

EXHIBIT 8

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : OI Case Nos.

(b)(7)(C)

: 1-2012-019, 1-2012-

(CLOSED)

: 032, 1-2012-037

-----X

Wednesday, June 13, 2012

Hunters Point Naval Shipyard

200 Fisher Avenue

San Francisco, CA 94124

The above-entitled interview was conducted

at 12:10 p.m.

BEFORE:

Special Agent (b)(7)(C)

EXHIBIT 8
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1-20 2019

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

(12:10 p.m.)

1
2
3 SPECIAL AGENT (b)(7)(C): Today's date is
4 Wednesday, June 13th, 2012. The time is currently
5 12:10 p.m. Pacific Standard Time. For the record this
6 is an interview of (b)(7)(C), who is employed
7 with AWS, a subcontractor to Tetra Tech and is working
8 at the Hunters Point Naval Shipyard in San Francisco,
9 California.

10 The location of this interview is the
11 Hunters Point Naval Shipyard in San Francisco,
12 California. I'm (b)(7)(C), a Special Agent with
13 the Nuclear Regulatory Commission, Office of
14 Investigations, Region I Field Office in King of
15 Prussia, Pennsylvania.

16 This interview is being conducted today to
17 discuss issues concerning a variety of NRC OI active
18 cases. Most notably Case Number 1-2012-019, 1-2012-
19 032 and finally 1-2012-037. All three cases are
20 discrimination complaints which have been raised by
21 former AWS and/or Tetra Tech employees, who have
22 claimed discrimination by the company as a result of
23 them raising safety related issues.

24 (b)(7)(C) is aware of the matters
25 regarding all three individuals and thus we will

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1 discuss them in different segments of the interview
2 and it will be compartmentalized to cover each
3 individual case subject. First inform you that the
4 NRC strictly prohibits the transmitting and recording
5 of this interview by any parties with the NRC.

6 Having said that (b)(7)(C), are you
7 recording or transmitting this interview in any way?

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

9 SPECIAL AGENT (b)(7)(C): Okay. If you could
10 please raise your right hand. Do swear that the
11 testimony you're about to provide is the truth, the
12 whole truth and nothing but the truth, so help you
13 god?

14 (b)(7)(C): It is.

15 SPECIAL AGENT (b)(7)(C): Thank you. I also
16 want to, you can put it down. I also want to inform
17 you that under 18 United States Code Section 1001, it
18 is essentially The False Statement Provision.

19 And it says that if you knowingly or
20 willingly make any false, fictitious or fraudulent
21 statement to representations and provide false
22 information, you could be subject to prosecution under
23 18 USC 1001, as a felony punishable by up to five
24 years confinement and \$250,000 fine.

25 That's not a threat, that is just simply

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1 to say I'm a U.S. Special Agent and it's important
2 that you be honest with me and that the information
3 you provide is the truth, okay?

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

5 SPECIAL AGENT (b)(7)(C) : All right. If you
6 could, please state your full name for the record,
7 spell your last name.

8 (b)(7)(C) (phonetic)

9 (b)(7)(C)

10 SPECIAL AGENT (b)(7)(C) : And you're currently
11 with AWS?

12 (b)(7)(C) : I am.

13 SPECIAL AGENT (b)(7)(C) : What does that stand
14 for?

15 (b)(7)(C) : Aleut World Solutions.

16 SPECIAL AGENT (b)(7)(C) : Okay. And in what
17 capacity?

18 (b)(7)(C)

19 SPECIAL AGENT (b)(7)(C) : How long have you
20 been with AWS?

21 (b)(7)(C) : It will actually be (b)(7)(C)

22 at the end of August.

23 SPECIAL AGENT (b)(7)(C) : Okay. When did you
24 begin your employment in the Nuclear Industry?

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

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1 SPECIAL AGENT (b)(7)(C) : Were you ever
2 employed directly with Tetra Tech?

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

4 SPECIAL AGENT (b)(7)(C) : Okay, were you
5 trained on how to report safety concerns while here at
6 Hunters Point Naval Shipyard, either by AWS or Tetra
7 Tech?

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

9 SPECIAL AGENT (b)(7)(C) : Who did the
10 training?

11 (b)(7)(C) : It's gone over constantly at
12 the morning meetings, our supervisor informs us if you
13 have a safety concern who to bring it up to.

14 SPECIAL AGENT (b)(7)(C) : Is it a Tetra Tech
15 person that does, is there a training coordinator,
16 somebody with Tetra Tech, when you came, when you
17 first got here, did they have a training you do? Is
18 there an annual training you do that tells you how to
19 --

20 (b)(7)(C) : No, we have the annual
21 HAZWOPER, the refresher training. But it's constantly
22 gone over here. They call them ZIP slips, you can
23 turn in if it's a safety concern or you can go
24 directly to any of your supervisors or the safety
25 manager here. But formal training, not that I recall.

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SPECIAL AGENT (b)(7)(C): And you would say that you, in terms of this reiteration of things, is that on a pretty regular basis, that it's reiterated that you can, that there is a mechanism for reporting safety concerns?

(b)(7)(C): Absolutely. It's a routine discussion at our morning meetings.

SPECIAL AGENT (b)(7)(C): Okay. What are your duties and responsibilities as an (b)(7)(C)?

(b)(7)(C): I'm called the (b)(7)(C).

I'm responsible for (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

we

provide that for them.

SPECIAL AGENT (b)(7)(C): Who do you report to?

(b)(7)(C)

SPECIAL AGENT (b)(7)(C): Do you have anyone that reports to you?

(b)(7)(C): Pardon me?

SPECIAL AGENT (b)(7)(C): Do you have anyone that reports to you?

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1 (b)(7)(C) : In an official capacity, no.
2 SPECIAL AGENT (b)(7)(C) : No.

3 (b)(7)(C) : I have another person that
4 helps me when things are real busy, when we have
5 double duty to perform, but reporting directly to me,
6 no.

7 SPECIAL AGENT (b)(7)(C) : And what policies
8 and procedures are guided by? What's the regulation
9 that you work under?

10 (b)(7)(C) : Federal regulation?

11 SPECIAL AGENT (b)(7)(C) : Yes, is there a --

12 (b)(7)(C) : We have our health physics
13 procedures here, our standard operating procedures
14 that govern how to perform surveys. Primarily how to
15 (b)(7)(C) because that's what we do.

16 SPECIAL AGENT (b)(7)(C) : What is the safety
17 culture here at Hunters Point? What is it like?

18 (b)(7)(C) : I think it's pretty good,
19 compared to a lot of places I've been.

20 SPECIAL AGENT (b)(7)(C) : What kind of other
21 places have you been to, you referenced that?

22 (b)(7)(C) (b)(7)(C) , been to

23 (b)(7)(C) been to (b)(7)(C)

24 (b)(7)(C) in (b)(7)(C) (b)(7)(C)

25 (b)(7)(C) I think their safety here is, no

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1 place is perfect, but like I said, compared to what
2 I've, I'm very pleased with them, they go out of their
3 way to make sure things are done right.

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

5 (b)(7)(C): And again those things are
6 reinforced at the morning meetings, which you know,
7 not everything, but there's always a subject brought
8 up whether it's around moving vehicles or whatever. I'm
9 very pleased with it.

10 SPECIAL AGENT (b)(7)(C): So you would say
11 that Tetra Tech promotes a safety conscious work
12 environment?

13 (b)(7)(C): Absolutely, absolutely.

14 SPECIAL AGENT (b)(7)(C): Is it acceptable if
15 Tetra Tech here at Hunters Point to report safety
16 concerns to management? Does management welcome it,
17 do they seem encouraging, do they encourage it?

18 (b)(7)(C): They ask for it, constantly
19 they're asking for it. If you have a concern bring it
20 up.

21 SPECIAL AGENT (b)(7)(C): Are employees
22 trained on what is considered a safety concern? Like
23 what classifies as, would be a legitimate safety
24 issue?

25 (b)(7)(C): As far as formal training I

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1 don't know. But as far as what, I think it would be
2 hard to go over everything that would be a safety
3 concern. It's pretty much if you see something that
4 doesn't look right bring it up.

5 SPECIAL AGENT (b)(7)(C): So you kind of
6 referenced it before, but let's kind of touch back on
7 it. The mechanisms available for reporting the safety
8 concerns. Are there, is there like a suggestion box
9 where you can throw in anonymous things, is there, can
10 you generate a report in the system, are there
11 condition reports, which is what they call them in the
12 power plant industry?

13 (b)(7)(C): There are little, not a
14 booklet, but a little item. They call them ZIP slips.

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

16 (b)(7)(C): And anyone can fill them out
17 at any time and you turn them into either your
18 supervisor or the safety manager there. Those things
19 they encourage frequently.

20 SPECIAL AGENT (b)(7)(C): Can that be done
21 anonymously or not really?

22 (b)(7)(C): I'm sure it could be. I'm
23 sure it could be. I've not had any to turn any in,
24 but I don't see why not.

25 SPECIAL AGENT (b)(7)(C): Okay. Are you aware

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1 (b)(7)(C) ever raising safety concerns?

2 (b)(7)(C): No. I didn't work with
3 (b)(7)(C). When he first came here I worked with him
4 just for, it was probably a couple of weeks they
5 assigned him to work with me out on site-wide doing
6 different things, but then he was assigned to another
7 duty and I didn't work with him on a daily basis. I'd
8 see him periodically through the week, but no I didn't
9 work with him on a daily basis.

10 SPECIAL AGENT (b)(7)(C): Okay. Let me ask
11 you this. Did you all, he was an (b)(7)(C) as well, did
12 the (b)(7)(C) have team meetings or regular interaction
13 with one another or you kind of segmented to do your
14 particular area and --

15 (b)(7)(C): Well there's two different
16 morning meetings. A group meeting with everybody
17 onsite that covers general issues and then when that's
18 done, then just the (b)(7)(C) gets together and they'll
19 bring up, it's just a matter of minutes, but they'll
20 bring up little issues here and there and then
21 everyone goes and does their assignments. But as far
22 as a routine get together, no.

23 SPECIAL AGENT (b)(7)(C): And you're saying
24 that you only worked with him for, you didn't really
25 work him at all?

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1 (b)(7)(C): Not much, not much. He helped
2 me out just for I'm thinking it was just a matter of
3 a couple of weeks.

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

5 (b)(7)(C): But then he was assigned else
6 where.

7 SPECIAL AGENT (b)(7)(C): Okay. We'll still
8 go through the series of questions regarding (b)(7)(C)
9 (b)(7)(C) before moving on to the next one. So did you
10 ever become aware of (b)(7)(C) raising safety
11 concerns?

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

13 SPECIAL AGENT (b)(7)(C): And that being said,
14 I would assume that he never, did he ever raise
15 anything to you or casually complain of certain safety
16 measures being breached or things not being done
17 correctly?

18 (b)(7)(C): Not that I recall.

19 SPECIAL AGENT (b)(7)(C): Did anyone from
20 management ever discuss with you that (b)(7)(C) had
21 raised concerns?

22 (No response)

23 SPECIAL AGENT (b)(7)(C): No?

24 (b)(7)(C): Not that I can recall. Like
25 I said I didn't work with (b)(7)(C), he worked at a

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1 stationary location and I'd see him once in awhile,
2 but that's about it.

3 SPECIAL AGENT (b)(7)(C) : Okay. Were you ever
4 interviewed by anyone from management regarding (b)(7)(C)
5 (b)(7)(C) concerns? Did they ever come to you or
6 follow up for an investigative capacity and mention
7 that he had raised concerns?

8 (b)(7)(C) : No. About safety concerns?

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

10 (b)(7)(C) : I don't remember, I don't
11 think so.

12 SPECIAL AGENT (b)(7)(C) : Were you aware of
13 any discriminatory actions or statements made against
14 (b)(7)(C) ?

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

16 SPECIAL AGENT (b)(7)(C) : When would you say
17 you guys began working together, for the brief time
18 that you did work together?

19 (b)(7)(C) : I can here at the (b)(7)(C)

20 (b)(7)(C) , I think it wasn't to long after he started
21 here and I don't know exactly when that was. They
22 didn't have a --

23 SPECIAL AGENT (b)(7)(C) : You were here first
24 though?

25 (b)(7)(C) : I'm pretty sure. I'm pretty

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1 sure I was.

2 SPECIAL AGENT (b)(7)(C): What type of
3 employee was he known as or would you describe him as,
4 from what you did know?

5 (b)(7)(C): Just what little I worked with
6 him. The only thing I remember is he had trouble
7 finding his way around site. As my duties go (b)(7)(C)

8 (b)(7)(C)
9 (b)(7)(C) It's a pretty big site and
10 sometimes when he was sent off to do --

11 SPECIAL AGENT (b)(7)(C): He'd get lost.

12 (b)(7)(C): -- he'd get lost, yes..

13 SPECIAL AGENT (b)(7)(C): Were you aware of
14 any racially derogatory comments openly made to
15 (b)(7)(C), about him or in the presence of other
16 employees?

17 (b)(7)(C): I never heard any such
18 comments. I've never heard any comments like that on
19 site from anyone.

20 SPECIAL AGENT (b)(7)(C): Are you aware of
21 whether or not (b)(7)(C) was subject to any progressive
22 discipline? Had he been in trouble, had he been
23 written up several times, anything of that nature?

24 (b)(7)(C): I only know of one incidence
25 where, well from what I heard he had left the, you

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1 know what a Conex container is, the big (inaudible)?

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

3 (b)(7)(C): That was the control point
4 work station. I think he left it unlocked one weekend
5 and some of these copper miners got in there
6 apparently. But that's the, and I don't know what the
7 outcome of it was. I don't know if there was
8 disciplinary or not, but I remember that instance
9 because there was some damage done to some equipment
10 in there if I remember right. But other than that,
11 not that I know of.

12 SPECIAL AGENT (b)(7)(C): Okay. We'll now
13 take a brief recess before re-developing the record
14 for the next subject, that being Susan Andrews. Time
15 is now 12:27 p.m. Pacific Standard time.

16 (Whereupon, the interview in the above-
17 mentioned matter went off the record at 12:27 p.m. and
18 went back on the record at 12:29 p.m.)

19 SPECIAL AGENT (b)(7)(C): We're back on the
20 record at 12:29 p.m. Pacific Standard Time on
21 Wednesday June 13th with (b)(7)(C). We will now
22 go into the second segment of the interview and
23 discuss the harassment and discrimination complaint
24 brought forward by Ms. Susan Andrews.

25 Okay. (b)(7)(C) are you aware of Ms.

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1 Andrews ever raising safety related concerns to
2 management?

3 (b)(7)(C): I'm sorry?

4 SPECIAL AGENT (b)(7)(C): Are you aware of Ms.

5 Andrews ever raising safety concerns to management?

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

7 SPECIAL AGENT (b)(7)(C): Did Ms. Andrews ever
8 tell you directly that she reported any concerns?

9 (b)(7)(C): Not that I recall.

10 SPECIAL AGENT (b)(7)(C): Did anyone from
11 management ever discuss with you that Andrews raised
12 concerns?

13 (b)(7)(C): Not that I remember
14 specifically.

15 SPECIAL AGENT (b)(7)(C): Okay. Did they
16 casually say that, you know, she had a problem with
17 certain things? And it could be construed to be a
18 concern.

19 (b)(7)(C): She had problems with
20 everything.

21 SPECIAL AGENT (b)(7)(C): Okay. What does
22 that mean?

23 (b)(7)(C): These are personal issues.
24 Personality issues.

25 SPECIAL AGENT (b)(7)(C): You saying she

1 didn't get along with people, she --

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

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

4 (b)(7)(C) : That's putting it mildly.

5 SPECIAL AGENT (b)(7)(C) : Okay. You want to
6 kind of elaborate on some of those issues?

7 (b)(7)(C) : Can I get sued for saying
8 things to you?

9 SPECIAL AGENT (b)(7)(C) : No. It's important
10 to get the truth as per how you see them or the
11 information that you have in terms of a suit for
12 telling me, you know. I'm not a lawyer I'm not, you
13 know, in the vein to be giving legal advice, that's
14 not what we do. But it's important from an
15 investigative standpoint that we be able to put all
16 the details of what's going on here together.

17 So all the information, any information
18 that any individuals have even to some extent were it
19 is opinionated based upon certain behaviors and
20 actions, it's important that we know those things.

21 (b)(7)(C) : I don't know how to word this.
22 Not the most stable person.

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

24 (b)(7)(C) : Mood swings, up here down
25 here. Not a decent person to get along with.

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

2 (b)(7)(C): And it's not just me.

3 SPECIAL AGENT (b)(7)(C): Okay. I need you to
4 speak up just a little but, sir, to capture all of
5 this.

6 (b)(7)(C): Well I just say that, not an
7 easy person to get along with. Constant complaining
8 about other employees, I mean it was just endless.

9 SPECIAL AGENT (b)(7)(C): Okay. Do you
10 believe Ms. Andrews was retaliated against for raising
11 any potential issues, for potentially raising issues?

12 (b)(7)(C): Not that I'm, I don't believe
13 that for one second. In fact I think they went out of
14 their way to be good to her. No, I wouldn't say that
15 even in the slightest.

16 SPECIAL AGENT (b)(7)(C): Do you know if she
17 took her safety concerns outside of maybe Tetra Tech,
18 to RASO or any other entities?

19 (b)(7)(C): That I don't know.

20 SPECIAL AGENT (b)(7)(C): Do you know what
21 management cited as a reason for letting her go?

22 (b)(7)(C): Personal cut back, and there
23 was (b)(7)(C)

24 It's called base-wide, and from what I heard they made
25 a decision. Who do we take, the most experienced

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1 person around or the person with far, far, far less
2 experience? And it was, from what I understand it was
3 nothing other than that.

4 SPECIAL AGENT (b)(7)(C) : So who was she
5 competing with to retain her position, was it (b)(7)(C)

6 (b)(7)(C) : Well it was just her (b)(7)(C)
7 yes.

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

9 (b)(7)(C) : But I don't think competing is
10 the right word, it's just (b)(7)(C) are there and the
11 company has to lay someone off because of budgetary
12 cuts. They have to make a decision.

13 SPECIAL AGENT (b)(7)(C) : Do you believe in
14 any way that her maybe complaining at times or having
15 issues with things contributed to her receiving the
16 lay off?

17 (b)(7)(C) : I wouldn't --

18 SPECIAL AGENT (b)(7)(C) : Was she a thorn in
19 the side of management so to speak?

20 (b)(7)(C) : No. No. I mean like I said,
21 who, do you keep someone of (b)(7)(C) of hard
22 experience and operation of (b)(7)(C) or someone
23 who is far, far, far less experienced? And that's the
24 way what I understand the decision was based on and
25 that's all I know.

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1 SPECIAL AGENT (b)(7)(C) : Okay. And where did
2 you hear that at?

3 (b)(7)(C) : Pardon me?

4 SPECIAL AGENT (b)(7)(C) : Where did you get
5 that information from?

6 (b)(7)(C) : I believe (b)(7)(C) told me that.

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

8 Were you interviewed by any from management regarding
9 some, any concerns that she may have raised?

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

11 SPECIAL AGENT (b)(7)(C) : Were you aware of
12 any discriminatory actions or statements made against
13 Andrews?

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

15 SPECIAL AGENT (b)(7)(C) : When did you begin
16 working with Susan?

17 (b)(7)(C) : Gosh I began in (b)(7)(C) She
18 left working in the lab, wasn't to long after I
19 started here and then she was brought over to what we
20 call the side work with our group and then they
21 assigned her to work with (b)(7)(C)

22 SPECIAL AGENT (b)(7)(C) : Okay. So you --

23 (b)(7)(C) : Or (b)(7)(C)

24 (b)(7)(C)
25 SPECIAL AGENT (b)(7)(C) : So (b)(7)(C)

1 almost?

2 (b)(7)(C) : To give you an accurate number
3 I'd have to know when she left working in the lab.

4 SPECIAL AGENT (b)(7)(C) : Roughly what year?
5 (b)(7)(C) : I came here in (b)(7)(C) it's
6 probably been (b)(7)(C)

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

8 (b)(7)(C) : I would say (b)(7)(C)

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

10 (b)(7)(C) : Sometime in early, I believe
11 (b)(7)(C) probably.

12 SPECIAL AGENT (b)(7)(C) : Okay. What type of
13 employee would you describe her as?

14 (b)(7)(C) : You're asking me a personal
15 opinion?

16 SPECIAL AGENT (b)(7)(C) : Yes, personal
17 opinion.

18 (b)(7)(C) : Not one that I enjoyed working
19 with.

20 SPECIAL AGENT (b)(7)(C) : And why is that?
21 Was she competent as an HP Tech?

22 (b)(7)(C) : That's a hard question to
23 answer. Because if I'm looking at it from what I call
24 the real world of health physics as compared to here,
25 because there's almost nothing here radiologically.

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1 SPECIAL AGENT (b)(7)(C) Right. It's not
2 like working at a power plant.

3 (b)(7)(C): No, not at all.

4 SPECIAL AGENT (b)(7)(C): A reactor plant.

5 (b)(7)(C): I would say she was competent
6 as far as what they need here for knowledge. Because
7 like I said, you don't have high contamination, you
8 don't have high dose rates, any of that to deal with.
9 So the basics, I probably say yes, she's competent to
10 go out into the field.

11 SPECIAL AGENT (b)(7)(C): Okay. So let's talk
12 about, we're going to talk about her issues more or
13 less and then you tell me what you know about them.
14 Is there any truth to the allegation that some unsafe
15 HP practices were being observed as it relates to (b)(7)(C)

16 (b)(7)(C) and having (b)(7)(C) on site, not in an area
17 she shouldn't have been in, and (b)(7)(C) instructing
18 laborers to conduct surveys, things of that nature?
19 What do you know about that?

20 (b)(7)(C): Firsthand or secondhand
21 information?

22 SPECIAL AGENT (b)(7)(C): Well firsthand is
23 best and then after that what did you --

24 (b)(7)(C): I did not witness it
25 happening; but I heard that she had brought (b)(7)(C)

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1 (b)(7)(C) on site. But I did not witness it happening,
2 but I heard it from Susan.

3 SPECIAL AGENT (b)(7)(C): Okay. What about --

4 (b)(7)(C): As far as --

5 SPECIAL AGENT (b)(7)(C): Yes, her instructing
6 the laborers to --

7 (b)(7)(C): Conduct surveys?

8 SPECIAL AGENT (b)(7)(C): -- and they weren't,
9 yes. And they weren't trained to --

10 (b)(7)(C): That I don't, I don't recall
11 ever hearing that. Certainly didn't see it and I kind
12 of find it hard to believe.

13 SPECIAL AGENT (b)(7)(C): So secondly is, if
14 that was the case with (b)(7)(C) (b)(7)(C) being on site
15 and shouldn't have been on site, didn't go through the
16 whole the scanning you know, surveying process and so
17 forth. Is that a legitimate safety concern from an HP
18 profession, that's a problem?

19 (b)(7)(C): To just be on site, no. But
20 if, I had heard Susan said that she had had (b)(7)(C)
21 (b)(7)(C) in the car, a company vehicle, and drove into
22 a radiologically controlled area. Which company
23 vehicles do.

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

25 (b)(7)(C): I heard Susan say that, bring

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1 it up, but I didn't see it.

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

3 (b)(7)(C): I did not see it.

4 SPECIAL AGENT (b)(7)(C) Did she bring it up
5 in a meeting, in a morning meeting or?

6 (b)(7)(C): I don't know who else she
7 brought it up to.

8 SPECIAL AGENT (b)(7)(C): Okay. She raised it
9 to you? She did say something to you about it?

10 (b)(7)(C): Among everything else. Like
11 I said, ever day was complaints about who knows what.

12 SPECIAL AGENT (b)(7)(C): Do you recall when
13 she, about when this supposable happened?

14 (b)(7)(C): Maybe last summer, last fall.

15 SPECIAL AGENT (b)(7)(C): Okay, so --

16 (b)(7)(C): In that timeframe. Like I
17 said, I heard Susan bring it up to me, but I did not
18 witness it.

19 SPECIAL AGENT (b)(7)(C): Are you aware of
20 whether or not her having these particulars with
21 regard to the lack of potential surveying by (b)(7)(C)

22 (b)(7)(C) has that had anything to do with her being
23 laid off? Do you believe that had anything to do with
24 her being laid off?

25 (b)(7)(C): I don't believe that at all.

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

2 (b)(7)(C) Quite frankly, my opinion, I
3 think she was trying to make something out of this,
4 when it was a standard lay off and that's all it was.

5 SPECIAL AGENT (b)(7)(C): Are you aware of
6 whether or not she was subject to any progressive
7 discipline for any different reasons prior to her --

8 (b)(7)(C) I never saw any, I never heard
9 of any.

10 SPECIAL AGENT (b)(7)(C): Okay. We are going
11 to take a brief recess before we convene in the record
12 to discuss (b)(7)(C).

13 (Whereupon, the interview in the above-
14 mentioned matter went off the record for a short break
15 and resumed at 12:46 p.m.)

16 SPECIAL AGENT (b)(7)(C) We're back on the
17 record at 12:46 p.m. Pacific Standard Time with (b)(7)(C)
18 (b)(7)(C) and we are going to go into the final segment of
19 our interview, and we will be discussing (b)(7)(C)
20 (b)(7)(C).

21 (b)(7)(C) are you aware of (b)(7)(C)
22 ever raising safety concerns to management?

23 (b)(7)(C) No. Again he is much like
24 (b)(7)(C) they had the same kind of job but in different
25 locations.

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

2 (b)(7)(C) : I'd see them periodically, but
3 I did not --

4 SPECIAL AGENT (b)(7)(C) : So you didn't work
5 (b)(7)(C) a lot either?

6 (b)(7)(C) : No, I'd stop and see him
7 there, but that was it. Didn't work side by side on
8 any job. They had a stationary location and mine is

9 (b)(7)(C)
10 SPECIAL AGENT (b)(7)(C) Did (b)(7)(C) ever tell
11 you that he reported safety related concerns to
12 management?

13 (b)(7)(C) : Not that I recall.

14 SPECIAL AGENT (b)(7)(C) Did he ever bring
15 any concerns or issues up to you that he felt like
16 were pretty relevant?

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

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

19 (b)(7)(C) The extent of our
20 conversations was usually when I'd stop by, we'd talk
21 about the (b)(7)(C)

22 SPECIAL AGENT (b)(7)(C) : Okay. So (b)(7)(C) never
23 said to you, he never had a problem with like Susan?

24 (b)(7)(C) never mentioned to you issues with some of the
25 radiation practices or the alleged lack there of with

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1 regard to (b)(7)(C) and how she was operating? Did
2 he ever say hey, she's not operating in a safe manner,
3 this is the problem?

4 (b)(7)(C): He may have made some comments
5 about people's lack of training from time to time.

6 SPECIAL AGENT (b)(7)(C): Did he mention her
7 specifically?

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

9 SPECIAL AGENT (b)(7)(C): Okay. Do you recall
10 when?

11 (b)(7)(C): When?

12 SPECIAL AGENT (b)(7)(C): Yes, when you had
13 this conversation?

14 (b)(7)(C): Specific dates, no.

15 SPECIAL AGENT (b)(7)(C): Roughly, timeframe?

16 (b)(7)(C): Just on and off when I'd see
17 him.

18 SPECIAL AGENT (b)(7)(C): When do recall first
19 starting to work with (b)(7)(C) or becoming acquainted with
20 (b)(7)(C)?

21 (b)(7)(C): When did I become acquainted
22 with him?

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

24 (b)(7)(C): You know I don't know if he
25 worked here when I got here or if he came afterwards.

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1 I don't recall. Yes, he is one I don't remember
2 exactly when, if he was here before or after me.

3 SPECIAL AGENT (b)(7)(C): Okay. And did
4 anyone from management ever discuss with you that (b)(7)(C)
5 had raised any safety related concerns?

6 (b)(7)(C): Not that I remember. Not that
7 I recall.

8 SPECIAL AGENT (b)(7)(C): Did anyone from
9 management ever interview you or discuss the concerns
10 raised by (b)(7)(C)?

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

12 SPECIAL AGENT (b)(7)(C): And you became
13 acquainted with (b)(7)(C); best of your time, just best of
14 your knowledge? You've been here since (b)(7)(C)

15 (b)(7)(C): (b)(7)(C) yes, sir.

16 SPECIAL AGENT (b)(7)(C): Late, so you recall
17 meeting him in (b)(7)(C)

18 (b)(7)(C): Like I said I don't remember
19 if it was, like I said I knew Susan, pretty much when
20 I meet her. But (b)(7)(C), I don't remember if it was, he
21 was already here when I start or if he started
22 afterwards.

23 SPECIAL AGENT (b)(7)(C): Okay. What type of
24 employee did you know (b)(7)(C) as?

25 (b)(7)(C): Now you're asking a personal

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1 opinion again. As far as what --

2 SPECIAL AGENT (b)(7)(C) Work wise, what was
3 his competency as an (b)(7)(C) I guess is what I'm
4 trying to get to?

5 (b)(7)(C) : Competency?

6 SPECIAL AGENT (b)(7)(C) : Yes, what kind of
7 employee was he? Was he a guy that was pretty
8 thorough, was he you know?

9 (b)(7)(C) : Well it's kind of hard to say,
10 because the jobs that he and (b)(7)(C) had at these
11 stationary locations, they don't really have to do
12 much.

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

14 (b)(7)(C) : It's pretty much just, do you
15 understand (b)(7)(C) ?

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

17 (b)(7)(C) : Just surveying truck tires.

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

19 (b)(7)(C) : Vehicles coming in and logging
20 people in and out, and that's about the extent of what
21 those control point duties.

22 SPECIAL AGENT (b)(7)(C) : Okay. So you really
23 couldn't say?

24 (b)(7)(C) : Overall, I couldn't. Because
25 I never was with him or saw him having to do any kind

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1 of our extensive (b)(7)(C) work. I don't know
2 what his background is, how much experience he has,
3 but it was all I saw him do when he was here, so it
4 would be difficult for me to say.

5 SPECIAL AGENT (b)(7)(C) You have any
6 firsthand knowledge that the personnel action levied
7 against (b)(7)(C) had anything to do with his raising
8 safety concerns or whistle blowing in any way?

9 (b)(7)(C): Safety concerns, not that I
10 know of.

11 SPECIAL AGENT (b)(7)(C) Do you know why he
12 was terminated, let go?

13 (b)(7)(C): I believe it was because of
14 his constant references, derogatory references about
15 a certain female employee.

16 SPECIAL AGENT (b)(7)(C): Would that be (b)(7)(C)
17 (b)(7)(C)?

18 (b)(7)(C): It would.

19 SPECIAL AGENT (b)(7)(C): Was --

20 (b)(7)(C): I believe he was asked to quit
21 saying those things and he just kept on, kept on.
22 That's what I think.

23 SPECIAL AGENT (b)(7)(C): Was he fired?

24 (b)(7)(C): You know I don't know. I
25 don't know if he was fired or if he was laid off or if

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1 he quit. Yes, that's a good question, I don't know.

2 SPECIAL AGENT (b)(7)(C) Well do know if he
3 was subject to progressive discipline with regard to,
4 prior to his termination? Was he being written up or
5 reprimanded for the things he was saying about (b)(7)(C)

6 (b)(7)(C) : That I don't, I'm not privy to
7 that.

8 SPECIAL AGENT (b)(7)(C) : Do you ever recall
9 any, hearing anything or having firsthand knowledge of

10 (b)(7)(C) raising concerns to management that he was being
11 (b)(7)(C) by (b)(7)(C) ?

12 (b)(7)(C) : This is secondhand.

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

14 (b)(7)(C) : In fact it's kind of,
15 something a lot of people seem to know about. I don't
16 know what the story is there. I understand there's a
17 history there, but I don't know what it is.

18 In fact, now that you say that, he must
19 have started working here before me, because I heard
20 on and off just through the grapevine things about
21 that. So he must have started before I was here. But
22 I have no direct knowledge of that at all or what the
23 real story is.

24 SPECIAL AGENT (b)(7)(C) : Okay. Have you ever
25 reported any safety related issues to management?

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

2 SPECIAL AGENT (b)(7)(C) : Have you ever --

3 (b)(7)(C) : In a formal --

4 SPECIAL AGENT (b)(7)(C) : In a formal
5 capacity?

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

7 SPECIAL AGENT (b)(7)(C) : No. Have you ever
8 witnessed some of the issues that the other
9 individuals we've talked about raised as it relates to
10 (b)(7)(C) practices?

11 (b)(7)(C) : I'm sorry, say that question
12 again?

13 SPECIAL AGENT (b)(7)(C) : Have you ever
14 witnessed any of the issues that the other, that (b)(7)(C)
15 (b)(7)(C) and Ms. Andrews raised about (b)(7)(C)
16 (b)(7)(C) practices or lack there of? You ever seen

17 her operating in a less than efficient manner with
18 regard to surveying, anything of that nature?

19 (b)(7)(C) : No. I heard, but being there
20 to witness, no.

21 SPECIAL AGENT (b)(7)(C) : Would you say that
22 the training here has been adequate for all employees
23 as it related to HP procedures and practices?

24 (b)(7)(C) : It's getting better.

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

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1 [REDACTED] (b)(7)(C) : It's getting better, but now
2 since [REDACTED] (b)(7)(C) took over as the [REDACTED] (b)(7)(C) it's getting
3 much better and they're trying to, we have a little
4 meetings in the morning and we're trying to you know,
5 go through training. But there's only so much, not
6 very much time allotted for it. So they're doing the
7 best they can.

8 SPECIAL AGENT [REDACTED] (b)(7)(C) : Okay.

9 [REDACTED] (b)(7)(C) : But in the past, no.

10 SPECIAL AGENT [REDACTED] (b)(7)(C) : So that's to say
11 that it was not as good under Mr. Bowers watch as RSO?
12 When he was the RSO, radiation safety officer
13 representative, that the training was not as
14 efficient?

15 [REDACTED] (b)(7)(C) : It wasn't.

16 SPECIAL AGENT [REDACTED] (b)(7)(C) : There wasn't any --

17 [REDACTED] (b)(7)(C) : We had the annual little go
18 over, but as far as, you know, continuing, there was
19 no classroom, there's no really anything. Every year
20 they give a little test and little talk, but no, it's
21 gotten much better.

22 SPECIAL AGENT [REDACTED] (b)(7)(C) : Okay. Is there
23 anything else that you'd like to add to the record at
24 this time?

25 [REDACTED] (b)(7)(C) : Can't think of anything.

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1 SPECIAL AGENT (b)(7)(C) : Okay. A couple
2 closing comments and questions. Have I threatened you
3 in any manner in exchange for your testimony?

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

5 SPECIAL AGENT (b)(7)(C) : Have I offered you
6 any reward in exchange for your testimony?

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

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

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

11 SPECIAL AGENT (b)(7)(C) : Okay. The time is
12 now 12:58 p.m. Pacific Standard Time, this interview
13 is concluded.

14 (Whereupon, the interview in the above-
15 mentioned matter was concluded at 12:58 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-019/032/037

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
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EXHIBIT 9

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APPEARANCES:

On Behalf of the Interviewee and Other
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P-R-O-C-E-E-D-I-N-G-S

(10:46 a.m.)

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SPECIAL AGENT (b)(7)(C): Today's date is

Thursday, June 14th, 2012. The time is currently 10:46 a.m., Pacific Standard Time. For the record this is an interview of Mr. Elbert, goes by the name Bert, Bowers who was previously employed with Tetra Tech EC, Inc., at the Hunter's Point Naval Shipyard. The location of this interview with Mr. Bowers is the Staybridge Suites Hotel located at 4755 Business Center Drive, Fairfield, California.

I am (b)(7)(C) a special agent with the Nuclear Regulatory Commission, Office of Investigations, Region I Field Office in King of Prussia, Pennsylvania. Also present is Mr. Bower's counsel who I will have introduce himself into the record in just a moment.

We are here to discuss information that Mr. Bowers may have with regard to the discrimination complaints filed with the NRC on the behalf of (b)(7)(C) former New World Technology and/or AWS employees who were technicians, health physics technicians, employed at the Hunters Point Naval Shipyard. And those individuals are Ms. Susan Andrews, (b)(7)(C) and (b)(7)(C).

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1 And those case numbers, the case number
2 associated with Ms. Andrews is 1-2012-019. The NRC
3 case number associated with (b)(7)(C) is 1-2012-032.
4 And the case number associated with (b)(7)(C) is 1-
5 2012-037.

6 All individuals have indicated that upon
7 raising safety related issues to management staff at
8 the Hunters Point Naval Shipyard, in particular Tetra
9 Tech EC, Inc., they were either relieved of duty,
10 terminated from employment or received some form of
11 adverse action.

12 That will be the balance of our discussion
13 here this morning. And any information Mr. Bowers may
14 have associated with that.

15 I must first inform you that the NRC
16 strictly permits the recording or transmitting of this
17 interview by any other parties other than the NRC or
18 its designee. Having said that, are you transmitting
19 or recording this interview in any way?

20 MR. BOWERS: No, I am not.

21 SPECIAL AGENT (b)(7)(C): Are you, sir?

22 MR. ANTON: No.

23 SPECIAL AGENT (b)(7)(C): I want to also cover
24 that under 18 USC, Section 1001, it's ostensibly known
25 as the false statement provision, and it says if you

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1 knowingly or willingly make false, fictitious or
2 fraudulent statements or representations and provide
3 false information you could be subject to prosecution
4 under 18 USC 1001, which is a felony punishable by a
5 sentence of up to five years confinement and a
6 \$250,000 fine. And that is in no way a threat that
7 just advised you that I'm a federal agent with the
8 U.S. Government, it's important that you be forthright
9 and honest with me. And the things you tell me today
10 need to be truthful.

11 MR. BOWERS: Absolutely.

12 SPECIAL AGENT (b)(7)(C): Please state your
13 full name for the record and spell your last name.

14 MR. BOWERS: Delbert G. Bowers, B-O-W-E-R-
15 S.

16 SPECIAL AGENT (b)(7)(C): Could you please
17 raise your right hand? Do you swear that the
18 testimony you're about to provide is the truth, the
19 whole truth and nothing but the truth, so help you
20 god?

21 MR. BOWERS: I do.

22 SPECIAL AGENT (b)(7)(C): And I have a couple
23 questions with respect to your legal counsel here
24 today. And actually, sir, could you please introduce
25 yourself for the record?

1 MR. ANTON: Yes, my name is David C.
2 Anton. I'm with the law firm of David C. Anton and
3 I'm also working with the Scott Law Office in San
4 Francisco. My address is 1717 Redwood Lane, Davis,
5 California 95616. My telephone number, 530-759-8421.

6 SPECIAL AGENT (b)(7)(C): Okay. And could you
7 please spell your last name for the record?

8 MR. ANTON: A-N-T-O-N.

9 SPECIAL AGENT (b)(7)(C): Mr. Bowers, Mr.
10 Anton is representing you personally for the purpose
11 of today's interview?

12 MR. BOWERS: Yes.

13 SPECIAL AGENT (b)(7)(C): Okay. Does your
14 employer require you to have an attorney present, for
15 the record you are not employed at this time?

16 MR. BOWERS: That's correct. I'm
17 officially designated as on furlough.

18 SPECIAL AGENT (b)(7)(C): You were furloughed,
19 so this is not corporate counsel? This is your
20 private attorney?

21 MR. BOWERS: Yes.

22 SPECIAL AGENT (b)(7)(C): So we can actually
23 bypass the corporate counsel questions. Okay. Will
24 Mr. Anton's presence hinder your testimony in any way?

25 MR. BOWERS: Absolutely not.

1 SPECIAL AGENT (b)(7)(C): Okay, and you do
2 understand you have a right to a private interview at
3 a time of your convenience?

4 MR. BOWERS: Yes.

5 SPECIAL AGENT (b)(7)(C): For the record, Mr.
6 Anton, do you also represent some of the other
7 individuals that we will be discussing today relative
8 to their discrimination cases?

9 MR. ANTON: Yes, I represent Susan
10 Andrews, (b)(7)(C) and (b)(7)(C) as well. So
11 all four of the people that I understand you've had
12 investigations with.

13 SPECIAL AGENT (b)(7)(C): And will there be
14 any conflict in your representation of Mr. Bowers
15 today and those other cases that we mentioned?

16 MR. ANTON: Not at all.

17 SPECIAL AGENT (b)(7)(C): Okay. So, Mr.
18 Bowers, you are currently furloughed from Tetra Tech?

19 MR. BOWERS: That is correct.

20 SPECIAL AGENT (b)(7)(C): As of when?

21 MR. BOWERS: As of approximately August
22 the 1st of 2011. If you need the exact date I think
23 I have a copy of the notification from (b)(7)(C)
24 (phonetic) with Tetra Tech HR that I can provide you.

25 SPECIAL AGENT (b)(7)(C): Okay, in what

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1 capacity were you employed with Tetra Tech?

2 MR. BOWERS: I was employed, I responded
3 and was hired to fill the position of project
4 radiation safety officer for the Hunters Point
5 Shipyard.

6 SPECIAL AGENT (b)(7)(C): How long were you
7 with Tetra Tech?

8 MR. BOWERS: From date of hire to the date
9 that I was placed on furlough, approximately 18
10 months. Somewhere there around.

11 SPECIAL AGENT (b)(7)(C): And before Tetra
12 Tech, you were with New World?

13 MR. BOWERS: I was with New World
14 Environmental, also know as New World Technology or
15 NWT.

16 SPECIAL AGENT (b)(7)(C): From when to when?

17 MR. BOWERS: Again, without the
18 information directly in front of me I was hired on and
19 showed up at Hunters Point with New World around
20 January of, I want to say, 2002. And then rolled over
21 from New World to Tetra Tech the last week of March of
22 2009.

23 SPECIAL AGENT (b)(7)(C): When did you begin
24 your employment in the nuclear industry?

25 MR. BOWERS: I began my employment in the

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1 nuclear industry in February of 1978 with Duke Power
2 Company in Seneca, South Carolina.

3 SPECIAL AGENT (b)(7)(C): Were you trained on
4 how to report safety concerns while at Tetra Tech at
5 Hunters Point?

6 MR. BOWERS: While with Tetra Tech?

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

8 MR. BOWERS: Oh yes.

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

11 MR. BOWERS: The training was actually
12 conducted, or emphasized, by (b)(7)(C). As far as
13 preliminary training, I've received this kind of
14 training throughout all of my stints in the industry.
15 So basically instead of training it was more like
16 reemphasis or an overview that (b)(7)(C) would
17 provide at the project.

18 SPECIAL AGENT (b)(7)(C): And did you get an
19 initial training when you came on with them, Tetra
20 Tech, and then do you have to do an annual, was there
21 annual training that goes along with that?
22 Particularly as it relates to the element of reporting

23 --

24 MR. BOWERS: The hierarchy of reporting?

25 SPECIAL AGENT (b)(7)(C): Well yes, how you

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1 were to report safety concerns.

2 MR. BOWERS: It's essentially a part of
3 management training, the Management 101 Training. And
4 then it even carries over into HAZWOPER Training, the
5 annual requalification eight-hour training. But yes,
6 (b)(7)(C) would cover that even daily.

7 SPECIAL AGENT (b)(7)(C) At the morning
8 meeting?

9 MR. BOWERS: Yes, emphasis made on, you
10 know, matter of fact it was one of my messages to the
11 staff as well, you know, if you see something report
12 it.

13 SPECIAL AGENT (b)(7)(C) And what were your
14 duties and responsibilities during your tenure of
15 employment with Tetra Tech?

16 MR. BOWERS: My duties and
17 responsibilities primarily were to provide oversight
18 for the use of Tetra Tech's radioactive materials
19 license, NRC issued RML. And the miscellaneous
20 administrative requirements as far as reports and
21 field observations and support duties in regard to
22 radiological safety for the site, the site staff, the
23 general public and the environment to ensure the
24 protection and well being of all.

25 SPECIAL AGENT (b)(7)(C) Who did you report

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1 to?

2 MR. BOWERS: I had two reports. In the
3 (b)(7)(C) my direct report was (b)(7)(C)
4 (b)(7)(C). And then unique to the project, our
5 (b)(7)(C) manager was (b)(7)(C).
6 SPECIAL AGENT (b)(7)(C) Did you have anyone
7 reporting to you?

8 MR. BOWERS: Yes.

9 SPECIAL AGENT (b)(7)(C): Okay, who reported
10 to you?

11 MR. BOWERS: I had a staff of four
12 supervisors, four radiation protection field
13 supervisors. The first being (b)(7)(C)
14 (b)(7)(C). Second being (b)(7)(C). The
15 third being (b)(7)(C). And
16 the last being (b)(7)(C).

17 SPECIAL AGENT (b)(7)(C): And what policies
18 and procedures were you guided by during your tenure?
19 Was it the NRC license, was it site-specific
20 procedures, what was the overarching regulatory --

21 MR. BOWERS: I have that kind of handy
22 because there were various driving documents. But
23 primarily it was the NRC license. Unique to the
24 obligation to the NRC and the regulators. And then
25 based on that, out of the NRC license, we had as

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1 defined by the license 10 CFR 19 and also the criteria
2 found in NRC Form 3, part of 10 CFR 19. But also
3 criteria in 10 CFR 20. But essentially any of the
4 criteria in 10 CFR as it applied to the license and
5 the (inaudible).

6 Now as a stringer off of that we had the
7 base-wide procedures invoked at Hunters Point. And
8 basically those procedures were an offshoot of the
9 corporate tier RAD procedures which were submitted
10 with the license application to the NRC in order to do
11 this type of work. But also, like I said, the site's
12 operating procedures or SOPs are what we used there at
13 the project. And then any other work plans and
14 related contract drivers supporting criteria, such as
15 that through the Navy.

16 SPECIAL AGENT (b)(7)(C): Okay. What was the
17 safety culture at Hunters Point?

18 MR. BOWERS: The safety culture at Hunters
19 Point, there's two key arenas when you address that,
20 from my perspective, from my tenure there. The first
21 culture was from my culture. When I first arrived at
22 Hunters Point I worked for a company that specialized
23 in radiation protection services. This company, New
24 World, had an NRC issued license and that license was
25 invoked at Hunters Point.

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1 Actually the Navy, this was a Navy project
2 obviously, the Navy had a master materials license but
3 they chose not to use that and chose instead that New
4 World invoke their license. So we had that culture
5 from radiation safety points of view. I had a staff
6 of supervisors and also field technicians and
7 laboratory technicians, specialists basically. People
8 who specialize in the craft to ensure safety over
9 other motives or other priorities.

10 So in a sense we were working at a site
11 where a construction company was performing the
12 physical tasks, we were invoking the radiation safety
13 protocol in support of construction operations.

14 Now later on, after about seven years with
15 New World, Tetra Tech during that time had applied for
16 and successfully been issued an NRC RAD Materials
17 license. They'd chosen, I think they had it for about
18 two or three years before they chose to invoke it.
19 Tetra Tech made a business decision to invoke their
20 license starting April the 1st of 2009. All right?

21 At that point use of New World's license
22 was no longer required. Some of the positions with
23 New World, as related to use of its license, were
24 rolled over to Tetra Tech. At that time I was asked
25 to consider rolling over into a radiation safety

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1 officer role under the Tetra Tech license. In other
2 words the same thing I was already doing, just roll
3 over to Tetra Tech, which is what eventually happened.

4 I had talked with (b)(7)(C) (phonetic)
5 of RASO, she had basically endorsed the idea,
6 recommended, thought it would be a good step. And so
7 after a lot of consideration that's what I ended up
8 doing, rolling over to Tetra Tech.

9 So you asked, getting back to your
10 question, about the safety culture. Once I rolled
11 over to Tetra Tech I no longer had the support from
12 the New World side, people like (b)(7)(C) (phonetic)
13 who was my (b)(7)(C) and also (b)(7)(C)
14 (b)(7)(C) (phonetic) who was the (b)(7)(C) for New World,
15 and basically interfaced with Tetra Tech with me on my
16 behalf, you know, in license driven concerns and
17 challenges.

18 Once I rolled over to Tetra Tech my
19 equivalent of (b)(7)(C) and (b)(7)(C) on the Tetra
20 Tech side was (b)(7)(C) and (b)(7)(C).
21 (b)(7)(C) was the (b)(7)(C) or the (b)(7)(C)
22 (b)(7)(C) for Tetra Tech. And (b)(7)(C) was the (b)(7)(C)
23 (b)(7)(C).

24 But in either case within the first two
25 weeks of my employment with Tetra Tech (b)(7)(C)

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1 turned in his two week notice and left the company.
2 Within my first six months of employment with Tetra
3 Tech (b)(7)(C) was not retained, I think it was
4 somewhere around November or December of 2009.

5 So again, those key components as far as
6 technical support and safety driven support, all of a
7 sudden they were gone on the Tetra Tech side, as
8 compared to my days with New World.

9 SPECIAL AGENT (b)(7)(C): Okay. So the safety
10 culture was good. It was better under New World and
11 less --

12 MR. BOWERS: It was much better. It was
13 much more manageable under New World. Whereas with
14 Tetra Tech it got to be where it was kind of like a
15 stampede of horses, just getting run over by a lot of
16 different priorities that weren't related to RAD
17 safety. To put it nicely.

18 SPECIAL AGENT (b)(7)(C): Okay. That's what
19 I needed. Did Tetra Tech promote a safety conscious
20 work environment?

21 MR. BOWERS: On the surface, absolutely.
22 No doubt about it. You'll see the postings, you'll
23 the plaques on the walls, you'll see the little
24 calendar with the number of days without a lost time
25 accident. So on the surface they promote it. But

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1 then in the field, and enforce it you're talking about
2 two different questions.

3 SPECIAL AGENT (b)(7)(C): So the promotion of
4 it, or the facade of it, is there?

5 MR. BOWERS: Yes.

6 SPECIAL AGENT (b)(7)(C): The execution maybe
7 not so much?

8 MR. BOWERS: I'll put it like this. We
9 always had a morning safety tailgate. If they said
10 there never was one, you know, if somebody accused
11 them of that I'd have to support Tetra Tech. They
12 always addressed safety at the morning tailgate. The
13 safety tailgates lasted about five minutes in
14 duration. And most of it involved the pick up of
15 doing stretches and getting limbered up and loosened
16 up to go in the field.

17 But once people were out in the field then
18 that's where you'd start finding examples of shortcuts
19 being taken and things like that.

20 SPECIAL AGENT (b)(7)(C): Okay, was it
21 acceptable at Tetra Tech to report safety concerns to
22 management? Did they seem welcoming and encouraging
23 of it?

24 MR. BOWERS: Again, on the surface if you
25 look at the documentation and what Tetra Tech

1 corporate management promotes, yes they encourage
2 that. But what you would find was if there were
3 incidents where someone wanted to come forward with a
4 safety concern there was hesitation because there
5 started to be evidence of a negative trend where, at
6 least on the RAD protection side, if people came
7 forward with a safety concern if it went too high or
8 escalated too many levels above the person initiating
9 it and their supervisor, that person suddenly was no
10 longer there at the project.

11 And I can sort of substantiate that
12 because after I was removed from the Hunters Point
13 project all of a sudden people started coming out of
14 the cracks, so to speak, you know, contacting me about
15 these concerns that they had that led to their
16 termination or removal from the project, which was
17 never brought to my attention while I was there.

18 You know, in my message, even in my
19 message, was if you see issues in the field something
20 contrary to RAD safety. You address the concerns with
21 the person or persons involved, especially your
22 supervisor and try to resolve it. If you can't get it
23 resolved at that point agree to disagree and take it
24 to the next level, which obviously also included my
25 office.

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1 And then if we continue on and we can't
2 resolve it we agree to disagree and take it to the
3 next level up to and including the NRC if it has
4 something to do with the license. That's constantly
5 promoted.

6 SPECIAL AGENT (b)(7)(C): Were employees
7 trained on what issues are considered to be safety
8 related concerns? We talked about reporting safety
9 concerns, but were employees trained on the
10 identification of what a safety concern was in the
11 first place?

12 MR. BOWERS: Are you talking about from a
13 RAD perspective or are you talking about the whole
14 global perspective?

15 SPECIAL AGENT (b)(7)(C): Let's take it in two
16 phases. From an overall perspective, unsafe
17 activities, let's say globally and then kind of
18 include RAD under that. So overall --

19 MR. BOWERS: Globally speaking?

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

21 MR. BOWERS: Globally speaking before
22 anyone can work on a project like Hunters Point, you
23 have to have your OSHA qualification, OSHA training.
24 And that whole spectrum is covered under your 40 hour
25 HAZWOPER qualification, which is a requirement. And

1 then you're required to keep that up annually with an
2 eight-hour refresher.

3 So globally speaking you've got the
4 HAZWOPER criteria that you fall back on. And then you
5 have the right to know postings, which (b)(7)(C)
6 would keep posted from, like I said, the construction
7 on the group, which would cover all the bases
8 basically as far as reporting expectations and
9 responsibilities above and beyond the immediate
10 management staff at the project.

11 Now if you go cross over into the
12 radiological safety arena, number one, you've got two
13 sets of employees that this applies to. One is the
14 everyday worker, the non-RAD technician worker. And
15 then you've got the RAD technician staff, or the RAD
16 Safety staff.

17 From the everyday worker they get a RAD
18 Orientation briefing. Initial when they first get
19 there and then an annual refresher, once every 12
20 months. However, one thing that I was trying to
21 institute that was never seen through to the end, I
22 wanted to give everyone a test to actually be able to
23 measure what they retained once they got the
24 refresher. But, again, during this RAD Orientation
25 briefing we did cover radiologically specific safety

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1 hazards and concerns unique to Hunters Point, but also
2 unique to radiation fundamentals.

3 But, I was never, it was a pilot program
4 first, the first go-round to test these people. (b)(7)(C)

5 (b)(7)(C) at the end basically put a stop on that,
6 said he didn't want testing of the whole staff. The
7 only persons that he wanted to be tested were the
8 radiation protection technicians, i.e., the senior
9 techs and the junior techs.

10 And again, that's a whole different arena
11 there. With the radiation safety staff one of the
12 requirements on Hunters Point Navy contracts are that
13 technicians that come on that site are ANSI 3.1
14 qualified, it's in the contract. It's in the
15 Statement of Work. So again, if you bring in an ANSI
16 3.1 qualified technician that's indicative of the fact
17 that they are aware, if they ANSI qualifications
18 they're aware also and knowledgeable of those types of
19 radiation safety concerns.

20 And so anyone else that works on the staff
21 in a junior technician capacity would be expected to
22 do so with the oversight of a senior technician who is
23 ANSI qualified, at a minimum. So does that make
24 sense?

25 SPECIAL AGENT (b)(7)(C): Yes. What were the

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1 mechanisms available for reporting safety concerns?
2 So in the nuclear plant world they have what they call
3 condition reports. Where you're in the plant and you
4 can log into the computer with your ID and if you see
5 something wrong you can write a CR. Was there
6 something like that available to employees at Hunters
7 Point or was there suggestion box?

8 MR. BOWERS: Yes, there are multiple
9 alternatives. ZIP slips.

10 SPECIAL AGENT (b)(7)(C): I understand there's
11 ZIP slips.

12 MR. BOWERS: But the most pressing concern
13 from the radiological standpoint, my standpoint with
14 the staff, was if you see an issue or a concern you
15 immediately bring that concern up with the person or
16 persons involved, including your supervisor. And so
17 again, my RAD staff --

18 SPECIAL AGENT (b)(7)(C): So it's verbal?

19 MR. BOWERS: I'm sorry?

20 SPECIAL AGENT (b)(7)(C): So it was verbal, it
21 was emphasized to verbally --

22 MR. BOWERS: Oh it was signed off too. It
23 was signed off.

24 SPECIAL AGENT (b)(7)(C): How was it
25 documented?

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1 MR. BOWERS: I do read and signs. You
2 know, if there were things in the field that I see
3 that we need to address I would basically write up the
4 topic, address the topic, and then put a sign-off
5 sheet on it and distribute it as a read and sign. But
6 one of the universal statements that was always on
7 there, I have an open door policy. Address your
8 concerns with your supervisor, if needed see me as
9 well.

10 SPECIAL AGENT (b)(7)(C): And so these ZIP
11 slips were a way for when employees saw something,
12 could that be anonymous?

13 MR. BOWERS: Yes.

14 SPECIAL AGENT (b)(7)(C): You could write it
15 down and put it in the box. Was there any way to go
16 into the computer and annotate?

17 MR. BOWERS: Yes.

18 SPECIAL AGENT (b)(7)(C): And what was, how
19 was, what is that known as?

20 MR. BOWERS: I can show you. I still have
21 the Tetra Tech laptop and I could pull it up and show
22 you there, there's a --

23 SPECIAL AGENT (b)(7)(C): I just need to know
24 what they're called.

25 MR. BOWERS: There's a network, it's a

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1 CRL, a Corporate Reference Library. And there is a
2 field in there for ZIP slip reports. Now is it
3 updated timely? When I last looked at it, I mean, it
4 covers last year. But I don't know how often they do
5 a dump but I didn't see anything recent.

6 SPECIAL AGENT (b)(7)(C): Okay, so it may not
7 be updated.

8 MR. BOWERS: But now again, in fairness,
9 that corporate reference library is only accessible by
10 Tetra Tech employees that have an assigned (inaudible)
11 to have access to the corporate internet.

12 SPECIAL AGENT (b)(7)(C): So the contractors -

13 -
14 MR. BOWERS: The people in the field.

15 SPECIAL AGENT (b)(7)(C): -- they don't have
16 access to that?

17 MR. BOWERS: No.

18 SPECIAL AGENT (b)(7)(C): So the only thing a
19 contractor can do if he or she would see something
20 wrong is the ZIP slip?

21 MR. BOWERS: Is the ZIP slip or
22 communicating that to the Tetra Tech rad supervisor.
23 And then, just so you know, the key person at that
24 time under my regime was (b)(7)(C) because he was the
25 (b)(7)(C). So he would streamline what was

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1 going on in the field and determine did that require
2 a deficiency report to be written up. And then,
3 because the deficiency report was also something on
4 the CRL that was a little bit higher driven than the
5 ZIP slip program.

6 ZIP slip program could be anything from
7 (b)(7)(C) sitting in a unsafe chair or something. Where
8 a deficiency could be something that interfered with
9 the procedure compliance or license compliance, things
10 like that.

11 SPECIAL AGENT (b)(7)(C): We're going to now
12 shift towards our discussion on the individual
13 employees.

14 MR. BOWERS: Okay.

15 SPECIAL AGENT (b)(7)(C): First, are you aware
16 of (b)(7)(C) ever raising safety concerns to
17 management?

18 MR. BOWERS: No. Again, let's clarify
19 your question. Was I ever aware, was that what you
20 said?

21 SPECIAL AGENT (b)(7)(C): I said are you aware
22 of (b)(7)(C) ever raising safety concerns to
23 management?

24 MR. BOWERS: Yes, after his termination.

25 SPECIAL AGENT (b)(7)(C): Okay, after. But

1 not during his tenure here?

2 MR. BOWERS: Not during his employment,
3 no. He never came to me with any of that.

4 SPECIAL AGENT (b)(7)(C): And he called you
5 after his layoff and then he was telling you about the
6 issues he had?

7 MR. BOWERS: The story behind that was
8 Susan Andrews, remember when we first talked you asked
9 me if there were any person at the project still
10 employed, actively, that would be willing to talk to
11 you and Susan Andrews was one of them. During that
12 time Susan was suddenly notified she was being laid
13 off. During that same time (b)(7)(C) had, I guess, come
14 forward with a safety concern, he (b)(7)(C)
15 (b)(7)(C). And Susan informed me of (b)(7)(C) at that
16 point and then that's when (b)(7)(C) and I talked.

17 SPECIAL AGENT (b)(7)(C) Did (b)(7)(C) tell you
18 that he raised safety related concerns to management?

19 MR. BOWERS: Yes.

20 SPECIAL AGENT (b)(7)(C) When you talked to
21 him he indicated that when he was still employed there
22 he raised safety concerns. Did he tell you more
23 specifically about the concerns?

24 MR. BOWERS: Yes. He said that basically
25 there were two categories. One, at the end of the

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1 work day, you know, the field staff usually would shut
2 things down between 4:00 and 4:30 and then prep to go
3 home. (b)(7)(C) was at this particular location that
4 stop and gated shut.

5 It's where some excavation work was taking
6 place involving an underground yard drain, sewer line,
7 things like that. It's also in the area that was
8 impacted subject to radiological concerns at one point
9 in time, it had been posted with radiological
10 postings.

11 But this gate was left wide open. Again,
12 you could walk in, there were open trenches, someone
13 could fall in for that matter, not to address
14 potential radiological issues. So (b)(7)(C) locked it
15 up, I believe, but then he reported it to his
16 supervisor. I think it was either (b)(7)(C) or (b)(7)(C)

17 (b)(7)(C)

18 Multiple things that he brought up he said
19 he either reported to (b)(7)(C) or (b)(7)(C). But
20 mostly (b)(7)(C) I believe, if memory serves me
21 right. But that was one example of a safety concern,
22 which right after he reported that, and I think it
23 involved a (b)(7)(C) (phonetic), he would open
24 the gate and fail to lock it back before leaving.

25 But the other had to do with something

1 about, his words were "being made to feel
2 uncomfortable." In other words he would show up at a
3 safety meeting and it was involving a (b)(7)(C), a
4 supervisor (b)(7)(C). I think he was assigned in
5 his crew at one point.

6 And while (b)(7)(C) or whoever, was speaking at
7 the tailgate would cover something (b)(7)(C) would be
8 behind him and he would hear (b)(7)(C) whisper something,
9 ain't that right, (b)(7)(C) or something to that effect.
10 And it just didn't make him feel comfortable he said.

11 And so then he followed that part up with
12 the fact that (b)(7)(C) had a click basically, and inner
13 click going on with the people that had worked with
14 him for a long time. Including part of that click was
15 (b)(7)(C) (phonetic), now (b)(7)(C) (b)(7)(C)
16 to him. And the issue was he would come to this
17 tailgate and (b)(7)(C) would be there kind of (b)(7)(C)
18 (b)(7)(C) but he
19 (b)(7)(C) things like that.

20 So again, he mentioned to (b)(7)(C)
21 Did you notice that? And (b)(7)(C) according to (b)(7)(C),
22 took the approach, I don't even want to go there. I
23 don't want to touch that. But these are all things he
24 shared with me after he was laid off.

25 SPECIAL AGENT (b)(7)(C): About when did you

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1 have that conversation with him?

2 MR. BOWERS: Oh I'd say he was laid off
3 effective (b)(7)(C) of last year. So this had
4 to take place somewhere after (b)(7)(C) and
5 the following week. There were phone calls between
6 then and approximately (b)(7)(C) to be safe. In
7 that timeframe.

8 But I do remember specifically he was
9 saying he reported the open gate, you know, and (b)(7)(C)
10 (b)(7)(C) had left it open after hours. He secured
11 it and reported it as a followup. And then also being
12 made to feel uncomfortable involving (b)(7)(C)
13 which I know he said he talked about with (b)(7)(C).

14 SPECIAL AGENT (b)(7)(C): Did (b)(7)(C) ever
15 raise concerns to management in your presence? I'm
16 assuming not.

17 MR. BOWERS: No. No. And (b)(7)(C) was
18 there on multiple occasions at the project. During my
19 tenure I would actually, not on a routine basis, about
20 every six months make it a point to sit down with
21 everyone on my staff with New World and have a
22 fireside chat. What I'd call, you know, just a one-
23 on-one to find out what's going on good. What do you
24 like about the project? Are there areas for
25 improvement? Are there any concerns you'd like to

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1 share? And there's nothing of record that I have for
2 (b)(7)(C) on that regard.

3 SPECIAL AGENT (b)(7)(C) Did anyone from
4 management ever discuss (b)(7)(C) raising safety
5 concerns with you?

6 MR. BOWERS: No. Not (b)(7)(C).

7 SPECIAL AGENT (b)(7)(C): Are you aware of
8 whether or not (b)(7)(C) took his concerns, during the
9 time he was there, to any entities outside of Tetra
10 Tech?

11 MR. BOWERS: During the time he was there?

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

13 MR. BOWERS: Because you've got to
14 remember now I was away from Tetra Tech after August
15 1st. Actually after April the 1st, after I was at
16 Alameda. But still I was in touch, you know, Susan
17 stayed in touch with me and (b)(7)(C). So yes, I'm aware
18 of it; it was after my employment there at the
19 project.

20 But yes, I was aware of his involvement
21 with making notifications of safety concerns with the
22 State of California Labor Commissioners Office and
23 also with the NRC and Department of Labor. Matter of
24 fact he approached me when he got the paperwork from
25 the NRC talking about the Department of Labor OSHA

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1 option, and so basically I reviewed that with him over
2 the phone to advise him of what he should consider.

3 SPECIAL AGENT (b)(7)(C): Do you believe that
4 (b)(7)(C) was retaliated against for raising safety
5 related concerns?

6 MR. BOWERS: Yes I do.

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

8 MR. BOWERS: I believe that Tetra Tech,
9 and again this is based on trending data that goes
10 well before (b)(7)(C), but as far as people that have
11 come forward raising concerns with their supervisors
12 they were suddenly discharged from the project. Just
13 with no forewarning whatsoever. Most recently with
14 (b)(7)(C) where supposedly (b)(7)(C) made the
15 decision he wants him off his project.

16 There was no involvement with me in
17 regards to the rationale behind or the circumstances
18 behind it. I found out after the fact. And again,
19 further investigation shows additional contributing
20 factors that were --

21 SPECIAL AGENT (b)(7)(C): We'll talk about (b)(7)(C)
22 (b)(7)(C) independently.

23 MR. BOWERS: Yes. But with that said
24 other people came through the cracks, you know. A (b)(7)(C)
25 (b)(7)(C) had flagged me down at one time. He

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1 used to work for New World under a Tetra Tech
2 contract. And he came back to the project working for
3 Shaw. I was doing my drive throughs, my radiological
4 integrity field checks. I was driving past, down a
5 road. On one side was Tetra Tech work areas; on the
6 other side was Shaw work areas.

7 (b)(7)(C) came out from a control point
8 on the Shaw side, who he was working with at this
9 time, he flagged me down. He said I need to ask you
10 something. And said you're an RSO, I know you're with
11 Tetra Tech but I know that you enforce things. He
12 said if I told you that in the morning Shaw management
13 in coming in and basically opening up these berms with
14 this backed up rainwater and draining it directly into
15 San Francisco Bay, is that acceptable?

16 I said, you've got to be kidding me. I
17 said are you serious? And he said well I want to talk
18 to (b)(7)(C) but I'm afraid I'll get kicked off the site.
19 He said I'm thinking they're going to lay me off
20 already because I've been addressing this concern.

21 Make a long story short I told him I'd
22 have to get back to him, let me check something out.
23 I talked to (b)(7)(C) around it. (b)(7)(C) said let
24 me make a phone call. He wanted to call (b)(7)(C)
25 (phonetic), I don't know why he wouldn't let me, you

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1 know, (b)(7)(C) the RASO lady, Radiological Affairs. He
2 wanted to call her instead.

3 Eventually he came into my office, gave me
4 a sticky, he said take that out there to (b)(7)(C) and
5 have him call her, it was (b)(7)(C) phone number. So
6 that's what I did. I took it out to (b)(7)(C) and
7 encouraged him to call (b)(7)(C). And so less than
8 two weeks later (b)(7)(C) was off the project.

9 Eventually I heard from this gal (b)(7)(C)
10 (b)(7)(C) (phonetic). She had been working for New World
11 on many projects in the field, an ANSI 3.1 Tech. She
12 had been in this building where (b)(7)(C), it
13 (b)(7)(C) in the hard hat, she had her hard hat safety
14 gear on and she (b)(7)(C) the hard hat
15 maker, you know, with the (b)(7)(C) You
16 know, she was doing everything right.

17 However, she saw someone inside this
18 building that was posted with asbestos hazards. It
19 was also posted as an RCA, was actually (b)(7)(C)
20 a construction superintendent, letting people drive
21 through this building 211, building 253 open bay dock.
22 She told them basically, you know, they were spraying
23 water in there to keep the dust down and (b)(7)(C) was
24 driving in and stirring it up before they had sprayed
25 down the floors.

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1 She said something to him about that, that
2 he needed to wait, and instead what he did he spun his
3 tires as he accelerated out of the building. She was
4 gone not long after that. You know, I thought, like
5 I said it was part of the staff reduction. But she
6 has since come forward and shared that that was what
7 felt that was a mitigating circumstance with (b)(7)(C)

8 (b)(7)(C)

9 So like I said there's multiple examples
10 over a period of being out there for eight years,
11 eight plus years.

12 SPECIAL AGENT (b)(7)(C): What did management
13 cite as their rationale for laying (b)(7)(C) off?

14 MR. BOWERS: Well I wasn't there. See I'm
15 already off the project so I couldn't tell you
16 officially. They didn't consult with me. That was
17 after my time. Now I'll say this, the prior times
18 when I was at Hunters Point when (b)(7)(C) was there when
19 he left it was purely a staff reduction, reduction in
20 force.

21 SPECIAL AGENT (b)(7)(C): Were you aware of
22 discriminatory actions or statements made against
23 (b)(7)(C)?

24 MR. BOWERS: No. And I would have
25 expected if that happened he would have come to me

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1 under my watch. But nothing like that happened that
2 I know of.

3 SPECIAL AGENT (b)(7)(C): When did you begin
4 working with him?

5 MR. BOWERS: With (b)(7)(C)

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

7 MR. BOWERS: Oh gosh, it was sometime
8 after I became the designated Radiation Safety Officer
9 Representative for New World. I would have to look up
10 the exact date and time but it would probably be
11 around somewhere in the (b)(7)(C) timeframe. I mean
12 we're looking at like an eight year tenure at Hunters
13 Point. So I could find it for you and nail it down.

14 SPECIAL AGENT (b)(7)(C): That's fine. What
15 type of employee would you describe him as?

16 MR. BOWERS: Very reliable as far as being
17 at work every day. No attendance issues. He was
18 always punctual and on time. The times I talked to
19 him he was very cordial. And also I felt like he was
20 the type of person if he had a question he'd come ask
21 me. And I felt like he could approach me with ease.
22 I didn't get any idea that he would have apprehensions
23 in doing so. Very cordial, you know.

24 As far as the quality of his work. I've
25 said I'd see him out using instrumentation in the

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1 field, contrary to some others, he always seemed to be
2 using his instrumentation correctly. Seemed to be
3 performing the correct steps, following the correct
4 protocol for going into and out of areas of concern.
5 I didn't see anything major wrong with it, his
6 performance.

7 I mean, just like everyone, myself
8 included, there were times when there would be
9 paperwork documentation where there were corrections
10 that had to be made. But nothing significant or
11 overwhelming. I mean, everybody's human and I don't
12 think there's a person at the project that didn't have
13 to have a correction made on documentation.

14 One thing that stood out though, as far as
15 writing information down, he tended to print real big.
16 So just like an NRC Form 4 that you fill out with your
17 dose histories, I remember I had to fill that out or
18 go over that with him when he came back most recently
19 and he kept going beyond the blocks. And so I'd have
20 to send it back and ask him to rewrite it. But what
21 I did, I typed it up and then just had him sign it.

22 But there were, above and beyond that I
23 never had issues. I never had complaints about (b)(7)(C)
24 per se, that there were performance issues contrary to
25 satisfactory.

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1 SPECIAL AGENT (b)(7)(C) : Were you aware of
2 any racially derogatory comments openly made to
3 (b)(7)(C) about him in the presence of other employees?

4 MR. BOWERS: Not until after he (b)(7)(C)
5 (b)(7)(C) from the project on (b)(7)(C) And
6 then Susan Andrews shared that with me, as did (b)(7)(C)
7 himself.

8 SPECIAL AGENT (b)(7)(C) : Were the safety
9 related issues identified by (b)(7)(C) items that can be
10 cross-referenced by a particular policy or procedure?

11 MR. BOWERS: Oh yes. In particular, I
12 mean, I was giving you some examples earlier about the
13 gate left open and unsecured. Most definitely an
14 example of what you're asking now has to do with RSY2
15 and the collection of soil sample for laboratory
16 analysis.

17 There are very detailed procedures that
18 state the protocol to be followed in sample
19 collection. And those are procedures designated to be
20 performed by Rad Technicians. And in that instance he
21 was observing certain steps being performed by field
22 laborers that should have been designated by Rad
23 Technicians. It's clearly stated who does that.

24 And I'll say this. Anything to the
25 contrary would have to be authorized in someone in the

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1 role that I filled at that time, the Rad Safety
2 Officer. Not anyone in construction management. Not
3 any of the field rad supervisor or the field rad techs
4 could make a decision that varied from a procedurally
5 documented step.

6 SPECIAL AGENT (b)(7)(C): Okay. Are you aware
7 of whether or not (b)(7)(C) had been subject to any
8 progressive discipline prior to his termination?

