT (b)(7)(C): And, for the record,
15 Ms. Andrews is showing a photograph of a portamonitor.

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C): Used on site there
18 at Hunters Point.

19 MS. ANDREWS: Yes. Well, it was actually
20 taking a picture of this -- these kids -- I had called
21 and asked them to move their vehicles because this guy
22 was about ready to drop dirt on their -- load on --
23 could possibly drop -- and they thought I was nuts,
24 but finally management did hear me and came over and
25 made them move the vehicles.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And -- but I wanted to take a picture of
2 what I was complaining about so it was -- I took the
3 pictures sometimes out here --

4 SPECIAL AGENT (b)(7)(C): Are you allowed to
5 take pictures on site? Are you allowed to have a cell
6 phone and you're taking pictures on site?

7 MS. ANDREWS: Everybody does.

8 SPECIAL AGENT (b)(7)(C): And what's the --

9 MS. ANDREWS: And I'm -- I'm supposed to
10 have a camera so that I can take pictures of my
11 incoming and outgoing surveys.

12 SPECIAL AGENT (b)(7)(C): Okay.

13 MS. ANDREWS: But no. Technically, not.

14 SPECIAL AGENT (b)(7)(C): Okay.

15 MS. ANDREWS: No.

16 SPECIAL AGENT (b)(7)(C): Okay.

17 MS. ANDREWS: No video. People do take
18 pictures and I can show you on Facebook pictures so,
19 you know, of people --

20 SPECIAL AGENT (b)(7)(C): Is that -- so it's
21 a rule that I guess we can say is not strongly
22 enforced?

23 MS. ANDREWS: Right.

24 SPECIAL AGENT (b)(7)(C): Okay.

25 MS. ANDREWS: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : Okay.

2 MS. ANDREWS: They -- okay. When you're
3 digging up a trench, the dirt goes over onto a clean
4 pad in an RSY.

5 SPECIAL AGENT (b)(7)(C) : All right.

6 MS. ANDREWS: There's Y-2, 3 or 4.

7 SPECIAL AGENT (b)(7)(C) : All right.

8 MS. ANDREWS: Okay. And it's dumped. And
9 then it's -- it's leveled out, you know, a laborer
10 levels this out. Okay. And if there's any pipes or
11 wires, any big stones, they pull that all off to the
12 side so that they -- they make this nice and even for
13 the tow-ta-ray (phonetic), which looks like -- do you
14 know what a tow-ta-ray is?

15 SPECIAL AGENT (b)(7)(C) : No.

16 MS. ANDREWS: Okay. It looks like a
17 little, tiny cub tractor.

18 SPECIAL AGENT (b)(7)(C) : Okay.

19 MS. ANDREWS: Pulling 2350's all lined up,
20 a whole bunch of detectors.

21 SPECIAL AGENT (b)(7)(C) : Okay.

22 MS. ANDREWS: And -- and they're all lined
23 up like about this -- it's a detector.

24 SPECIAL AGENT (b)(7)(C) : Okay.

25 MS. ANDREWS: It's one of these now. It's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like that.

2 SPECIAL AGENT (b)(7)(C) Right.

3 MS. ANDREWS: And it's laying down. Used
4 to -- the old-fashioned ones had these. And then it's
5 on the trailer so the tractor pulls it. And then you
6 just drive down and drive back up, and you just --

7 SPECIAL AGENT (b)(7)(C) Right.

8 MS. ANDREWS: -- constantly make a slow,
9 slow -- it has to be timed and everything, and it's
10 all computerized now and it's got GBS hooked up to it.
11 It's pretty neat.

12 And they come -- that whole, and then that
13 keeps --

14 SPECIAL AGENT (b)(7)(C) : Like dragging a ball
15 field?

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C) : Have you ever seen
18 them dragging a sports --

19 MS. ANDREWS: Yes. And that keeps us from
20 doing this.

21 SPECIAL AGENT (b)(7)(C) : Okay.

22 MS. ANDREWS: And missing stuff.

23 SPECIAL AGENT (b)(7)(C) : Right.

24 MS. ANDREWS: Because some people go like
25 this.

1 SPECIAL AGENT (b)(7)(C) : Right.

2 MS. ANDREWS: And some people go like
3 this. And so --

4 SPECIAL AGENT (b)(7)(C) : So it's an even
5 process. Okay.

6 MS. ANDREWS: This is -- this is a good
7 process.

8 SPECIAL AGENT (b)(7)(C) : Okay.

9 MS. ANDREWS: This is better than what
10 used to be years ago. So they go along, and now
11 they've got it -- and they've got it all logged and
12 all the information that the detector is picking up is
13 being logged on a program in a computer, and they off-
14 load that.

15 And I think that all goes to (b)(7)(C)
16 (phonetic). I'm not sure who gets that. I think
17 (b)(7)(C) does. And he --

18 SPECIAL AGENT YOUNG: Who is he?

19 MS. ANDREWS: (b)(7)(C) is -- he's
20 (b)(7)(C), and (b)(7)(C) son. Yes.

21 SPECIAL AGENT (b)(7)(C) : Okay. I've heard
22 about that. Right.

23 MS. ANDREWS: And the --

24 SPECIAL AGENT (b)(7)(C) : Razzo (phonetic).

25 MS. ANDREWS: -- Razzo lady.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): Right.

2 MS. ANDREWS: Yes. A nice gentleman.
3 Anyhow, he looks -- I think he reviews this data. I
4 think that's where it goes. I'm not a hundred percent
5 sure. I know it's not (b)(7)(C)

6 But anyhow, it comes back -- this --
7 readings, I think, are supposed to come back to (b)(7)(C)
8 and then she goes out with her group and they're to --
9 she takes this -- this map that shows maybe the
10 spikes, the high parts of what the tow-ta-ray saw and
11 she's got this paper.

12 And I've watched her. And she goes,
13 "Okay. I think we're right here. And, okay, one,
14 two, three, four. Okay. Put a flag there. Okay.
15 Now, where do we go? Okay. I think -- okay. One,
16 two, three. Put a flag here."

17 Now, that's how she walks off a pad,
18 thinking that she's got -- got it right. Okay. And
19 where --

20 SPECIAL AGENT (b)(7)(C): What's the normal,
21 the appropriate process to use for -- instead of her
22 doing what she's doing, what's the appropriate process
23 for --

24 MS. ANDREWS: I don't know. I just don't
25 think it's too accurate.

1 SPECIAL AGENT (b)(7)(C) : Okay.

2 MS. ANDREWS: Now, what -- what you should
3 do, if -- if she thinks she's got this flag in the
4 right spot where this tow-ta-ray sees and elevated
5 spot here --

6 SPECIAL AGENT (b)(7)(C) : Right.

7 MS. ANDREWS: -- okay, then -- then I
8 think you should take a 2350 and work --

9 SPECIAL AGENT (b)(7)(C) : Across the area?

10 MS. ANDREWS: -- work this area. Yes.
11 Until you find that elevated spot.

12 SPECIAL AGENT (b)(7)(C) : Right.

13 MS. ANDREWS: Not just take a sample right
14 there at the flag.

15 SPECIAL AGENT (b)(7)(C) : Right.

16 MS. ANDREWS: Now, when she sends these
17 laborers out, they just go to a spot where the flag is
18 and they go down there and they put a bunch of dirt in
19 a zippie bag and say that's it. There we go. They
20 got the little bit, you know.

21 SPECIAL AGENT (b)(7)(C) : Right.

22 MS. ANDREWS: But I feel that you should
23 find that hot spot, because she's guessing to where
24 that real hot spot --

25 SPECIAL AGENT (b)(7)(C) : All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: -- is and -- and goes in the
2 general area. Okay. Let's -- let's move this around.

3 And then -- okay. Now they take a sample.
4 They take it to gamma spectrometry and if it doesn't
5 come up elevated, then -- then they say the pad --
6 somebody deems the pad clean. Razzo, everybody has to
7 look at this.

8 Then that pad is scooped up and taken out
9 to a staging area out of the RCA/RMA because it's
10 clean. Now, if they come up with a spike spot they go
11 out and they contain that spot and input it in one of
12 these bins that's rad. material that DMS hauls off.

13 Okay. So now it's out here clean. Now,
14 when we get enough of these piles, they contract ITSI
15 (phonetic) to come in with trucks and then they load
16 up this clean -- supposedly clean dirt, but it's not
17 allowed to leave the site until it goes through the
18 portamonitor.

19 SPECIAL AGENT (b)(7)(C): Right.

20 MS. ANDREWS: Okay. So now it goes
21 through the portamonitor, and my portamonitor alarms.
22 My previous procedure said we had the portamonitor set
23 at three sigma, and if -- if the portamonitor alarms
24 two out of three times I would call somebody else in
25 with 2350's.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And we had a three sigma on the 2350's
2 that we use. They were set aside for our purpose
3 only, and we would get up on a scaffolding --

4 SPECIAL AGENT (b)(7)(C) : Yes.

5 MS. ANDREWS: -- and we would find the
6 spot that the portamonitor found.

7 SPECIAL AGENT (b)(7)(C) : Right.

8 MS. ANDREWS: We would search up and down

9 --

10 SPECIAL AGENT (b)(7)(C) : Manually.

11 MS. ANDREWS: -- on the scaffolding --
12 yes. And we would be down in the dirt, and we would
13 be looking, and we couldn't stop looking until --
14 there might be four of us working on this truck to
15 hurry up and get it out of there.

16 SPECIAL AGENT (b)(7)(C) : Right.

17 MS. ANDREWS: We couldn't -- until we
18 found the spot with the portamonitor. Now, regardless
19 if we found it or not, which we always had, then we
20 did that load because it failed the portamonitor, went
21 back to an RSY on a clean pad and was redone till it
22 found what was the portamonitor found.

23 SPECIAL AGENT (b)(7)(C) : Okay.

24 MS. ANDREWS: Now, the procedure has
25 changed. Now the procedure says that if it alarms two

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 -- three times through the portamonitor -- because
2 they have to go through three times, if it even alarms
3 three times and it's set at 8.5 sigma, and if it
4 alarms, then another person comes and they take --
5 they are not on scaffolding.

6 They don't have to find what the
7 portamonitor saw, they just do a sweeping "S" on this
8 trailer and down around the chassis, you know, the
9 undercarriage in the back end, and they do one of
10 these and walk the whole thing, and if their detector
11 doesn't come up above 10,000 counts -- see -- counts
12 per minute, then that truck can go.

13 SPECIAL AGENT (b)(7)(C) : All right.

14 MS. ANDREWS: Okay. Now, my question is,
15 before, even when the portamonitor was set lower,
16 these trucks weren't allowed to be -- this dirt wasn't
17 allowed to leave site till they found what that
18 portamonitor found because there's really something in
19 there.

20 But now you can have -- and they're not
21 even looking, trying to find what the portamonitor
22 found. They're not even -- they're just doing this,
23 and they are allowed to go off site.

24 SPECIAL AGENT (b)(7)(C) : Do you know what the
25 policy is by which they changed the procedure? Did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 they have to clear it with Razzo and the NRC before
2 you change the procedure there?

3 Was there a procedural adherence process
4 of any sort?

5 MS. ANDREWS: I hope so.

6 SPECIAL AGENT (b)(7)(C): Okay. So you're not
7 sure. This is -- with regard to this, you're more or
8 less giving your -- your concern about that issue?

9 MS. ANDREWS: Yes, because --

10 SPECIAL AGENT (b)(7)(C): Was that an issue
11 that you brought up?

12 MS. ANDREWS: Yes. I didn't like this at
13 all, and I still don't like it because --

14 SPECIAL AGENT (b)(7)(C): Who did you raise it
15 to?

16 MS. ANDREWS: (b)(7)(C) and (b)(7)(C).
17 And they told me that it was all signed off by
18 everybody and that's the way it was going to be, and
19 I'm like, "Okay, but these trucks" -- I would -- in
20 here it says how many trucks left.

21 Twenty trucks failed the portamonitor in
22 one day and they still were let off site. Seventeen
23 trucks failed the portamonitor and they still left.
24 Sixteen trucks the next day.

25 SPECIAL AGENT (b)(7)(C): Did you report those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 incidents to --

2 MS. ANDREWS: Yes. We have to do a hand -
3 - handwritten survey on it.

4 SPECIAL AGENT (b)(7)(C): So you went back --
5 did you go back to (b)(7)(C) on those days and say, "Hey,
6 the 17 trucks failed today"?

7 MS. ANDREWS: Yes.

8 SPECIAL AGENT (b)(7)(C): And what did he --

9 MS. ANDREWS: I had to send him a report
10 every day.

11 SPECIAL AGENT (b)(7)(C): Okay. And what was
12 the response --

13 MS. ANDREWS: He goes, "Well, they got off
14 site," you know.

15 SPECIAL AGENT (b)(7)(C): So --

16 MS. ANDREWS: And I go, "Like but (b)(7)(C)
17 are you sure there wasn't something in it?"

18 "If your hand scan didn't show anything,
19 Susan, then there wasn't anything in it."

20 SPECIAL AGENT (b)(7)(C): So why do you
21 believe -- or, let me ask you this. From a
22 performance perspective, were you ever placed on a
23 performance improvement plan or were you ever -- did
24 you ever have write-up's in your personnel file?

25 MS. ANDREWS: (No verbal response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) No? Okay. Was it
2 conveyed to you by (b)(7)(C) or anybody else in management
3 that you were doing a substandard job or that --

4 MS. ANDREWS: Oh, no. Here -- when, in
5 here, he says to me -- I said back a few months ago,
6 I said, "(b)(7)(C) starting to worry about a layoff.
7 What's going on about that?"

8 He said, "I don't know." And he said,
9 "Neither one of you are going anywhere. You're the
10 two most qualified seniors on this site, and I can't
11 afford to have either one of you go anywhere. So, if
12 there is going to be a layoff, it's not going to be
13 you or (b)(7)(C)." . "

14 SPECIAL AGENT (b)(7)(C) : Okay.

15 MS. ANDREWS: And I went, "Wow." I said,
16 "Well, I don't know what (b)(7)(C) -- and then -- then
17 (b)(7)(C) comes up to (b)(7)(C) in that same
18 time frame and says that (b)(7)(C) was going to be
19 taken out of balance of site. I was going to be just
20 balance of site and (b)(7)(C) was going to go to
21 (b)(7)(C) group.

22 And (b)(7)(C) blew a gasket because he
23 wasn't going to just being a no-brainer job. She kind
24 of always burps after she has water.

25 SPECIAL AGENT (b)(7)(C) : We are referencing

1 Ms. Andrews puppy, for the record.

2 MS. ANDREWS: Sorry.

3 SPECIAL AGENT (b)(7)(C): That's fine.

4 MS. ANDREWS: So, he -- you know, he was
5 getting all antsy about having to just work for
6 (b)(7)(C), and he didn't want out of balance of site,
7 what we were doing, you know, routine surveys and
8 coming and outgoing surveys. He wanted to stay at
9 that.

10 And I said, (b)(7)(C) says neither one of us
11 are going anywhere, so don't worry about it, and
12 there's too much work and, you know, if you are
13 assigned to (b)(7)(C), you know, you're going to still
14 come back over and we're going to work together. Just
15 let it work out like it did last year." They saw they
16 had to have two people, anyhow.

17 And I said, "Just" -- and (b)(7)(C) kept
18 saying, "I'll go talk to him again. Settle him down,
19 because neither one of you guys are going anywhere."

20 SPECIAL AGENT (b)(7)(C): So that's -- when
21 did he tell you that?

22 MS. ANDREWS: Oh, let's see. (b)(7)(C)
23 constantly was telling me that toward the end, toward
24 October, November. So, I never had an inkling that I
25 was --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SPECIAL AGENT (b)(7)(C) : You had no
2 indication --

3 MS. ANDREWS: No.

4 SPECIAL AGENT (b)(7)(C) : -- that this was
5 coming down?

6 MS. ANDREWS: No. No. No.

7 SPECIAL AGENT (b)(7)(C) : You had not been --
8 management had not --

9 MS. ANDREWS: No.

10 SPECIAL AGENT (b)(7)(C) : -- apprised you of
11 any -- of any poor behavior, any --

12 MS. ANDREWS: No.

13 SPECIAL AGENT (b)(7)(C) : -- performance
14 issues?

15 MS. ANDREWS: No.

16 SPECIAL AGENT (b)(7)(C) : What did your annual
17 evaluation look like?

18 MS. ANDREWS: I didn't get one this year.

19 SPECIAL AGENT (b)(7)(C) : Okay.

20 MS. ANDREWS: They didn't give me one. I
21 didn't work for AWS the one year.

22 SPECIAL AGENT (b)(7)(C) : Okay.

23 MS. ANDREWS: So all my other evaluations
24 -- I might have copies of them if they gave me copies,
25 but I did ask Bert Bowers the other day if he had --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 had my copies of that because I thought maybe I might
2 need them, and he said yes, he had what I needed. So
3 --

4 SPECIAL AGENT (b)(7)(C) : Did you ever receive
5 any performance bonuses?

6 MS. ANDREWS: Just safety bonuses.

7 SPECIAL AGENT (b)(7)(C) : Safety bonuses.

8 MS. ANDREWS: Not -- not any other kind.
9 Safety bonuses we all got if we were safe.

10 SPECIAL AGENT (b)(7)(C) : Okay.

11 MS. ANDREWS: Like \$100 every quarter, you
12 know.

13 SPECIAL AGENT (b)(7)(C) : Okay. So, you had
14 no idea this was coming down the pipe?

15 MS. ANDREWS: No.

16 SPECIAL AGENT (b)(7)(C) : You were raising
17 these issues to (b)(7)(C).

18 MS. ANDREWS: Yes.

19 SPECIAL AGENT (b)(7)(C) : At what point do you
20 think it -- that you were determined to be the one
21 laid off because of the safety issues?

22 MS. ANDREWS: Okay. Here's the -- okay.
23 Now I've told you about how I'm concerned about
24 laborers doing the -- and I brought it up to (b)(7)(C)
25 that laborers cannot go in there and do it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Well, now, all of a sudden, they have --
2 a gentleman left the lab, and they're not going to
3 hire another person in the lab. So, -- so now they're
4 short-handed.

5 And kind of the crappiest job in the lab
6 is -- is this dirt coming in and you have to put it in
7 the oven and then pound it and put in the little
8 containers. That's kind of the crappy job. And, you
9 know, it isn't even crappy. It's just the crappiest
10 of that job.