9 MR. BOWERS: Discipline?

10 SPECIAL AGENT (b)(7)(C): Yes, progressive
11 discipline. Had he been written up? Anything of that
12 nature.

13 MR. BOWERS: No. While I was at the
14 project it would have crossed my desk. But again
15 there's no way I would know after I left the project.
16 But not while I was on the project, no.

17 SPECIAL AGENT (b)(7)(C): The time is
18 currently 11:33 a.m., we're going to take a brief
19 recess before reconvening to talk about the next
20 (inaudible).

21 (Whereupon the interview in the above-
22 mentioned matter went off the record at 11:33 a.m and
23 went back on the record at 11:58 a.m.)

24 SPECIAL AGENT (b)(7)(C): We're not back on
25 the record at 11:58 a.m. Pacific Standard Time. A

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1 point of clarification, Mr. Bowers and his counsel
2 were conferring during the lapsed time period for
3 which we were not on the record. Mr. Anton has some
4 point of clarifications that he would like to discuss
5 with Mr. Bowers at this time, relative to (b)(7)(C)

6 (b)(7)(C)

7 MR. ANTON: Bert, you were asked if there
8 were any rules or regulations that related to the
9 reports that (b)(7)(C) had made about the locked
10 gate area and about the (b)(7)(C)

11 For the locked gate area, were there any
12 rules or regulations related to that that could be
13 cross-referenced?

14 MR. BOWERS: For radiological purposes or
15 concerns the driving document, through the license,
16 begins with 10 CFR 20, conspicuously posting
17 radiologically impacted areas of concern. And then
18 following off of that comes your procedures, your
19 standard operating procedures, and work plans, task
20 specific work plans, things like that.

21 When you talk about (b)(7)(C) and (b)(7)(C)
22 (b)(7)(C) things like that, you're talking about a
23 fitness for duty policy that applies to Tetra Tech,
24 their corporate policy that carries down to the
25 project. But also, let me see (b)(7)(C) worked, I believe,

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1 with RSRS. You could possibly also include a fitness
2 for duty policy for the RSRS employer that she was
3 retained by.

4 I do know when she worked for New World
5 there was a fitness for duty program that New World
6 maintained.

7 MR. ANTON: And that fitness for duty
8 program precluded (b)(7)(C)

9 (b)(7)(C)

10 MR. BOWERS: Oh absolutely. Yes.

11 MR. ANTON: You were also asked about
12 whether (b)(7)(C) had come to you and reported

13 (b)(7)(C)

14 and things like that. And one of the
15 things you mentioned was, and you had phrased it as a
16 fireside chat you did every six months with employees
17 and that you mentioned he didn't raise those during
18 that six months or fireside chats that you had. When
19 did you conduct those?

20 MR. BOWERS: Those were basically
21 established while I was an employee of New World and
22 it was part of a process to -- Because I was not only
23 the radiation technical lead for New World but I was
24 also the administrative lead and the corporate liaison
25 or point of interface for the field staff and the
corporate office. And so there were multiple

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1 rationales behind these fireside chats. But it was an
2 open arena to cover the whole spectrum of employment
3 as a New World field tech.

4 MR. ANTON: And when you were at Tetra
5 Tech did those meetings take place and did Tetra Tech
6 authorize you to do that?

7 MR. BOWERS: No.

8 MR. ANTON: You mentioned the, for
9 reporting, ZIP slips. Did ZIP slip, while you were at
10 New World did they have ZIP slips?

11 MR. BOWERS: Tetra Tech had --

12 MR. ANTON: Just asked, did New World have
13 them?

14 MR. BOWERS: Oh, New World?

15 MR. ANTON: Yes.

16 MR. BOWERS: Not their own. They used the
17 Tetra Tech system.

18 MR. ANTON: And when you worked for Tetra
19 Tech, as an employee with them and you were the
20 radiological supervisor, did you get the ZIP slips or
21 get any reports about ZIP slip information?

22 MR. BOWERS: I was the radiation safety
23 officer and no I did not. No.

24 MR. ANTON: And you were asked some
25 questions about the culture at Tetra Tech and whether

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1 it encouraged reporting. As there any change in the
2 culture, in the standing of the radiological
3 organization when it transitioned from New World to
4 Tetra Tech?

5 MR. BOWERS: Absolutely. Absolutely.

6 MR. ANTON: Can you explain that?

7 MR. BOWERS: Yes, I had four supervisors
8 assigned to me under New World, while working for New
9 World. And also during that period of time I also had
10 hire and fire authority associated with these
11 supervisors.

12 One of the critical protocol that I had
13 established with my supervisory staff was you check in
14 with me at the start of the day. We discuss what's on
15 your plate. You check in with me as necessary
16 throughout the day, but you also check out with me.
17 You're my eyes and ears in the field.

18 That changed with Tetra Tech. Number one,
19 I did not have hire and fire authority. I also did
20 not have the ability to successfully follow the same
21 process with my supervisor where they did these check
22 ins and check outs with me. Morning plans of the day
23 and end of the day debriefs, it just did not happen.

24 I saw more an example of where my
25 supervisory staff was starting to align themselves

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1 with construction management in the field. A big
2 change that was obvious, I think, to all of the
3 members of the field staff. They had a certain type
4 of project vehicle truck assigned to them with New
5 World and once they rolled over to Tetra Tech they had
6 these big souped up top of the line pickup trucks that
7 they could drive, not only at the project but also
8 offsite, you know, for personal use and things like
9 that.

10 So I saw a downward trend where more of a
11 priority was given to construction-driven goals versus
12 rad driven obligations.

13 MR. ANTON: Did you have any concerns
14 about the competence and experience of any of the
15 supervisors that you had working directly under you?

16 MR. BOWERS: Yes, on the supervisor and
17 staff as well. Starting early on with (b)(7)(C)
18 obviously. But also including the supervisory staff,
19 in the Tetra Tech employment timeframe, was (b)(7)(C)
20 (b)(7)(C). When (b)(7)(C) first showed up at Hunters Point he
21 showed up as a New World employee and he was brought
22 in as a (b)(7)(C). In looking at his resume
23 he did express an interest in filling the next
24 available (b)(7)(C).

25 I looked at his resume and found that, you

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1 know, I wasn't even sure if it satisfied ANSI 18.1
2 experience qualifications. But bottom line I told him
3 we'd give him due considerations when an opportunity
4 became present. A slot was vacated and in talking
5 with management and New World principles, (b)(7)(C) was
6 put into a (b)(7)(C)

7 He manned that position for a short period
8 of time before he was offered and accepted employment
9 with Tetra Tech working as a (b)(7)(C) He
10 processed rad data collected in the field and
11 presented it and coordinated its implementation into
12 the reports, through (b)(7)(C)

13 (b)(7)(C)

14 Shortly thereafter a rad supervisory role
15 opened up, just after I rolled over to Tetra Tech and
16 I was basically directed to put (b)(7)(C) in the
17 (b)(7)(C) I did
18 interface with (b)(7)(C), there was a concern
19 about qualifications. Also about pay grades.

20 At that time what he was getting paid, as
21 a (b)(7)(C) for Tetra Tech, and then
22 what he would be getting paid at the bottom scale,
23 entry level scale, as a Tetra Tech (b)(7)(C) it was
24 a full pay grade scale jump. And by Tetra Tech policy
25 it was almost impossible for that to happen.

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1 So I had to go through and do
2 justifications with (b)(7)(C) going through
3 (b)(7)(C) resume and then basically justifying the
4 incremental increases to get (b)(7)(C) up to the level as
5 the rest of the supervisors, per (b)(7)(C) demands,
6 expectations and also per (b)(7)(C) direction.

7 So at the time when I was basically
8 expelled from the project (b)(7)(C) was within \$8,000
9 probably of getting with the same range of the other
10 rad field supervisors. Something like that. Yes,
11 answering your question there were differences.

12 MR. ANTON: That's all.

13 SPECIAL AGENT (b)(7)(C): We'll take a brief
14 recess. The time is 12:07 p.m., Pacific Standard
15 Time.

16 (Whereupon, the interview in the above-
17 mentioned matter went off the record at 12:07 p.m. and
18 went back on the record at 12:10 p.m.)

19 SPECIAL AGENT (b)(7)(C): The time is now
20 12:10 p.m., Pacific Standard Time. We're going to now
21 move into our discussion on Ms. Andrews. That being
22 Susan Andrews who's a former Senior HP Tech. Are you
23 aware of Susan ever raising safety concerns to
24 management?

25 MR. BOWERS: Oh yes. Susan could be

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1 counted on. She's a perfect example of one's eyes and
2 ears in the field. You know, if you're a radiation
3 safety officer she's classic.

4 SPECIAL AGENT (b)(7)(C): And how did you
5 become aware of her raising the safety concerns?

6 MR. BOWERS: The most recent ones? Are
7 you talking about safety concerns associated with the
8 case or are you talking about just historically under
9 her employment?

10 SPECIAL AGENT (b)(7)(C): Really kind of the
11 ones that led to what she feels is her termination,
12 the more predominating ones.

13 MR. BOWERS: Okay. As we may have
14 discussed back in October you had asked me if there
15 were persons that would be willing to come forward as
16 witnesses to substantiate or to convey their
17 involvement with my concerns and complaints. Susan
18 Andrews was one of the persons that I asked, that I
19 contacted.

20 What's important to remember here is, and
21 this kind of relates to the culture trend too. My
22 first year with Tetra Tech I was primarily in the role
23 of radiation safety officer. There was another
24 segment of field work that was manned by one of my rad
25 sups called base-wide responsibilities. It was

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1 overseen by (b)(7)(C)

2 At the start of 2011, well actually before
3 the start of 2011, (b)(7)(C) had a staff on base-wide of
4 three to four techs, depending on what period of time
5 you're talking about. Susan was one of the persons on
6 base-wide. At the start of 2011 (b)(7)(C) let me know
7 that I would have base-wide responsibilities. (b)(7)(C)
8 was being pulled to put in another capacity. So in
9 addition to my RSO responsibilities I was assuming
10 responsibility for base-wide operations.

11 But not only that, I would only have a
12 staff size of one. Not the three to four that (b)(7)(C)
13 had. But also Susan was the person that was assigned
14 to me. So when you asked me the question leading up
15 to, I was only on the job when through the 13th of
16 January, when you asked me the question of someone who
17 worked there well Susan Andrews, of all people had the
18 most insight as to what we were starting to jumpstart,
19 between the two of us, for my RSO duties plus
20 responsibility for base-wide needs.

21 So getting back to your question, yes I
22 was aware of the fact that Susan would see things in
23 the field and come ask questions to get
24 interpretations of what's the right mind set for
25 addressing a scenario in the field. But getting to

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1 specifics with Susan's termination from the project I
2 had already been expelled from Hunters Point almost a
3 year.

4 I was expelled January 13th. She was
5 notified of her layoff on December the 16th, both
6 times 2011. So that was after I left. But she did
7 stay in touche. I mean she did share that information
8 with me personally.

9 SPECIAL AGENT (b)(7)(C): Did she tell you
10 directly that she had reported safety concerns to
11 management?

12 MR. BOWERS: Yes. Yes, she did. She
13 actually mentioned that she had discussed a specific
14 aspect with (b)(7)(C) himself.

15 SPECIAL AGENT (b)(7)(C): We'll get to that.
16 Did she ever raise safety concerns to management in
17 your presence?

18 MR. BOWERS: Yes. Interpretation, that's
19 the concern, you know, she wanted and interpretation
20 of how to approach a specific step.

21 SPECIAL AGENT (b)(7)(C): Okay. When would
22 some of those instances that she reported safety
23 concerns in front of you, or even to you?

24 MR. BOWERS: Well I know in particular one
25 concern is right after I was expelled from the project

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1 she called me up wanting to know who did she report to
2 and who did she convey concerns to. By this time I
3 was over at Alameda. And so I said, well Susan I'm
4 not technically at Hunters Point but also I've not
5 been told technically that I'm not the RSO there.

6 So I said the first thing I need from you
7 is you need to confirm what does the right to know
8 status board say. What does the posting say as to who
9 is the RSO? I said you need to check that. And plus
10 you need to, as backup, check the rad signs throughout
11 the site and see what it has on there as contacts for
12 after hours. Because when I was there my 800 number
13 was on the signs for after hours concerns and my name
14 was on the boards as the radiation safety officer.

15 She checked, she called me back and she
16 said that I was still on there. And again, (b)(7)(C).
17 when I went over to Alameda he said this was a cooling
18 off period and so I was over there with the mind set
19 I would come back to reassume my rôle.

20 So at that time she asked me the question.
21 When she confirmed that I said it sounds like I'm
22 still your RSO for that project. I said what's your
23 concern? And she mentioned that after I left there
24 was this non-impacted roadway going through Parcel E
25 and (b)(7)(C) had established some stanchions

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1 with caution signs facing to the left of the road as
2 you're driving out towards the Bay. But she said on
3 the other side of the road there were no opposite
4 signs to delineate the non-impacted roadway from the
5 radiologically impacted parcel.

6 So she said, you know, it's like it's
7 improper posting. And so if you took it, I could you
8 show you this, can I show you this on the Google map,
9 give you an example?

10 SPECIAL AGENT (b)(7)(C) Yes.

11 MR. BOWERS: Okay. This is a Google map
12 showing Treasure Island, Alameda and Hunters Point.
13 If I zoom in here to this Parcel E area I'm talking
14 about, right here. This is an inactive work area
15 here. But this is considered Parcel B and all of this
16 area here was radiologically impacted per the
17 historical radiological assessment manual. So what
18 you're looking at here is on these edges you have
19 these fences that are the proper owner property
20 boundary fences.

21 And if you're from the general public side
22 looking towards these fences they're posted as a
23 radiologically controlled area. Yellow, magenta, tri-
24 foil conspicuously posted. Okay and then inside these
25 non-impacted roadways where we have put down a liner

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1 and then (inaudible) gravel. Again, the idea here is
2 these non-impacted roadways you stay on the road. You
3 don't drive heavy equipment on them to create tears or
4 potholes, things like that. And you basically, each
5 side of these roadways would be treated as --

6 SPECIAL AGENT (b)(7)(C): So what was the
7 safety concern impacting the roadway?

8 MR. BOWERS: The safety concern here was
9 if you're driving down this roadway she said (b)(7)(C)
10 (b)(7)(C) had had some techs post some rad signs, that
11 you could see from the roadway, looking this
12 direction, that says radiologically controlled area.

13 But if you look to the right there were no
14 signs, it was just to the left. Okay? And so this
15 was, in fact, part of the radiologically controlled
16 established area. You know, the actual outermost
17 signs are this owner controlled property fence.

18 SPECIAL AGENT (b)(7)(C): So it was a postings
19 issue?

20 MR. BOWERS: Yes. And so when she told me
21 that I said well as your RAD Safety Officer I need for
22 you to discuss that with (b)(7)(C), because at that time
23 (b)(7)(C) had reassumed base-wide responsibilities.
24 I said you need to discuss that with (b)(7)(C) and get
25 resolution on it. Well it so happened that (b)(7)(C)

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1 (b)(7)(C) was out, the RASO (b)(7)(C), was out within
2 that same timeframe and the signs went away. And one
3 of the things she shared with me was when (b)(7)(C) saw it
4 she gave immediate direction to get those signs out of
5 there, that that was non-compliant. So that's
6 example.

7 SPECIAL AGENT (b)(7)(C): Did anyone from
8 management ever discuss Andrews raising safety related
9 concerns with you?

10 MR. BOWERS: Did anyone from management?

11 SPECIAL AGENT (b)(7)(C): From Tetra Tech, yes
12 did anybody from Tetra Tech management ever discuss
13 that she had raised these particular issues?

14 MR. BOWERS: At any time? Or after --

15 SPECIAL AGENT (b)(7)(C): At any time.

16 MR. BOWERS: Oh, at any time.

17 SPECIAL AGENT (b)(7)(C): Before or after.

18 Before you were --

19 MR. BOWERS: It's possible. I mean, you
20 know, if Susan went to (b)(7)(C) with a concern (b)(7)(C)
21 could have come to talk to me about it and I would
22 have never known that it came from Susan. But as far
23 as anything specific or anything that was critical
24 path, you know, there's nothing that jumps out at me.
25 But I felt like Susan could do that with her

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1 supervisors or come into my office to get -- Well
2 actually she did.

3 She came in on documentation with portal
4 monitor trucks and she came with (b)(7)(C) to get
5 direction on how to streamline a process. So yes,
6 there's been times.

7 SPECIAL AGENT (b)(7)(C): So the best, to your
8 knowledge, her safety related concerns were the
9 postings. You said she came in with some
10 documentation about portal monitoring trucks. And
11 what else? Did she mention to you any issue about
12 (b)(7)(C) and the RCA on the, without being on RWP
13 or having (b)(7)(C) in --

14 MR. BOWERS: I was already gone --

15 SPECIAL AGENT (b)(7)(C): You were already
16 gone when that happened?

17 MR. BOWERS: Yes. Yes.

18 SPECIAL AGENT (b)(7)(C): So the issues that
19 you're aware of had to do with the postings in the --

20 MR. BOWERS: With Susan and my involvement
21 during my employment there there were a lot of "what
22 if" scenarios that Susan would pose to me as far as
23 how to interpret it. Because when she first came to
24 the project she came as junior tech so she was trying
25 to learn. And so she wanted to express the views from

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1 the person, the RAD Safety Officer who was invoking
2 the program and overseeing the program. So, you know,
3 it was from a value added point of view I thought.

4 But yes, she was very often in the office.
5 Did she ever come and shut the door and sit down? No.
6 You know, with a major concern against someone? No.

7 SPECIAL AGENT (b)(7)(C): Do you believe that
8 she was retaliated against for raising safety related
9 concerns?

10 MR. BOWERS: Yes.

11 SPECIAL AGENT (b)(7)(C): Why?

12 MR. BOWERS: Well, for number one, Susan
13 had been talking with you, as a protected witness.
14 She had also, with Cathy Daly with California DLSE,
15 had requested a list of witnesses which I provided,
16 same as what I gave you. She was actually talking
17 with her at the time and Susan was actually looking at
18 some procedurally controlled documents in the Tetra
19 Tech (b)(7)(C) office, who was (b)(7)(C)
20 assistant.

21 And (b)(7)(C) kind of inquired what was
22 she looking into that for. And Susan said that she
23 had questions about whether or not field laborers
24 could perform certain tasks dealing with sampling and
25 certain tasks that ANSI qualified techs would

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1 otherwise be doing.

2 And (b)(7)(C) had made the comment that
3 yes that's been addressed or is being looked into.
4 But kind of made her feel uncomfortable as the way he
5 reacted to it. It wasn't long after that that she got
6 notice that she was being laid off.

7 SPECIAL AGENT (b)(7)(C): How would (b)(7)(C)
8 or anyone from Tetra Tech have known that she talked
9 with myself or Ms. Daly from the State Department of
10 Labor?

11 MR. BOWERS: I think by association
12 because of the fact that she was the only technician
13 assigned to me at the start of 2011, I'm sorry I'm
14 going to get my years mixed up here, 2012. No, 2011.
15 Yes at the start of 2011, she was the only technician
16 assigned to me. I can't help but feel like when Cathy
17 Daly was sending questions related to my case. When
18 (inaudible) Patel did the same. Probably your
19 interface as well. They were trying to deduce, you
20 know, put two plus two together.

21 MR. ANTON: Can we take a moment off the
22 tape? I'm going to ask you a question off the record.

23 SPECIAL AGENT (b)(7)(C): Okay, we're going to
24 break here at 12:21 p.m., Pacific Standard Time for a
25 brief recess.

1 (Whereupon, the interview in the above-
2 mentioned matter went off the record at 12:21 p.m. and
3 went back on the record at 12:24 p.m.)

4 SPECIAL AGENT (b)(7)(C) Back on the record
5 at 12:24 p.m., Pacific Standard Time. Talking about
6 Ms. Andrews at this juncture. And when you were still
7 there were you aware whether or not Susan took her
8 concerns to any outside entities other than Tetra Tech
9 at that time?

10 MR. BOWERS: No. And I'll explain why.
11 With any safety concern, under my program, under my
12 watch anyway the policy that I established was
13 basically what I had learned was an NRC expectation
14 over the course of my entire career. You look for and
15 identify concerns in the field, try to address them
16 and correct them yourself with those involved. If you
17 can't, you agree to disagree. Take it to the next
18 level up to an including the NRC. That's something I
19 even taught in general employee training, you know, in
20 Rad Fundamentals.

21 Because see if it had happened she would
22 have come to my office and we would have agreed to
23 disagree and it would have kept going up and
24 escalating. But nothing came to my level that got to
25 that degree of importance.

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1 SPECIAL AGENT (b)(7)(C) : Now I know you were
2 gone at the time in which she was laid off, but do you
3 know why management claimed to have laid her off? Or
4 what the rationale behind her layoff was?

5 MR. BOWERS: She shared with me that (b)(7)(C)

6 (b)(7)(C) had told her that it was for a reduction in
7 staff, reduction in force. And basically that he felt
8 really bad, really sorry about it but it was a
9 decision out of his control. That it ultimately was
10 (b)(7)(C) decision. That's what Susan said
11 that he shared with her.

12 Susan's concern at that time, and this is
13 my reaction to it, Susan you're one of the most senior
14 persons out there as far as the field techs, why would
15 they choose you. I said you had worked in the lab,
16 you knew the process there. You worked in the field,
17 you knew the whole spectrum of how the wheels turn.

18 And she said that (b)(7)(C) was working hard
19 trying to find a position for her over at Alameda
20 through RSR lists. But that (b)(7)(C) had shared with her
21 it was (b)(7)(C) decision to get her off that
22 project.

23 And I can tell you this too. Susan, as
24 far as her reliability and her value added-ness, you
25 look at those on the staff that's still there, if it

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1 was me looking at the qualifications and the
2 experience, that would have raised some major eyebrows
3 with me and I would have had to discuss the pros and
4 cons of that before letting Susan go. She was kind of
5 one of those I envisioned would be there until the end
6 of time.

7 SPECIAL AGENT (b)(7)(C) Well interesting
8 that you say that, it kind of leads me to an
9 additional question. If it came down to Susan and
10 let's say (b)(7)(C), would you say that (b)(7)(C) had a
11 lot more industry experience than Susan did? And if
12 it was neck and neck to those two people, which in
13 some previous testimony has been provided that said it
14 came down to those two and he was just more
15 experienced. So that's why she was --

16 MR. BOWERS: No, I totally disagree with
17 that. (b)(7)(C) was experienced as a 3.1 Technician,
18 probably had more dirt under his fingernails in the
19 field type work. But one thing he didn't have that
20 Susan did have was computer skills. And Susan could
21 actually do the report. She could make up a template
22 with a rad survey form with a map on it of this area,
23 if this was the topic, whereas (b)(7)(C) there was no
24 way on earth he could spit something out like that.

25 SPECIAL AGENT (b)(7)(C): She was a little

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1 more technically adept?

2 MR. BOWERS: More so. She's like a good
3 librarian almost, that's the best term I could
4 associate her with. She knew where everything went,
5 how it was supposed to be arranged and she could pull
6 something at her fingertips whereas a lot of other
7 people would have to dig and dig and dig.

8 She had the rad basics, she had the common
9 sense but she also had the administrative abilities as
10 well. Organizational skills. (b)(7)(C), all you've
11 got to do is look at his vehicle. That's all
12 (inaudible).

13 SPECIAL AGENT (b)(7)(C): Were you ever
14 interviewed by anyone from management regarding
15 Susan's concerns? Did management ever interview,
16 while you were still there during the course of that
17 time that she was raising concerns to ever conduct and
18 investigation and feel it necessary to ask you any
19 followup on it?

20 MR. BOWERS: Any members of Tetra Tech
21 management?

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

23 MR. BOWERS: No, I was off the project. I
24 mean this is --

25 SPECIAL AGENT (b)(7)(C): Even going back to

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1 when you were there.

2 MR. BOWERS: Oh when I was --

3 SPECIAL AGENT (b)(7)(C): Yes, because there
4 was some issues she did raise when you were there.

5 MR. BOWERS: Like I said it was just --

6 SPECIAL AGENT (b)(7)(C): Or it was just they
7 were regular --

8 MR. BOWERS: -- very casual.

9 SPECIAL AGENT (b)(7)(C): Nothing major?

10 MR. BOWERS: It was all what if scenarios
11 and how do we do this if this happens or that happens.

12 SPECIAL AGENT (b)(7)(C): That makes sense.
13 Okay.

14 MR. BOWERS: I don't think it ever
15 escalated past (b)(7)(C) and Susan in the office
16 just to establish protocol.

17 SPECIAL AGENT (b)(7)(C): When did you begin
18 working with Susan?

19 MR. BOWERS: Oh gosh. Like I said, I
20 started at Hunters Point in 2002. Susan probably
21 showed up around 2004/2005 timeframe. Again, I can
22 pull it up and get an accurate start date, but
23 somewhere around that timeframe.

24 SPECIAL AGENT (b)(7)(C): And what type of
25 employee would you describe her as? Pretty efficient?

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1 MR. BOWERS: Yes. Thorough, knew how to
2 cover all the bases. Didn't leave a lot of loose
3 ends, definitely wouldn't do it on purpose. And if it
4 was spotted she learned from it. You didn't have to
5 correct her twice. That's what I liked, that's what
6 I still like about Susan.

7 SPECIAL AGENT (b)(7)(C): Did you find that
8 she sometimes had difficulty working with others?
9 She'd have some personality conflicts with people and
10 it would be known or it was pretty well established
11 that she didn't always get along with people that
12 great?

13 MR. BOWERS: Susan had seniority for
14 starters. So Susan would tend to take the newer staff
15 under wing and try to indoctrinate them into whatever
16 area of assignment they had. And Susan would be so
17 detailed that she could, if someone didn't take her
18 the right way for her genuine intent, they could
19 become annoyed by her. And I saw a lot of examples of
20 that with the female staff more so than anyone else.

21 But from overhearing, it changes in some
22 areas like that where I became involved, again Susan
23 was in the right. She was trying to walk people
24 through procedural protocol or certain steps that was
25 part of the system as to how we process data. Or how

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1 we collected data in the field. Or what the drivers
2 were behind why we're doing this this way.

3 Especially (b)(7)(C), you know, (b)(7)(C)

4 (b)(7)(C) has got an (b)(7)(C) from a (b)(7)(C)

5 (b)(7)(C) We're working at a residual waste site and
6 some things may not make as much sense. But she would
7 go to all the extremes to explain herself.

8 SPECIAL AGENT (b)(7)(C): We talked about the
9 rad postings issue she had. Could that be tied to a
10 direct policy or procedure?

11 MR. BOWERS: The rad postings?

12 SPECIAL AGENT (b)(7)(C): The issues with rad
13 postings.

14 MR. BOWERS: What? With the concerns she
15 had about the double posting?

16 SPECIAL AGENT (b)(7)(C): Yes, right.

17 MR. BOWERS: Let's see 10 CFR 20 covers
18 the conspicuous posting of radiological sites. As far
19 as the procedures for posting that were submitted with
20 the license you have the corporate Tetra Tech
21 procedures that would address RCAs, Radiologically
22 Controlled Areas, that posting. And then the flow
23 down would be the site-specific standard operating
24 procedure for postings as well. For starters, as your
25 documents.

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1 The other part, it comes with the being a
2 seasoned, experienced ANSI technician, ANSI 3.1, ANSI
3 18.1, those are some of the traits that come with the
4 title.

5 SPECIAL AGENT (b)(7)(C): Do you have any
6 firsthand knowledge that the personnel action levied
7 against Ms. Andrews was a result of whistle-blowing
8 activity?

9 MR. BOWERS: Do I have any personal
10 knowledge?

11 SPECIAL AGENT (b)(7)(C): Firsthand knowledge,
12 yes.

13 MR. BOWERS: Firsthand knowledge?

14 SPECIAL AGENT (b)(7)(C): That her speaking up
15 is why she was let go.

16 MR. BOWERS: Well her speaking up was
17 partly she volunteered to provide information
18 pertinent to my case, in my whistleblower complaint,
19 and by again giving her name, volunteering her name as
20 someone who would discuss it with the assumption she
21 was a protected witness, I am definitely knowledgeable
22 of that. Above and beyond that though with anyone
23 else or any other case I'm not aware of it.

24 SPECIAL AGENT (b)(7)(C): Are you aware of
25 whether or not Susan had been subject to any forms of

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1 progressive discipline?

2 MR. BOWERS: No.

3 SPECIAL AGENT (b)(7)(C): Had she had any
4 problems?

5 MR. BOWERS: No.

6 SPECIAL AGENT (b)(7)(C): You know, written up
7 or she --

8 MR. BOWERS: No, that would have come
9 across my desk while I was in the saddle at Hunters
10 Point. And she's never shared that with me after I
11 left Hunters Point between January 13th and December
12 16th of 2011, I'm not aware of anything.

13 SPECIAL AGENT (b)(7)(C): Do you have
14 anything, Mr. Anton, relative to Ms. Andrews?

15 MR. ANTON: Let's go off the record for a
16 second.

17 SPECIAL AGENT (b)(7)(C): Okay. Let's take a
18 brief recess. 12:35 p.m. Central Standard Time. I'm
19 sorry Pacific Standard Time.

20 (Whereupon, the interview in the above-
21 mentioned matter went off the record at 12:35 p.m. and
22 went back on the record at 12:39 p.m.)

23 SPECIAL AGENT (b)(7)(C): We are back on the
24 record at 12:39 p.m. Pacific Standard Time. We're
25 going to our final phase of the interview and that's

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1 our discussions of (b)(7)(C)

2 Bert, are you aware of (b)(7)(C) ever
3 having raised safety related concerns to management?

4 MR. BOWERS: Yes, after he was terminated
5 from the project, yes.

6 SPECIAL AGENT (b)(7)(C): Do you know why he
7 didn't raise them while he was there?

8 MR. BOWERS: He claimed that he did raise
9 them while he was there to his direct supervisor.

10 SPECIAL AGENT (b)(7)(C): Was that (b)(7)(C)
11 (b)(7)(C)?

12 MR. BOWERS: Actually he discussed it was
13 (b)(7)(C) but his direct supervisor, who he also
14 discussed it with, was (b)(7)(C). The key to that is
15 neither of the supervisors discussed it with me.

16 SPECIAL AGENT (b)(7)(C): When did (b)(7)(C) was he
17 terminated?

18 MR. BOWERS: Yes.

19 SPECIAL AGENT (b)(7)(C): He was terminated,
20 when did that happen?

21 MR. BOWERS: I'm fairly certain the exact
22 date was (b)(7)(C), and he actually, the
23 way I found out about it from the get go I was on my
24 office working on a document and he comes in. Has his
25 dosimetry and his site badge all in his badge all in

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1 his hand and said, well, Bert, they got me. I said,
2 what are you talking about. He said, well they canned
3 me. I said, what? Because now I'm surprised, like
4 why did I not know about this. I mean I'd be one of
5 the first persons.

6 Anyway he said that he didn't want to talk
7 about it. He didn't feel comfortable talking about it
8 in my office with walls with ears and that he'd talk
9 to me about it sometime later. That's how I found
10 out. And eventually (b)(7)(C) showed up and she
11 came in kind of surprised and she shut my door and
12 said (b)(7)(C) called me up and said that he
13 wanted (b)(7)(C) off his project.

14 I said, what's going on. And so that was
15 the start of the domino effect because, again, about
16 two months later the same thing happened with (b)(7)(C)
17 (b)(7)(C) all of a sudden (b)(7)(C) shows up, (b)(7)(C)
18 decided to let (b)(7)(C) go. Don't talk to me, she's --
19 Anyway. Back to (b)(7)(C), that's how sudden it was.

20 SPECIAL AGENT (b)(7)(C): Did he ever raise
21 concerns to management in your presence?

22 MR. BOWERS: To management in my presence?
23 No. Again, there would be times in morning tailgate
24 meetings. There would be what if scenarios. Yes, he
25 was always good to chime in and participate with that

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1 but never a formal safety oriented concern with a
2 supervisor or management present. No.

3 SPECIAL AGENT (b)(7)(C): Has anyone from
4 Tetra Tech management ever come to you about (b)(7)(C)
5 raising concerns? Did (b)(7)(C) or anybody ever come
6 and say, hey, (b)(7)(C) raised this concern?

7 MR. BOWERS: Not pertinent to his biggest
8 concern that he shared with me after the fact, with
9 field laborers collecting the soil samples in lieu of
10 a qualified rad technician, no.

11 SPECIAL AGENT (b)(7)(C): And that's what he
12 told you after he was let go, when he --

13 MR. BOWERS: Yes.

14 SPECIAL AGENT (b)(7)(C): Was he more specific
15 with that allegation?

16 MR. BOWERS: Oh he was very detailed with
17 that allegation. He was, he'd look at this control
18 point area where he worked at. (b)(7)(C) was pretty much
19 the (b)(7)(C) for most of his tenure
20 at Hunters Point. So we're talking about this area
21 right here. And this is the gate, the primary gate
22 going into RSY2 and here are all the lay down area
23 pads. Actually here's a pad where piles of dirt are
24 on there to be processed.

25 (b)(7)(C) would be (b)(7)(C) and he could

1 see, I'm sorry he'd (b)(7)(C) and he could see
2 what was going on inside this fenced off area. So
3 (b)(7)(C) at that time was the supervisor in charge.
4 And then (b)(7)(C), like I said before, he's the
5 base-wide supervisor, he's making his rounds.

6 And it's about 9:30 or 10:00 I would
7 assume. And (b)(7)(C) driving through, he just stops.
8 Stops at the gate, sees (b)(7)(C) there and goes up to have
9 a chat with him. You know, how's things going.

10 And according to (b)(7)(C) he said he walks out
11 to (b)(7)(C). He said, well over here, somewhere in this
12 area, he said you see the field laborers out there
13 doing rad tech work with no rad tech present. And
14 what he alleged was that they were actually filling
15 samples, sample containers, to be turned in. To be
16 taken up to this lab area up here to be analyzed.

17 And when I say taken up here to be
18 analyzed, typically these samples would be taken in,
19 turned over on the chain of custody to this Conex unit
20 where they would be processed to remove moisture and
21 to get a composite sample to go in to this laboratory
22 here for gamma spectroscopy analysis. Or whatever
23 type of sampling it required. Again, (b)(7)(C) saw that.

24 SPECIAL AGENT (b)(7)(C): Do you recall when
25 (b)(7)(C) mentioned that happened, about?

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1 MR. BOWERS: He shared that with me in
2 probably the April/May timeframe of 2011.

3 SPECIAL AGENT (b)(7)(C): He said that it
4 happened in April or May of 2011?

5 MR. BOWERS: No, no, no. That's when he
6 shared it. It happened, this event that he was
7 sharing with me happened on the 19th of August.
8 Because it was same day --

9 SPECIAL AGENT (b)(7)(C): It was the same day
10 he got --

11 MR. BOWERS: -- that (b)(7)(C) wanted him
12 off his project according to (b)(7)(C).

13 SPECIAL AGENT (b)(7)(C): So he mentioned it
14 to (b)(7)(C), or to (b)(7)(C). And that's (b)(7)(C).

15 MR. BOWERS: To (b)(7)(C)

16 SPECIAL AGENT (b)(7)(C): Where did the, from
17 what you know, when (b)(7)(C) shared this, where did it
18 erupt at that it went from him mentioning it to those
19 two to him being fired?

20 MR. BOWERS: I never found out at that
21 time, until later, with Cathy Daly and her
22 investigation. And in her investigation in May of
23 2011, Cathy Daly had called me in. Basically shut the
24 door and provided to me a document, from Jim Murphey's
25 (phonetic) Law Firm, and it had an email attached to

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1 it. It was generated by (b)(7)(C), Tetra Tech
2 (b)(7)(C) for Hunters Point.

3 And basically when I started to read it
4 and I'm looking at the date and I realized the date
5 and the timeframe was when I was still at Hunters
6 Point. And then I looked at the subject and it was
7 (b)(7)(C) and comments about (b)(7)(C), I forget the
8 exact title. But then it had the distribution and
9 that's what really caught my eye. It had (b)(7)(C)
10 (b)(7)(C) on it, had (b)(7)(C). It had everybody
11 on there but me.

12 SPECIAL AGENT (b)(7)(C): So you left off?

13 MR. BOWERS: I was left off of it. And
14 I'm sharing it with Daly. I'm saying well this is
15 interesting, why is my name not on here. And it
16 basically said something to the effect, (b)(7)(C), after
17 talking to (b)(7)(C) he has confirmed that (b)(7)(C)
18 has referred to -- these are my words not his --
19 referred to (b)(7)(C) as a (b)(7)(C). I do not feel
20 like that's professional or expected of someone
21 working on a staff of mine. Something to that effect.

22 SPECIAL AGENT (b)(7)(C): We're going to talk
23 about that a little more, about those comments and the
24 nature of them.

25 MR. BOWERS: Yes. Okay. But what caught

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1 my eye is why am I seeing this in this environment and
2 these guys didn't come to me directly. And then why
3 was I denied --

4 SPECIAL AGENT (b)(7)(C): I'm just a radish
5 (phonetic).

6 MR. BOWERS: Yes, why was I denied the
7 opportunity to decide, does this warrant notifying my
8 boss to determine if RASO needs to be informed, or
9 even the NRC. Does it impact our license or what?

10 (Off the record comments)

11 MR. BOWERS: But yes, they violated a
12 basic, basic duty as a rad field supervisor. And in
13 my opinion intentionally left me out of the loop,
14 which would prevent me from even performing my
15 functions. I'm the one that's supposed to select
16 through that. It's like come on.

17 SPECIAL AGENT (b)(7)(C): Do you believe that
18 (b)(7)(C) was retaliated against for raising safety related
19 concerns?

20 MR. BOWERS: Sure, yes.

21 SPECIAL AGENT (b)(7)(C): And why do you think
22 that?

23 MR. BOWERS: Well, just for the fact that,
24 how the whole process got circumvented, you know. I
25 was not involved. Looking at the memorandum, where I

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1 was intentionally left off, where none of the
2 supervisors, whether it was (b)(7)(C) or (b)(7)(C) neither
3 one of them approached me with the concern to allow me
4 to involve (b)(7)(C).

5 I mean we were sideswiped. You know, we
6 were ambushed on it. These guys knew better than
7 that. I mean that's a no-brainer, you know, hey we've
8 got to get Bert in the loop on this. I mean I would
9 expect it if the roles were reversed, you know.

10 SPECIAL AGENT (b)(7)(C) So you're saying
11 that management cited that (b)(7)(C) made some statements
12 towards (b)(7)(C). The rationale for the termination was -
13 -

14 MR. BOWERS: Here's the rationale behind
15 it. Before all of this happened, again, (b)(7)(C), when he
16 worked with New World and when I worked with New World
17 as well. (b)(7)(C) came forward to my office, with (b)(7)(C)
18 (b)(7)(C) present, she's the (b)(7)(C) from Livermore,
19 with New World and he had a complaint against (b)(7)(C)
20 (b)(7)(C).

21 And it was one of the most bizarre things
22 I've ever heard, but again it was a complaint of
23 record and he mentioned where (b)(7)(C) had, in a
24 mocking fashion, basically (b)(7)(C) in
25 the presence of others.

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

2 MR. BOWERS: Are you familiar with it?
3 Has he shared that with you?

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

5 MR. BOWERS: I don't want to go through it
6 again but --

7 SPECIAL AGENT (b)(7)(C) : Yes, I know about
8 that.

9 MR. BOWERS: So that was a closed-door
10 thing. And so fast forward to the present, you know,
11 over that period of time the word from (b)(7)(C) was (b)(7)(C)
12 had been (b)(7)(C) on
13 the project. (b)(7)(C) I won't go
14 into additional details either.

15 SPECIAL AGENT (b)(7)(C) : Yes, I know that
16 information as well.

17 MR. BOWERS: The bottom line some of it's
18 substantiated from what I see on the outside looking
19 it. You know, she left the project with (b)(7)(C),
20 but she also became involved with (b)(7)(C) who is
21 (b)(7)(C) right-hand man, the (b)(7)(C)

22 (b)(7)(C) --

23 SPECIAL AGENT (b)(7)(C) : Who she later

24 (b)(7)(C)

25 MR. BOWERS: Who she later and is now

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(b)(7)(C)

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

(b)(7)(C)

MR. BOWERS: And she shared an office with him, things like that. So there was preferential treatment going on. She was even (b)(7)(C)

(b)(7)(C) And she's the only one from New World that had that. Whereas (b)(7)(C) was seeing this and then other techs were seeing this, (b)(7)(C) vocally objected to it and shared his objection, per his allegation, per his statements, with (b)(7)(C) but also with (b)(7)(C).

When he saw (b)(7)(C) letting (b)(7)(C) run the show at RSY2, letting laborers do rad tech functions. And then he also mentioned at that time that (b)(7)(C) had submitted a falsified resume. Well, that kind of tied in with something before. You know, don't let me get off the track here, but there's a lot of things linked to this.

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

MR. BOWERS: When (b)(7)(C) first showed up at Hunters Point there was a guy named (b)(7)(C) (phonetic) that was her acquaintance and he left suddenly and he came in my office and shared with me that (b)(7)(C) had submitted a falsified resume. At

1 that time I took his information and I called (b)(7)(C)
2 (b)(7)(C) up and shared that with her as well.

3 At that time (b)(7)(C) reaction was, Bert,
4 I'm HR, you're (b)(7)(C). I'll do my job,
5 you do yours. But the stinger was, if I need your
6 help I'll ask for it. And so I was thinking, oh gosh,
7 when her resume first came onsite and I saw that
8 resume, it said (b)(7)(C)

9 I've been doing this in this industry, you
10 know, I've been doing this type of work for 30 plus
11 years and part of my assignments are to review resumes
12 and confirm qualifications and prior work assignments.

13 I had offered my help to (b)(7)(C) when I saw
14 the resume the very first time and that was basically
15 what I was told. You know, if I need your help I'll
16 ask for it. So when (b)(7)(C) came in my office and said
17 that (b)(7)(C) had a falsified resume I called her
18 up and let her know.

19 SPECIAL AGENT (b)(7)(C) Who is (b)(7)(C)
20 (b)(7)(C)

21 MR. BOWERS: (b)(7)(C) was a Senior
22 Tech that had been retained by New World at the
23 project as well. And so when he closed the door and
24 shared that with me I'm thinking, okay I'd already
25 gone through this round with (b)(7)(C) once before and she

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1 rejected me.

2 I talked to (b)(7)(C), who was my (b)(7)(C)
3 (b)(7)(C), and I said you know if the NRC comes onsite
4 and they question qualifications of techs, I said how
5 am I supposed to justify. He said I'll tell you what,
6 he said you do it like this. If you're asked you
7 refer them to (b)(7)(C) because you tried to do your
8 part. And he said and I'll back you up on that.

9 And so that what's I did with (b)(7)(C), you
10 know, I called (b)(7)(C) up. I let her know what he had
11 shared with me. That's what I covered in Cathy Daly's
12 office in May of last year. And (b)(7)(C) was present, she
13 acknowledged it.

14 And bottom line was when (b)(7)(C) came onsite
15 there was an entry on her resume, and Cathy Daly has
16 a copy, and it shows (b)(7)(C) That's the
17 only rad experience on her resume. Everything else
18 was like a (b)(7)(C) Everything
19 was non-rad related. Okay?

20 When she left, with (b)(7)(C), you know,
21 she stayed there for about a year, year and a half,
22 whatever. When she left she turned in her notice, two
23 week notice, along with (b)(7)(C) to go, I was told to
24 work at a job they had in Oak Ridge, Tennessee. I
25 think that's where (b)(7)(C) from. So they took off.

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1 And then, like I said, a little over a
2 year later I want to say (b)(7)(C) came in my
3 office and said I want you to call that (b)(7)(C) girl
4 whatever her name is, HR. I want (b)(7)(C) on the
5 project by Monday. I want her here as a senior tech.
6 I said I'll relay your message.

7 So I called (b)(7)(C) and let her know what he
8 had asked for. I said I need to see an updated resume
9 for her, because I knew she had gone to Oak Ridge and
10 so I wanted to have an updated resume. When it came
11 in that Taylor Construction was off the resume.

12 SPECIAL AGENT (b)(7)(C): And she just had the
13 Hunters Point --

14 MR. BOWERS: It now cited Hunters Point
15 experience and she's --

16 MR. ANTON: And it showed -- I'm sorry.

17 MR. BOWERS: No, go ahead.

18 MR. ANTON: It showed other jobs when she
19 said she had been working for (b)(7)(C)

20 SPECIAL AGENT (b)(7)(C): Okay. So the (b)(7)(C)
21 (b)(7)(C) conceivably was used to validate her
22 initial hire at Hunters Point because she didn't have
23 the rad experience at all?

24 MR. BOWERS: I'm telling you, I'll take
25 this to my grave. I flagged that right off the bat.

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1 I mean I'm looking at, well not tons and tons, but I'm
2 looking at quite a few resumes over the course of the
3 year and that jumped off like a sore thumb to me. I
4 mean, I pretty much know the companies out there that
5 you should see someone work for. There's not a (b)(7)(C)
6 (b)(7)(C) out there. I'm telling you, there's just
7 not one.

8 SPECIAL AGENT (b)(7)(C): Were you ever
9 interviewed by anyone from management -- Well let me
10 get back actually to the question the actual question
11 that I asked you.

12 MR. BOWERS: I'm kind of impassioned about
13 this topic.

14 SPECIAL AGENT (b)(7)(C): Yes. And that was
15 what was the management rationale for (b)(7)(C)
16 termination? Was it because he said he made
17 derogatory statements about (b)(7)(C).

18 MR. BOWERS: Oh, creating a hostile work
19 environment.

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

21 MR. ANTON: May I ask one question that's
22 a direct followup?

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

24 MR. ANTON: You heard, or you saw, what
25 (b)(7)(C) supposedly did. Were there people, that

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1 you're personally aware of, that Tetra Tech continued
2 to employ who engaged in much worse hostile type
3 conduct?

4 MR. BOWERS: Oh absolutely. Let's start
5 with (b)(7)(C). That's the person, he reported
6 to me, he cussed me out in my office. That's the top
7 of the pinnacle. He had also, the day I rolled over
8 to Tetra Tech, (b)(7)(C) was in (b)(7)(C) office
9 being written up for taking a radio, in the presence
10 of some techs, and smashing it on the floor and
11 threatening to kick them off the project.

12 He's the one that (b)(7)(C), he had
13 actually (b)(7)(C)
14 (b)(7)(C) (b)(7)(C) basically let it be known he
15 didn't appreciate that but (b)(7)(C) laughed it off and
16 challenged him to take it off the project and settle
17 it like a man, per (b)(7)(C) talking to me.

18 Another time (b)(7)(C) would come onsite with
19 (b)(7)(C) He, (b)(7)(C), actually shared where he had
20 a (b)(7)(C) and was actually poking it and it's real.
21 But (b)(7)(C) would tell you that he had a duffle
22 bag that he brought into management trailer and was
23 showing off his (b)(7)(C) The guy's out of
24 control.

25 Cathy Daly shared with me something about,

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1 it was away from work, but he (b)(7)(C)
2 employees at the project basically, unknowingly while
3 (b)(7)(C) He's classic.
4 (b)(7)(C), again there's similar
5 concerns in parallel. The biggest concern with me is
6 covering up for (b)(7)(C) (b)(7)(C) now. She has an
7 (b)(7)(C), a fitness for duty problem. Cathy
8 Daly actually shared in our debriefing on February
9 13th that she had suspicions about his fitness for
10 duty. That he seemed to be (b)(7)(C)

11 MR. ANTON: I'm going to ask one or two
12 and then I'm going to give it back to you. Were you
13 aware of any employees that would refuse to work with
14 (b)(7)(C) because of his harassment of them?

15 MR. BOWERS: There's a group of employees
16 that wouldn't work for (b)(7)(C). There's groups of
17 employees that wouldn't work for (b)(7)(C). But
18 yes, there's --

19 MR. ANTON: All because of harassment?

20 MR. BOWERS: Yes, yes. Susan was actually
21 harassed by (b)(7)(C) when he first got there. Susan
22 shared with me --

23 SPECIAL AGENT (b)(7)(C): I'm aware of it.

24 MR. BOWERS: That I talk the way I talk
25 because that's how I'm put together. And if you don't

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1 like it you need to find --

2 SPECIAL AGENT (b)(7)(C) : Another team to work
3 on.

4 MR. BOWERS: If you know that you know it.

5 SPECIAL AGENT (b)(7)(C) : I'm aware of it.

6 MR. BOWERS: But I did have to counsel

7 (b)(7)(C). You know, (b)(7)(C) was a project in his own
8 rights. And the one thing when they broke into my
9 office, okay, after I was expelled from the project.
10 They broke into my tickle files that I had on prior
11 employees while with New World. This was a transition
12 process, they destroyed a lot of those files.

13 SPECIAL AGENT (b)(7)(C) : When you say broke
14 in --

15 MR. BOWERS: They drilled out the locks.

16 SPECIAL AGENT (b)(7)(C) : Right. But is there
17 an expectation of privacy in the office place?

18 MR. BOWERS: Yes. My expectation is it's
19 license controlled documentation in those same
20 drawers. I keep dosimetry records in there. Things
21 with people's Social Security numbers, their birth
22 dates. Absolutely. I mean it's no different than a
23 commercial nuke plant or a DOE site. There's
24 privileged information in there that is required to be
25 under lock and key by administrative protocol and

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1 license protocol.

2 Because if you look at any procedure on
3 there, if it's a records section, I go by what that
4 definition is for records and how they're maintained.
5 They're for the life of the license or a certain
6 timeframe while the project is active. Absolutely.

7 SPECIAL AGENT (b)(7)(C) : Were you ever
8 interviewed by anyone from Tetra Tech management
9 regrading (b)(7)(C) concerns? Was there ever like an
10 internal investigation done on the issues that (b)(7)(C)
11 raised and did anyone ever talk to you about it?

12 MR. BOWERS: The concerns that (b)(7)(C) had
13 shared with me with (b)(7)(C), no. We were all
14 employees of New World at the time and it was an
15 internal investigation with HR, the New World HR, so
16 Tetra Tech was never involved in that to my knowledge,
17 (b)(7)(C) did.

18 As far as the only other major concern (b)(7)(C)
19 had leading to his termination, the scuttlebutt
20 through the grapevine was that (b)(7)(C) had called (b)(7)(C)
21 (b)(7)(C) a (b)(7)(C) and basically that got him kicked off
22 the project.

23 I never saw anything formally documented
24 or anything that came across my desk to the contrary
25 though. And again, (b)(7)(C) when he left, he said he would

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1 call me and talk to me about it and I never heard from
2 him until, and he did resurface after I was expelled
3 from the project.

4 SPECIAL AGENT (b)(7)(C): And when did you
5 begin working with (b)(7)(C) again, roughly what year? What
6 year did you guys start working, that you began
7 working with (b)(7)(C)?

8 MR. BOWERS: I would say it had to be
9 2005/2006 timeframe. I could be accurate.

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

11 MR. BOWERS: But again, that's purely a
12 guess. But it sounds about in the right window.

13 SPECIAL AGENT (b)(7)(C): What type of
14 employee would you describe him as?

15 MR. BOWERS: (b)(7)(C) showed up for work in a
16 reliable fashion. Very personable. As far as his
17 performance appraisals they were always satisfactory.
18 And I guess I could do that for all of the persons
19 you're inquiring about, Susan and (b)(7)(C) as well,
20 performance appraisals were all satisfactory.

21 And the only areas of improvement dealt
22 with the challenge that I would to him was to continue
23 to build on the positive relationships already
24 established with the project staff. There was just no
25 issues as far as the quality of work.

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1 [REDACTED] was good, he was a watchdog at these
2 control point gates. He got an "atta boy" one time in
3 front of the safety tailgate. He caught someone
4 attempting to drive into there, they had not had their
5 rad orientation briefing. They had not reviewed an
6 RWP and that's exactly what he's there for. That's
7 exactly what those role players are there for. Some
8 people they just sign you in and let you in. You
9 know, this day and time I have to wonder now.

10 SPECIAL AGENT [REDACTED]: Are you aware of
11 whether or not [REDACTED] was subject to any progressive
12 discipline prior to his termination?

13 MR. BOWERS: No.

14 SPECIAL AGENT [REDACTED]: Had he been written
15 up first for this all --

16 MR. BOWERS: I'll tell you my involvement
17 with [REDACTED] and corrective actions. [REDACTED] was at the
18 [REDACTED] where if you have a snapshot picture of
19 it, he's at a [REDACTED] that's opened up so big dump
20 trucks can go in and out. Or heavy equipment or
21 personal vehicles. He's got a little [REDACTED]
22 in that [REDACTED]. He has his
23 instruments there and his clipboards and his forms to
24 sign people in and out.

25 At the end of the day, after everybody

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1 goes home, I do my rad integrity field check drive
2 through. Sometimes I drive by that gate and, you
3 know, if the gate's locked, it's chained shut with the
4 combination lock secured and then you have this yellow
5 and magenta rope across the gate with a caution sign
6 on it. Sometimes I'd drive by and I'd see that rope
7 rolled up and still over the post and the sign's not
8 in place.

9 And I'd say hmmm, did (b)(7)(C) leave it that
10 way or did somebody else that got the combination go
11 in and forget to put the sign back up? But it was
12 just oh, here's an FYI, yesterday when I did my drive
13 through, here's a picture, I saw this rope rolled up
14 and the sign wasn't back in place.

15 Was it a compromise? Not really. Because
16 from the fence segment to the right of the gate and
17 the left there was a caution sign. But my preference
18 was to have the ropes up as well at the end of the
19 day.

20 So I wasn't saying (b)(7)(C) did it. I wasn't
21 saying (b)(7)(C) didn't do it, you know, because multiple
22 people have access to that combination. The bottom
23 line is if everybody has the rad training brief they
24 should know to put that sign back up when they're the
25 last ones out.

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1 So it was more (b)(7)(C) was being told this to
2 cover it with his people he interfaces with. And also
3 for the supervisor to cover during the tailgate with
4 their crews when they breakup. Walk your boundaries,
5 your work area boundaries, make sure your postings are
6 intact. Blah, blah, blah.

7 But no, (b)(7)(C) never had any type of serious
8 performance issue or conflict with other employees.

9 (b)(7)(C), Susan or (b)(7)(C) for that matter.

10 SPECIAL AGENT (b)(7)(C): Okay. You have
11 anything?

12 MR. ANTON: No.

13 SPECIAL AGENT (b)(7)(C): Couple of closing
14 comments or remarks. Have I threatened you in any
15 manner in exchange for your testimony?

16 MR. BOWERS: You have not.

17 SPECIAL AGENT (b)(7)(C): Have I offered you
18 any reward in exchange for your testimony?

19 MR. BOWERS: No, you have not.

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

22 MR. BOWERS: Absolutely.

23 SPECIAL AGENT (b)(7)(C): The time is -- Is
24 there anything else that you'd like to add to the
25 record?

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MR. BOWERS: Not at this time.

SPECIAL AGENT (b)(7)(C): The time again is now 1:05 p.m., Pacific Standard Time. This interview is concluded.

(Whereupon, the interview in the above-mentioned matter was concluded at 1:05 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of

Elbert Bowers

Docket Number: 1-2012-019/032/037

Location: Fairfield, 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
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EXHIBIT 10

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, January 23, 2013

(b)(7)(C)

The above-entitled interview was conducted
at 8:46 a.m.

BEFORE:

Special Agent (b)(7)(C)

EXHIBIT 10
PAGE 1 OF 22 PAGE(S)

1-2012-019

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

8:46 a.m.

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2
3 SPECIAL AGENT (b)(7)(C): Okay, today is
4 January 23rd, 2013. The time is approximately 8:46 in
5 the morning. My name is (b)(7)(C), I'm a Special
6 Agent with the Nuclear Regulatory Commission, Office
7 of Investigations, Region 1, King of Prussia,
8 Pennsylvania. I have identified myself with my NRC
9 Investigation credentials. And (b)(7)(C) did you
10 have an opportunity to see my credentials?

11 (b)(7)(C): Yes I did.

12 SPECIAL AGENT (b)(7)(C): And any objection
13 to taping your testimony?

14 (b)(7)(C): No, sir.

15 SPECIAL AGENT (b)(7)(C): This interview is
16 with (b)(7)(C), that's spelled (b)(7)(C).
17 And (b)(7)(C) is the (b)(7)(C) for
18 Radiological Survey and Remedial Services (b)(7)(C)

19 (b)(7)(C) And for the record, this interview is being
20 conducted at their offices at (b)(7)(C)

21 (b)(7)(C)

22 This is a non-custodial interview and is
23 being conducted regarding an allegation that Susan
24 Andrews, who was a former senior health physicist with
25 AWS Company, and AWS Company is a subcontractor for

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1 Tetra Tech, was discriminated against in the form of
2 being laid off for recent safety concerns. The
3 interview will be conducted under oath. Any objection
4 with providing the information under oath?

5 (b)(7)(C) : None at all.

6 SPECIAL AGENT (b)(7)(C) : Just raise your
7 right hand. You swear the statement you're about to
8 provide with be the truth, so help you, God?

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

10 SPECIAL AGENT (b)(7)(C) : Okay. Prior to
11 going on the record, I took your personal information.
12 I'll maintain that, that's for your security, we don't
13 want that to appear on this transcript. You also said
14 that you work for RSRs, which is Radiological Survey
15 and Remedial Services. And I'll refer to them as RSRs
16 during this interview. You've worked for them for
17 approximately (b)(7)(C)

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

19 SPECIAL AGENT (b)(7)(C) : And you have
20 approximately (b)(7)(C) in the rad industry.

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

22 SPECIAL AGENT (b)(7)(C) : Okay. Do you know
23 Susan Andrews?

24 (b)(7)(C) : Not personally, no.

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

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1 familiar with her?

2 (b)(7)(C): The only dealings I've had
3 with her is she sent me a resume at one time.

4 SPECIAL AGENT (b)(7)(C): Okay. Okay, and
5 when was that? Just approximately.

6 (b)(7)(C): Probably summer before last.

7 SPECIAL AGENT (b)(7)(C): Okay, so that would
8 be the Summer of 2011?

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

10 SPECIAL AGENT (b)(7)(C): Okay. And was
11 there like a cover letter on that or what was her,
12 what was the purpose of that?

13 (b)(7)(C): I was asked to see if the
14 work that we have going on in Alameda, if they had
15 room for another technician. So I took her resume and
16 forwarded it on to the people there in Alameda for
17 review and, you know, hey, if you have work, this is
18 a possibility.

19 SPECIAL AGENT (b)(7)(C): Okay. So let me
20 just kind of back up here a little bit. So RSRS, are
21 they a subcontractor of somebody at Alameda?

22 (b)(7)(C): Yes, sir, we work under Tetra
23 Tech.

24 SPECIAL AGENT (b)(7)(C): Okay. And where in
25 Alameda?

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1 (b)(7)(C) : It's the Alameda, former
2 Alameda Naval Air Base.

3 SPECIAL AGENT (b)(7)(C) : Air Base, okay. So
4 Tetra Tech has the contract to do remediation work --

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

6 SPECIAL AGENT (b)(7)(C) : -- of radiological
7 waste.

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

9 SPECIAL AGENT (b)(7)(C) : Okay. And then
10 they subcontracted with RSRS to provide support.

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

12 SPECIAL AGENT (b)(7)(C) : Okay. So you
13 received Susan Andrews' resume.

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

15 SPECIAL AGENT (b)(7)(C) : And then you said
16 you forwarded that on to someone from Tetra Tech.

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

18 SPECIAL AGENT (b)(7)(C) : And who was that?

19 (b)(7)(C) : I believe I sent it to (b)(7)(C)

20 (b)(7)(C) --

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

22 (b)(7)(C) : -- which he's an employee for
23 RSRS, contract employee.

24 SPECIAL AGENT (b)(7)(C) : Right. And how do
25 you spell his last name, do you know?

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(b)(7)(C)

SPECIAL AGENT (b)(7)(C): Okay. And he's an employee, I'm sorry, he's an employee of who?

(b)(7)(C): Of RSRs, he's a contract employee, he's a supervisor.

SPECIAL AGENT (b)(7)(C): At the site.

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

SPECIAL AGENT (b)(7)(C): Okay. Okay, and then, so you forward it on to (b)(7)(C), then what happens?

(b)(7)(C): I guess I heard that they weren't hiring and that was about the end of it, I mean I --

SPECIAL AGENT (b)(7)(C): Okay. Okay, so -- (b)(7)(C) -- typically I get resumes in and, you know, the client wants to look at a group of resumes.

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

(b)(7)(C): I'll send them --

SPECIAL AGENT (b)(7)(C): Okay, and who's the client?

(b)(7)(C): Usually Tetra Tech.

SPECIAL AGENT (b)(7)(C): Okay, all right. So yes, I want to make sure I just understand. So Tetra Tech subcontracts you, RSRs. Does RSRs, are

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1 they responsible for hiring and firing at the site?

2 (b)(7)(C) : We're responsible for hiring.

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

4 (b)(7)(C) : Normally the technicians will
5 work under the prime --

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

7 (b)(7)(C) : -- which would be Tetra Tech.

8 SPECIAL AGENT (b)(7)(C) : Okay. So what, in
9 other words they'll have Tetra Tech supervisors there?

10 (b)(7)(C) : Tetra Tech would have their
11 RSO there, they'll have kind of the, I guess assistant
12 RSO, and then (b)(7)(C) works as a lead, you know, he
13 makes sure that the technicians are going out to the
14 correct job, meters are being source checked, I mean
15 it's the typical rad work day.

16 SPECIAL AGENT (b)(7)(C) : Okay. So once
17 again, just trying to understand it, so the upper
18 echelon onsite is Tetra Tech.

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

20 SPECIAL AGENT (b)(7)(C) : (b)(7)(C) is going to
21 be the (b)(7)(C). He's going to be the RSRS

22 (b)(7)(C).

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

24 SPECIAL AGENT (b)(7)(C) : Okay. And then
25 underneath him are going to be the RSRS employees.

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

2 SPECIAL AGENT (b)(7)(C) : Okay, so anyway, so
3 you get Andrews' resume, you forwarded that on to
4 (b)(7)(C) and who tells you that they're not hiring out
5 there?

6 (b)(7)(C) : It's (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C) : Okay so --

8 (b)(7)(C) : It's either going to be (b)(7)(C)
9 or (b)(7)(C).

10 SPECIAL AGENT (b)(7)(C) : Okay, and who's

11 (b)(7)(C)

12 (b)(7)(C) : He is an employee for Tetra
13 Tech.

14 SPECIAL AGENT (b)(7)(C) : Okay. And once
15 again, this is the summer ballpark, the summer of
16 2011.

17 (b)(7)(C) : And I could be off on that,
18 it's been awhile.

19 SPECIAL AGENT (b)(7)(C) : Okay, all right,
20 but to the best of your knowledge, summer of 2011.

21 (b)(7)(C) : Yes, sir. The only time we
22 staff our own jobs --

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

24 (b)(7)(C) : -- is if we're going out and
25 doing our own work without working under a prime

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1 contractor.

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

3 (b)(7)(C) : So, you know, with the work
4 at Hunter's Point and Alameda, we're working under
5 Tetra Tech.

6 SPECIAL AGENT (b)(7)(C) : Okay, so you're the
7 subcontractors on both.

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

9 SPECIAL AGENT (b)(7)(C) : Okay. So one of
10 those guys, (b)(7)(C) or (b)(7)(C), made a decision, hey,
11 we're not hiring here.

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

13 SPECIAL AGENT (b)(7)(C) : Okay. Did you guys
14 advertise at all for positions out there?

15 (b)(7)(C) : Usually we don't.

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

17 (b)(7)(C) : On my computer at home I've
18 got a list of resumes. I get a lot of phone calls --

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

20 (b)(7)(C) : -- a lot of people sending me
21 resumes --

22 SPECIAL AGENT (b)(7)(C) : Right, okay. But
23 in this case with Alameda --

24 (b)(7)(C) : No. Usually what will happen
25 is, you know, the client will say we need three

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1 seniors. I'll look at my resumes and start going
2 through my resumes and, you know, calling people and
3 saying --

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

5 (b)(7)(C) : -- would you potentially be
6 available on this date? I'd like to submit your
7 resume for clients to review and I'll get back with
8 you, you know, with a yes or no on the work.

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

10 (b)(7)(C) : And that's usually what I do.

11 SPECIAL AGENT (b)(7)(C) : Okay. But in her
12 case, when you received her resume it was just random
13 that you received it. It wasn't like you put any type
14 of an ad out, looking for resumes --

15 (b)(7)(C) : No, sir.

16 SPECIAL AGENT (b)(7)(C) : -- it was just
17 random, she sent it to you.

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

19 SPECIAL AGENT (b)(7)(C) : Okay. And then
20 everybody, every resume that you receive, do you hire
21 everybody?

22 (b)(7)(C) : No, sir.

23 SPECIAL AGENT (b)(7)(C) : Okay. And I think
24 what you said is, whatever resumes, if you get a call
25 like we're looking for three seniors or something,

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1 that's an example, you go in your database and you,
2 let's say you have 15 people who are potentially
3 eligible. You would send those 15 to Tetra Tech and
4 then they would make the final decision?

5 (b)(7)(C) : Well, I would send, you know,
6 they said, you know, send us six or seven resumes.

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

8 (b)(7)(C) : I would actually go through
9 the resumes and try finding who I thought was the most
10 qualified to do that work.

11 SPECIAL AGENT (b)(7)(C) : Okay, okay. And
12 then you would submit it for general approval.

13 (b)(7)(C) : I would submit it to the
14 client.

15 SPECIAL AGENT (b)(7)(C) : Okay. And then how
16 long has RSRS been out in Alameda?

17 (b)(7)(C) : (b)(7)(C) would have to answer
18 that.

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

20 (b)(7)(C) : It's been --

21 SPECIAL AGENT (b)(7)(C) : It's been awhile?

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

23 SPECIAL AGENT (b)(7)(C) : Okay. So how many
24 RSRS employees are there out there to support Tetra
25 Tech, just approximately?

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1 (b)(7)(C) : Probably ten.

2 SPECIAL AGENT (b)(7)(C) : Okay. And of
3 those, how many are senior HPs?

4 (b)(7)(C) : Probably half.

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

6 (b)(7)(C) : And (b)(7)(C) could give you some
7 more information on this.

8 SPECIAL AGENT (b)(7)(C) : Okay. And who was
9 the last person to get hired out there?

10 (b)(7)(C) : In Alameda?

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

12 (b)(7)(C) : I couldn't tell you who the
13 last person I've hired there, probably (b)(7)(C)
14 (phonetic).

15 SPECIAL AGENT (b)(7)(C) : Okay. Is that a
16 male, female?

17 (b)(7)(C) : It's a male.

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

19 (b)(7)(C) : Senior technician.

20 SPECIAL AGENT (b)(7)(C) : Okay, and when did
21 that hire occur, approximately?

22 (b)(7)(C) : Springtime of 2012, somewhere
23 in that area, maybe later.

24 SPECIAL AGENT (b)(7)(C) : Okay, okay. Why
25 wasn't Andrews considered for that job? Or was she?

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1 (b)(7)(C) has worked with us
2 before --

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

4 (b)(7)(C): -- and he's worked at
5 Hunter's Point and he's worked at Alameda.

6 SPECIAL AGENT (b)(7)(C): Okay, so you have
7 a past history, okay.

8 (b)(7)(C): The employer requested, you
9 know, (b)(7)(C).

10 SPECIAL AGENT (b)(7)(C): Okay. And what
11 about prior to (b)(7)(C)?

12 (b)(7)(C): I couldn't tell you who I've
13 hired there.

14 SPECIAL AGENT (b)(7)(C): Okay, all right.

15 (b)(7)(C): Normally the hiring process,
16 I mean, you know, the clients might give me a list of
17 names of people that worked there before, and give me
18 a list of names --

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

20 (b)(7)(C): -- hey, can you try getting
21 these people back?

22 SPECIAL AGENT (b)(7)(C): Okay. Because
23 they're happy with what they're doing.

24 (b)(7)(C): That, and the turnover's not
25 as bad, or the transition, you know, they can hit the

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1 ground running so to speak.

2 SPECIAL AGENT (b)(7)(C): Okay. Did Andrews
3 ever work for RSRs?

4 (b)(7)(C): I can't answer that.

5 SPECIAL AGENT (b)(7)(C): Okay. I mean, to
6 the best of your knowledge.

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

8 SPECIAL AGENT (b)(7)(C): Okay. And the
9 other, you said there was approximately ten RSRs
10 employees at the Alameda site. You said approximately
11 half of them are senior HPs and you identified (b)(7)(C).
12 Any idea who the other four are?

13 (b)(7)(C): No, sir. I mean, it would be
14 easy for (b)(7)(C) or somebody to pull that up and give
15 you that information.

16 SPECIAL AGENT (b)(7)(C): Okay. And what's
17 (b)(7)(C) what's his position?

18 (b)(7)(C): He's (b)(7)(C).

19 SPECIAL AGENT (b)(7)(C): Okay, so he would
20 have all that information then?

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

22 SPECIAL AGENT (b)(7)(C): Okay. All right,
23 and so once again, I just want to make sure I
24 understand this. Andrews, you receive her resume,
25 then you said you passed it along to (b)(7)(C) or (b)(7)(C) or

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1 you --

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

3 SPECIAL AGENT (b)(7)(C) : Okay. And they
4 said hey, we're not hiring.

5 (b)(7)(C) : More or less.

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

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

8 SPECIAL AGENT (b)(7)(C) : Was there ever a
9 time where anybody from Tetra Tech called you, emailed
10 you and said hey, don't hire her because she raised
11 safety issues?

12 (b)(7)(C) : No, sir.

13 SPECIAL AGENT (b)(7)(C) : Okay. And what's
14 the, since you work for Tetra Tech and usually, I
15 think you said the RSO or the assistant RSO is onsite.
16 When an RSRS employee is out there, does the RSO
17 provide oversight even though they're a RSRS employee,
18 does the Tetra Tech RSO provide --

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

20 SPECIAL AGENT (b)(7)(C) : -- all oversight?

21 (b)(7)(C) : And that's, usually it's

22 (b)(7)(C) the --

23 SPECIAL AGENT (b)(7)(C) : Oh, okay, and
24 that's the RSO?

25 (b)(7)(C) : I'm not sure exactly what

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1 (b)(7)(C) title is, but you've got the, I'm not going to
2 say RSO, it's RSOR, Radio Safety Office
3 Representative.

4 SPECIAL AGENT (b)(7)(C) : Okay, right.

5 (b)(7)(C) : And then under him is (b)(7)(C)

6 SPECIAL AGENT (b)(7)(C) : Okay, got it.

7 Okay.

8 (b)(7)(C) : Now at Hunter's Point --

9 SPECIAL AGENT (b)(7)(C) : I was just going to
10 ask you about that.

11 (b)(7)(C) : -- they have, Tetra Tech has
12 supervisors.

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

14 (b)(7)(C) : And the contract, or our
15 employees, are under those supervisors.

16 SPECIAL AGENT (b)(7)(C) : Okay, all right.

17 So, now how long as RSRS been out in Hunter's Point?

18 (b)(7)(C) : (b)(7)(C) would have to answer
19 that. It's longer than Alameda.

20 SPECIAL AGENT (b)(7)(C) : Okay. Okay, so
21 they've been out there awhile then.

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

23 SPECIAL AGENT (b)(7)(C) : Okay. So once
24 again, is Andrews, is she eligible to be hired b RSRS?

25 (b)(7)(C) : Sure, sure.

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1 SPECIAL AGENT (b)(7)(C) : Okay. And once
2 again, you were never contacted, nobody from Tetra
3 Tech ever called you and said hey, just give you a
4 heads up, you know, we don't want Andrews on the site.
5 Anything like that?

6 (b)(7)(C) : No, sir.

7 SPECIAL AGENT (b)(7)(C) : Nobody ever said
8 anything to you about that?

9 (b)(7)(C) : No, sir.

10 SPECIAL AGENT (b)(7)(C) : Okay. And once
11 again, if she would, oh, have you heard from her since
12 that submission?

13 (b)(7)(C) : She sent an email requesting
14 all of her records several months ago. The only
15 records I have of hers was her resume.

16 SPECIAL AGENT (b)(7)(C) : Yes, I was going to
17 say, I mean --

18 (b)(7)(C) : I didn't have anything else.

19 SPECIAL AGENT (b)(7)(C) : I'm kind of curious
20 why, any idea why she sent the email to you or --

21 (b)(7)(C) : She sent it to me and I
22 believe (b)(7)(C), she sent it to both of us.

23 SPECIAL AGENT (b)(7)(C) : Okay. Okay, and
24 once again, I mean, she was never an employee that
25 you're --

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1 (b)(7)(C) : No, sir.

2 SPECIAL AGENT (b)(7)(C) : Okay. Have you
3 ever had any conversations with anybody from Tetra
4 Tech about her?

5 (b)(7)(C) : No, sir.

6 SPECIAL AGENT (b)(7)(C) : Okay. What was the
7 last time you were out at Hunter's Point?

8 (b)(7)(C) : I actually haven't been out
9 in Hunter's Point in, since I've been hired onto this
10 company.

11 SPECIAL AGENT (b)(7)(C) : Oh, okay, so you've
12 never been out there.

13 (b)(7)(C) : Well I have, I've worked out
14 there, but this was totally --

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

16 (b)(7)(C) : -- something different.

17 SPECIAL AGENT (b)(7)(C) : Okay. Now what
18 about (b)(7)(C), is he out there quite a bit?

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

20 SPECIAL AGENT (b)(7)(C) : Okay. Did he have
21 any conversations with anybody from Tetra Tech?

22 (b)(7)(C) : I'll let him answer that.

23 SPECIAL AGENT (b)(7)(C) : Okay. Are you in
24 contact with Tetra Tech folks at the Hunter's Point
25 site?

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1 [REDACTED]: The only one I usually have
2 interaction with is [REDACTED], and he's the
3 technician. I order the instrumentation.

4 SPECIAL AGENT [REDACTED]: Okay. Now is [REDACTED]
5 [REDACTED], is he an RSRs employee?

6 [REDACTED]: Yes, sir.

7 SPECIAL AGENT [REDACTED]: Okay. I mean, but
8 you have any contact --

9 [REDACTED]: No, sir.

10 SPECIAL AGENT [REDACTED]: -- with Tetra Tech
11 folks out there?

12 [REDACTED]: No.

13 SPECIAL AGENT [REDACTED]: Okay. And then who
14 would have the contact? Would that be [REDACTED]?

15 [REDACTED]: [REDACTED], yes.

16 SPECIAL AGENT [REDACTED]: Okay. Then what
17 about now, is RSRs hiring now at Alameda?

18 [REDACTED]: No, sir.

19 SPECIAL AGENT [REDACTED]: Okay, all the
20 positions are --

21 [REDACTED]: We're full --

22 SPECIAL AGENT [REDACTED]: -- fully staffed?

23 [REDACTED]: Yes, sir.

24 SPECIAL AGENT [REDACTED]: Okay, all right.

25 And when you, I'm just curious, when you saw her

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1 resume, did you review --

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

3 SPECIAL AGENT (b)(7)(C) : -- Andrews' resume?

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

5 SPECIAL AGENT (b)(7)(C) : Okay. And what did

6 you think of the resume?

7 (b)(7)(C) : She's a qualified senior.

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

9 (b)(7)(C) : She's got experience doing
10 remediation.

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

12 (b)(7)(C) : And that's something I try
13 finding when I'm looking through resumes because power
14 plant work's different from doing their work.

15 SPECIAL AGENT (b)(7)(C) : Right, right. So
16 once again, I mean, it wasn't that she wasn't
17 unqualified, I think what you're telling me is there
18 were just no positions available.

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

20 SPECIAL AGENT (b)(7)(C) : Okay. And as far
21 as the employee history, I'd have to talk to (b)(7)(C)
22 about that because he's more familiar with that.

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

24 SPECIAL AGENT (b)(7)(C) : Okay. Is there
25 anything else that you can think of?

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1 (b)(7)(C) : I think I've, I hope I've
2 given you some information.

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

4 (b)(7)(C) : I don't know if I helped or
5 not.

6 SPECIAL AGENT (b)(7)(C) : Okay. And once
7 again, any direct knowledge or information that she
8 was discriminated against? Anybody ever come to you
9 and say hey, she raised safety issues --

10 (b)(7)(C) : No, sir.

11 SPECIAL AGENT (b)(7)(C) : -- you know, we
12 don't want anybody onsite that way or --

13 (b)(7)(C) : No, sir.

14 SPECIAL AGENT (b)(7)(C) : Okay. All right,
15 couple questions and we'll wrap it up, okay? Have I
16 threatened you in any manner?

17 (b)(7)(C) : No, sir.

18 SPECIAL AGENT (b)(7)(C) : Have you been
19 offered any reward in return for the information that
20 you provided to me?

21 (b)(7)(C) : No, sir.

22 SPECIAL AGENT (b)(7)(C) : Have you provided
23 the information freely and voluntarily?

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

25 SPECIAL AGENT (b)(7)(C) : And once again,

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anything else you want to add at this time?

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

SPECIAL AGENT (b)(7)(C) : Okay, time is approximately 9:00 in the morning. Thanks.

(Whereupon, the interview in the above-mentioned matter was concluded at approximately 9:00 a.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:

(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.

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EXHIBIT 11

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

9:10 a.m.

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SPECIAL AGENT (b)(7)(C) : Okay, today is January 23rd, 2013 and the time is approximately ten minutes after 9:00 in the morning. My name is (b)(7)(C)

(b)(7)(C), I'm a Special Agent with the Nuclear Regulatory Commission, Office of Investigations, Region 1, King of Prussia, Pennsylvania. I have identified myself with my NRC Office of Investigation credentials. And (b)(7)(C) did you have an opportunity to see my credentials?

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

SPECIAL AGENT (b)(7)(C) : Any objection with taping your testimony?

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

SPECIAL AGENT (b)(7)(C) : This interview is with (b)(7)(C), that's spelled (b)(7)(C) (b)(7)(C) And (b)(7)(C) is a (b)(7)(C) of RSRs here in (b)(7)(C) And for the record, this interview is being conducted at the (b)(7)(C)

(b)(7)(C)

(b)(7)(C) And for this interview, it will be referred to as RSRs.

This is a non-custodial interview and is being conducted regarding an allegation that Susan

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1 Andrews, who was a former senior health physicist with
2 AWS Company, was a subcontractor of Tetra Tech, was
3 discriminated against in the form of being laid off
4 for recent safety concerns. The interview will be
5 conducted under oath. Any objection with providing
6 the information under oath?

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

8 SPECIAL AGENT (b)(7)(C) : Raise your right
9 hand. Do you swear the statement you're about to
10 provide will be the truth so help you God?

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

12 SPECIAL AGENT (b)(7)(C) : Okay. All right,
13 before we went on the record I took your bio data.
14 I'll maintain that, that's for your security. And you
15 indicated that you're (b)(7)(C) and that you've
16 been with RSRS since approximately (b)(7)(C)

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

18 SPECIAL AGENT (b)(7)(C) : Do you know Susan
19 Andrews?

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

21 SPECIAL AGENT (b)(7)(C) : Okay, and how do
22 you know her?

23 (b)(7)(C) : I know her from my work out
24 at Hunter's Point Shipyard.

25 SPECIAL AGENT (b)(7)(C) : Okay, and what was

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1 her position out there?

2 (b)(7)(C): I think she was a, I don't
3 know if she was a senior or junior, she was a health
4 physicist technician.

5 SPECIAL AGENT (b)(7)(C): Okay. I mean, did
6 you work with her day-to-day or was it just --

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

8 SPECIAL AGENT (b)(7)(C): -- you just knew of
9 her.

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

11 SPECIAL AGENT (b)(7)(C): Okay. And then
12 obviously she worked for AWS.

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

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

15 (b)(7)(C): Aleut World Solutions.

16 SPECIAL AGENT (b)(7)(C): Okay. Are they
17 still in business?

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

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

20 (b)(7)(C): They're in Alaska, company.

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

22 And then you, RSRs has contracts with Tetra Tech.

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

24 SPECIAL AGENT (b)(7)(C): Okay. And are they
25 in Hunter's Point and Alameda?

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

2 SPECIAL AGENT (b)(7)(C) : Okay. Are there
3 any other contracts with Tetra Tech?

4 (b)(7)(C) : Yes, I actually go to Sand
5 Point in Washington once in awhile to go do an
6 inspection.

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

8 (b)(7)(C) : We also have some, a couple
9 bodies at Treasure Island right now.

10 SPECIAL AGENT (b)(7)(C) : Oh, okay, so it's
11 primarily on the West Coast then, right?

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

13 SPECIAL AGENT (b)(7)(C) : Okay. And what
14 type, well you may not be able to answer this, but
15 what type of employee was Andrews?

16 (b)(7)(C) : I thought she was a good
17 employee.

18 SPECIAL AGENT (b)(7)(C) : Okay. Any problems
19 that you'd heard about?

20 (b)(7)(C) : No, matter of fact, get right
21 down to it, there were, AWS had four employees. They
22 laid two people off because the base wide support was
23 dwindling down --

24 SPECIAL AGENT (b)(7)(C) : Okay. And do you
25 remember who those two were?

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1 (b)(7)(C) : It was Susan and, I don't
2 know the (b)(7)(C) --

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

4 (b)(7)(C) : -- he was a (b)(7)(C).

5 SPECIAL AGENT (b)(7)(C) : Okay, if you heard
6 the name would you remember?

7 (b)(7)(C) : Possibly.

8 SPECIAL AGENT (b)(7)(C) : (b)(7)(C)
9 (b)(7)(C) ?

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

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

12 (b)(7)(C) : So they were laid off and
13 Tetra Tech, (b)(7)(C) who's the (b)(7)(C)
14 actually came to me and asked me, he says hey, we got
15 to lay these people off, do you guys have anything for
16 these people?

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

18 (b)(7)(C) : So we, I asked them both to
19 send (b)(7)(C) a resume --

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

21 (b)(7)(C) : -- because he does our
22 screening.

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

24 (b)(7)(C) : And then, I know we were
25 hiring at Alameda and we shot their resumes over there

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

(b)(7)(C) : -- as soon as we got them.

They didn't get them to us, a couple days down the road.

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

(b)(7)(C) : And the way it works is Tetra

Tech makes all the decisions on who they're going to hire.

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

(b)(7)(C) : And the positions were

already filled.

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

(b)(7)(C) : So we had no way.

SPECIAL AGENT (b)(7)(C) : So in other words,

just so I make sure I understand, so in other words you provide the resumes.

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

SPECIAL AGENT (b)(7)(C) : Okay, here you go,

here's ten resumes --

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

SPECIAL AGENT (b)(7)(C) : -- we think this

made the list --

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

SPECIAL AGENT (b)(7)(C) : -- you make the

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1 final decision.

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

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

4 came to you and said hey, these guys are getting laid
5 off --

6 (b)(7)(C) : Yes, do you have anything.

7 SPECIAL AGENT (b)(7)(C) : Right. And what
8 was the reason for the lay off?

9 (b)(7)(C) : Because they were running out
10 of work.

11 SPECIAL AGENT (b)(7)(C) : Okay. So basically
12 what, the contract was running out of money?

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

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

15 (b)(7)(C) : It's like us, we can't keep
16 people on if we don't have any money coming in.

17 SPECIAL AGENT (b)(7)(C) : In approximately
18 December of 2011, did you ever talk to Andrews about
19 that?

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

21 SPECIAL AGENT (b)(7)(C) : About the Alamedas
22 thing?

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

24 SPECIAL AGENT (b)(7)(C) : Okay, so you --

25 (b)(7)(C) : I told her to get me a

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1 resume.

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

3 (b)(7)(C) : And it took her a couple days
4 to get it to me.

5 SPECIAL AGENT (b)(7)(C) : Okay. Did you
6 promise her a job?

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

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

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

10 SPECIAL AGENT (b)(7)(C) : So that was your
11 interaction with her?

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

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

14 (b)(7)(C) : Yes, plus I mean, I know her,
15 you know, people out there, you talk.

16 SPECIAL AGENT (b)(7)(C) : Right, okay.

17 (b)(7)(C) : So, and she knows that we
18 were a different company.

19 SPECIAL AGENT (b)(7)(C) : I'm not sure, what
20 do you mean by that?

21 (b)(7)(C) : I mean, she knows that, she
22 knows me because I've been out there forever.

23 SPECIAL AGENT (b)(7)(C) : Okay. In other
24 words, you've been in the industry for --

25 (b)(7)(C) : Everybody knows me.

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

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

SPECIAL AGENT (b)(7)(C) : But you've been out there a long time.

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

SPECIAL AGENT (b)(7)(C) : Okay. Well once again, this guy (b)(7)(C), who was the other guy (b)(7)(C), did he give you a resume also?

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

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

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

SPECIAL AGENT (b)(7)(C) : Were you able to find him work?

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

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

(b)(7)(C) : They already, Alameda already had the positions picked --

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

(b)(7)(C) : -- because they were already hiring.

SPECIAL AGENT (b)(7)(C) : Okay. And once again, and just maybe you can give me a little background here, this is all contract work.

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

SPECIAL AGENT (b)(7)(C) : Okay. So in this

1 business, the people tended, is there a tendency of
2 people getting laid off and then rehired and laid off
3 and rehired?

4 (b)(7)(C) : Yes, what they do --

5 SPECIAL AGENT (b)(7)(C) : Is that pretty
6 common?

7 (b)(7)(C) : -- people are, they're not a
8 permanent employee, they're a contracted employee. So
9 they have a contract that says here, this is how long
10 you're going to work for us.

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

12 (b)(7)(C) : And like right now, we have
13 people that we gave them a contract for 13 weeks.

14 SPECIAL AGENT (b)(7)(C) : What site is this?

15 (b)(7)(C) : Hunter's Point Shipyard.

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

17 (b)(7)(C) : Where she was.

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

19 (b)(7)(C) : Thirteen weeks.

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

21 (b)(7)(C) : Now what's going to happen?

22 They're probably going to be able to extend it.

23 SPECIAL AGENT (b)(7)(C) : Okay. And it's all
24 based on money.

25 (b)(7)(C) : Well it's all based on, we

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1 have a contract for so much time --

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

3 (b)(7)(C): -- with Tetra Tech.

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

5 (b)(7)(C): So Tetra Tech says hey, we
6 need these people for this, this is how long it's
7 going to be, they end up getting extended from the
8 Navy or getting more work from the Navy.

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

10 (b)(7)(C): So we continue to extend
11 people.

12 SPECIAL AGENT (b)(7)(C): Right, but I mean
13 the bottom line is it's about the amount of money that
14 the Navy has and it trickles down.

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

16 SPECIAL AGENT (b)(7)(C): Okay, all right.
17 So I guess my question to you is, in the future, is
18 she eligible to be considered?

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

20 SPECIAL AGENT (b)(7)(C): Okay. And what
21 about, the same thing with (b)(7)(C) too?

22 (b)(7)(C): Yes, yes.

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

24 (b)(7)(C): Yes, they're all considered.

25 SPECIAL AGENT (b)(7)(C): Okay, okay. In

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1 this conversation that you had with Andrews that we
2 were just talking about, where did that take place, do
3 you remember?

4 (b)(7)(C) : It took place out at Hunter's
5 Point, Tetra Tech trailers.

6 SPECIAL AGENT (b)(7)(C) : Okay, all right.
7 Did you ever, once again, did you ever promise her a
8 job?

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

10 SPECIAL AGENT (b)(7)(C) : Okay. And at that
11 time, did she know she was being laid off?

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

13 SPECIAL AGENT (b)(7)(C) : And did she know
14 why she was being laid off?

15 (b)(7)(C) : I believe so.

16 SPECIAL AGENT (b)(7)(C) : Okay. And that
17 wasn't, I mean you weren't the --

18 (b)(7)(C) : I'm not the one laying her
19 off.

20 SPECIAL AGENT (b)(7)(C) : Right, okay. You
21 were just another contractor on site.

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

23 SPECIAL AGENT (b)(7)(C) : Okay. But you
24 think that she was familiar with why she was being
25 laid off?

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

2 SPECIAL AGENT (b)(7)(C) : Okay. And was she
3 upset? When she talked to you, was she upset that she
4 was being laid off?

5 (b)(7)(C) : No, no.

6 SPECIAL AGENT (b)(7)(C) : Did she say, I
7 mean, did she say anything to you?

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

9 SPECIAL AGENT (b)(7)(C) : Okay. And why do
10 you think she wasn't upset?

11 (b)(7)(C) : I, you know, because she got
12 a good run out there. She was out there for probably
13 about four years.

14 SPECIAL AGENT (b)(7)(C) : Yes, I think you're
15 right. Okay. Did she ever come to you and say hey,
16 I'm being laid off because I raised safety issues?

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

18 SPECIAL AGENT (b)(7)(C) : Did she ever say to
19 you that hey, in my opinion I feel I'm being
20 discriminated against or retaliated against?

21 (b)(7)(C) : Not at all.

22 SPECIAL AGENT (b)(7)(C) : Okay. And what
23 about this guy (b)(7)(C) ?

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

25 SPECIAL AGENT (b)(7)(C) : Did he ever say

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1 that, hey, I'm being discriminated against or
2 retaliated against?

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

4 SPECIAL AGENT (b)(7)(C) : Okay. And did you
5 talk to him while you were out there?

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

7 SPECIAL AGENT (b)(7)(C) : Okay. Was he upset
8 that he was being laid off? Did he say hey, I'm
9 getting done wrong, or anything like that?

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

11 SPECIAL AGENT (b)(7)(C) : Did he --

12 (b)(7)(C) : No, people in this line of
13 industry understand that, you know, they're out there
14 for a certain amount of time and that's it I think.

15 SPECIAL AGENT (b)(7)(C) : It comes with the -

16 -
17 (b)(7)(C) : Yes.

18 SPECIAL AGENT (b)(7)(C) : -- the territory.

19 (b)(7)(C) : Yes. And usually, I mean I
20 used to, before forming this business with (b)(7)(C)

21 (b)(7)(C) I used to be that contract person, but I
22 always had another job lined up. I always knew how
23 long I was going to be at a certain place and always
24 had something lined up.

25 SPECIAL AGENT (b)(7)(C) : Yes, you got to

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1 think that line.

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

3 SPECIAL AGENT (b)(7)(C) : Okay. Well once
4 again, I know I'm killing you with the same question,
5 but I just want to make sure I understand. But with
6 Andrews and (b)(7)(C) never said to you
7 about hey, I feel like I was being discriminated
8 against --

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

10 SPECIAL AGENT (b)(7)(C) : -- never, I'm being
11 retaliated against for raising safety concerns?

12 (b)(7)(C) : No, no.

13 SPECIAL AGENT (b)(7)(C) : Okay. Did it
14 appear like hey, this is just business, we know that -
15 -

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

17 SPECIAL AGENT (b)(7)(C) : -- we know that
18 this is just part of the business.

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

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

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

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

23 (b)(7)(C) : Yes, there was never any
24 concern on their part.

25 SPECIAL AGENT (b)(7)(C) : Okay. And then you

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1 have a site up in Alameda.

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

3 SPECIAL AGENT (b)(7)(C) : And how long have
4 you been up there, just approximately?

5 (b)(7)(C) : We've been there since I
6 think (b)(7)(C)

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

8 (b)(7)(C) : -- is when we started out
9 there.

10 SPECIAL AGENT (b)(7)(C) : Okay. And then
11 once again you're the subcontractor for Tetra Tech on
12 that.

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

14 SPECIAL AGENT (b)(7)(C) : Okay. And then,
15 did Andrews ever apply for a position up there?

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

17 SPECIAL AGENT (b)(7)(C) : Okay. And what was
18 the outcome on that?

19 (b)(7)(C) : The outcome, the positions
20 were already filled.

21 SPECIAL AGENT (b)(7)(C) : Okay. And how many
22 people from RSRs do you have up there?

23 (b)(7)(C) : Right now we probably have
24 eight people out at Alameda.

25 SPECIAL AGENT (b)(7)(C) : Okay. And then how

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1 many are senior HPs? And that's what her, trying to
2 make sure I --

3 (b)(7)(C) : Probably six?

4 SPECIAL AGENT (b)(7)(C) : Okay, so the
5 majority of them are --

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

7 SPECIAL AGENT (b)(7)(C) : Okay. And then how
8 long have they been there?

9 (b)(7)(C) : Since, the majority of them
10 have been open for a year now, since January --

11 SPECIAL AGENT (b)(7)(C) : Okay, so --

12 (b)(7)(C) : -- of 2012.

13 SPECIAL AGENT (b)(7)(C) : Okay, so January of
14 2012, that's when the majority of them were there?

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

16 SPECIAL AGENT (b)(7)(C) : That's when they
17 first started out?

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

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

20 (b)(7)(C) : Because you got, they slowly
21 staffed up. We had one guy show up in November and a
22 few of them show up in December, and then the majority
23 of the work started in January.

24 SPECIAL AGENT (b)(7)(C) : Okay. And these
25 are all senior HPs then.

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

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

3 (b)(7)(C) : And actually, I think it was
4 2011, January 2011.

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

6 (b)(7)(C) : You know, I'm losing track.

7 SPECIAL AGENT (b)(7)(C) : That's easy to do,
8 okay.

9 (b)(7)(C) : And that job's winding down
10 too, we're getting ready to let go. We just laid
11 three people off last week.

12 SPECIAL AGENT (b)(7)(C) : Of the six?

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

14 SPECIAL AGENT (b)(7)(C) : Okay. All right,
15 let's talk about that a little bit. So you had six up
16 there, and then last week three people were laid off.

17 (b)(7)(C) : Well, let's put it this way.
18 Right now we have like six.

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

20 (b)(7)(C) : Okay, we just laid three
21 people off.

22 SPECIAL AGENT (b)(7)(C) : So you had like
23 what, nine or ten-ish?

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

25 SPECIAL AGENT (b)(7)(C) : Okay. And you just

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1 let three people go --

2 (b)(7)(C) : Yes, because --

3 SPECIAL AGENT (b)(7)(C) : -- for the same

4 reason as --

5 (b)(7)(C) : -- because they don't need

6 them.

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

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

9 SPECIAL AGENT (b)(7)(C) : Okay, for the same

10 reason we talked about previously.

11 (b)(7)(C) : Same reason, there's no money

12 --

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

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

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

16 again, that's very common in this industry.

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

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

19 getting back to her resume, I guess she forwarded the

20 resume to (b)(7)(C), right?

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

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

23 (b)(7)(C) : Yes, as I asked her to.

24 SPECIAL AGENT (b)(7)(C) : Okay, per the

25 conversation you had --

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

2 SPECIAL AGENT (b)(7)(C) : -- at Hunter's
3 Point.

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

5 SPECIAL AGENT (b)(7)(C) : Okay. And then, I
6 think you said, you told me that when you received the
7 resume, which you said was a couple days late, you got
8 it a couple days later.

9 (b)(7)(C) : No, we asked her for it, you
10 know, and it took a couple days to get it.

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

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

13 SPECIAL AGENT (b)(7)(C) : You think she would
14 have gotten it to you that day.

15 (b)(7)(C) : I would have hoped.

16 SPECIAL AGENT (b)(7)(C) : Okay. But at the
17 time, any of the positions that were available up at
18 Alameda had already been filled.

19 (b)(7)(C) : Yes, as far as I know. (b)(7)(C)
20 does all that --

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

22 (b)(7)(C) -- and I actually asked him,
23 I said (b)(7)(C) you know, (b)(7)(C) really wants us to see
24 what we can do for Susan.

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

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1 (b)(7)(C) : And he got back to me and
2 said yes, they're already full.

3 SPECIAL AGENT (b)(7)(C) : And that's
4 (b)(7)(C) when he approached you.

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

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

7 (b)(7)(C) Which is kind of funny
8 because he's like the, he's the one that makes the
9 decisions on, you know, we've got to lay people off.

10 SPECIAL AGENT (b)(7)(C) : And then once
11 again, it trickles down to you and then you've got to
12 make the --

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

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

15 (b)(7)(C) : Well no, they made the
16 decision who they were letting go.

17 SPECIAL AGENT (b)(7)(C) : Oh, okay, you're
18 just providing the bodies.

19 (b)(7)(C) : But he wanted to see if we
20 could get her another job over at Alameda.

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

22 (b)(7)(C) : So --

23 SPECIAL AGENT (b)(7)(C) : And once again, you
24 said that she was a good employee.

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

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1 SPECIAL AGENT (b)(7)(C) : Okay. If she was
2 a lousy employee --

3 (b)(7)(C) : They would have gotten rid of
4 her a long time ago.

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

6 (b)(7)(C) : And they wouldn't have asked
7 us to try and get her something over on the other side
8 of the tank.

9 SPECIAL AGENT (b)(7)(C) : Right. And you
10 said she was there four or five years.

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

12 SPECIAL AGENT (b)(7)(C) : Okay. Just bear
13 with me for one second. Did anybody from Tetra Tech
14 ever come to you and say hey, don't hire her?

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

16 SPECIAL AGENT (b)(7)(C) : Because she
17 released safety concerns?

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

19 SPECIAL AGENT (b)(7)(C) : Okay. So once
20 again, her resume goes, gets to you, at the time
21 there's no positions available.

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

23 SPECIAL AGENT (b)(7)(C) : Okay. And once
24 again, is she eligible, if something, let's say
25 tomorrow they triple the size of the contract up

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1 there.

2 (b)(7)(C) : She's --

3 SPECIAL AGENT (b)(7)(C) : Is she eligible to
4 be considered there at Hunter's Point and --

5 (b)(7)(C) : Yes, yes.

6 SPECIAL AGENT (b)(7)(C) : Okay. And since
7 she submitted the resume to you, have you had any
8 contact with her at all?

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

10 SPECIAL AGENT (b)(7)(C) : Okay. It's not
11 like she sent the resume to you again or called you or
12 anything like that?

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

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

15 (b)(7)(C) : Do you know if she's working
16 now?

17 (b)(7)(C) : I have no idea.

18 SPECIAL AGENT (b)(7)(C) : Okay. Okay, and
19 once again when she was laid off, and I think you
20 indicated this, when she was laid off down at Hunter's
21 Point, you didn't have, or RSRs didn't have anything
22 to do with that --

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

24 SPECIAL AGENT (b)(7)(C) : -- it came from
25 Tetra Tech.

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

2 SPECIAL AGENT (b)(7)(C) Okay. And once
3 again, from your understanding it was all based on,
4 the project was getting smaller, there wasn't as much
5 money --

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

7 SPECIAL AGENT (b)(7)(C) : Was she the first,
8 had they previously laid off anybody before her and

9 (b)(7)(C)

10 (b)(7)(C) : Yes, yes.

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

12 (b)(7)(C) : Yes, as I said, that AWS only
13 had four people out there at that time --

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

15 (b)(7)(C) : -- and they dropped down to
16 two. And that was right around Christmastime where
17 they --

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

19 (b)(7)(C) : -- were shut down anyway and
20 they're waiting on new contracts and there were no
21 work plans to be approved, there's just a lot that
22 goes into it.

23 SPECIAL AGENT (b)(7)(C) : Right, but prior to
24 her and that guy (b)(7)(C) being laid off, had there
25 been any other layoffs out there at all?

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

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

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

4 SPECIAL AGENT (b)(7)(C) : From RSRS or --

5 (b)(7)(C) : RSRS, no, I mean, layoffs
6 happen all the time.

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

8 (b)(7)(C) : For example, we just end up
9 over the Christmas, so the 19th of December this year,
10 or last year I should say, everybody goes home for two
11 weeks. And then we get a list of okay, here's the
12 bodies that we want back.

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

14 (b)(7)(C) : And we hire those people
15 back.

16 SPECIAL AGENT (b)(7)(C) : Okay. And once
17 again, what's that based on?

18 (b)(7)(C) : It's based on, I do believe
19 it's based on their work performance.

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

21 (b)(7)(C) : And most of the time they try
22 and hire the same people back.

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

24 (b)(7)(C) : Because they're familiar with
25 the site.

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1 SPECIAL AGENT (b)(7)(C) : Okay. And when you
2 say work performance, who does the --

3 (b)(7)(C) : Tetra Tech.

4 SPECIAL AGENT (b)(7)(C) : They do the rating?

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

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

7 (b)(7)(C) : It has nothing to do with us.

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

9 (b)(7)(C) : We say, here's a list of
10 people, tell me who you want.

11 SPECIAL AGENT (b)(7)(C) : That's it?

12 (b)(7)(C) : That's it.

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

14 (b)(7)(C) : Yes, we don't, and then we
15 contact the people and say hey, you want a job?

16 SPECIAL AGENT (b)(7)(C) : Okay. So they
17 provide all the performance appraisals and --

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

19 SPECIAL AGENT (b)(7)(C) : Okay. Do you know,
20 is that a written appraisal do you know?

21 (b)(7)(C) : I doubt it, I doubt it.

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

23 (b)(7)(C) : I haven't seen one.

24 SPECIAL AGENT (b)(7)(C) : Okay. So it's in
25 other words, you're good, you're bad, you're good,

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1 you're bad. And that's pretty much about it?

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

3 SPECIAL AGENT (b)(7)(C) : Okay. And you
4 haven't seen any appraisal.

5 (b)(7)(C) : No, no.

6 SPECIAL AGENT (b)(7)(C) : Okay. Is that
7 common when you're doing contract work? Is that
8 typically how it works?

9 (b)(7)(C) : Typically how it works if
10 you're doing contract work, I mean, I've been on jobs
11 to where, if your performance is good, you're going to
12 hang around. That's just the way it is.

13 SPECIAL AGENT (b)(7)(C) : Okay, okay. Were
14 you aware that Andrews was raising some safety
15 concerns out there at Hunter's Point?

16 (b)(7)(C) : No idea, no idea.

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

18 (b)(7)(C) : And if she was while she was
19 out there, I would have heard about it.

20 SPECIAL AGENT (b)(7)(C) : Okay. I mean, as
21 a senior HP, is that part of the job?

22 (b)(7)(C) : Senior HP is the status.
23 It's like I've got so much time in the industry.
24 That's all it is.

25 SPECIAL AGENT (b)(7)(C) : Well no, no, I mean

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1 but, I mean if you hold that position, I mean a good
2 employee, shouldn't they be raising safety issues?
3 Hey, we've got some problems here --

4 (b)(7)(C) : If there's safety issues.

5 SPECIAL AGENT (b)(7)(C) : -- and we've got
6 some problems there.

7 (b)(7)(C) : If there's safety issues.

8 SPECIAL AGENT (b)(7)(C) : Right, okay. I
9 mean, is that pretty common?

10 (b)(7)(C) : Not really.

11 SPECIAL AGENT (b)(7)(C) : Okay. So was her
12 job more or less okay, we need to move that
13 contaminated dirt from Point A to Point B and we need
14 to make sure nobody gets contaminated?

15 (b)(7)(C) : No, her job at the time was
16 basically they did base-wide support so they
17 supported, let's say you bring dirt in that needs to
18 be surveyed, they like to make sure that people are
19 surveyed out of the yard, stuff like that --

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

21 (b)(7)(C) : I mean, and yes.

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

23 (b)(7)(C) : But if there's a safety
24 concern, they can bring safety concerns.

25 SPECIAL AGENT (b)(7)(C) : Okay, and how would

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1 she do that?

2 (b)(7)(C) : She would talk to her
3 supervisor.

4 SPECIAL AGENT (b)(7)(C) : Okay, and do you
5 remember who that was by chance?

6 (b)(7)(C) Probably at that time, it was
7 probably (b)(7)(C).

8 SPECIAL AGENT (b)(7)(C) : Okay. And has he
9 been over there for awhile?

10 (b)(7)(C) : Yes, yes --

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

12 (b)(7)(C) : -- matter of fact he's not
13 out there right now. He's on, they don't have enough
14 work for him so he's drawing his (b)(7)(C)

15 SPECIAL AGENT (b)(7)(C) : Wow, okay. Were
16 things tightening up in the industry here?

17 (b)(7)(C) : Well yes, well, there's just
18 not a lot of work right now. We're waiting on work
19 plans to be approved and things like that.

20 SPECIAL AGENT (b)(7)(C) : Okay, all right.

21 And once again, I think I maybe asked you this, but
22 (b)(7)(C) and (b)(7)(C), who is he?

23 (b)(7)(C) : He is one of the supervisors.

24 SPECIAL AGENT (b)(7)(C) : Okay. Any
25 conversations with anybody from --

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1 (b)(7)(C) : He's not a, put it this way,
 2 he's like the (b)(7)(C) ---

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

4 (b)(7)(C) : -- for construction.

5 SPECIAL AGENT (b)(7)(C) : Okay. . Any
 6 conversations with them like I think I asked you this
 7 but I'll ask it again, if with those folks, (b)(7)(C)

8 (b)(7)(C) anybody else from Tetra Tech about hey, she's
 9 a problem --

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

11 SPECIAL AGENT (b)(7)(C) : -- she's raising
 12 too many safety concerns --

13 (b)(7)(C) : Not at all.

14 SPECIAL AGENT (b)(7)(C) : -- don't hire her.

15 (b)(7)(C) : Not at all.

16 SPECIAL AGENT (b)(7)(C) : Okay. Okay, and
 17 right now at Alameda, you said you just laid two
 18 people off.

19 (b)(7)(C) : Three.

20 SPECIAL AGENT (b)(7)(C) : Three people off.

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

22 SPECIAL AGENT (b)(7)(C) : Okay, so that
 23 doesn't look too good. And once again, she's eligible
 24 to be considered.

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

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1 SPECIAL AGENT (b)(7)(C) And to be
2 considered, no promises.

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

4 SPECIAL AGENT (b)(7)(C): Same thing with
5 (b)(7)(C), eligible to be considered --

6 (b)(7)(C): Right, we'd submit --

7 SPECIAL AGENT (b)(7)(C): -- no promises.

8 (b)(7)(C): -- we submit their names, we
9 submit a list of names to Tetra Tech and say here's
10 people --

11 SPECIAL AGENT (b)(7)(C): You just bring them
12 bodies --

13 (b)(7)(C): You got it.

14 SPECIAL AGENT (b)(7)(C): Okay. And once
15 again, any evidence at all that she was discriminated
16 against for raising safety concerns?

17 (b)(7)(C): Not at all, not at all.

18 SPECIAL AGENT (b)(7)(C): Okay. Anything
19 else that you can think of?

20 (b)(7)(C): No, I mean, even back, I was
21 actually the, for quite awhile there I was the

22 (b)(7)(C) for Tetra Tech,
23 as a (b)(7)(C)

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

25 (b)(7)(C): And so if there would have

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1 been concerns I would have known about it.

2 SPECIAL AGENT (b)(7)(C) : Okay. At Hunter's
3 Point?

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

5 SPECIAL AGENT (b)(7)(C) : Okay. So, I mean,
6 so nobody --

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

8 SPECIAL AGENT (b)(7)(C) : -- Tetra Tech came
9 to you and said there was any problems or anything
10 like that?

11 (b)(7)(C) : No, no.

12 SPECIAL AGENT (b)(7)(C) : Was she there --

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

14 SPECIAL AGENT (b)(7)(C) : -- was Andrews
15 there when you were the (b)(7)(C)

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

17 SPECIAL AGENT (b)(7)(C) : Okay. Did she ever
18 approach you and say hey, I'm raising these concerns -

19 -
20 (b)(7)(C) : Not at all.

21 SPECIAL AGENT (b)(7)(C) : -- you know, I'm
22 getting discriminated against --

23 (b)(7)(C) : The conversations we would
24 have is she'd say hey, how's your (b)(7)(C) doing? I mean,
25 it's just chat.

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

2 (b)(7)(C) : No concerns whatsoever.

3 SPECIAL AGENT (b)(7)(C) : And what about this

4 guy, (b)(7)(C) same --

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

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

7 (b)(7)(C) : None.

8 SPECIAL AGENT (b)(7)(C) : And they knew how

9 to get in touch with you?

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

11 SPECIAL AGENT (b)(7)(C) : And you were on

12 site?

13 (b)(7)(C) : Well yes, I'm right there --

14 SPECIAL AGENT (b)(7)(C) : Right --

15 (b)(7)(C) : -- my office is right there.

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

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

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

19 knew how to get in touch with you, you were onsite,

20 and I'm sure you had an open door policy as an (b)(7)(C) ?

21 (b)(7)(C) : Yes, yes.

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

23 else you can think of?

24 (b)(7)(C) : No, not at all.

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

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1 questions here and we'll wrap it up. Have I
2 threatened you in any manner?

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

4 SPECIAL AGENT (b)(7)(C) : Have you been
5 offered any reward in return for the information that
6 you've provided to me?

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

8 SPECIAL AGENT (b)(7)(C) : Have you provided
9 the information freely and voluntarily?

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

11 SPECIAL AGENT (b)(7)(C) : And once again,
12 anything else you want to add at this time?

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

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

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

16 SPECIAL AGENT (b)(7)(C) : All right, the time
17 is now 9:31, the interview is concluded. Thanks.

18 (Whereupon, the interview in the
19 above-mentioned matter was concluded at 9:31 p.m.)
20
21
22
23
24
25

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-019

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.

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EXHIBIT 12

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INTERVIEW OF : Case Nos. 1-2012-019
(b)(7)(C) : 1-2012-032
-----x 1-2012-037

Friday, January 25, 2013

Fisher & Phillips, LLP
One Embarcadero Center, Suite 2040
San Francisco, California 94111

BEFORE:

(b)(7)(C) Special Agent
U.S. Nuclear Regulatory Commission
Region I, Office of Investigation
2100 Renaissance Boulevard, Suite 100
King of Prussia, Pennsylvania
Telephone: 610-337-5339

FOR TETRA TECH and the WITNESS:

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EXHIBIT 12
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PROCEEDINGS

(12:32 o'clock p.m.)

SPECIAL AGENT (b)(7)(C): Today is January

25th, 2013. And the time is approximately 12:32 p.m.

My name is (b)(7)(C). I'm a Special Agent with the Nuclear Regulatory Commission, Office of Investigations, Region I, King of Prussia, Pennsylvania.

I have identified myself with my NRC Office of Investigation credentials. And, (b)(7)(C)

(b)(7)(C) did you have an opportunity to see my credentials?

(b)(7)(C): Yes, I did.

SPECIAL AGENT (b)(7)(C): Any objection with taping your testimony?

(b)(7)(C): None.

SPECIAL AGENT (b)(7)(C): This is an interview with (b)(7)(C)

And (b)(7)(C) is the (b)(7)(C) -- the Tetra Tech

(b)(7)(C) at Hunter's Point. For the record,

this interview is being conducted at the Law Offices

of Fisher & Phillips, Suite 2050, One Embarcadero

Center, San Francisco, California. This is a

noncustodial interview and it is being conducted

regarding an allegation that Susan Andrews, (b)(7)(C)

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1 (b)(7)(C) and (b)(7)(C) were discriminated against as
2 a result of raising safety concerns at Hunter's Point,
3 California.

4 The interview will be conducted under
5 oath.

6 Any objection with providing the
7 information under oath?

8 (b)(7)(C): None.

9 SPECIAL AGENT (b)(7)(C): Raise your right
10 hand.

11 (b)(7)(C), WITNESS, SWORN.

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

13 SPECIAL AGENT (b)(7)(C): Also present is Mr.
14 Timothy Murphy. And Mr. Murphy is a partner with the
15 Law Firm of Fisher & Phillips in San Francisco,
16 California.

17 Mr. Murphy, did you want to put something
18 on the record regarding your representation and a
19 potential for a conflict of interest?

20 MR. MURPHY: Yes. At your request you
21 wanted me to state what my position would be should a
22 conflict of interest arise between my representation
23 of Tetra Tech as a company and the witness here as an
24 individual. I do not -- I do not perceive any
25 conflict of interest currently nor anticipate one, but

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1 if one should arise, I will follow the Rules of
2 Professional Conduct of the State of California.

3 SPECIAL AGENT (b)(7)(C) : Okay. Thank you.
4 (b)(7)(C), a couple of questions
5 regarding Mr. Murphy's representation. Does your
6 employer require you to have an attorney present when
7 you are interviewed by the NRC?

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

9 SPECIAL AGENT (b)(7)(C) : Were you in any way
10 threatened with any adverse action if you do not
11 request counsel?

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

13 SPECIAL AGENT (b)(7)(C) : Do you understand
14 that Mr. Murphy also represents the company and
15 possibly other employees?

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

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

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

21 SPECIAL AGENT (b)(7)(C) : And with everything
22 we just talked about, do you still want Mr. Murphy
23 here today?

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

25

EXAMINATION BY THE AGENCY

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

2 SPECIAL AGENT (b)(7)(C) : Okay. Thank you.
3 Before we went on the record I took your bio
4 information. I'll maintain that. That's for your
5 security.

6 Do you know Susan Andrews?

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

8 SPECIAL AGENT (b)(7)(C) : And how do you know
9 her?

10 (b)(7)(C) : She was an employee at
11 Hunter's Point for a number of years.

12 SPECIAL AGENT (b)(7)(C) : Okay. Was she a
13 subcontractor?

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

15 SPECIAL AGENT (b)(7)(C) : And what company
16 was that?

17 (b)(7)(C) : Over the years several.
18 She started out with New World, then she went to Aleut
19 World.

20 SPECIAL AGENT (b)(7)(C) : Okay. And how many
21 approximate total years was she there at Hunter's
22 Point?

23 (b)(7)(C) : She was there when I got
24 there in 2- -- so longer than me, so.

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

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1 [REDACTED] : I had [REDACTED] quite of
2 these, yes. All three -- well, two of those were
3 there when I showed up, so I don't know how far
4 before.

5 SPECIAL AGENT [REDACTED] : Okay. Well, at
6 least seven years, right --

7 [REDACTED] : At least seven years.

8 SPECIAL AGENT [REDACTED] : Okay.

9 [REDACTED] : Well, she left last year.

10 Six.

11 SPECIAL AGENT [REDACTED] : Six, okay. And
12 what was her title?

13 [REDACTED] : Rad Control Tech.

14 SPECIAL AGENT [REDACTED] : Okay. And did she
15 only work at Hunter's Point?

16 [REDACTED] : Yes.

17 SPECIAL AGENT [REDACTED] : Okay. For Tetra
18 Tech?

19 [REDACTED] : Yes, I believe.

20 SPECIAL AGENT [REDACTED] : Okay. And what
21 type of employee was she?

22 [REDACTED] : She was a Bas- -- she
23 provided Basewide support, so basically did some
24 various -- actually she was in the laboratory for a
25 while. Over the years she moved into a few positions.

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1 She was in laboratory, then she went out to the field
2 as a Tech. And then for the last couple years she was
3 doing activities under what's called a Basewide
4 Support Contract.

5 SPECIAL AGENT (b)(7)(C) : Okay. I mean was
6 she a good employee?

7 (b)(7)(C) : Oh, yeah. Oh, she was
8 fine.

9 SPECIAL AGENT (b)(7)(C) : Did you provide any
10 type of input to her performance?

11 (b)(7)(C) : We didn't do performance
12 appraisals on subcontractors.

13 SPECIAL AGENT (b)(7)(C) : Okay. And who was
14 her immediate supervisor?

15 (b)(7)(C) : It would depend on the
16 contract, but typically the RSO or the RSOR, so
17 whoever's holding the -- we had a few over the years.

18 SPECIAL AGENT (b)(7)(C) : Okay. Did (b)(7)(C)
19 (b)(7)(C) provide any oversight to her?

20 (b)(7)(C) : Yes. He was the
21 supervisor, yes.

22 SPECIAL AGENT (b)(7)(C) : Okay. Who was (b)(7)(C)
23 (b)(7)(C) ?

24 (b)(7)(C) : She's our (b)(7)(C)
25 basically. She's (b)(7)(C) to our (b)(7)(C), but

1 she's the (b)(7)(C)

2 SPECIAL AGENT (b)(7)(C): Okay. According to

3 Andrews there was an incident where Andrews went into
4 (b)(7)(C) office and was looking at procedures.

5 And according Andrews, you ran into her and told her
6 that there was no need to look for the procedures
7 because the company has been sold and the procedures
8 will be changed. Does that sound familiar?

9 (b)(7)(C): Sure. I guess -- yes.

10 SPECIAL AGENT (b)(7)(C): I mean do you
11 remember that?

12 (b)(7)(C): Not directly, but I know
13 one of the biggest problems we had was versions.
14 Things are always being updated, and so, yes.

15 SPECIAL AGENT (b)(7)(C): Okay. And
16 according to Andrews she followed you out into the
17 hallway and informed you that the laborers were
18 pounding dirt at the lab and should have senior
19 oversight, just like in the field. Does that sound
20 familiar?

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

22 SPECIAL AGENT (b)(7)(C): Okay. So you --
23 you don't remember that conversation --

24 (b)(7)(C): I don't recall --

25 SPECIAL AGENT (b)(7)(C): -- with Andrews?

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1 (b)(7)(C) : -- that -- no, I really
2 don't.

3 SPECIAL AGENT (b)(7)(C) : Okay. Is that
4 something where -- is that -- you know, was she in a
5 position to bring that concern forward to you?

6 (b)(7)(C) : Oh, yeah.

7 SPECIAL AGENT (b)(7)(C) : If she had a
8 concern like that, is that appropriate that she
9 approach you on that?

10 (b)(7)(C) : I expect anyone that sees
11 a safety concern to bring it forward to someone.

12 SPECIAL AGENT (b)(7)(C) : Okay. But that
13 particular -- that particular issue that we just
14 talked about, you don't remember that?

15 (b)(7)(C) : Well, I know at one point
16 I guess in -- do I remember that specific discussion?
17 No. There was a point where the lab was getting
18 backed up, and we decided to -- and it's a very
19 physically-demanding thing. And so we brought one of
20 the laborers in who was, again, a trained rad worker -
21 -

22 SPECIAL AGENT (b)(7)(C) : Um-hum.

23 (b)(7)(C) : -- to assist the
24 laboratory just because of increased production needs
25 we had. And so he was in there basically grinding

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1 soil, yes.

2 SPECIAL AGENT (b)(7)(C) : Okay. Okay. But
3 that actual conversation, --

4 (b)(7)(C) : Not the discussion.

5 SPECIAL AGENT (b)(7)(C) -- you don't
6 remember the conversation, --

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

8 SPECIAL AGENT (b)(7)(C) -- but it's --

9 (b)(7)(C) : I'm --

10 SPECIAL AGENT (b)(7)(C) : There's a
11 possibility that occurred?

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

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

14 And then, like you said, just to give some background,
15 you brought a laborer in because of the backlog to
16 pound the dirt?

17 (b)(7)(C) : Yes. I needed more
18 samples. The lab could -- they could test more than
19 we could prep, and so we just increased the staff on
20 the prep side to get better production, yes.

21 SPECIAL AGENT (b)(7)(C) : Okay. Andrews was
22 laid off in December of 2011. Why?

23 (b)(7)(C) : The contract ended.

24 SPECIAL AGENT (b)(7)(C) : Okay. Was she laid
25 off because she had raised safety concerns?

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1 (b)(7)(C) : I'm unaware of any safety
2 concerns she was raising.

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

4 (b)(7)(C) : So no.

5 SPECIAL AGENT (b)(7)(C) : Okay. And who made
6 the decision to lay Andrews off?

7 (b)(7)(C) : It was a recommendation to
8 me. I had gone -- we had a long-term Basewide
9 contract. As things went along, we've actually
10 obtained a lot of pre-releases, so the number of
11 routine surveys had decreased. And the Navy was
12 basically cutting the staff. And so they literally
13 eliminated the -- one of the radiological screening
14 yards and also basically cut the staff. So the
15 proposal to us was provide us two Technicians where
16 there had been four. And so they literally -- the
17 Navy directed the number of cuts.

18 So then I had approached (b)(7)(C) and (b)(7)(C)
19 and said the Navy's cutting this as of the first of
20 the year. And I said we -- you guys need to make a
21 recommendation on who you want, Susan or (b)(7)(C).

22 SPECIAL AGENT (b)(7)(C) : Um-hum.

23 (b)(7)(C) : And so they got together
24 and came back to me and said they -- you know, they
25 thought that (b)(7)(C) was the better choice and...

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1 SPECIAL AGENT (b)(7)(C) : Did they say why?
2 (b)(7)(C) : Thought he had more
3 experience and versatility and -- mostly experience.
4 SPECIAL AGENT (b)(7)(C) : Okay. So the
5 decision was to lay Susan off?
6 (b)(7)(C) : Well, yes.
7 SPECIAL AGENT (b)(7)(C) : Okay.
8 (b)(7)(C) : When I say layoff, she's
9 not our direct employee, so we simply informed our
10 subcontractor the services wouldn't be required. So
11 it's --
12 SPECIAL AGENT (b)(7)(C) : Okay.
13 (b)(7)(C) : -- the same thing, but
14 she's not a direct employee.
15 SPECIAL AGENT (b)(7)(C) : All right. And was
16 there anybody else laid off at the time?
17 (b)(7)(C) : Her and (b)(7)(C).
18 SPECIAL AGENT (b)(7)(C) : Okay. (b)(7)(C)
19 (b)(7)(C) was laid off?
20 (b)(7)(C) : Um-hum.
21 SPECIAL AGENT (b)(7)(C) : Okay. Was -- was
22 -- as a result of Andrews being laid off, was she
23 eligible for rehire?
24 (b)(7)(C) : Yes.
25 SPECIAL AGENT (b)(7)(C) : And now there was

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1 a site in Alameda?

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

3 SPECIAL AGENT (b)(7)(C) : Okay. Was she
4 eligible to be hired there?

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

6 SPECIAL AGENT (b)(7)(C) : And why wasn't she?

7 (b)(7)(C) : I have no idea.

8 SPECIAL AGENT (b)(7)(C) : Okay. Who would
9 have that answer?

10 (b)(7)(C) : The Alameda guys. My
11 understanding is as subcontractors they get to
12 basically -- when they want more staff, typically
13 RSRS, they ask us to provide résumés, and they would
14 pick they -- you know, they thought was best
15 qualified, so.

16 SPECIAL AGENT (b)(7)(C) : Okay. But we did
17 -- yeah, we did recommend to both those guys that, you
18 know, get ahold of your guys and, you know, there may
19 be some use at Alameda. We try to keep you busy.

20 SPECIAL AGENT (b)(7)(C) : Yeah. So let me
21 just back up. You recommended to who? You
22 recommended to (b)(7)(C) and Andrews to get in touch
23 with who?

24 (b)(7)(C) : RSRS at that point,
25 another -- we have two rad -- we have two contracts

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1 that provide Radiological Control Technicians, Aleut
2 World and RSRS. RSRS was providing the Technicians
3 for Alameda at that point, and so --

4 SPECIAL AGENT (b)(7)(C) : Okay. So --

5 MR. DOUGHERTY: We just told her that if
6 she wished, you know, get ahold -- we all know each
7 other.

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

9 (b)(7)(C) : They used to work on site.
10 So get ahold of (b)(7)(C) and (b)(7)(C) and see if Alameda
11 needs help --

12 SPECIAL AGENT (b)(7)(C) : The RSRS guys.

13 (b)(7)(C) : Yeah, the RSRS guys. And
14 see if there's any need at Alameda.

15 SPECIAL AGENT (b)(7)(C) : Okay. And did she
16 follow through with that?

17 (b)(7)(C) : I -- I don't know. I just
18 -- a recommendation, you know.

19 SPECIAL AGENT (b)(7)(C) : Okay. And just a
20 little bit more background. As -- when she was hired
21 for this position at Hunter's Point, is that -- that
22 was a contract position. Was she ever guaranteed a
23 position, you know, for life?

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

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

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1 before coming to Hunter's Point, do you know where she
2 worked?

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

4 SPECIAL AGENT (b)(7)(C) : Okay. And, once
5 again, she's eligible to work at Hunter's Point or any
6 other Tetra Tech site?

7 (b)(7)(C) : We had no problem with
8 Susan.

9 SPECIAL AGENT (b)(7)(C) : Okay. Okay. So
10 she left on good terms then?

11 (b)(7)(C) : Um-hum.

12 SPECIAL AGENT (b)(7)(C) : And obviously you
13 know (b)(7)(C) and (b)(7)(C) from RSRS?

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

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

16 (b)(7)(C) : Well, (b)(7)(C) I had never
17 met. (b)(7)(C), yes. (b)(7)(C) is a new hire for them.
18 He's their (b)(7)(C) guy, but...

19 SPECIAL AGENT (b)(7)(C) : Okay. All right.
20 Did you ever have a conversation with (b)(7)(C), telling
21 him not to hire Andrews for the project because she
22 raised safety concerns?

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

24 SPECIAL AGENT (b)(7)(C) : Okay. Any --
25 regarding Andrews, anything else you can tell me about

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1 Andrews, anything else you want to add?

2 (b)(7)(C): No. She was in a position
3 of as- -- well, autonomy, actually. I mean she went
4 around. They had routine weekly, monthly, quarterly
5 inspections. And so, you know, they coordinated.
6 But, you know, unlike (b)(7)(C) was designated at gate
7 and he frisked tires all day long, --

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

9 (b)(7)(C): -- I mean Susan was all
10 around the site doing various activities to keep us in
11 compliance with our license.

12 SPECIAL AGENT (b)(7)(C): Okay. And, once
13 again, the reason why she was laid off was because
14 basically a money issue?

15 (b)(7)(C): Well, actually, yeah. I
16 hate to say, as part of our success was when we
17 started at Hunter's Point, there was 50-some
18 potentially radiological-impacted buildings that we
19 surveyed, as of right now the State has cleared 34 and
20 the rest -- all but 2 buildings are either under
21 contract or work's been completed. They -- and for
22 transfer reasons they broke the base up into nine
23 parcels, of which five the State and EPA/DTSC have
24 radiologically released.

25 SPECIAL AGENT (b)(7)(C): Um-hum.

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1 (b)(7)(C): So it just came down to
2 the fact that after seven years of work, the number of
3 places that we had to provide radiological support had
4 decreased.

5 SPECIAL AGENT (b)(7)(C): Okay. In other
6 words, the job's coming -- coming to completion?

7 (b)(7)(C): Yeah. Yeah, the success
8 was that we actually clos- -- half the base has been
9 radiologically released. And now of course the Navy
10 -- well, half the base and half the buildings -- now
11 the work didn't really go in half --

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

13 (b)(7)(C): -- but they came out and
14 said: Cut half.

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

16 (b)(7)(C): That's government
17 thinking.

18 SPECIAL AGENT (b)(7)(C): Yeah. All right.
19 So any direct or indirect knowledge that Andrews was
20 discriminated against for raising safety concerns at
21 Hunter's Point?

22 (b)(7)(C): No, no.

23 SPECIAL AGENT (b)(7)(C): We're going to move

24 onto (b)(7)(C)

25 (b)(7)(C) Um-hum.

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1 SPECIAL AGENT (b)(7)(C) : And do you know
2 him?

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

4 SPECIAL AGENT (b)(7)(C) : And how do you know
5 him?

6 (b)(7)(C) : Again, he was a Rad
7 (b)(7)(C) on the site.

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

9 (b)(7)(C) : As was his (b)(7)(C) and
10 (b)(7)(C) at one point.

11 SPECIAL AGENT (b)(7)(C) : Okay. And
12 obviously he was a subcontractor. Do you remember
13 what company he worked for?

14 (b)(7)(C) : Oh, RSRS, AWS, or New
15 World.

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

17 (b)(7)(C) : New World at that point.

18 He was New World.

19 SPECIAL AGENT (b)(7)(C) : He was New World?
20 Okay.

21 And, I'm sorry, what was his title when he
22 was at Hunter's Point?

23 (b)(7)(C) : Same thing, Radiological -

24 -

25 SPECIAL AGENT (b)(7)(C) : Same thing?

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

3 approximate dates of employment for him, any idea?

4 (b)(7)(C) : Not really.

5 SPECIAL AGENT (b)(7)(C) : Okay. And what
6 type of employee was he?

7 (b)(7)(C) : He was obviously a lot
8 (b)(7)(C) than most of our staff. And, I don't know, he

9 kept to himself largely. I don't know how to say this
10 nicely. But, like (b)(7)(C), it was one of those job, he

11 basically (b)(7)(C) as a matter of fact it's the
12 same yard (b)(7)(C) was in, and he was one -- he (b)(7)(C)

13 (b)(7)(C) as
14 they -- we would excavate soil and bring it back and
15 forth. Most people hated it and would just refuse to
16 do it. And he was one of the rare people that would

17 (b)(7)(C)
18 (b)(7)(C) for...

19 SPECIAL AGENT (b)(7)(C) : Forever.

20 (b)(7)(C) : Forever. And he didn't
21 complain. And honestly it's one of those repetitive
22 tasks that I need, and...

23 SPECIAL AGENT (b)(7)(C) : So he got the job
24 done then, yeah?

25 (b)(7)(C) : He did what he needed to

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1 do. And, you know, a lot of the young guys of course
2 want to run around and, --

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

4 (b)(7)(C) : -- you know, he was (b)(7)(C)
5 enough to be quite complacent just (b)(7)(C)

6 (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C) : Okay. And who was
8 his immediate supervisor?

9 (b)(7)(C) : One of the Rad Techs -- or
10 one of our Rad Supervisors. I mean the RSO obviously
11 has live control over all the Rad Techs.

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

13 (b)(7)(C) : Probably -- I'm trying to
14 think who was the (b)(7)(C) back then, but (b)(7)(C) or (b)(7)(C)
15 maybe. (b)(7)(C) may be the (b)(7)(C) at that point. I'm

16 --

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

18 (b)(7)(C) : We've had staff changes.
19 I'm just --

20 SPECIAL AGENT (b)(7)(C) : Right. No, I
21 understand.

22 (b)(7)(C) : Over the years it gets a
23 little -- a little confusing who was what when.

24 SPECIAL AGENT (b)(7)(C) : Okay. And
25 ballpark, August 2010, --

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

2 SPECIAL AGENT (b)(7)(C) : -- he reported to
3 (b)(7)(C) that unqualified laborers were being used
4 to move potential waste and take samples when they
5 were not qualified to do so.

6 (b)(7)(C) : Yes.
7 SPECIAL AGENT (b)(7)(C) Did (b)(7)(C) ever
8 inform you of that incident?

9 (b)(7)(C) : Yes.
10 SPECIAL AGENT (b)(7)(C) Okay. And what did
11 (b)(7)(C) tell you?

12 (b)(7)(C) : He came to me that (b)(7)(C) had
13 a concern. And I pulled out the approved sampling
14 plan which allowed it. And the Rad Techs seemed to
15 have come from a culture where only Rad Techs can do
16 rad work. I was encouraged as part of our contract
17 with the government to do local hires and training in
18 various social type things.

19 SPECIAL AGENT (b)(7)(C) : Um-hum.

20 (b)(7)(C) : And so, you know, we had
21 gone through what Rad Control Techs had to do and it
22 has to be done under the supervision of a Rad Control
23 Tech. But, you know, we started using laborers which
24 was what -- we're in Nancy Pelosi's district and we
25 were encouraged to do more local hires and train them.

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1 And so we basically, you know, started using -- and,
2 honestly, as from a business point of view, the Rad
3 Techs are all on per diem. The locals weren't. It
4 was more cost-effective for the government. It met
5 the objectives that were stated in my contract for
6 local hires and small business requirements. And so
7 we checked and determined that, and then we put it in
8 the SAP and we instituted it. And the Rad Techs
9 thought that was their jobs and --

10 SPECIAL AGENT (b)(7)(C) : So a little bit of
11 friction there.

12 (b)(7)(C) : A little difference of
13 opinion on what Rad Techs had to do and didn't have to
14 do, and so --

15 SPECIAL AGENT (b)(7)(C) : Right. Were --
16 were the laborers, were they qualified?

17 (b)(7)(C) : They're all rad -- yeah,
18 they're rad trained, yes.

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

20 (b)(7)(C) : They're all rad workers.

21 SPECIAL AGENT (b)(7)(C) : Okay. So, you
22 know, once again, (b)(7)(C) brings this incident to (b)(7)(C)

23 (b)(7)(C) brings it to you. You do your research. And
24 after you do your research --

25 (b)(7)(C) : Oh, I knew the answer

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1 because I was -- I -- we're getting -- and I forget
2 the real name, but the Obama money, we used to have to
3 report the number of hires. And so there was a lot of
4 social requirements into my contracts. And we have to
5 report of how many hires and this in training, and
6 various things.

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

8 (b)(7)(C) : And so I didn't really
9 have to go look it up. I mean, you know, obviously
10 changing the sampling analysis plans and doing all
11 this stuff, you know, went through the rad RSO. But,
12 again, this is the kind of thing that really is a
13 management type issue. We're developing plans and
14 trying to keep the Navy happy and meet contract
15 requirements, that a contract Rad Tech frisking tires
16 would really have very little visibility to, so I
17 understood his question.

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

19 (b)(7)(C) : But the point was that,
20 you know, we had vetted it. And everyone had decided,
21 including the Navy's Radiological Affairs Office, that
22 that was an acceptable practice.

23 SPECIAL AGENT (b)(7)(C) : Okay. Fair enough.

24 And was (b)(7)(C) laid off?

25 (b)(7)(C) : No. I don't think I'd

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1 call it -- well, --

2 SPECIAL AGENT (b)(7)(C) : Fired?

3 (b)(7)(C) : -- he was removed from the
4 site. Honestly, it is he worked for New World and
5 based on some comments, (b)(7)(C) came out, or whatever
6 it was, and his comments were unacceptable. And she
7 agreed and so they removed him from the site.

8 SPECIAL AGENT (b)(7)(C) : Okay. And what
9 were the comments?

10 (b)(7)(C) : Actually had to do with
11 (b)(7)(C) being a (b)(7)(C) and (b)(7)(C) this, and I don't
12 know, just a bunch of derogatory comments. And so --

13 SPECIAL AGENT (b)(7)(C) : Okay. And then you
14 said (b)(7)(C) (b)(7)(C) is?

15 (b)(7)(C) : The New World (b)(7)(C)
16 (b)(7)(C). And so at that point I called her
17 and said you need to come out here and do your
18 investigation for me. And, you know, it's the --
19 again, it's the -- I don't want -- I didn't want to
20 overreact. Okay, it's -- you know, there's typical
21 human drama on any job, so I wanted an independent
22 person to come in. So I asked their (b)(7)(C) to come
23 in. She came back and actually agreed that he
24 probably -- you know, said "I'm sorry," but making
25 derogatory statements, calling someone a (b)(7)(C) on the

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1 site is just not acceptable behavior.

2 SPECIAL AGENT (b)(7)(C) : Right. And -- and
3 based on that he was removed from the site?

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

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

6 (b)(7)(C) : -- he was -- yeah, I
7 basically -- we sent him back to New World and told
8 them we no longer needed his services. Actually then
9 they -- it was really a joint thing. We sat down and
10 -- yeah.

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

12 (b)(7)(C) : So --

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

14 (b)(7)(C) : -- because to me it would
15 just create a hostile work environment.

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

17 (b)(7)(C) : Which is unacceptable.

18 SPECIAL AGENT (b)(7)(C) : Is he eligible to
19 come back to a Tetra Tech site, based on what
20 occurred?

21 (b)(7)(C) : I suppose. I mean there's
22 -- you know, that's -- there's -- every site has a
23 little latitude. Alameda runs theirs. I run mine.
24 I mean, but, you know, I don't think there would be --
25 I don't know. I guess I never really thought about

1 that much.

2 SPECIAL AGENT (b)(7)(C) : Okay. Was -- was
3 (b)(7)(C) laid off at the same time that (b)(7)(C) was
4 laid off?

5 (b)(7)(C) : No. (b)(7)(C) -- (b)(7)(C) hasn't
6 been laid off.

7 SPECIAL AGENT (b)(7)(C) : He wasn't laid off?

8 (b)(7)(C) : Huh-uh.

9 SPECIAL AGENT (b)(7)(C) : Okay. And I think
10 you indicated that -- I asked you a question is (b)(7)(C)
11 eligible to be rehired at Hunter's Point, and I guess
12 you said you weren't real sure of that, you really
13 haven't thought about it?

14 (b)(7)(C) : I would not be inclined to
15 bring him back. That I will admit, but just from a
16 qualifications point of view, I'm sure he's qualified
17 to be a Rad Tech.

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

19 (b)(7)(C) : Whether I'm going to
20 reintroduce someone because (b)(7)(C) -- there's
21 still people on site that he made the comments about.

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

23 (b)(7)(C) : And why would I create a
24 situation that...

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

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1 (b)(7)(C) : So...

2 SPECIAL AGENT (b)(7)(C) : Okay. Well, once
3 again, I'm here because he feels that he was
4 discriminated against --

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

6 SPECIAL AGENT (b)(7)(C) : -- as a result of
7 raising safety concerns. Any direct or indirect
8 knowledge that he was discriminated against?

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

10 SPECIAL AGENT (b)(7)(C) : Okay. So he was --
11 he was like -- based on that -- that comment?

12 (b)(7)(C) : My recommendation or my
13 approval letting him go had to do with comments he
14 made against other staff members and --

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

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

17 SPECIAL AGENT (b)(7)(C) : Okay. Anything
18 regarding (b)(7)(C) that I should know about? Anything
19 else you want to add?

20 (b)(7)(C) : No. As I said, he was in
21 his (b)(7)(C) I mean he was (b)(7)(C)
22 than everybody, just very -- I don't know, a little
23 bit hermit. He's just very quiet and --

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

25 (b)(7)(C) : -- I'm the boss and most

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1 people greet their bosses. You know, he didn't --
2 (b)(7)(C) : Okay.
3 SPECIAL AGENT (b)(7)(C) : -- obviously say
4 hi. And I can't say I ever had much interaction with
5 him.
6 SPECIAL AGENT (b)(7)(C) : Okay. We're going
7 to move onto (b)(7)(C).
8 (b)(7)(C) : Sure.
9 SPECIAL AGENT (b)(7)(C) : Do you know him?
10 (b)(7)(C) : Yeah.
11 SPECIAL AGENT (b)(7)(C) : And how do you know
12 him?
13 (b)(7)(C) : Again, he was one of the
14 Rad Control Techs that worked over on Base -- on
15 Basewide.
16 SPECIAL AGENT (b)(7)(C) : Do you remember
17 what company he worked for?
18 (b)(7)(C) : AWS at that point, yeah.
19 Aleut World Solutions.
20 SPECIAL AGENT (b)(7)(C) : Okay. And you said
21 he was an HP Tech?
22 (b)(7)(C) : Yes.
23 SPECIAL AGENT (b)(7)(C) : Okay. And he only
24 worked at Hunter's Point?
25 (b)(7)(C) : That I'm aware of.

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1 SPECIAL AGENT (b)(7)(C) : Okay. Do you
2 remember what his approximate dates of employment
3 were?

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

5 SPECIAL AGENT (b)(7)(C) : Okay. And what
6 type of employee was he?

7 (b)(7)(C) : Painfully quiet.

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

9 (b)(7)(C) : I don't know how else to
10 say it. I mean at least (b)(7)(C), "Hi, (b)(7)(C),
11 how are you doing," you know, and I'd ask how his (b)(7)(C)
12 was. But I don't think I've ever said 20 words to (b)(7)(C)

13 (b)(7)(C)

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

15 (b)(7)(C) : He was just very, very
16 painfully quiet.

17 SPECIAL AGENT (b)(7)(C) : Okay. Did he get
18 the job done?

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

20 SPECIAL AGENT (b)(7)(C) : I mean did he
21 remember what his duties were? Did he perform the
22 duties --

23 (b)(7)(C) : Oh, no, I don't -- well,
24 actually he had the same job as (b)(7)(C) because he was
25 basically the guy down at (b)(7)(C) there (b)(7)(C)

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1 so he literally replaced (b)(7)(C) position.

2 SPECIAL AGENT (b)(7)(C) Oh, okay.

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

4 SPECIAL AGENT (b)(7)(C) : And, once again,
5 his immediate supervisor was?

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

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

8 According to (b)(7)(C), in approximately August of 2011

9 (b)(7)(C) reported to (b)(7)(C) that (b)(7)(C) -- I think

10 it's (b)(7)(C) -- is that her name?

11 (b)(7)(C)

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

13 on (b)(7)(C)

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

15 SPECIAL AGENT (b)(7)(C) : Do you remember

16 that?

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

18 SPECIAL AGENT (b)(7)(C) : Okay. Did -- did

19 (b)(7)(C) ever inform you of that?

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

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

22 (b)(7)(C) : But I have to say with a

23 site as large as this, we actually have a competency-
24 for-duty type situation, where if someone thinks this,
25 you don't bring personnel actions and lots of -- you

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1 know, you try to do these things discretely. If there
 2 was an issue, they would have brought it to safety and
 3 safety would have -- well, we have a contract with
 4 Concentral Medical on Sixteenth down here.

5 SPECIAL AGENT (b)(7)(C) : Um-hum.

6 (b)(7)(C) : And typically more than
 7 once we have actually brought people down and asked
 8 them to --

9 SPECIAL AGENT (b)(7)(C) : Submit to --

10 (b)(7)(C) : -- (b)(7)(C) --

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

12 (b)(7)(C) : -- evaluation and see if
 13 they were (b)(7)(C)

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

15 (b)(7)(C) : (b)(7)(C) And so
 16 I don't remember this ever happening with (b)(7)(C). But
 17 I'm saying there is a process in place that would
 18 address that and --

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

20 never approached you regarding that?

21 (b)(7)(C) : Not that -- not by
 22 recollection.

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

24 indicated that he informed (b)(7)(C) that (b)(7)(C) was
 25 bringing her (b)(7)(C) to work with her even

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1 though she, (b)(7)(C) was not authorized to be in the
2 RCA. Did you ever hear anything about that?

3 (b)(7)(C): Well, yes. I mean
4 (b)(7)(C) -- how to say this nicely -- like everybody,
5 it's a very small site -- well, it's big, but it's the
6 same people for a long time. I did the same thing,
7 I'm like: Who's that. You know, --

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

9 (b)(7)(C): -- and it was (b)(7)(C)

10 (b)(7)(C) And she was going through some personal
11 issues. And so I was like, well, you know, this
12 really isn't an appropriate place to necessarily hang
13 out. And then he said, well, -- so they were making
14 some arrangements so I agreed in the short term to
15 allow her to be up in the trailers and not by the
16 field. Again, you have to be 40-hour trained and all
17 that.

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

19 (b)(7)(C): You know, so the point was
20 that, no, if she's going to hang around the office, if
21 she's administrative function, then fine. But, you
22 know, the field's pretty much, you know, off limits as
23 far as that goes.

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

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

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1 SPECIAL AGENT (b)(7)(C) So -- so (b)(7)(C)
2 went to (b)(7)(C) and (b)(7)(C) brought that issue to you
3 then?

4 (b)(7)(C): No. I just knew (b)(7)(C)
5 was there. And I just was being very clear to
6 everybody that, you know, she doesn't go out in the
7 field.

8 SPECIAL AGENT (b)(7)(C): Okay.
9 (b)(7)(C): Now I'm not saying, you
10 know, the first morning maybe she went out there, but
11 I mean I don't need someone to tell me that untrained
12 people do not go into Rad Control areas.

13 SPECIAL AGENT (b)(7)(C): Okay. (b)(7)(C) also
14 indicated that he informed (b)(7)(C) that (b)(7)(C) told
15 laborers to set up air samples, although they were not
16 qualified to do so. Any knowledge of that?

17 (b)(7)(C): I'm unaware of their being
18 qualifications for air sampling.

19 SPECIAL AGENT (b)(7)(C): Okay. All right.
20 But I mean at no time did --

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

22 SPECIAL AGENT (b)(7)(C): -- did (b)(7)(C) go

23 --
24 (b)(7)(C): Oh, no, the number of the
25 discussion --

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1 SPECIAL AGENT (b)(7)(C) : (b)(7)(C) -- right.
2 (b)(7)(C) never came to you and said: Hey, just to let
3 you know, (b)(7)(C) came to me, --
4 (b)(7)(C) : No.
5 SPECIAL AGENT (b)(7)(C) : -- let me tell you
6 about the --
7 (b)(7)(C) : No.
8 SPECIAL AGENT (b)(7)(C) : -- the laborers
9 setting up air samplers?
10 (b)(7)(C) : No.
11 SPECIAL AGENT (b)(7)(C) : Okay. And what
12 happened with (b)(7)(C), was he laid off?
13 (b)(7)(C) : Yeah. He was probably the
14 (b)(7)(C) compared to Susan. And I forgot to
15 bring a map. I had talked to (b)(7)(C) but we had a --
16 there's (b)(7)(C) radiological -- they're screen guards.
17 Basically they did some more surveys, but they bring
18 soil in these, they spread them out, and they sample
19 them. And there's (b)(7)(C) of them. And basically the
20 Navy decided that they didn't need to fund and operate
21 (b)(7)(C) And so they literally told us to shut down
22 RSY-2. That was where (b)(7)(C) was.
23 And so there was two people. (b)(7)(C) -- him
24 and (b)(7)(C) did the same jobs.
25 SPECIAL AGENT (b)(7)(C) : Um-hum.

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1 (b)(7)(C) : And they were both
 2 qualified. And it just came down to he was the
 3 unfortunate sole that the Navy put out a contract,
 4 says close RSY-2, he was (b)(7)(C) and --
 5 SPECIAL AGENT (b)(7)(C) : That's the sole --
 6 yup.

7 (b)(7)(C) : -- sobeit. He was the
 8 easiest -- that was an easy selection.

9 SPECIAL AGENT (b)(7)(C) : Okay. So he was
 10 laid off for lack of work?

11 (b)(7)(C) : Lack of work.

12 SPECIAL AGENT (b)(7)(C) : Okay. And was
 13 anybody else -- so was Andrews and (b)(7)(C) laid off at

14 (b)(7)(C) ?