11 So a gentleman left. He got a little
12 upset and he left.

13 SPECIAL AGENT (b)(7)(C): Who was this?

14 MS. ANDREWS: (b)(7)(C) (phonetic).

15 Okay. And so he -- they weren't going to hire anybody
16 so they decided to have laborers, (b)(7)(C), and I don't
17 know what his last name is, and (b)(7)(C) and I don't
18 know his last name, either, the two laborers.

19 They had been going over to Building 258
20 to get samples out. Well, they have to send ten
21 percent of those samples off to an off-site lab to
22 validate their stuff.

23 SPECIAL AGENT (b)(7)(C): To test it.

24 MS. ANDREWS: Yes. And so they would let
25 these laborers go over there and pull them. Well, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 got a little disgruntled over that because here I've
2 got laborers going into an RCA/RMA right in front of
3 the building without a tech being there to get them in
4 and out and not frisking in and out.

5 So I constantly brought that issue up.

6 SPECIAL AGENT (b)(7)(C): Was there a hand and
7 foot monitor?

8 MS. ANDREWS: Just a frisker?

9 SPECIAL AGENT (b)(7)(C): Yes.

10 MS. ANDREWS: So you had to have somebody
11 there to --

12 SPECIAL AGENT (b)(7)(C): Yes. So I go like,
13 "Come on guys, if you're doing it, call me on the
14 radio. I'll come over and support you. You know,
15 it's no big deal."

16 Oh, they just wanted to slide past that.
17 And (b)(7)(C) goes, "Just -- just do it. You know, just
18 go over there and do it." So they wouldn't and I'd
19 catch up on it.

20 I'd call (b)(7)(C) and (b)(7)(C) would go like,
21 "Aw," and then, "Susan must have told on us again."
22 I'm like, "Well, you're right in front of the office,
23 for crying out loud."

24 So, anyhow, they knew I was like that, and
25 so they're in there pounding dirt and I'm going like,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 "Wow, you guys" -- "Yes, well, you know, we do work
2 for the lab and they like us, so they're letting us
3 pound dirt."

4 So now I have a problem with, okay, now
5 (b)(7)(C) is doing it like full time and because I
6 thought, okay, they're just going to hire somebody and
7 this is just kind of for a little beep till they get
8 somebody hired.

9 But now they're not going to hire anybody,
10 they're letting (b)(7)(C) do it continually. And he
11 likes it. You know, he's -- he's a nice kid, and like
12 I said, you know, "Yes, they let me do it" and I said,
13 "Cool. And so, what kind of training did you have?"

14 He said, "Well, you know, they like me.
15 We've been coming in and out of here all the time."
16 I said, "Well, did they really train you on how to do
17 this?"

18 "They were watching." I said, "Did you
19 sign off on anything?" He said, "No. What are you
20 talking about?" I said, "I'm just asking."

21 So I went in -- (b)(7)(C) office has
22 all the procedures in it and she was --

23 SPECIAL AGENT (b)(7)(C): Who is (b)(7)(C)
24 (b)(7)(C)?

25 MS. ANDREWS: (b)(7)(C). She's (b)(7)(C)

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 [REDACTED] . Okay. [REDACTED] . I think
2 she has her maiden name sliced in there somehow, but
3 she's [REDACTED] to [REDACTED] . He's the [REDACTED] -- [REDACTED]
4 -- does [REDACTED] there, so that [REDACTED]
5 team work there, too.

6 She wasn't there that day, because she's
7 [REDACTED] because she [REDACTED] and -- but I
8 went in there. We're allowed to go in there. That's
9 where we're allowed to get the procedures, copy them,
10 do whatever we -- if we have a question, we're
11 allowed. We've been told we're allowed.

12 So I'm in there looking it up, and [REDACTED]
13 [REDACTED] comes in and he goes, "What are you looking
14 for?" Real nice. And I said, "Oh, a procedure on the
15 lab." He said, "Well, you don't need to be looking at
16 no procedures about the lab. They're fine. And
17 anyhow, a new company has taken over and that
18 procedure is going to be changed, anyhow."

19 And I said, "Well, I just wanted to see
20 what the procedure said for now." And he said, "Well,
21 you don't need to be looking at it." And he walked
22 out of the office.

23 So, I followed out of that office out into
24 the corridor with him. I said, "Don't you want to
25 know what I'm looking up?" And he said, "Yes. What

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are you looking up?" And I said, "Because you just
2 might be able to answer my question without me looking
3 it up."

4 I said, "The -- are laborers allowed to
5 pound the dirt?" I said, "If laborers aren't allowed
6 to be picking the dirt up out in the field without
7 senior oversight at least, are laborers allowed to be
8 pounding the dirt without that?"

9 And he said, "Susan, don't worry about it.
10 They've been trained." And I said, "Oh, okay, and
11 signed off?"

12 "Yes, they've been signed off." I said,
13 "Okay. Thanks. That's all I wanted to know. Just so
14 we're legal." And then I went back and put the book
15 away and left.

16 I went straight out to (b)(7)(C) and I went
17 in. I had some stuff and I went in and I said, "How's
18 it going today?" He said, "Oh, good." And I said --
19 again, the first time I asked him about it was a long
20 time ago, so he's forgotten.

21 And I said, "How's it going and did they
22 train you all to do this? You do, you know, nice neat
23 work here. Your penmanship is really neat, you know."
24 He goes, "No. They haven't trained me. They -- you
25 know, I've been working for them for a long time off

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and on and they trust me and they know I'm a good
2 worker."

3 I said, "Well, that you are." And I said,
4 "So you never signed off on anything?" and he said,
5 "No, I didn't sign off on anything." And I said,
6 "Okay." And I finished up my -- I had a survey to do
7 in there, so I was just doing my job, you know,
8 talking to him casual.

9 But I just left (b)(7)(C) (b)(7)(C)
10 (b)(7)(C) said he was trained and signed off and I
11 went straight out there to confirm it to (b)(7)(C). No
12 training and no sign-off.

13 SPECIAL AGENT (b)(7)(C): Did you go back and
14 --

15 MS. ANDREWS: (b)(7)(C) did not want to
16 hear that.

17 SPECIAL AGENT (b)(7)(C): Did you go back and
18 raise that issue with (b)(7)(C)?

19 MS. ANDREWS: No. I went back and told
20 (b)(7)(C).

21 SPECIAL AGENT (b)(7)(C): And what did he say?

22 MS. ANDREWS: "Stay out of it. It's none
23 of your business." And that is the straw that I think
24 broke my back there. Because they were tired of
25 people saying that -- that samplings weren't taken

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 properly, that now -- now we're on the fact that the
2 laborers are taking samples in the oven conex without
3 being trained and sign off, without any senior
4 oversight, and I think that's -- that was the straw
5 that broke my camel's back, and that was when they
6 said I got to go. Enough's enough from her.

7 SPECIAL AGENT (b)(7)(C): Okay. So you were
8 informed on or about December 17th --

9 MS. ANDREWS: December 9th.

10 SPECIAL AGENT (b)(7)(C): December --

11 MS. ANDREWS: 9th.

12 SPECIAL AGENT (b)(7)(C): -- 9th.

13 MS. ANDREWS: (b)(7)(C) pulled me and (b)(7)(C)
14 into his office and said that, you know, we was going
15 to be laid off on the 16th.

16 SPECIAL AGENT (b)(7)(C): Okay. And so you
17 got a week's notice.

18 MS. ANDREWS: Yes. I had to train (b)(7)(C)
19 (b)(7)(C) on everything I did. He had to know how to --

20 SPECIAL AGENT (b)(7)(C): Did he say why you
21 were being laid off?

22 MS. ANDREWS: Budget cuts.

23 SPECIAL AGENT (b)(7)(C): Okay. Did he try to
24 offer you some work at a --

25 MS. ANDREWS: No. He told me that (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) and (b)(7)(C) and everybody -- whoever
2 "everybody" is -- had looked all over the bay area and
3 there was no work.

4 And now, (b)(7)(C) is sitting over here.
5 You're (b)(7)(C). And (b)(7)(C) went across his desk
6 and he said, "And there's no work in the bay area for
7 you." And I went like, "Oh. Okay. All right."

8 Well, previous to that, on December 2nd on
9 a Friday, I had seen -- RSRs's owner, (b)(7)(C)
10 was at the office because we was going to have a
11 Christmas party that evening, so everybody was kind of
12 there, you know, and checking their workers out.

13 And I was setting in my office in AWS
14 office and I said, (b)(7)(C) come here." (b)(7)(C) and I
15 used to work the lab together before he ever owned
16 RSRs. I said, "Hey, you got anything going on that a
17 (b)(7)(C) of mine that used to work for RSRs, she
18 wants -- she took -- she gave (b)(7)(C)
19 because (b)(7)(C) and she wanted to go home
20 and (b)(7)(C) Now she
21 needs to come back to work somewhere."

22 So I said, "Hey, you got anything for (b)(7)(C)
23 (b)(7)(C)? Do you got anything for (b)(7)(C) in your
24 company that she could do, something quick and easy?"
25 and he goes, "No. The only thing that's going on is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Alameda, and she wouldn't like that."

2 I said, "Well, let's don't answer for
3 (b)(7)(C). Let's -- let's give her the shot." He said,
4 "Well, okay. Tell her to get ahold of (b)(7)(C)
5 ASAP because there's jobs at Alameda for her."

6 Now, Friday, December 2nd, the night --
7 the day, we're going to have our Christmas party that
8 night, I know that there's a job over there. I don't
9 know I'm getting laid off.

10 Okay. On that same day, (b)(7)(C)
11 (phonetic) tells me later that he, on that -- at that
12 Christmas party, he talked to (b)(7)(C) and asked
13 (b)(7)(C) if he knew who was going to be laid off, because
14 he was concerned it might be some of his folks, and
15 because he had jobs at Alameda that he could fill with
16 anybody that was getting laid off of that project.

17 And (b)(7)(C) says, "Don't know," you know.
18 And so time comes down to the next Friday, December
19 9th, I'm told that I'm laid off and there's no jobs in
20 the bay area for me.

21 Now, I just heard from RSRS owners that
22 there was. And I'm like, "Oh, okay." So, after all
23 the talking is over with, (b)(7)(C) goes back out to RSY-
24 2. I go about my business, but I get myself over to
25 (b)(7)(C) and I said, "Are you okay?" and this kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 stuff, and I said, "Oh, I'm getting sick. I've got to
2 go to the bathroom."

3 So I go to the port-o-potty. While I'm in
4 the port-o-party, (b)(7)(C) and (b)(7)(C) drive up in
5 their little caboda and tell (b)(7)(C) -- now, I could
6 hear them. They don't -- I don't know if they didn't
7 know I was there or not. They didn't see my car, I
8 don't know.

9 Anyhow, they tell (b)(7)(C), "Here is a
10 number to (b)(7)(C) (b)(7)(C). There's
11 jobs over in Alameda, so you go ahead and call them
12 and they'll connect you and get a job over there, but
13 don't tell anybody."

14 And I'm like -- and he -- and they said,
15 "You know what we're talking about. Don't give
16 anybody this number."

17 Well, I come back out and I said, "Wow."
18 I said, "That's crazy." And he goes, "Yes." And I
19 says, "Well, here's (b)(7)(C) phone number and
20 that's just what I came down here to give you. So,
21 you know, we'll get you hooked up and see" -- and I
22 sent his resume over to (b)(7)(C).

23 SPECIAL AGENT (b)(7)(C): Did he get hired
24 over there?

25 MS. ANDREWS: No. No.

1 SPECIAL AGENT (b)(7)(C): Okay.

2 MS. ANDREWS: And -- but then (b)(7)(C)

3 (b)(7)(C) found out who got laid off because he was
4 anxious to know if it was his guys or not, you know,
5 and so he -- he said --

6 SPECIAL AGENT (b)(7)(C): Who is (b)(7)(C)
7 (b)(7)(C) with?

8 MS. ANDREWS: He's an (b)(7)(C) of RSRs.

9 SPECIAL AGENT (b)(7)(C): Okay.

10 MS. ANDREWS: Okay. And so he tells -- he
11 gets ahold of (b)(7)(C) knowing that (b)(7)(C) is my

12 (b)(7)(C). He says, "Have Susan come up. I want to
13 talk to her and (b)(7)(C)."

14 So, (b)(7)(C) -- (b)(7)(C) wants to talk
15 to you." I said, "Okay." So I eventually make it up
16 there and I go, "What's up, Bud?" and he says, "I
17 didn't think it would be you. I am so shocked. What
18 the heck are they doing?"

19 I said, "I don't know, but it's me." And
20 he said, "Well, I could use you over there. So, here,
21 you've got to get ahold of (b)(7)(C) get your
22 resume over there as soon as possible."

23 And he said, "You understand that I can
24 only send them names. You have to be approved by
25 Tetra Tech to come on their site." I said, "Yes, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 understand that. Okay. Thanks. I really appreciate
2 that."

3 And "(b)(7)(C)", send "(b)(7)(C)" up so I can tell
4 him the same thing." So I go down and I relieve
5 "(b)(7)(C)" so he can go up there and do that. And so we
6 naturally did, but we naturally didn't get jobs.

7 And then later, a couple days later --

8 SPECIAL AGENT "(b)(7)(C)": Did you ever find
9 out why you didn't get picked up for Alameda?

10 MS. ANDREWS: No. I -- "(b)(7)(C)" met --
11 "(b)(7)(C)", then, relayed -- when I was talking to
12 "(b)(7)(C)", that the incident where he talked to "(b)(7)(C)"
13 "(b)(7)(C)" at the Christmas party. That's how I knew
14 that there was openings, that they knew -- that "(b)(7)(C)"
15 "(b)(7)(C)" knew that there was openings at Alameda on
16 December 2nd, but on December 9th, there is nothing
17 for me in this area, per "(b)(7)(C)", per "(b)(7)(C)"
18 "(b)(7)(C)" looked into.

19 SPECIAL AGENT "(b)(7)(C)": Okay.

20 MS. ANDREWS: So -- and then, within hours
21 later, "(b)(7)(C)", the "(b)(7)(C)" of RSRS is telling me
22 there are openings, but "(b)(7)(C)" and "(b)(7)(C)"
23 and them told me there was nothing in the area for me.

24 So -- and -- but apparently there was for
25 "(b)(7)(C)" because "(b)(7)(C)" took the ad information out to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 him.
2 (b)(7)(C) -- I saw (b)(7)(C) up at the copier
3 one day, you know, grabbing stuff off of the copier
4 and he goes, "Hey, I called (b)(7)(C) immediately. You did
5 send your resume?" I said, "Yes. Immediately, as
6 soon as I got home."

7 And he said, "Well, I called him and told
8 him that your name had to be on that list. It had to
9 go over there." And I said, "Well, gee, thanks." He
10 said, "Yes. You're an excellent worker."

11 And I said, "Thank you," and I said, "I
12 appreciate it," but I knew I wasn't going to get hired
13 by Tetra Tech, so -- but, you know, I wasn't going to
14 tell (b)(7)(C) that. You know, I was going to
15 hash out my little problem there, and I was on site,
16 you know.

17 So, no, they didn't try to get me a job.
18 They might think they did because (b)(7)(C) opened his
19 mouth and said, "Have her come up here and talk to
20 me," but that's what they told me.

21 And then (b)(7)(C) also said that he'd be
22 calling me back.

23 SPECIAL AGENT (b)(7)(C) : So your status at
24 this point is furloughed?

25 MS. ANDREWS: No. I'm laid off.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) Laid off.

2 MS. ANDREWS: I got my -- I got my travel-
3 out pay for my company, \$500 to travel back home on.
4 I'm done. I lost my insurance, everything.

5 No. But (b)(7)(C) tried to comfort me, says,
6 "You know, this isn't going to work out with just (b)(7)(C)
7 (b)(7)(C), in balance of site because he's not going to be
8 able to do it all, so we're going to have to bring you
9 back." And I said, "Yes, right."

10 And he said, "Well, we probably will."
11 And I said, "Well, I can't stay out in this area with
12 no money for very long."

13 And then he told (b)(7)(C) that as soon as
14 they started up RSY-2, opened it up again, that --
15 bring him back but, you know, that was just, you know,
16 making us feel good.

17 They don't want -- the year before that
18 they laid off a (b)(7)(C) team and they just
19 went out of there fighting mad. And they --

20 SPECIAL AGENT (b)(7)(C): Who was that?

21 MS. ANDREWS: (b)(7)(C) and (b)(7)(C).

22 And so --

23 SPECIAL AGENT (b)(7)(C): (b)(7)(C) ?

24 MS. ANDREWS: Yes. They're (b)(7)(C) I --
25 but I don't think she uses (b)(7)(C). But RSRS has picked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 them up and they are both over at Alameda, working.

2 He went to (b)(7)(C) for them, and if
3 he was brought back he was to start over at Alameda,
4 so I -- those boys are probably back from there now.

5 So, anyhow, they didn't want --

6 SPECIAL AGENT (b)(7)(C): Were they raising
7 safety concerns? Or, how did they -- how did they --
8 (b)(7)(C) and (b)(7)(C) --

9 MS. ANDREWS: And (b)(7)(C) -- no, I think -- I
10 had a lot of safety concerns about them. They were in
11 my group. Yes.

12 SPECIAL AGENT (b)(7)(C): Okay.

13 MS. ANDREWS: (b)(7)(C) wasn't reading the
14 meter too well and (b)(7)(C) was turning in not-so-good of
15 surveys and I'm telling (b)(7)(C) about it.