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

16 SPECIAL AGENT (b)(7)(C) : Okay. Anybody else
 17 laid off?

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

19 SPECIAL AGENT (b)(7)(C) : And, once again, is

20 (b)(7)(C) -- is he eligible to be rehired at Hunter's
 21 Point?

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

23 SPECIAL AGENT (b)(7)(C) : If --

24 MR. DOUGHERTY: (b)(7)(C) fine.

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

1 about any other Tetra Tech site?

2 (b)(7)(C) Yeah.

3 SPECIAL AGENT (b)(7)(C) : Okay. And, once
4 again, since (b)(7)(C) was laid off, has anyone been
5 hired at Hunter's Point that matched (b)(7)(C)
6 qualifications for the same job title?

7 (b)(7)(C) : No. As a matter of fact,
8 as of December 31st Basewide ended and so the -- (b)(7)(C)
9 and (b)(7)(C) and (b)(7)(C) have all been laid off since
10 then because -- so first year they reduced it, and
11 this year they eliminated it.

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

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

14 SPECIAL AGENT (b)(7)(C) : So who is over at
15 Hunter's Point now?

16 (b)(7)(C) : What do you mean?

17 SPECIAL AGENT (b)(7)(C) : Well, who's --
18 those three folks were laid off in December of 2012.

19 (b)(7)(C) : Um-hum.

20 SPECIAL AGENT (b)(7)(C) : And so who -- what
21 other HP Techs were over there?

22 (b)(7)(C) : Oh, the ones assigned to
23 the projects. In other words, we have a contract to
24 radiologically clear a large six story structure that
25 used to have a radium paint shop and various things in

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1 it. And then we are basically continuing some sewer
2 and storm drain wells which we've been doing for
3 years. We've done 24 miles to date and keep digging
4 them up.

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

6 (b)(7)(C): And so there -- again,
7 people are hired for specific projects. There's
8 people on the building project, there's people on the
9 storm projects, and --

10 SPECIAL AGENT (b)(7)(C): All right. So if
11 that building project, the building that you just
12 described, --

13 (b)(7)(C): Um-hum.

14 SPECIAL AGENT (b)(7)(C): -- let's say
15 tomorrow or Monday they say, 'You know what, we just
16 ran out of money,' --

17 (b)(7)(C): Um-hum.

18 SPECIAL AGENT (b)(7)(C): -- what happens to
19 the people assigned to that project?

20 (b)(7)(C): They are sent home.

21 SPECIAL AGENT (b)(7)(C): Okay. All right.
22 So with (b)(7)(C), obviously he's claiming that, you
23 know, he was discriminated against in the form of
24 being laid off for raising safety concerns. Any --
25 any indication of that?

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

2 SPECIAL AGENT (b)(7)(C) Okay. So it was
3 basically project-driven, money-driven?

4 (b)(7)(C) : Client directed.

5 SPECIAL AGENT (b)(7)(C) : Client-directed
6 driven. Okay.

7 (b)(7)(C) : Yeah. And I guess we're
8 -- you know, as I told (b)(7)(C) we actually have
9 requirements. You know, my -- my performance
10 appraisal, we're required to have safety reports, you
11 know, ZIP -- we call them ZIP slips, every 3,000
12 hours. And we have quarterly drawings. We give
13 people \$150 gift cards for, you know. Look, we're a
14 billion dollar corporation, we're a deep pocket. You
15 know, we want -- you know, we'd rather identify things
16 early. You know we believe in a culture of looking
17 for patterns so you don't wait until someone gets
18 hurt. And so, no. I mean I'll be -- people will be
19 reporting stuff all the time. And these are very
20 large, well funded jobs.

21 SPECIAL AGENT (b)(7)(C) : Um-hum.

22 (b)(7)(C) : And we don't -- and cut
23 corners when it comes to safety. And, to be honest,
24 I'm in downtown San Francisco, cleaning up
25 radiological work. And let's just say I get lots of

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1 assistance from lots of different agencies. And
 2 people are consistently there. And it's just the kind
 3 of job where you don't -- you're not going to cut a
 4 corner. It's just --

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

6 (b)(7)(C): -- way too high
 7 visibility. So, no, safety, quality, all those things
 8 is it right -- that's really -- you're as good as your
 9 reputation. You're generating data. We're a science
 10 project. You know, it's not like I'm building a tower
 11 you can see.

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

13 (b)(7)(C): I mean this is all
 14 subjectrf information. We collect data and, you know,
 15 analyze it, --

16 SPECIAL AGENT (b)(7)(C): Um-hum.

17 (b)(7)(C): -- and make decisions,
 18 recommendations, and so, no, it comes down to a
 19 professional --

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

21 (b)(7)(C): -- being professional.

22 SPECIAL AGENT (b)(7)(C): Since -- since
 23 Andrews and (b)(7)(C), since they were laid off --

24 (b)(7)(C): Um-hum.

25 SPECIAL AGENT (b)(7)(C): -- and since (b)(7)(C)

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1 was, more or less, removed from site, --

2 (b)(7)(C) : Um-hum.

3 SPECIAL AGENT (b)(7)(C) : -- have you -- have
4 they contacted you in any way?

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

6 SPECIAL AGENT (b)(7)(C) : Okay. Never sent
7 you a résumé, never asked for employment, or anything
8 like that?

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

10 SPECIAL AGENT (b)(7)(C) : Okay. What about
11 anybody else at Tetra Tech?

12 (b)(7)(C) : Not that I'm aware of.

13 SPECIAL AGENT (b)(7)(C) : Okay. Any of the
14 -- like what about RSRS, or anything like that?

15 (b)(7)(C) : They probably had a
16 résumé. I mean it was a fairly limited pool of these
17 guys that everyone -- they all know each other.

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

19 (b)(7)(C) So (b)(7)(C) and (b)(7)(C) -- the
20 (b)(7)(C) RSRS were actually Rad Control Techs from New
21 World who worked for Tetra Tech and (b)(7)(C)

22 (b)(7)(C) . And so at one point that --

23 SPECIAL AGENT (b)(7)(C) : Everybody knows
24 about everybody also.

25 (b)(7)(C) : -- (b)(7)(C) and (b)(7)(C) were Rad

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1 Techs, right next to Susan and (b)(7)(C) and these guys back
2 in the day. And so this is all very-incestuous.

3 SPECIAL AGENT (b)(7)(C): Yup, everybody
4 knows everybody.

5 (b)(7)(C): Everybody knows everybody.
6 So, you know, it's --

7 SPECIAL AGENT (b)(7)(C): Okay. And, once
8 again, any knowledge or information that hor- -- I'm
9 sorry -- any knowledge or information that (b)(7)(C) was
10 discriminated against?

11 (b)(7)(C): No.
12 SPECIAL AGENT (b)(7)(C): Okay. Tim,
13 anything?

14 MR. MURPHY: Nothing.

15 (b)(7)(C): And, you know, and that
16 relies on a Rad Tech inside, but I only have one --
17 (b)(7)(C). We have -- as I understand, is
18 (b)(7)(C) -- this -- it's a (b)(7)(C) site, so this is --
19 this is not like (b)(7)(C) was, you know, some lone (b)(7)(C)
20 guy in the middle of this large (b)(7)(C) site. This is
21 a largely -- we are, again, encouraged to hire from
22 the local community and stuff. And so it's --

23 SPECIAL AGENT (b)(7)(C): Okay. All right.
24 (b)(7)(C): So I don't think he was
25 intimidated or felt that -- you know, and again we

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1 also bring things up. There is three foremen. There
2 is a (b)(7)(C) foreman. And so we
3 encourage people -- if, you know, sometimes we are
4 intimidating, you go up through safety. You can go up
5 through your foreman, you can go up through your RSRS.
6 I mean there's --

7 SPECIAL AGENT (b)(7)(C): So there is bunch
8 of avenues to go.

9 (b)(7)(C): There are so many ways
10 that they could basically report stuff. So, you know,
11 and again, if it's a safety issue, if you don't want
12 to be known, just report it. If it's a safety issue
13 we need to address, then we'll address it. Whoever --
14 you know, so if they'd rather go to a foreman, or
15 whoever, I mean there are several ways of getting
16 stuff up to us. It's...

17 SPECIAL AGENT (b)(7)(C): So all right.
18 Anything else regarding (b)(7)(C)? Anything else you
19 can think of?

20 (b)(7)(C): No. We liked (b)(7)(C), no.

21 SPECIAL AGENT (b)(7)(C): Okay. A couple
22 questions and we'll wrap it up.

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

24 SPECIAL AGENT (b)(7)(C): Have I threatened
25 you in any manner?

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

SPECIAL AGENT (b)(7)(C) : Have you been offered any reward in return for the information that you provide to me?

(b)(7)(C) : Not at all.

SPECIAL AGENT (b)(7)(C) : Have you provided the information freely and voluntarily?

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

SPECIAL AGENT (b)(7)(C) : And, once again, anything else you want to add at this time that you can think of?

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

SPECIAL AGENT (b)(7)(C) : Okay. The interview is now concluded, the time is approximately one o'clock. Thanks.

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

(End of interview.)

CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission

Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-019/032/037

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
and thereafter reduced to typewriting under my
direction and that said transcript is a true and
accurate record of the proceedings.

(b)(7)(C)

Official Reporter
Neal R. Gross & Co., Inc.

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EXHIBIT 13

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

INTERVIEW OF : Case Nos. 1-2012-019
(b)(7)(C) : 1-2012-032
-----x 1-2012-037

Friday, January 25, 2013

Fisher & Phillips, LLP
One Embarcadero Center, Suite 2040
San Francisco, California 94111

BEFORE:

(b)(7)(C), Special Agent
U.S. Nuclear Regulatory Commission
Region I, Office of Investigation
2100 Renaissance Boulevard, Suite 100
King of Prussia, Pennsylvania
Telephone: 610-337-5339

FOR TETRA TECH and the WITNESS:

TIMOTHY J. MURPHY, Esq.
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1-2012-019

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EXHIBIT 13
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P R O C E E D I N G S

(9:11 o'clock a.m.)

1
2
3 SPECIAL AGENT (b)(7)(C): Today is January
4 25th, 2013. The time is approximately 11 minutes
5 after 9:00 in the morning. My name is (b)(7)(C).
6 I'm a Special Agent with the Nuclear Regulatory
7 Commission, Office of Investigations, Region I, King
8 of Prussia, Pennsylvania.

9 I have identified myself with my NRC
10 Office of Investigation credentials. And, (b)(7)(C),
11 did you have an opportunity to see my credentials?

12 (b)(7)(C): Yes, I did.

13 SPECIAL AGENT (b)(7)(C): Any objection with
14 taping your testimony?

15 (b)(7)(C): None at all.

16 SPECIAL AGENT (b)(7)(C): This interview is
17 with (b)(7)(C). That's spelled (b)(7)(C). And
18 (b)(7)(C) is a (b)(7)(C) for Tetra

19 Tech. For the record, this interview is being
20 conducted at the Law Offices of Fisher and Phillips,
21 Suite 2050, One Embarcadero --

22 MR. MURPHY: Embarcadero. Embarcadero.

23 SPECIAL AGENT (b)(7)(C): -- okay -- San
24 Francisco, California. This is a noncustodial
25 interview and is being conducted regarding an

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1 allegation that Susan Andrews, (b)(7)(C), and (b)(7)(C)
2 (b)(7)(C) were discriminated against, specifically laid
3 off as a result of raising safety concerns at Hunter's
4 Point.

5 The interview will be conducted under
6 oath.

7 Any objection with providing the
8 information under oath?

9 (b)(7)(C): None at all.

10 SPECIAL AGENT (b)(7)(C): If you can just
11 raise your right hand.

12 (b)(7)(C), WITNESS, SWORN

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

14 SPECIAL AGENT (b)(7)(C): Also present is Mr.
15 Timothy Murphy. Mr. Murphy is a partner with the Law
16 Firm of Fisher and Phillips in San Francisco, where
17 this interview is taking place.

18 And, Mr. Murphy, did you want to put
19 something on the record regarding your representation
20 and any potential for a conflict of interest?

21 MR. MURPHY: Yes. It's my understanding
22 that I was -- that (b)(7)(C) was advised by Tetra Tech
23 of his right to meet with you alone or to have me
24 present, and he requested that I be present at the
25 interview. And I am here representing him as well as

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1 Tetra Tech.

2 If there is a conflict of interest that
3 should arise in the future, which I do not foresee,
4 but if there is a conflict of interest that should
5 arise in the future I will abide by the rules of
6 Professional Conduct of the State Bar of California in
7 working that out.

8 SPECIAL AGENT (b)(7)(C) : Thank you very
9 much.

10 (b)(7)(C) just a couple questions
11 regarding Mr. Murphy's representation. Does Tetra
12 Tech require you to have an attorney present --

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

14 SPECIAL AGENT (b)(7)(C) : -- when you are
15 interviewed by the NRC?

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

17 SPECIAL AGENT (b)(7)(C) : And were you in any
18 way threatened with any adverse action if you did not
19 request counsel?

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

21 SPECIAL AGENT (b)(7)(C) : And you understand
22 that Mr. Murphy also represents the company and
23 possibly other employees?

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

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

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1 understand you have a right to a private interview
2 with me at your convenience?

3 (b)(7)(C): I do. And at some point, Tim,
4 I'm going to ask you to step out of the room, I'm
5 going to speak to (b)(7)(C) alone.

6 MR. MURPHY: And whenever you'd like.

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

8 SPECIAL AGENT (b)(7)(C): All right. And,
9 once again, with everything we just talked about, did
10 you want Mr. Murphy here today?

11 (b)(7)(C): Yes. I -- I'm going to say
12 this. He -- he represents primarily Tetra Tech, okay.
13 My employment situation with Tetra Tech is I'm -- I
14 don't know what it is --

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

16 (b)(7)(C): -- at the moment, so that's
17 what --

18 SPECIAL AGENT (b)(7)(C): Well, yeah, just
19 remember why I'm here. I'm here for the three
20 individuals, --

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

22 SPECIAL AGENT (b)(7)(C): -- Andrews, (b)(7)(C)

23 and (b)(7)(C).

24 (b)(7)(C): I understand. So I'm just
25 letting everybody know that.

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1 MR. MURPHY: If you -- if you at any time
2 want me to step out of the room, I am more than happy
3 to step out of the room. And you are free as always
4 to talk to Mr. -- I take no offense at that
5 whatsoever.

6 (b)(7)(C): I was going to say, Mr.
7 Murphy, with all due respect.

8 MR. MURPHY: Well, and -- and I appreciate
9 that and I take no offense. It is absolutely your
10 right to do so.

11 SPECIAL AGENT (b)(7)(C): Okay. So for right
12 now did you want Mr. Murphy present?

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

14 SPECIAL AGENT (b)(7)(C): Okay. All right.
15 Good.

16 Prior to going on the record I took your
17 bio information. I'll maintain that. Obviously we
18 don't want that on the transcript, for obvious
19 reasons.

20 Regarding Susan Andrews, do you know Susan
21 Andrews?

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

23 SPECIAL AGENT (b)(7)(C): And how do you know
24 her?

25 (b)(7)(C): She worked -- she worked with

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1 me -- she worked for me, I should say, as a Senior
 2 Technician at Tetra Tech from shortly after the time
 3 I was hired -- I was hired, I was elevated to a -- to
 4 a position as (b)(7)(C) which was in (b)(7)(C)
 5 I was made (b)(7)(C) --
 6 SPECIAL AGENT (b)(7)(C) : Okay.
 7 (b)(7)(C) : -- of Basewide Radiological
 8 Support.

9 SPECIAL AGENT (b)(7)(C) : Okay. So, once
 10 again just so I understand, --
 11 (b)(7)(C) : Okay.

12 SPECIAL AGENT (b)(7)(C) : -- so when you
 13 became a (b)(7)(C), she answered to you?

14 (b)(7)(C) : Yes, she did.

15 SPECIAL AGENT (b)(7)(C) : Okay. And what
 16 type of employee was Susan Andrews?

17 (b)(7)(C) : I thought she -- she was a
 18 great employee.

19 SPECIAL AGENT (b)(7)(C) : Okay. Any problems
 20 at all with her?

21 (b)(7)(C) : No. I -- she -- she did her
 22 job exceedingly well. She was a good tech. She -- I
 23 don't recall her ever calling in sick, really. She
 24 was punctual, there every day.

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

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1 (b)(7)(C) : I tried to get her to avoid
2 some of the personnel gossip, rumormill pitfalls but -

3
4 SPECIAL AGENT (b)(7)(C) : Right.

5 (b)(7)(C) : -- that I said, you know, just
6 stick to your job. You do your job so well.

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

8 (b)(7)(C) : Just stick to that.

9 SPECIAL AGENT (b)(7)(C) : Keep your eye on
10 the ball.

11 (b)(7)(C) : Yes, yes.

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

13 (b)(7)(C) : So if I had any issue with her
14 at all, it was -- it was that.

15 SPECIAL AGENT (b)(7)(C) : Okay. And what was
16 her -- what was her title there?

17 (b)(7)(C) : Senior Health Physics
18 Technician.

19 SPECIAL AGENT (b)(7)(C) : Okay. Now was she
20 a Tetra Tech employee?

21 (b)(7)(C) : No. She -- she worked for New
22 World Technologies first and then they lost their --
23 they lost their contract. She -- and then they trans-
24 -- at the end of 2010, if I recall right.

25 Then she became -- then she and -- and

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1 everybody else that had worked for New World
2 Technologies, (b)(7)(C) included, they were then switched
3 over to AWS.

4 SPECIAL AGENT (b)(7)(C) : All World Solutions
5 it was called?

6 (b)(7)(C) : Aleut World Services.

7 SPECIAL AGENT (b)(7)(C) : Oh, is that what it
8 is?

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

10 SPECIAL AGENT (b)(7)(C) : Okay. All right.

11 But they were -- they were still subcontractors --

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

13 SPECIAL AGENT (b)(7)(C) : -- for Tetra Tech?

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

15 SPECIAL AGENT (b)(7)(C) : Okay. And, once
16 again, when she rotated from company to company, were
17 you always her (b)(7)(C)

18 (b)(7)(C) : Yes, I was.

19 SPECIAL AGENT (b)(7)(C) : Okay. Just bear
20 with me for a second.

21 Okay. At one point did Andrews ever
22 approach you about a concern she had at -- is it --
23 Gummole Pier? Does that sound familiar?

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

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

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1 Pier, is that at Hunter's Point?

2 (b)(7)(C) : Yes, it is.

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

4 (b)(7)(C) : It's at -- it's at the -- get
5 my -- my orientation right. It's at the -- it's --
6 it's a very large pier at the southwest portion --

7 SPECIAL AGENT (b)(7)(C) : Um-hum.

8 (b)(7)(C) : -- of Hunter's Point.

9 SPECIAL AGENT (b)(7)(C) : Okay. Apparently
10 Andrews found a post unmanned and reported the
11 incident to you; does that sound familiar?

12 (b)(7)(C) : I'm going back about two plus
13 years here --

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

15 (b)(7)(C) : -- at least.

16 SPECIAL AGENT (b)(7)(C) : Well, let me -- let
17 me give you --

18 (b)(7)(C) : We were -- we were in the
19 process of clearing that pier radiologically.

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

21 (b)(7)(C) : Okay. There had been -- there
22 had been -- there had been a rad posting there. The
23 --

24 SPECIAL AGENT (b)(7)(C) : "Rad" meaning
25 radiation?

1 (b)(7)(C) : Right, right. If I recall,
2 there was a gate, there was -- there was rad rope and
3 a posting across it. During what's officially known
4 as a -- as a decommissioning survey where -- with
5 regard to instrumentation, we scan -- scan a given
6 area, take a few swipes if that's -- if that's called
7 for.

8 Based upon analytical results, we say it's
9 -- it's clear to be deposed.

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

11 (b)(7)(C) : I think we were in the process
12 of doing that. If I recall correctly, the rope was
13 still up; the gate was open.

14 SPECIAL AGENT (b)(7)(C) : Um-hum.

15 (b)(7)(C) : Okay. She had an issue with
16 it. I said I -- if I recall, I did not because there
17 was still a rope across that gate.

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

19 (b)(7)(C) : Okay. So I -- I think whoever
20 was there, they had just left for a moment, or
21 something, but they -- they strung the rope across the
22 gate.

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

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

25 SPECIAL AGENT (b)(7)(C) : But I mean she

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1 brought that concern forward to you?

2 (b)(7)(C): If I recall, she did, yes.

3 SPECIAL AGENT (b)(7)(C): Okay. And did she
4 report to anyone else, like Bert Bower; do you know?

5 (b)(7)(C): I don't know.

6 SPECIAL AGENT (b)(7)(C): Okay. And as a
7 result of -- as a result of her bringing that concern
8 to you, --

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

10 SPECIAL AGENT (b)(7)(C): -- and I think you
11 already answered this, what did you do?

12 (b)(7)(C): I said it wasn't an issue.
13 And I don't recall who was out there, but there was
14 someone back there presently. I think they may have
15 just gone to the restroom, or something. And I said
16 it's -- they -- they -- it was still -- it was still
17 posted.

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

19 (b)(7)(C): I had no issue with that, so,
20 yeah.

21 SPECIAL AGENT (b)(7)(C): Okay. So she
22 brought it forward to you, --

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

24 SPECIAL AGENT (b)(7)(C): -- and you made
25 your decision everything was okay?

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

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

And then moving forward here, in approximately (b)(7)(C)

(b)(7)(C) apparently there is an individual out there by the name of (b)(7)(C), --

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

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

Now who was that?

(b)(7)(C) : (b)(7)(C) is currently a

(b)(7)(C) at Hunter's Point.

SPECIAL AGENT (b)(7)(C) : Okay. And is she

-- is there some type of a (b)(7)(C) out there that

I need to know about between (b)(7)(C) and another

individual? Is there a (b)(7)(C) out there?

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

SPECIAL AGENT (b)(7)(C) : Okay. Who's the --

who is (b)(7)(C)

(b)(7)(C) : That would be (b)(7)(C)

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

apparently (b)(7)(C), according to Andrews, told a

bin driver -- a bin driver, I'm assuming, is a truck

driver with the bin on the back, correct?

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

SPECIAL AGENT (b)(7)(C) : Okay. -- to go

into the RCA. RCA is a radiologically-controlled

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1 area, --

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

3 SPECIAL AGENT (b)(7)(C) : -- right? Okay.

4 -- and take a binful of contaminated
5 material?

6 (b)(7)(C) : Yes. And it was actually an

7 RCA RMA.

8 SPECIAL AGENT (b)(7)(C) : Okay. What are

9 RMA?

10 (b)(7)(C) : Okay. A radioactive-material

11 area, which that -- which that -- which that area was
12 by virtue of the bin being there filled with
13 radioactive material..

14 SPECIAL AGENT (b)(7)(C) : So the RMA is
15 inside the RCA?

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

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

18 (b)(7)(C) : It was -- yeah, any -- any
19 area designated as an RMA is, by virtue of that fact,
20 inside of an RCA.

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

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

23 SPECIAL AGENT (b)(7)(C) Did she -- did
24 Andrews bring this to your attention?

25 (b)(7)(C) : Yes, she did.

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1 SPECIAL AGENT (b)(7)(C) : Okay. And what did
2 she say to you regarding this incident?

3 (b)(7)(C) : She said a bin truck driver
4 had been allowed, without a tech being present, to
5 take -- to take -- to take a bin off an RCA -- an RMA.

6 SPECIAL AGENT (b)(7)(C) : Okay. Now what's
7 -- once again, I don't know all the --

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

9 SPECIAL AGENT (b)(7)(C) : Is there something
10 wrong with that?

11 (b)(7)(C) : Yes, there is. Okay. A bin
12 truck driver is not authorized to do that. He has to
13 be scanned out. The bin has to be scanned out as he's
14 pulling it out. He actually went inside of an area
15 that had been roped off --

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

17 (b)(7)(C) : -- as an RCA, RMA. And he was
18 allowed to go inside. He -- had -- he was told he
19 could go inside and get the bin.

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

21 (b)(7)(C) : Okay. I wrote them up.

22 SPECIAL AGENT (b)(7)(C) : Okay. So you wrote
23 who up?

24 (b)(7)(C) : I wrote -- I was -- (b)(7)(C)
25 (b)(7)(C) gave -- gave (b)(7)(C) permission to do this,

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1 and I -- I --

2 SPECIAL AGENT (b)(7)(C) : Okay. Well, hold
3 -- yeah, hold this back. Let's backtrack a little
4 bit.

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

6 SPECIAL AGENT (b)(7)(C) : You said you wrote
7 them up. Who's "them"?

8 (b)(7)(C) : I -- I take that back. I
9 wrote -- I wrote (b)(7)(C) up because although --

10 SPECIAL AGENT (b)(7)(C) : You mean (b)(7)(C)
11 (b)(7)(C) ?

12 (b)(7)(C) : Although (b)(7)(C) and (b)(7)(C)

13 (b)(7)(C), even though -- they -- they acted on
14 instructions from (b)(7)(C) (b)(7)(C) told them they could
15 go -- (b)(7)(C) gave them permission to let (b)(7)(C)

16 (b)(7)(C) - the driver's name -- go inside and get
17 this bin.

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

19 MR. (b)(7)(C) Okay. So I didn't write them
20 up. I wrote (b)(7)(C) up.

21 SPECIAL AGENT (b)(7)(C) : Okay. All right.
22 So, once again this is backtracking a little bit --

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

24 SPECIAL AGENT (b)(7)(C) : -- so we make sure
25 we understand here.

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1 Okay. So Andrews approached you --

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

3 SPECIAL AGENT (b)(7)(C) : -- with this
4 concern?

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

6 SPECIAL AGENT (b)(7)(C) : Okay. And it
7 sounds like in your opinion it was a valid concern?

8 (b)(7)(C) : Not in my opinion, by the QC
9 plan, it's --

10 SPECIAL AGENT (b)(7)(C) : Okay. All right.

11 (b)(7)(C) : -- it's -- yeah. Okay.

12 SPECIAL AGENT (b)(7)(C) : Well, and as a
13 result of that you wrote up (b)(7)(C) ?

14 (b)(7)(C) : Yes, I did.

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

16 (b)(7)(C) : Because he gave them
17 permission to do it.

18 SPECIAL AGENT (b)(7)(C) : Okay. And, I'm
19 just curious, whatever happened? As a result of him
20 being written up, whatever happened?

21 (b)(7)(C) : I wrote -- I wrote a
22 deficiency notice.

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

24 (b)(7)(C) : Okay. That's -- that -- I
25 don't know what happens after that. I wrote -- I

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1 wrote a deficiency notice. I gave that to -- I
2 submitted that to (b)(7)(C), who is the -- the

3 (b)(7)(C) --

4 SPECIAL AGENT (b)(7)(C): Okay. So --

5 (b)(7)(C): -- on the site.

6 SPECIAL AGENT (b)(7)(C) Right. So, once
7 again, this concern that Andrews brought forward in
8 your opinion was valid?

9 (b)(7)(C): Yes, it was.

10 SPECIAL AGENT (b)(7)(C): Okay. Moving
11 forward here, did -- did Andrews ever approach you to
12 report that (b)(7)(C) brought her (b)(7)(C) onsite?

13 (b)(7)(C): Yes, she did.

14 SPECIAL AGENT (b)(7)(C): Okay. And what did
15 she say to you? And I think her (b)(7)(C) was
16 (b)(7)(C)?

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

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

19 (b)(7)(C): She said that -- actually it
20 wasn't just Susan, (b)(7)(C) also told me, that --
21 that she was on the site and she was handling samples
22 and she had gone inside of the sample prep lab.

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

24 (b)(7)(C): Okay. And --

25 SPECIAL AGENT (b)(7)(C): Now what's wrong

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1 with that?

2 (b)(7)(C) : (b)(7)(C) has -- (b)(7)(C)

3 (b)(7)(C) not an employee.

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

5 (b)(7)(C) Has -- didn't have HAZWOPER

6 training, didn't have any Real Live Score training, or

7 anything. And I was told by both (b)(7)(C) and Ms.

8 Andrews that. And --

9 SPECIAL AGENT (b)(7)(C) : Did she have

10 dosimetry?

11 (b)(7)(C) : And she had no dosimetry.

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

13 there was a bunch of issues there?

14 (b)(7)(C) : A bunch of issues.

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

16 (b)(7)(C) : I -- (b)(7)(C) was gone. I

17 was (b)(7)(C) at that particular time as (b)(7)(C)

18 -- I was (b)(7)(C) in (b)(7)(C) stead as (b)(7)(C)

19 (b)(7)(C) there onsite.

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

21 the (b)(7)(C)

22 (b)(7)(C) : Yes. That's --

23 SPECIAL AGENT (b)(7)(C) : And you are onsite,

24 correct?

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

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(b)(7)(C)

1

(b)(7)(C)

2

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

3

(b)(7)(C)

-- who is (b)(7)(C), but I

4

was (b)(7)(C) in his stead --

(b)(7)(C)

5

SPECIAL AGENT (b)(7)(C) Got it.

6

(b)(7)(C)

-- on that -- on that day.

7

SPECIAL AGENT (b)(7)(C) Okay. All right.

8

So, once again, she brings forward the issue about

9

(b)(7)(C)

being on, and you -- you

10

indicated there were numerous issues regarding her

11

being onsite?

12

(b)(7)(C)

: Um-hum.

13

SPECIAL AGENT (b)(7)(C) Okay. And whatever

14

-- regarding that issue, whatever happened?

15

(b)(7)(C)

I went to (b)(7)(C) and I -- I

16

said: (b)(7)(C), a bunch of stuff wrong here. (b)(7)(C)

17

needs to be in the office, --

18

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

19

(b)(7)(C)

: -- period, and not the issue.

20

She needs to be in the office or she needs to be gone

21

from the site.

22

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

23

(b)(7)(C)

She can't be out and about.

24

She can't be handling samples. She can't be doing any

25

of this stuff. She's not trained for it. I said we'd.

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1 be opened up to a tremendous liability here.

2 SPECIAL AGENT (b)(7)(C) : Okay. And what was
3 -- what was his response?

4 (b)(7)(C) : He said okay.

5 SPECIAL AGENT (b)(7)(C) : All right. Now let
6 me ask you question. In the nuclear world they have
7 things called condition reports. Basically if you see
8 something, you report it.

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

10 SPECIAL AGENT (b)(7)(C) : Okay. Do they have
11 the same thing in -- at Hunter's Point? Like if you
12 see like a safety issue or if you see a concern, I
13 think you referred to something, a deficiency report?

14 (b)(7)(C) : A deficiency.

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

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

17 SPECIAL AGENT (b)(7)(C) : All right. And I
18 guess another question is if you don't get
19 satisfaction, can you -- is there a Navy point of
20 contact that you could contact, is there someone who
21 handles the contract?

22 So, in other words, Tetra Tech is the
23 contractor --

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

25 SPECIAL AGENT (b)(7)(C) : -- and there's

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1 subcontractors. There's got to be someone in the Navy
2 side that handles the contract or a safety rep onsite,
3 or... How does that work?

4 (b)(7)(C): From a quality-control
5 standpoint and likewise from safety standpoint, we had
6 the Res- -- the Resident Officer of -- is in charge of
7 construction. For approximately (b)(7)(C) I was also
8 the (b)(7)(C), --

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

10 (b)(7)(C): -- as well as the (b)(7)(C)
11 (b)(7)(C) for -- for nearly (b)(7)(C)

12 SPECIAL AGENT (b)(7)(C): Okay. But this is
13 with -- this is with Tetra Tech, though?

14 (b)(7)(C): This is Tetra Tech. Same --

15 SPECIAL AGENT (b)(7)(C): I'm talking --

16 (b)(7)(C): Same -- same deal, but -- but
17 what I'm saying our -- the counterpart to quality
18 control for Tetra Tech --

19 SPECIAL AGENT (b)(7)(C): Um-hum.

20 (b)(7)(C): -- are the Resident Officers
21 in Charge of Construction, the ROCCs.

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

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

24 SPECIAL AGENT (b)(7)(C): Right. And they're
25 Navy?

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1 [REDACTED] (b)(7)(C) : They're Navy.

2 SPECIAL AGENT [REDACTED] (b)(7)(C) : Right.

3 [REDACTED] (b)(7)(C) : Okay. So they handle these
4 issues. They review -- they and the Remedial Project
5 Manager for the -- for the Navy for that, whoever is
6 assigned to, is [REDACTED] (b)(7)(C) and this -- for us at
7 that time.

8 SPECIAL AGENT [REDACTED] (b)(7)(C) : Right.

9 [REDACTED] (b)(7)(C) : They review any safety issues
10 or quality-control issues --

11 SPECIAL AGENT [REDACTED] (b)(7)(C) : Okay.

12 [REDACTED] (b)(7)(C) : -- that -- that may occur with
13 Tetra Tech or a Tetra Tech contractor.

14 SPECIAL AGENT [REDACTED] (b)(7)(C) : So I guess my
15 question is: Would you -- could you feel comfortable
16 -- at Hunter's Point if you weren't getting
17 satisfaction from Tetra Tech, would you feel
18 comfortable going to the -- to the Navy side of the
19 house and say, 'Hey, I brought this forward. It's not
20 getting done. Just FYI. This is your contract.
21 Ultimately you're responsible'?

22 [REDACTED] (b)(7)(C) : As -- wouldn't do it. I would
23 -- I would -- I would trust -- I would trust those --

24 those individuals. It would be [REDACTED] (b)(7)(C) -- [REDACTED] (b)(7)(C)

25 [REDACTED] (b)(7)(C) who for Tetra Tech is a -- is a [REDACTED] (b)(7)(C)

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1 (b)(7)(C) --

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

3 (b)(7)(C) : -- he's (b)(7)(C)

4 (b)(7)(C) and (b)(7)(C) who is the (b)(7)(C)

5 (b)(7)(C) . I would -- I would file any

6 incidents I observed with -- documented -- observed

7 and documented with them, and let them handle it.

8 SPECIAL AGENT (b)(7)(C) : Okay. So you keep

9 it inhouse then?

10 (b)(7)(C) : Yes, absolutely.

11 SPECIAL AGENT (b)(7)(C) : Okay. All right.

12 So, anyways, getting back to (b)(7)(C)

13 (b)(7)(C) there's a bunch of issues. You go back; you

14 talk to (b)(7)(C) ?

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

16 SPECIAL AGENT (b)(7)(C) : And I think you

17 said that he said that he would take care of it?

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

19 SPECIAL AGENT (b)(7)(C) : Okay. Was it taken

20 care of?

21 (b)(7)(C) : Yes. It was at that point in

22 time.

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

24 (b)(7)(C) : Okay. Then she was back

25 onsite again, but -- and -- but she wasn't -- she

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1 wasn't going into -- she was going into any
2 radiologically-impacted areas.

3 SPECIAL AGENT (b)(7)(C) : Where was she
4 going?

5 (b)(7)(C) : She was with her -- she was
6 out there with (b)(7)(C), out there in areas that were not
7 radiologically impacted.

8 SPECIAL AGENT (b)(7)(C) : And (b)(7)(C), how
9 old is she?

10 (b)(7)(C) : I would assume her to be in
11 her early (b)(7)(C)

12 SPECIAL AGENT (b)(7)(C) : So it's not like
13 she's a child, or anything like that, right?

14 (b)(7)(C) : No, she's not.

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

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

17 SPECIAL AGENT (b)(7)(C) : All right. Another
18 incident here. Did Andrews ever approach you and say
19 that (b)(7)(C) once again (b)(7)(C) was not
20 allowed to be in the lab, she was unauthorized to be
21 in the lab?

22 (b)(7)(C) : She was not authorized to be
23 in the lab.

24 SPECIAL AGENT (b)(7)(C) : Right. But did
25 Andrews approach you on that?

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1 (b)(7)(C) Well, she told me she was in
2 the lab.

3 SPECIAL AGENT (b)(7)(C) : Who did, Andrews
4 did?

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

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

7 (b)(7)(C) : Andrew- -- Susan and (b)(7)(C)
8 (b)(7)(C) they both told me.

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

10 (b)(7)(C) : (b)(7)(C) is one of my --
11 he's also a (b)(7)(C).

12 SPECIAL AGENT (b)(7)(C) : Right. Is that
13 (b)(7)(C) ?

14 (b)(7)(C) : (b)(7)(C) -- (b)(7)(C) -- I
15 think it's -- I think --

16 SPECIAL AGENT (b)(7)(C) : No, let --

17 (b)(7)(C) : -- his first name is with a --
18 (b)(7)(C).

19 SPECIAL AGENT (b)(7)(C) Yeah. No, last
20 name. Last name.

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

22 SPECIAL AGENT (b)(7)(C) : Okay. All right.

23 But Andrews approached you about (b)(7)(C) being not
24 permitted in the lab, that she was in the lab?

25 (b)(7)(C) : She told me she was in the

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1 lab. She was carrying samples into the lab. And of
 2 course I -- she's not authorized to carry samples;
 3 she's not authorized to be in the lab; she's not
 4 authorized to be doing any of that.

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

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

7 SPECIAL AGENT (b)(7)(C) : Did Andrews ever
 8 come to you and say that (b)(7)(C) tried to stop

9 (b)(7)(C) from bringing (b)(7)(C) into the RCA?

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

11 SPECIAL AGENT (b)(7)(C) : Do you want me to
 12 repeat that?

13 Did Andrews ever come to you and tell you
 14 that (b)(7)(C), who is a Tetra Tech employee, --

15 (b)(7)(C) : I do not recall.

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

17 (b)(7)(C) : I don't.

18 SPECIAL AGENT (b)(7)(C) : All right. What is
 19 a ZIP slip?

20 (b)(7)(C) : Zero Incident Program slip.

21 You -- you see something that needs to be fixed, you
 22 write it -- you put it on a ZIP slip. And this is
 23 just to get everybody onboard with -- with safety. If
 24 you see someone doing a good job, you put that in your
 25 ZIP slip, say: --

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1 SPECIAL AGENT (b)(7)(C) : So --
2 (b)(7)(C) -- hey, this person did this
3 thing. So -- so it goes both ways. So if you --
4 SPECIAL AGENT (b)(7)(C) : So positive or
5 negative?
6 (b)(7)(C) : Yes, yes.
7 SPECIAL AGENT (b)(7)(C) : Okay. Did Andrews
8 ever write a ZIP slip indicating that (b)(7)(C) and
9 (b)(7)(C) were in the truck smoking when they shouldn't
10 have been?
11 (b)(7)(C) : I don't recall --
12 SPECIAL AGENT (b)(7)(C) : Okay.
13 (b)(7)(C) -- her telling me this, but I
14 had some conversation with some people smoking about
15 -- in places where they shouldn't be smoking.
16 SPECIAL AGENT (b)(7)(C) : Right. But did
17 Andrews ever tell you about --
18 (b)(7)(C) : I don't recall her ever --
19 SPECIAL AGENT (b)(7)(C) : Okay.
20 (b)(7)(C) : -- coming to me and saying
21 that.
22 SPECIAL AGENT (b)(7)(C) : That's fine.
23 (b)(7)(C) : Okay.
24 SPECIAL AGENT (b)(7)(C) : Did Andrews ever
25 approach you and inform you that (b)(7)(C) told (b)(7)(C)

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1 (b)(7)(C) -- now I'm assuming he's a
2 Tetra Tech employee --

3 MR. MURPHY: I'm sorry. Could you spell
4 that name again? I --

5 SPECIAL AGENT (b)(7)(C) Yeah.
6 (b)(7)(C)

7 MR. MURPHY: Thank you.

8 (b)(7)(C): He is -- (b)(7)(C) is not
9 a Tetra Tech employee. (b)(7)(C) is a (b)(7)(C)
10 called a (b)(7)(C), employed -- what's the
11 name of the company -- RSRS, but --

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

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

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

15 (b)(7)(C): Radiation and Remedial
16 Services, whatever it's called.

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

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

19 SPECIAL AGENT (b)(7)(C): Okay. Let me just
20 get back to it.

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

22 SPECIAL AGENT (b)(7)(C): Did Andrews ever
23 approach you and inform you that (b)(7)(C) told (b)(7)(C)
24 to release the survey?

25 (b)(7)(C): What survey?

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1 SPECIAL AGENT (b)(7)(C) Let's see here.
2 Apparently (b)(7)(C) was not authorized to release the
3 survey.

4 (b)(7)(C) I'd have to -- I'd have to
5 know more about the context of that.

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

7 (b)(7)(C) I have no idea what that
8 means.

9 SPECIAL AGENT (b)(7)(C) : Okay. But that
10 doesn't sound familiar?

11 (b)(7)(C) That doesn't sound familiar.

12 SPECIAL AGENT (b)(7)(C) : Okay. Did Andrews
13 ever approach you about trucks were leaving the site
14 without using the appropriate portal monitor? And
15 what is a portal monitor and its purpose?

16 (b)(7)(C) : A portal monitor is a
17 stationary -- a stationary gamma detector that is, so
18 to speak, -- that is our, quote-unquote, last line of
19 defense for trucks leaving -- leaving the site.

20 SPECIAL AGENT (b)(7)(C) : Um-hum.

21 (b)(7)(C) : Okay. If a truck with
22 material -- if a truck that -- that supposedly has
23 clean material, has not -- has material that are below
24 our contamination limits --

25 SPECIAL AGENT (b)(7)(C) : Um-hum.

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1 (b)(7)(C) -- we run them through the
2 por- -- we run those trucks through the portal monitor
3 to make sure that that is indeed the case.

4 SPECIAL AGENT (b)(7)(C) : Okay. So
5 essentially they scan the vehicle to make sure that
6 the limits are low?

7 (b)(7)(C) Right. It runs through a
8 stationary -- it's a stationary gamma detector, okay.
9 And trucks run through -- run through this detector,
10 and there's a protocol for them being clear. If they
11 -- if they -- if they fail the protocol, then we
12 initiate further action. We'll -- we'll hand scan
13 them, or have them dump the load, or whatever it may
14 be.

15 But all trucks exiting the site with
16 material that -- that has been deemed uncontaminated,
17 --

18 SPECIAL AGENT (b)(7)(C) : Um-hum.

19 (b)(7)(C) -- they have to go through to
20 -- they have to go through the portal monitor to make
21 sure that that is indeed the case.

22 SPECIAL AGENT (b)(7)(C) : Okay. So did
23 Andrews ever approach you and tell you that trucks
24 were leaving the site without using that portal
25 monitor?

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1 (b)(7)(C) She never came to me and told
2 me that.

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

4 (b)(7)(C) One of my primary jobs as --
5 as (b)(7)(C) is to
6 make sure that that -- that that is happening.

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

8 (b)(7)(C) Okay. So -- so there are
9 trucks that do leave the site --

10 SPECIAL AGENT (b)(7)(C) Um-hum.

11 (b)(7)(C) -- without going through the
12 portal monitor. And these are trucks that -- that
13 have -- that have low level radioactive waste in them.
14 So we know that they contain -- contain contaminated
15 material.

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

17 (b)(7)(C) Those trucks don't go through
18 the portal monitor, so maybe this is what she
19 observed.

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

21 (b)(7)(C) Okay.

22 SPECIAL AGENT (b)(7)(C) All right. Because
23 you already know what's in there.

24 (b)(7)(C) We know what's in there. We
25 know it contains contaminated material, and it's being

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1 taken to a landfill.

2 SPECIAL AGENT (b)(7)(C) Okay. Any of the
3 issues that we just talked about, where Andrews came
4 to you and you were her (b)(7)(C) where
5 she came to you and she told you about these concerns,
6 --

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

8 SPECIAL AGENT (b)(7)(C) -- did you ever
9 notify (b)(7)(C) or (b)(7)(C) about those concerns?

10 (b)(7)(C) Well, we noted the one -- we
11 noted the concerns that I notified (b)(7)(C) about.

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

13 (b)(7)(C) We discussed those, --

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

15 (b)(7)(C) -- especially the ones
16 involving his (b)(7)(C) --

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

18 (b)(7)(C) -- okay.

19 SPECIAL AGENT (b)(7)(C) All right. So --

20 so she approached -- Andrews approached you --

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

22 SPECIAL AGENT (b)(7)(C): -- and you told

23 (b)(7)(C)?

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

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

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

2 SPECIAL AGENT (b)(7)(C) Any of the other
3 ones?

4 (b)(7)(C) : Yes. I -- I either -- I wrote
5 deficiency notices --

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

7 (b)(7)(C) -- or I took care of those
8 issues myself.

9 SPECIAL AGENT (b)(7)(C) : Okay. All right.
10 And the one deficiency notice was regarding the bin
11 driver?

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

13 SPECIAL AGENT (b)(7)(C) Okay. And
14 obviously (b)(7)(C) knew about it because it was based --
15 it was -- you wrote it against him?

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

17 SPECIAL AGENT (b)(7)(C) : Okay. All right.
18 Did you ever tell Andrews that she wouldn't get laid
19 off because she was a Senior HP Tech?

20 (b)(7)(C) No.

21 SPECIAL AGENT (b)(7)(C) : Okay. Just to kind
22 of refresh your memory here, according to Andrews in
23 December of 2011 she -- she is indicating that you
24 told her and (b)(7)(C) that you were being laid
25 off?

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1 (b)(7)(C) I told -- I told them both
2 they were being laid off.

3 SPECIAL AGENT (b)(7)(C) : Okay. But
4 according to Andrews she said that you were told --
5 you told her that she would never be laid off because
6 she's a Senior HP Tech?

7 (b)(7)(C) I never told her that.

8 SPECIAL AGENT (b)(7)(C) : Okay. Did you ever
9 tell her that once RSY-2 -- I'm assuming that's
10 another project at Hunter's Point --

11 (b)(7)(C) No, no. It's not a project in
12 and of itself.

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

14 (b)(7)(C) : It's a radiological-screening
15 yard.

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

17 (b)(7)(C) And I'm going to explain the
18 process very briefly.

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

20 (b)(7)(C) The most of what Tetra Tech
21 does on that site is to excavate sedentary sewer and
22 storm drain, okay. The soil that -- the soil that
23 surrounds the excavated pipe is then transferred to an
24 RSY, a radiological-screening yard, --

25 SPECIAL AGENT (b)(7)(C) : Um-hum.

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1 (b)(7)(C) -- to -- to -- then it is
2 decided through sampling -- sampling and
3 instrumentation results whether that soil is -- one,
4 it goes to a bin, like we just -- to -- to be taken to
5 a landfill site or, if it's chemically-impacted, it
6 will be taken away by another subcontractor to a site
7 for chemically-impacted waste --

8 SPECIAL AGENT (b)(7)(C) Um-hum.

9 (b)(7)(C) -- or it goes to a cleaning
10 location --

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

12 (b)(7)(C) -- to be -- to be used as
13 backfill when that -- when that particular ditch is
14 filled.

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

16 (b)(7)(C) Okay.

17 SPECIAL AGENT (b)(7)(C) So with the -- with
18 the RSY-2, --

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

20 SPECIAL AGENT (b)(7)(C) -- did you ever
21 tell her that once that project or that work site
22 opened up, that she would be brought back?

23 (b)(7)(C) No, I didn't tell her that.

24 I said bas- -- that was -- that was not her job. That
25 was -- (b)(7)(C) was -- (b)(7)(C) was the tech at --

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

2 (b)(7)(C) : Yes. -- at RSY-2.

3 The reason I had to -- and I did
4 everything I could to keep both of them, both -- both
5 good techs, but -- but RSY-2 was being -- was -- the
6 Basewide contract was cut back dollar- -- dollarwise.
7 And I was told two techs had to go. I was told (b)(7)(C)
8 would definitely be going.

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

10 (b)(7)(C) : Okay. And keep -- keep in
11 mind at this point in time -- at this point in time I
12 had -- as far as Basewide -- as far as strictly
13 Basewide, and that's not screening activities but
14 Basewide --

15 SPECIAL AGENT (b)(7)(C) : Um-hum.

16 (b)(7)(C) -- activities, I had a Senior
17 (b)(7)(C) named (b)(7)(C) and I had Susan. (b)(7)(C)
18 was also somewhat under (b)(7)(C) but she -- but
19 he was more working for (b)(7)(C) being
20 his (b)(7)(C)

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

22 (b)(7)(C) : Okay. And I was -- I was told
23 that -- but (b)(7)(C) not a (b)(7)(C) I am. So
24 -- and RSY-2 was part of the Basewide contract at that
25 time. So it was left to me to inform (b)(7)(C) that he

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1 was going to be laid off because RSY-2 was going to be
2 closed.

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

4 (b)(7)(C): And, furthermore, I was going
5 to lose one tech --

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

7 (b)(7)(C): -- because of cutbacks to the
8 Basewide contract.

9 SPECIAL AGENT (b)(7)(C) Okay. So you let

10 (b)(7)(C) know --

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

12 SPECIAL AGENT (b)(7)(C) -- and you let
13 Andrews know?

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

15 SPECIAL AGENT (b)(7)(C) Okay. But, once
16 again, did you ever tell Andrews that once this --
17 this RSY-2 opens up, she's going to get brought back?

18 (b)(7)(C) No, I didn't say that. I said
19 -- I said if we should get funding again -- because
20 RSY-2 I really had no say over. I said if we should
21 get funding again and I can get -- and I can get
22 funding again for another tech for -- for another
23 tech, for the Basewide functions that don't include
24 screening yards, --

25 SPECIAL AGENT (b)(7)(C) Um-hum.

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1 (b)(7)(C) : -- I'd be happy to hire her
2 back.

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

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

5 SPECIAL AGENT (b)(7)(C) But you never
6 promised her a job?

7 (b)(7)(C) : No. No, I didn't.

8 SPECIAL AGENT (b)(7)(C) Okay. All right.
9 Changing gears here a little bit.

10 Do you know (b)(7)(C) and (b)(7)(C)
11 of Radiological Survey and Remedial Services? And I
12 think they're headquartered in (b)(7)(C)

13 (b)(7)(C) I have no idea
14 who that is. (b)(7)(C) I do.

15 SPECIAL AGENT (b)(7)(C) Okay. All right.
16 We'll stick with (b)(7)(C) then.

17 (b)(7)(C) Okay.

18 SPECIAL AGENT (b)(7)(C) All right. Did you
19 ever talk to him about possibly getting work for
20 Andrews at a Tetra Tech site in Alameda, California?

21 (b)(7)(C) I talked to both him and I
22 talked to (b)(7)(C) who is (b)(7)(C)

23 (b)(7)(C)

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

25 (b)(7)(C) , I have no idea

1 who that is. But as far as -- as far as -- as to my
2 knowledge, the two individuals that -- that ran RSRS
3 were (b)(7)(C) and (b)(7)(C)

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

5 (b)(7)(C) And I spoke to them both about
6 -- I tried to get both (b)(7)(C) and Susan employment
7 over at Alameda.

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

9 (b)(7)(C) Okay.

10 SPECIAL AGENT (b)(7)(C) And what happened
11 with that?

12 (b)(7)(C) It -- it didn't -- it didn't
13 happen as far as I know. I --

14 SPECIAL AGENT (b)(7)(C) Why?

15 (b)(7)(C) went back home. He's
16 from -- he's from (b)(7)(C) I believe. So he just
17 said, well, I'm not sticking around. I'm going back
18 home.

19 I tried to -- I told Susan to forward her
20 -- her résumé to RSRS.

21 SPECIAL AGENT (b)(7)(C) Um-hum.

22 (b)(7)(C) I knew they were starting up
23 something over there. I -- I heard a lot -- I heard
24 a lot of things about this because I asked -- I asked
25 them. I asked -- I asked (b)(7)(C) and -- and (b)(7)(C)

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1 (b)(7)(C) I said, "Have you guys heard anything from
2 Susan Andrews."

3 SPECIAL AGENT (b)(7)(C) Um-hum.

4 (b)(7)(C) And they said no. They hadn't
5 gotten a résumé, hadn't gotten anything from her.

6 So I contacted Susan. I said, "Well, you
7 know they say they hadn't gotten anything from you."

8 SPECIAL AGENT (b)(7)(C) : Um-hum.

9 (b)(7)(C) And -- and she said -- well,
10 she said she had talked to them.

11 I said, "Well, Susan, did you give them a
12 résumé," if I recall right. She said, no, she hadn't.

13 I said, "Well, I suggest you do that."

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

15 (b)(7)(C) And, for whatever reason, it
16 didn't work out. I don't know specifics, --

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

18 (b)(7)(C) -- okay, why she wasn't hired
19 at Alameda. I don't know.

20 SPECIAL AGENT (b)(7)(C) Okay. Did you ever
21 talk to (b)(7)(C) or (b)(7)(C) after that? I mean did
22 you ever like, you know, close the circle and did you
23 ever see them at a later time and did they --

24 (b)(7)(C) I did. I asked and they said
25 -- they said there was -- they indicated to me that

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1 there was some delay on her part and they went ahead
2 and hired some other techs.

3 SPECIAL AGENT (b)(7)(C) Okay. So no
4 positions available?

5 (b)(7)(C): So no position was available
6 for her.

7 SPECIAL AGENT (b)(7)(C) Okay. Do you think
8 they were -- you think they were being honest?

9 (b)(7)(C): I was not sure they were being
10 honest or not. I -- I had my suspicions, I'll be
11 honest about that.

12 SPECIAL AGENT (b)(7)(C): Any -- any proof of
13 that, though?

14 (b)(7)(C): No, no proof. So I really
15 couldn't speak to that.

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

17 (b)(7)(C) But, you know, I was like,
18 well, okay, guys, you know, what's going on.

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

20 (b)(7)(C) And...

21 SPECIAL AGENT (b)(7)(C) All right.

22 (b)(7)(C) Okay.

23 SPECIAL AGENT (b)(7)(C) And, I'm just
24 curious, has Andrews -- has Andrews been brought back
25 to Hunter's Point?

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1 (b)(7)(C) No.

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

3 just real quickly, why was she laid off?

4 (b)(7)(C) Actually that was my decision

5 to make. And I had -- I had -- I had a choice between

6 (b)(7)(C) and Susan Andrews. I chose (b)(7)(C).

7 SPECIAL AGENT (b)(7)(C) To keep?

8 (b)(7)(C) To keep.

9 SPECIAL AGENT (b)(7)(C) Why?

10 (b)(7)(C) has approximately (b)(7)(C)

11 years as a technician in power plants.

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

13 (b)(7)(C) (b)(7)(C) years.

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

15 (b)(7)(C) And he's -- he was already a

16 tech at -- he was already a (b)(7)(C) for

17 Basewide. When I became (b)(7)(C) he had been

18 there longer than I had as (b)(7)(C) I had -- it

19 was -- it was pretty much a no-brainer. He's -- he's

20 an exceptional technician.

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

22 (b)(7)(C) Okay. Self-starter. And it

23 was a very difficult decision because they were both

24 excellent techs. It -- it was tough, okay, because I

25 wanted to keep them both. I did everything I can to

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1 keep them both. I did everything to keep Susan. I
2 did everything -- I wanted her to go over to the
3 Alameda site because -- since I was acting in my own
4 self-interest, I could call her back when --

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

6 (b)(7)(C) : -- when -- when the -- when
7 the -- well, when we're given funding for another tech
8 -- which did happen. Okay, eventually I did -- I did
9 have two techs. I got another tech back for Basewide.
10 It eventually did happen.

11 SPECIAL AGENT (b)(7)(C) : And when -- when
12 did that occur?

13 (b)(7)(C) : I got -- let's see, I was
14 allowed to hire -- I was allowed to -- to get (b)(7)(C)
15 (b)(7)(C) pretty much full time. And they -- it was
16 just -- the funding situation changed, all that stuff.
17 That was, -- God.

18 SPECIAL AGENT (b)(7)(C) : I mean was it after
19 --

20 (b)(7)(C) : Oh, ye- --

21 SPECIAL AGENT (b)(7)(C) : -- was it after
22 Andrews got laid off?

23 (b)(7)(C) : Oh, yeah. Yeah. This is only
24 about -- this is only about four or five months ago.
25 Four -- yeah, about five months ago --

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1 SPECIAL AGENT (b)(7)(C) : Okay.
2 (b)(7)(C) -- that I got (b)(7)(C)
3 as my other -- as a -- as my second tech --
4 SPECIAL AGENT (b)(7)(C) : Okay. Why --
5 (b)(7)(C) : -- at Basewide.
6 SPECIAL AGENT (b)(7)(C) : Why wasn't Andrews
7 called back?
8 (b)(7)(C) : I have no idea. She -- she
9 had left the state. She had gone home. My -- my
10 understanding was -- I mean (b)(7)(C) was right there. She
11 was right there. And things got shifted around some.
12 They closed the yard. Just a totally different
13 situation.
14 SPECIAL AGENT (b)(7)(C) : Okay.
15 (b)(7)(C) : Okay.
16 SPECIAL AGENT (b)(7)(C) : When you made the
17 decision to lay off Andrews, --
18 (b)(7)(C) : Yes.
19 SPECIAL AGENT (b)(7)(C) : -- did (b)(7)(C),
20 or (b)(7)(C), or anybody from Tetra Tech say, 'We want
21 her gone because she raised safety issues'?
22 (b)(7)(C) : No.
23 SPECIAL AGENT (b)(7)(C) : Okay. And besides
24 Andrews, I think (b)(7)(C) got laid off?
25 (b)(7)(C) : Yes.

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1 SPECIAL AGENT (b)(7)(C) : Okay. And before
2 (b)(7)(C) and Andrews were laid off, were there other
3 individuals who were laid off at the site?

4 I guess what I'm asking as -- as a
5 contractor, is that part of the -- is that part of the
6 life of the contractor, hire, laid off, hire, laid
7 off?

8 (b)(7)(C) : Yeah, it's part of -- it's
9 part of being -- it's part of being a technician.

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

11 (b)(7)(C) : Okay. I mean, you know, the -
12 - in this business most techs -- I mean, you know, you
13 have a few months on a job, okay.

14 SPECIAL AGENT (b)(7)(C) : Um-hum.

15 (b)(7)(C) : Most -- most technicians in
16 this business, and you -- you know this, yeah, you
17 know what I'm saying. You, they're road techs. You
18 know, you're hired for a job for a few months.

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

20 (b)(7)(C) : I mean I was hired -- I was
21 hired -- I was hired as a (b)(7)(C) by NWT at
22 Hunter's Point with a six-month contract, okay. And
23 they recognized my skills. I was -- they promoted me
24 a few months after I was there to (b)(7)(C) and then
25 as -- as -- I mean it's -- it's just a serendipitous

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1 chain of events that I have been there for [REDACTED]

2 SPECIAL AGENT [REDACTED] Okay.

3 [REDACTED]: Okay.

4 SPECIAL AGENT [REDACTED]: So I mean --

5 [REDACTED]: So -- so --

6 SPECIAL AGENT [REDACTED]: -- Andrews was
7 there longer than you were there, correct?

8 [REDACTED]: Oh, absolutely. Well, she --
9 she was in a lab for years.

10 SPECIAL AGENT [REDACTED]: Okay. So with that
11 said, --

12 [REDACTED]: Yes.

13 SPECIAL AGENT [REDACTED]: -- you were there
14 five, so she's five plus?

15 [REDACTED]: Yes.

16 SPECIAL AGENT [REDACTED]: In the world of a
17 tech, is -- is that a long term for a tech?

18 [REDACTED]: Yeah, a long term.

19 SPECIAL AGENT [REDACTED]: Okay. All right.

20 [REDACTED]: Okay. A year on an assignment
21 is long term for a tech.

22 SPECIAL AGENT [REDACTED]: Okay. And when --
23 when the techs come in, she was one, are they told
24 that they have a job until they die or --

25 [REDACTED]: No.

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1 SPECIAL AGENT (b)(7)(C) : Okay. So it's --
2 (b)(7)(C) : You have a job until you don't
3 have one.

4 SPECIAL AGENT (b)(7)(C) : Okay. And that's
5 all based on funding?

6 (b)(7)(C) : Yes. That's based on the
7 funding, that's based on the life of the project.

8 SPECIAL AGENT (b)(7)(C) : Okay.
9 (b)(7)(C) : But it's usually based on the
10 life of the project.

11 SPECIAL AGENT (b)(7)(C) : Okay. Is she
12 eligible, Andrews eligible to be rehired at Hunter's
13 Point, something -- or at any other Tetra Tech site?

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

15 SPECIAL AGENT (b)(7)(C) : Okay. I mean she
16 left -- she was laid off on good terms?

17 (b)(7)(C) : Yeah. Yeah. I mean I made
18 the decision to lay her off. I mean there was no --
19 there wasn't an issue with her performance, --

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

21 (b)(7)(C) : -- there was none of that.

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

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

24 SPECIAL AGENT (b)(7)(C) : All right. And has
25 she applied for any other positions with Tetra Tech

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1 that you're aware of?

2 (b)(7)(C) Well, put it this way, Tetra
3 Tech doesn't hire techs directly. Tetra Tech hires
4 techs through -- through a subcontractor, --

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

6 (b)(7)(C) : -- like with the case at
7 Hunter's Point, through -- through RSRS --

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

9 (b)(7)(C) : -- and AWS.

10 SPECIAL AGENT (b)(7)(C) : I mean has she
11 submitted her résumé to be considered for any
12 positions?

13 (b)(7)(C) : She has not -- she has not
14 submitted a résumé to come back to Hunter's Point, no.

15 SPECIAL AGENT (b)(7)(C) : Okay. And you --
16 and you would know about that?

17 (b)(7)(C) : I would know about that.

18 SPECIAL AGENT (b)(7)(C) : Okay. Was she laid
19 off because she raised safety issues to you?

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

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

22 (b)(7)(C) : She was laid off because there
23 was only funding for one tech, and I made the decision
24 to keep (b)(7)(C) on as that tech.

25 SPECIAL AGENT (b)(7)(C) : Because he had

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1 better qualifications?

2 (b)(7)(C) : He had better qualifications.

3 SPECIAL AGENT (b)(7)(C) : Okay. Do you have
4 any knowledge or information, either direct or
5 indirect, that would suggest that Andrews was
6 discriminated against in the form of being laid off
7 for raising safety issues at Hunter's Point?

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

9 SPECIAL AGENT (b)(7)(C) : Okay. Regarding
10 Andrews, is there anything else you want to add at
11 this time? After Andrews we're going to move on to
12 the next individual which is (b)(7)(C).

13 (b)(7)(C) : Okay. As far as Susan goes,
14 no. I mean she was not let go because of performance,
15 or anything like that. Like I said, she was an
16 exemplary tech.

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

18 (b)(7)(C) : Okay. There was just no --
19 the funding was cut. There was no funding for her.

20 SPECIAL AGENT (b)(7)(C) : Bottom line?

21 (b)(7)(C) : Bottom line.

22 SPECIAL AGENT (b)(7)(C) : Okay. Does anybody
23 need to take a break?

24 Everybody okay?

25 MR. MURPHY: I'm fine.

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1 (b)(7)(C) : I'm fine.

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

3 (b)(7)(C) do you know him?

4 (b)(7)(C) Yes.

5 SPECIAL AGENT (b)(7)(C) : Okay. And how do
6 you know him?

7 (b)(7)(C) : He was a (b)(7)(C) at
8 Hunter's Point.

9 SPECIAL AGENT (b)(7)(C) : Okay. And were you
10 his immediate supervisor?

11 (b)(7)(C) : No, I was not.

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

13 (b)(7)(C) : I was -- I was not assigned as
14 his immediate supervisor, though being an (b)(7)(C)

15 (b)(7)(C) and given his duties, given some of his
16 duties as --

17 SPECIAL AGENT (b)(7)(C) : Um-hum.

18 MR. (b)(7)(C) - because he was also at
19 RSY-2, --

20 SPECIAL AGENT (b)(7)(C) : Um-hum.

21 (b)(7)(C) : -- okay, along -- along with

22 (b)(7)(C) , so I was not -- he was not assigned to me as
23 a tech, but I had some (b)(7)(C) leeway where he was
24 concerned. If that makes any sense at all.

25 SPECIAL AGENT (b)(7)(C) : A dotted line,

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1 basically?

2 (b)(7)(C) : Yeah, yeah. Essentially
3 because he was -- he was at -- he was -- he was at
4 RSY-2 and that was through sort of Basewide function,
5 --

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

7 (b)(7)(C) : -- so did he not work for me
8 directly, but -- he wasn't assigned to me, but I did
9 -- I -- he was under my supervision when those
10 situations occurred that I had to do something.

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

12 (b)(7)(C) : Okay. As regards --

13 SPECIAL AGENT (b)(7)(C) : So who -- so who
14 was his immediate supervisor?

15 (b)(7)(C)

16 SPECIAL AGENT (b)(7)(C) : Okay. And, just
17 ballpark, any idea when he worked at Hunter's Point?

18 (b)(7)(C) : He was there long before I got
19 there.

20 SPECIAL AGENT (b)(7)(C) : Not (b)(7)(C).

21 (b)(7)(C) : Oh, yeah, I mean (b)(7)(C).

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

23 (b)(7)(C) : He was there -- he was there
24 before I got there.

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

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

2 SPECIAL AGENT (b)(7)(C) : All right. So,

3 once again, you weren't his immediate supervisor, but

4 you did provide some (b)(7)(C) here and there?

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

6 SPECIAL AGENT (b)(7)(C) : And when he -- when

7 you saw him work, what type of employee was he?

8 (b)(7)(C) : For the most part, he did his

9 job.

10 SPECIAL AGENT (b)(7)(C) : Okay. Do you want

11 to add anything to that?

12 (b)(7)(C) : Um, ...

13 SPECIAL AGENT (b)(7)(C) : If you don't,

14 that's fine.

15 (b)(7)(C) : He -- he was not an

16 unintelligent individual. He just had some tendency

17 to keep to himself --

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

19 (b)(7)(C) : -- and -- and it kind of got

20 him into trouble.

21 SPECIAL AGENT (b)(7)(C) : Pretty gullible --

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

23 SPECIAL AGENT (b)(7)(C) : -- when he

24 shouldn't have been?

25 (b)(7)(C) : Yeah. He can be quiet

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1 sometimes, okay, essentially.

2 SPECIAL AGENT (b)(7)(C) : All right. Was he
3 -- was he a Tetra Tech employee?

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

5 SPECIAL AGENT (b)(7)(C) : What -- who did he
6 work for?

7 (b)(7)(C) : He -- he worked for New World
8 Technologies.

9 SPECIAL AGENT (b)(7)(C) : Okay. All right.
10 And you may not be aware of this. Were you there in
11 2006?

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

13 SPECIAL AGENT (b)(7)(C) : Okay. Were you
14 aware that he had filed a -- or he made a (b)(7)(C)
15 (b)(7)(C) complaint to (b)(7)(C) ?

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

17 SPECIAL AGENT (b)(7)(C) : Okay. Are you
18 familiar with that?

19 (b)(7)(C) : I'm -- I'm not -- just based
20 on hearsay. I -- you know, he filed a (b)(7)(C)
21 (b)(7)(C) complaint against an employee.

22 SPECIAL AGENT (b)(7)(C) : And who was the
23 employee; do you know?

24 (b)(7)(C) : I was told it was (b)(7)(C)

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

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1 (b)(7)(C) ?

2 (b)(7)(C) --

3 SPECIAL AGENT (b)(7)(C) : That's (b)(7)(C)

4 (b)(7)(C) : -- she was the (b)(7)(C)

5 (b)(7)(C) for New World Technologies.

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

7 (b)(7)(C) : She (b)(7)(C) me for New World

8 Technologies, --

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

10 (b)(7)(C) : -- as a matter of fact.

11 SPECIAL AGENT (b)(7)(C) : So (b)(7)(C) made the

12 complaint to (b)(7)(C) that (b)(7)(C) was harassing him?

13 (b)(7)(C) : That's my understanding. I

14 don't know the details because that's long before I

15 was there, --

16 SPECIAL AGENT (b)(7)(C) : Okay. You're --

17 okay. So you're just --

18 (b)(7)(C) : -- I -- that's two years

19 before I -- before I got there. So I just know it

20 just based on what I was told. So it's hearsay,

21 really.

22 SPECIAL AGENT (b)(7)(C) : Okay. All right.

23 (b)(7)(C) But that's -- okay.

24 SPECIAL AGENT (b)(7)(C) : That's fine. We'll

25 move --

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

2 SPECIAL AGENT (b)(7)(C) : -- forward with
3 that.

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

5 SPECIAL AGENT (b)(7)(C) : In August of 2010

6 (b)(7)(C) reported that -- that he told you that (b)(7)(C) was
7 using unqualified laborers to move waste and take
8 samples; do you remember that?

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

10 SPECIAL AGENT (b)(7)(C) : Do you want me to
11 repeat that if...

12 (b)(7)(C) : He didn't make this complaint
13 to me. The complaint he made to me regarding her was
14 the fact that -- that she had -- she had violated
15 radiological-surveillance protocols by having a
16 nonoperating air sampler in the yard and not being --
17 not checking on it. It had been there all day.

18 SPECIAL AGENT (b)(7)(C) : What -- what do you
19 mean a nonoperating -- unqualified?

20 (b)(7)(C) : No. In any RSY we post air
21 samplers upwind and downwind.

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

23 (b)(7)(C) : And I guess there had been --
24 there was -- on that particular day there had been an
25 air sampler.

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1 you, a couple days later?

2 (b)(7)(C) : Yes. He brought the concern,
3 and he made some very inappropriate remarks -- remarks
4 concerning (b)(7)(C).

5 SPECIAL AGENT (b)(7)(C) : What did he say?

6 (b)(7)(C) : Excuse me. That basically she
7 had been brought there to service (b)(7)(C)
8 stuff like -- it was just inappropriate.

9 And I just said, "You have to shut up."
10 And he repeated the same thing to (b)(7)(C).

11 SPECIAL AGENT (b)(7)(C) : Did he -- I mean
12 did he say that to you?

13 (b)(7)(C) : He said that to me.

14 SPECIAL AGENT (b)(7)(C) : Okay. So it wasn't
15 like you heard that thirdhand or fourthhand, --

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

17 SPECIAL AGENT (b)(7)(C) : -- he said that to
18 you?

19 (b)(7)(C) : He said it to me.

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

21 (b)(7)(C) : I said -- I said, "Shut up.

22 Never say that," basically. And I was kind of -- it
23 just caught me -- I just told him to shut up.

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

25 (b)(7)(C) : Basically, I said I didn't

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want to hear that.

SPECIAL AGENT (b)(7)(C) : So was he laid off

or was he fired?

(b)(7)(C) : He's essentially -- I have to say that he was fired, okay.

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

(b)(7)(C) : It was just -- and he had, you know, -- I guess there had been some other things, I mean -- and I know personally he had -- he had even to me made some comments -- comments before that were negative about (b)(7)(C)

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

(b)(7)(C) : And I said, "I don't want to hear it. Stop saying it. Shut up."

SPECIAL AGENT (b)(7)(C) : Okay. And when he told you these -- when he made these comments, did you tell (b)(7)(C), or (b)(7)(C), or any of those --

(b)(7)(C) : No, --

SPECIAL AGENT (b)(7)(C) : -- guys?

(b)(7)(C) : -- I didn't. I said, "You need to be quiet." And he didn't -- he didn't make -- comments made to me were not of -- just terrible caliber --

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

(b)(7)(C) : -- that he made to me. He --

1 they would -- they were not that type of comment.
2 They were negative comments about (b)(7)(C) but they were
3 not -- just downright inappropriate, like the comment
4 that he made that forced me to go and tell -- and tell
5 (b)(7)(C) about it, and all that stuff.

6 SPECIAL AGENT (b)(7)(C) All right. But --
7 (b)(7)(C) Okay.

8 SPECIAL AGENT (b)(7)(C): -- I'm -- I'm a
9 little confused here.

10 (b)(7)(C): Okay. Okay. The very last
11 comment he made about --

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

13 (b)(7)(C) -- (b)(7)(C) -- about the (b)(7)(C)
14 thing, --

15 SPECIAL AGENT (b)(7)(C): Right, right.

16 (b)(7)(C): -- okay, I had to go tell, I
17 had to go --

18 SPECIAL AGENT (b)(7)(C): Okay. So you did
19 -- you did tell?

20 (b)(7)(C): Yeah. And --

21 SPECIAL AGENT (b)(7)(C): And who did you
22 tell?

23 (b)(7)(C): I went to -- actually (b)(7)(C)
24 beat me there, because he made the same thing -- he
25 made the same thing -- he made the same remark to

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1 [REDACTED] [REDACTED] was in the office telling [REDACTED] about this
2 as I arrived there.

3 SPECIAL AGENT [REDACTED]: Okay.
4 [REDACTED]: So he -- he made the same
5 comment about [REDACTED] to myself and [REDACTED] the
6 same day.

7 SPECIAL AGENT [REDACTED]: All right. So let
8 me just back up here --

9 [REDACTED]: Okay.

10 SPECIAL AGENT [REDACTED]: -- and make sure I
11 understand this. [REDACTED] told you that -- that comment?

12 [REDACTED]: Yes.

13 SPECIAL AGENT [REDACTED]: And then [REDACTED] told
14 [REDACTED] the comment. Both you guys, --

15 [REDACTED]: We both went to the office.

16 SPECIAL AGENT [REDACTED]: -- [REDACTED] and
17 yourself, went to [REDACTED] and said: Hey, just let
18 you know?

19 [REDACTED]: Yeah. Yeah.

20 SPECIAL AGENT [REDACTED]: Okay.

21 [REDACTED]: This is just -- this can't be.

22 SPECIAL AGENT [REDACTED]: All right.

23 [REDACTED]: Yeah.

24 SPECIAL AGENT [REDACTED]: And, in your
25 opinion, as a result of the comment that [REDACTED] made

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1 about (b)(7)(C), the inappropriate comment, he was fired?
2 (b)(7)(C): That is my opinion, yes.
3 SPECIAL AGENT (b)(7)(C): Okay.
4 (b)(7)(C): Okay.
5 SPECIAL AGENT (b)(7)(C): And who fired him,
6 if you know?
7 (b)(7)(C)
8 SPECIAL AGENT (b)(7)(C): Okay.
9 (b)(7)(C): Okay. And so Tetra Tech can't
10 fire him because he didn't work for -- he didn't work
11 for Tetra Tech.
12 SPECIAL AGENT (b)(7)(C): Right.
13 (b)(7)(C): He worked for New World
14 Technologies. What (b)(7)(C) did was go to
15 (b)(7)(C). (b)(7)(C) interviewed --
16 interviewed me, interviewed (b)(7)(C) interviewed (b)(7)(C)
17 everybody. And then (b)(7)(C) made the decision
18 to fire (b)(7)(C).
19 SPECIAL AGENT (b)(7)(C): Based on all the
20 information that you gathered?
21 (b)(7)(C): Yes. Yeah. Because we --
22 SPECIAL AGENT (b)(7)(C): Okay.
23 (b)(7)(C): -- you know no one at Tetra
24 Tech has -- has the ability to actually fire him
25 outright. He doesn't work for us.

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1 SPECIAL AGENT (b)(7)(C) : Okay. But he's a
2 subcontractor, and it sounds like they don't want him
3 onsite?

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

5 SPECIAL AGENT (b)(7)(C) : Okay. Obviously
6 since he was -- (b)(7)(C) was fired, he's not permitted to
7 come back on a Tetra Tech site. I assume that with
8 past performance, that wouldn't be --

9 (b)(7)(C) : No. If a contractor should
10 hire him back, we would say, you know, we -- yeah, you
11 get the drill.

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

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

14 SPECIAL AGENT (b)(7)(C) : So, once again, he
15 wasn't laid off; he was fired?

16 (b)(7)(C) : He was fired.

17 SPECIAL AGENT (b)(7)(C) : As a result of the
18 comment he made?

19 (b)(7)(C) : He was fired by New World
20 Technologies.

21 SPECIAL AGENT (b)(7)(C) : Okay. All right.
22 Any -- do you have any information at all that he was
23 laid off or fired because he had raised a safety
24 issue?

25 (b)(7)(C) : That -- his contention was

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1 that his -- my understanding of having gone through
2 all this before, --

3 SPECIAL AGENT (b)(7)(C) : Um-hum. Well, with
4 prior interviews?

5 (b)(7)(C) : Right, right. -- it was my
6 understanding that -- excuse me -- it was my
7 understanding that he thought he was fired for -- for
8 raising safety issues. No.

9 SPECIAL AGENT (b)(7)(C) : Okay. Just because
10 he made the inappropriate comments?

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

12 SPECIAL AGENT (b)(7)(C) : Okay. All right.
13 And regarding (b)(7)(C) anything else that you can add
14 to that?

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

16 SPECIAL AGENT (b)(7)(C) : And we're going to
17 move on to (b)(7)(C).

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

19 SPECIAL AGENT (b)(7)(C) : All right.
20 Obviously you know him?

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

22 SPECIAL AGENT (b)(7)(C) : And, if I remember
23 correctly, correct me if I'm wrong, you weren't his

24 (b)(7)(C)

25 (b)(7)(C) : I was his (b)(7)(C)

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(b)(7)(C)

SPECIAL AGENT (b)(7)(C) : You were his

(b)(7)(C)

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

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

(b)(7)(C) : Okay. I was the (b)(7)(C)

(b)(7)(C) was his (b)(7)(C)

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

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

SPECIAL AGENT (b)(7)(C) : So what type of

employee was (b)(7)(C)

(b)(7)(C) : A good employee.

SPECIAL AGENT (b)(7)(C) : Now was he a Tetra

Tech --

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

SPECIAL AGENT (b)(7)(C) : -- employee?

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

SPECIAL AGENT (b)(7)(C) : Once again, he was

a subcontractor?

(b)(7)(C) : He worked -- he worked for New

World Technologies.

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

And do you remember when he was there, just approximately?

(b)(7)(C) : He made --

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1 SPECIAL AGENT (b)(7)(C) : At Hunter's Point.
2 (b)(7)(C) : He made several trips to
3 Hunter's Point. At one point he had been there long
4 before I was hired. He had been there like in (b)(7)(C)
5 (b)(7)(C) I was told.

6 SPECIAL AGENT (b)(7)(C) : Okay.
7 (b)(7)(C) : So he then -- he then came
8 back -- he came back -- he came back to Hunter's Point
9 right around the time that I was made (b)(7)(C)
10 (b)(7)(C).

11 SPECIAL AGENT (b)(7)(C) : Okay.
12 (b)(7)(C) : This is (b)(7)(C)
13 SPECIAL AGENT (b)(7)(C) : Okay. So, once
14 again, just so I understand. He had worked at
15 Hunter's Point?

16 (b)(7)(C) : Yes. And then -- and then
17 left.

18 SPECIAL AGENT (b)(7)(C) : And then -- then he
19 was laid off?

20 (b)(7)(C) : No. No, he left of his own
21 accord.

22 SPECIAL AGENT (b)(7)(C) : So originally he
23 left --

24 (b)(7)(C) : Yeah, right. Yes.

25 SPECIAL AGENT (b)(7)(C) : Okay. Then he came

1 back?

2 (b)(7)(C) : Then he came back.

3 SPECIAL AGENT (b)(7)(C) : And they brought
4 him back?

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

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

7 (b)(7)(C) : I mean that happened a couple
8 of times. He -- at one point -- at one point he -- he
9 again left and was allowed to come back.

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

11 (b)(7)(C) Okay.

12 SPECIAL AGENT (b)(7)(C) : All right. Did he
13 ever inform you that he (b)(7)(C) on (b)(7)(C) -- is
14 it (b)(7)(C) -- breath?

15 (b)(7)(C)

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

17 That's the person we talked about before, correct?

18 (b)(7)(C) No, we didn't. No. That --
19 that was (b)(7)(C)

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

21 (b)(7)(C) is the (b)(7)(C) of

22 (b)(7)(C)

23 SPECIAL AGENT (b)(7)(C) : Oh, okay. All
24 right. Did she ever -- did (b)(7)(C) ever inform you

25 that he had (b)(7)(C)

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

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

3 would -- and is she -- is she a (b)(7)(C) also?

4 (b)(7)(C) : Yes. She -- she was. She's

5 currently not -- she was laid off. She's not

6 currently a (b)(7)(C) there.

7 SPECIAL AGENT (b)(7)(C) : Right. But -- but

8 at the time --

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

10 SPECIAL AGENT (b)(7)(C) : -- she was a (b)(7)(C)

11 there?

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

13 SPECIAL AGENT (b)(7)(C) : Was she a -- she

14 was a subcontractor also?

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

16 SPECIAL AGENT (b)(7)(C) : Okay. And who did

17 she work for?

18 (b)(7)(C) : She worked for RSRs.

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

20 when did (b)(7)(C) bring this to your attention, you

21 know, approximately; do you remember?

22 (b)(7)(C) : Oh, God, I don't -- I cannot

23 tell you the exact day. I remember -- I remember the

24 incident.

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

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1 If I said August 2011, does that --

2 (b)(7)(C) : That -- yeah, --

3 SPECIAL AGENT (b)(7)(C) : Ballpark?

4 (b)(7)(C) : Yeah. Yeah, that'd be right.

5 SPECIAL AGENT (b)(7)(C) : And I guess was --
6 his concern was a fitness-for-duty issue?

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

8 SPECIAL AGENT (b)(7)(C) : Okay. And was that
9 -- was that incident documented?

10 (b)(7)(C) : That he told -- he told me
11 this. I...

12 SPECIAL AGENT (b)(7)(C) : He came to you, and
13 he told you about --

14 (b)(7)(C) : I went -- I went to check. It
15 was -- this is -- it was is so sensitive an issue,
16 understandably speaking. This is -- this is another
17 employee and the stuff that he said that he raised
18 concern about.

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

20 (b)(7)(C) : So the day he told me, I went
21 and I -- I went -- I went to -- I went to the site at
22 which (b)(7)(C) was providing access control.

23 SPECIAL AGENT (b)(7)(C) : Um-hum.

24 (b)(7)(C) : I did not at that point in
25 time, even when we wanted to go to (b)(7)(C) about it,

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1 because --

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

3 (b)(7)(C) : -- (b)(7)(C) was

4 supervising her, --

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

6 (b)(7)(C) : -- okay, because of the
7 sensitivity of what he was telling me. I wanted to
8 assess for myself.

9 SPECIAL AGENT (b)(7)(C) : And what was -- and
10 what did you find?

11 (b)(7)(C) : Nothing. She was fine.

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

13 (b)(7)(C) : I mean as I sat there, talked
14 to her, she let me in the yard. When she scanned me
15 out, she performed her duties fine.

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

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

18 SPECIAL AGENT (b)(7)(C) : So (b)(7)(C) comes to
19 you, brings this concern to you about the (b)(7)(C)

20 (b)(7)(C)

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

22 SPECIAL AGENT (b)(7)(C) : You went, you
23 checked into it, --

24 (b)(7)(C) : I -- I --

25 SPECIAL AGENT (b)(7)(C) : -- you interacted

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1 with her, everything was fine?

2 (b)(7)(C) : Everything was fine. And --

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

4 (b)(7)(C) : -- of course it was a matter

5 of, okay, well, he told me this now and -- and I went

6 and checked it out. Now due diligence, as a -- due

7 diligence as a (b)(7)(C) as a (b)(7)(C) meant I have

8 to do it again at some point, which I did.

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

10 (b)(7)(C) : Okay. On -- another -- I just

11 picked another random day and I went there. I kind of

12 like, hey, (b)(7)(C), how's it going, you know.

13 SPECIAL AGENT (b)(7)(C) : And what did you

14 find out?

15 (b)(7)(C) : Nothing.

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

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

18 SPECIAL AGENT (b)(7)(C) : So he brought the

19 concerns forward and --

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

21 SPECIAL AGENT (b)(7)(C) : -- in your opinion

22 they were unfounded?

23 (b)(7)(C) : They were unfounded.

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

25 ever come to you and -- I think we talked about this

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1 a little bit -- come to you about (b)(7)(C) and her
2 bringing (b)(7)(C) onsite at Hunter's Point? We
3 talked about Andrews approaching you, but did (b)(7)(C)
4 ever approach you about that?

5 (b)(7)(C): No, because I mean I saw her
6 there myself. Okay, I saw her -- I saw her driving
7 around. I saw her coming out of the RSY. I said, no,
8 come on, or --

9 SPECIAL AGENT (b)(7)(C) But did -- but did
10 (b)(7)(C) ever come to you and bring those concerns
11 forward?

12 (b)(7)(C): I don't recall if he did, but
13 he didn't need to because I -- I already -- I had been
14 informed by two people she was running around inside
15 doing things she shouldn't have been on doing. My
16 focus is more on stopping that situation more than
17 being told by somebody else, okay. I mean there were
18 some people that said, "Hey, what's (b)(7)(C)
19 doing out here," okay. So, --

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

21 SPECIAL AGENT (b)(7)(C): -- you know, it was
22 brought to my attention first by (b)(7)(C) and by Susan,
23 but there were people -- you know, several people came
24 to me and said, hey, you know, because I was (b)(7)(C) as

25 (b)(7)(C)

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

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

3 SPECIAL AGENT (b)(7)(C) : But you don't
4 remember (b)(7)(C) doing it?

5 (b)(7)(C) : I don't -- I don't recall him
6 specifically doing -- he may have, but I don't recall.

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

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

9 SPECIAL AGENT (b)(7)(C) : In approximately
10 April of 2010, after (b)(7)(C) had started at Hunter's
11 Point, do you remember him, (b)(7)(C), approaching you
12 and reporting that (b)(7)(C) instructed the laborers to
13 set up air samplers even though the laborers were not
14 qualified to do so?

15 (b)(7)(C) : Well, it was reported to me
16 that -- that laborers were being used to set up air
17 samplers, and they are qualified to do so.

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

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

20 SPECIAL AGENT (b)(7)(C) : Right. But did
21 (b)(7)(C) bring that concern forward to you?

22 (b)(7)(C) : He may have. I'm thinking
23 back on this. This is three years ago almost.

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

25 (b)(7)(C) : He raised that concern, and I

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1 said, "They're out there in the yard all the time."

2 SPECIAL AGENT (b)(7)(C) : Um-hum.

3 (b)(7)(C) : You know they're radiation
4 workers, essentially. There all the labor out there
5 in the yard, I said there's no issue. If he did bring
6 it to me, I said it was a nonissue, if he did bring
7 that concern to me, it's -- it was and is a nonissue.

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

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

10 SPECIAL AGENT (b)(7)(C) : But my question is:

11 Do you remember him bringing that issue to you?

12 (b)(7)(C) : He may have, yes.

13 SPECIAL AGENT (b)(7)(C) : You're not sure?

14 (b)(7)(C) : I'm not sure.

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

16 (b)(7)(C) : I can't be a hundred percent
17 sure. Other folks had -- other people had said
18 something about, you know, why are laborers putting
19 those air samplers out there. And I said, "Well, you
20 know what, it's like this." I said, "If you want to
21 -- if you want to lug those things out there yourself,
22 --

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

24 (b)(7)(C) : -- that's fine. Because when

25 I was a (b)(7)(C) at the gate, I put them out

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1 there myself.

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

3 (b)(7)(C) : You know, the --

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

5 (b)(7)(C) : -- 35-pound air samplers in
6 each hand, putting them out there. I said, "So if you
7 guys want to do it, you know, I'm sure there are other
8 things laborers can be doing" --

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

10 (b)(7)(C) : -- "okay, if you guys who want
11 that duty."

12 I never heard another complaint about that
13 after -- after I made that statement.

14 SPECIAL AGENT (b)(7)(C) Okay. So the issue
15 regarding (b)(7)(C) -- the (b)(7)(C) I think
16 you may have answered it, but I just want to make
17 sure. Did you ever bring that to anybody's attention?

18 (b)(7)(C) : No, I did not.

19 SPECIAL AGENT (b)(7)(C) (b)(7)(C) or
20 (b)(7)(C) ?

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

22 SPECIAL AGENT (b)(7)(C) : You kept that --

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

24 SPECIAL AGENT (b)(7)(C) You did your due
25 diligence --

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1 (b)(7)(C) I did my due diligence.
2 SPECIAL AGENT (b)(7)(C) Okay. Now did --
3 (b)(7)(C) obviously worked for you and (b)(7)(C)
4 (b)(7)(C)
5 (b)(7)(C) : Yes.
6 SPECIAL AGENT (b)(7)(C) : Did she work for
7 you also?
8 (b)(7)(C) Yes.
9 SPECIAL AGENT (b)(7)(C) Okay. Did they
10 ever bring any kind of safety concerns forward to you,
11 like the ones that (b)(7)(C) brought forward or
12 --
13 (b)(7)(C) No.
14 SPECIAL AGENT (b)(7)(C) : They never brought
15 anything forward to you?
16 (b)(7)(C) : No.
17 SPECIAL AGENT (b)(7)(C) Okay.
18 (b)(7)(C) And I'm sitting here thinking
19 because I'm keeping my -- (b)(7)(C) worked for me
20 and then she -- she went to work for (b)(7)(C)
21 pretty much.
22 SPECIAL AGENT (b)(7)(C) : Okay.
23 (b)(7)(C) Okay. At another RSY, RSY-4.
24 SPECIAL AGENT (b)(7)(C) Okay.
25 (b)(7)(C) And she was there for a couple

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1 years until I brought her back into my group.

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

3 (b)(7)(C) Okay.

4 SPECIAL AGENT (b)(7)(C) And is (b)(7)(C)

5 and (b)(7)(C) still over at Hunter's Point?

6 (b)(7)(C) No, they're not.

7 SPECIAL AGENT (b)(7)(C) What happened to
8 them?

9 (b)(7)(C) They -- they left the same day

10 I did. We -- they brought -- I -- they were both

11 (b)(7)(C) working directly for me. I shared an office

12 with them. We -- we were all in the same office. The

13 Basewide contract ended for all of us on December

14 19th.

15 SPECIAL AGENT (b)(7)(C) Once again, lack of
16 funding?

17 (b)(7)(C): The contract ended.

18 SPECIAL AGENT (b)(7)(C) Okay. So the work
19 was completed, over?

20 (b)(7)(C) Well, no. There has to be a
21 Basewide contract, but that contract ended.

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

23 (b)(7)(C) They -- and they're --
24 they're, as we speak, they are trying to implement
25 another Basewide contract.

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1 SPECIAL AGENT (b)(7)(C) Okay, fair enough.
2 And, once again, (b)(7)(C) was he -- was he laid off
3 for raising safety issues?

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

5 SPECIAL AGENT (b)(7)(C) And, once again,
6 why was he laid off?

7 (b)(7)(C): That was -- that was letting
8 -- that was a shutdown of RSY-2.

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

10 (b)(7)(C) I mean his -- his function
11 there as a (b)(7)(C) was to be (b)(7)(C) -- was to act as
12 (b)(7)(C) for RSY-2.

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

14 (b)(7)(C): And RSY-2 was closed.

15 SPECIAL AGENT (b)(7)(C): Okay. And he got
16 laid off the same time that Andrews got laid off?

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

18 SPECIAL AGENT (b)(7)(C) And for the same
19 reason?

20 (b)(7)(C) Yeah. It was -- it was coming
21 up. End of 2011 I was told -- I had been told -- I
22 had been told probably for about three weeks that they
23 were cutting back, they're -- that they wanted to cut
24 money --

25 SPECIAL AGENT FERICH: Um-hum.

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1 (b)(7)(C) -- money for the Basewide
2 contract. The Basewide contract covered both -- the
3 Basewide contract covered all the Basewide duties,
4 access control, the portal monitor, support for
5 subcontractors on the side. It con- -- at that time
6 it was -- it also covered the laboratory. It also
7 covered the operation of the radiological-screening
8 yards.

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

10 (b)(7)(C) So all that was -- all that
11 was under the Basewide contract at that time. They
12 were cutting back on the Basewide contract moneywise.
13 And they were closing RSY-2. That's -- that's how
14 they were addressing that -- that funding shortfall.
15 They're going to close RSY-2. So (b)(7)(C) job
16 was gone.

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

18 (b)(7)(C) And I was told in addition to
19 that as another cost-cutting measure they were going
20 to eliminate one of the Basewide Technicians, which
21 was -- which -- which was (b)(7)(C) and Susan
22 Andrews.

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

24 (b)(7)(C) Okay. And I -- I chose to
25 keep (b)(7)(C)

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1 SPECIAL AGENT (b)(7)(C) Right. We talked
2 about that. And just one last question.

3 (b)(7)(C) Sure.

4 SPECIAL AGENT (b)(7)(C) Any direct or
5 indirect information or knowledge that would indicate
6 that (b)(7)(C) was laid off because he raised safety
7 concerns?

8 (b)(7)(C) No.

9 SPECIAL AGENT (b)(7)(C) Okay. I'm done.
10 Is there anything else that you want to
11 add?

12 And I don't know, Tim, I don't know if you
13 have any questions for him.

14 MR. MURPHY: No.

15 SPECIAL AGENT (b)(7)(C) Anything?

16 MR. MURPHY: No. No, no.

17 SPECIAL AGENT (b)(7)(C) Is there anything
18 else you want to add at this time?

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

20 SPECIAL AGENT (b)(7)(C) We went over a lot
21 of information here pretty quickly.

22 (b)(7)(C) I'm processing.

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

24 MR. MURPHY: The only question I had for
25 you was what was the name of the individual -- I

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1 couldn't write fast enough -- who you asked whether he
2 was in (b)(7)(C) and whether (b)(7)(C) had talked to him.

3 SPECIAL AGENT (b)(7)(C) (b)(7)(C)

4 (b)(7)(C)

5 MR. MURPHY: (b)(7)(C). Thank you.

6 SPECIAL AGENT (b)(7)(C) Yeah. He was with
7 RSRS.

8 And you said you didn't know him?

9 (b)(7)(C) Never heard of that
10 individual.

11 MR. MURPHY: Okay. Okay. Thank you.

12 SPECIAL AGENT (b)(7)(C) Did you -- if
13 you're done, I'm done. I mean there's a couple
14 questions here, and we can wrap it up real quick.

15 (b)(7)(C) I'm done. I'm done.

16 MR. MURPHY: I'm done.

17 SPECIAL AGENT (b)(7)(C) Okay. Have I
18 threatened you in any manner?

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

20 SPECIAL AGENT (b)(7)(C) Have you been
21 offered any reward in return for the information that
22 you provided to me?

23 (b)(7)(C) No, I have not.

24 SPECIAL AGENT (b)(7)(C) Have you provided
25 information freely and voluntarily?

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(b)(7)(C) Yes.

SPECIAL AGENT (b)(7)(C) And, once again,
anything else you want to add at this time?

(b)(7)(C) No.

SPECIAL AGENT (b)(7)(C) Okay. The
interview is concluded. It is 10:14 in the morning.
Thank you.

(b)(7)(C) You're very welcome.

(End of interview.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission

Proceeding: Interview of
(b)(7)(C)

Docket Number: 1-2012-019/032/037

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
and thereafter reduced to typewriting under my
direction and that said transcript is a true and
accurate record of the proceedings.

(b)(7)(C)

Official Reporter
Neal R. Gross & Co., Inc.

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EXHIBIT 14

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

INTERVIEW OF : Case Nos. 1-2012-019
(b)(7)(C) : 1-2012-032
-----x 1-2012-037

Friday, January 25, 2013

Fisher & Phillips, LLP
One Embarcadero Center, Suite 2040
San Francisco, California 94111

BEFORE:

(b)(7)(C) Special Agent
U.S. Nuclear Regulatory Commission
Region I, Office of Investigation
2100 Renaissance Boulevard, Suite 100
King of Prussia, Pennsylvania
Telephone: 610-337-5339

FOR TETRATECH AND (b)(7)(C):

TIMOTHY J. MURPHY, Esq.
Fisher & Phillips
San Francisco, California 94111
Telephone: 415-490-9011

1-2012-019

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

(10:34 o'clock a.m.)

SPECIAL AGENT (b)(7)(C) : Today is January 25th, 2013. The time is approximately 10:34 in the morning. My name is (b)(7)(C). I'm a Special Agent with the Nuclear Regulatory Commission, Office of Investigations, Region I, King of Prussia, Pennsylvania.

I have identified myself with my NRC Office of Investigation credentials. And, (b)(7)(C) did you have an opportunity to see my credentials?

(b)(7)(C) : Yes, sir, I did.

SPECIAL AGENT (b)(7)(C) Any objection with taping your testimony?

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

SPECIAL AGENT (b)(7)(C) : This interview is with (b)(7)(C) And (b)(7)(C) is the (b)(7)(C) for Tetra Tech at Hunter's Point Naval Shipyard. And, for the record, this interview is being conducted at the Law Offices of Fisher and Phillips, Suite 2050, One Embarcadero Center, San Francisco, --

MR. MURPHY: Embarcadero.

SPECIAL AGENT (b)(7)(C) I butcher that every time.

1 MR. MURPHY: That's Embarcadero.

2 SPECIAL AGENT (b)(7)(C) -- Embarcadero

3 Center, San Francisco, California. It's a
4 noncustodial interview and it is being conducted
5 regarding an allegation that Susan Andrews and (b)(7)(C)

6 (b)(7)(C) were discriminated against and were laid off as
7 a result of raising safety concerns at Hunter's Point.

8 The interview will be conducted under
9 oath.

10 Any objection with providing the
11 information under oath?

12 (b)(7)(C): No, sir.

13 SPECIAL AGENT (b)(7)(C): Just raise your
14 right hand.

15 (b)(7)(C) WITNESS, SWORN

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

17 SPECIAL AGENT (b)(7)(C) Also present is Mr.
18 Timothy Murphy. Mr. Murphy is a partner of the Law
19 Firm of Fisher and Phillips in San Francisco.

20 And, Mr. Murphy, did you want to put
21 something on the record regarding your representation
22 and any potential for a conflict of interest?

23 MR. MURPHY: I did. I represent Tetra
24 Tech and, for the purposes of this interview, as well
25 (b)(7)(C). And should any conflict of interest arise,

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1 which I do not anticipate, I will -- I will follow the
2 Rules of Professional Conduct of the State Bar of
3 California to resolve that conflict.

4 SPECIAL AGENT (b)(7)(C): Okay. Thank you.

5 Just a couple questions regarding Mr.
6 Murphy's representation. Does your employer require
7 you to have an attorney present when you are
8 interviewed by the NRC?

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

10 SPECIAL AGENT (b)(7)(C): Were you in any way
11 threatened with any adverse action if you did not
12 request counsel?

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

14 SPECIAL AGENT (b)(7)(C): Do you understand
15 that Mr. Murphy also represents the company and
16 possibly other employees?

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

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

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

22 SPECIAL AGENT (b)(7)(C): And with everything
23 we talked about, do you want Mr. Murphy here today?

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

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

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1 going on the record I took your bio information. I'll
2 maintain that, and that's for your security.

3 Regarding Susan Andrews, do you know her?

4 (b)(7)(C) Yes.

5 SPECIAL AGENT (b)(7)(C) And how do you know
6 her?

7 (b)(7)(C) She was a Radiation Protection
8 Technologist out at Hunter's Point Naval Shipyard.

9 SPECIAL AGENT (b)(7)(C) Okay. Is she a
10 Tetra Tech employee?

11 (b)(7)(C) No.

12 SPECIAL AGENT (b)(7)(C) And who is she
13 employed by?

14 (b)(7)(C) She was employed by various
15 entities, I believe, the last one was AWS, Aleutian
16 World Solutions, or something like that.

17 SPECIAL AGENT (b)(7)(C) Okay. And what was
18 her position again, as --

19 (b)(7)(C) She was an RCT HP Tech,
20 Radiological Control Technician, whatever -- whichever
21 term you prefer to use.

22 SPECIAL AGENT (b)(7)(C) Okay. And any idea
23 what her dates of employment were, approximately?

24 (b)(7)(C) No.

25 SPECIAL AGENT (b)(7)(C) Okay. How long has

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1 she been gone from Hunter's Point?

2 (b)(7)(C) How long has she been gone
3 from --

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

5 (b)(7)(C) That would have been, I guess,
6 -- when did they downsize. That would have been 2011.
7 I'd say, probably right towards the end of the
8 holidays, probably the 16th of December, 15th of
9 December 2011.

10 SPECIAL AGENT (b)(7)(C) Okay. And, just
11 approximately, how long was she there, any idea?

12 (b)(7)(C) She had been there before me.

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

14 (b)(7)(C) So (b)(7)(C) -- the (b)(7)(C) that
15 I had been there she had been there as well.

16 SPECIAL AGENT (b)(7)(C) Okay. So (b)(7)(C)
17 plus?

18 (b)(7)(C) Sure.

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

20 (b)(7)(C) Sure.

21 SPECIAL AGENT (b)(7)(C) And did you
22 supervise her?

23 (b)(7)(C) Yes.

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

25 (b)(7)(C) From -- from a radiological-

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1 control, radiological-safety aspect, yes, I did.

2 SPECIAL AGENT (b)(7)(C) Okay. And what
3 type of employee was she?

4 (b)(7)(C) Showed up. She was a good
5 employee.

6 SPECIAL AGENT (b)(7)(C) Okay. Any problems
7 with her?

8 (b)(7)(C) No.

9 SPECIAL AGENT (b)(7)(C) Okay. So -- so
10 from the -- as an (b)(7)(C) you supervised her that way, --

11 (b)(7)(C) Um-hum.

12 SPECIAL AGENT (b)(7)(C) -- but you weren't
13 her immediate supervisor?

14 (b)(7)(C) No. No, not at all.

15 SPECIAL AGENT (b)(7)(C) Okay. Who was her
16 immediate supervisor?

17 (b)(7)(C) I believe that was (b)(7)(C)
18 at the end.

19 SPECIAL AGENT (b)(7)(C) Okay. But overall
20 you had radiological supervision over her since you
21 were the (b)(7)(C)

22 (b)(7)(C) Yes, sir.

23 SPECIAL AGENT (b)(7)(C) Okay. Did she ever
24 come to you and raise an issue to you involving a
25 portal monitor in that trucks were leaving the work

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1 site without being scanned?

2 (b)(7)(C) No.

3 SPECIAL AGENT (b)(7)(C) She never came to

4 you --

5 (b)(7)(C) No.

6 SPECIAL AGENT (b)(7)(C) -- regarding that?

7 Okay. Did she raise any other safety
8 concerns to you?

9 (b)(7)(C) No.

10 SPECIAL AGENT (b)(7)(C) She never came to

11 -- in (b)(7)(C) plus years she never came to you and raised
12 any safety --

13 (b)(7)(C) No.

14 SPECIAL AGENT (b)(7)(C) -- concerns to you?

15 (b)(7)(C) She probably would have gone

16 to her supervisor, her immediate supervisor, and
17 reported them to him.

18 SPECIAL AGENT (b)(7)(C) Okay. Who -- and

19 she was laid off, like you indicated, in December of
20 2011. Who made the decision to lay Andrews off?

21 (b)(7)(C) That was (b)(7)(C)

22 SPECIAL AGENT (b)(7)(C) Okay. And that was

23 her immediate supervisor?

24 (b)(7)(C) Yes.

25 SPECIAL AGENT (b)(7)(C) Okay. And was

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1 there anybody else laid off at that time?

2 (b)(7)(C) Yes.

3 SPECIAL AGENT (b)(7)(C) And who was that?

4 (b)(7)(C) I believe was

5 laid off at the same time.

6 SPECIAL AGENT (b)(7)(C) Okay. And why was

7 -- why was Andrews laid off?

8 (b)(7)(C) We had -- we had a reduction

9 in our contract, in our contracting capacity from the

10 U.S. Navy. So because of that reduction, it trickled

11 down to them.

12 SPECIAL AGENT (b)(7)(C) Okay. Is -- is she

13 eligible to be rehired at a Tetra Tech site?

14 (b)(7)(C) I don't see why not.

15 SPECIAL AGENT (b)(7)(C) Okay. I mean did

16 she leave on good terms?

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

18 SPECIAL AGENT (b)(7)(C) Okay. Do you know

19 if she's working for Tetra Tech now?

20 (b)(7)(C) No clue.

21 SPECIAL AGENT (b)(7)(C) Okay. Andrews

22 claims that she -- as a result of raising safety

23 concerns she was laid off. Any direct or indirect

24 knowledge that that would suggest that she was laid

25 off for raising those safety concerns?

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1 (b)(7)(C) That layoff occurred strictly
2 because of the finances and the contracting capacity.

3 SPECIAL AGENT (b)(7)(C) Okay. All right.
4 Did she ever -- you indicated that she didn't raise
5 any safety issues to you?

6 (b)(7)(C) Hum-um. (Shaking head.)

7 SPECIAL AGENT (b)(7)(C) Did she raise --
8 with the exception of (b)(7)(C) did she raise any safety
9 issues to anyone else that you're aware of?
10 (b)(7)(C) any other?

11 (b)(7)(C) I -- I can't think of any.

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

13 (b)(7)(C) There were radiological
14 questions. But when you're saying safety, you're
15 talking about health and safety and radiological
16 safety, correct?

17 SPECIAL AGENT (b)(7)(C) Well, not -- yeah,
18 not really health and safety.

19 (b)(7)(C) More radiological safety?

20 SPECIAL AGENT (b)(7)(C) Yeah. Like someone
21 us- -- someone's operating the air sampler who's maybe
22 not qualified.

23 (b)(7)(C) I see, I see. No, she did
24 come to me on one -- one occasion that I can remember.

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

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1 (b)(7)(C) And she had -- she had seen
2 someone who had -- was potentially -- was interviewing
3 for a position and being walked around the lab
4 complex.

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

6 (b)(7)(C) And she felt that that was
7 outside of the terms of our license.

8 SPECIAL AGENT (b)(7)(C) Okay. Who -- and
9 who was that individual?

10 (b)(7)(C) It was a (b)(7)(C) of (b)(7)(C)
11 (b)(7)(C).

12 SPECIAL AGENT (b)(7)(C) Okay. So just --
13 I just want to make sure I understand.

14 (b)(7)(C): Um-hum.

15 SPECIAL AGENT (b)(7)(C) So the individual,
16 the (b)(7)(C) of (b)(7)(C) was being interviewed for
17 a position?

18 (b)(7)(C) Yes.

19 SPECIAL AGENT (b)(7)(C) Okay. And the
20 inter- -- and this was in a sensitive location that
21 she wasn't qualified to be there?

22 (b)(7)(C): No, no. This was at our
23 office complexes.

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

25 (b)(7)(C) And then right outside our

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1 office complexes, we are so lucky, we have 12 high-
2 purity germanium detectors set up in two 40-foot
3 CONEXes.

4 SPECIAL AGENT (b)(7)(C) : Um-hum.

5 (b)(7)(C) : Really a neat system that
6 they've -- that they've installed there. And so this
7 interviewee was taken around showing where she would
8 be working. She was escorted --

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

10 (b)(7)(C) : She was escorted to these
11 locations and said: Okay, this is where the samples
12 are prepped.

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

14 (b)(7)(C) : This is where they're crushed.
15 This is where they're canned. Let me go show you
16 where they're counted.

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

18 (b)(7)(C) : The door was open. She was
19 shown where they were counted.

20 SPECIAL AGENT (b)(7)(C) : Right. And Andrews
21 felt that wasn't appropriate?

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

23 SPECIAL AGENT (b)(7)(C) : Okay. Because of
24 the contamination that's potentially in there?

25 (b)(7)(C) : I don't -- I can't tell you

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1 the reason why. There's a lot of dislike between
2 people out there.

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

4 (b)(7)(C) It's starting to lighten up.

5 But when Tetra Tech took over the work at Hunter's
6 Point, there were already a set of folks who had been
7 there for quite some time.

8 SPECIAL AGENT (b)(7)(C) Um-hum.

9 (b)(7)(C) She was one of those
10 individuals.

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

12 (b)(7)(C) It was kind of funny, because
13 thinking about it, I might have had four or five
14 female technicians at the time, and none of them got
15 along.

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

17 (b)(7)(C) I don't know why.

18 SPECIAL AGENT (b)(7)(C) And was Andrews one
19 of the four or five out there?

20 (b)(7)(C) Oh, yeah.

21 SPECIAL AGENT (b)(7)(C) Okay. But as far
22 as -- as far as any information that you may have,
23 anything that comes to mind that as a result of
24 raising these issues that she was laid off as a result
25 of raising --

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1 (b)(7)(C) I -- I can't --

2 SPECIAL AGENT (b)(7)(C) And, once again,
3 we're not talking OSHA-type stuff.

4 (b)(7)(C) Right, right. Right, right,
5 right.

6 SPECIAL AGENT (b)(7)(C) We're talking
7 radiological-type stuff?

8 (b)(7)(C) No. No.

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

10 (b)(7)(C) Once again, it had to do with
11 funding. I mean if we could have kept her, that would
12 have been great.

13 SPECIAL AGENT (b)(7)(C) Okay. So the
14 bottom line is money?

15 (b)(7)(C) The bottom line is now I'm
16 even doing some of the work now that those folks who
17 were laid off back when --

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

19 (b)(7)(C) -- were doing. And I've had
20 to step it up, so.

21 SPECIAL AGENT (b)(7)(C) Okay. Now a
22 question for you. Were you -- at one point were you
23 laid off? Did they lay you --

24 (b)(7)(C) No.

25 SPECIAL AGENT (b)(7)(C) -- off at one

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1 point?

2 (b)(7)(C) No.

3 SPECIAL AGENT (b)(7)(C) Okay. So you've
4 had continuous employment --

5 (b)(7)(C) With Tetra Tech, with various
6 roles.

7 SPECIAL AGENT (b)(7)(C) Okay. Okay. All
8 right. But I think you indicated now you're picking
9 up some of the roles, some of the duties that she
10 previously had?

11 (b)(7)(C) Yeah, it's funny because as an
12 (b)(7)(C) when you have a staff, it's great. But as your
13 staff gets cut, you have to start picking up the
14 responsibility. So, yes, I too now am slinging a
15 meter and doing the routine surveys on the job site,
16 and that's the call of duty.

17 SPECIAL AGENT (b)(7)(C) Right. And that's
18 what Andrews would have been doing if she was there?

19 (b)(7)(C) She was involved in a Basewide
20 survey, Basewide postings, portal monitor activities,

21 --

22 SPECIAL AGENT (b)(7)(C) Um-hum.

23 (b)(7)(C) -- and a lab trash escort.

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

25 (b)(7)(C) Yeah.

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1 SPECIAL AGENT (b)(7)(C) All right. Any --
2 regarding Andrews, anything else that you can think
3 of? Anything else that you can think of that may come
4 to mind and may be beneficial for me?

5 (b)(7)(C) Out of -- out of all the
6 Basewide crew, she probably required the most amount
7 of management.

8 SPECIAL AGENT (b)(7)(C) Okay. And what do
9 you mean by that?

10 (b)(7)(C) She seemed unsure often about
11 her tasks.

12 SPECIAL AGENT (b)(7)(C) Okay. And was she
13 a Senior HP?

14 (b)(7)(C) She was a Senior HP Tech, yes.

15 SPECIAL AGENT (b)(7)(C) Okay. So how do
16 you -- with that in mind, how do you become a Senior
17 HP?

18 (b)(7)(C) Well, it depends on the
19 qualification, if it's an ANSI qualification or not.

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

21 (b)(7)(C) We don't require an ANSI
22 qualification at Hunter's Point.

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

24 (b)(7)(C) So it makes that
25 Junior-to-Senior step foggy and gray at times.

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1 SPECIAL AGENT (b)(7)(C) Okay. And, just
2 background, an ANSI qualification is a certain
3 standard, correct?

4 (b)(7)(C) Yes. Yes.

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

6 (b)(7)(C) The power plants often refer
7 to an ANSI 3.1 Technician, and then there was a
8 description of what that would be. Most of the
9 Seniors I have out at Hunter's Point do not meet that
10 qualification of ANSI 3.1.

11 SPECIAL AGENT (b)(7)(C) Okay. So to get a
12 Senior there's -- there's not requirements to get
13 there, you don't have to take a test. You're almost
14 kind of like grandfathered to the position over time?

15 (b)(7)(C) You're -- you're grandfathered
16 in it through the training that you get. Let's say
17 you can set up an air sampler. You can do a response
18 check on an instrument.

19 SPECIAL AGENT (b)(7)(C) So it's field
20 experience, basically?

21 (b)(7)(C) Yes. Yes.

22 SPECIAL AGENT (b)(7)(C) Okay. All right.
23 So once -- so you indicated that she needed a lot of
24 management oversight?

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

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1 SPECIAL AGENT (b)(7)(C) Okay. She had a
2 lot of questions?

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

4 SPECIAL AGENT (b)(7)(C) Okay. Now but
5 having that questioning attitude, is that a good thing
6 or a bad thing?

7 (b)(7)(C) Oh, it's -- it's a great
8 thing, --

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

10 (b)(7)(C) -- because you have an
11 employee who wants to do a job as correct as they
12 possibly can.

13 SPECIAL AGENT (b)(7)(C) Um-hum.

14 (b)(7)(C) The problem that you start
15 running into, though, is when you're doing a task
16 weekly and that same person is asking weekly what
17 should be done. And --

18 SPECIAL AGENT (b)(7)(C) The same question?

19 (b)(7)(C) The same question.

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

21 (b)(7)(C) Okay. So that required -- it
22 requires a lot of the management team, but it doesn't
23 make them a bad employee. Ms. Andrews was there on
24 time daily.

25 SPECIAL AGENT (b)(7)(C) Um-hum.

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1 (b)(7)(C) Rarely called off for
2 illnesses, or anything like that. And would even push
3 her lunches around to -- to make sure that the
4 coverage that was provided for some of our
5 subcontractors was provided. Very flexible.

6 SPECIAL AGENT (b)(7)(C) Okay. Was she ever
7 counseled, or anything, that you're aware of? Or
8 receive any type of award or --

9 (b)(7)(C) I think -- you know, I think
10 when she was working for New World Technologies, --

11 SPECIAL AGENT (b)(7)(C) Um-hum.

12 (b)(7)(C) -- there may have been
13 something, but I wasn't involved in that, and that
14 would be strictly hearsay.

15 SPECIAL AGENT (b)(7)(C) Okay. All right.
16 Regarding Andrews, anything else?

17 Any indication that she was discriminated
18 against?

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

20 SPECIAL AGENT (b)(7)(C) Okay. I'm going to
21 move on to (b)(7)(C)

22 (b)(7)(C) Okay.

23 SPECIAL AGENT (b)(7)(C) All right. And do
24 you know (b)(7)(C)

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

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1 SPECIAL AGENT (b)(7)(C) And how do you know
2 him?

3 (b)(7)(C) : He was a (b)(7)(C) at
4 Hunter's Point. He was at the Control Point of the
5 RSY-2, which I managed.

6 SPECIAL AGENT (b)(7)(C) : Okay. So were you
7 his (b)(7)(C)

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

9 SPECIAL AGENT (b)(7)(C) : Okay. Did you
10 write -- did you write like a performance evaluation
11 for him?

12 (b)(7)(C) No.

13 SPECIAL AGENT (b)(7)(C) Okay. So he worked
14 for you, but he was a New World --

15 (b)(7)(C) He was a New World employee,
16 yes.

17 SPECIAL AGENT (b)(7)(C) But he fell under
18 your -- under your oversight?

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

20 SPECIAL AGENT (b)(7)(C) Okay. And what
21 type of employee was (b)(7)(C) ?

22 (b)(7)(C) : (b)(7)(C) had a few more
23 tardies, no-call/no-shows, but it's not really
24 something that's held against folks unless it becomes
25 habitual.

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

2 (b)(7)(C) Go ahead. I'm sorry.

3 SPECIAL AGENT (b)(7)(C) What type of
4 product did he produce?

5 (b)(7)(C) Well, he would produce a log
6 book at his control point.

7 SPECIAL AGENT (b)(7)(C) Um-hum.

8 (b)(7)(C) He did a very good job of
9 that.

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

11 (b)(7)(C) He would also, you know, air
12 sampling on-off times, flow times, start, stuff like
13 that.

14 SPECIAL AGENT (b)(7)(C) Okay. But overall
15 a good employee -- I mean with the exception of the
16 tardies, I mean overall did he do what he was supposed
17 to be doing?

18 (b)(7)(C) Yes, he did.

19 SPECIAL AGENT (b)(7)(C) And then how long
20 -- how many years did you supervise him?

21 (b)(7)(C) That was as a (b)(7)(C) and as
22 an (b)(7)(C) probably.

23 SPECIAL AGENT (b)(7)(C) Okay. All right.

24 Did he ever come to you and report that (b)(7)(C)

25 her résumé was not accurate?

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1 (b)(7)(C) Yes.

2 SPECIAL AGENT (b)(7)(C) Okay. And when was
3 that, any idea? Approximately?

4 (b)(7)(C) Probably, oh, boy, ... I -- I
5 don't know the date.

6 SPECIAL AGENT (b)(7)(C) Okay. All right.
7 And where did the conversation take place; do you
8 remember?

9 (b)(7)(C) At his control point.

10 SPECIAL AGENT (b)(7)(C) Okay. And what did
11 he say then?

12 (b)(7)(C) He brought up that he felt her
13 résumé was bogus. He felt that she was fly-by-night.
14 He stated that he had actually put his -- his name out
15 on the line for her to bring her in.

16 SPECIAL AGENT (b)(7)(C) Oh, okay.

17 (b)(7)(C) Okay. And, you know, it was
18 hearsay. It was talk. New World was employing her at
19 that time, not Tetra Tech, not AWS. That is something
20 that he probably should have taken up with them if he
21 felt that strongly about it.

22 We had turned around and done our
23 diligence to make sure that that was not the case.
24 And, from the evidence we found, that was not the
25 case. She was qualified to be there at that time.

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1 SPECIAL AGENT (b)(7)(C) Okay. Now she --
2 what was her position?

3 (b)(7)(C) She was a (b)(7)(C) and then
4 we gave her yard-sampling duties as well. So she --
5 she would, oh, get a few of our laborers together.
6 They would go out to a pad. We have lay-down pads,
7 much like this pad you see in front of me here. We
8 would spread soil in six-inch lifts.

9 SPECIAL AGENT (b)(7)(C): Um-hum.

10 (b)(7)(C) And she would go out -- we
11 have coordinate grid systems on it -- and she would go
12 and make sure all the sample flags were placed in the
13 right locations. And then she would observe the craft
14 collecting the samples.

15 SPECIAL AGENT (b)(7)(C): Okay. And so she
16 wasn't -- once again, she wasn't a Tetra Tech
17 employee, --

18 (b)(7)(C) No.

19 SPECIAL AGENT (b)(7)(C) -- she was a
20 subcontractor?

21 (b)(7)(C) Yes.

22 SPECIAL AGENT (b)(7)(C) And, once again,
23 (b)(7)(C) reported that he felt that her résumé was not
24 accurate. And then who did the due diligence on -- on
25 her résumé? Who did the...

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1 [REDACTED] That would be the [REDACTED]
 2 [REDACTED] and myself.

3 SPECIAL AGENT [REDACTED] Okay. And after
 4 you did your due diligence you were satisfied with
 5 what was on the résumé?

6 [REDACTED]: Yes, sir.

7 SPECIAL AGENT [REDACTED] Okay. And [REDACTED]
 8 [REDACTED] who was she [REDACTED]

9 [REDACTED]
 10 SPECIAL AGENT [REDACTED] Okay. And when --
 11 when did that -- when did they become [REDACTED]

12 [REDACTED]
 13 [REDACTED] I think sometime in 2010, but
 14 I'm not --

15 SPECIAL AGENT [REDACTED] Okay. Recently
 16 then, the past couple of years --

17 [REDACTED] The past couple years, yes.

18 SPECIAL AGENT [REDACTED] Okay. When she
 19 reported to Hunter's Point, was she [REDACTED] to [REDACTED]

20 [REDACTED] No.

21 SPECIAL AGENT [REDACTED] Okay. So it was
 22 during the time that they were onsite together?

23 [REDACTED] Yes.

24 SPECIAL AGENT [REDACTED] Okay. All right.
 25 In approximately January-February 2010 did [REDACTED] inform

1 you that (b)(7)(C) had laborers mishandle asbestos?

2 (b)(7)(C) No.

3 SPECIAL AGENT (b)(7)(C) He never came to
4 you and talked about --

5 (b)(7)(C) No. He called me. There was
6 a -- there was -- we have a flatbed truck that we use
7 to move stuff around site. There were two drums that
8 those gentlemen were told to put in a building that
9 was in sight of the RSY-2 area.

10 SPECIAL AGENT (b)(7)(C) Um-hum.

11 (b)(7)(C) called me and said,
12 "Hey, one of these drums has a danger, asbestos-
13 containing material in this drum. Come down and take
14 a look at it."

15 And I did, and I grabbed (b)(7)(C). And
16 we went down there. And, lo and behold, (b)(7)(C) was
17 right. That drum did contain asbestos and did not
18 belong in that radiological-screening yard, and the
19 load was turned around.

20 SPECIAL AGENT (b)(7)(C) Okay. And you said
21 that (b)(7)(C) went down with you to --

22 (b)(7)(C) Yes.

23 SPECIAL AGENT (b)(7)(C) So he was aware of
24 that then?

25 (b)(7)(C) I -- I went and got him. As

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1 the (b)(7)(C) he was having his guys
2 transport some material. And so, yes, I got him
3 involved. And we went down and looked at it together.

4 SPECIAL AGENT (b)(7)(C) All right. So
5 obviously he was aware that (b)(7)(C) had raised that
6 issue?

7 (b)(7)(C) Yes. Yeah.

8 SPECIAL AGENT (b)(7)(C) Okay. And you --
9 and you said (b)(7)(C) was correct?

10 (b)(7)(C) (b)(7)(C) had raised issues that
11 like before and was usually correct. I got called
12 down often for -- for instance, if we have a piece of
13 heavy equipment working with material in that yard,
14 and then that piece of equipment needs to go somewhere
15 else to work, we have a pretty stringent process of
16 performing a decontamination with the high-pressure
17 sprayoff, and we collect the water. We then survey
18 out the equipment.

19 (b)(7)(C) would call me often saying, "Hey,
20 there's still mud in this bucket" or "still mud on
21 this track, and these guys think it's clean."

22 SPECIAL AGENT (b)(7)(C) Um-hum.

23 (b)(7)(C) "Come on down and take a
24 look." And I would come down and usually there was
25 some mud on something. And we would turn them around

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1 have them decon it.

2 SPECIAL AGENT (b)(7)(C) So when he called,
3 I mean it was credible then?

4 (b)(7)(C): When I got a call from him, it
5 was usually pretty credible, yes, sir.

6 SPECIAL AGENT (b)(7)(C) Okay. Okay. Did
7 he -- moving forward here, did he ever report to you
8 that (b)(7)(C) was using unqualified laborers to move
9 potential hazardous waste and to take samples?

10 (b)(7)(C) He may have called on that --
11 yes, I think he did actually.

12 SPECIAL AGENT (b)(7)(C) To you?

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

14 SPECIAL AGENT (b)(7)(C) Okay. And
15 apparently as a result -- as a result of this incident
16 did you research regulations and provide a copy of
17 what you found to (b)(7)(C)?

18 (b)(7)(C) No. I -- I actually provided
19 the training document that these individuals were
20 trained against. And I had them sign that they had
21 received the proper training and have that on file.

22 SPECIAL AGENT (b)(7)(C) Okay. So, once
23 again, just so I understand, --

24 (b)(7)(C) Um-hum.

25 SPECIAL AGENT (b)(7)(C) -- so he brought

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1 this concern forward, --

2 (b)(7)(C) : Um-hum.

3 SPECIAL AGENT (b)(7)(C) -- you did the
4 research?

5 (b)(7)(C) : Um-hum.

6 SPECIAL AGENT (b)(7)(C) And through doing
7 the research it was determined that the -- the
8 laborers had the appropriate training?

9 (b)(7)(C) Yes, sir.

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

11 (b)(7)(C) Yes, sir.

12 SPECIAL AGENT (b)(7)(C) And did you report
13 that to (b)(7)(C) ?

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

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

16 (b)(7)(C) : And to (b)(7)(C).

17 SPECIAL AGENT (b)(7)(C) Okay. So you
18 basically closed the circle then?

19 (b)(7)(C) I tried to, yeah.

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

21 (b)(7)(C) Yeah.

22 SPECIAL AGENT (b)(7)(C) Was he sat -- when
23 you went back -- when you went back to (b)(7)(C) was (b)(7)(C)
24 satisfied with what --

25 (b)(7)(C) : I --

1 SPECIAL AGENT (b)(7)(C) -- what you told
2 him?

3 (b)(7)(C) : I don't recall.

4 SPECIAL AGENT (b)(7)(C) : Okay. Was --

5 (b)(7)(C) and I -- our relationship
6 was pretty straightforward with -- with not a whole
7 lot of sugar coating. I informed him that those
8 individuals had received the same yearly training that
9 he does, therefore making them qualified rad workers.

10 SPECIAL AGENT (b)(7)(C) : Okay. And, once
11 again, you let (b)(7)(C) know and you let (b)(7)(C) know --

12 (b)(7)(C) Um-hum.

13 SPECIAL AGENT (b)(7)(C) : -- and that was --
14 that was pretty much about it?

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

16 SPECIAL AGENT (b)(7)(C) : Okay. Was -- was
17 (b)(7)(C) let go the following day, after this -- after he
18 had reported this incident?

19 (b)(7)(C) I -- I don't know the
20 approximate date, but (b)(7)(C) was let go for something we
21 haven't even talked about.

22 SPECIAL AGENT (b)(7)(C) : Okay. Well, let's
23 talk about that now.

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

25 SPECIAL AGENT (b)(7)(C) : Why was he let go?

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1 (b)(7)(C) : Well, during our conversation
2 about résumés and who should be there and who
3 shouldn't, and with regards to (b)(7)(C) he had
4 mentioned that she was a (b)(7)(C)
5 SPECIAL AGENT (b)(7)(C) Okay.

6 (b)(7)(C) : -- and that she -- and that --
7 that activities associated with being a (b)(7)(C) may have
8 gotten her on the site.

9 SPECIAL AGENT (b)(7)(C) Okay. And as a
10 result of him telling you that, --

11 (b)(7)(C) : Um-hum.

12 SPECIAL AGENT (b)(7)(C) -- what did you do?

13 (b)(7)(C) I reported it.

14 SPECIAL AGENT (b)(7)(C) And who did you
15 report that to?

16 (b)(7)(C) I reported that to (b)(7)(C)
17 (b)(7)(C) and (b)(7)(C).

18 SPECIAL AGENT (b)(7)(C) Okay. And as a
19 result of that what happened?

20 (b)(7)(C) He was let go.

21 SPECIAL AGENT (b)(7)(C) : And who -- who let
22 him go?

23 (b)(7)(C) New World.

24 SPECIAL AGENT (b)(7)(C) And who -- who
25 particularly, do you know? Do you know who in

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1 particular?

2 (b)(7)(C) Oh, I forget her name.

3 (b)(7)(C)

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

5 (b)(7)(C) Something (b)(7)(C) --

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

7 (b)(7)(C) -- was her last name.

8 SPECIAL AGENT (b)(7)(C) : And what was her
9 position with New World?

10 (b)(7)(C)

11 SPECIAL AGENT (b)(7)(C) Okay. All right.

12 And as a result of what he said to you about (b)(7)(C)

13 (b)(7)(C) did (b)(7)(C) do like an investigation?

14 (b)(7)(C) Yes, she did.

15 SPECIAL AGENT (b)(7)(C) Okay. And as part
16 of that investigation did she come and talk to you?

17 (b)(7)(C) Yes, she did.

18 SPECIAL AGENT (b)(7)(C) Okay. So (b)(7)(C) is
19 let go as a result of that?

20 (b)(7)(C) Yes.

21 SPECIAL AGENT (b)(7)(C) The disparaging
22 comments about (b)(7)(C) ?

23 (b)(7)(C) Yes.

24 SPECIAL AGENT (b)(7)(C) Okay. Was he let
25 go for any other reason, that he raised these concerns

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1 to you, at all?

2 (b)(7)(C) No. It happened pretty quick.

3 Once -- once news got out about him calling her a

4 (b)(7)(C) action was pretty quick.

5 SPECIAL AGENT (b)(7)(C): All right. What
6 kind of timeframe are we talking about?

7 (b)(7)(C): Six hours or less.

8 SPECIAL AGENT (b)(7)(C): Oh, really? Wow,
9 that quick. Okay.

10 (b)(7)(C) Really.

11 SPECIAL AGENT (b)(7)(C) Okay. So he wasn't
12 laid off; he was basically fired?

13 (b)(7)(C) I don't -- I don't know that.
14 You'd have to talk to New World.

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

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

17 SPECIAL AGENT (b)(7)(C) Okay. Is he -- is
18 he welcome back on a Tetra Tech site, (b)(7)(C)?

19 (b)(7)(C): I don't do much hiring or
20 firing, I -- hmm, that's a good question. I'd have to
21 talk to my Human Resources Department to make that
22 decision because of what's happened.

23 SPECIAL AGENT (b)(7)(C): Okay. So, once
24 again, (b)(7)(C) wasn't part of a layoff because of
25 funding, it wasn't because he had raised safety

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1 issues; it was because of the comment that he made
2 about (b)(7)(C) ?

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

4 SPECIAL AGENT (b)(7)(C) : Okay. Did you ever
5 -- I know you were interviewed by (b)(7)(C) ?

6 (b)(7)(C) : Um-hum.

7 SPECIAL AGENT (b)(7)(C) : Did you ever talk
8 -- after the interview did you ever talk to her a
9 little bit more why -- did she ever basically kind of
10 close --

11 (b)(7)(C) : I was very saddened by the
12 event. I really enjoyed working with (b)(7)(C), and I
13 shared that with her.

14 SPECIAL AGENT (b)(7)(C) : Okay. All right.
15 I think I asked you about him being eligible for
16 rehire; you're not sure about that?

17 (b)(7)(C) : I'm not sure.

18 SPECIAL AGENT (b)(7)(C) : Okay. And, once
19 again, you said New World made the decision to let
20 (b)(7)(C) go?

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

22 SPECIAL AGENT (b)(7)(C) : Okay. And when you
23 reported this, I think you said (b)(7)(C) and
24 I think there was a third individual --

25 (b)(7)(C)

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1 SPECIAL AGENT (b)(7)(C) Do you know if they
2 -- did they get in touch with New World about what
3 happened?

4 (b)(7)(C): Yes, they did.

5 SPECIAL AGENT (b)(7)(C): Okay. And that's
6 what got the ball rolling?

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

8 SPECIAL AGENT (b)(7)(C): Okay. All right.

9 Any information at all that would indicate that (b)(7)(C)
10 (b)(7)(C) was discriminated against for raising safety
11 issues?

12 (b)(7)(C) I can't see it. I probably
13 got a call once or twice a week from him with a
14 question that had to do with his yard there.

15 SPECIAL AGENT (b)(7)(C): And, once again,
16 you said all the -- all the issues he raise were --

17 (b)(7)(C): That's why --

18 SPECIAL AGENT (b)(7)(C): -- legit?

19 (b)(7)(C): That's why I always -- I tried
20 to stop by and see him twice a day on my rounds.
21 Sometimes I wasn't able to get there, but it was at
22 least once a day I would stop and check in with him
23 and see if he had any cares, shares, or concerns.

24 SPECIAL AGENT (b)(7)(C): Okay. All right.

25 Anything else you could add regarding (b)(7)(C)?

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1 [REDACTED]: No. I miss him. I mean it
2 was -- I really enjoyed working with him. I'm sorry
3 it -- I felt bad that it ended that way.

4 SPECIAL AGENT [REDACTED]: Okay. Just one
5 other question. Besides -- besides [REDACTED] telling
6 you about [REDACTED], --

7 [REDACTED]: Um-hum, um-hum.

8 SPECIAL AGENT [REDACTED]: -- did he talk to
9 anybody else about that?

10 [REDACTED]: [REDACTED] was close, and we
11 were having that conversation with the three of us.
12 And he was right there as well. And probably within
13 earshot, but not in the conversation. And later I
14 think they had a conversation as well, I'm not --

15 SPECIAL AGENT [REDACTED]: Right.

16 [REDACTED]: I wasn't part of that.

17 SPECIAL AGENT [REDACTED]: Do you know if [REDACTED]
18 [REDACTED] also reported it?

19 [REDACTED]: I believe he did.

20 SPECIAL AGENT [REDACTED]: Okay.

21 [REDACTED]: Yeah.

22 SPECIAL AGENT [REDACTED]: Okay. Anything
23 else you can think of?

24 [REDACTED]: (Shaking head.)

25 SPECIAL AGENT [REDACTED]: No?

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1 Tim, any questions?

2 MR. MURPHY: No.

3 SPECIAL AGENT (b)(7)(C): A couple questions,
4 and we'll wrap it up.

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

6 SPECIAL AGENT (b)(7)(C): Have I threatened
7 you in any manner?

8 (b)(7)(C): No, sir.

9 SPECIAL AGENT (b)(7)(C): Have you been
10 offered any reward in return for the information that
11 you provided to me?

12 (b)(7)(C): No, sir.

13 SPECIAL AGENT (b)(7)(C): Have you provided
14 the information freely and voluntarily?

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

16 SPECIAL AGENT (b)(7)(C): And, once again,
17 anything else you want to add at this time?

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

19 SPECIAL AGENT (b)(7)(C): Okay: The
20 interview is concluded. The time is approximately
21 eleven o'clock in the morning. Thanks.

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

23 (b)(7)(C): You're done.

24 SPECIAL AGENT (b)(7)(C): That's it.

25 (End of interview.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission

Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-019/032/037

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
and thereafter reduced to typewriting under my
direction and that said transcript is a true and
accurate record of the proceedings.

(b)(7)(C)

Official Reporter
Neal R. Gross & Co., Inc.

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EXHIBIT 15

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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INTERVIEW OF : Case Nos. 1-2012-019
(b)(7)(C) : 1-2012-032
-----x 1-2012-037

Friday, January 25, 2013

Fisher & Phillips, LLP
One Embarcadero Center, Suite 2040
San Francisco, California 94111

BEFORE:

(b)(7)(C), Special Agent
U.S. Nuclear Regulatory Commission
Region I, Office of Investigation
2100 Renaissance Boulevard, Suite 100
King of Prussia, Pennsylvania
Telephone: 610-337-5339

FOR TETRA TECH and the WITNESS:

TIMOTHY J. MURPHY, Esq.
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1-2012-019

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EXHIBIT 15
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P R O C E E D I N G S

(12:00 o'clock p.m.)

SPECIAL AGENT (b)(7)(C) : Today is January

25th, 2013. And the time is approximately noon time.

My name is (b)(7)(C). I'm a Special Agent with the Nuclear Regulatory Commission, Office of Investigations, Region I, King of Prussia, Pennsylvania.

I have identified myself with my NRC Office of Investigation credentials. And, (b)(7)(C), did you have an opportunity to see my credentials?

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

SPECIAL AGENT (b)(7)(C) : Any objection with taping your testimony?

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

SPECIAL AGENT (b)(7)(C) : This interview is with (b)(7)(C). That's spelled (b)(7)(C). And (b)(7)(C) is the Construction Superintendent for

Tetra Tech at Hunter's Point. For the record, this interview is being conducted -- conducted at the Law Offices of Fisher and Phillips' law firm, Suite 2050, One Embarcadero Center, San Francisco, California. This is a noncustodial interview, and it is being conducted regarding an allegation that Susan Andrews and (b)(7)(C) were discriminated against as a result

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1 of raising safety concerns at Hunter's Point,
2 California.

3 The interview will be conducted under
4 oath.

5 Any objection with providing the
6 information under oath?

7 (b)(7)(C) : None.

8 SPECIAL AGENT (b)(7)(C) : Just raise your
9 right hand.

10 (b)(7)(C) . WITNESS, SWORN

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

12 SPECIAL AGENT (b)(7)(C) : Also present is Mr.
13 Timothy Murphy. Mr. Murphy is a partner with the Law
14 Firm of Fisher and Phillips here in San Francisco.

15 And, Mr. Murphy, did you want to put
16 something on the record regarding your representation
17 and any potential for a conflict of interest?

18 MR. MURPHY: At your request you wanted me
19 to state what I would do if there was ever a conflict
20 of interest between my representation of (b)(7)(C)
21 here today as an individual and with his employer
22 Tetra Tech. I do not anticipate any such conflict of
23 interest, but if such conflict of interest ever arose
24 I would abide by the Rules of Professional Conduct for
25 the State of California.

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1 SPECIAL AGENT (b)(7)(C) : Okay. Thank you.
2 (b)(7)(C), just a couple questions
3 regarding Mr. Murphy's representation. Do you -- does
4 your employer require you to have an attorney present
5 when you are interviewed by the NRC?

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

7 SPECIAL AGENT (b)(7)(C) : Were you in any way
8 threatened with any adverse action if you did not
9 request counsel?

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

11 SPECIAL AGENT (b)(7)(C) : Do you understand
12 that Mr. Murphy also represents the company and
13 possibly other employees?

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

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

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

19 SPECIAL AGENT (b)(7)(C) : And with everything
20 we just spoke about, do you want Mr. Murphy here
21 today?

22 (b)(7)(C) : Yeah. That's fine.

23 SPECIAL AGENT (b)(7)(C) : Let's see here. I
24 took your bio information. I'll maintain that. That
25 won't appear on this transcript.

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1 Do you know Susan Andrews?

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

3 SPECIAL AGENT (b)(7)(C) : And how do you know
4 her?

5 (b)(7)(C) : She was an employee at
6 Hunter's Point --

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

8 (b)(7)(C) : -- in the radiological area.

9 SPECIAL AGENT (b)(7)(C) : Okay. Was she a
10 Tetra Tech employee?

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

12 SPECIAL AGENT (b)(7)(C) : And who did she
13 work for?

14 (b)(7)(C) : She -- in the time I knew her
15 she worked for New World Technologies and then AWS,
16 which I don't know what that stands for.

17 SPECIAL AGENT (b)(7)(C) : Okay. And -- and,
18 I'm sorry, do you remember what her title was?

19 (b)(7)(C) : She is a Rad Technician.

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

21 And approximately her dates of employment; do you
22 remember that at all?

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

24 SPECIAL AGENT (b)(7)(C) : Okay. And did you
25 -- did you supervise her at all?

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1 (b)(7)(C) : No.
 2 SPECIAL AGENT (b)(7)(C) Okay. Just from
 3 your dealings with her, what type of employee was she?

4 (b)(7)(C) : She seemed to be pretty nice,
 5 personable. From what I heard, she was very good at
 6 paperwork. That's all I remember.

7 SPECIAL AGENT (b)(7)(C) : Okay. Did she --
 8 to the best of your knowledge, did she get the job
 9 done?

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

11 SPECIAL AGENT (b)(7)(C) : Okay. And who was
 12 her immediate supervisor?

13 (b)(7)(C)

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

15 (b)(7)(C) is your (b)(7)(C)

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

17 SPECIAL AGENT (b)(7)(C) : Okay. Is she a
 18 Tetra Tech employee?

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

20 SPECIAL AGENT (b)(7)(C) : And who does she
 21 work for?

22 (b)(7)(C) : RSRs, which is another
 23 radiological company that furnishes Tetra Tech
 24 Technicians.

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

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1 her -- what's her title?

2 (b)(7)(C) : She is a (b)(7)(C) also.

3 SPECIAL AGENT (b)(7)(C) : Okay. And how long
4 has she been at Hunter's Point, just approximately.

5 (b)(7)(C) : (b)(7)(C) - or maybe
6 longer. She was there -- now I've been there almost

7 (b)(7)(C) years, and she was there before me, so maybe

8 (b)(7)(C)

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

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

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

12 Apparently Andrews in July of 2011 -- of 2011, (b)(7)(C)

13 told a bin driver to go to the RCA at Hunter's Point
14 and take a binful of contaminated material.

15 Apparently there was an issue with this. And Andrews
16 informed (b)(7)(C) and (b)(7)(C) wanted to write a deficiency

17 report, but apparently -- against (b)(7)(C), however,
18 according to Andrews, you would not allow that. Is

19 that accurate?

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

21 SPECIAL AGENT (b)(7)(C) : Okay. What --

22 (b)(7)(C) : I don't have -- I don't have
23 -- well, okay, this -- this is a possibility, okay.

24 Field activities, okay, that happen at Hunter's Point,
25 if I have any kind of supervisory authority over them,

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1 --

2 SPECIAL AGENT (b)(7)(C) : Um-hum.

3 (b)(7)(C) : -- I generally ask the QC
4 people to write me up as opposed to an employee that
5 I actually have control over, --

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

7 (b)(7)(C) : -- because it's my
8 responsibility. So I don't know of this particular
9 instance, but it's a possibility. It would depend on
10 how it happened.

11 SPECIAL AGENT (b)(7)(C) : Okay. So I guess
12 as a (b)(7)(C) you have
13 responsibility for the whole site?

14 (b)(7)(C) : For the field activities in
15 one form or another. If the craft have to do with it,
16 and which they do most things.

17 SPECIAL AGENT (b)(7)(C) : Okay. And what do
18 you mean field activities, the actual going out and
19 doing the sampling?

20 (b)(7)(C) : Well, the things -- the
21 things that go in and out of the yards are usually run
22 by Teamsters, you know, that are under my control.

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

24 (b)(7)(C) : And so -- I don't remember
25 the instance, but if it -- if it was something that

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1 like one of my foremen directed, --

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

3 (b)(7)(C) : -- or whatever, yeah, I'd ask
4 them to write me up. And as far as me not allowing
5 it, I don't have that kind of authority over QC. And
6 I would deal with the (b)(7)(C), anyway, (b)(7)(C).

7 SPECIAL AGENT (b)(7)(C) : Okay. Was there an
8 incident where (b)(7)(C) wrote you up?

9 (b)(7)(C) : Oh, I'm sure.

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

11 (b)(7)(C) : In the course of his -- I
12 think. I -- Like I said, when -- when things are
13 observed, okay, that are my responsibility,
14 essentially, --

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

16 (b)(7)(C) : -- that's what we do.

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

18 (b)(7)(C) : And I make sure that -- well,
19 the first thing I ask them to do before they write
20 anything, is to let me know about it so I can correct
21 it.

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

23 (b)(7)(C) : Then we get on to the
24 writing-up, and all that.

25 SPECIAL AGENT (b)(7)(C) : Okay. And what do

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1 you mean writing up, is that a deficiency report?

2 (b)(7)(C) : Well, yeah, or whatever it
3 is.

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

5 (b)(7)(C) : Or whatever corrective
6 action, --

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

8 (b)(7)(C) : -- or whatever.

9 SPECIAL AGENT (b)(7)(C) : So what does that
10 really -- what does that consist of?

11 (b)(7)(C) : It would depend on -- it's
12 just a documentation that there was a deficient
13 condition and what the disposition of that was.

14 SPECIAL AGENT (b)(7)(C) : Okay. So there's
15 been instances where (b)(7)(C) has written you up in the
16 past?

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

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

19 (b)(7)(C) : Sure, I would think. He or
20 (b)(7)(C), one. It would depend on -- (b)(7)(C) generally
21 brings them to me to sign.

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

23 (b)(7)(C) : But I would think that there
24 were -- there have been things that (b)(7)(C) observed, no
25 problem at all.

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1 SPECIAL AGENT (b)(7)(C) : Okay. But getting
2 back to this particular instance, --

3 (b)(7)(C) : No, I don't --

4 SPECIAL AGENT (b)(7)(C) : -- with the bin
5 driver and the RCA, you --

6 (b)(7)(C) : I don't remember it.

7 SPECIAL AGENT (b)(7)(C) : Okay. What is a
8 ZIP slip?

9 (b)(7)(C) : It's a thing that stands for
10 zero incident performance. And it is to document,
11 rec- -- the observations that people make for -- for,
12 you know, recommendations of how things can be
13 improved or whether they corrected them.

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

15 (b)(7)(C) : It can be a programmatic-type
16 of suggestion or it could be a specific incident.

17 SPECIAL AGENT (b)(7)(C) : Okay. Can it be
18 positive and negative?

19 (b)(7)(C) : Oh, yeah. Sure.

20 SPECIAL AGENT (b)(7)(C) : Okay. Did -- did
21 Andrews, did she ever write a ZIP slip against you and
22 (b)(7)(C) for smoking in a truck when you shouldn't have?

23 (b)(7)(C) : I have no idea.

24 SPECIAL AGENT (b)(7)(C) : Okay. So if she --
25 if she wrote that up, there is a possibility that you

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1 would know about it?

2 (b)(7)(C) Eventually, yeah. Uh-huh.

3 SPECIAL AGENT (b)(7)(C): I'm not sure what
4 you mean by eventually.

5 (b)(7)(C): Well, ZIP slips go to (b)(7)(C)

6 (b)(7)(C) and he's the (b)(7)(C).

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

8 (b)(7)(C) Okay. And he would let me
9 know.

10 SPECIAL AGENT (b)(7)(C): If -- if one was
11 written?

12 (b)(7)(C): Yeah. Uh-huh.

13 SPECIAL AGENT (b)(7)(C): And did he ever let
14 you know that this one was written up?

15 (b)(7)(C): I don't know.

16 SPECIAL AGENT (b)(7)(C): And who -- I'm
17 sorry again. Who was --

18 (b)(7)(C): So what you have to
19 understand about trucks, at least mine?

20 SPECIAL AGENT (b)(7)(C): Um-hum.

21 (b)(7)(C): Okay. Mine is not a
22 government vehicle.

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

24 (b)(7)(C): It's a company vehicle that's
25 provided me here.

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1 SPECIAL AGENT (b)(7)(C) : Um-hum.

2 (b)(7)(C) : Okay. It's almost like a
3 personal vehicle that, you know, at least for that --
4 and, yes, I smoke in it.

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

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

7 SPECIAL AGENT (b)(7)(C) : But re- --

8 (b)(7)(C) : And --

9 SPECIAL AGENT (b)(7)(C) : Right. But
10 regarding the ZIP slip?

11 (b)(7)(C) : No, I don't remember.