16 SPECIAL AGENT (b)(7)(C): And he's looking at
17 it?

18 MS. ANDREWS: No. I said --

19 SPECIAL AGENT (b)(7)(C): He's addressing it?

20 MS. ANDREWS: Yes. He addressed it by
21 getting rid of them.

22 SPECIAL AGENT (b)(7)(C): Okay.

23 MS. ANDREWS: That's the only way he
24 could.

25 SPECIAL AGENT (b)(7)(C): Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ANDREWS: And -- yes.

2 SPECIAL AGENT (b)(7)(C) : So at this --

3 MS. ANDREWS: So I felt then I had -- I
4 had somebody that actually could -- I could work with,
5 you know.

6 SPECIAL AGENT (b)(7)(C) : Right.

7 MS. ANDREWS: Not that I want anybody to
8 lose their job.

9 SPECIAL AGENT (b)(7)(C) : But it came to the
10 point --

11 MS. ANDREWS: Yes.

12 SPECIAL AGENT (b)(7)(C) : -- that the impasse
13 was as it related to (b)(7)(C)

14 MS. ANDREWS: Yes. He can't do nothing
15 about (b)(7)(C)

16 SPECIAL AGENT (b)(7)(C) : And so now they've
17 been, you know, laid off --

18 MS. ANDREWS: And like I had a problem
19 with (b)(7)(C). I found out she couldn't -- at
20 the time she couldn't read a model 19 dose read meter,
21 okay, and so I was going into Building 406 where we
22 had -- the sources we find on site were stored in
23 Building 406.

24 And this is what happened with (b)(7)(C)
25 (b)(7)(C) too. I went in with their meters and we were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 doing a survey around the area, and I said, "What did
2 you get on yours?"

3 And I already knew what we should be
4 getting because I'd done the survey before. And then
5 they'd tell me some weird number, and I'd go like,
6 "What?"

7 So I'd come over and look at their --
8 because I thought maybe the meter wasn't working, and
9 then that's when I realized they didn't know how to
10 read their meter.

11 And so I tried to show (b)(7)(C) how
12 politely. You know, she was a (b)(7)(C) and, you know,
13 I just -- not that I felt that I was a qualified
14 senior coming into there, like I explained earlier,
15 but at least I'd learned that skill way back since I
16 was a junior in the power plants.

17 And so, I just was trying to pass it on
18 and be a friend, and so then when -- she took offense
19 by it and so when I was hooked up with (b)(7)(C) to go in
20 this building, I saw (b)(7)(C) was of the same stature.

21 So I just -- what I told (b)(7)(C) about
22 (b)(7)(C) was, I just let (b)(7)(C) do the logbook at the
23 entrance to the building and I'll go do the survey.
24 I'm not going to let her -- no.

25 And he said, "Okay. Fine. Is that how

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are you going to work it out?" and I said, "Yes, I
2 will" -- and he said, "Okay. You make sure you do the
3 survey then." I said, "I will. Don't worry. It's
4 going to be right."

5 So, with that being said, when I found out
6 this about (b)(7)(C), I just didn't -- played the same
7 game. I just said, "Stand here and fill the logbook
8 out. I'll go back and do the survey and I'll be back
9 out and we both don't have to pick up dose," which
10 there is, you know --

11 SPECIAL AGENT (b)(7)(C): Right.

12 MS. ANDREWS: -- we don't pick up, but
13 they didn't know any better, so they went along with
14 it.

15 And -- but when we got -- we moved all
16 this stuff over to Building 271 and I had it contained
17 over there, and again, (b)(7)(C), not knowing what the
18 meter's going on, right, I tried to deal with her a
19 little bit, and then one day (b)(7)(C) came in when she
20 was having one of her hissy fits and about -- I told
21 her that that wasn't the reading that was on that
22 wall.

23 And (b)(7)(C) was getting stubborn and he
24 said, "No, I want her to do that survey, not you."
25 And I said, (b)(7)(C) please, just let me" -- because I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 didn't want to -- I didn't want to tell her -- I
2 didn't want to tell him about her.

3 I was trying to work this through. And
4 now he's forcing my hand. "No, you do -- you both go
5 in there every week. She does survey one week, you do
6 the survey -- she does it, you do it, you know, you
7 all" --

8 SPECIAL AGENT (b)(7)(C) : (Inaudible).

9 MS. ANDREWS: And, you know, gosh, she
10 can't. So, here we're in here. Now, she's -- she's
11 on this wall that I'm getting like 900 micro R and
12 she's saying it's over 5,000 micro R.

13 Hello. Five rem. I don't think so. And
14 so I go -- and I'm standing there and I'm going like,
15 "(b)(7)(C)", that's not what your meter says." When (b)(7)(C)
16 (b)(7)(C) walks into this building and he goes, "What's
17 going on?" oh, she starts screaming, "She don't know
18 what she's talking about," and I'm like --

19 And so, (b)(7)(C) went up to her and I'm going
20 like, so -- he -- and then I'm kind of pushing him to
21 make him look down at the meter and when he realizes
22 he says, "(b)(7)(C)", what does that meter say?" And she
23 says, "It's over 5,000." And it was laying on 900.

24 And so I leaned back and he looked at me
25 and I went, "hmmmm," you know, and he said, "All

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 right. (b)(7)(C), I've got something else for you to do.
2 Susan, can you finish this survey up and turn it in,
3 finish it up?" and I go, "Sure."

4 Well, so then he maneuvers her out of
5 there. He comes up to me after -- after it's all over
6 with and he says, "What the heck's going on?" And I
7 said, "Well, I told you I wanted to do them all."

8 And he said, "How long have you known
9 this?" And I said, "Ever since she came on site."
10 And he said, "What have you been doing?" I said, "Not
11 letting her do surveys, but you're forcing me to make
12 her do this one, and I can't have her around high
13 rad."

14 And -- for our site. And he said,
15 "Obviously not." And I said, "Well, she hasn't done
16 anything. I've checked all her work, you know, I've -
17 - she's -- I've put her, and I've done it and then I
18 recheck it, and so we're safe."

19 And I said, "And you're only letting her
20 do incoming equipment." And he said, "Okay." She
21 instantly got put on a gate. That's why she's working
22 at RSY-4, because they just trailed it around and just
23 kind of put her out there on a gate. Some other
24 issues came up and -- she did it again in front of
25 (b)(7)(C) when we were moving drums, and then there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 came -- an investigation over -- there was supposed to
2 be a missing drum. There was a great, big
3 investigation, a head-on with (b)(7)(C) and (b)(7)(C)
4 (b)(7)(C), and in this investigation they asked me what my
5 input was about this and I said, "I came in and saw
6 that her and (b)(7)(C) were arguing over what the -- you
7 know, it was supposed -- it was one rem and she was
8 saying it was over five rem now again, and (b)(7)(C)
9 going, "Susan."

10 And I walked in there and he goes, "Tell
11 me what it's reading right there where she's
12 standing." And I looked at her meter and I said
13 "One." He goes, "Good. I'm coming out with it."

14 And -- because we were taking him into a
15 low-dose area to dose rate that bin. And -- and then
16 (b)(7)(C) came in and said, "I need all this information.
17 It's on my computer," and I go like, "I'll do it." He
18 goes, "I want it out of there."

19 And so I -- I took off and that came out
20 into an investigation with (b)(7)(C) (phonetic), and
21 I -- and he said, "So why did you want out of there?"
22 And so I told him. And then so they fenagled her out
23 to a gate.

24 SPECIAL AGENT (b)(7)(C): Okay. So the person
25 that you reported all this to was (b)(7)(C), that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was your primary point --

2 MS. ANDREWS: Yes.

3 SPECIAL AGENT (b)(7)(C) : -- of contact?

4 MS. ANDREWS: Yes.

5 SPECIAL AGENT (b)(7)(C) : And you never took
6 it above his head. Did you ever go to anybody in
7 senior management? Did you ever go to, let's say,

8 (b)(7)(C) or --

9 MS. ANDREWS: Oh, no, no. No, no. No.

10 SPECIAL AGENT (b)(7)(C) : So everything went
11 through --

12 MS. ANDREWS: (b)(7)(C)

13 SPECIAL AGENT (b)(7)(C) : Went through (b)(7)(C) ?

14 MS. ANDREWS: Yes.

15 SPECIAL AGENT (b)(7)(C) : Did you run -- did
16 he run your concerns up the chain?

17 MS. ANDREWS: If I -- when I started
18 losing (b)(7)(C) there toward the end of my stay, I got so
19 I made -- he had -- his room is with (b)(7)(C), so
20 if I had any kind of concern of any sort I got so I
21 would kind of make sure (b)(7)(C) was in the room,
22 because then I got a head's up and then (b)(7)(C), "Well,
23 okay, I got to do something about this."

24 SPECIAL AGENT (b)(7)(C) : Right.

25 MS. ANDREWS: "You've talked in front of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 somebody now," you know.

2 SPECIAL AGENT (b)(7)(C) : Right.

3 MS. ANDREWS: Or I would like look and
4 make sure --

5 SPECIAL AGENT (b)(7)(C) : So --

6 MS. ANDREWS: -- (b)(7)(C) was standing -
7 - sitting in his room and I would be talking loud
8 enough so (b)(7)(C) would hear it.

9 SPECIAL AGENT (b)(7)(C) : So when you brought
10 all these issues up to him about (b)(7)(C), was (b)(7)(C)
11 around?

12 MS. ANDREWS: Some of them, yes. Some of
13 the times, yes.

14 SPECIAL AGENT (b)(7)(C) : Did he ever respond?

15 MS. ANDREWS: No, he'd just look.

16 SPECIAL AGENT (b)(7)(C) : Okay.

17 MS. ANDREWS: (b)(7)(C) doesn't say anything.
18 He just looks and, you know, like, "Okay. What's
19 going on?" Now, they might have talked after I left.

20 SPECIAL AGENT (b)(7)(C) : Right.

21 MS. ANDREWS: He wouldn't have talked in
22 front of me.

23 SPECIAL AGENT (b)(7)(C) Right.

24 MS. ANDREWS: Yes. But I think I just --
25 I was so concerned about how they were sampling out in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the field and then, connected with that same sample
2 being brought in, to a laborer pounding it now, if
3 they have to have senior oversight of some sort out
4 there, wouldn't they have to have some kind of
5 training and oversight here --

6 SPECIAL AGENT (b)(7)(C) : Right.

7 MS. ANDREWS: -- because they are dealing
8 with that same sample.

9 Do they know anything about
10 recontamination of a sample.

11 SPECIAL AGENT (b)(7)(C) : Right.

12 MS. ANDREWS: Do they know how to process
13 one and not have it contaminate the rest of them.

14 SPECIAL AGENT (b)(7)(C) : Right.

15 MS. ANDREWS: Do they know any of that.

16 SPECIAL AGENT (b)(7)(C) : Right.

17 MS. ANDREWS: You know, because they take
18 -- they have these little pie pans and they put tin
19 foil in them and --

20 SPECIAL AGENT (b)(7)(C) : Was the laborer
21 dressed out correctly in the lab? Is he supposed to
22 be dressed out in a certain -- have a certain level of
23 PPE on --

24 MS. ANDREWS: Gloves is pretty much so all
25 that they would wear in there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : Okay.

2 MS. ANDREWS: And sometimes yes, sometimes
3 not.

4 SPECIAL AGENT (b)(7)(C) : Okay.

5 MS. ANDREWS: You know, I was -- it was
6 just a -- you know, maybe --

7 SPECIAL AGENT (b)(7)(C) : Casual?

8 MS. ANDREWS: Yes.

9 SPECIAL AGENT (b)(7)(C) : Okay.

10 MS. ANDREWS: Yes. But the portamonitor,
11 I think my real issue with this portamonitor is we had
12 found devices after the (b)(7)(C) people, her and
13 (b)(7)(C), however they would just decide to do it, we
14 have found stuff in this.

15 And now, all of a sudden, these trucks are
16 allowed to go off site with a higher sigma on this --
17 and the alarm, it's still alarming, and now just doing
18 a surfing thing over it and allowed to let it go.

19 SPECIAL AGENT (b)(7)(C) : Right.

20 MS. ANDREWS: I really think stuff is
21 being escaped. And on January 30th, they did Shaw pad
22 -- Shaw would dig up their trenches and bring them
23 into the RSY-2.

24 SPECIAL AGENT (b)(7)(C) : Shaw being another
25 contractor on site?

1 MS. ANDREWS: Right. And then they -- the
2 clean dirt, whatever was deemed clean is out in the
3 staging area, so Shaw brings their dirt -- and we do,
4 too -- brings this dirt back in for clean fill,
5 because it's supposed to be clean.

6 And so they were backfilling this trench
7 and they had a new employee, a junior, probably liking
8 to play with his 2350 and get to knowing it better,
9 because he's a junior, you know, he's like learning
10 how this thing works, you know.

11 So he's walking the trench, their
12 backfilled trench, but I don't think people really do.
13 I don't know. But so he's walking it, and once he
14 comes up to a device that was totally missed by -- by
15 Tetra Tech.

16 SPECIAL AGENT (b)(7)(C): Okay.

17 MS. ANDREWS: (b)(7)(C) group. So,
18 another device is missed by her group, and the tow-ta-
19 ray, because she doesn't -- it's not -- a device,
20 unless it's broken up, isn't all out in the dirt.
21 It's just a little nugget of something.

22 Okay. So it's just right there, and if
23 you don't turn your meter on or you don't scan this,
24 you're not going to find it.

25 If you just come down here and take a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 piece of dirt, you're not going to find it, because
2 the dirt ain't contaminated, it's a radium device.

3 SPECIAL AGENT (b)(7)(C) : Right.

4 MS. ANDREWS: And it's not leaking. So,
5 when they -- when they turn that sample in and (b)(7)(C).
6 (b)(7)(C) group in the lab say, "Yes, there's nothing in
7 that dirt. It can, you know, be taken off site
8 through the portamonitor," okay, these things are
9 being missed by these people.

10 This -- this taking of the samples is
11 messed up, and it proves itself when it goes through
12 the portamonitor. And now they are letting 18, 20
13 trucks go through the portamonitor, alarming, and
14 leave site. They are going to a clean landfill.

15 I don't like this. I'm really, really not
16 happy with this because it's been proven that she's
17 missed too much over the years, so many trucks just
18 went back.

19 There's been trucks when the portamonitor
20 was three sigma that went back and they found it. We
21 found it before we sent it back. And that was -- that
22 was then segregated and put in and then that dirt was
23 clean -- has to come back through the portamonitor
24 again.

25 Another thing. Here's another thing. In

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that procedure that we have for the portamonitor now,
2 your -- every piece of equipment, regular -- whether
3 it goes into a rad area or not, nonrad, rad, has to go
4 through the portamonitor before it leaves Hunters
5 Point Shipyard.

6 I brought that up to (b)(7)(C). I said,
7 "Whoa. Look at this. We don't -- we don't do
8 everybody's trucks and stuff that comes in and goes
9 back off site that don't go in a radiologically
10 impacted area. Do we?"

11 And he goes, "No. Does that really say
12 that?" And he read it and he goes, "uh-oh." And I
13 said, "Because I'm only called when I'm needed at the
14 portamonitor. I don't know who is coming in and off
15 the site."

16 SPECIAL AGENT (b)(7)(C): Right.

17 MS. ANDREWS: That's not my job. That's
18 his job to know.

19 SPECIAL AGENT (b)(7)(C): Right.

20 MS. ANDREWS: And he goes, "Well, let's
21 just don't worry about that. We've never been doing
22 that, have we?" And I said, "Not that I know of. You
23 don't call me to do that."

24 And he said, "Well, let's just forget
25 that. We're not going to bring that up."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): When was that? When
2 did that conversation occur?

3 MS. ANDREWS: Just right before I got laid
4 off.

5 SPECIAL AGENT (b)(7)(C): Okay.

6 MS. ANDREWS: Just -- between October and
7 December.

8 SPECIAL AGENT (b)(7)(C): All right.

9 MS. ANDREWS: And I'm like, "Okay, (b)(7)(C)." "

10 SPECIAL AGENT (b)(7)(C): Okay.

11 MS. ANDREWS: So now he -- he has actually
12 turned his back on one of their written procedures.
13 Where do I go from here? I got a boss that's not
14 looking at the procedure, a boss that tells me he's
15 not going to do anything about (b)(7)(C).

16 I've got concerns, and I'm getting -- I'm
17 getting -- you see how wound-up I'm getting. I'm
18 getting wound-up.

19 SPECIAL AGENT (b)(7)(C): Right.

20 MS. ANDREWS: Out there. Like what --
21 somebody's got to help me. This isn't right.

22 So, (b)(7)(C) knew I was getting
23 wound-up and I followed him out of that room and asked
24 him, "Don't you want to know what I'm looking up?
25 Don't you want to know my concern, why I'm looking up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a procedure for the lab?" you know.

2 No. You're going off my site, Susan.

3 SPECIAL AGENT (b)(7)(C): Right.

4 MS. ANDREWS: I think that was the last
5 cookie -- I actually had my nerve to actually address
6 him, so now am I going to go up to him now with all
7 these concerns about (b)(7)(C).

8 "Is that her next move? She's not getting
9 anything out of (b)(7)(C), so now is she going to pound in
10 my desk. No, she can leave."

11 SPECIAL AGENT (b)(7)(C): Okay. Okay.

12 MS. ANDREWS: Plus, I think they knew I
13 was maybe talking with Bert and you, and (b)(7)(C)
14 because she had talked to their lawyer, so I think
15 they just put it all together like --

16 SPECIAL AGENT (b)(7)(C): I'll just go through
17 a couple of -- I think we covered a tremendous -- a
18 fair amount.

19 MS. ANDREWS: Yes.

20 SPECIAL AGENT (b)(7)(C): And got the --

21 MS. ANDREWS: The gist of everything.

22 SPECIAL AGENT (b)(7)(C): -- gist of -- yes.
23 So we'll go though -- I'll ask you a couple of closing
24 questions or comments.

25 Have I threatened you in any manner in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 exchange for your testimony?

2 MS. ANDREWS: Oh, heavens, no.

3 SPECIAL AGENT (b)(7)(C) Has it been given
4 freely and voluntarily?

5 MS. ANDREWS: Yes.

6 SPECIAL AGENT (b)(7)(C) Have you been
7 offered any reward in exchange for your testimony?

8 MS. ANDREWS: No.

9 SPECIAL AGENT (b)(7)(C) Anything else you
10 would like to add to the record at this time?

11 MS. ANDREWS: I just hope you find it, the
12 -- you know, the things that they're doing out there.
13 You're not going to find them if you just go on. It's
14 -- they know how to hide it. They know how to --
15 they would put me in hiding if they knew anybody of
16 importance was coming on site. They have made me go
17 do something where I couldn't run into people like
18 you.