12 SPECIAL AGENT (b)(7)(C) : You don't remember
13 that?

14 (b)(7)(C) : No. Huh-uh.

15 SPECIAL AGENT (b)(7)(C) : Okay. In December
16 of 2011 Andrews was laid off; do you know why?

17 (b)(7)(C) : Yeah. There was a reduction
18 in work for the Basewide and she and another
19 individual were laid off because the work stopped.

20 SPECIAL AGENT (b)(7)(C) : And who was the
21 other individual?

22 (b)(7)(C) : I don't know his last name,

23 but (b)(7)(C)

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

25 (b)(7)(C) Okay.

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

2 (b)(7)(C) Yeah. And he was in RSY-2,
3 which we -- which we were closing up.

4 SPECIAL AGENT (b)(7)(C) Okay. And who made
5 the decision to lay off Andrews?

6 (b)(7)(C) : I believe it was (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C) And -- and, once
8 again, was she laid off because she had raised safety
9 issues in the past?

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

11 SPECIAL AGENT (b)(7)(C) : Okay. And since
12 Andrews was laid off, has Hunter's Point hired any
13 Senior HP Techs?

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

15 SPECIAL AGENT (b)(7)(C) And who was that?

16 (b)(7)(C) : There are numerous ones. I
17 don't know who they are. There's been a lot of people
18 laid off and hired back since then.

19 SPECIAL AGENT (b)(7)(C) : Okay. So -- okay.
20 So, just once again, let me just back up here, I just
21 want to make sure I understand this. She -- she was
22 -- Andrews was laid off. She is gone. And then they
23 go back and they hire Senior HP Techs?

24 (b)(7)(C) : Um-hum.

25 SPECIAL AGENT (b)(7)(C) : Okay. And you said

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1 -- I'm sorry -- approximately how many, ballpark?

2 (b)(7)(C) : A few, but it was -- I don't
3 remember how long ago Susan got laid off, but we just
4 recently in -- I guess in January, --

5 SPECIAL AGENT (b)(7)(C) : Um-hum.

6 (b)(7)(C) : -- the beginning of January,
7 after Christmas break we hired HP Technicians that had
8 not worked for us previously, one specifically.

9 SPECIAL AGENT (b)(7)(C) : Okay. And who was
10 that?

11 (b)(7)(C) : I don't know his name. It's
12 (b)(7)(C) something or other.

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

14 (b)(7)(C) would know that.

15 SPECIAL AGENT (b)(7)(C) : Okay. And the --
16 you say Christmas, like 2000- -- this past --

17 (b)(7)(C) : This past -- this past --
18 this month, actually, the beginning of this month.

19 SPECIAL AGENT (b)(7)(C) : Okay. All right.

20 And you said there was a couple of them?

21 (b)(7)(C) : Well, there's another one, a
22 gentleman named (b)(7)(C) but he worked for us
23 previously and left.

24 SPECIAL AGENT (b)(7)(C) : Okay. And these
25 are all Senior HPs?

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1 (b)(7)(C) I believe so. I don't keep
2 up with everybody's --

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

4 (b)(7)(C) : -- classification, but I
5 would guess so, yes, based on their age and
6 experience.

7 SPECIAL AGENT (b)(7)(C) : Okay. Bear with me
8 for one sec. These positions that -- since she was
9 laid off, these positions that were filled in -- you
10 know, one, two, three, four number, did she ever
11 submit a résumé for those positions?

12 (b)(7)(C) : Not that I -- I wouldn't be
13 -- not that I'm aware of.

14 SPECIAL AGENT (b)(7)(C) : Okay. I mean did
15 she ever contact you and say, 'Hey, I'm looking for
16 work,' or anything like that?

17 (b)(7)(C) : No. No. And she wouldn't
18 contact me anyway because I don't hire --

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

20 (b)(7)(C) : -- HPs.

21 SPECIAL AGENT (b)(7)(C) : Okay. And what
22 about -- is there a site -- does Tetra Tech have a
23 site in Alameda?

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

25 SPECIAL AGENT (b)(7)(C) : Okay. Do you know

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1 if she ever applied for any positions up there?

2 (b)(7)(C) I don't know for sure.

3 SPECIAL AGENT (b)(7)(C) Okay. Is she -- as
4 a result of being laid off, is she eligible to work at
5 the Alameda site or any other Tetra Tech site?

6 (b)(7)(C) : As far as I know, yes.

7 SPECIAL AGENT (b)(7)(C) Okay. I mean so
8 she left on good terms?

9 (b)(7)(C) Yes, she did.

10 SPECIAL AGENT (b)(7)(C) Okay. Okay. Do
11 you know (b)(7)(C) and (b)(7)(C) from RSRs?

12 (b)(7)(C) : I know (b)(7)(C) I don't know

13 (b)(7)(C)

14 SPECIAL AGENT (b)(7)(C) : Okay. Did you ever
15 tell (b)(7)(C) not to hire Andrews for a project because
16 she had raised -- previously raised safety concerns?

17 (b)(7)(C) No.

18 SPECIAL AGENT (b)(7)(C) : Okay. And what's
19 your -- what's your -- with (b)(7)(C) what's your
20 relationship with him?

21 (b)(7)(C) He is a (b)(7)(C) who
22 works at our site occasionally. He used to be
23 assigned there full time. I (b)(7)(C) with him a
24 few times.

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

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1 (b)(7)(C) : That would be it.

2 SPECIAL AGENT (b)(7)(C) : Okay. So you're
3 talking about Hunter's Point now?

4 (b)(7)(C) : Yeah, Hunter's Point.

5 SPECIAL AGENT (b)(7)(C) : Okay. Okay. Does
6 he have any involvement up at Alameda?

7 (b)(7)(C) : I would -- I believe the
8 techs that work at Alameda are also from RSRs. And

9 (b)(7)(C) whatever, a partner in that, or --

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

11 (b)(7)(C) -- something like that.

12 SPECIAL AGENT (b)(7)(C) : So he would provide
13 some oversight, it sounds like --

14 (b)(7)(C) : But he would sup- -- yeah.

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

16 But, once again, you never told him not to hire --

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

18 SPECIAL AGENT (b)(7)(C) : -- Andrews?

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

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

21 (b)(7)(C) : (b)(7)(C) doesn't do -- wouldn't
22 do what I tell him.

23 SPECIAL AGENT (b)(7)(C) : Any direct or
24 indirect knowledge or information that Andrews was
25 discriminated against for raising safety concerns?

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

2 SPECIAL AGENT (b)(7)(C) Okay. Was -- so

3 the sole reason why she was let go was money issues?

4 (b)(7)(C) : Just that there was no

5 position. The contract went away.

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

7 (b)(7)(C) : But, you know, -- well, part

8 of it did. In Susan's case, because she worked in the

9 Basewide thing, and they had to reduce by one person.

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

11 (b)(7)(C) : And (b)(7)(C) was over Basewide.

12 SPECIAL AGENT (b)(7)(C) : Okay. And he made

13 the decision to --

14 (b)(7)(C) : As far as I know, yes.

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

16 (b)(7)(C) : I don't remember

17 specifically. I wasn't involved in it. But, you

18 know, as far as I know, yes.

19 SPECIAL AGENT (b)(7)(C) : Okay. Any other

20 information regarding Andrews?

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

22 SPECIAL AGENT (b)(7)(C) Okay. We're going

23 to talk about (b)(7)(C) . Do you know him?

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

25 SPECIAL AGENT (b)(7)(C) : And how do you know

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1 him?

2 (b)(7)(C) : He was a (b)(7)(C) at Hunter's
3 Point.

4 SPECIAL AGENT (b)(7)(C) : Okay. And, once
5 again, he was a subcontractor?

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

7 SPECIAL AGENT (b)(7)(C) : Okay. And any idea
8 what company he worked for?

9 (b)(7)(C) : New World, as I recall at
10 that time.

11 SPECIAL AGENT (b)(7)(C) : Okay. And how long
12 was he -- how long did he work there?

13 (b)(7)(C) : I don't know. He was there
14 all the time I was there, as far as I go.

15 SPECIAL AGENT (b)(7)(C) : Okay. So for a
16 couple years, I mean --

17 (b)(7)(C) : Um-hum. (Nodding head.)

18 SPECIAL AGENT (b)(7)(C) : And what type of
19 employee was he; do you know?

20 (b)(7)(C) : He was pretty attentive to
21 his business also. My interactions with (b)(7)(C) were when
22 he was a gate -- a tech at the gate for RSY-2. And
23 there were occasions when we tried to get equipment
24 out, and (b)(7)(C) wanted it cleaned more. And my foreman
25 thought it was clean enough. And so I was contacted.

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1 And in every one of those instances (b)(7)(C)
2 was right, and the equipment went back in.

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

4 (b)(7)(C): So he was pretty thorough,
5 yeah.

6 SPECIAL AGENT (b)(7)(C): So it sounded like
7 he was doing his job then?

8 (b)(7)(C): Um-hum.

9 SPECIAL AGENT (b)(7)(C): Okay. And who was
10 his immediate supervisor?

11 (b)(7)(C) You know, I don't remember
12 who (b)(7)(C) actually reported to then.

13 SPECIAL AGENT (b)(7)(C) Okay. Okay. In
14 August of 2010 (b)(7)(C) informed (b)(7)(C) that (b)(7)(C)
15 was using unqualified laborers to move potentially
16 contaminated waste and to take samples. Apparently
17 (b)(7)(C) had copied a -- (b)(7)(C) had copied a
18 regulation about using unqualified laborers and
19 provided the regulation to you. Is that accurate?

20 And, if you want me to, I can read -- I
21 can reread that --

22 (b)(7)(C): I don't -- I don't recall.

23 SPECIAL AGENT (b)(7)(C): Okay. He never
24 provided any regulation to you about unqualified
25 laborers being used?

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1 (b)(7)(C) : I do not recall.

2 SPECIAL AGENT (b)(7)(C) : Okay. Did you ever
3 talk to (b)(7)(C) about that?

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

5 SPECIAL AGENT (b)(7)(C) : Okay. In January-
6 February of 2010 (b)(7)(C) reported to (b)(7)(C) that (b)(7)(C)
7 had laborers mishandle asbestos. Apparently (b)(7)(C)
8 brought (b)(7)(C) concern to you. Do you remember that,
9 about asbestos?

10 (b)(7)(C) : Yeah. Actually I do remember
11 about the asbestos.

12 SPECIAL AGENT (b)(7)(C) : Okay. And what
13 happened there?

14 (b)(7)(C) : We corrected the problem,
15 whatever it was specifically. And I don't remember
16 specifically what it was.

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

18 (b)(7)(C) : And I think as -- at the time
19 I probably commended (b)(7)(C) for pick -- for catching it,
20 you know.

21 SPECIAL AGENT (b)(7)(C) : Okay. So --

22 (b)(7)(C) : Like I said, he was pretty
23 attentive at what went on, so.

24 SPECIAL AGENT (b)(7)(C) : Okay. So (b)(7)(C) went
25 to (b)(7)(C) and then (b)(7)(C) went to you?

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1 (b)(7)(C) : I don't know how that
2 transpired --

3 SPECIAL AGENT (b)(7)(C) : Okay. You just
4 found out about it?

5 (b)(7)(C) : Yeah. I do remember
6 something about (b)(7)(C) and the asbestos in the yard.

7 SPECIAL AGENT (b)(7)(C) : Okay. And then as
8 a result of that I think you said that you took care
9 of the problem?

10 (b)(7)(C) : Oh, yeah. And, now that you
11 mention, I do remember a little bit more of it. We
12 had an asbestos contractor. And the RCAs were
13 continuous, so they were coming from a building. And
14 in order to get out of the RCA, they had to come
15 through the yard.

16 SPECIAL AGENT (b)(7)(C) : Um-hum.

17 (b)(7)(C) : And he picked up on something
18 in the truck, as I recall.

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

20 (b)(7)(C) : I don't remember the
21 specifics beyond that.

22 SPECIAL AGENT (b)(7)(C) : Okay. And was --
23 was (b)(7)(C) did she receive any type of deficiency
24 written on her for that?

25 (b)(7)(C) : I have no idea.

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1 SPECIAL AGENT (b)(7)(C) Okay. (b)(7)(C) was
2 laid off in approximately -- in August of 2010 after

3 (b)(7)(C) of service. Why?

4 (b)(7)(C): I do not know.

5 SPECIAL AGENT (b)(7)(C): You don't know why
6 he was laid off --

7 (b)(7)(C): Well, I do now, okay. There
8 were some personal issues. At that time that that
9 happened, --

10 SPECIAL AGENT (b)(7)(C): Um-hum.

11 (b)(7)(C): -- I didn't know anything
12 about it. All I know is --

13 SPECIAL AGENT (b)(7)(C): Okay. So why was
14 he laid off?

15 (b)(7)(C): There was some sort of --
16 well, he was returned to New World Technology because
17 of some personal issues that he had.

18 SPECIAL AGENT (b)(7)(C): Which were what?

19 (b)(7)(C): I still don't know all the
20 specifics. Something about what he said about my

21 (b)(7)(C)

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

23 (b)(7)(C) And she wasn't my (b)(7)(C) at the
24 time, anyway.

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

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1 (b)(7)(C): I still don't know what
2 specifically was said, or whatever. That was --
3 involved other people.

4 SPECIAL AGENT (b)(7)(C): Okay. So was he
5 laid off or was he fired?

6 (b)(7)(C): He was returned to his
7 employer. And what AWS did to him, I don't know.

8 SPECIAL AGENT (b)(7)(C): Okay. But he was
9 returned --

10 (b)(7)(C) Well, --

11 SPECIAL AGENT (b)(7)(C) -- like Tetra Tech
12 says, 'We don't want him onsite' type thing?

13 (b)(7)(C): Well, that's -- I don't know
14 exactly. Like I said, for me, I'd be speculating.

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

16 (b)(7)(C): I don't know exactly what was
17 said.

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

19 (b)(7)(C): I had no -- like I said, I
20 didn't find out about it even in a small amount until
21 long after it happened.

22 SPECIAL AGENT (b)(7)(C): Okay. But the
23 bottom line is he wasn't welcomed at Hunter -- okay.

24 (b)(7)(C): I don't know.

25 SPECIAL AGENT (b)(7)(C): You don't know?

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1 (b)(7)(C): I don't know.

2 SPECIAL AGENT (b)(7)(C) Okay. In any
3 event, he -- he no longer -- as a result of whatever
4 occurred, he no longer worked at Hunter's Point?

5 (b)(7)(C) Yeah.

6 SPECIAL AGENT (b)(7)(C): Okay. Do you know
7 if he's eligible to be rehired at a Tetra Tech site?

8 (b)(7)(C): I do not know.

9 SPECIAL AGENT (b)(7)(C) I mean your
10 opinion, did he leave on good terms?

11 (b)(7)(C) From what I know now,
12 probably not.

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

14 (b)(7)(C): But in my -- like I said, in
15 my personal experiences with him and what I watched
16 him do in the yard, --

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

18 (b)(7)(C): -- no problem. (b)(7)(C) was a
19 professional.

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

21 (b)(7)(C): And he was -- and in the
22 concerns that he brought up, he was right.

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

24 --

25 (b)(7)(C): And they were dealt with,

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1 yeah.

2 SPECIAL AGENT (b)(7)(C): So the work -- the
3 issues that he brought forward, he was right and he
4 was doing the right thing?

5 (b)(7)(C): Yeah, for -- for the -- well,
6 the asbestos thing --

7 SPECIAL AGENT (b)(7)(C) The -- right.
8 Right.

9 (b)(7)(C) -- and the issues with
10 equipment not being clean enough, yeah.

11 SPECIAL AGENT (b)(7)(C): The things that you
12 remember that I think you told --

13 (b)(7)(C): Yeah, definitely.

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

15 (b)(7)(C): Definitely.

16 SPECIAL AGENT (b)(7)(C): Okay. Any -- any
17 indication that he was discriminated against for
18 raising safety issues?

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

20 SPECIAL AGENT (b)(7)(C): Okay. Did you ever
21 -- you said he was a New World employee. Did you ever
22 talk to the point of contact at New World why he left?

23 (b)(7)(C): No, no.

24 SPECIAL AGENT (b)(7)(C): Okay. So basically
25 one day he's there and the next day he's gone?

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1 [REDACTED] Yeah, that was other people
2 onsite.

3 SPECIAL AGENT [REDACTED]: I'm sorry?

4 [REDACTED]: Other people onsite dealt
5 with all that, not me.

6 SPECIAL AGENT [REDACTED]: Okay. All right.
7 And you said you don't have the ability to hire or
8 fire?

9 [REDACTED]: Not -- not Rad Technicians,
10 no.

11 SPECIAL AGENT [REDACTED]: Okay. Who do you

12 --
13 [REDACTED] I -- I -- the people that I
14 hire or fire, kind of -- I've never fired anybody out
15 there, but I deal with craft subcontractors, --

16 SPECIAL AGENT [REDACTED]: Um-hum.

17 [REDACTED]: -- okay, and there I go
18 through the people that they work for. And I -- and
19 I deal with the direct hire craft, which come out of
20 the union halls.

21 SPECIAL AGENT [REDACTED]: What type of --

22 [REDACTED]: Operating Engineers,
23 Teamsters, and Laborers.

24 SPECIAL AGENT [REDACTED]: Okay. All right.

25 Anything else -- we talked about Andrews. We talked

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1 about (b)(7)(C)

2 (b)(7)(C): Um-hum.

3 SPECIAL AGENT (b)(7)(C) Is there anything
4 else you can think of that you can add regarding those
5 folks?

6 (b)(7)(C): No, no. That's about it.

7 SPECIAL AGENT (b)(7)(C) Okay. In both
8 instances, with Andrews and (b)(7)(C), once again, any
9 indication that they were discriminated against for
10 raising safety concerns?

11 (b)(7)(C): No. We don't have that kind
12 of culture at Hunter's Point. We encourage people to
13 report safety issues or any other kind of issues so we
14 can deal with them before they get to be a big deal.

15 SPECIAL AGENT (b)(7)(C): Okay. And what --
16 so what would be the process for that? Let's say I
17 was -- let's say I'm an HP Tech and I'm out there and
18 I see something, what's the process for me to raise
19 safety issues?

20 (b)(7)(C): Well, they can -- they can
21 talk to the -- well, what we like them to do is
22 immedi- -- if they see something, immediately --
23 everybody on our site has stop-work authority as far
24 as the work. If they see something and they don't
25 think it's safe, their first obligation is to try to

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1 stop it.

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

3 (b)(7)(C) : Okay. After that, they're --
4 they should talk to their foreman, or their
5 supervisor, or -- or me, or anybody on the site that,
6 you know, can correct the issue.

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

8 (b)(7)(C) : And if it's a small thing,
9 the -- the actual person doing it can correct it.

10 SPECIAL AGENT (b)(7)(C) : Um-hum.

11 (b)(7)(C) : You know, if it's a little
12 bit bigger thing, it might be a foreman. If it has to
13 go -- you know, it could be (b)(7)(C), who works for
14 me as a (b)(7)(C). It could be any of my foremen, or
15 my general foremen, or if it gets to be a big thing,
16 me.

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

18 (b)(7)(C) : Or if I happen to be around
19 and it's a little thing, I'll deal with it --

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

21 (b)(7)(C) : -- then.

22 SPECIAL AGENT (b)(7)(C) : Okay. And I think
23 you talked about ZIP slips, or would that -- we talked
24 about that --

25 (b)(7)(C) : Yeah. That's -- it --

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1 SPECIAL AGENT (b)(7)(C) -- a little bit, or
2 deficiency reports?

3 (b)(7)(C) Yeah, it's like writing
4 incident reports, and stuff like that, you know.

5 SPECIAL AGENT (b)(7)(C) Okay. And then do
6 individuals have the -- can they go over to the Navy
7 side and raise it -- and raise a concern?

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

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

10 (b)(7)(C) : Sure. We have Navy people
11 around. We don't -- you know, --

12 SPECIAL AGENT (b)(7)(C) Because that's who
13 holds the contract, right?

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

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

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

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

18 (b)(7)(C) I mean we want to be aware of
19 it, but they --

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

21 (b)(7)(C) Yeah.

22 SPECIAL AGENT (b)(7)(C) : Okay. Anything
23 else you can think of?

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

25 SPECIAL AGENT (b)(7)(C) Tim, do you have

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1 anything?

2 MR. MURPHY: Nothing.

3 SPECIAL AGENT (b)(7)(C) Okay. A couple
4 questions, and we'll wrap it up here.

5 Have I threatened you in any manner?

6 (b)(7)(C) No.

7 SPECIAL AGENT (b)(7)(C) Have you been
8 offered any reward in return for the information that
9 you provide to me?

10 (b)(7)(C) No.

11 SPECIAL AGENT (b)(7)(C) Have you provided
12 the information freely and voluntarily?

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

14 SPECIAL AGENT (b)(7)(C) Is there anything
15 else you want to add at this time?

16 (b)(7)(C) No. That's enough.

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

18 (b)(7)(C) It's fine.

19 SPECIAL AGENT (b)(7)(C) Okay. The
20 interview is complete. The time is approximately
21 12:24 p.m. Thanks.

22 MR. MURPHY: Okay.

23 (b)(7)(C) Thank you.

24 MR. MURPHY: Thank you (b)(7)(C)

25 (End of interview.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission

Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-019/032/037

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
and thereafter reduced to typewriting under my
direction and that said transcript is a true and
accurate record of the proceedings.

(b)(7)(C)

Official Reporter
Neal R. Gross & Co., Inc.

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EXHIBIT 16



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NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

IN REPLY REFER TO:

10D0809
RAQB0.CK
24 June 2011

VIA E-MAIL TO:

(b)(7)(C)

Tetra Tech EC Inc

Attn:

(b)(7)(C)

1230 Columbia St, Suite 750

San Diego CA 92101

Subject: MODIFICATION 03 TO CONTRACT N62473-10-D-0809, CTO 0004, BASEWIDE
RADIOLOGICAL SUPPORT AT HUNTERS POINT SHIPYARD, SAN FRANCISCO, CA.

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EXHIBIT 16
PAGE 1 OF 22 PAGE(S)

1-2012-019

SCOPE OF WORK
CONTRACT N62473-10-D-0809
MODIFICATION TO CTO-0004
BASEWIDE RADIOLOGICAL SUPPORT
AT HUNTERS POINT SHIPYARD
SAN FRANCISCO, CA
DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
SAN DIEGO, CALIFORNIA 92132-5190

DATED 24 JUNE 2011

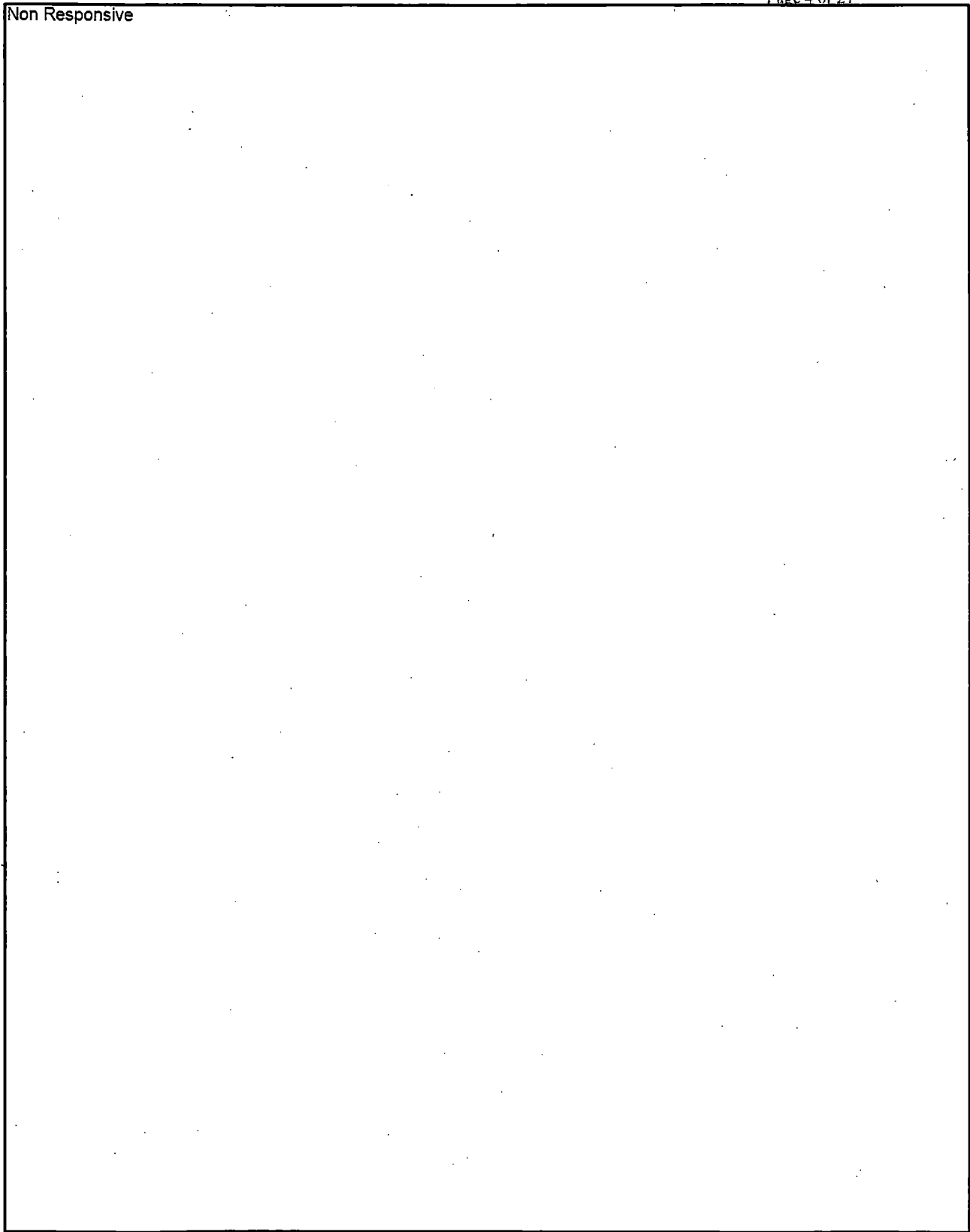
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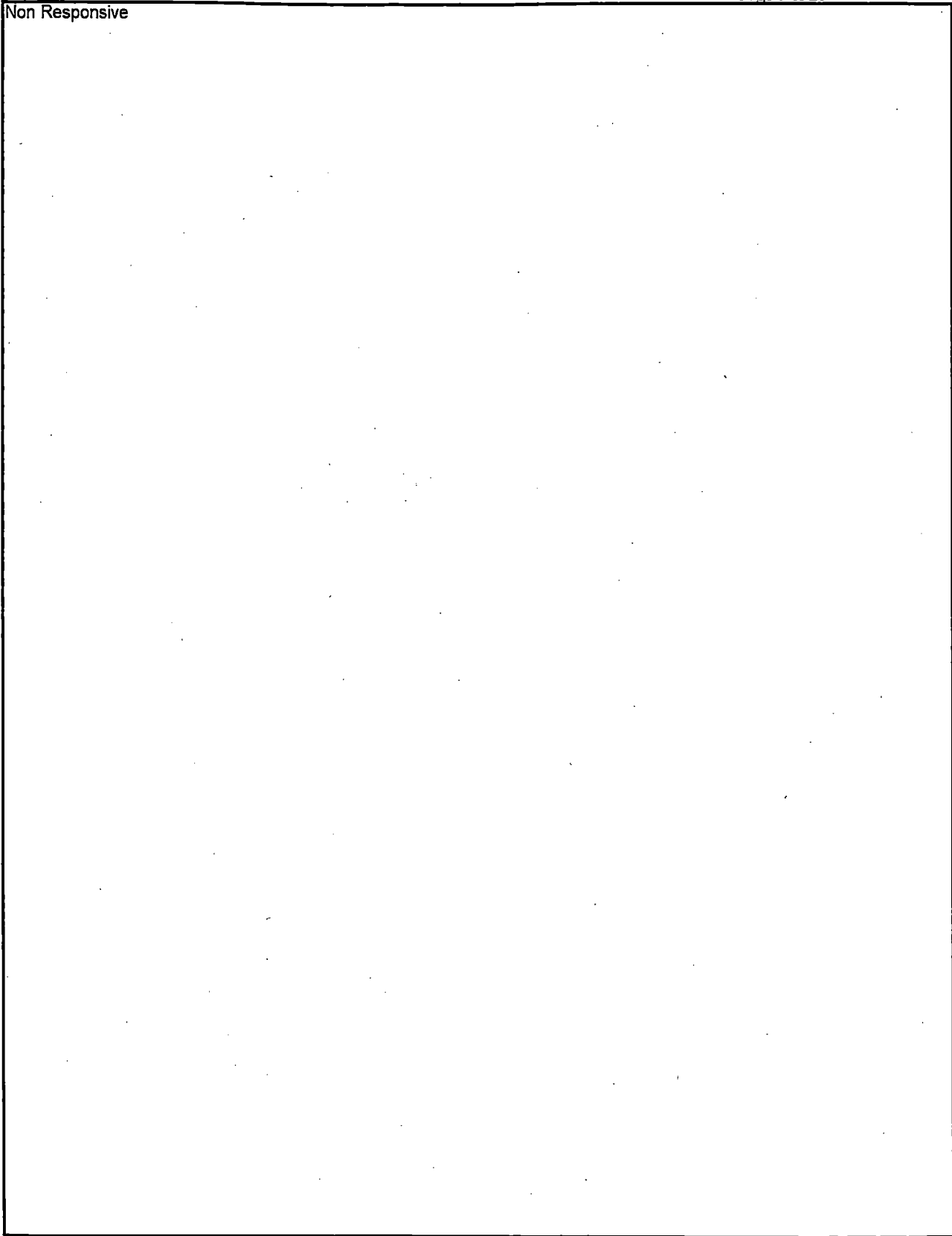
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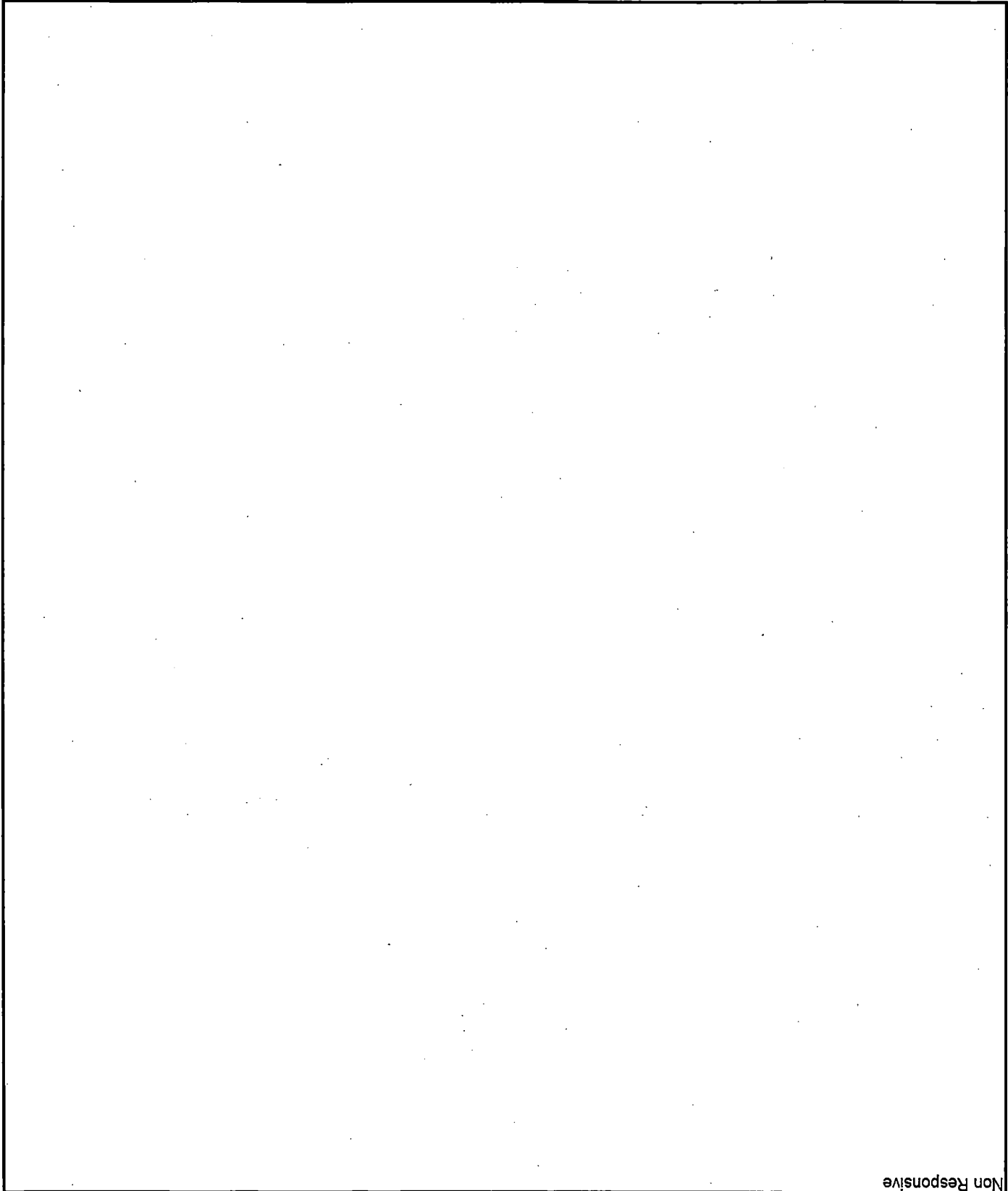
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16



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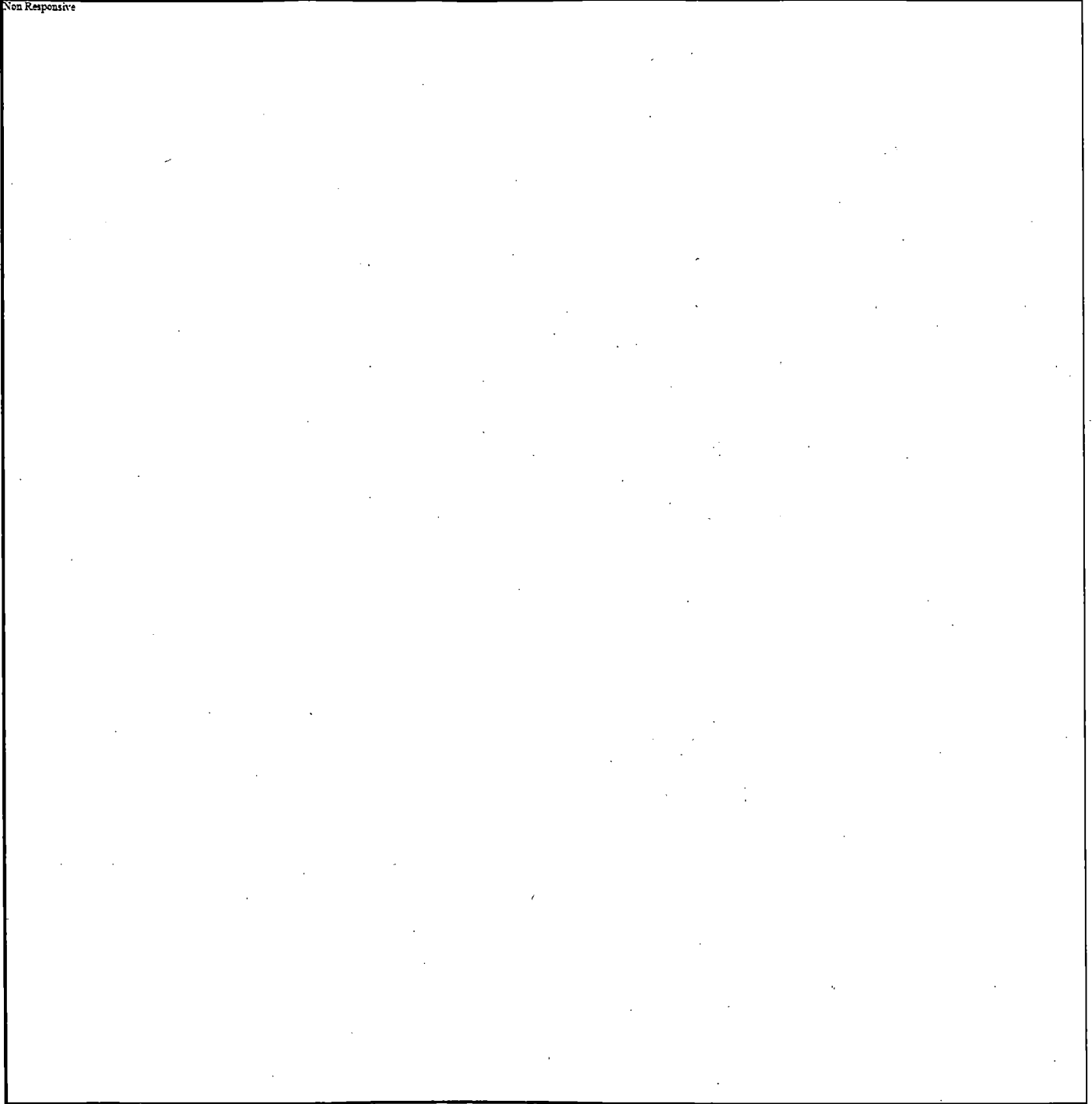
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EXHIBIT 16
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EXHIBIT 17

Record of Negotiations.

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EXHIBIT 17
PAGE 1 OF 2 PAGE(S)

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EXHIBIT 18

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE
J

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EXCEPTION TO SF 30
APPROVED BY OIRM 11-84

30-105-04

STANDARD FORM 30 (Rev. 10-83)
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FAR (48 CFR) 53.243

EXHIBIT 18
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Volume II
Offer Schedule

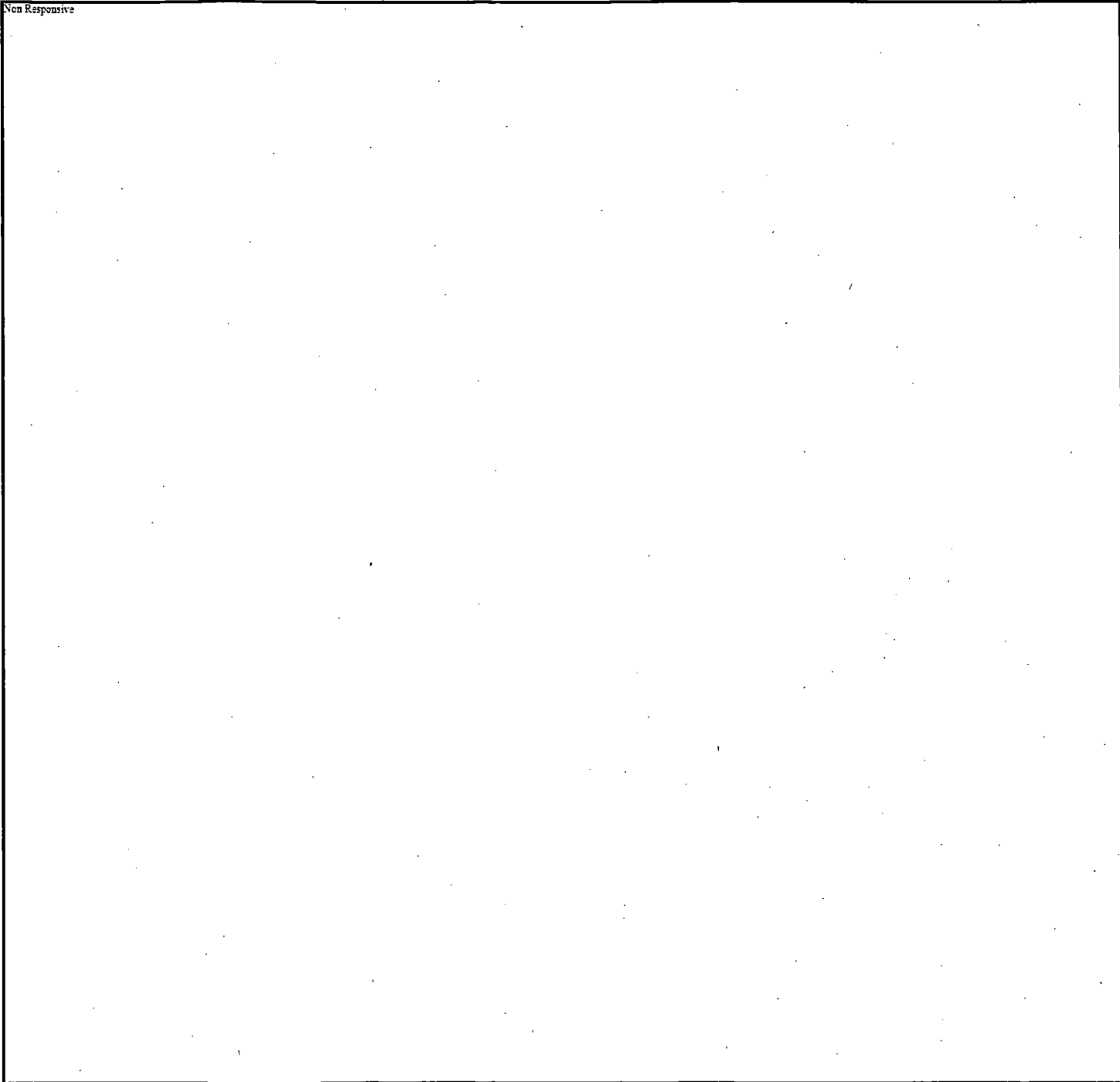
OFFER SCHEDULE

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Summary of Base and Unsolicited Options

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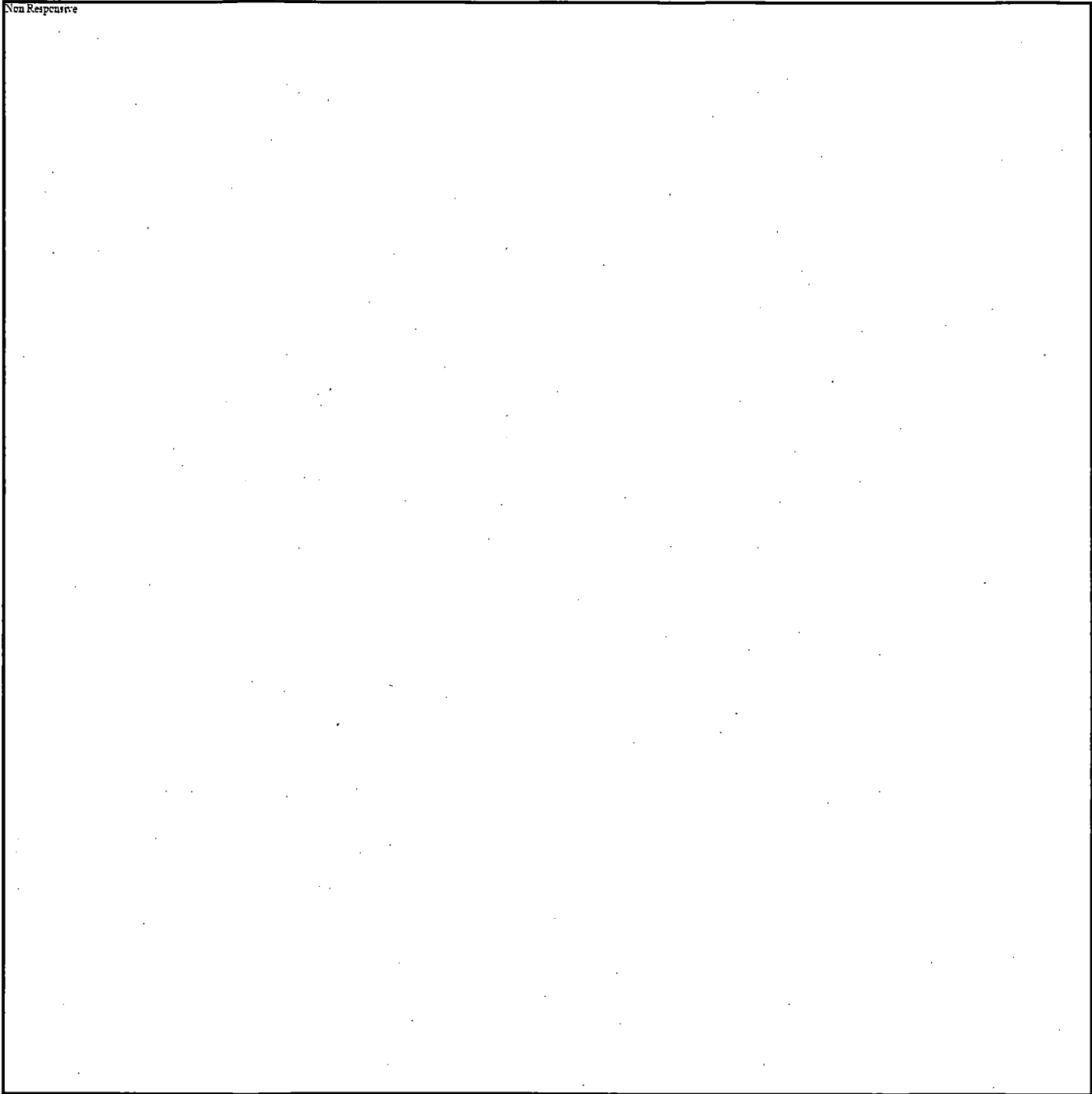
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Summary of Base

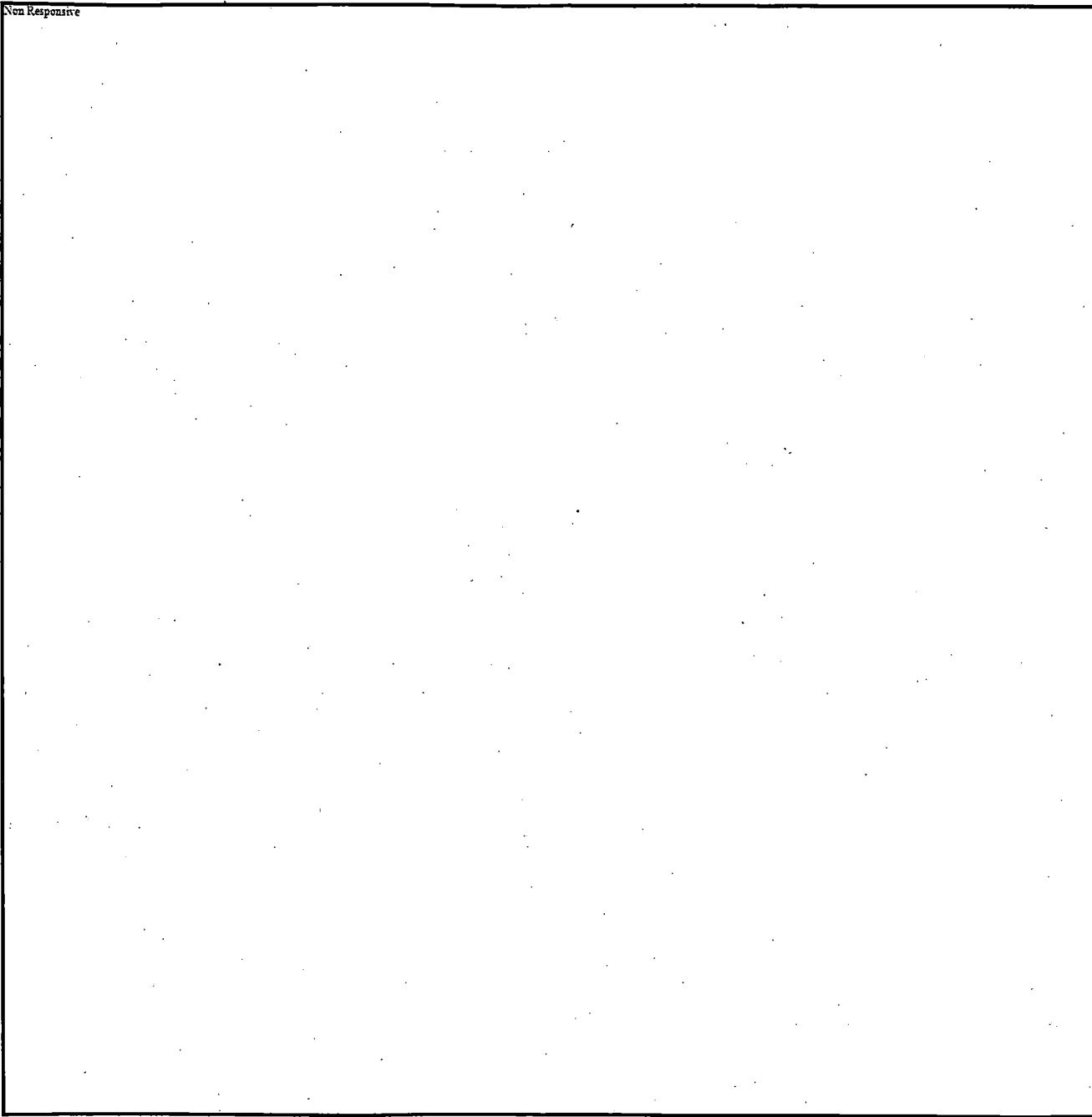
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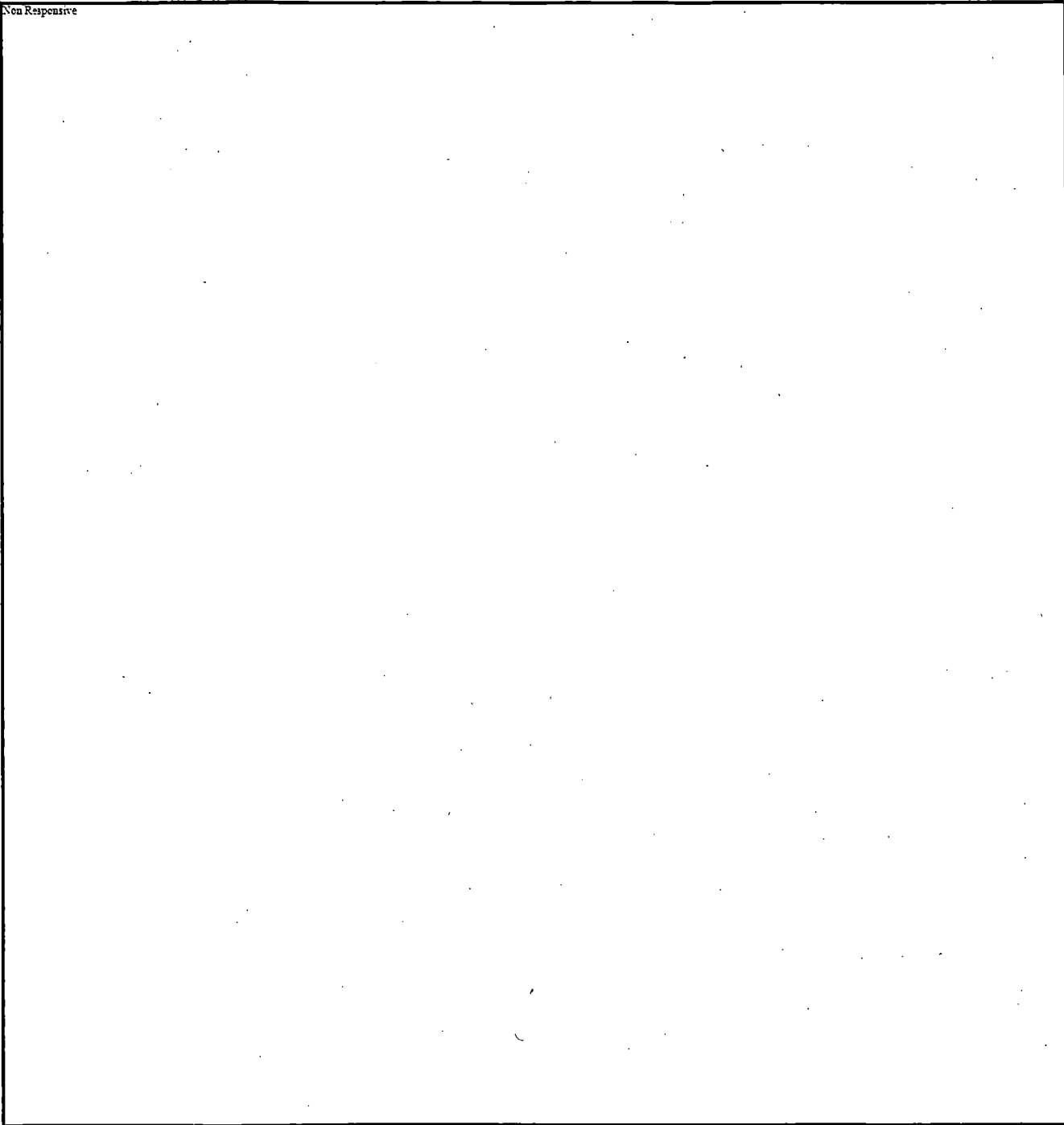
Client: NAVFAC Southwest

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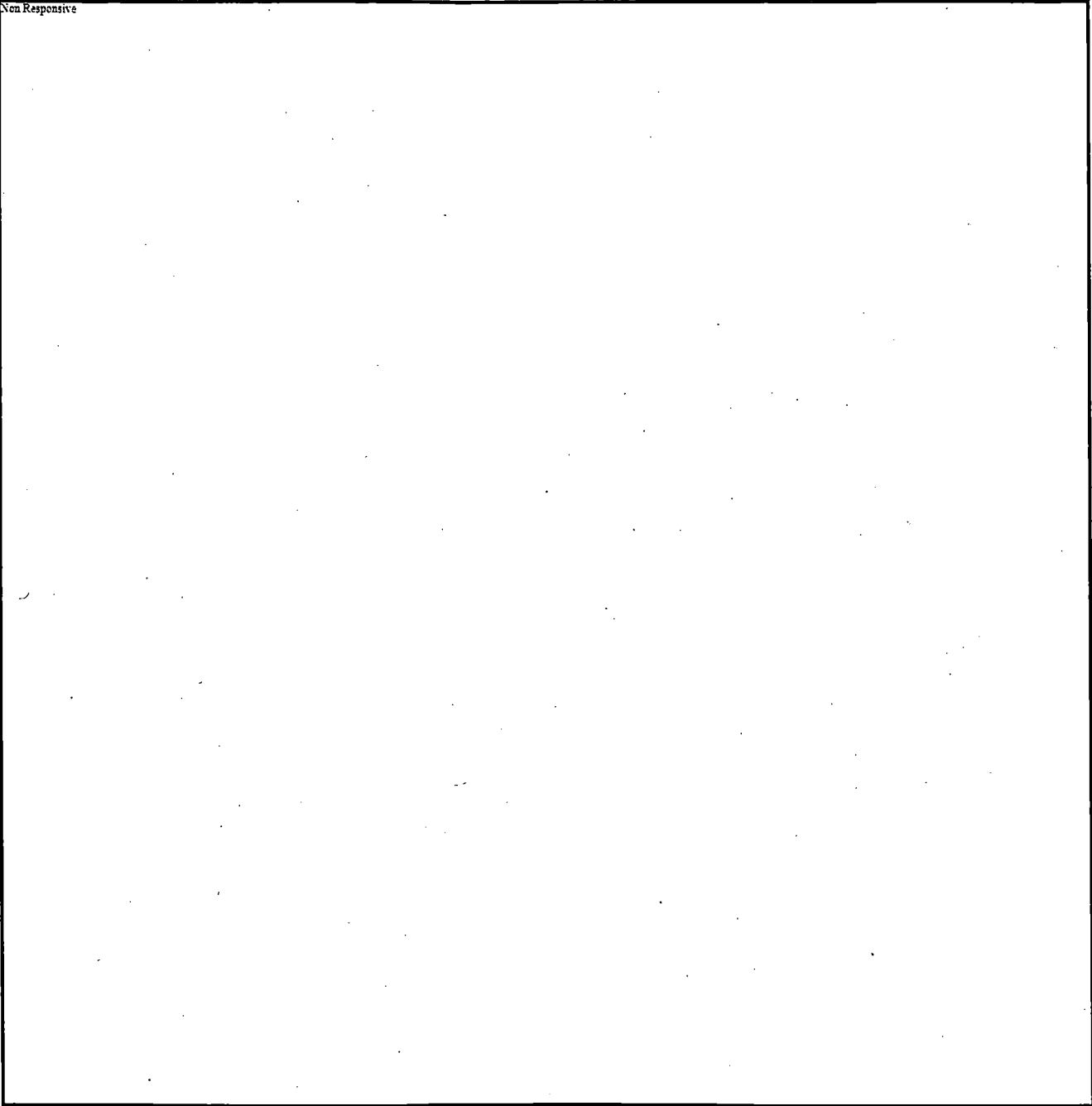
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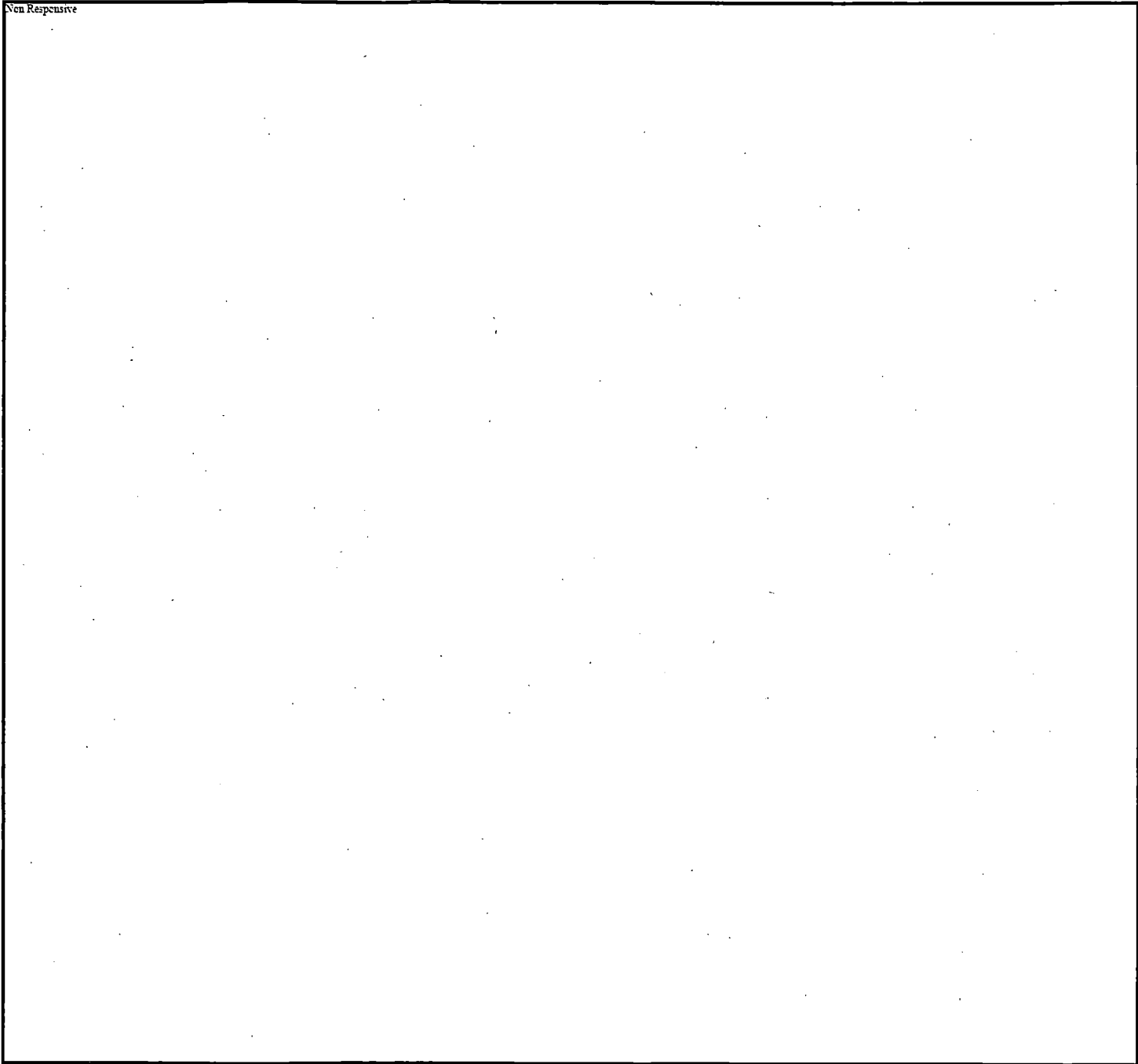
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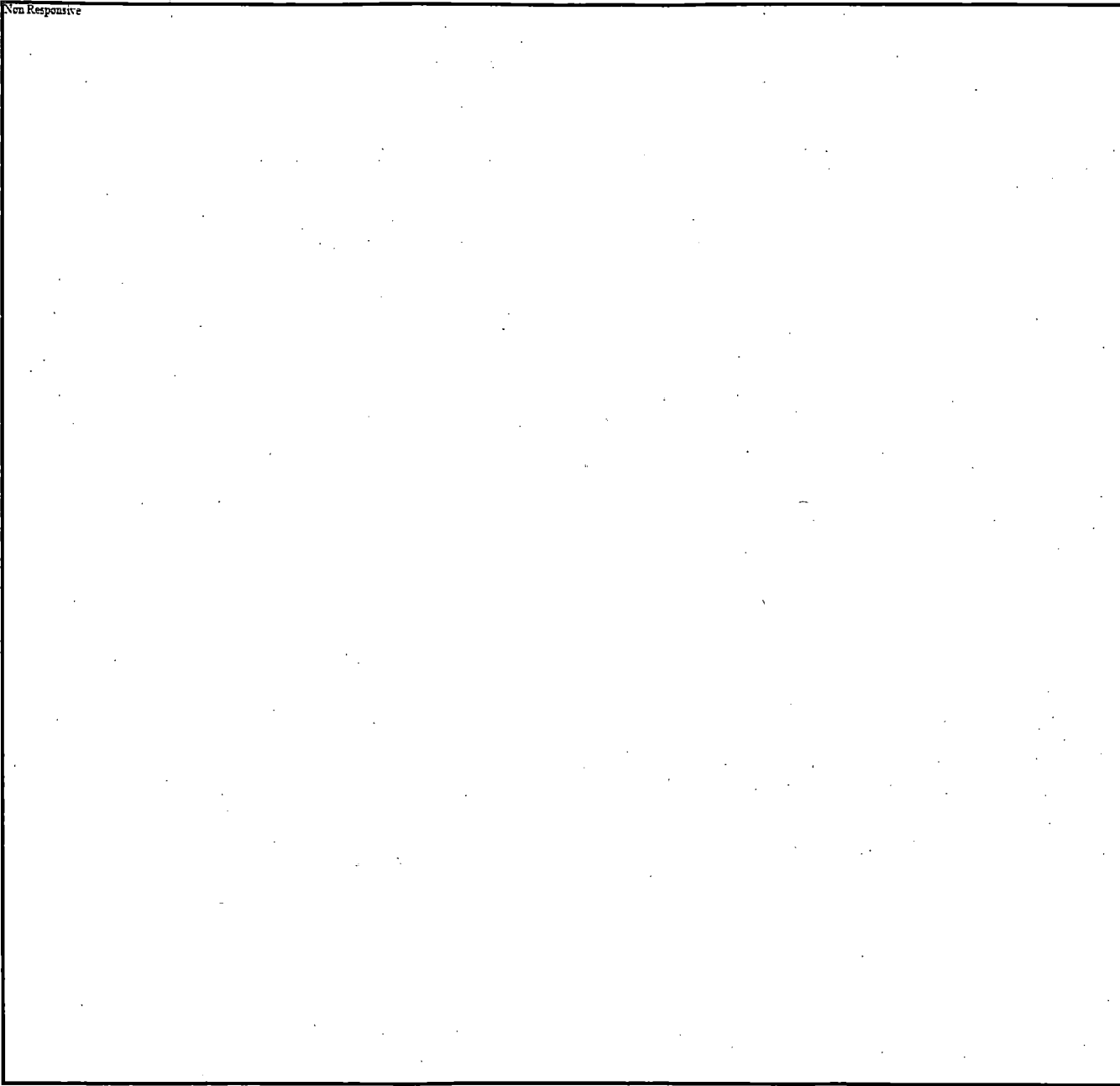
Client : NAVFAC Southwest

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Client: NAVFAC Southwest

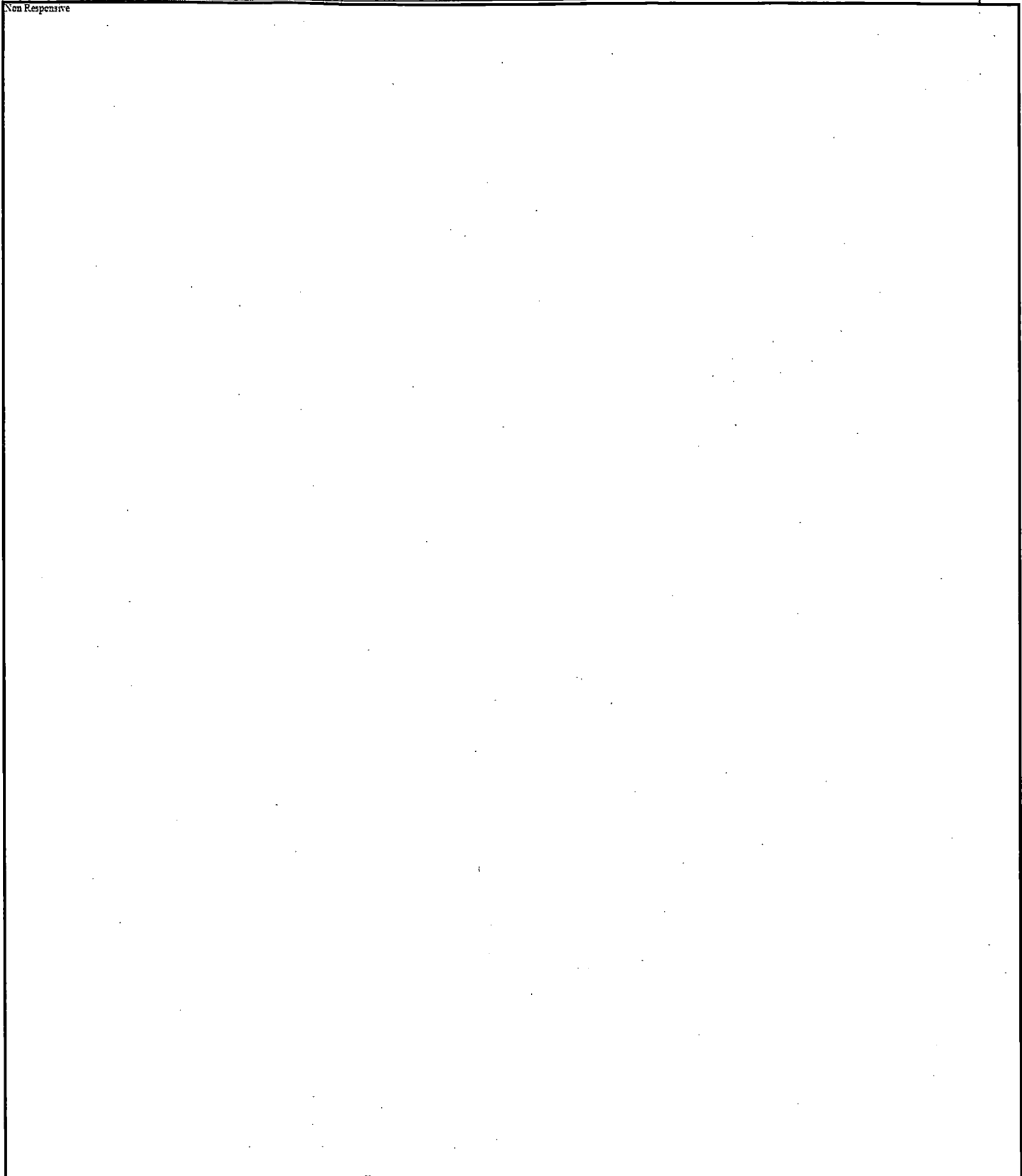
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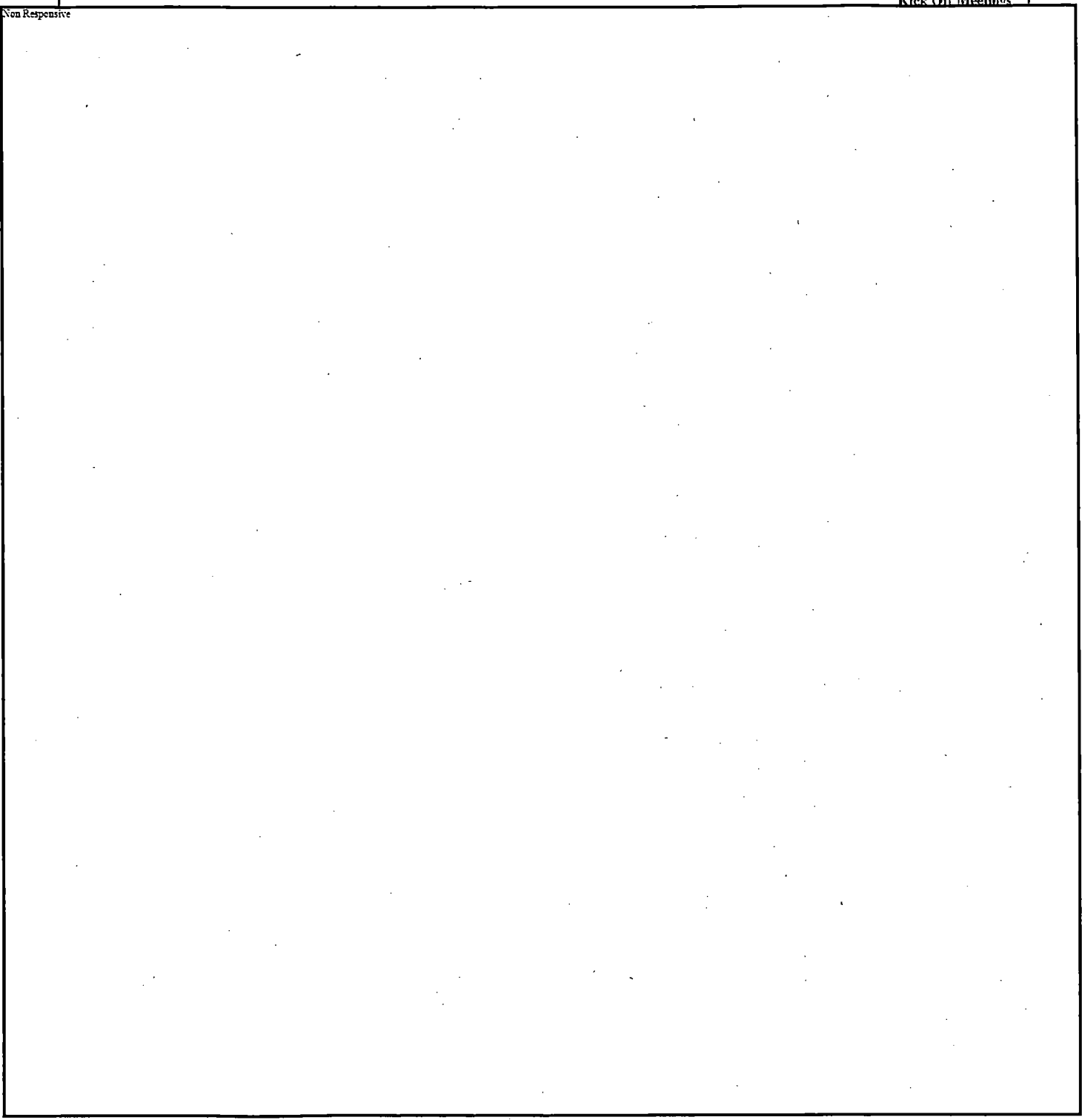
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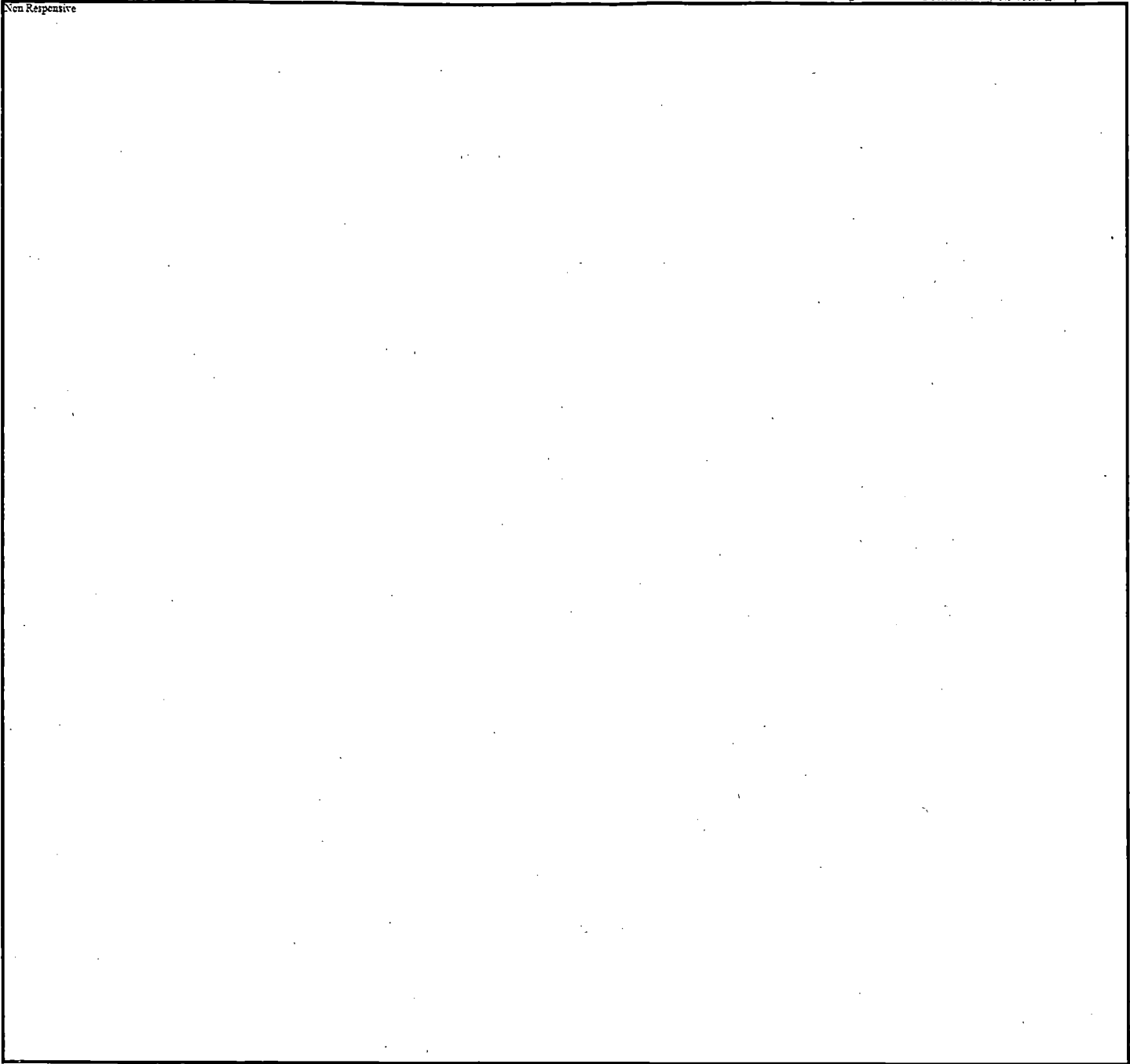