19 SPECIAL AGENT (b)(7)(C) Okay.

20 MS. ANDREWS: So, they know how to -- how
21 to work it. It's not -- it's a culture out there, and
22 it's -- it's -- (b)(7)(C) group is a little squirrely,
23 like (b)(7)(C) didn't frisk (b)(7)(C) out that time and I
24 wondered how often does that happen. That was too
25 casual.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 One day I was supposed to support an area
2 of (b)(7)(C) area. They didn't have enough techs so
3 (b)(7)(C) -- we always fill in. And I go over there and
4 (b)(7)(C), the laborer, starts to move my rad ropes.

5 And I go, "Whoa, whoa. What are you
6 doing?" And he goes, "Moving this." Now, what they
7 needed to do was, they had a long arm reach and they
8 were going to reach over, over the RCA/RMA trench to
9 get a pipe that was over here, and just bring it up
10 across.

11 The pipe was clean. They were just -- but
12 they needed -- they were -- the ropes here and the
13 piece of equipment is going to go like this. So he
14 justified he's going to move the rope here so this
15 piece of equipment wouldn't be in an RCA/RMA.

16 SPECIAL AGENT (b)(7)(C): Right.

17 MS. ANDREWS: And I go like, "Well, no.
18 We can't do that. You can't move my -- my" --

19 SPECIAL AGENT (b)(7)(C): Zone.

20 MS. ANDREWS: "You can't do that." So,
21 you put this -- well, I'm putting this right back
22 here. So we have a head-on. He calls (b)(7)(C). (b)(7)(C)
23 ain't coming, but (b)(7)(C) apparently hears it
24 on the radio, so (b)(7)(C) -- but I have it all resolved
25 by the time (b)(7)(C) comes over.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 [REDACTED] finally waited long enough. I
2 said, "[REDACTED]" all you had -- you can still do that. I
3 will frisk him -- those treads out on there. We'll
4 frisk him out. It's fine. Just don't move my
5 postings. You don't have the authority to move my
6 postings."

7 And so then [REDACTED] comes over and he's --
8 and they're working so he's going like, "What's going
9 on?" and I'm standing there and I -- you know, and he
10 goes -- and I go, "Whoa, whoa, where are you going?
11 You going in? You have to sign on my RWP. Here.
12 Sign my RWP, my TSA."

13 "Ah." So he stops and he does that. So
14 my concern there is, okay, this is usually a [REDACTED]
15 area which [REDACTED] and [REDACTED] and [REDACTED]
16 [REDACTED] usually cover, so what is the policy when they
17 are working it.

18 SPECIAL AGENT [REDACTED]: Right.

19 MS. ANDREWS: Do they just let these
20 people just blatantly do whatever they want to do and
21 just go about and forget -- because there comes
22 [REDACTED], just walking out of an RCA/RMA, talking to
23 [REDACTED] and then talking to somebody else and that --
24 three, four days before that, that's where they've
25 knocked down the hood that contaminated that area back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in there, and that's where (b)(7)(C) was, and he didn't
2 even frisk his feet.

3 SPECIAL AGENT (b)(7)(C): Right.

4 MS. ANDREWS: I mean, it's like, "Okay.
5 Wake up, people." So, those are the -- you know, it's
6 just -- it's culture. It's a laxidaisy type of work
7 that's contaminated clean areas, and these kids don't
8 understand that.

9 SPECIAL AGENT (b)(7)(C): All right.

10 MS. ANDREWS: And so people like me that
11 go like, "Whoa, you can't be doing that," even though
12 I say, "Whoa, don't be doing that," you know, when I'm
13 not, "Whoa, don't be doing that" and in the area, they
14 do it anyhow.

15 SPECIAL AGENT (b)(7)(C): All right. The time
16 is now 3:48 p.m., Pacific Standard Time, and this
17 interview is concluded.

18 (Whereupon, the interview was concluded at
19 3:48 p.m.)

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: 2-2012-019

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.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

EXHIBIT 5

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----x

IN THE MATTER OF: :

INTERVIEW OF : OI Case No.

(b)(7)(C) : 1-2012-019

(CLOSED) :

-----x

Friday, April 20, 2012

(b)(7)(C)

(b)(7)(C)

The above-entitled interview was conducted
at 4:15 p.m. Eastern Standard Time.

BEFORE:

Special Agent (b)(7)(C)

EXHIBIT 5
PAGE 1 OF 23 PAGE(S)

1-2012-019
(202) 234-4433

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

www.nealrgross.com

P-R-O-C-E-E-D-I-N-G-S

4:15 p.m.

SPECIAL AGENT (b)(7)(C): Today's date is

Friday, April 20th, 2012. The time is currently 4:15 p.m., Eastern Standard Time. For the record, this is an interview of (b)(7)(C), who was previously employed with Tetra Tech EC, Inc., actually AWS, a subsidiary, out at the Hunters Point Naval Shipyard in San Francisco, California. The interview this

afternoon is being held at (b)(7)(C) and we are here -- (b)(7)(C)? Correct? (b)(7)(C)

(b)(7)(C): Oh, (b)(7)(C), yes.

SPECIAL AGENT (b)(7)(C): (b)(7)(C) and that's in (b)(7)(C).

I am (b)(7)(C), a Special Agent with the Office of Investigations, U.S. Nuclear Regulatory Commission, Region I Field Office in King of Prussia, Pennsylvania.

We're going to be talking this afternoon with (b)(7)(C) regarding NRC OI Case Number 1-2012-019 and this pertains to the discrimination complaint by a former Tetra Tech HP, health physicist technician, Susan Andrews who claims that, upon raising safety-related concerns, she was relieved of her duties, terminated from employment and (b)(7)(C)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 may have some pertinent information relative to that.
2 That will be the nature of and context of our
3 discussion today.

4 (b)(7)(C) I must inform you the NRC
5 strictly prohibits the recording or transmitting of
6 this interview by any parties other than the NRC or
7 its designee.

8 Having said that, are you recording this
9 in anyway?

10 (b)(7)(C) : No. No.

11 SPECIAL AGENT (b)(7)(C) : If you could please
12 raise your right hand.

13 Do you swear that the testimony you're
14 about to provide is the truth, the whole truth and
15 nothing but the truth so help you God?

16 (b)(7)(C) : Yes.

17 SPECIAL AGENT (b)(7)(C) : Thank you. Please
18 state your full name for the record. Spell your last
19 name.

20 (b)(7)(C)

21 (b)(7)(C)

22 SPECIAL AGENT (b)(7)(C) Okay. And, (b)(7)(C)

23 (b)(7)(C) you were employed previously with AWS a
24 subsidiary of Tetra Tech?

25 (b)(7)(C) That is correct.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPECIAL AGENT (b)(7)(C) : From when to when?

(b)(7)(C) : From (b)(7)(C)

(b)(7)(C) . I was out there

(b)(7)(C) Would that make that (b)(7)(C)

(b)(7)(C)

SPECIAL AGENT (b)(7)(C) : Okay. And you were also a (b)(7)(C) ?

(b)(7)(C) : That is correct.

SPECIAL AGENT (b)(7)(C) : And you began your career in the nuclear industry when?

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

SPECIAL AGENT (b)(7)(C) : Why did you leave Tetra Tech?

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

(b)(7)(C)

SPECIAL AGENT (b)(7)(C) : For the record, (b)(7)(C)

(b)(7)(C) has, in fact, raised his own concerns and it has been sent before the NRC process and has its own investigative case number and (b)(7)(C) has been interviewed this afternoon accordingly regarding his own concerns. So, for the record, (b)(7)(C) has been interviewed regarding his own discrimination complaint at this time.

And your background. I believe you mentioned you stated as a (b)(7)(C) and then you worked

1 your way --

2 (b)(7)(C) : Right. (b)(7)(C)

3 SPECIAL AGENT (b)(7)(C) : And as a (b)(7)(C)

4 out at Hunters Point, what were your duties and
5 responsibilities?

6 (b)(7)(C) : To protect the workers and
7 the environment and the public from exposure to
8 radiation and contamination, raise safety concerns,
9 you know.

10 SPECIAL AGENT (b)(7)(C) : And who did you
11 report to?

12 (b)(7)(C)

13 SPECIAL AGENT (b)(7)(C) : What was the safety
14 culture like at Hunters Point?

15 (b)(7)(C) : Safety culture, pretty lax.
16 Real lax. Real lax. Get the job done. Make the
17 money. They talked the talk, but they don't walk the
18 walk. I mean they had a safety meeting every morning,
19 but they don't apply. So, it doesn't apply.

20 If someone gets hurt just like when I
21 raise a safety concern about the trench being left
22 unlocked, somebody could have got seriously hurt. I
23 saved jobs and lives, but I guess I ratted on one of -
24 - one of the -- one of the guys and (b)(7)(C)
25 (phonetic) said well, look at this guy. He got to go.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So.

2 SPECIAL AGENT (b)(7)(C) : (b)(7)(C) was
3 the guy that was suppose to close the gate and he
4 didn't.

5 (b)(7)(C) : He was suppose to close the
6 gate. Yes.

7 SPECIAL AGENT (b)(7)(C) : And did they train
8 you all on how to report safety issues and give you an
9 orientation on your rights as employees and things of
10 that nature?

11 (b)(7)(C) : They probably -- they
12 probably given -- given out like pamphlets or
13 whatever. I mean that's a lot of stuff to remember.

14 SPECIAL AGENT (b)(7)(C) : Right.

15 (b)(7)(C) : You know with these
16 pamphlets and stuff. I pretty much been in the
17 industry since (b)(7)(C) It's like somebody's -- I mean
18 you go onto auto pilot. I mean if you -- if you see
19 something wrong, you know, you're suppose to --
20 suppose to report it.

21 SPECIAL AGENT (b)(7)(C) : Um-hum.

22 (b)(7)(C) : You know, it's just like if
23 someone's -- an analogy would be if someone is hurt,
24 you know, I'm -- I'm going to call 911. You know, I'm
25 going to try to assist that person to a degree.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 SPECIAL AGENT (b)(7)(C): Um-hum.

2 (b)(7)(C): So, just like if I was a
3 lifeguard, you know, I'm -- a last resort would be to
4 get into the water, but if I have to get into the
5 water, you know, you know, try to -- try to -- try to
6 save this person. But, no, they -- they never -- they
7 never went into detail of safety concerns training and
8 stuff.

9 SPECIAL AGENT (b)(7)(C): Did it seem
10 acceptable at Tetra Tech to report safety concerns to
11 management? Did it seem welcomed and encouraged?

12 (b)(7)(C): Uh-huh.

13 SPECIAL AGENT (b)(7)(C): Why not?

14 (b)(7)(C): They want to get -- like --
15 like I mentioned, they want to get the job done. They
16 want to get the job done. It's more like a -- it's a
17 -- it's a low-level radiological site, but they feel
18 like they're -- they don't understand or they don't
19 care. It's a nonchalant attitude. Whereas, they
20 really don't care about the -- about safety issues.
21 They talk that talk, but hey, you know, going to go in
22 and get this job done. If you don't let them in,
23 then, you know, you're kind of like the bad guy, you
24 know.

25 SPECIAL AGENT (b)(7)(C): Um-hum. Would you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 say that there's a mentality kind of like you get
2 on --

3 (b)(7)(C) : It's the culture out there.

4 SPECIAL AGENT (b)(7)(C) : The construction,
5 like on a regular, say they're building houses,
6 there's oftentimes a construction site like that or
7 there's just deadlines to meet and there's milestones
8 and there's a pressure to meet those deadlines and get
9 it done and get it done and meet the deadlines. Would
10 you say that that's a similar environment there?
11 Because I've heard that it's a RAD site being run like
12 a construction site.

13 (b)(7)(C) : Right. Yes, that -- that
14 and then some. You know, the individual that's --
15 that's trying to get their work done. You know, say
16 like in the (inaudible), you know, or -- or worker.
17 You know, they don't want to be looked at as the guy
18 that's -- that's trying to buck the system, you know.

19 SPECIAL AGENT (b)(7)(C) : Right.

20 (b)(7)(C) : Go against, you know. This
21 guy, he's RAD, but, you know, he's suppose to be --

22 SPECIAL AGENT (b)(7)(C) : Rubberstamping. Let
23 you do what you want.

24 (b)(7)(C) : Right. Exactly.

25 SPECIAL AGENT (b)(7)(C) : Now, what's the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 consequence of that? Are you guys evaluated or
2 inspected every year? Is the NRC coming out? Is one
3 of these, you know, a licensing group coming out to
4 look at this stuff on how you guys are managing
5 yourselves on the site there?

6 (b)(7)(C): I hear the -- I hear the --
7 they'll make a -- an announcement in the meeting that,
8 you know, the NRC is coming and then when -- when they
9 know you guys are coming, they're going to hide.
10 They're going to do stuff to hide stuff. You know
11 what I mean?

12 SPECIAL AGENT (b)(7)(C): Right.

13 (b)(7)(C): They're going to -- they're
14 not going to let you see their bad -- their bad
15 habits. Yes, they're not going to let you see that.
16 You ain't going to see that. They're going -- they're
17 going to -- they're going -- they're going to put on
18 a false face. They're going to look you right in your
19 face and they're going to try -- try to greet you.

20 (b)(7)(C), and I've seen him do it with
21 the Navy people. (b)(7)(C). I -- I watched. I
22 watched him. I just sat down and watch. He just
23 treats you like you -- like you -- like you so --
24 like, you know, most -- you know, put you right at the
25 pinnacle now like you -- like you you're very welcome,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 but, you know, they know -- they know nothing's going
 2 to be done. Just like with the -- with the drugs and
 3 stuff, you know.

4 SPECIAL AGENT (b)(7)(C) : With employees
 5 drug --

6 (b)(7)(C) : For cause.

7 SPECIAL AGENT (b)(7)(C) : Okay.

8 (b)(7)(C) : Yes.

9 SPECIAL AGENT (b)(7)(C) : Employees' drug use
 10 and lack of for cause testing.

11 (b)(7)(C) : Yes. One thing I forgot to
 12 mention. There's a lot of gambling that goes on
 13 there. A lot of gambling and to give you some dates
 14 now, I could tell you because (b)(7)(C) she -- like
 15 when football season starts, she just goes around from
 16 site to site. All she does is just drive around in a
 17 truck and just --

18 SPECIAL AGENT (b)(7)(C) : Taking a football
 19 pool?

20 (b)(7)(C) : Yes. So, you know, it's a
 21 lot of gambling (b)(7)(C).

22 SPECIAL AGENT (b)(7)(C) : Relative to --

23 MR. JACKSON: Yes.

24 SPECIAL AGENT (b)(7)(C) : -- Susan --

25 (b)(7)(C) : Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : -- are you aware of
2 her raising safety concerns to management?

3 (b)(7)(C) : Oh, yes. Susan, she's
4 tough. She's tough.

5 SPECIAL AGENT (b)(7)(C) : Do you recall when
6 you first observed her or heard of her raising these
7 safety issues?

8 (b)(7)(C) : Many a times. Many a times.
9 One about the -- what's her name falsifying -- (b)(7)(C)
10 (b)(7)(C) falsifying her resumé. Another time with (b)(7)(C)
11 (b)(7)(C) coming in with (b)(7)(C) Another
12 time with the air samplers being set out by laborers.
13 Which is suppose to be set up by a -- by a senior --
14 by HP and let's see. Another time -- she's got a lot
15 of concerns probably with the -- what's his name?
16 Them stealing time.

17 SPECIAL AGENT (b)(7)(C) : Who was that?
18 (b)(7)(C) (b)(7)(C) and (b)(7)(C)
19 (phonetic). They steal time. So, we work early and
20 get -- get paid for work that, you know, they're not
21 even there sometimes. So. Stealing from the
22 Government.

23 SPECIAL AGENT (b)(7)(C) : How did you become
24 aware that Ms. Andrews was raising these concerns?
25 Did she tell you about them? You saw her raise them?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 (b)(7)(C) : Oh, she'll -- she'll tell me
2 about them and then she -- she and I, you know. She
3 would come to me and let me know what -- what concerns
4 she's -- but, after a while, you know, after you've
5 see nothing's done, man, you know, you get worn out
6 sometimes. It's like, you know, Ms. Susan, I know
7 you're -- we're trying to do the right thing, but, you
8 know, every time we raise these concerns, it's like
9 nothing really gets done.

10 SPECIAL AGENT (b)(7)(C) : Right.

11 (b)(7)(C) : You know, so. She has a lot
12 of concerns. A lot. A lot more -- a lot more than
13 me. Because she's -- she's up -- she -- she started
14 staying up top more than me. She -- she could pretty
15 much see what's going on.

16 SPECIAL AGENT (b)(7)(C) : When you reference
17 up top, what area are you referencing?

18 (b)(7)(C) : She's been -- I mean like
19 right at the office. Like -- okay, up at those
20 offices --

21 SPECIAL AGENT (b)(7)(C) : Um-hum.

22 (b)(7)(C) : -- she could pretty much see
23 what's going on. I started going up there to turn in
24 like my paperwork and stuff or -- or to consult with
25 (b)(7)(C) or whatever. After I started getting nasty

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 looks and stuff, I just said, you know, I -- you know,
2 I -- I just sign my instrument in everyday. You know,
3 I'm done with you.

4 SPECIAL AGENT (b)(7)(C) : Okay.

5 (b)(7)(C) : Yes. Yes.

6 SPECIAL AGENT (b)(7)(C) : So, you had to go up
7 there at least once a day to get your equipment and so
8 forth?

9 (b)(7)(C) : At -- at the time when they
10 had the -- at the time when I used to turn in like my
11 paperwork because I transferred from like doing like
12 -- what -- when we did the increment and now going
13 certain ways on the trucks, on the equipment or
14 whatever.

15 SPECIAL AGENT (b)(7)(C) : Um-hum.

16 (b)(7)(C) : But, then I transferred to
17 RSY2 and -- and there were other times. Now, what do
18 I -- what else was I going up there for? I would turn
19 -- I would turn in some -- some equipment, but I -- I
20 just -- it -- it wasn't -- it wasn't necessary for me
21 to go. I used to turn in my radio, my Walkman. I
22 used to leave it up there. So, I found out I can
23 leave it down at -- at the -- I don't have the word --
24 the site number anyway. I've been gone so long. But,
25 I could leave it down there and these guys, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they're giving you nasty looks. I was like, man, this
2 -- this is -- this is great. Now, I don't have -- I
3 don't even have -- have to talk to you.