EXHIBIT 18
PAGE 18 OF 64 (PAGE 18)

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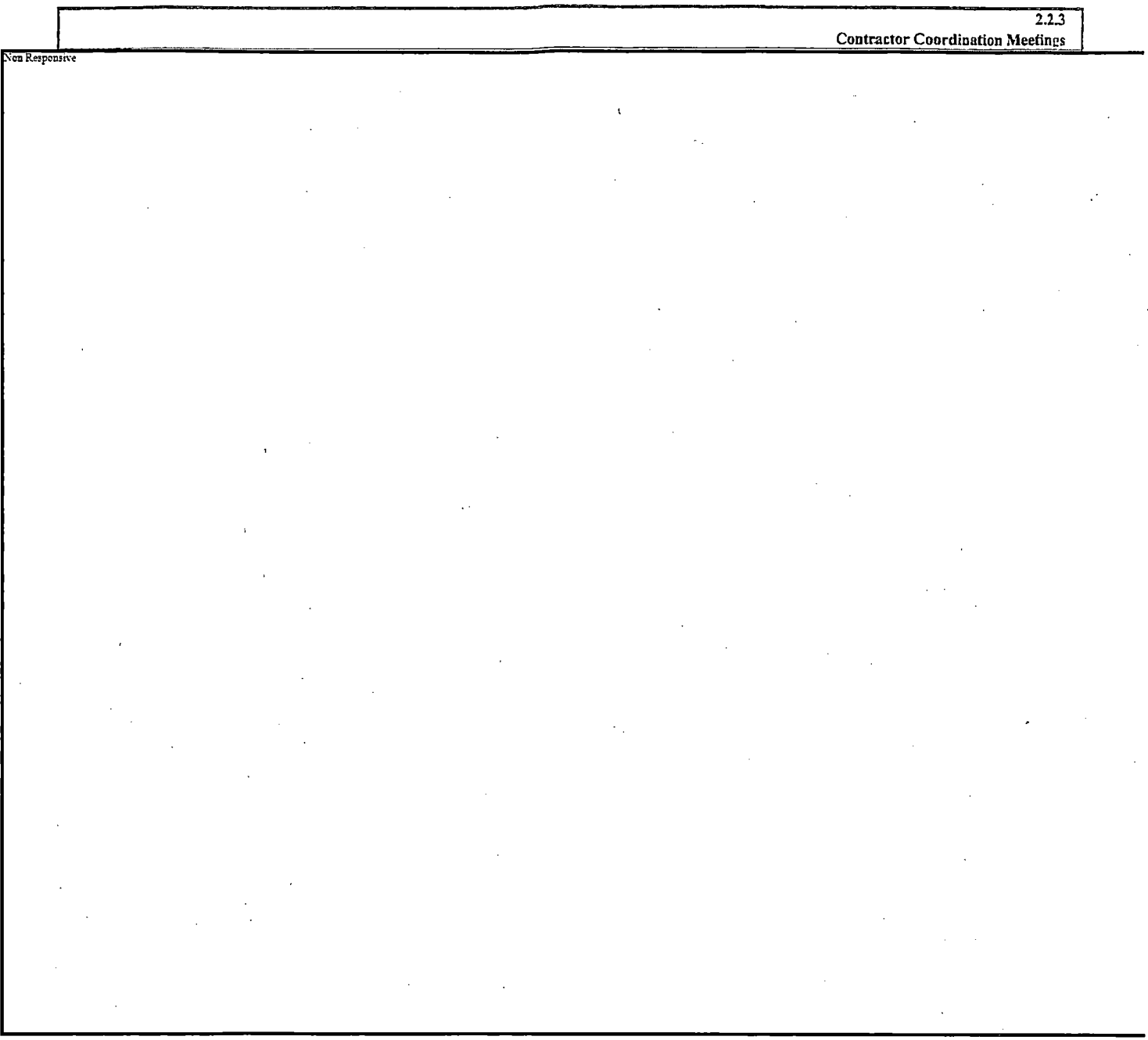


EXHIBIT 18
PAGE 19 OF 64 PAGES

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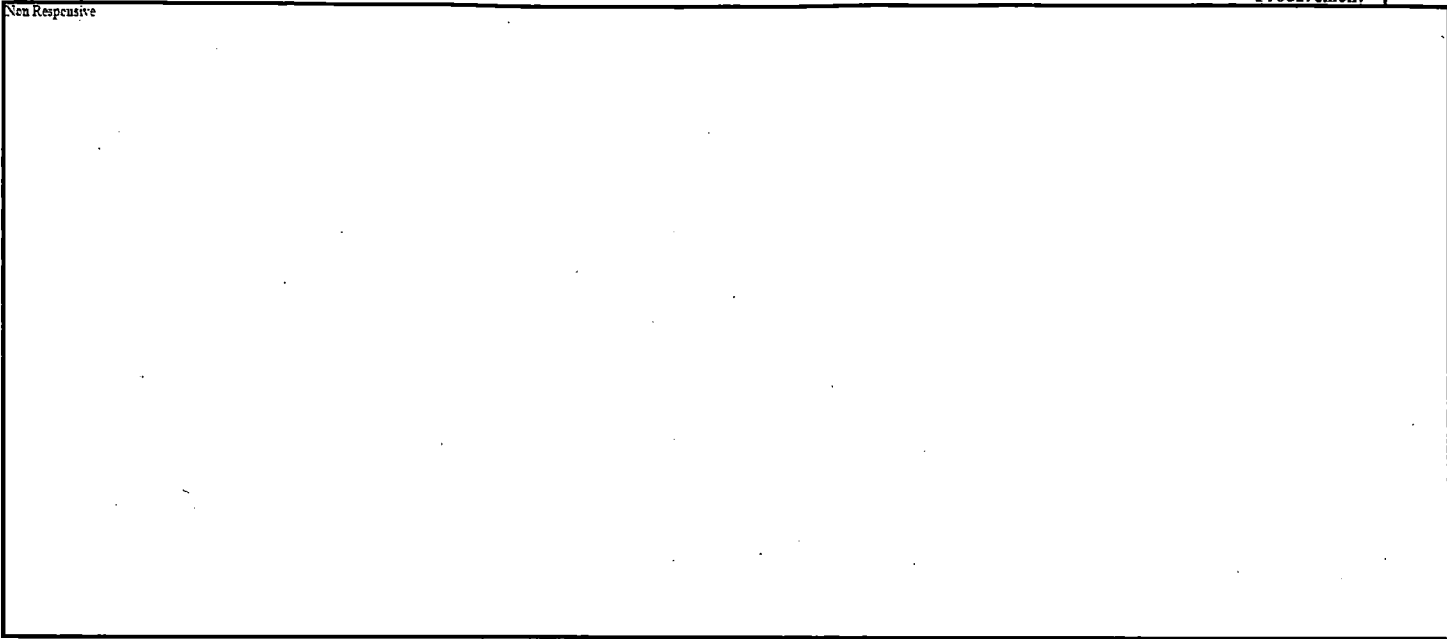


EXHIBIT 18
PAGE 20 OF 64 EXHIBIT

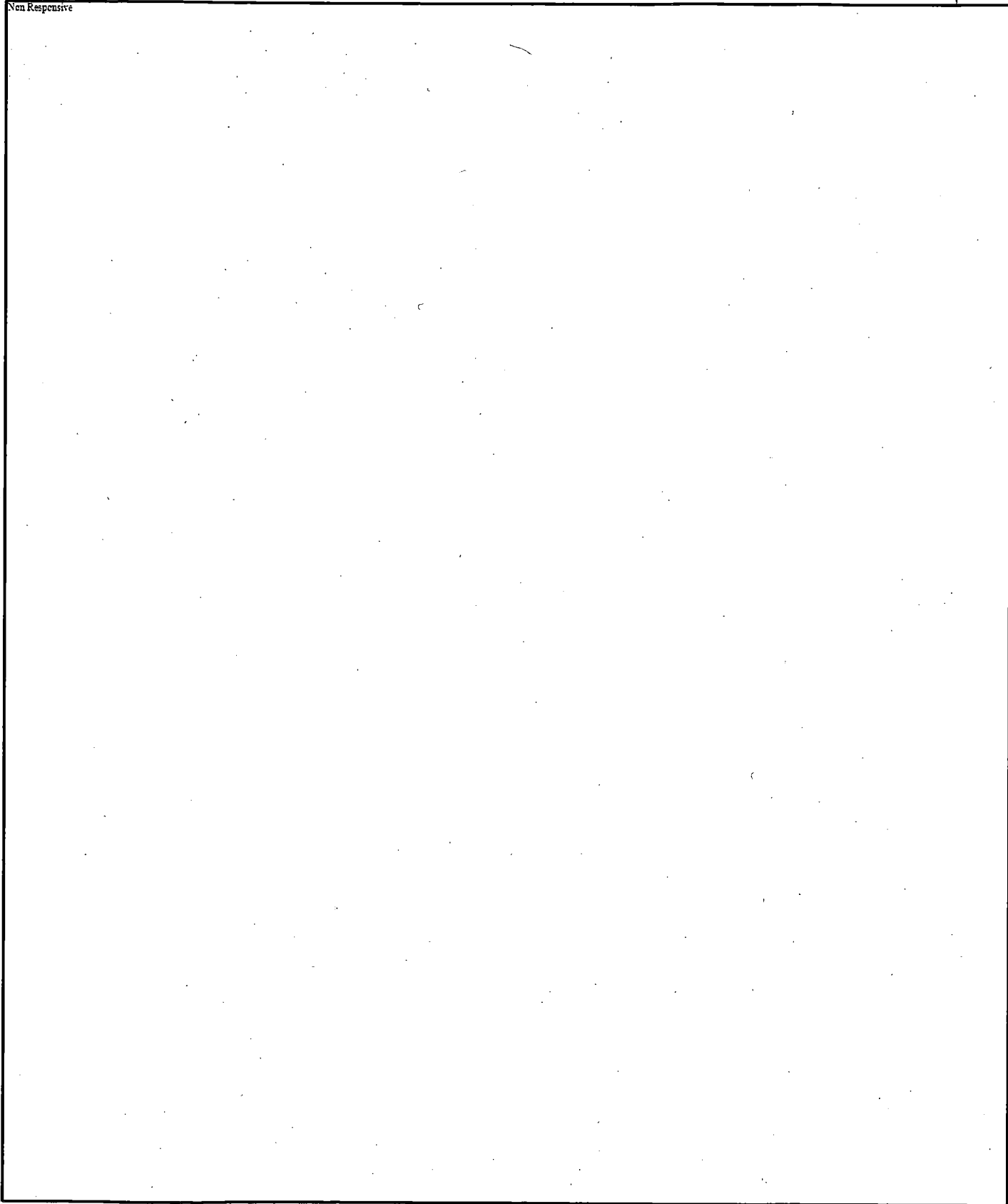
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EXHIBIT 18
PAGE 21 OF 64 (PAGE)

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PAGE 22 OF 64 PAGES

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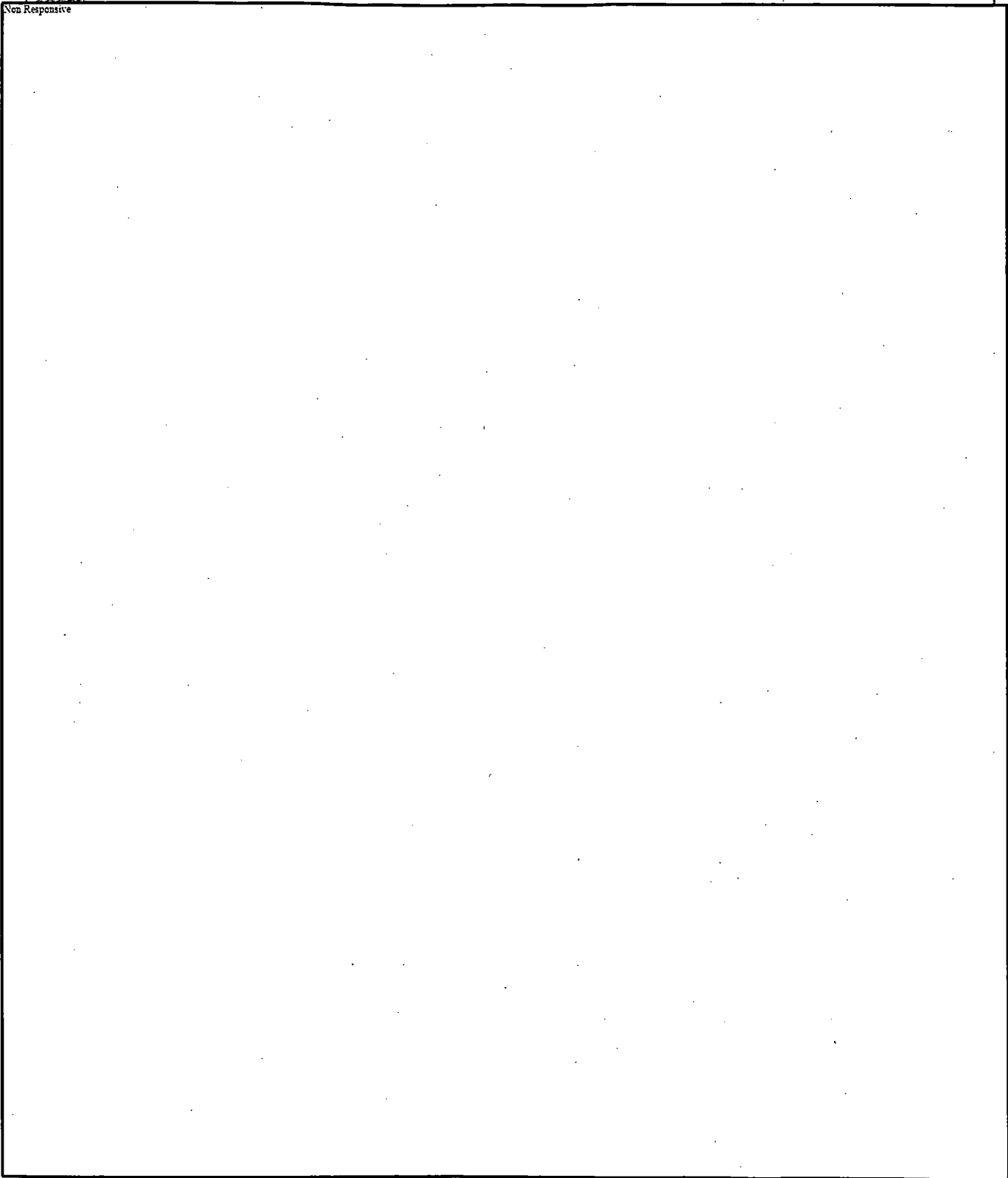
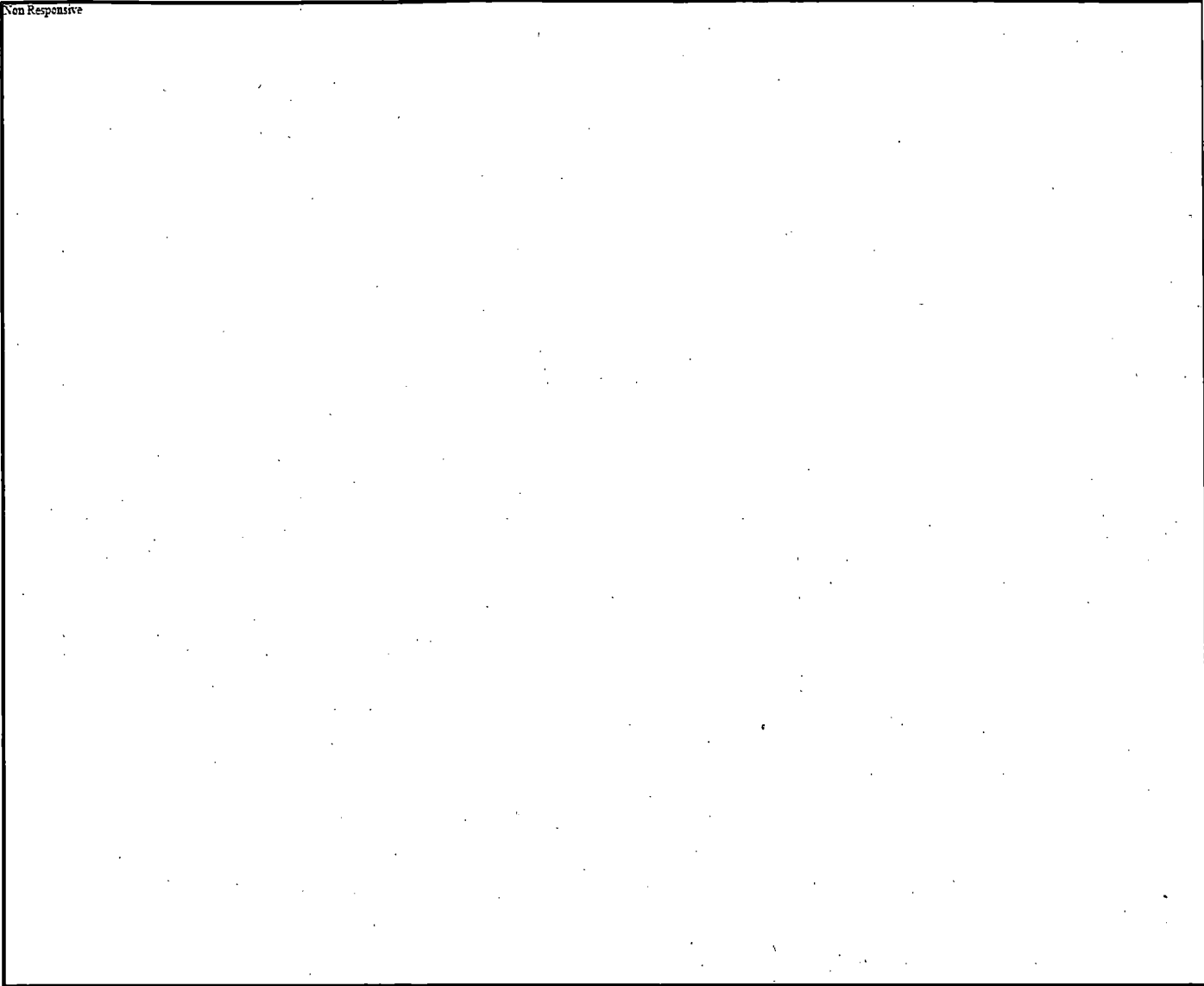
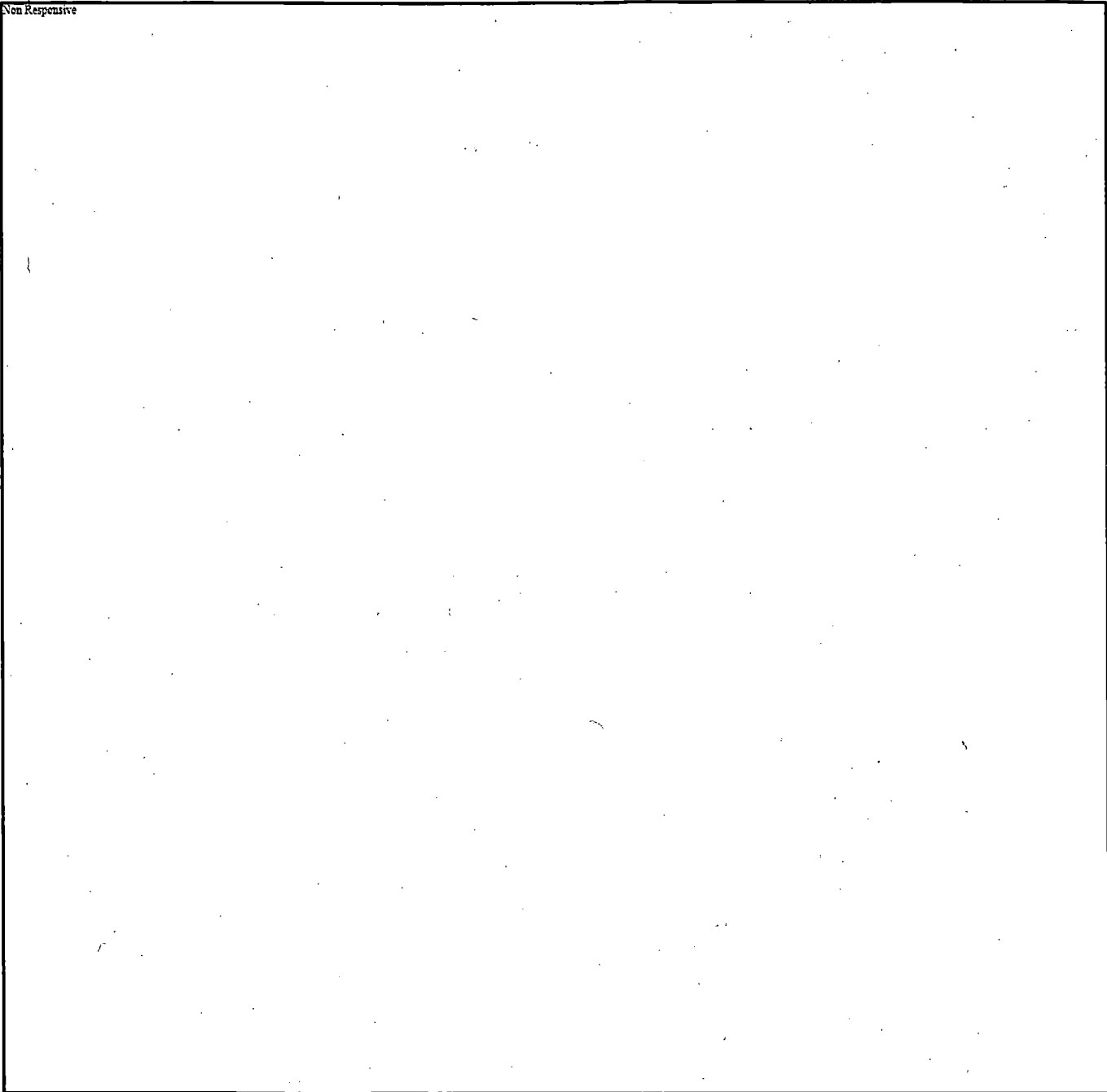


EXHIBIT 18
PAGE 24 OF 64 PAGES



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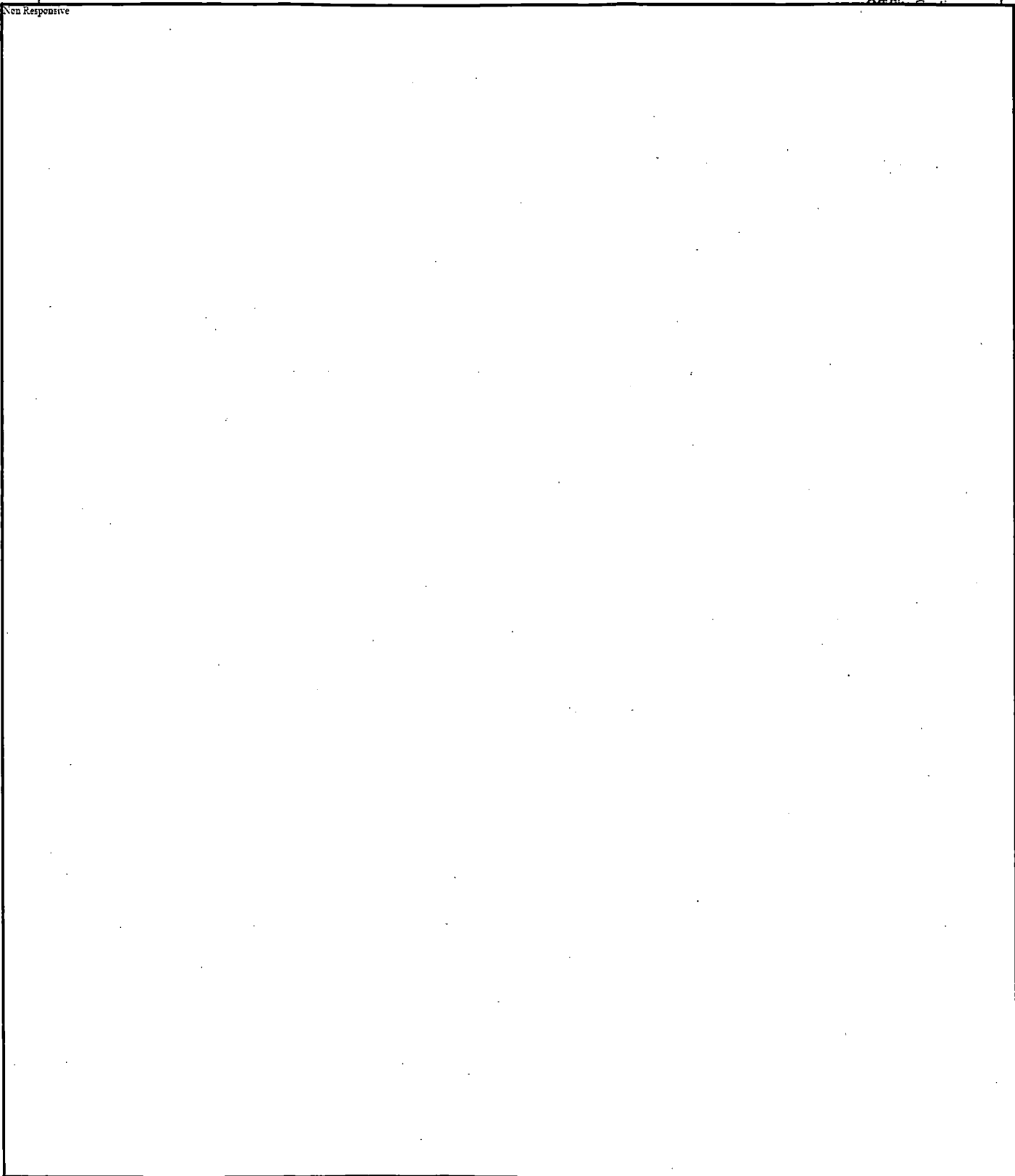


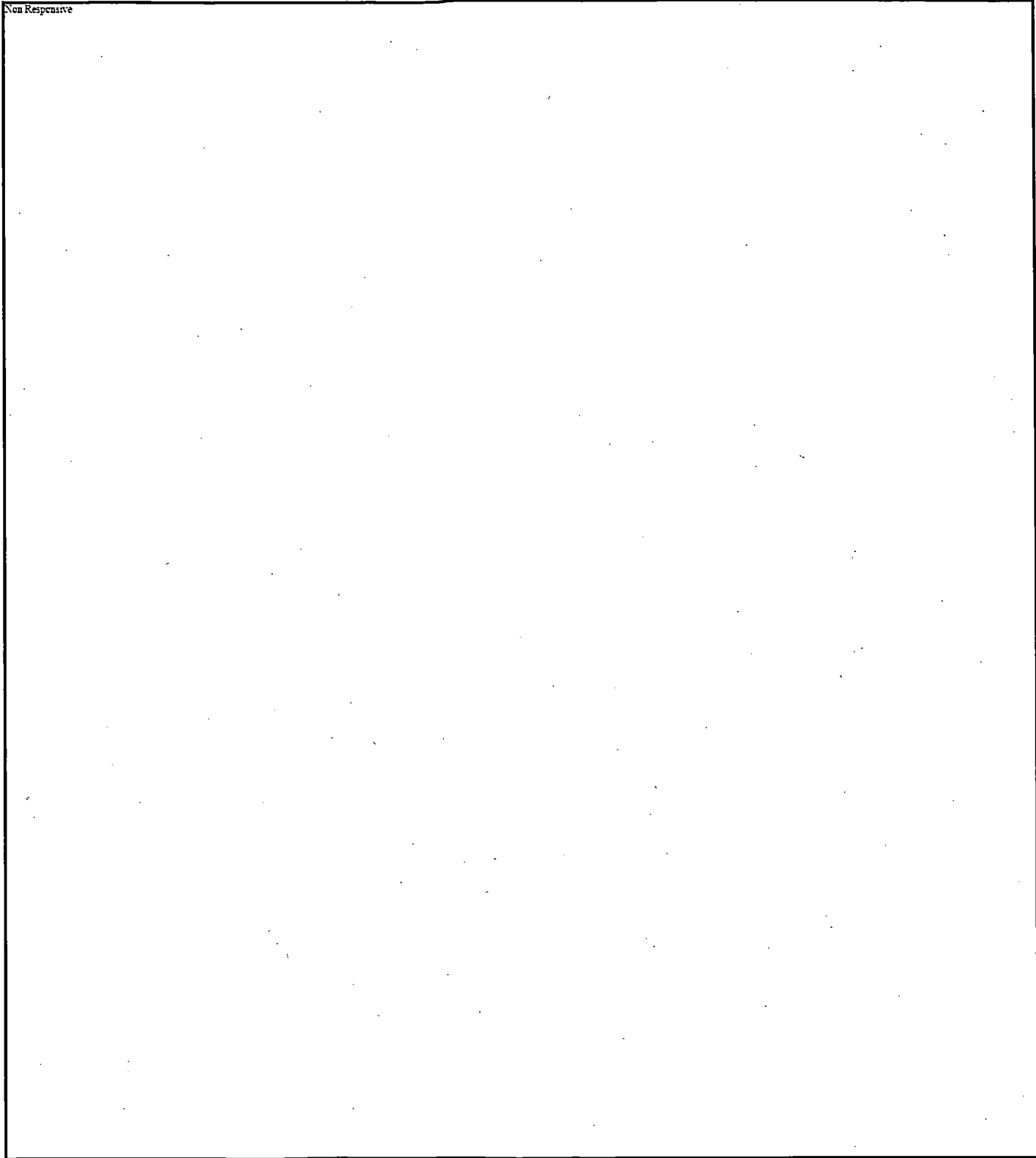
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0326 of 641

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EXHIBIT 18
PAGE 27 OF 64 PAGE(S)

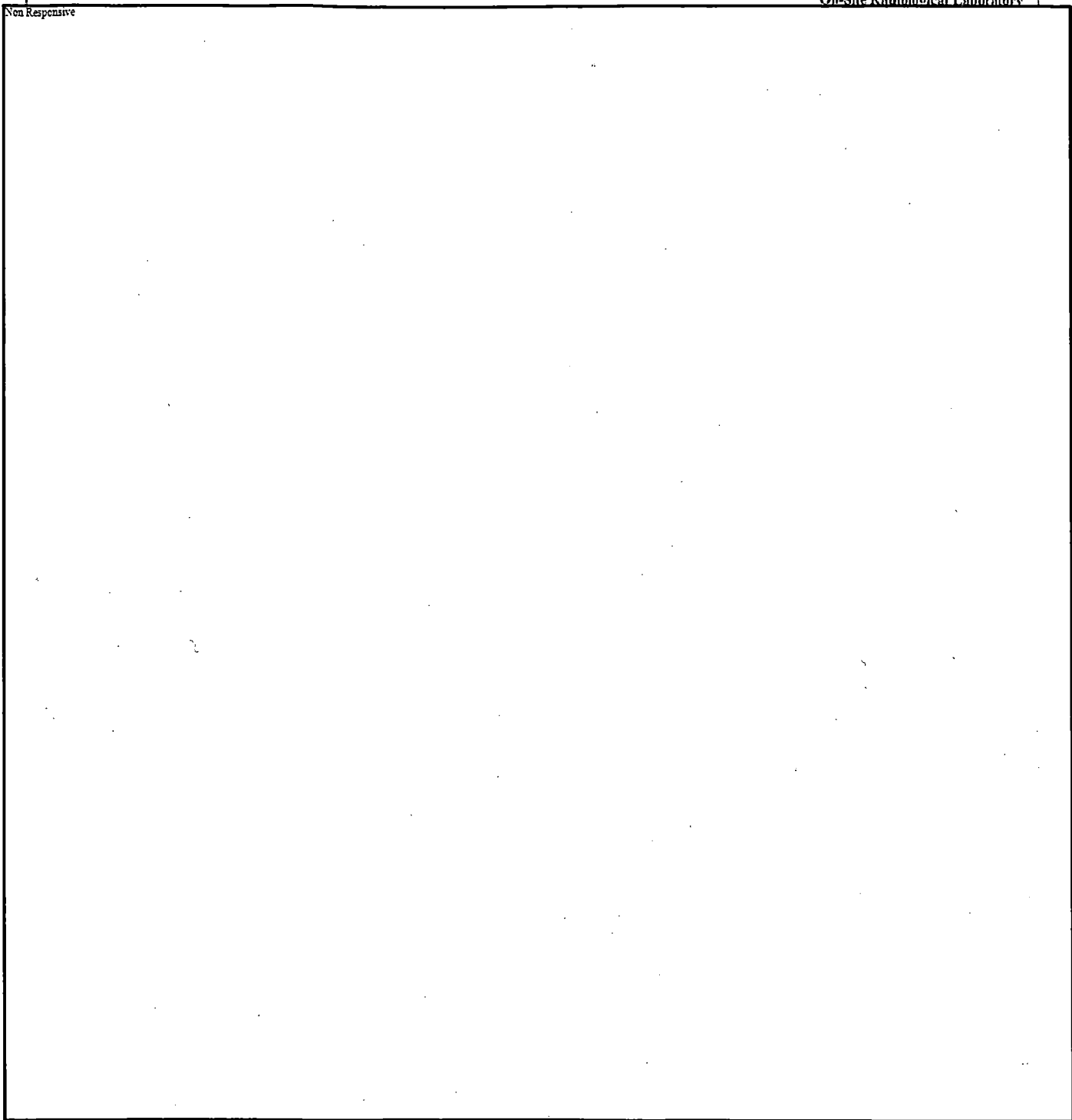
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PAGE 29 OF 64 PAGES

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30 OF 64 PAGES

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PAGE 31 OF 64 (REV)

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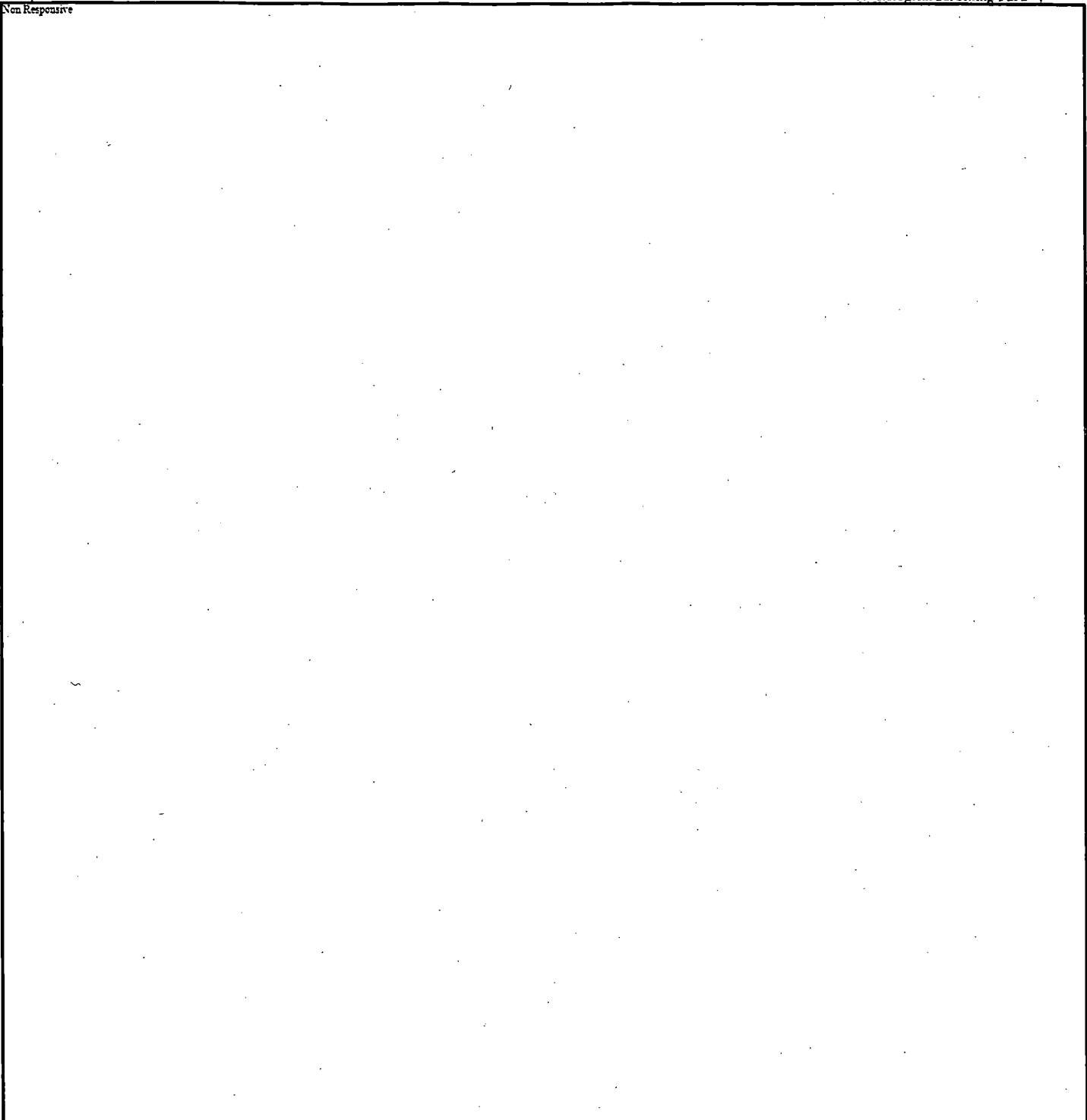
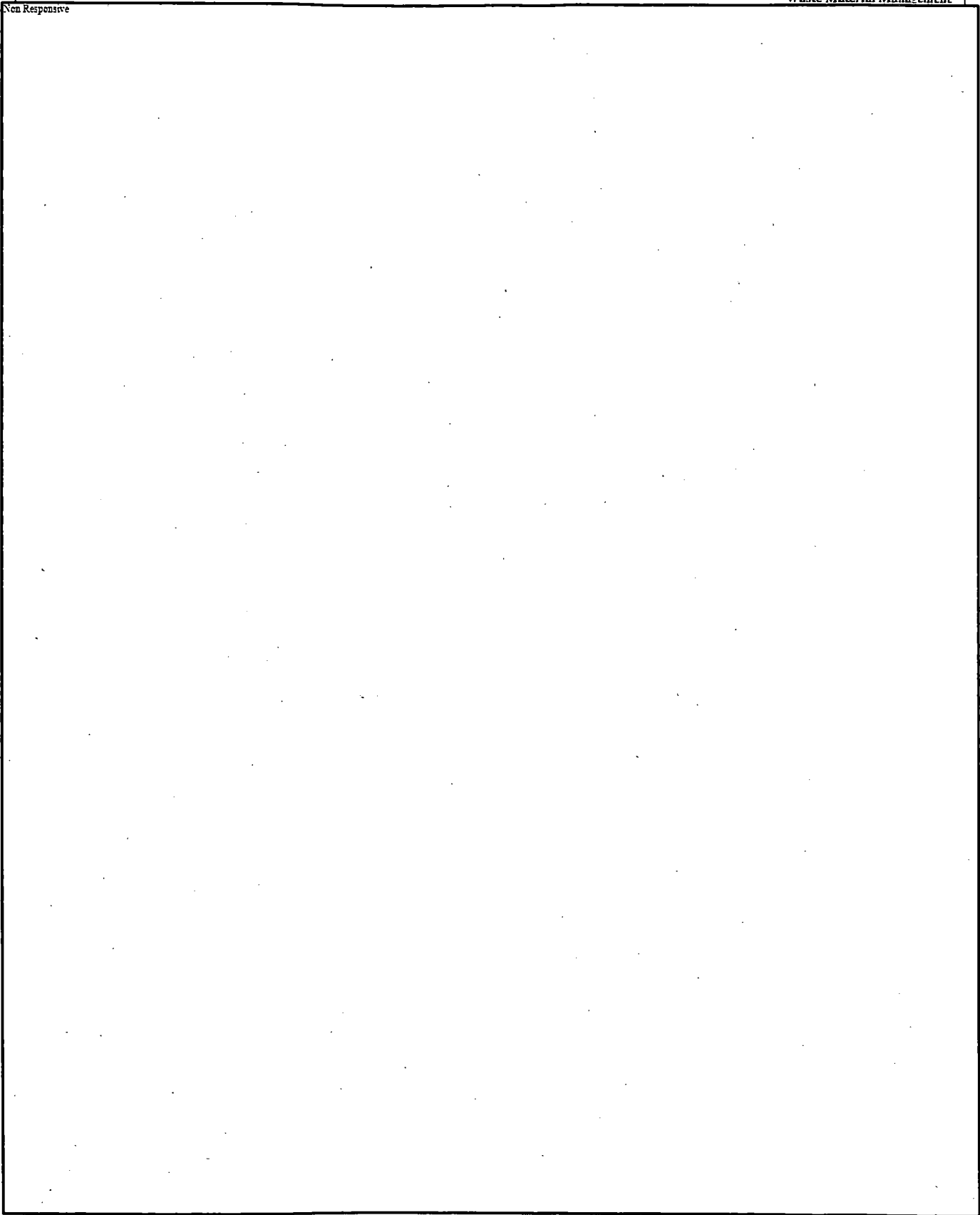


EXHIBIT 18
PAGE 32 OF 64

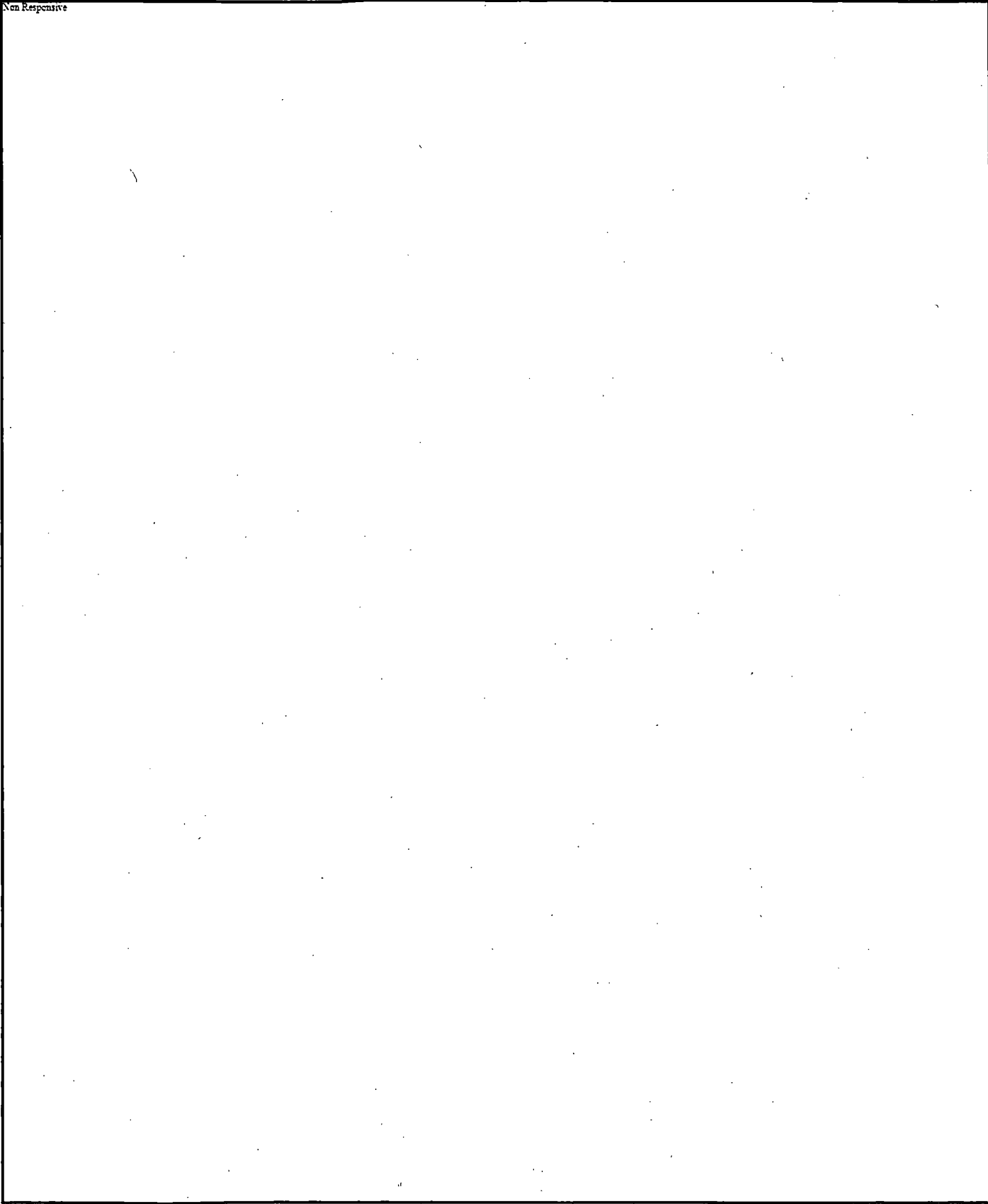
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EXHIBIT 18
PAGE 33 OF 64 (REVISED)

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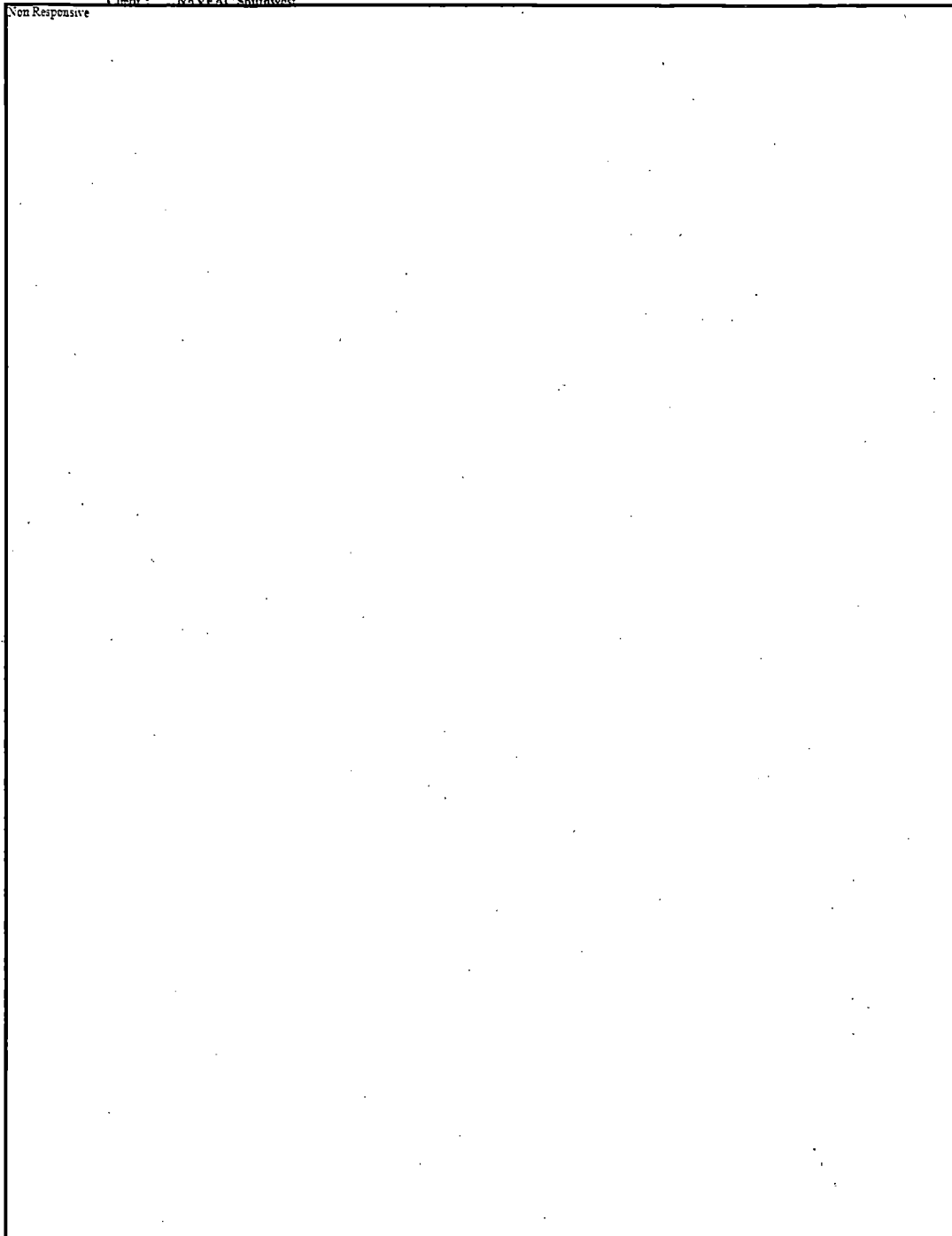
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Option 1 Total

Client: NAVEAC Southwest

Non Responsive



EXL 18
PAGE 37 OF 64 (PAGE 7)

Summary of Option 1

Client : NAVFAC Southwest

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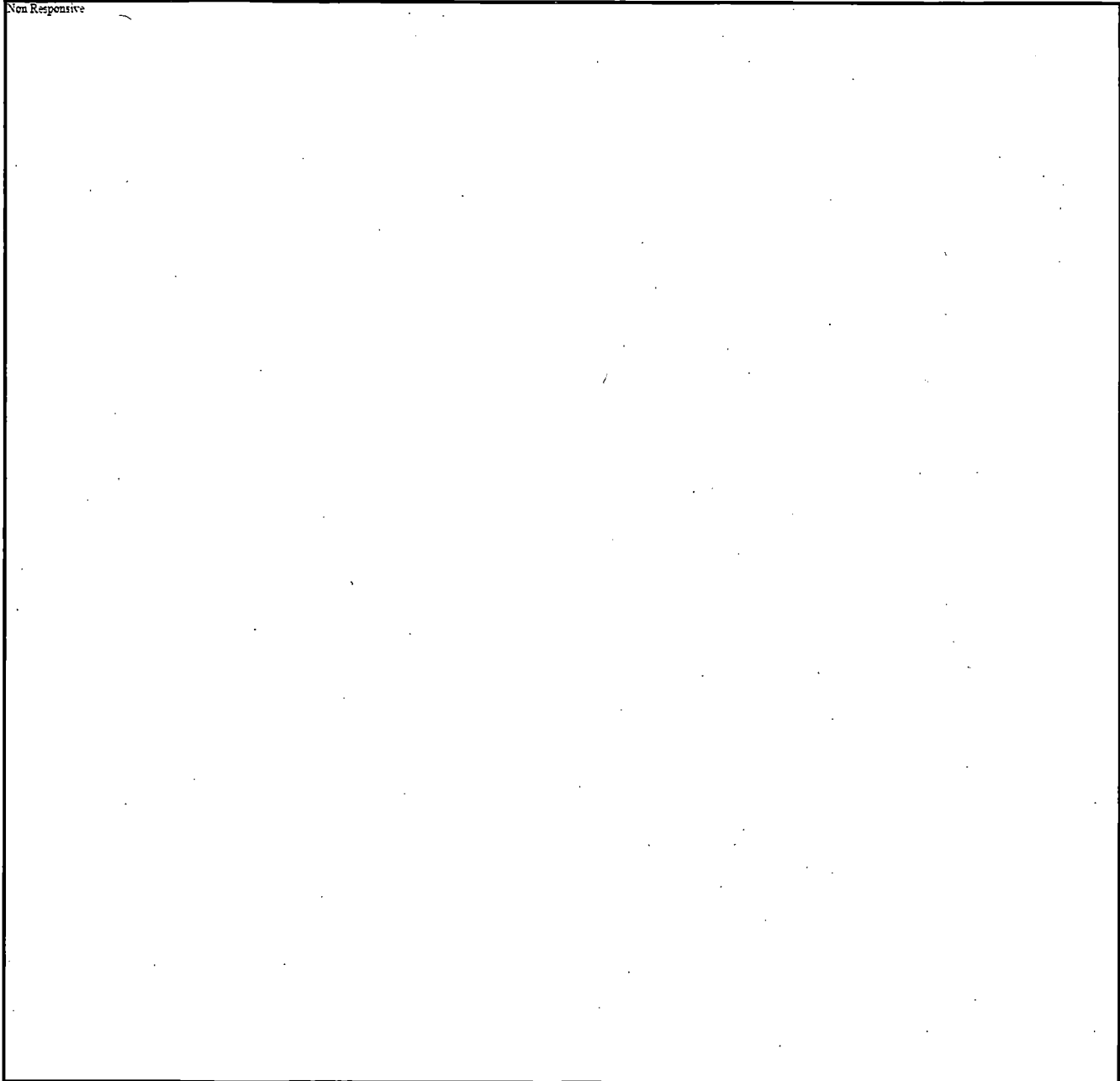


EXHIBIT 18
PAGE 39 OF 64 (PAGE)

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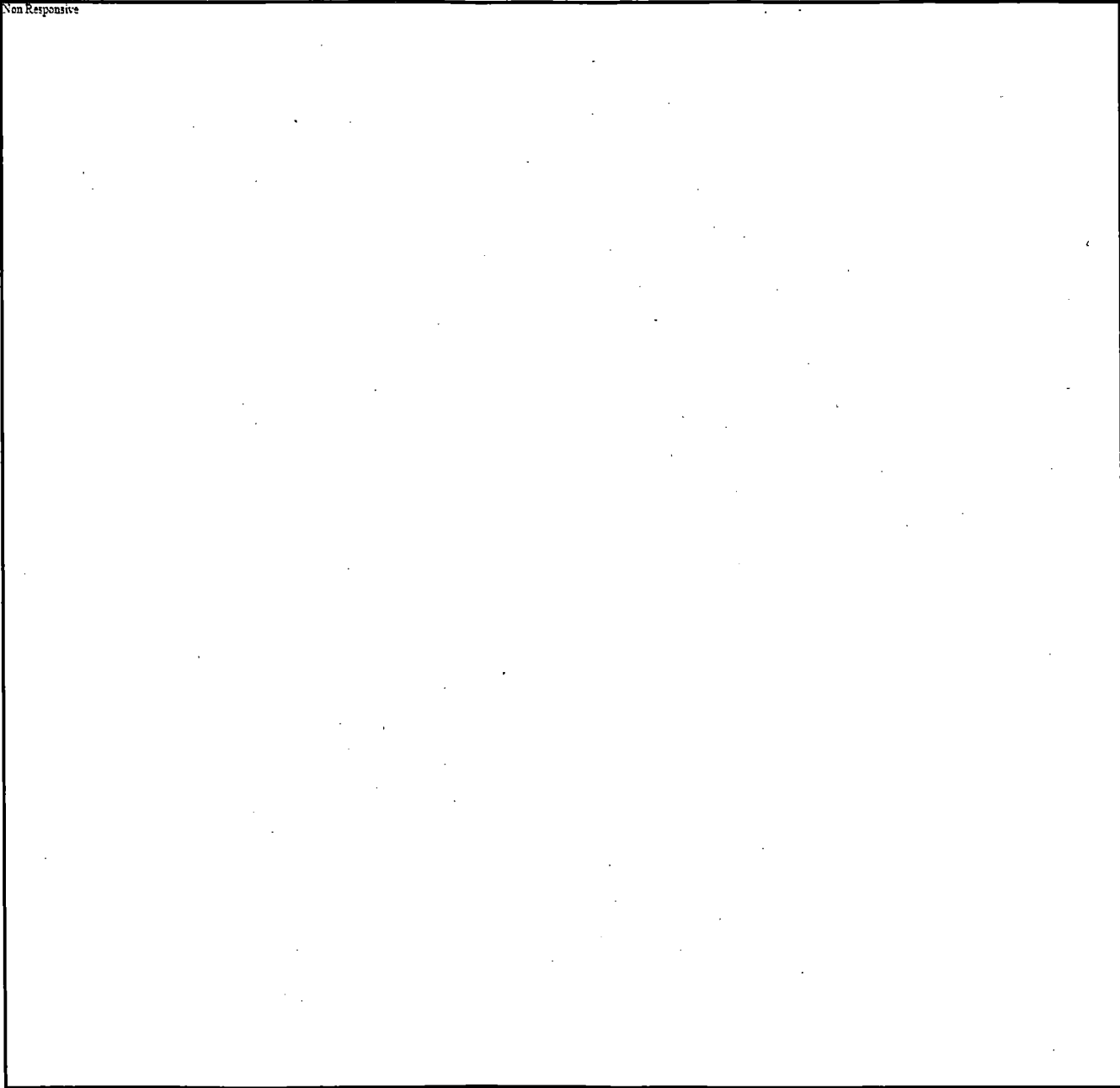


EXHIBIT 18
PAGE 40 OF 64 (PAGE(S))

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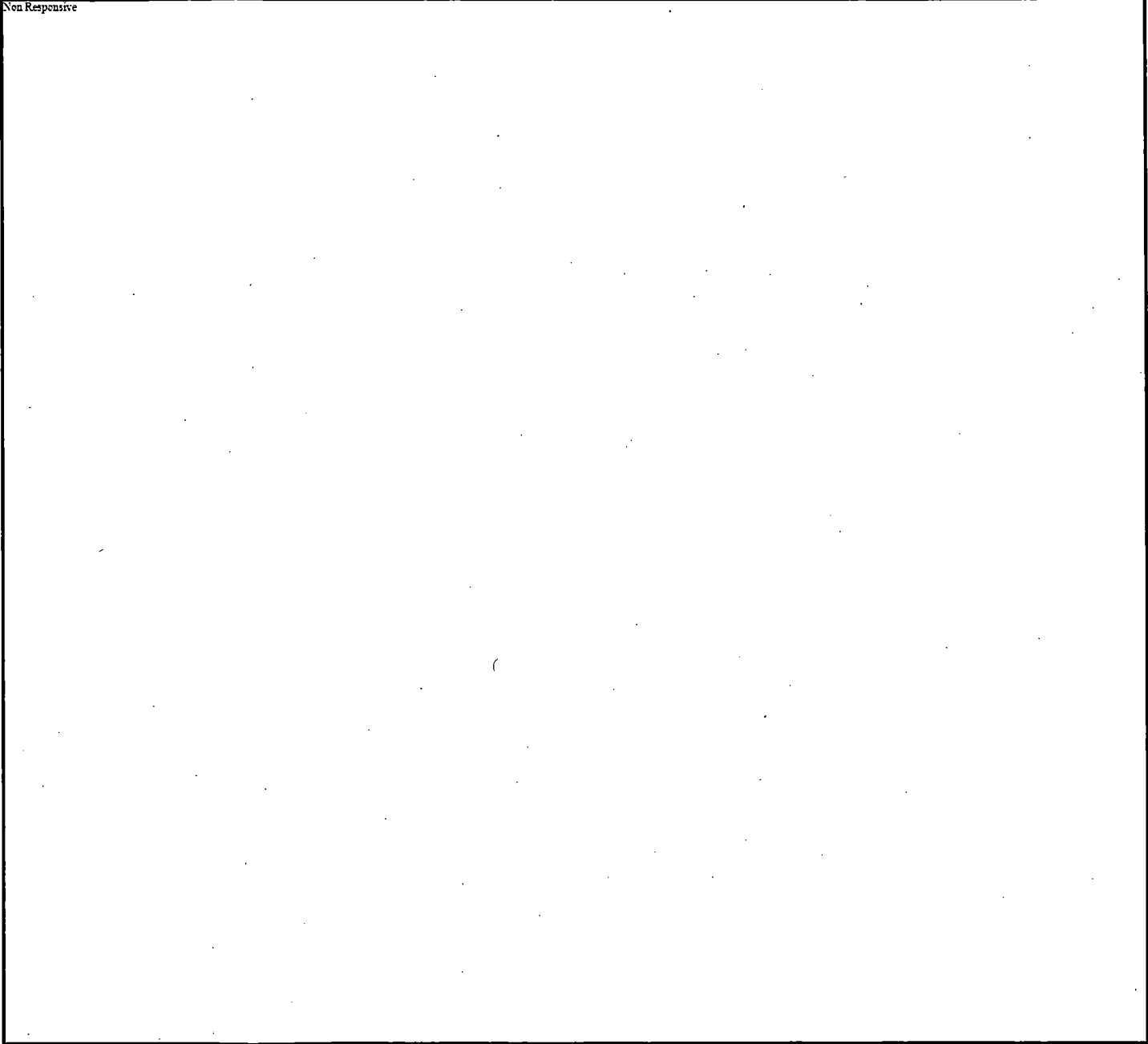


EXHIBIT 18
PAGE 41 OF 61 (PAGE)

Client : NAVFAC Southwest

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PAGE 42 of 64 PAGES

Option 1 Detail

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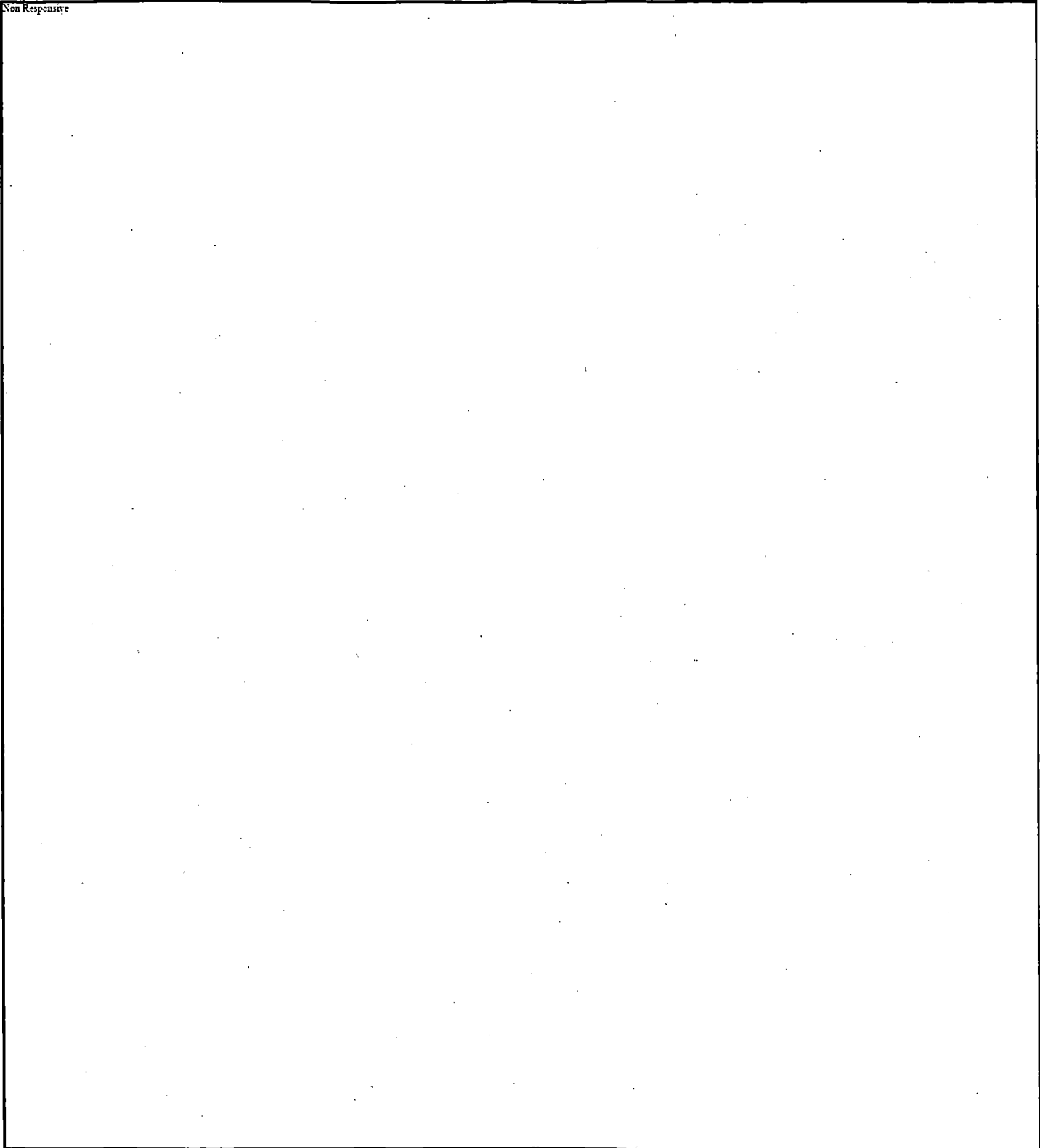


EXHIBIT 18
PAGE 44 OF 64 (PART 3)

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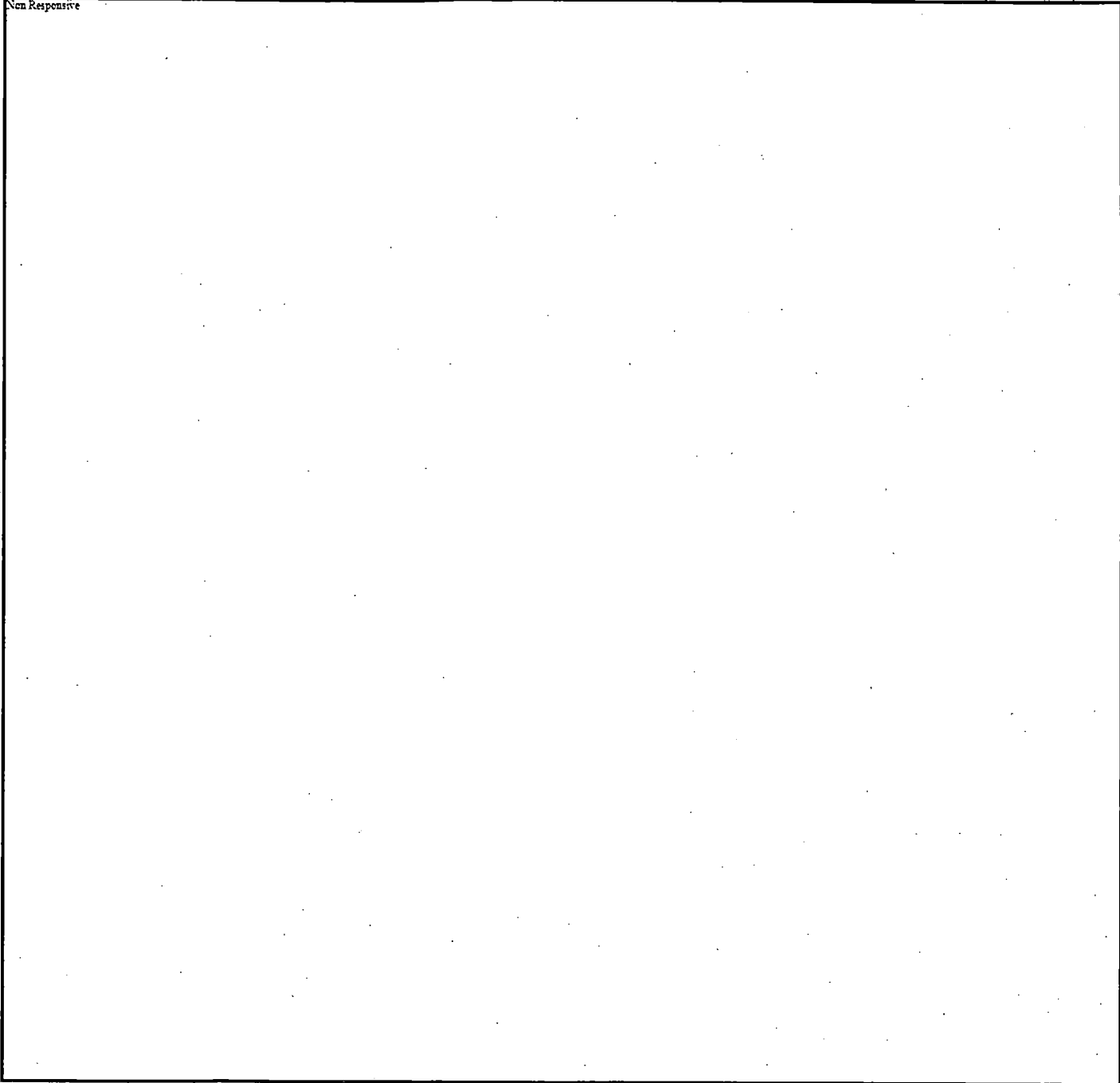