4 Because, you know, I have to sign in. I
5 have to turn in like my air samplers or whatever.

6 SPECIAL AGENT (b)(7)(C): Right.

7 (b)(7)(C): You know, for when the air
8 samplers are running, the up wind or down wind or
9 whatever and then I just go in and turn those in and
10 then I'm done. I'm -- I'm gone for the day, but I
11 don't have to go in the office and see these guys, you
12 know, with that -- with that -- with the racist, you
13 know, attitude, you know.

14 SPECIAL AGENT (b)(7)(C): Did you ever see her
15 go to a manager and raise some of these issues, her
16 safety concerns?

17 (b)(7)(C): You mean like upper manager?

18 SPECIAL AGENT (b)(7)(C): Any manager?

19 Anybody? Any member of the --

20 (b)(7)(C): Oh, (b)(7)(C).

21 SPECIAL AGENT (b)(7)(C): You saw her go to
22 (b)(7)(C) before?

23 (b)(7)(C): Yes, she's raised this in
24 front of (b)(7)(C) quite a few times. Yes. Quite
25 a few times. You know, (b)(7)(C), he doesn't want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to buck the system.

2 SPECIAL AGENT (b)(7)(C) Did anyone from
3 management ever discuss with you Andrews bringing up
4 safety concerns? Did (b)(7)(C) or anybody ever say
5 yes, she's always complaining? Susan's always
6 bringing up issues or did you ever have that
7 conversation with anybody?

8 (b)(7)(C): You mean as far as the
9 workers?

10 SPECIAL AGENT (b)(7)(C): As far as anybody
11 from management? Did they ever talk to you about
12 Susan's complaints?

13 (b)(7)(C): Oh, let me think. Probably
14 -- probably and she's not a manager though. (b)(7)(C)

15 (b)(7)(C) not. (b)(7)(C), she's not a manager
16 either. Probably those two, but they're not managers.
17 They're pretty much butt kissers. They ride around
18 the site and tell any and everything you do. But, not
19 to my -- not to my recollection. No. Not to my
20 recollection.

21 SPECIAL AGENT (b)(7)(C): Do you believe that
22 she was retaliated against for raising safety- related
23 concerns?

24 (b)(7)(C): Uh-huh.

25 SPECIAL AGENT (b)(7)(C): Why is that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C): Well, for -- beyond the
2 safety concerns, you know, she's -- she's pretty much
3 a down to earth person. She welcomed me when I first
4 got there and she likes to do things. She's very
5 astute, very punctual. So, is Bert Bowers. They like
6 to do things right.

7 Because (b)(7)(C) and (b)(7)(C),
8 especially (b)(7)(C) she does not know what she's
9 doing and she tries to minimize the -- she -- she's
10 really trying to save the company from getting into
11 trouble with NRC.

12 SPECIAL AGENT (b)(7)(C): That being --
13 (b)(7)(C): With documentation. Oh,
14 yes. Oh, man, what you talking about. Man, she -- I
15 mean I've got more experience than her, but she --
16 she's pretty -- she's pretty -- she's no holes barred
17 type person.

18 SPECIAL AGENT (b)(7)(C): Do you know if she
19 went to any outside indices? Did she go to the NRC?
20 Did she go to Raso or any of these other people when
21 she had all these safety concerns or did she just
22 raise them to (b)(7)(C) like you did?

23 (b)(7)(C): She -- she probably went to
24 the NRC. She probably had went to you guys and she
25 definitely addressed them to (b)(7)(C).

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): Do you ever recall
2 her going to the Navy? Going to Raso?

3 (b)(7)(C): Not to my knowledge.

4 SPECIAL AGENT (b)(7)(C): Okay.

5 (b)(7)(C): Not to my knowledge. The
6 Navy -- the Navy's -- they -- they like (b)(7)(C).

7 (b)(7)(C) puts on that face. I mean he just goes and
8 does -- yes, just -- yes.

9 SPECIAL AGENT (b)(7)(C): Were you ever
10 interviewed by anyone from management regarding her
11 complaints? When she started raising these issues,
12 did management do an investigation -- an internal
13 investigation and go out and say we need to talk to
14 this person that may have seen it? Who knew of
15 Susan's issues and concerns.

16 (b)(7)(C): No.

17 SPECIAL AGENT (b)(7)(C): Did you know of any
18 other employees who were retaliated against for
19 raising safety concerns?

20 (b)(7)(C): No.

21 SPECIAL AGENT (b)(7)(C): And you think
22 Susan's concerns were valid? They were legitimate
23 safety concerns?

24 (b)(7)(C): Yes. She watches
25 everything. She watches and believe me, that lady

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 watches everything. She's a lady. She watches
2 everything.

3 SPECIAL AGENT (b)(7)(C): What kind of
4 employee was she and what kind of reputation did she
5 have?

6 (b)(7)(C): She -- you mean personal --
7 from a personal -- all through -- the lady she's --
8 she's a -- she's a real good person. She's good
9 people. She's good people. If you -- if you --

10 SPECIAL AGENT (b)(7)(C): What about her as a
11 worker?

12 (b)(7)(C): A worker. A great worker.
13 Great worker. Great personality and I -- she was one
14 of the ones that welcome me when -- when I first got
15 there. But, a lot of these guys, you know, just being
16 in the -- being -- being that -- what was that? Two
17 eighty-one when I first got there. I heard them
18 saying a lot of stuff about her. A lot of bad stuff
19 about here. You know, just making out. Trying to
20 mimic how she -- how she acts and says good morning
21 and this and that, you know, and I -- I got tired of
22 it for awhile, but I -- I said well, you know, I want
23 to see who am I really working with. So, I stayed and
24 I just ignored them. But, yes, she's a very good
25 worker. I mean why would you keep her there for six

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 years?
 2 ----- SPECIAL AGENT (b)(7)(C) : Right. She was
 3 there a while.

4 (b)(7)(C) : You know, why would you keep
 5 her there for six years?

6 SPECIAL AGENT (b)(7)(C) : And you worked with
 7 her for what? (b)(7)(C) The whole time you
 8 were there?

9 (b)(7)(C) : Well, not the whole time I
 10 was there. Because I got transferred over to RYS2 at
 11 a control point and she would come down and see if I
 12 needed like supplies like paperwork or whatever. Like
 13 supplies or whatever. Like air samplers.

14 (b)(7)(C) -- she and (b)(7)(C) -- (b)(7)(C)
 15 (b)(7)(C) did not like her because of -- (b)(7)(C) --
 16 she and (b)(7)(C) -- (b)(7)(C) -- (b)(7)(C) did not -- just
 17 does not like (b)(7)(C). I call her (b)(7)(C) She
 18 don't like her. She don't like her. She don't like
 19 her because she tries to do things right. She tries
 20 to do things right and she knows a lot about (b)(7)(C)
 21 -- how she got up to where she is.

22 She's -- she's nobody now, but she (b)(7)(C)
 23 her -- (b)(7)(C) (b)(7)(C)
 24 from the -- from the -- what's his name? I can't
 25 think of the guy that -- the brother's name. One --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it was one brother. His brother used to own New World
2 Technology and then (b)(7)(C) picked her up. Then
3 another guy used to go with her. You know, I don't
4 remember all that stuff. But, that's how -- that's
5 how she got her -- that's how she got a rank. So-
6 called rank. But, she's not -- she's not qualified RO
7 Tech. I mean (b)(7)(C)

8 SPECIAL AGENT (b)(7)(C): So, you worked with
9 Susan about what? A year?

10 (b)(7)(C): About a year. About --
11 about close to a year. Yes.

12 SPECIAL AGENT (b)(7)(C): And we kind of
13 talked like this in the other interview about Tetra
14 Tech and New World employees getting performance
15 appraisals. Not really. Do you know if Susan was
16 having problems in that area? Was she getting -- do
17 you know if she got a performance appraisal or if she
18 was getting evaluated?

19 (b)(7)(C): She's too punctual. I mean
20 I ain't going to say she's too punctual because then
21 it's no such thing as being too punctual, but she's
22 very punctual. She's very punctual. I mean she's --
23 she's just not the type. If you catch her in a
24 mistake, it's -- it's not going to be often. Not very
25 often.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : Right.

2 (b)(7)(C) : Yes, she's very punctual.

3 Now, she worked in the lab and she worked in --

4 SPECIAL AGENT (b)(7)(C) : Um-hum. Right.

5 (b)(7)(C) : -- in the field, too. So,

6 you know, she had more interaction with a lot of these

7 people throughout the years. So, she pretty much

8 knows -- knows the -- the ins and outs. She knows --

9 SPECIAL AGENT (b)(7)(C) : Do you know if she
10 had any -- you don't believe that she had any
11 performance issues that management would have been
12 sitting?

13 (b)(7)(C) : They will probably say that
14 now because she's -- they hate her guts. They hate
15 her guts. But, I don't know of any no.

16 SPECIAL AGENT (b)(7)(C) : What was she let go
17 for? Did they tell her why? Were you guys told the
18 same story why (b)(7)(C) ?

19 (b)(7)(C) : He said something about --

20 (b)(7)(C) said something about base-wide. He had to
21 let two people go and he said (b)(7)(C) met with

22 his supervisor and -- and San Diego, they gave us the

23 -- the BS and said something about he had to let two

24 people go.

25 SPECIAL AGENT (b)(7)(C) : Did you ever ask why

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) were the two selected? What --

2 (b)(7)(C) : Yes, we asked them.

3 SPECIAL AGENT (b)(7)(C) : How you got to that
4 point?

5 (b)(7)(C) : Yes. Right. That's what we
6 asked them. We asked them why -- why us?

7 SPECIAL AGENT (b)(7)(C) : And what was said?

8 (b)(7)(C) : And he said that he had to
9 -- it was San Diego. He said something about San
10 Diego had made a decision there. They had let two
11 people from base-wide go and (b)(7)(C) and I'm
12 -- I'm like well, if anything, why -- why let her go?
13 Why I mean let her -- you know, let her stay and, you
14 know, just keep her. Because she pretty much welcomed
15 me when I first got there.

16 SPECIAL AGENT (b)(7)(C) : Right.

17 (b)(7)(C) : But -- but, you know, she's
18 been there six years. I've been there like -- I
19 stayed there for like (b)(7)(C) but --

20 SPECIAL AGENT (b)(7)(C) : Do you know if the
21 seniority was factored into whether folks got laid off
22 or not?

23 (b)(7)(C) : No, I -- I would -- I would
24 say it's -- it's more about the -- the concerns that
25 we raised and -- and the -- being in the clique.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Being in the clique and the concerns that we raised.

2 So.

3 SPECIAL AGENT (b)(7)(C) : Okay. A couple
4 closing comments and questions.

5 (b)(7)(C) : Okay. sure.

6 SPECIAL AGENT (b)(7)(C) : Have I threatened
7 you in any manner in exchange for your testimony?

8 (b)(7)(C) : Me. No. No.

9 SPECIAL AGENT (b)(7)(C) : Have I offered you
10 any reward in exchange for your testimony?

11 (b)(7)(C) : No. None.

12 SPECIAL AGENT (b)(7)(C) : Given freely and
13 voluntarily?

14 (b)(7)(C) : Yes.

15 SPECIAL AGENT (b)(7)(C) : Anything else you'd
16 like to add to the record at this time especially
17 regarding Ms. Andrews and her subsequent
18 discrimination claim and termination?

19 (b)(7)(C) : No, not -- not right now.
20 Not at the -- not at the present time.

21 SPECIAL AGENT (b)(7)(C) : Okay. The time is
22 now 4:40 p.m. This interview is concluded.

23 (Whereupon, at 4:40 p.m., the interview
24 was adjourned.)

25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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: 1-2012-019

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.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

EXHIBIT 6

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :
INTERVIEW OF : OI Case No.
(b)(7)(C) : 1-2012-019
(CLOSED) :

-----X

Wednesday, June 13, 2012

Tetra Tech Conference Room
Hunters Point Naval Shipyard
200 Fisher Avenue
San Francisco, CA 94124

The above-entitled interview was conducted
at 1:07 p.m.

BEFORE:

Special Agent (b)(7)(C)

ALSO PRESENT:

(b)(7)(C)

EXHIBIT 6
PAGE 1 OF 16 PAGE(S)

1-2012-019

P-R-O-C-E-E-D-I-N-G-S

(1:07 p.m.)

1
2
3 SPECIAL AGENT (b)(7)(C): Today's date is
4 Wednesday, June 13th, 2012. The time is currently
5 1:07 p.m. Pacific Standard Time. For the record this
6 is an interview of (b)(7)(C) who is employed
7 with Tetra Tech?

8 (b)(7)(C): (b)(7)(C)

9 SPECIAL AGENT (b)(7)(C): Okay, C&T. We'll go
10 into your employment in just a bit. And that is here
11 at that the Hunters Point Naval Shipyard in San
12 Francisco, California. The location of this interview
13 is the conference room in the Tetra Tech trailer
14 onsite at the Hunters Point Naval Shipyard in San
15 Francisco, California.

16 I'm (b)(7)(C) a Special Agent with the
17 Office of Investigations, U.S. Nuclear Regulatory
18 Commission, Region I Field Office in King of Prussia,
19 Pennsylvania. Also present is (b)(7)(C)?

20 (b)(7)(C): Correct.

21 SPECIAL AGENT (b)(7)(C): Who is (b)(7)(C)

22 (b)(7)(C) and serving as a representative here today.
23 The subject of our interview this afternoon is to
24 discuss NRC OI Case Number 1-2012-019 and it relates
25 to the harassment and discrimination claim brought

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 forward by former Health Physics Technician Susan
2 Andrews, who was previously employed here at Hunters
3 Point.

4 I want to first advise you of the NRC's
5 prohibition of recording or transmitting this
6 interview. The NRC strictly prohibits the
7 transmission or recording of this interview by any
8 parties other than the NRC or its designee. Having
9 said that are you recording or transmitting this
10 interview in any way?

11 : No.

12 SPECIAL AGENT : Are you ?

13 : No.

14 SPECIAL AGENT : Thank you. If you
15 could please raise your right hand. Do you swear that
16 the testimony that you're about to provide is the
17 truth, whole truth and nothing but the truth so help
18 you god?

19 : Yes.

20 SPECIAL AGENT : Thank you. Please
21 state your full name for the record, spell your last
22 name.

23

24 SPECIAL AGENT : Okay. And you said
25 you're employed with

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(7)(C) : It's (b)(7)(C)

SPECIAL AGENT (b)(7)(C) : And what capacity was your title?

(b)(7)(C)

More of the admin part.

SPECIAL AGENT (b)(7)(C) : Okay. How long have you been with your current employer?

(b)(7)(C) : Since (b)(7)(C)

SPECIAL AGENT (b)(7)(C) : Okay. When did you begin working, I guess in the Nuclear Industry here?

(b)(7)(C) : It was (b)(7)(C) before here, so (b)(7)(C) I believe it was.

SPECIAL AGENT (b)(7)(C) : Okay. And where was that at?

(b)(7)(C) : It was at (b)(7)(C) in (b)(7)(C)

SPECIAL AGENT (b)(7)(C) : Where you ever employed for Tetra Tech directly?

(b)(7)(C) : No.

SPECIAL AGENT (b)(7)(C) : Okay. Where you trained on how to report safety concerns to management here at Hunters Point Naval Shipyard?

(b)(7)(C) : We, well trained, but we were told that you know, who to contact at what time you know. (b)(7)(C) our (b)(7)(C) so if he's not here

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you can contact (b)(7)(C) you can contact well basically
2 anyone.

3 SPECIAL AGENT (b)(7)(C) : So maybe not formal
4 training?

5 (b)(7)(C) : I wouldn't call it formal, but
6 there's signs everywhere. You know, you're informed
7 on who to contact, yes.

8 SPECIAL AGENT (b)(7)(C) : Okay. And does
9 Tetra Tech generally have control of that process, is
10 that Tetra Tech employees that manage that training or
11 that information output?

12 (b)(7)(C) : Yes. I would say yes.

13 SPECIAL AGENT (b)(7)(C) : Okay. And when
14 would you say you first got that orientation of that
15 information, is it when you first got here, is it
16 annually?

17 (b)(7)(C) : You go through some training
18 when you get here. You meet everyone, you have an
19 annual also, but you are provided the knowledge of
20 who's the safety officer and who's the RSO and so.

21 SPECIAL AGENT (b)(7)(C) : Okay. What are your
22 duties and responsibilities as (b)(7)(C) ?

23 (b)(7)(C) : Basically for me (b)(7)(C)

24 (b)(7)(C)
25

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C)

2 SPECIAL AGENT (b)(7)(C) : Who do you report
3 to?

4 (b)(7)(C) : My direct Manager is (b)(7)(C)

5 (b)(7)(C) . And then we have a person that we report to
6 within Tetra Tech and then also we report to (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C) : What's (b)(7)(C)
8 position?

9 (b)(7)(C) : He's the (b)(7)(C)

10 SPECIAL AGENT (b)(7)(C) : And is he also a (b)(7)(C)

11 employee?

12 (b)(7)(C) : Yes he is.

13 SPECIAL AGENT (b)(7)(C) : And who's your Tetra
14 Tech report?

15 (b)(7)(C) : It would be (b)(7)(C)

16 SPECIAL AGENT (b)(7)(C) : Did you have anyone
17 that reports, do you have anyone that (b)(7)(C)

18 (b)(7)(C) : Well the lab technicians

19 (b)(7)(C)

20 SPECIAL AGENT (b)(7)(C) : How many lab Tech's?

21 (b)(7)(C) : We have four.

22 SPECIAL AGENT (b)(7)(C) : And would you say
23 that the training that you guys received here
24 identifies to you what kind of issues are safety
25 related issues?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) I believe so, we don't, with
2 the lab it's a lot less then the field.

3 SPECIAL AGENT (b)(7)(C): Okay.

4 (b)(7)(C): So I believe yes.

5 SPECIAL AGENT (b)(7)(C): Does Tetra Tech
6 promote a safety conscious work environment?

7 (b)(7)(C): I believe so, yes.

8 SPECIAL AGENT (b)(7)(C): Is it acceptable to
9 report safety concerns to management? Does management
10 welcome and encourage it here?

11 (b)(7)(C): As far as I'm concerned, yes.

12 SPECIAL AGENT (b)(7)(C): What are the
13 mechanisms available for report and safety concerns,
14 is there a secret box you can put in anonymous notes
15 in, can you generate something in a computer system?
16 Commonly in the power plant industry they're called
17 condition reports, can any of thing be generated in a
18 computer? What do you guys use here?

19 (b)(7)(C): For the lab it's just go voice
20 your safety concern to whoever you feel, actually
21 whoever you want to do that with.

22 SPECIAL AGENT (b)(7)(C): So it's verbal and
23 direct?

24 (b)(7)(C): Yes.

25 SPECIAL AGENT (b)(7)(C): Any written form of

1 it though, do you have a --

2 (b)(7)(C): The lab doesn't have anything,
3 but you can also do it by email, if that's --

4 SPECIAL AGENT (b)(7)(C): Do you have the
5 accessibility to ZIP slips?

6 (b)(7)(C): We do, we do. That's not
7 something that I personally have done in the lab
8 because we, more so for us we just directly go to
9 someone.

10 SPECIAL AGENT (b)(7)(C): Are you aware of Ms.
11 Susan Andrews ever raising safety concerns?

12 (b)(7)(C): Actually going to someone, I
13 mean we talk about stuff all the time in the lab, but
14 as far as her going to report something, not off the
15 top of my head.

16 SPECIAL AGENT (b)(7)(C): Okay, what things
17 would you talk about in the lab?

18 (b)(7)(C): Just our, you know, when we
19 move boxes or bins or some samples. Just day to day
20 general, I guess your eight hour day of working you
21 know. Don't move that without someone's help or you
22 know, it's just a conversation type thing.

23 SPECIAL AGENT (b)(7)(C): Okay. Did you ever
24 become aware that later, that she raised some safety
25 issues?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : No, because she hadn't worked
2 in the lab for awhile, so.

3 SPECIAL AGENT (b)(7)(C) : When did you work
4 with her in the lab?

5 (b)(7)(C) : Oh let's see, its been a
6 couple years ago at least. I don't know the exact
7 date.

8 SPECIAL AGENT (b)(7)(C) : Did she ever raise
9 her safety issues to you directly in more of a, even
10 a casual way saying, hey this is an issue or that
11 particular thing is an issue and I should report it or
12 having a problem with it? Did you ever have any of
13 those kind of conversations?

14 (b)(7)(C) : I would say directly, but in
15 general Susan says a lot of stuff, that in casual
16 talking. But never to the point where she says, I'm
17 going to report this or we should look at this or
18 whatever. It's just in general she says a lot of
19 stuff.

20 SPECIAL AGENT (b)(7)(C) : So I'm assuming she
21 never raised anything, any concerns to management in
22 your presence?

23 (b)(7)(C) : Not in my presence no, I can't
24 think of anything no.

25 SPECIAL AGENT (b)(7)(C) : Did anyone from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 management ever discuss with you that she had raised
2 safety issue?

3 (b)(7)(C) : No, not that I can think of.

4 SPECIAL AGENT (b)(7)(C) : Okay let's talk
5 about the issues that she raised and how much you may
6 know about those issues.

7 (b)(7)(C) : Okay.

8 SPECIAL AGENT (b)(7)(C) : She has identified
9 that (b)(7)(C) has, (b)(7)(C) has operated with
10 some unsafe HPRP practices. Such as, that on one
11 particular day (b)(7)(C) was onsite with (b)(7)(C)
12 in the vehicle and that (b)(7)(C) may have gotten
13 out of the vehicle with food or something of that
14 nature and she wasn't surveyed, had gone into
15 protected area, which I'm assuming is a no, no.

16 And that she also, that (b)(7)(C) also
17 was instructing labor staff, laborers to do surveys or
18 to do --

19 (b)(7)(C) : That I don't know.

20 SPECIAL AGENT (b)(7)(C) : Okay.

21 (b)(7)(C) : Because I'm not out there, I
22 don't go onto the field, so.

23 SPECIAL AGENT (b)(7)(C) : Do you ever recall
24 laborers ever bringing back samples for anything, what
25 do you guys call them, when you swipe?

1 (b)(7)(C) : Smears?
2 SPECIAL AGENT (b)(7)(C) : Smears. Do you ever
3 recall --
4 (b)(7)(C) : Laborers turning them in?
5 SPECIAL AGENT (b)(7)(C) : Turning in smears?
6 (b)(7)(C) : No.
7 SPECIAL AGENT (b)(7)(C) : Never recall?
8 (b)(7)(C) : No, because we have a COC
9 attached to those and that has to be a tech.
10 SPECIAL AGENT (b)(7)(C) : Okay.
11 (b)(7)(C) : So I cannot recall anytime
12 that they would bring that into the lab.
13 SPECIAL AGENT (b)(7)(C) : What about (b)(7)(C) and
14 (b)(7)(C) being onsite, do you recall that?
15 (b)(7)(C) : Yes I do know she was here.
16 SPECIAL AGENT (b)(7)(C) : Okay. Was that
17 against procedure?
18 (b)(7)(C) : I did not know why she was
19 here, so I didn't know at the time.
20 SPECIAL AGENT (b)(7)(C) : Okay.
21 (b)(7)(C) : But in general no, she should
22 not have been in the area if that's where she was.
23 SPECIAL AGENT (b)(7)(C) : Do you recall when
24 that happened?
25 (b)(7)(C) : I believe it was the last

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 year, the later part of last year.

2 SPECIAL AGENT (b)(7)(C): So late 2011?

3 (b)(7)(C): I believe so.

4 SPECIAL AGENT (b)(7)(C): Where you aware if
5 Susan took any of her concerns to outside entities
6 other then Tetra Tech? Such as RASO or?

7 (b)(7)(C): No I'm not aware of that.

8 SPECIAL AGENT (b)(7)(C): Do you believe that
9 Andrews was retaliated against for raising safety
10 related issues?

11 (b)(7)(C): No.

12 SPECIAL AGENT (b)(7)(C): When personnel
13 action was taken against Ms. Andrews, do you recall
14 what management cited as the reason for the action
15 taken?

16 (b)(7)(C): For?

17 SPECIAL AGENT (b)(7)(C): She was laid off?

18 (b)(7)(C): No, I don't get involved in
19 that. That's between the Tetra Tech, the supervisor
20 and the employee.

21 SPECIAL AGENT (b)(7)(C): Where you
22 interviewed by anyone from management at Tetra Tech
23 regarding your knowledge of Ms. Andrews concerns?

24 (b)(7)(C): No.

25 SPECIAL AGENT (b)(7)(C): So they never did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like a internal investigation and said, hey we're
 2 trying to answer some questions, we know that she had
 3 issues with this, this and this and we're trying to
 4 address it?

5 (b)(7)(C) : They did not interview me, no.

6 SPECIAL AGENT (b)(7)(C) : Were you aware of
 7 any discriminatory actions or statements made against
 8 Ms. Andrews?

9 (b)(7)(C) : From that, no.

10 SPECIAL AGENT (b)(7)(C) : From management --

11 (b)(7)(C) : No.

12 SPECIAL AGENT (b)(7)(C) : -- primarily? Okay.

13 And when again did you say you recall beginning to
 14 work with Susan? When did you guys work in the lab
 15 together?

16 (b)(7)(C) : I started in (b)(7)(C) and it was
 17 up until, I think, I'm thinking (b)(7)(C), but I'm

18 --

19 SPECIAL AGENT (b)(7)(C) : So through (b)(7)(C)
 20 maybe?

21 (b)(7)(C) : Yes.

22 SPECIAL AGENT (b)(7)(C) : You worked there
 23 about (b)(7)(C)

24 (b)(7)(C) : Yes.

25 SPECIAL AGENT (b)(7)(C) : What type of

1 employee would you describe her as?

2 (b)(7)(C): She was a good worker. If you
3 let her work, just work you know. But she was, she
4 did have issues working with other people sometimes.

5 SPECIAL AGENT (b)(7)(C): Was she difficult to
6 get along with?

7 (b)(7)(C): Sometimes, yes.

8 SPECIAL AGENT (b)(7)(C): Do you believe that
9 she had valid safety concerns for the issues she
10 raised?

11 (b)(7)(C): I believe, yes. I believe
12 anybody that has a safety concern is valid, no matter
13 what.

14 SPECIAL AGENT (b)(7)(C): Where the items that
15 I raised to you, that she subsequently raised with
16 regard to (b)(7)(C) and the survey and so forth, are
17 those issues cross referenced by a particular
18 procedure or violation in the manual or standard
19 operating procedures? Does it say that you can't have
20 unauthorized persons on site?

21 (b)(7)(C): Well it says in a controlled
22 area you can't eat or drink or so, yes it, I mean
23 those things are stated.

24 SPECIAL AGENT (b)(7)(C): Okay. You have any
25 firsthand knowledge that personal action levied

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 against Ms. Andrews is based upon her whistle blowing?

2 (b)(7)(C): No.

3 SPECIAL AGENT (b)(7)(C): Are you aware of, if
4 she was ever subject to any form of progressive
5 discipline? Was she ever written up, were there
6 continual problems that had occurred prior to her
7 layoff?

8 (b)(7)(C): I don't believe she was ever
9 wrote up for anything, no. And I would only really
10 know that if it were coming from the lab, because no
11 one else would have put that information out there.

12 SPECIAL AGENT (b)(7)(C): Why did she leave
13 the lab?

14 (b)(7)(C): She actually was, at that time
15 I think the field, they were doing more hours and the
16 job that she was going to was technically supposed to
17 be a better job, more of an office type job. So it
18 was supposed to be a better opportunity for her.

19 SPECIAL AGENT (b)(7)(C): Okay. And for the
20 record, as it relates to (b)(7)(C) and (b)(7)(C)

21 (b)(7)(C) has little information of
22 substance thus we will not get through the barrage of
23 questions as we have for Ms. Andrews. (b)(7)(C)

24 worked directly with Ms. Andrews for a period of time
25 and can speak more directly to her situation more so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 then that of (b)(7)(C) and (b)(7)(C)

2 Is there anything else you'd like to add
3 to the record at this time?

4 (b)(7)(C) : No.

5 SPECIAL AGENT (b)(7)(C) : A couple closing
6 comments and remarks. Have I threatened you in any
7 manner in exchange for your testimony?

8 (b)(7)(C) : No.

9 SPECIAL AGENT (b)(7)(C) : Have I offered you
10 any reward in exchange for your testimony?

11 (b)(7)(C) : No.

12 SPECIAL AGENT (b)(7)(C) : Has it been given
13 freely and voluntarily?

14 (b)(7)(C) : Yes.

15 SPECIAL AGENT (b)(7)(C) : Okay. The time is
16 currently 1:28 p.m. Pacific Standard Time, this
17 interview is concluded.

18 (Whereupon, the interview in the above-
19 mentioned matter was concluded at 1:28 p.m.)

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: 1-2012-019

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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

EXHIBIT 7

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : OI Case Nos.

(b)(7)(C)

: 1-2012-019,

(CLOSED)

: 1-2012-037

-----X

Wednesday, June 13, 2012

Tetra Tech Conference Room
Hunters Point Naval Shipyard
200 Fisher Avenue
San Francisco, CA 94124

The above-entitled interview was conducted
at 2:10 p.m.

BEFORE:

Special Agent (b)(7)(C)

EXHIBIT 7
PAGE 1 OF 39 PAGE(S)

1-2012-019

P-R-O-C-E-E-D-I-N-G-S

(2:10 p.m.)

SPECIAL AGENT (b)(7)(C): Today's date is

Wednesday, June 13th, 2012. The time is currently 2:10 p.m. Pacific Standard Time. For the record, this is an interview of (b)(7)(C) who was employed with AWS which is a subcontractor to Tetra Tech, and is working here at the Hunters Point Naval Shipyard in San Francisco, California. The location of this interview is the Tetra Tech Conference Room on site here at the Hunters Point Naval Shipyard in San Francisco, California.

I am (b)(7)(C), a special agent with the Office of Investigations, U.S. Nuclear Regulatory Commission Region I Field Office in King of Prussia, Pennsylvania.

This interview is being conducted to discuss issues with respect to discrimination complaints raised by two separate fellow and former employees here, that being Ms. Susan Andrews and (b)(7)(C)

(b)(7)(C) who were both previously employed as HP technicians here on site at Hunters Point. This involves NRC OI Case Number 1-2012-019 regarding Ms. Andrews, and 1-2012-037 with respect to (b)(7)(C)

I must inform you, (b)(7)(C) that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 NRC strictly prohibits the recording or transmitting
2 of this interview by any parties other than the NRC or
3 its designee. Having said that, are you recording or
4 transmitting this interview in any way?

5 (b)(7)(C) : No, I'm not.

6 SPECIAL AGENT (b)(7)(C) : Secondly, I'd
7 like to inform you of the 18 U.S.C. 1001 which is
8 known as the false statement provision, and that
9 essentially says if you knowingly or willingly make
10 any false, fictitious or fraudulent statements or
11 representations and provide false information you
12 could be subject to prosecution under 18 U.S.C. 1001,
13 which is a felony punishable by a sentence of up to
14 five years confinement and \$250,000 fine. And that is
15 not a threat, that is just to say I'm a special agent
16 with the U.S. Government. It's important that you be
17 honest and forthright with me, and the things that you
18 tell me are the truth.

19 (b)(7)(C) : Okay.

20 SPECIAL AGENT (b)(7)(C) : If you could, please
21 raise your right hand. Do you swear that the
22 testimony you're about to provide is the truth, the
23 whole truth and nothing but the truth, so help you
24 God?

25 (b)(7)(C) : Yes, I do.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPECIAL AGENT (b)(7)(C) Thank you. If you could, please state your full name for the record and spell your last name.

(b)(7)(C)

that's (b)(7)(C)

SPECIAL AGENT (b)(7)(C): And you're currently employed with AWS?

(b)(7)(C): That's correct.

SPECIAL AGENT (b)(7)(C): That stands for --

(b)(7)(C): Aleut World Solutions.

They're a company out of Alaska, Anchorage, Alaska. My employment with them started on January 3rd, 2012.

SPECIAL AGENT (b)(7)(C): And in what capacity are you employed, or what is your title?

(b)(7)(C)

(b)(7)(C)

SPECIAL AGENT (b)(7)(C): Now you've been with

them since (b)(7)(C) of this year. Who were you with previously?

(b)(7)(C): They came in and took over

our company. The company that I started at Hunters Point with was New World Technology. They had a position over here at Hunters Point Shipyard that I accepted and I worked with them here at the shipyard for (b)(7)(C) and I was employed by them previously at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 another site.

2 SPECIAL AGENT (b)(7)(C): When did you begin
3 your employment in the nuclear industry?

4 (b)(7)(C) Way back in (b)(7)(C) I
5 started at a nuclear power plant in (b)(7)(C)
6 that's currently (b)(7)(C) It wasn't (b)(7)(C) when I
7 started with them. They were (b)(7)(C) They
8 were bought out by (b)(7)(C) once they were started up
9 and showed that the plant was sufficiently running,
10 and I stayed with the power plant from about (b)(7)(C)
11 all the way up to (b)(7)(C) and then I received my DOE
12 CORE certification as a (b)(7)(C)
13 (b)(7)(C) through the CORE, and went on the road as
14 a traveling tech. From there I went to (b)(7)(C) to (b)(7)(C)
15 (b)(7)(C) where they were doing a closure project
16 there.

17 And I've worked numerous sites between
18 then and now as a (b)(7)(C), doing again
19 spectroscopy work and as well as (b)(7)(C)
20 and (b)(7)(C) as well. So I've bounced back and forth
21 between working for the (b)(7)(C) f
22 (b)(7)(C) for (b)(7)(C) the (b)(7)(C) different locations,
23 and then the (b)(7)(C) (b)(7)(C) as well
24 throughout the past few years.

25 SPECIAL AGENT (b)(7)(C): Okay, were you

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 trained on how to report safety concerns upon arriving
2 here?

3 (b)(7)(C): Yes. They have SOPs,
4 which are documents they follow for site procedures as
5 well as site safety procedures that they had me read
6 and sign off on. They call them read-and-signs for
7 short, and most sites have them. I've not worked any
8 site that hasn't. They provide you with their safety
9 standard of operations and then their procedures of
10 standard of operations. And you read them off and
11 sign off on them and then they allow you to go into
12 the field and do work, as with most sites.

13 SPECIAL AGENT (b)(7)(C) And did Tetra Tech
14 issue that training and that information to you?

15 (b)(7)(C): Yes, they did.

16 SPECIAL AGENT (b)(7)(C): When did you receive
17 that training?

18 (b)(7)(C): When I first got here they
19 allowed me about a week to two weeks to read the site
20 safety standards, and they showed me where all the
21 procedures were located in the office as well as in
22 the field. So if I ever had any questions I had an
23 opportunity to know where to go to get the answers,
24 and then if that wasn't good enough I could always
25 call and ask someone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SPECIAL AGENT (b)(7)(C) : That was back when?

2 (b)(7)(C) : When I first started here,

3 was (b)(7)(C), let's see I've been here for about

4 (b)(7)(C) and a (b)(7)(C) now so --

5 SPECIAL AGENT (b)(7)(C) : That would make it

6 (b)(7)(C)

7 (b)(7)(C) : Yes, that sounds about

8 right, (b)(7)(C)

9 SPECIAL AGENT (b)(7)(C) : Now what are your

10 duties and responsibilities?

11 (b)(7)(C) : Currently I'm posted as a

12 (b)(7)(C) or a (b)(7)(C) I (b)(7)(C) in at

13 the (b)(7)(C) I guess that's what you want to

14 call it. I (b)(7)(C) equipment, personnel, and (b)(7)(C)

15 (b)(7)(C) in and out of a controlled area.

16 SPECIAL AGENT (b)(7)(C) : Who do you report

17 to?

18 (b)(7)(C) : Immediately would be (b)(7)(C)

19 (b)(7)(C) or (b)(7)(C). Both of them are my immediate

20 supervisors from Tetra Tech. Also if (b)(7)(C) or

21 (b)(7)(C) need me for any radiological thing then

22 I'd go to them as well. Those are basically all Tetra

23 Tech supervisors.

24 SPECIAL AGENT (b)(7)(C) : Do you have anyone

25 that reports to you?

1 (b)(7)(C) : No, not really. I pretty
2 much have control of my work area, and I observe the
3 work and make sure that all the radiological issues
4 are (b)(7)(C) that are appropriate.
5 And if something's out of the norm I always call up to
6 my supervisor. So it's like if the laborers are out
7 there and they have a question then they'll come to me
8 if it's regarding radiological concerns.

9 SPECIAL AGENT (b)(7)(C) : What would you say
10 the safety culture is here at Hunters Point?

11 (b)(7)(C) : I'd say for the amount of
12 employees that the site has it seems to be pretty
13 accurate. We haven't had any major safety incidents
14 since I've been here. We have a safety brief every
15 morning that addresses our daily concerns should any
16 arise. They also constantly, at that meeting, will
17 remind us of past practices and who to go to should we
18 have any questions or needs, you know, what to look
19 for. Even as far as physical, they cover the physical
20 part of it by having us do morning stretches, stuff
21 that I've not done on other sites they do here to
22 protect their employees.

23 SPECIAL AGENT (b)(7)(C) : Does Tetra Tech
24 promote a safety conscious work environment?

25 (b)(7)(C) : I believe they do, yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C): Is it acceptable to
2 report safety concerns to management here? Is it
3 welcomed and encouraged by Tetra Tech management?

4 (b)(7)(C): Yes, it is. They've even
5 went so far as to have a program called ZIP slips, so
6 that if you don't feel like immediately calling a
7 supervisor and say, hey, I want to notify you about
8 this possible hazard, you can write it up on a ZIP
9 slip and turn it in at your own leisure. But if it's
10 an immediate concern you can always call. There's
11 (b)(7)(C) is our (b)(7)(C) (b)(7)(C) is another
12 gentleman that we call for safety. Any of the
13 supervisors would make it. We have plenty of ways to
14 contact these people. We have a radio that we use for
15 the site and we can also use our cell phone. We all
16 have their numbers.

17 SPECIAL AGENT (b)(7)(C): Are employees
18 trained in to what is considered a safety concern,
19 what items are safety?

20 (b)(7)(C): Yes, yes. We also fill
21 out what's called a TSA, daily, and any hazards that
22 you could possibly come across in the field regarding
23 whatever task you're going to do, keeping in mind that
24 they do change, are written on this sheet. And you
25 can point them out as well as write down what steps to

1 take to prevent such as stop, think, act, review, or
2 be aware of your surroundings or use the right tool
3 for the job, whatever it takes to keep it safe. And
4 every employee that comes into my area has to sign
5 this sheet, so they're aware of the hazards in the
6 area. And the ones that aren't, they're supposed to,
7 encouraged to report.

8 SPECIAL AGENT (b)(7)(C) : So going back to the
9 ZIP slips for a second, is that the only mechanism by
10 which you can report something? I know you said you
11 can verbally report it, but in terms of written ways
12 to report safety concerns is there a way to generate,
13 in the nuclear plant where they call them condition
14 reports, is there a way? Do you all have something
15 like that here?

16 (b)(7)(C) : Well, I think the TSA
17 would fall under that, the TSA, past status.

18 SPECIAL AGENT (b)(7)(C) : That's generated in

19 --
20 (b)(7)(C) : It's generated in the
21 field. It's a form that's generated off of a
22 computer. You have the forms. It has spaces under
23 each, there's a front and a back to it. It's like a
24 JSA or a job assessment, but this is a task assessment
25 sheet. It covers everything from using GFIs when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you're using electrical equipment outside or in the
2 area to weather conditions, dressing appropriate,
3 hydrate as much as needed, physical abilities, moving
4 routine, heavy equipment, loading and unloading two-
5 man rule, stuff like that as well as mentioning
6 radiological concern on it. It has a place where we
7 put that our SOPs are available upon request, I mean
8 I have them in my box. So yes.

9 SPECIAL AGENT (b)(7)(C): Does everybody have
10 access to do this in the computer?

11 (b)(7)(C): Yes.

12 SPECIAL AGENT (b)(7)(C): Anybody can log in?

13 (b)(7)(C): Well, it's not in the
14 computer it's in the field, so everybody signs this
15 sheet when they come in the work area. So everybody
16 puts their hands on that piece of paper, that form.

17 SPECIAL AGENT (b)(7)(C): And they're aware of
18 their responsibilities and obligations.

19 (b)(7)(C): Yes, correct. If you come
20 in the work area you have to sign the TSA as well as
21 your log-in sheet, so you are aware of what your
22 possibilities are, what's the possibility of the worst
23 thing that could happen.

24 SPECIAL AGENT (b)(7)(C): Okay. First point
25 to talk about, (b)(7)(C). Are you aware of (b)(7)(C)

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) raising safety related concerns to
2 management?

3 (b)(7)(C): No, I was never informed
4 that he had done that. I'm sure if there were any at
5 his post, I'm going by his work ethic, he more than
6 likely did report something if something came up. I
7 don't know. I've never been informed that he had.
8 But if there was something there I'm sure he has.

9 SPECIAL AGENT (b)(7)(C): So (b)(7)(C) never
10 directly told you that he reported safety concerns to
11 management?

12 (b)(7)(C): No, not directly to me,
13 no.

14 SPECIAL AGENT (b)(7)(C): And that I would
15 assume he never raised then any concerns in your
16 presence to managers. Did you ever hear him say
17 something to (b)(7)(C) about this or that, anything?

18 (b)(7)(C): Not in front of me, no.
19 Not to my recollection, I don't remember him reporting
20 to (b)(7)(C) in front of me that there was a problem.

21 SPECIAL AGENT (b)(7)(C): Did anyone from
22 management ever discuss (b)(7)(C) raising safety
23 concerns with you?

24 (b)(7)(C): No. What they would have
25 done, I'm going by what I've seen in the past. If

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there was a major concern that had been brought up by
2 a fellow employee regardless if it's another rad plee
3 (phonetic) or a laborer or an operator, they would
4 make an announcement in the morning and they'll follow
5 up with the whole work group as a site to give
6 everybody a heads up.

7 Prime example, we have a company on site
8 right now called ITSI that does a lot of our loads of
9 soil out of the yard out of our site for shipments.
10 And when the truck traffic picks up we're talking
11 about drivers who are not normally on the site so
12 they're not familiar with the area, so they go a
13 little too fast or they don't know the way around and
14 they could end up, they're more of a hazard in some
15 cases. In the morning meetings they give us a heads
16 up when they're coming. They give us a heads up how
17 long they're going to be here, what to expect out of
18 them, what not to expect out of them. So if there's
19 a concern that's brought up, they address it in the
20 morning meetings most of the time if they consider it
21 a legitimate concern.

22 SPECIAL AGENT (b)(7)(C): Okay, we're going to
23 talk about the issues that (b)(7)(C) raised, and you
24 let me know if this sounds correct, if it sounds
25 foreign or anything of that nature. Are you familiar

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with, I guess it's (b)(7)(C) ? She
2 also works here.

3 (b)(7)(C) ?

4 SPECIAL AGENT (b)(7)(C) : (b)(7)(C) okay.

5 Are you familiar or aware of her reporting to work
6 with what (b)(7)(C)

7 (b)(7)(C)

8 (b)(7)(C)

I'm not aware of that. I

9 have not worked with her personally since I've been
10 here. I know she works here and she works as a (b)(7)(C)

11 in the field. I'm guessing she works at a checkpoint

12 (b)(7)(C)

and (b)(7)(C)

did, but I've never worked with her

13 directly to know that, so no, I've never heard of

14 that.

15 SPECIAL AGENT (b)(7)(C) : You never recall

16 (b)(7)(C)

ever saying anything to you about --

17 (b)(7)(C)

No, he's never mentioned

18 that to me. But again you've got to realize, me and

19 (b)(7)(C)

never, once in awhile we worked together at his

20 checkpoint but we really rarely crossed paths. Once

21 I was put on the checkpoint gate I'm pretty much where

22 I am and I don't leave to go anywhere else unless I'm

23 sent there. So we're kind of separated when he was

24 here. So very few times did we ever get the

25 opportunity to even work together for him to talk to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 me about anything.

2 SPECIAL AGENT (b)(7)(C): How about this
 3 notion that (b)(7)(C) violated some HP practices by
 4 having (b)(7)(C) on site and having food in the RCA
 5 with (b)(7)(C) without, I guess, the appropriate
 6 measures being taken, and then also instructing the
 7 laborers to take smears? How much do you know about
 8 that?

9 (b)(7)(C) I know that (b)(7)(C)
 10 has been in the area with (b)(7)(C) okay, but I
 11 did not know of anything or heard of anything about
 12 any food or open containers in any vehicles. And as
 13 far as (b)(7)(C) being brought into the area, when
 14 I witnessed it firsthand she was escorting a person
 15 into the area. Now that remains to be said --

16 SPECIAL AGENT (b)(7)(C): Who was escorting?

17 (b)(7)(C)

18 SPECIAL AGENT (b)(7)(C): Was escorting
 19 someone else into --

20 (b)(7)(C): And it turned out that it
 21 happened to be (b)(7)(C)

22 SPECIAL AGENT (b)(7)(C): Okay. Did (b)(7)(C)
 23 (b)(7)(C) have a visitor's badge?

24 (b)(7)(C): That's the thing. She
 25 didn't have a TLD and she didn't have a visitor's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 badge. But that's not unusual. For example, if I
2 have a piece of equipment in my yard that's broke down
3 and a service gentleman from a company that services
4 our equipment has to come in the yard, they don't
5 always have TLDs or that either, temporary badges,
6 stuff like that. What we will do is we will designate
7 a liaison or someone to escort. We'll let this man
8 escort. And as long as they're there in the yard with
9 the escort we allow that because their TLD on the
10 escort covers for the person there. And they have to
11 maintain presence with that person the whole time
12 they're in the yard.

13 So when (b)(7)(C) came in the yard with
14 this person I noticed that she didn't have a TLD. I
15 brought that to her attention and of course I was
16 told, I'm escorting her into the yard and she'll be
17 with me. And I was like, okay. So they signed in on
18 my documents and they signed out like they were
19 supposed to. She did maintain her presence --

20 SPECIAL AGENT (b)(7)(C): Right, the entire
21 time.

22 (b)(7)(C): -- the entire time. So I
23 did not even know who this person was.

24 SPECIAL AGENT (b)(7)(C): What does the
25 procedure say regarding that as far as you know?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (b)(7)(C) : As far as I know you are
2 allowed to escort as long as you stay with that
3 person.

4 SPECIAL AGENT (b)(7)(C) : So the visitor
5 having a TLD and a visitor's badge is not required per
6 se by procedure.

7 (b)(7)(C) : Exactly. As long as you
8 have an escort of the person who is, one, does have an
9 TLD with them. In my area, because of the rad
10 controls in my area, if you're with an escort that's
11 wearing a TLD and you maintain presence with that
12 second person, the visitor, it's okay. Now you can't
13 leave that person in a yard and you can't walk off and
14 let them do whatever or go wherever. They need to be
15 in where you are --

16 SPECIAL AGENT (b)(7)(C) : Right, the entire
17 time.

18 (b)(7)(C) : -- the entire time. Now
19 that has happened. But it's also like I said, I've
20 had it happen without it being (b)(7)(C) (b)(7)(C) I
21 didn't even know that's who that person was. I've had
22 it with mechanics. I've had it with people changing
23 vehicle tires, you know, they had a flat. A fuel
24 truck can come in the yard with an escort and refuel
25 the heavy equipment, and he leaves with his escort.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 As far as the smears and the laborers, I'm not aware
2 of that.

3 SPECIAL AGENT (b)(7)(C) : Not aware of it.

4 (b)(7)(C) : In the procedures I've
5 read as far as sampling would go, smears aren't taken.
6 They decon it in the field. They have a bucket of
7 water, decon water, and they dispose of it properly
8 and that's how they maintain it. There's no smears
9 taken for sampling.

10 SPECIAL AGENT (b)(7)(C) : Okay, so they're not
11 taking any and bringing it to the lab --

12 (b)(7)(C) : No, not that I'm aware,
13 no. Now I don't know about elsewhere, but in my yard
14 they don't take smears. We don't take smears in my
15 yard because I'm out in the soil. Inside buildings
16 might be another story, I don't know. I'm out in the
17 field. So sorry, can't help you there.

18 SPECIAL AGENT (b)(7)(C) : Are you aware of
19 what management cited as the reason for the personnel
20 action taken against (b)(7)(C) ? He was laid off.
21 Do you know why management said he was laid off?

22 (b)(7)(C) : No, to be honest with you,
23 I don't. When this occurred it was (b)(7)(C)

24 (b)(7)(C) As you realize, I started with our company, the
25 AWS came in on (b)(7)(C) We were told

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we didn't know how many people the new company was
2 going to maintain, and we were never told, well, there
3 might be a downsize or, you know, if someone wants to
4 take a severance and leave early you might save
5 someone else's job. That was never thrown out there.
6 It was a matter of, we have a new company coming in.
7 You'll no longer be working for New World. You'll be
8 an employee of AWS should you be one of the ones that
9 they hire.

10 When the dust settled we had ended up
11 losing (b)(7)(C) and Susan, and we've never
12 rehired to replace them. So I don't know, other than
13 we are under the assumption it was the new company
14 didn't keep everybody.

15 SPECIAL AGENT (b)(7)(C): Right.

16 (b)(7)(C): We were never really given
17 any and no one ever asked, I don't think.

18 SPECIAL AGENT (b)(7)(C): Do you have an AWS
19 supervisor that you report to?

20 (b)(7)(C): Not on site. There's a
21 (b)(7)(C) that supposedly is the, I don't know
22 how to put it, I want to say supervisor but he's
23 really not. He's a contact for AWS. But he has a
24 contact. He has a (b)(7)(C), that
25 contacts us in regards to payroll issues, vacation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 time, anything that comes up clerical, I would say,
2 and we go through her to get messages to (b)(7)(C) or we
3 can email (b)(7)(C) directly.

4 (b)(7)(C) has only been to the site, since I
5 started working with the company, one time and I never
6 have seen him. He didn't come out and introduce
7 himself to me. I didn't meet him. I was in the field
8 working. I understood that he had a meeting with (b)(7)(C)

9 (b)(7)(C) and that he has met (b)(7)(C) who is a
10 fellow employee in my company, but as far as me and a
11 (b)(7)(C), we've never met (b)(7)(C) officially. So

12 I know he is the person who is supposed to be our
13 company rep, but I've yet to meet the man. And we
14 personally don't have anyone on site for AWS, but
15 there's only four of us from that company there now.

16 SPECIAL AGENT (b)(7)(C): And were you
17 interviewed by anyone in Tetra Tech with regard to
18 (b)(7)(C) concerns that he raised, the safety issues?
19 Like did Tetra Tech management ever ask you about it?

20 (b)(7)(C): No.

21 SPECIAL AGENT (b)(7)(C): Did he raise issues,
22 or what you knew about them and so forth?

23 (b)(7)(C): No, I didn't even know he
24 raised an issue. I couldn't tell you what his issue
25 was. I've never heard of one, not from Tetra Tech or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 anyone for that matter.

2 SPECIAL AGENT (b)(7)(C): What was (phonetic)
3 the things we just talked about relative to (b)(7)(C) and
4 (b)(7)(C) and so forth?

5 (b)(7)(C): Oh, okay. No, you're the
6 first I've heard of that.

7 SPECIAL AGENT (b)(7)(C): Were you aware of
8 any discriminatory actions taken against (b)(7)(C)?

9 (b)(7)(C): No. I'm not aware of that
10 either.

11 SPECIAL AGENT (b)(7)(C): When did you begin
12 working with (b)(7)(C)?

13 (b)(7)(C): When he was hired he
14 started in base-wide, it's the group that we were
15 called, base-wide. I was working in base-wide, Susan,
16 (b)(7)(C) and he was doing surveys. We were doing the
17 surveys for the site. We were running around doing
18 perimeter surveys, checking postings on the site,
19 stuff like that.

20 SPECIAL AGENT (b)(7)(C): That was in what
21 year roughly?

22 (b)(7)(C): Last year, 2011.

23 SPECIAL AGENT (b)(7)(C): 2011. What type of
24 an employee would you describe him as?

25 (b)(7)(C): Very conscientious. If he

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 had a question, if he didn't understand something that
2 was told to him to do, he would find out what they
3 really wanted him to do before he would go and
4 proceed. Very conscientious, extremely conscientious.
5 He would not go ahead and proceed in the face of
6 uncertainty for anything. He asked questions, plenty
7 of them.

8 SPECIAL AGENT (b)(7)(C) Were you aware of
9 any racially derogatory comments openly made to
10 (b)(7)(C) or about him in the presence of other
11 employees?

12 (b)(7)(C) : No.

13 SPECIAL AGENT (b)(7)(C) : Never heard any
14 expletives or negative comments used to describe him
15 or about him?

16 (b)(7)(C) : No. We have a diverse
17 group out here. There's lots of African American,
18 black men. There's lots of Latinos, Mexican,
19 Nicaraguan. We have lots of Asian personnel out here,
20 a few Caucasian people. It's a diverse work group.

21 SPECIAL AGENT (b)(7)(C) : So you never heard
22 the "N" word being dropped about him?

23 (b)(7)(C) : No, I have never heard
24 that. But like I said I didn't work directly with him
25 but very few times. Once we got put on the gates we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hardly ever worked together. But I never have heard
2 that and I don't hear that now out there in the field
3 with the employees. We work with laborers, union
4 people, operators, as well as rad personnel. It's not
5 just a rad personnel group. And I've never heard
6 anyone do that, no.

7 SPECIAL AGENT (b)(7)(C) : Based upon an issue
8 that I identified to you that (b)(7)(C) raised, do
9 you believe that he had a valid safety concern?

10 (b)(7)(C) : If what happened that you
11 just asked me about did happen that would be a valid
12 safety concern. I hadn't seen those actions, but if
13 that occurred I would see where that would be valid.
14 I mean if I had concerns like that I would consider
15 them valid.

16 SPECIAL AGENT (b)(7)(C) : And could those
17 safety issues he brought up be cross-referenced to a
18 procedural violation, the things I identified in terms
19 of potentially of the allegation that (b)(7)(C) was on
20 site inebriated or that (b)(7)(C) had (b)(7)(C)
21 in without appropriate surveying? Is there a
22 procedure that identifies those things as violations
23 somewhere?

24 (b)(7)(C) : The smears that you
25 mentioned would be, you would find to or not to in a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 procedure because that would be a procedure of
2 sampling. The escorting of a non-TLD personnel in a
3 work area, there's a procedure for that. As far as
4 ill health of an individual or in, how do you say that
5 whether or not --

6 SPECIAL AGENT (b)(7)(C): Fitness for duty?

7 (b)(7)(C): -- fitness for duty, yes.

8 SPECIAL AGENT (b)(7)(C): That's also in a
9 procedure.

10 (b)(7)(C): Yes, that's in a procedure
11 somewhere, I'm sure.

12 SPECIAL AGENT (b)(7)(C): Do you have any
13 firsthand knowledge that the personnel action levied
14 against (b)(7)(C) was based on his whistleblowing
15 activity?

16 (b)(7)(C) No, I never even knew.
17 I'm sorry, but for you to say that in that context is
18 foreign to me. I couldn't imagine him as a
19 whistleblower, I guess. That I've never heard him say
20 anything to anybody about any questions. I mean he
21 didn't even like pull anybody, me, aside and say, hey,
22 have you ever seen this? What do you think I should
23 do about it, or have you witnessed this too because I
24 found this?

25 SPECIAL AGENT (b)(7)(C) Never said anything?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(b)(7)(C)

1 [REDACTED]: That never happened.
2 That's never came up like that, nothing. So I'm
3 sorry, but when you say whistleblower I just kind of
4 go, that's not [REDACTED].

5 SPECIAL AGENT [REDACTED]: Are you aware of
6 whether [REDACTED] had been subject to any
7 progressive discipline? Had he been written up? Had
8 he been having any problems of that nature prior to
9 him being laid off? Suspensions, anything of that
10 magnitude?

11 [REDACTED]: I thought that he had
12 received a verbal warning from his supervisor, [REDACTED]
13 [REDACTED], over something. I'm trying to remember what it
14 was. But yes, I believe he had been warned by [REDACTED]
15 his supervisor.

16 SPECIAL AGENT [REDACTED]: Do you recall about
17 when that happened?

18 [REDACTED]: No. It was during the
19 time of his employment but I don't remember. But I
20 think [REDACTED], his supervisors had talked to him
21 one or two occasions over some issue. I can't even
22 remember what the issue was to be honest with you.

23 SPECIAL AGENT [REDACTED]: Okay, the time is
24 currently 2:42 p.m. Pacific Standard Time. We'll take
25 a brief recess before reconvening and discussing the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 issues relative to Ms. Andrews.

2 (Whereupon, the foregoing matter went off
3 the record at 2:42 p.m. and went back on the record at
4 2:44 p.m.)

5 SPECIAL AGENT (b)(7)(C): The time is
6 currently 2:44 p.m. Pacific Standard Time. We're back
7 on the record, (b)(7)(C) and we are now going to
8 have similar dialogue with respect to Ms. Susan
9 Andrews as we did regarding (b)(7)(C).

10 Are you aware of Ms. Andrews ever raising
11 safety concerns to management?

12 (b)(7)(C): Yes.

13 SPECIAL AGENT (b)(7)(C): How did you become
14 aware of her safety concerns?

15 (b)(7)(C): Me and her worked together
16 in a base-wide group for awhile and before I (b)(7)(C)
17 at the checkpoint. And she would come around and
18 check on things and make sure that they were the way
19 she thought they were supposed to be handled, and she
20 would bring up stuff in our meetings, safety concerns
21 during the morning meetings and stuff when she had an
22 opportunity. And she would come around to us, her
23 fellow employees in her group, and let them know of
24 any changes that might come from the supervisor. Like
25 if (b)(7)(C) decided he wanted surveys done a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 different day or a different amount of surveys that
2 week, she would be the one that would come out and
3 tell you that as well as (b)(7)(C) telling you. She had
4 to follow up.

5 SPECIAL AGENT (b)(7)(C): Did she tell you
6 directly that she reported safety concerns to
7 management, and when?

8 (b)(7)(C): She kept a log book that
9 was, we all kept log books but she kept a log book
10 that was pretty detailed. And if anything came up in
11 the field that was astrew (phonetic) or out of the
12 norm or not what the standard she would have expected
13 it to be, she would make it an issue. She would write
14 it up in her log book and then she would come around
15 and say, hey, was it like that when you got there?
16 Have you seen it like this, blah, blah? And then she
17 would go to the management and she would tell, or she
18 would talk to (b)(7)(C) and then she would come back and
19 tell us what (b)(7)(C) said to do about it or stuff like
20 that.

21 SPECIAL AGENT (b)(7)(C): Did she ever raise
22 concerns to anyone in management in your presence? Do
23 you ever recall witnessing her tell (b)(7)(C) or
24 anyone else in management that she had an issue with
25 whatever?

1 (b)(7)(C): Yes, it didn't matter what
2 it was. If it was something different that she would
3 question it. Then she would question it in front of
4 us. She would ask (b)(7)(C). She would say, (b)(7)(C), are
5 you sure this is what you want us to do? This is not
6 how we did it last week, or something like that.

7 SPECIAL AGENT (b)(7)(C): Did anyone from
8 management ever discuss her raising her safety
9 concerns, with you?

10 (b)(7)(C): Not with me, no.

11 SPECIAL AGENT (b)(7)(C): What was the nature
12 of her safety concerns?

13 (b)(7)(C): They varied. They varied
14 from a lot of things.

15 SPECIAL AGENT (b)(7)(C): Give me some
16 examples.

17 (b)(7)(C): We were required to do
18 surveys of perimeters. So one of the perimeters we
19 had was along the outside of the site down around the
20 bay. So we're not allowed to be near the water or
21 anything like that so that was never a concern. But
22 there's parts of that portion that's fenced off and
23 you'd have to go through grass that would be too tall.
24 And her concern was, well, there's possibly snakes out
25 there. Why are we walking up to the, you know, stuff

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like that. And she'd make a concern about that. She
 2 would definitely make that an issue that one either
 3 needed to mow the grass or stop the survey. You know,
 4 we shouldn't be expected to go out there if there's
 5 snakes and all this stuff.

6 SPECIAL AGENT (b)(7)(C): What about anything
 7 with respect to (b)(7)(C) and her surveying and her
 8 lack of surveying with regard to (b)(7)(C) and
 9 her being on site, and anything with respect to (b)(7)(C)
 10 instructing laborers to do surveys when they're not
 11 trained to?

12 (b)(7)(C): I didn't hear from Susan
 13 directly what that consisted of. I didn't understand
 14 when that came out about, I was told that (b)(7)(C)
 15 came in the area. I was not aware that (b)(7)(C) was
 16 (b)(7)(C) first of all.

17 SPECIAL AGENT (b)(7)(C): That being (b)(7)(C)
 18 (b)(7)(C)?

19 (b)(7)(C): That being (b)(7)(C)
 20 And I said, is that who that is? Because I did not
 21 know. I said, she signed in on the log. She was
 22 escorted by (b)(7)(C). I didn't know it was (b)(7)(C)
 23 And she had had concerns and said, yes, it was, and
 24 that she had brought it to (b)(7)(C) attention that (b)(7)(C)
 25 was taking (b)(7)(C) into work areas. And I said,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 well, she's escorting a personnel in there. I thought
2 [REDACTED] was someone working for the office who needed
3 to see how the process worked to get a better
4 understanding, and that's not the case. I find out
5 later from Susan that that was actually [REDACTED]

6 [REDACTED]
7 SPECIAL AGENT [REDACTED]: Now is that
8 problematic then? Is it a difference if it's somebody
9 that's there for work?

10 [REDACTED]: Personally I don't see
11 that. I don't see the difference. Because [REDACTED]
12 served her function doing her task that she came in to
13 do. It wasn't someplace she lingered or stayed or
14 hung out at. She came in and did what she needed to
15 do. [REDACTED] was in the vehicle with her. They
16 left appropriately, followed all the rad procedures
17 exiting like they would if she was escorting a service
18 personnel into the area.

19 So I didn't see the issue of it being [REDACTED]
20 [REDACTED] It wouldn't have mattered if it was a
21 secretary in training and wanting to know how the
22 process worked, because that's what I thought it was.
23 She handled it just as if she would a personnel, you
24 know, in training. So it wasn't like she had her do
25 any work. [REDACTED] did no work. [REDACTED] didn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 leave the vehicle, but she did come into my area.

2 And then I had been told by Susan that she
3 had reported to (b)(7)(C) that (b)(7)(C) had been taking (b)(7)(C)
4 (b)(7)(C) into areas, and she told me that (b)(7)(C) had
5 told her that she wasn't to do that anymore. But then
6 she had brought (b)(7)(C) back into my area again after
7 that had been said. But it wasn't like she in there
8 for hours. She came in a few minutes and left the
9 same way, escorted in, escorted out, all procedures
10 were maintained. So I didn't see a problem.

11 SPECIAL AGENT (b)(7)(C): Do you believe that
12 Andrews was retaliated against for raising safety
13 issues?

14 (b)(7)(C): I don't know that to be a
15 fact. I don't know if they did something to Susan or
16 not. I was never told by Susan that they had. I
17 could see where Susan would feel uncomfortable. (b)(7)(C)

18 is (b)(7)(C) out here as well as
19 (b)(7)(C) is married to a (b)(7)(C) out here.
20 Both their (b)(7)(C) are (b)(7)(C) out here.

21 SPECIAL AGENT (b)(7)(C): Tetra Tech --
22 (b)(7)(C): Yes. So I can see where
23 she'd feel uncomfortable about reporting but I don't
24 think that it stopped her any.

25 SPECIAL AGENT (b)(7)(C): And you're

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 referencing (b)(7)(C) being (b)(7)(C) to (b)(7)(C)

2 and (b)(7)(C) being (b)(7)(C) to (b)(7)(C)?

3 (b)(7)(C) That's correct.

4 SPECIAL AGENT (b)(7)(C): Okay.

5 (b)(7)(C): I've seen Susan report
6 things. It never stopped her from reporting things
7 that I ever witnessed. Fear of retaliation, I've
8 never seen her be quiet.

9 SPECIAL AGENT (b)(7)(C): Did she ever mention
10 to you that she was worried about being retaliated
11 against?

12 (b)(7)(C): No. I don't know. I
13 don't think she did. She never mentioned to me
14 directly that she had a fear of being retaliated
15 against.

16 SPECIAL AGENT (b)(7)(C): What did management
17 cite as the reason for Ms. Andrews' layoff?

18 (b)(7)(C): It was at the same time
19 when (b)(7)(C) did. The new company coming in didn't
20 keep everybody. I didn't never understand how they
21 cut back and never replaced, but they still have never
22 replaced anybody either. So we were under the
23 assumption that the new company came in and not
24 everybody was staying, and that's pretty much how it
25 came out and about. That's just the way it happened.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And we never who wasn't going to be staying. So I
 2 don't even know how they made the determination of who
 3 stayed and who left. It was never explained or it
 4 wasn't an explicit thing. You came in and you either
 5 had a job or you didn't. It was a new company taking
 6 over.

7 SPECIAL AGENT (b)(7)(C): Were you ever
 8 interviewed by anyone from management with regard to
 9 Ms. Andrews' concerns? Did management ever conduct an
 10 investigation to look into her issues?

11 (b)(7)(C): No.

12 SPECIAL AGENT (b)(7)(C): Were you aware of
 13 any discriminatory statements or actions made against
 14 Ms. Andrews?

15 (b)(7)(C): No.

16 SPECIAL AGENT (b)(7)(C): And you began
 17 working with her when again?

18 (b)(7)(C): When I started here I was
 19 put in a base-wide group and she and (b)(7)(C) both took me
 20 around and showed me how the surveys were done and
 21 where the surveys would be done at, what the
 22 expectations were.

23 SPECIAL AGENT (b)(7)(C): That was what year,

24 (b)(7)(C) and --

25 (b)(7)(C): (b)(7)(C) yes.

NEAL R. GROSS
 COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

1 SPECIAL AGENT (b)(7)(C) : What type of
2 employee would you describe Susan as?

3 (b)(7)(C) : Very detail oriented.
4 Very detail oriented. When I first met Susan I wasn't
5 even employed at this site. I was over at another
6 site here in the Bay Area, and I was working for a lab
7 at that time, and she worked in the lab here. She was
8 a lab employee here at that time.

9 She's very detail oriented, and when she
10 got transferred out to the field when I came back,
11 when I started working at this site she was in the
12 field working in a base-wide group which took her out
13 of the lab, and she brought that training with her.
14 So it's like taking a librarian or somebody and
15 sticking them out and having them do a different task.
16 Very detail oriented, very detail oriented.

17 SPECIAL AGENT (b)(7)(C) : Do you believe that
18 she had valid safety concerns?

19 (b)(7)(C) : If she saw something
20 wasn't right to her standards, she would make a
21 concern about it and she would bring it up. If she
22 thought something wasn't right she would say something
23 about it. So yes, if there's something out of the
24 norm and she would ask about it, then yes.

25 SPECIAL AGENT (b)(7)(C) : So were the issues

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that she raised, could they be cross-referenced to a
2 procedural violation? Kind of like I asked you with
3 (b)(7)(C) was there a procedure that's attached to
4 all those issues that she raised?

5 (b)(7)(C): And her issues were?

6 SPECIAL AGENT (b)(7)(C) (b)(7)(C) and the
7 surveying, the smears being done by the nontrained
8 laborer.

9 (b)(7)(C): Yes, if that occurred and
10 she witnessed it, there would be procedures she could
11 have went to and said, hey, this is what happened and
12 you violated the procedure. Yes, there is procedures
13 to cover all those.

14 SPECIAL AGENT (b)(7)(C): Do you have any
15 firsthand knowledge that the personnel action levied
16 against Ms. Andrews was based on her whistleblowing
17 activity?

18 (b)(7)(C): No, I have no proof or
19 ever heard of that being a reason. We were not told
20 that was why either of them were let go.

21 SPECIAL AGENT (b)(7)(C): Okay. And you
22 worked with Susan for how many years?

23 (b)(7)(C): (b)(7)(C)

24 SPECIAL AGENT (b)(7)(C): Were you aware of
25 whether she had been subject to any form of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 progressive discipline? Had she been written up or
2 was she having problems?

3 (b)(7)(C): I don't know. I know she
4 was transferred from the lab to base-wide group. I
5 don't even know why that transfer occurred. I'm sure
6 there was a reason behind what they do, so I don't
7 know why she was done that way or what happened to
8 her. But I've not been told that she was ever
9 suspended or written up or she had ever done anything
10 wrong.

11 SPECIAL AGENT (b)(7)(C) Okay. Did you ever
12 raise any safety related concerns?

13 (b)(7)(C) Yes, I have.

14 SPECIAL AGENT (b)(7)(C): Have you ever been
15 retaliated against or had any problems as a result of
16 raising those concerns?

17 (b)(7)(C): No.

18 SPECIAL AGENT (b)(7)(C): What concerns did
19 you raise and when did you raise them?

20 (b)(7)(C): For awhile I was working
21 at what's called a portal monitor, and that is a
22 monitor that the ITSI drivers I was telling you about,
23 they load their semis and before they leave site they
24 have to drive through this portal monitor, and it
25 monitors a reading of the soil to make sure that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there's no devices in the soil load before it's
2 shipped offsite to the rail company or where they're
3 taking it. The drivers were driving way too fast.
4 The procedure called for a five mile per hour speed
5 limit through the portal monitor.

6 The drivers are, some of them don't even
7 speak English. There's all types of a diverse group
8 that drive for these companies, and so to get them to
9 understand what's going on through this process was a
10 task in itself. You would try to tell them to slow
11 down, but I think they would have understood a sign
12 that said five mile an hour better than me trying to
13 explain to them five mile an hour through this
14 detector.

15 So I brought it to safety and I brought it
16 up through supervision that we absolutely needed to
17 have a sign posted stating five miles per hour through
18 this detector. That they was either going to, one,
19 run over somebody crossing the path, or two, have a
20 mishap where they're sideways in the detector because
21 they go too fast for conditions.

22 I brought that issue up to two different
23 people, and then --

24 SPECIAL AGENT (b)(7)(C): Who did you bring it
25 up to?

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 [REDACTED] (b)(7)(C) : I think I mentioned it to
2 [REDACTED] (b)(7)(C) being one, and I think [REDACTED] (b)(7)(C) was addressed
3 with it.

4 SPECIAL AGENT [REDACTED] (b)(7)(C) : [REDACTED] (b)(7)(C)
5 [REDACTED] (b)(7)(C) : Yes. And then there was
6 a safety rep from Tetra Tech, like [REDACTED] (b)(7)(C) or
7 somebody that came to site, and that was brought up to
8 him. And that's when they decided, they posted a
9 sign.

10 SPECIAL AGENT [REDACTED] (b)(7)(C) : And how long ago was
11 this?

12 [REDACTED] (b)(7)(C) : Oh, it's been a year, I
13 would think a year.

14 SPECIAL AGENT [REDACTED] (b)(7)(C) : And you didn't have
15 any brushback or adverse effects from raising the
16 concerns?

17 [REDACTED] (b)(7)(C) : No. No, it was well, they
18 might put one up, they might not was what everybody
19 was saying, because they thought it would slow down
20 production. But for the most part nobody ever said
21 anything to me directly saying --

22 SPECIAL AGENT [REDACTED] (b)(7)(C) : You weren't given a
23 hard time.

24 [REDACTED] (b)(7)(C) : Right, right. No. And
25 ultimately they did put a sign up. It just took them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 longer than I would have expected.

2 SPECIAL AGENT (b)(7)(C) : Okay. A couple
3 closing comments. Have I threatened you in any manner
4 in exchange for your testimony?

5 (b)(7)(C) : No.

6 SPECIAL AGENT (b)(7)(C) : Have I offered you
7 any reward in exchange for your testimony?

8 (b)(7)(C) : No.

9 SPECIAL AGENT (b)(7)(C) : Has it been given
10 freely and voluntarily?

11 (b)(7)(C) : Yes.

12 SPECIAL AGENT (b)(7)(C) : Is there anything
13 else that you would like to add to the record at this
14 time?

15 (b)(7)(C) : No.

16 SPECIAL AGENT (b)(7)(C) : Time is currently
17 3:00 p.m. Pacific Standard Time. This interview is
18 concluded.

19 (Whereupon, the foregoing matter went off
20 the record at 3:00 p.m.)

21
22
23
24
25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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: 1-2012-019/037

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.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com