EXHIBIT 18
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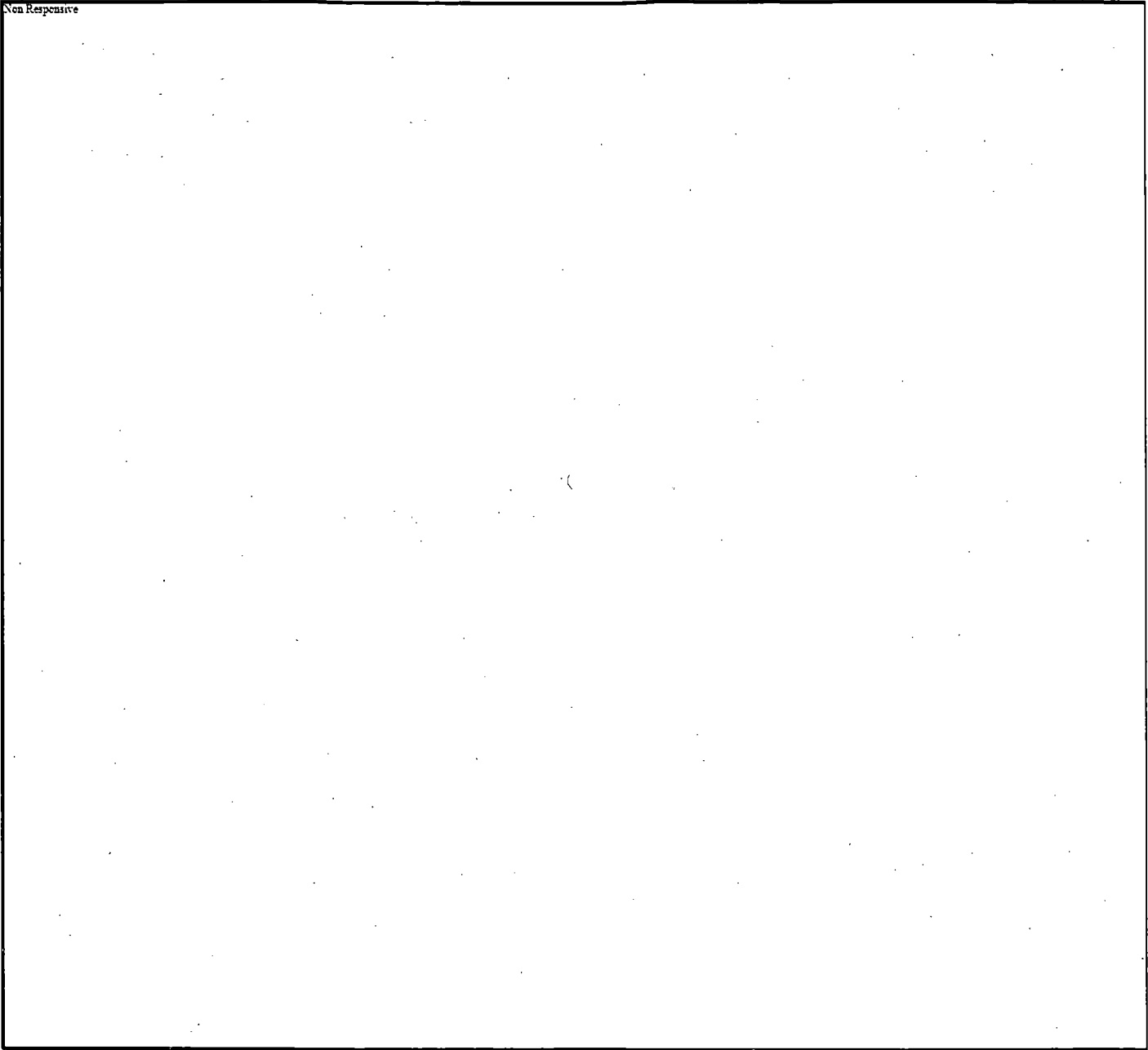
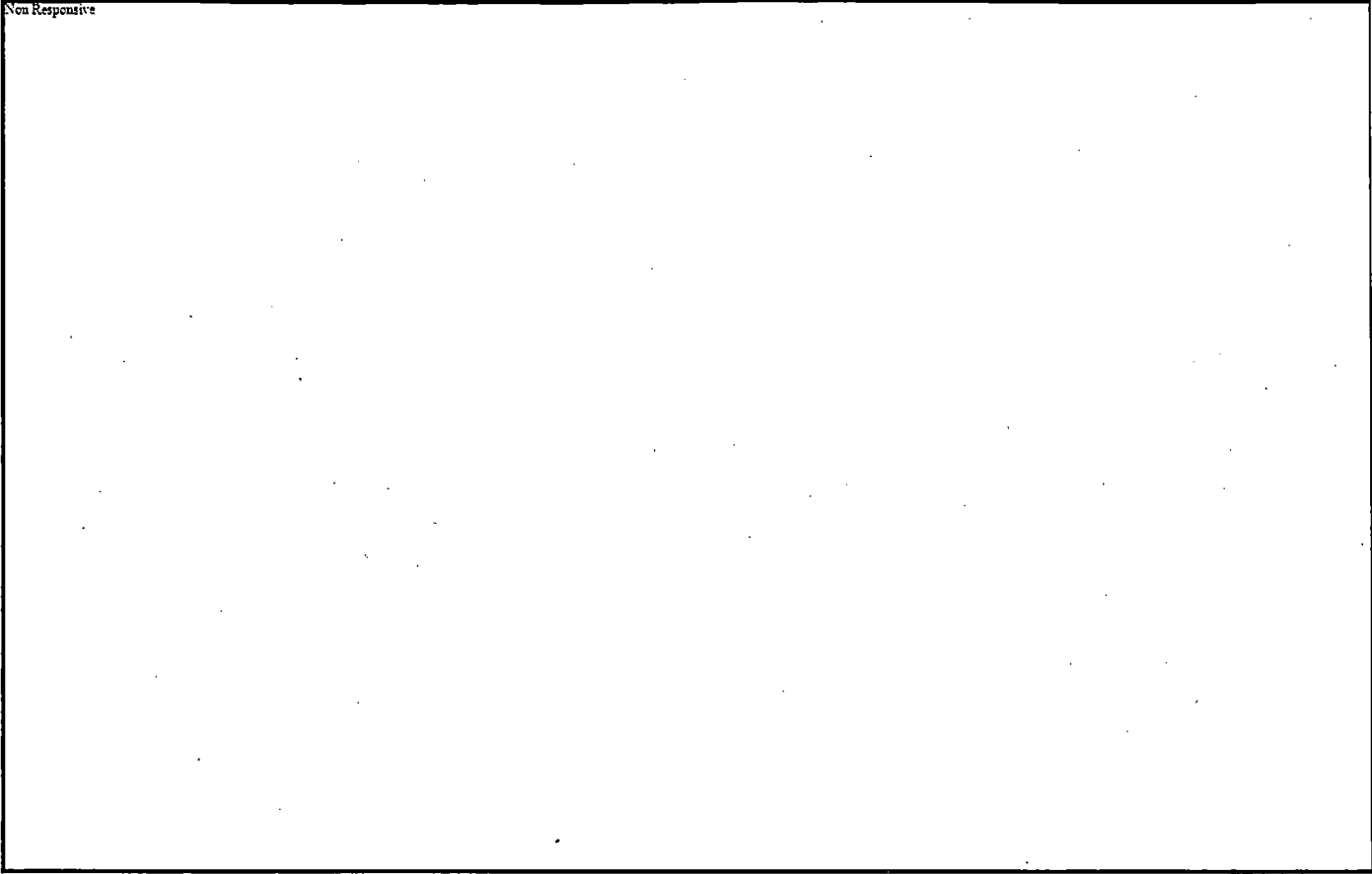


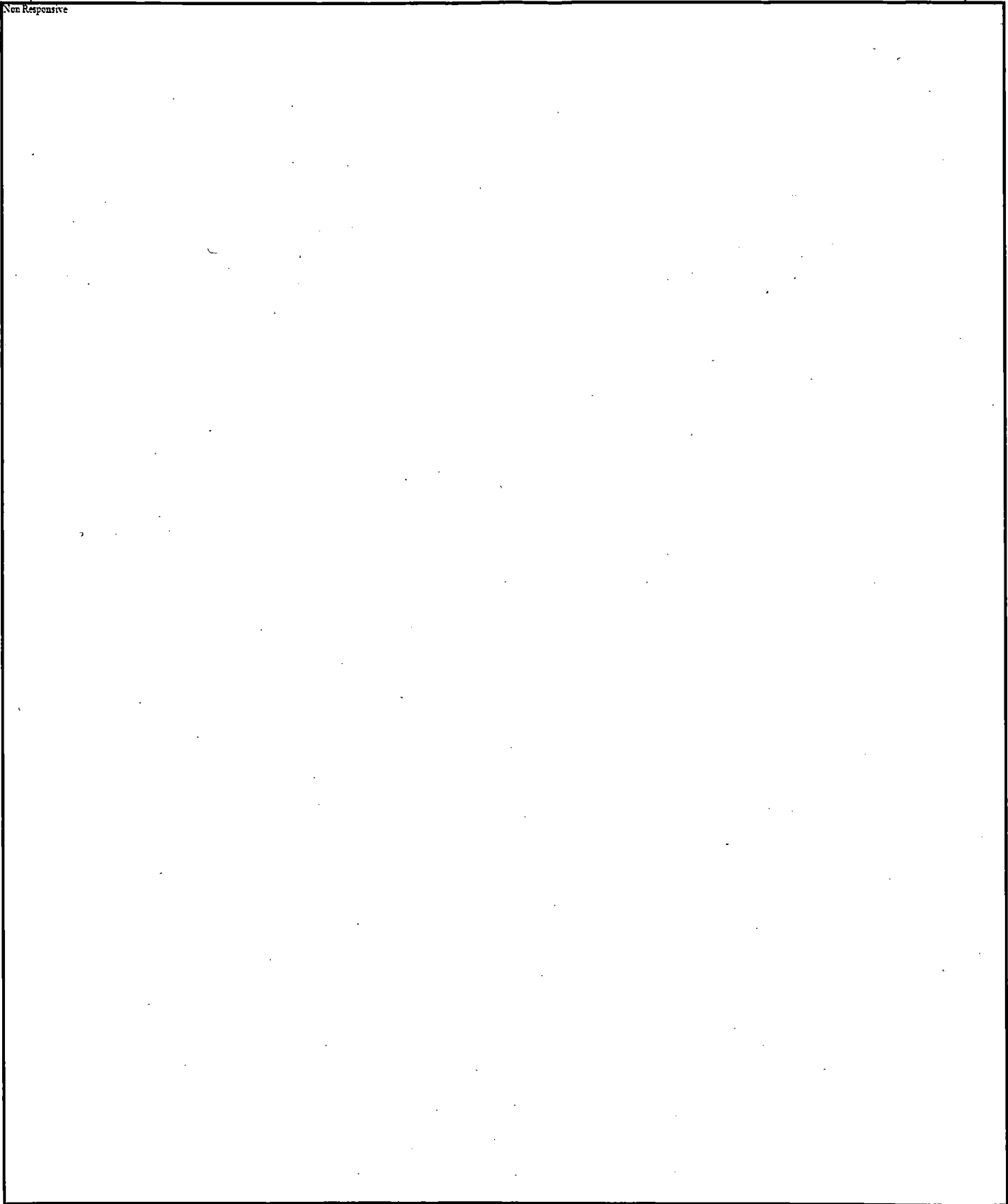
EXHIBIT 18
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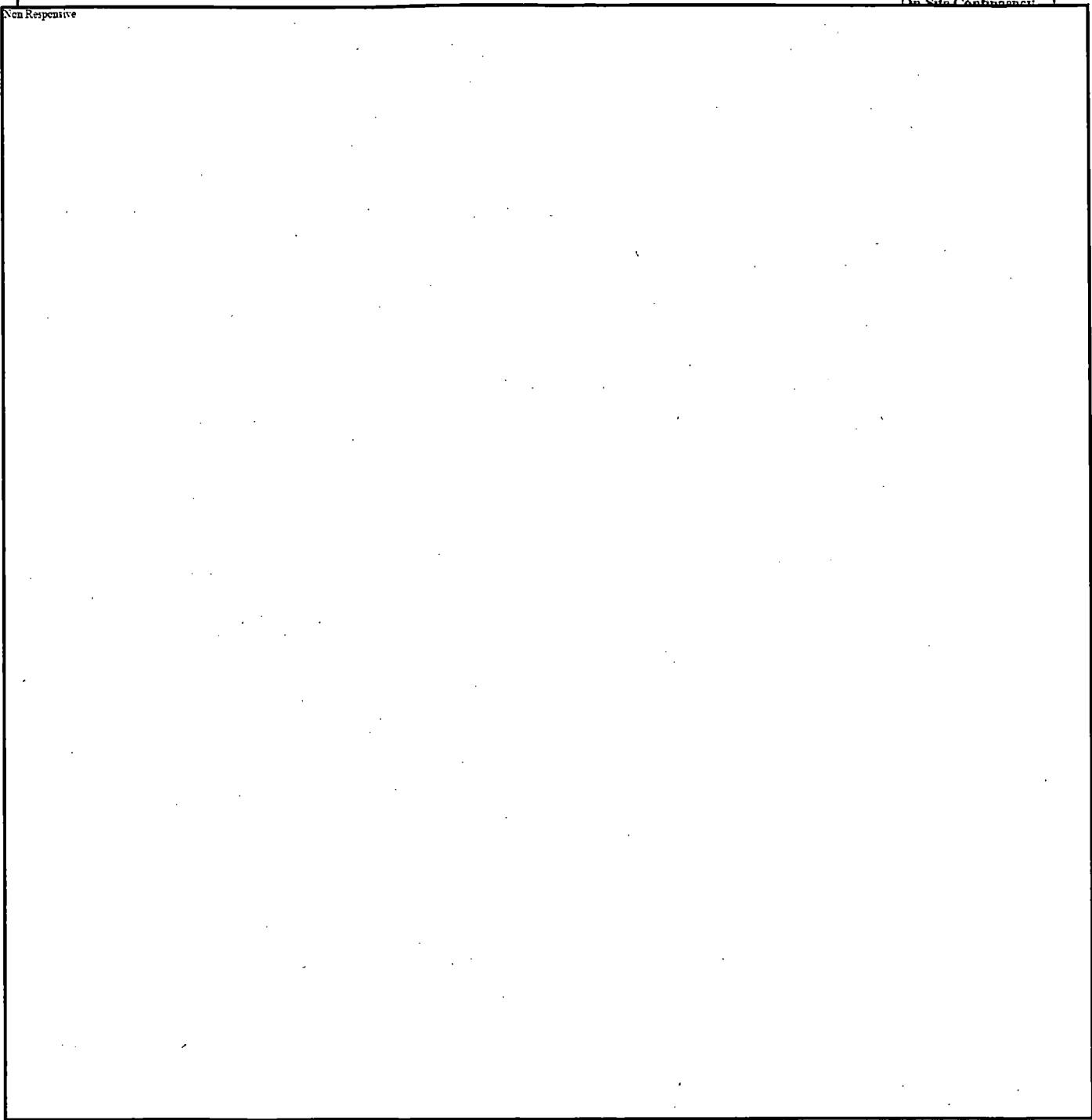


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PAGE 50 OF 64 PAGES

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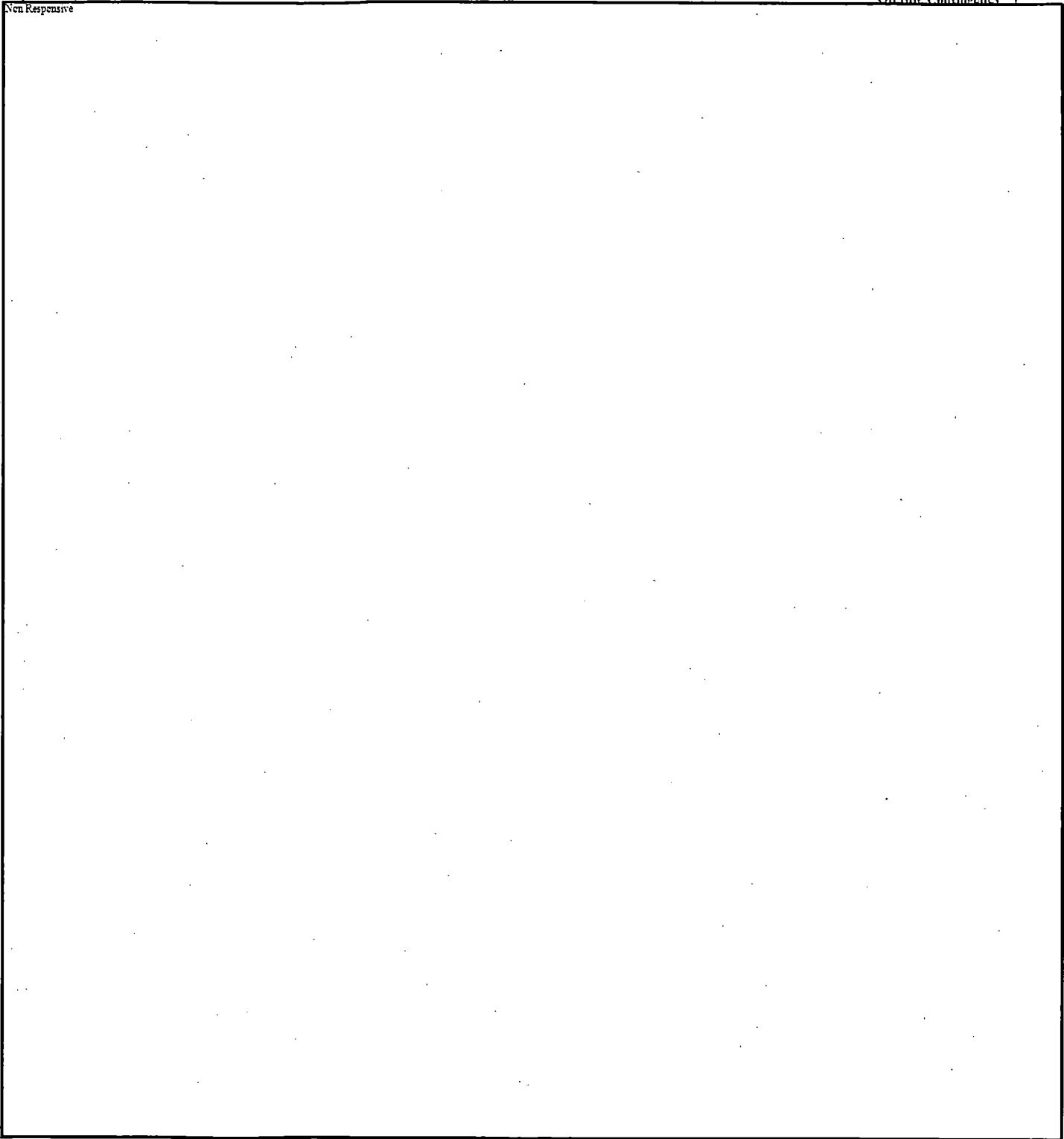


EXHIBIT 18
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EXHIBIT 1B
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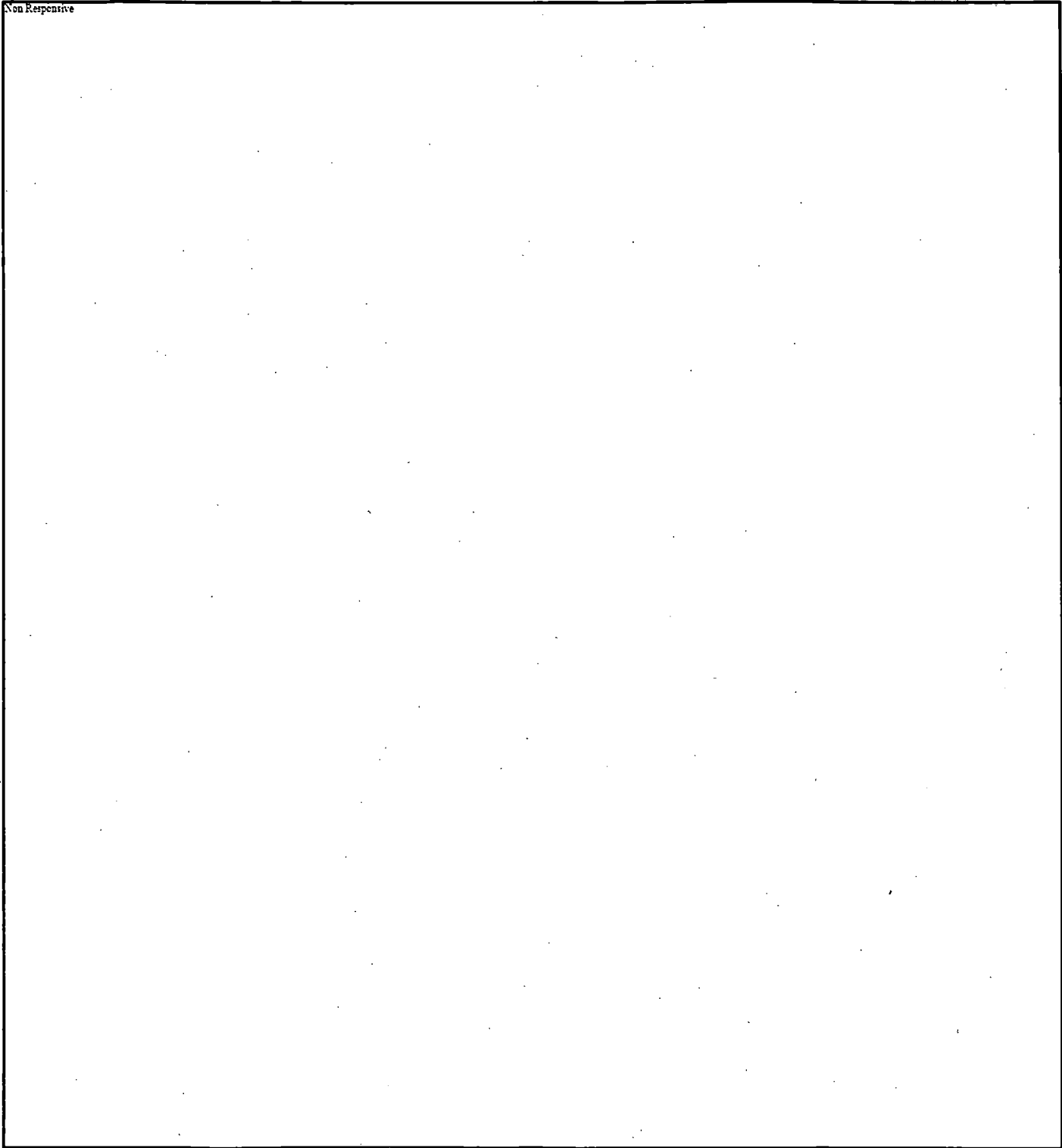
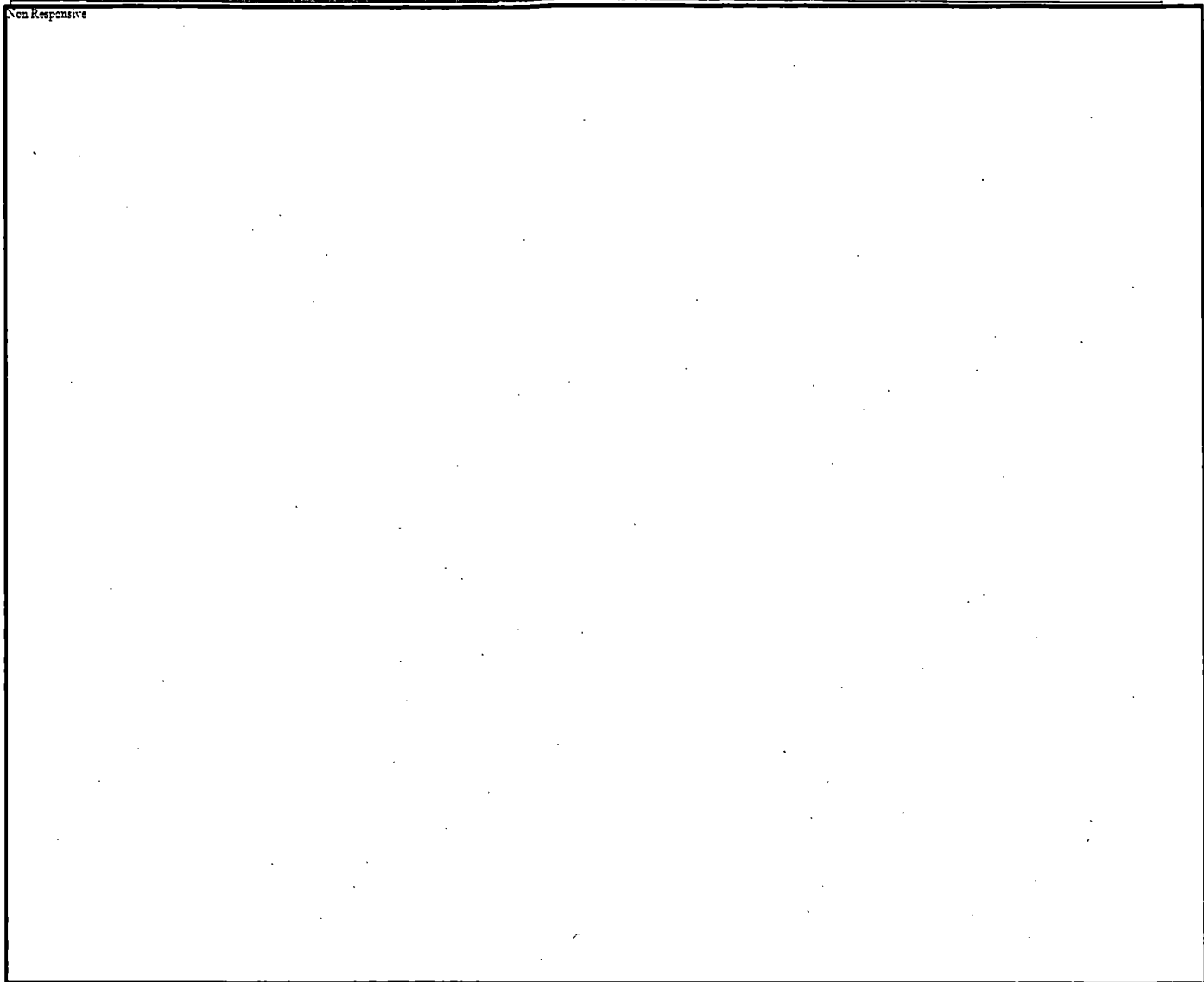


FIGURE 18
53 OF 64 (REV. 0)

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EXHIBIT 18
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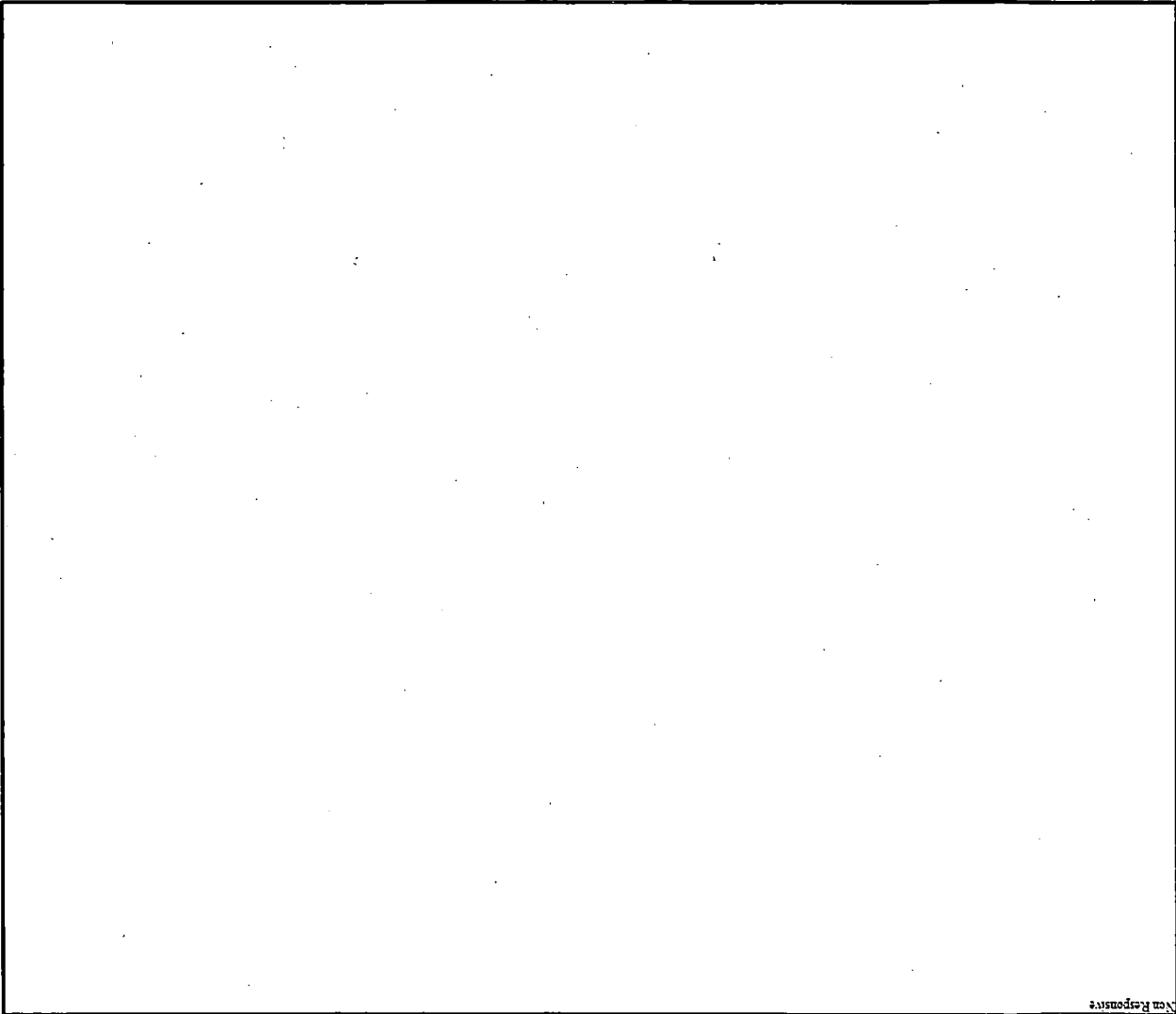
18
55 of 64 pages

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Summary of Unsolicited Options

PAGE 18
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18
59
64



Client: NAVFAC Southwest
Non Responsive

Client : NAVFAC Southwest

Non Responsive

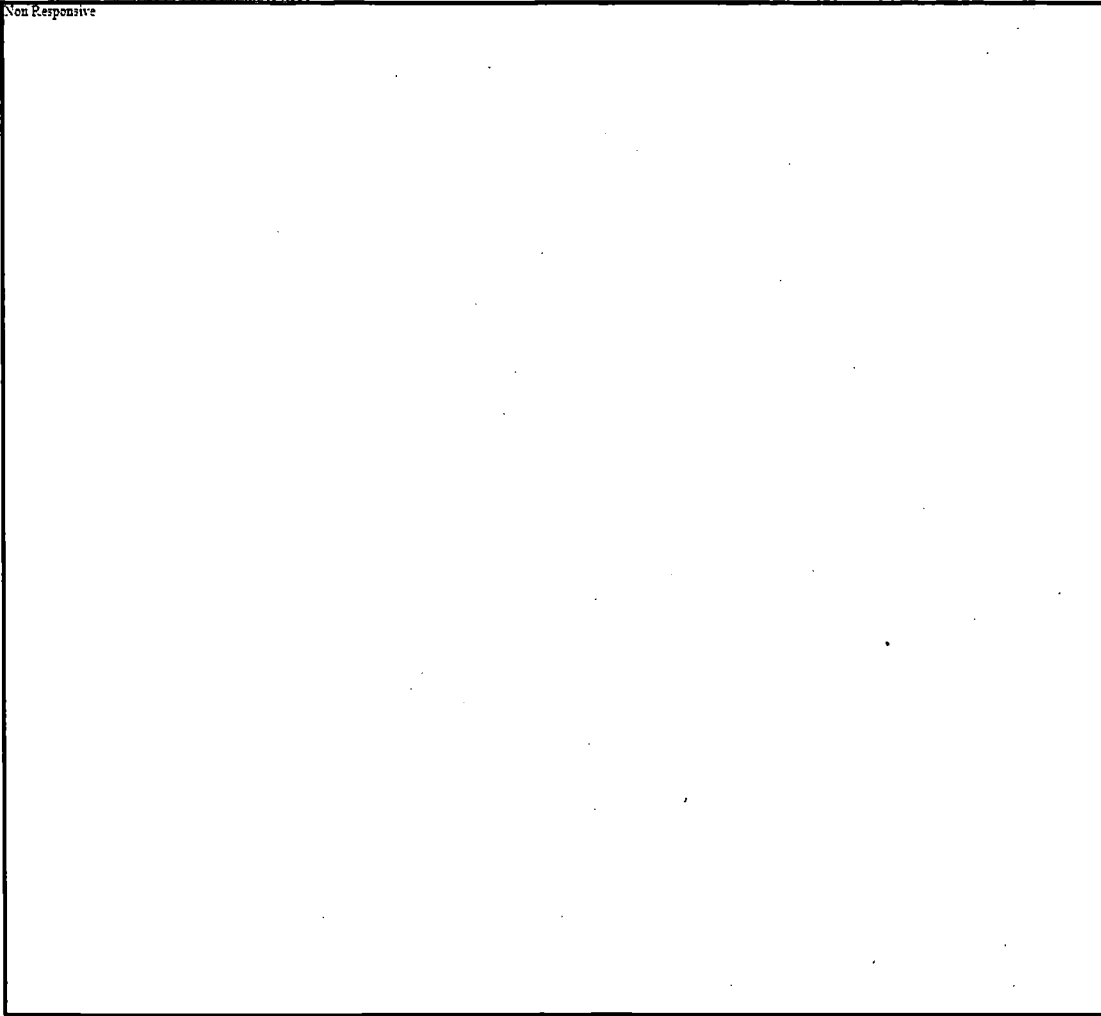


EXHIBIT 18
PAGE 60 OF 64

Unsolicited Options Detail

Non Responsive

EXHIBIT 18
PAGE 62 OF 64 (NCEC)

Non Responsive

(Additional OFS Form 11.1)

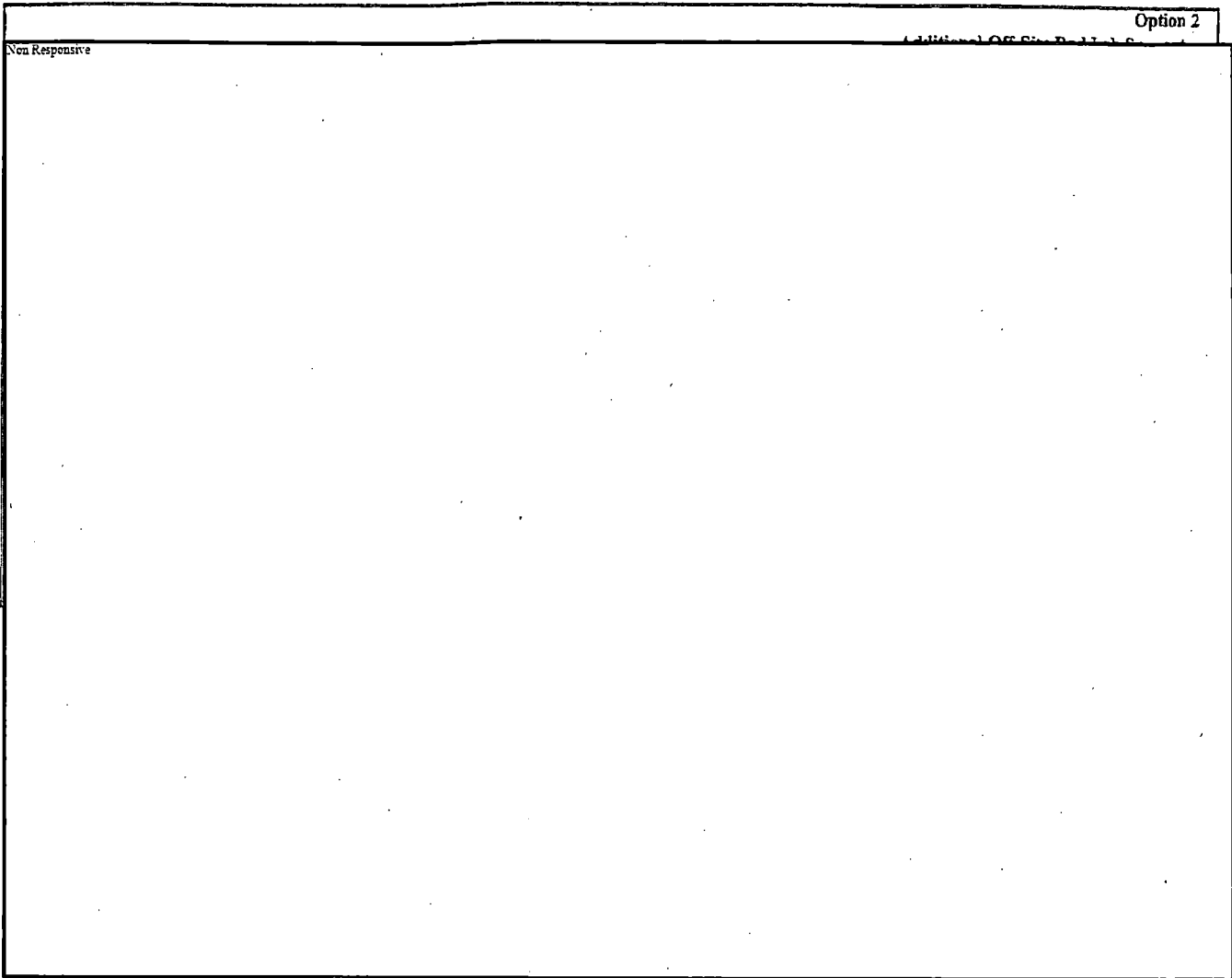


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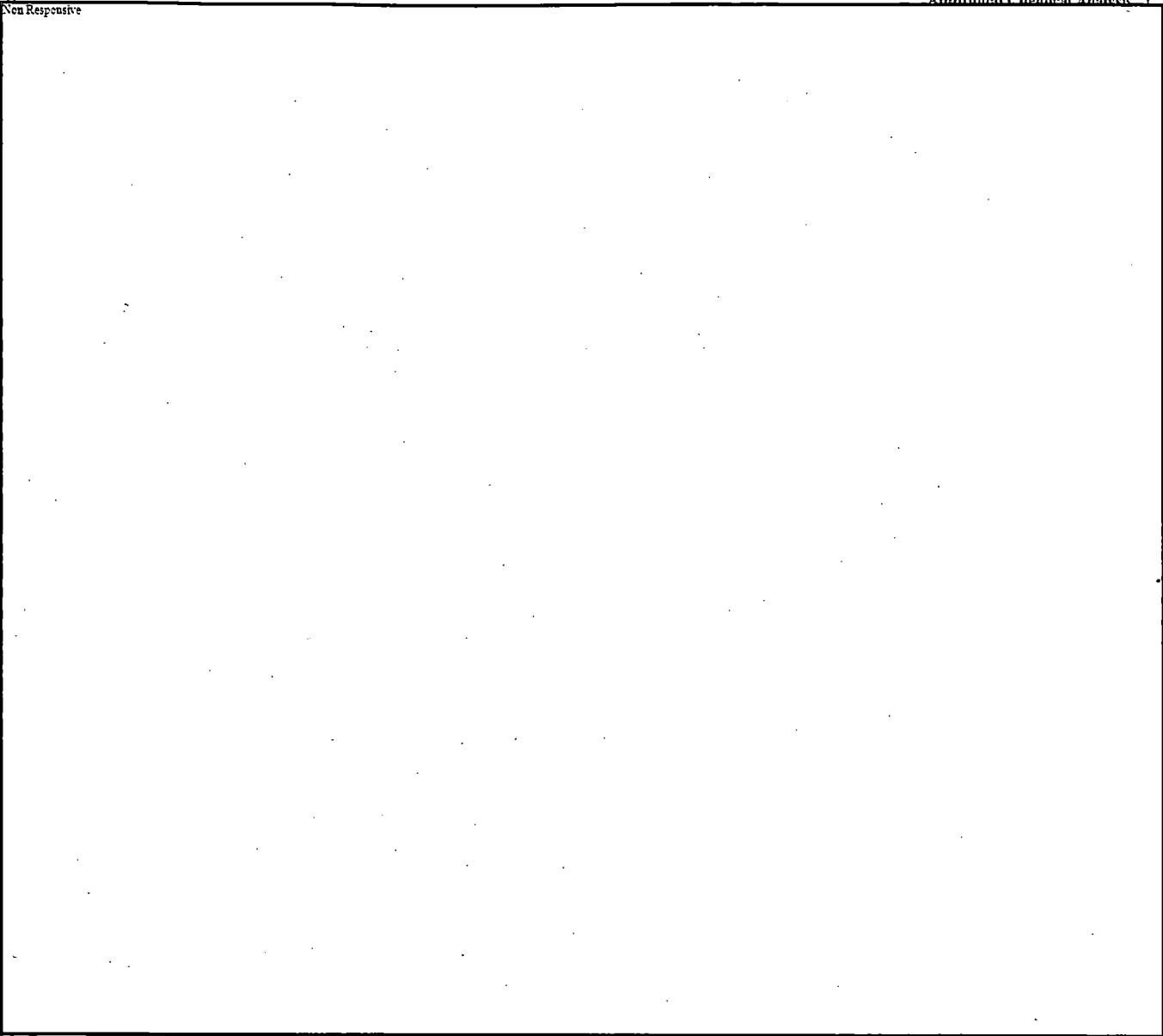


EXHIBIT 18
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EXHIBIT 19

INTERVIEW REPORT

OF

(b)(7)(C)

On May 30, 2013, (b)(7)(C) former (b)(7)(C) Tetra Tech EC, Inc., (TT), Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, was interviewed (sworn testimony) in order to obtain additional amplifying information pertaining to the NRC discrimination complaints of Susan ANDREWS, Senior Health Physics Technician (SHPT), Aleut World Solutions (AWS), Anchorage, Alaska, HPNS, and (b)(7)(C), AWS, HPNS. (b)(7)(C) was interviewed at the law firm of Fisher and Phillips, 3800 Howard Hughes Parkway, Suite 950, Las Vegas, Nevada. At the time of the interview (b)(7)(C) refused counsel however, did request (b)(7)(C) TT, Morris Plains, NJ, to listen to the interview via telephone. (b)(7)(C) stated that he was (b)(7)(C) and ANDREWS' (b)(7)(C) at HPNS.

(b)(7)(C) stated that (b)(7)(C) reported that a gate in the rear of radiological screening yard 2 (RSY2), located on HPNS, had been found unlocked. (b)(7)(C) noted that within approximately one half hour of this incident being reported the gate was locked. (b)(7)(C) noted that at no time did either ANDREWS or (b)(7)(C) ever inform him that they (ANDREWS and (b)(7)(C) suspected (b)(7)(C) working at HPNS) resume to be falsified. (b)(7)(C) indicated that he was not aware that ANDREWS was a "silent witness" in a State of California, Department of Labor, discrimination investigation pertaining to Bert BOWERS, former TT employee. (b)(7)(C) indicated that ANDREWS did approach him regarding whether the correct procedures were being followed as it related to collecting and processing soil samples.

(b)(7)(C) stated that he had no evidence that ANDREWS or (b)(7)(C) were laid off as the result of raising safety concerns but that it was simply as the result of the Department of the Navy (DOL) reducing the scope of the work.

This Interview Report was written based on agents' notes that were collected at the time of the interview.

Reporting Agent: (b)(7)(C) Special Agent
Office of Investigations, RI
OI Case No. 1-2012-019 and 1-2012-037

EXHIBIT

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PAGE 1 OF 1 PAGE(S)

1-2012-019

EXHIBIT 20

INTERVIEW REPORT

OF

(b)(7)(C)

On May 31, 2013, (b)(7)(C) Tetra Tech EC, Inc., (TT), Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, was interviewed (sworn testimony) in order to obtain additional amplifying information pertaining to the NRC discrimination complaints of Susan ANDREWS, Senior Health Physics Technician (SHPT), Aleut World Solutions (AWS), Anchorage, Alaska, HPNS, and (b)(7)(C) AWS, HPNS. (b)(7)(C) was interviewed at the law firm of Fisher and Phillips (FP), One Embarcadero Center, Suite 2050, San Francisco, CA, with Timothy Murphy, Attorney, FP, also present.

(b)(7)(C) noted that (b)(7)(C) advised staff (nfi) that the HPNS radiological screening yard 2 (RSY2) gate needed additional attention due to it being found unsecured. (b)(7)(C) stated that once he found out about the unsecured gate at RSY2 he instructed personnel to pay more attention to locking the gate. (b)(7)(C) advised that at no time did (b)(7)(C) or ANDREWS inform him that (b)(7)(C) working at HPNS) resume was falsified.

(b)(7)(C) related that he became aware that ANDREWS was a witness in a State of California, Department of Labor discrimination investigation involving Bert BOWERS, former TT employee, after ANDREWS had been laid off at HPNS. (b)(7)(C) indicated that ANDREWS never directly approached him regarding whether procedures were being followed when collecting and processing soil samples, however, the issue did come to him and after the procedures were reviewed it was determined that TT was compliant with the stated procedures.

(b)(7)(C) stated he has no evidence that ANDREWS and (b)(7)(C) were laid off because they had raised safety concerns. (b)(7)(C) reported that ANDREWS and (b)(7)(C) were laid off because the Department of Navy (DON) contract had expired.

This Interview Report was written based on agents' notes that were collected at the time of the interview.

Reporting Agent: (b)(7)(C), Special Agent
Office of Investigations, RI
OI Case No.: 1-2012-019 and 1-2012-037

1-2012-019

EXHIBIT 20
PAGE 1 OF 1 PAGE(S)

INVESTIGATION STATUS RECORD

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-037	Date Opened:	04/04/2012
Docket Number(s):	03038199	ECD:	
Case Code:	Materials/Waste	Priority:	High
Primary Alleg Source:	(A) Alleger	Status:	Case is closed
Allegation Number(s):	RI-2012-A-0022		
Subject/Allegation:	DISCRIMINATION AGAINST A CONTRACT HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS		

Monthly Status Report:

04/04/2012 On February 16, 2012, (b)(7)(C) a (b)(7)(C) former), employed by Tetra Tech at the Hunters Point, CA, remediation site contacted the NRC:RI allegations office to report a discrimination concern. Specifically, (b)(7)(C) claims that: 1) on August 29 and 30, 2011, he observed a co-worker shaking/trembling and (b)(7)(C) for at least the second time; 2) he reported this concern to his supervisor and felt that his co-worker should have been FFD tested; 3) he informed his supervisor that another co-worker had falsified her resumes in order to be hired at Hunter's Point; 4) the same co-worker brought he (b)(7)(C) to the site and went inside the RCA even though the (b)(7)(C) was not on the RWP; and 5) on December 15, 2011, he informed his supervisor that the gate at the RSY2 trench area was left open and copper thieves could get in there to steal the copper and be injured by the 5' deep pipes that stick up out of the trench.

(b)(7)(C) said that the following day, December 16, 2011, he was informed that his employment was being terminated because they were closing the RSY2 trench work area. (b)(7)(C) said that he has not been on the Hunters Point site since his termination, but believes the RSY2 area was only recently closed.

These concerns were discussed during a NRC:RI Allegation Review Board (ARB) held on February 29, 2012. The ARB, to include Regional Counsel determined that (b)(7)(C) had articulated a prima facie case of discrimination and that (b)(7)(C) would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. On March 29, 2012, (b)(7)(C) declined ADR and 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): 07/2012.

04/30/2012 During this reporting period, reporting agent interviewed alleged (b)(7)(C) at his residence in (b)(7)(C) on Friday April 20, 2012. Reporting agent ascertained the pertinent details of (b)(7)(C) discrimination complaint as well as a list of potential witnesses. On April 26, 2012, reporting agent interviewed witness Susan ANDREWS (also the alleged in another discrimination case against Tetra Tech) at her residence in (b)(7)(C) ANDREWS' testimony corroborated much of the information provided by (b)(7)(C) ANDREWS also identified an additional witness or two, who could absolutely speak to the culture and some of the concerning things occurring at Hunters Point Naval Shipyard during the period in question. Status: FWP ECD: 07/2012.

05/31/2012 During this reporting period, reporting agent has worked to develop and locate additional witnesses in this matter, some of which, have been contacted and agreed to be interviewed at a later date. To date, the alleged interview transcript in this matter has not been received, however, upon receipt, the transcript will be reviewed accordingly. This investigation continues pending further field work. Reporting agent will be interviewing additional witnesses during travel to the San Francisco, CA Bay Area during the week of June 12-16, 2012. Status: FWP ECD: 07/2012

INVESTIGATION STATUS RECORD

Facility: TETRA TECH EC, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-037 Date Opened: 04/04/2012

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). (b)(7)(C) Additional witnesses (b)(7)(C) were initially scheduled to also be interviewed, but due to personal and scheduling matters, requested that their 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: 07/2012.

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). The 90-day evaluation period has ended, ECD has been changed to October 2012. Status: FWP ECD: 10/2012.

08/31/2012 During this reporting period reporting agent was assigned this case which was transferred from OI:RI SA (b)(7)(C) who resigned from NRC to take a position with another federal agency. Investigative documents are currently being reviewed to determine who will be interviewed in this case. Status: FWP ECD: 10/2012.

09/30/2012 Due to efforts expended on high priority, time sensitive and emergent investigations in Region I (1-2012-022 and 1-2012-062), the planned field work in California did not occur. Since last reporting period documentation pertaining to this case and two (1-2012-019 and 1-2012-032) related cases continue to be reviewed in preparation for field work. Status: FWP ECD: 10/2012.

10/31/2012 Since last reporting period no additional investigative work has been completed on this case. Efforts are on going to identify witnesses for this case and cases 1-2012-019/1-2012-036 in order to conduct interviews at one time for all three cases. It is anticipated that the witness interviews will be performed in the near future. At this time the ECD needs to be changed to January 2013. Status: FWP ECD: 01/2013.

11/30/2012 Since last reporting period, transcripts were reviewed to identify potential witnesses. Efforts are underway to schedule witness interviews in January 2013 in the San Francisco, CA, area. It is expected that this trip will accomplish all witness interviews for this investigation as well as 1-2012-019 and 1-2012-032. Status: FWP ECD: 01/2013.

02/19/2013

DECEMBER ENTRY:

Since last reporting period, approximately (2) witness interviews have been scheduled for January 2013, in the San Francisco, CA, area. It is anticipated that after these witness interviews are completed the investigation will be ready to be prepared for submission to SAIC for review and release. Status: FWP ECD: 01/2013.

INVESTIGATION STATUS RECORD

Facility: TETRA TECH EC, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-037 Date Opened: 04/04/2012

03/01/2013 Since last reporting period, investigation is pending the receipt and review of interview transcripts from the interviews that were conducted in late January 2013. Once the transcripts are received, the report will be prepared for SAIC review. To allow for review of transcripts and completion of the report of investigation, the ECD is being extended to April 2013. Status: FWP: ECD: April 30, 2013.

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) 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. To allow for the ROI writing and review process, the ECD is being extended to April 2013. Status: FWP ECD: 04/2013.

03/26/2013 Since last reporting period, investigation is pending receipt of requested documentation from Tetra Tech. Upon receipt of requested documentation, the drafting of the ROI will commence. Status: FWP: ECD: April 30, 2013.

04/30/2013 Since last reporting period it was determined that several Tetra Tech employees need to be re-interviewed. Efforts are on going to schedule the interviews with the employees in mid May 2013. Once these interviews are completed the case will be prepared for SAIC review, therefore 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) Tetra Tech Inc, and (b)(7)(C) (b)(7)(C) Tetra Tech were interviewed. Status: RID ECD: 06/2013.

06/12/2013 Case was closed (unsubstantiated) and issued on June 12, 2013.

Completion Date:	Total Staff Hours:	201.0
Issue Date:	Months Open:	14.5
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

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

Case #: 1-2012-037

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 (N/A)
- [] 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: TETRA TECH EC, INC.
Case Number: 1-2012-037

Case Agent: [REDACTED]
Date Opened: 04/04/2012

- Date Activity**
- 04/09/2012 Reporting agent contacted the CI as a follow up to a previous conversation, in an effort to discuss potential interview dates. The reporting agent is currently scheduled to interview the CI on Friday April 20, 2012 at his residence in [REDACTED]
- 04/24/2012 On Friday Allegor [REDACTED] was interviewed at his residence in [REDACTED]. This investigation continues pending further investigative activities.
- 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, [REDACTED] [REDACTED] 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 from SA [REDACTED] due to [REDACTED] job change.
- 09/11/2012 SAIC reviewed case chrons. Case transferred to OI:RI SA [REDACTED]
- 10/18/2012 fod reviewed case chrons and did case review with SA
- 11/15/2012 Left messages with several potential witnesses in order to schedule an interview.
- 11/21/2012 [REDACTED] (Tetra Tech) advised that they want counsel present during their interviews.
- 11/27/2012 Received phone message from Tim Murphy, Attorney, about representing Tetra Tech employees.
- 06/12/2013 Case was closed (unsubstantiated) and issued on June 12, 2013.

OFFICE OF INVESTIGATIONS
INVESTIGATIVE PLAN

CASE NO.: 1-2012-037

See Attached Case Opening ISR for Title/Facility; the Allegation(s) involved; Potential Violations; initial ECD; Statute of Limitations; name and/or title of Allegor; and name/title of NRC staff point of contact, if any.

Investigative Steps:

Who is first interview and others (by Position/Title) that likely will be interviewed about the allegation(s)?:

Allegor

What records are to be gathered?

All that are needed.

Other possible investigative activities that may be considered (Polygraph, Consensual monitoring, Confidential Source/Informant contact, handwriting exemplars, wires, Team interviews, etc.):

None @ this time

Prepared by:

(b)(7)(C)

Name

3/12/2013

Date

Reviewed by:

X

Special Agent in Charge/Acting SAIC

Date

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 (b)(7)(C), fully understand the degree of protection of my identity as explained in this document.

Date: 4/20/2012

Witness (b)(7)(C)

(Concerned Citizen) (b)(7)(C)

1-2012-037

G:\ora\allegreceipt\20120022rcv.docx

Allegation Receipt Report

Date Received: 2/16/2012
Received via: Phone

Allegation No. RI-2012-A-0022

Employee Receiving Allegation:

Source of information: former licensee employee

Alleger Name:
Cell Phone:

Home Address:
City/State/Zip:

Alleger's Employer: Formerly Tetra Tech EC, Inc.

Alleger's Position/Title: Technician

Facility: Tetra Tech EC, Incorporated (Hunters Point)

DN: 030-38199

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
If H&I was alleged, was alleger informed of DOL rights?	Yes
Did they raise the issue to their management and/or ECP?	Yes

Does the alleger object to having their issue(s) forwarded to the licensee? No

Provide alleger's verbatim response to this question: OK

Was confidentiality requested?	No
Was confidentiality initially granted?	No
Individual Granting Confidentiality:	

Allegation Summary:

CI was terminated on 12/16/2011 for raising what CI believes are safety concerns.

Functional Area: Decommissioning Materials

Discipline For Each Concern: Discrimination

Detailed Description of Allegation:

On 8/29-30/2011 CI observed co-worker shaking/trembling and (b)(7)(C) for at least the second time. CI indicated this co-worker takes lots of days off and happens to be the (b)(7)(C) of a Tetra Tech (b)(7)(C). CI indicates that this co-worker should have been FFD tested. CI reported this to his supervisor.

CI reported to his supervisor that another co-worker falsified her resume'. This co-worker happens to be the (b)(7)(C) of another Tetra Tech (b)(7)(C). CI stated that this same co-worker intimidates him and another technician because she is a (b)(7)(C). This same co-worker brought (b)(7)(C) to work and went inside the RCA and (b)(7)(C) was not on the RWP.

Laborers set up air samplers that are not qualified to do this.

On 12/15/2011, the CI reported to his supervisor that the gate at the RSY2 trench area was left open and copper thieves could get in there to steal the copper and be injured by the 5' deep pipes that stick up out of the trench. The following day, 12/16/2011, the CI was terminated.

The reason the CI was given for being terminated was that they were closing the RSY2 trench area. The CI has not been onsite since his termination, but believes the RSY2 area was only closed recently.

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

Allegation No.: RI-2012-A-0022
Site/Facility: Hunters Point (Tetra Tech)
ARB Date: 2/29/2012

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

Concern(s) Discussed:

(1) On 8/29-30/2011 the CI observed a co-worker shaking/trembling and (b)(7)(C) for at least the second time. The CI indicated this co-worker takes lots of days off and happens to be the (b)(7)(C) of a Tetra Tech (b)(7)(C). The CI indicated that this co-worker should have been FFD tested. The CI reported this to his supervisor.

Security Category: N/A

(2) The CI reported to his supervisor that another co-worker falsified her resume. This co-worker happens to be the (b)(7)(C) of another Tetra Tech (b)(7)(C). This same co-worker brought (b)(7)(C) (b)(7)(C) to work and went inside the RCA. The (b)(7)(C) was not on the RWP. The CI stated that this same co-worker intimidates him and another technician because she is a (b)(7)(C)

Security Category: N/A

(3) Laborers set up air samplers but are not qualified to do so.

Security Category: N/A

(4) On 12/15/2011, the CI reported to his supervisor that the gate at the RSY2 trench area was left open and copper thieves could get in there to steal the copper and be injured by the 5" deep pipes that stick up out of the trench. The following day, 12/16/2012, the CI was terminated.

Security Category: N/A

Does allegor object to providing concerns to the licensee via an RFI? NO

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson **Branch Chief:** Ferdas **SAC:** Urban
RI Counsel: **Farrar Others:** Masnyk Bailey, McFadden

OI: (b)(7)(C)

DISPOSITION METHOD (See Attached RFI Worksheet. If Applicable)

N/A RFI Inspection or Investigation Both

DISPOSITION ACTIONS

1 Regional Counsel has determined that a prima facie case exists.

Responsible Person: Farrar
Closure Documentation:

ECD:
Completed: 2/29/2012

2. Acknowledgment letter to CI and provide ADR/DOL and OI information. DB to provide Enclosure 1 without disposition of concerns.

3. **Responsible Person:** Urban/Ferdas
Closure Documentation: Letter

ECD: 3/16/2012
Completed:

SAFETY CONCERN:

There have been repeated concerns about adherence to radiation safety procedures and reprisals against Tetra Tech employees raising concerns. Also this is the 4th allegation about intimidation by the same individual.

PRIORITY OF OI INVESTIGATION: High Normal

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT:

*(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)
(Use parallel language in the requirement and the contrary to statement, and include a date on which, or until which, the violation occurred. Ensure a review of the draft violation is conducted by the Region I enforcement staff prior to submitting to the SAC for processing)*

NOTES:

- Concern 1: Not an allegation because does not involve an NRC regulated activity.
- Concern 2 and 3: Previously reviewed during recent NRC inspection. Onsite inspection performed on January 9-12 in response to previous concerns received by other CIs (Inspection Report 03038199/2012001, dated January 30, 2012) on similar issues. See Allegation 2011-A-0113 and 2011-A-0138 for NRC assessment and response.
- Concern 4: Concerns raised deal with non-radiological concerns. Inform CI if he has additional information to provide.

The reason the CI was given for being terminated was that they were closing the RSY2 trench area. The CI has not been onsite since his termination, but believes the RSY2 area was only closed recently.

This is the fourth allegation that a CI has been fired for raising "safety" concerns in the past year.

1. March 2011 – R1-2011-A-0019
2. December 2011 – R1-2011-A-0113
3. December 2011 – R1-2011-A-0138
4. This allegation

Three inspectors, during two on site inspections, asked employed Tetra Tech RCTs about the validity of concerns raised by the CIs from the three earlier allegations. Even when these concerns could be substantiated, the RCTs denied any knowledge of them. Some of the concerns were common to all four CIs.

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: TETRA TECH, INC.: DISCRIMINATION AGAINST A CONTRACT
HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS
(CASE NO. 1-2012-037/ALLEGATION NO. RI-2012-A-0022)

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: TETRA TECH EC, INC.

DISCRIMINATION AGAINST A CONTRACT HEALTH PHYSICIST FOR HAVING
RAISED SAFETY CONCERNS AT HUNTERS POINT

Licensee:

Tetra Tech EC Inc.
1230 Columbia Street
San Diego, CA 92101

Docket No.: 03038199

Allegation No.: RI-2012-A-0022

Case No.: 1-2012-037

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

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REPORT. UNAUTHORIZED DISCLOSURE MAY RESULT IN ADVERSE
ADMINISTRATIVE ACTION AND/OR CRIMINAL PROSECUTION.~~

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 April 4, 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), which is the prime contractor for the HPNS remediation site. The SHPT alleged that after raising several concerns to a TT Health Physics (HP) Supervisor, his/her employment was terminated by the TT Project Manager at HPNS.

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.

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Case No. 1-2012-037

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TESTIMONIAL EVIDENCE

Exhibit

ANDREWS, Susan, Senior Health Physicist Technician (SHPT), Aleut World Solutions (AWS), Anchorage, Alaska, Hunters Point Naval Shipyard (HPNS), Hunters Point, CA 5

BOWERS, Elbert (Bert), former Radiation Safety Officer (RSO), Tetra Tech EC, Inc. (TT), HPNS 8

(b)(7)(C) TT, HPNS 10 & 16

(b)(7)(C), AWS, HPNS 4

(b)(7)(C) AWS, HPNS 7

(b)(7)(C), AWS, HPNS 14

(b)(7)(C) TT, HPNS 9 & 15

(b)(7)(C) AWS, HPNS 6

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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 Hunters 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 11).

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 12).

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 13).

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Case No. 1-2012-037

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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 April 4, 2012, to determine whether (b)(7)(C) working at the Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, remediation site, was subjected to discrimination for raising safety concerns. (b)(7)(C) 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. (b)(7)(C) alleges that after raising several concerns to (b)(7)(C) TT, to include fitness for duty (FFD) issues and that laborers were setting up air monitors when not qualified to do so, (b)(7)(C) was terminated by (b)(7)(C) TT, (b)(7)(C) at HPNS (Exhibit 1).

Background

On February 16, 2012, (b)(7)(C) contacted the NRC:RI, Allegations office to report that his employment was terminated for raising safety concerns regarding the FFD of a co-worker, that laborers had set up air samplers when not qualified to do so, that a co-worker was rumored to have falsified their resume, the gate to radiological screening yard 2 (RSY2) at HPNS, had been left open and a co-worker had brought her (b)(7)(C) onto HPNS. On February 29, 2012, (b)(7)(C) concerns went before a NRC:RI Allegation Review Board (ARB) and determined that (b)(7)(C) articulated a prima facie showing. On March 29, 2012, (b)(7)(C) declined Alternative Dispute Resolution (ADR) and chose to pursue an OI investigation (Exhibits 2 and 3).

Allegation: Discrimination Against a Contract Health Physicist for Having Raised Safety Concerns at Hunters Point

Agent's Summary of the Evidence

Sworn Testimony of (b)(7)(C) (Exhibit 4)

(b)(7)(C) stated he worked for AWS as a (b)(7)(C) at HPNS from (b)(7)(C), to (b)(7)(C) but had also worked at HPNS on previous occasions. (b)(7)(C) advised that his immediate supervisor was (b)(7)(C) and he raised safety issues directly to (b)(7)(C) related that on August 29, 2011, he (b)(7)(C) co-worker's (b)(7)(C) (b)(7)(C)

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(b)(7)(C) reported his finding to (b)(7)(C) but to the best of his knowledge (b)(7)(C) was not sent for a FFD test. (b)(7)(C) noted that he did not follow up with (b)(7)(C) to determine what the eventual outcome was (pp. 3-17).

(b)(7)(C) stated that while working (unknown date) the control point at RSY2, (b)(7)(C) (b)(7)(C), TT, HPNS, brought (b)(7)(C) into RSY2 without a dosimeter or any other protective equipment. (b)(7)(C) noted that he failed to challenge (b)(7)(C) but eventually told (b)(7)(C) what had occurred. (b)(7)(C) believes that (b)(7)(C) and (b)(7)(C) were in RSY2 for approximately 15 minutes. (b)(7)(C) is unsure what (b)(7)(C) did after he (b)(7)(C) informed him of this incident (pp. 20-25).

(b)(7)(C) related that on numerous occasions (b)(7)(C) instructed laborers to set up air samplers in RSY2 when they were not qualified to do so. (b)(7)(C) stated he was told by (b)(7)(C) that she (b)(7)(C) was an ANSI 3.1 qualified (b)(7)(C) and she would determine how the air samplers were set up. (b)(7)(C) stated that (b)(7)(C) statement was comical especially when it was rumored that she (b)(7)(C) had falsified her resume. (b)(7)(C) noted that he believes either a Junior or Senior HPT should have set up the air samplers. (b)(7)(C) informed (b)(7)(C) what had occurred with the air samplers and to the best of his (b)(7)(C) knowledge nothing was done (pp. 28-31).

AGENT'S NOTE: (b)(7)(C) failed to provide additional information about (b)(7)(C) rumored falsified resume.

(b)(7)(C) reported that on December 15, 2011, he reported to (b)(7)(C) that the rear gate to RSY2 had been left open. (b)(7)(C) stated he was concerned that someone could make entry into RSY2 to steal copper or fall into a five foot deep trench that was adjacent to the gate. (b)(7)(C) noted he was laid off the following day. (b)(7)(C) believes that (b)(7)(C) informed (b)(7)(C) of the concerns he raised and it was much easier to lay him (b)(7)(C) off. (b)(7)(C) related that the only other people who raised concerns who were still employed at HPNS were (b)(7)(C) TT, and (b)(7)(C) TT. (b)(7)(C) stated that when (b)(7)(C) told him he was laid off he (b)(7)(C) was informed that it was because the work at RSY2 had come to completion and RSY2 was being released back to the Department of the Navy (DON). (b)(7)(C) believes he was laid off because he had raised safety concerns to (b)(7)(C) (pp. 32-37, 40 and 56).

Protected Activity

According to (b)(7)(C) he reported to (b)(7)(C) the following safety concerns: a) (b)(7)(C) had (b)(7)(C) and should have been FFD tested, b) (b)(7)(C) brought (b)(7)(C) into RSY2 without having the appropriate protective equipment, c) (b)(7)(C) permitted unqualified laborers to set up air samplers in RSY2, and d) the back gate to RSY2 was found unsecured (Exhibit 4, pp. 11, 22, 31, and 33).

Management Knowledge

(b)(7)(C) stated that (b)(7)(C) did inform him that he (b)(7)(C) (b)(7)(C) on (b)(7)(C) (b)(7)(C) noted that several people informed him that (b)(7)(C) had brought (b)(7)(C) onto RSY2 but was unsure if (b)(7)(C) was one of the individuals who had advised him of that fact. (b)(7)(C) reported that (b)(7)(C) did notify him (b)(7)(C) that laborers were being used to set up air samplers in RSY2. (b)(7)(C) indicated that (b)(7)(C) did inform him that the rear gate to RSY2 had been found unsecured (Exhibit 9, pp. 64-75 and Exhibit 15).

(b)(7)(C) TT, (b)(7)(C) HPNS, stated (b)(7)(C) job was to monitor the RSY2 gate and to "frisk" the truck tires for radiation as the trucks left RSY2. (b)(7)(C) reported that he was not aware that (b)(7)(C) informed (b)(7)(C) that he (b)(7)(C) had (b)(7)(C) on (b)(7)(C) (b)(7)(C) (b)(7)(C) advised that (b)(7)(C) did not directly inform him that (b)(7)(C) had brought (b)(7)(C) on site but he (b)(7)(C) was already aware of that situation. (b)(7)(C) noted that he was not aware that (b)(7)(C) had approached (b)(7)(C) to inform him (b)(7)(C) that laborers were being used to set up air samplers in RSY2. (b)(7)(C) noted that (b)(7)(C) notified a TT staff member (nfi) that the rear gate to RSY2 had been found unsecured. (b)(7)(C) said that once the information was received from (b)(7)(C) he (b)(7)(C) instructed personnel working at HPNS to pay particular attention to making sure the gate was always secured. (b)(7)(C) stated that at no time did (b)(7)(C) ever inform him that he (b)(7)(C) thought (b)(7)(C) resume was falsified (Exhibit 10, pp. 29-38 and Exhibit 16).

Adverse Act

(b)(7)(C) employment was terminated on December 16, 2011.

Nexus: Was (b)(7)(C) Discriminated Against for Raising Safety Concerns?

Susan ANDREWS, SHPT, AWS, worked at HPNS from June 2005 to December 2011 and during the latter years worked with (b)(7)(C) ANDREWS indicated that she was present when (b)(7)(C) informed (b)(7)(C) that (b)(7)(C) (b)(7)(C) ANDREWS also advised that (b)(7)(C) informed (b)(7)(C) that the back gate to RSY2 had been left unlocked. ANDREWS noted that (b)(7)(C) was advised that he should have fixed the problem instead of running to his supervisor. ANDREWS related that in December 2011, both (b)(7)(C) and she were informed by (b)(7)(C) that RSY2 was being closed and that they (b)(7)(C) and ANDREWS) were being laid off. ANDREWS stated that (b)(7)(C) had been assigned to the RSY2 gate to monitor trucks leaving the site but once the project was closed there was no further need for that position. ANDREWS believes (b)(7)(C) was laid off because he raised safety concerns but was unable to provide specific proof to support that assertion (Exhibit 5, pp. 4, 18-21 and 25-35).

AGENT'S NOTE: ANDREWS has also filed a discrimination complaint with the NRC against TT, OI Case No. 1-2012-019.

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(b)(7)(C) AWS, HPNS, stated that she was not aware that (b)(7)(C) raised safety concerns to management to include the (b)(7)(C) or (b)(7)(C) or that (b)(7)(C) had brought (b)(7)(C) into RSY2 without following the proper procedures. (b)(7)(C) indicated that when (b)(7)(C) was laid off management did not say why he (b)(7)(C) had been laid off. (b)(7)(C) was not aware of any discriminatory actions taken against (b)(7)(C) because he raised safety issues (Exhibit 6, pp. 11-15).

(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) noted that (b)(7)(C) was assigned at a different location and he (b)(7)(C) did not work with him (b)(7)(C) was not aware that (b)(7)(C) had raised safety concerns or that any discriminatory actions were taken against (b)(7)(C) because he raised safety concerns (Exhibit 7, pp. 4 and 10-12).

Elbert (Bert) BOWERS, former Radiation Safety Officer (RSO), TT, HPNS, advised that (b)(7)(C) informed him that he (b)(7)(C) had raised safety issues only after he (b)(7)(C) had been laid off. BOWERS related that (b)(7)(C) stated to him that he (b)(7)(C) informed (b)(7)(C) about the RSY2 gate being left open and that (b)(7)(C) breath offer (b)(7)(C). BOWERS noted that (b)(7)(C) informed him that he (b)(7)(C) had raised safety concerns during a telephone conversation that occurred approximately one week after he (b)(7)(C) had been laid off. BOWERS believes (b)(7)(C) was retaliated against for raising safety issues but was unable to provide any specific evidence to support his opinion (Exhibit 8, pp. 24-37).

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 for having raised safety concerns.

(b)(7)(C) indicated that he was (b)(7)(C) (b)(7)(C) stated that (b)(7)(C) informed him that he (b)(7)(C) smelled alcohol on (b)(7)(C) breath. (b)(7)(C) noted that based on (b)(7)(C) concern, he (b)(7)(C) went to where (b)(7)(C) was located and determined that (b)(7)(C) concern was unfounded. (b)(7)(C) noted that he did not report (b)(7)(C) concern, regarding (b)(7)(C) on (b)(7)(C) to anyone else. (b)(7)(C) also reported that he was unsure if (b)(7)(C) informed him that (b)(7)(C) had brought (b)(7)(C) to HPNS but he (b)(7)(C) did not have to notify him of that because he (b)(7)(C) saw it for himself. (b)(7)(C) believes that (b)(7)(C) probably informed him (b)(7)(C) that laborers were being used to set up air samplers in RSY2 when they were allegedly not qualified to do so. (b)(7)(C) researched the concern, determined it was not an issue and told (b)(7)(C) that it was a non-issue. (b)(7)(C) related that (b)(7)(C) informed him that the rear gate to RSY2 had been found unlocked. (b)(7)(C) stated that within a half hour of being informed of this incident the gate was locked. (b)(7)(C) noted that at no time did (b)(7)(C) ever inform him that he (b)(7)(C) thought (b)(7)(C) resume was falsified (Exhibit 9, pp. 64-75 and Exhibit 15).

(b)(7)(C) indicated that (b)(7)(C) was not laid off because he raised safety issues but solely because the DON wanted to reduce the amount of money that was being spent on remediation. As the result of this reduction RSY2 (where (b)(7)(C) was assigned to work) was closed. (b)(7)(C) stated that (b)(7)(C) duties included controlling the access gate to RSY2 so when RSY2 was closed (b)(7)(C) was out of a job (December 2011). (b)(7)(C) reported that in December 2012 other personnel working at HPNS, to include himself, were also laid off due to a further reduction of the project. (b)(7)(C) denied that he terminated (b)(7)(C) employment because (b)(7)(C) raised safety concerns and is not aware of information that would indicate that (b)(7)(C) was laid off for raising safety issues (Exhibit 9, pp. 77-80).

(b)(7)(C) related that (b)(7)(C) was laid off in December 2011 due to a lack of work and in December 2012, other personnel were laid off, to include (b)(7)(C) when the base wide contract ended. (b)(7)(C) reported that (b)(7)(C) was laid off as the result of DON's decision to reduce the amount of work at HPNS and not because he (b)(7)(C) had raised safety concerns (Exhibit 10, pp. 29-38 and Exhibit 16).

(b)(7)(C) AWS, HPNS, advised that she was not aware that (b)(7)(C) had raised safety concerns and she was never informed by management that (b)(7)(C) had raised safety concerns. (b)(7)(C) related that she was not told why (b)(7)(C) and ANDREWS were laid off but knows that no one was hired to re-place them. (b)(7)(C) advised that she was not aware of any discriminatory actions that were taken against (b)(7)(C) for raising safety issues (Exhibit 14, pp. 11-12, and 19-24).

Agent's Analysis

While reviewing the documentation related to this investigation it became very clear that with the exception of (b)(7)(C) testimony OI found insufficient evidence to conclude that (b)(7)(C) employment was terminated for raising safety concerns.

Both (b)(7)(C) and (b)(7)(C) indicated that the only reason (b)(7)(C) 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), it stated that RSY3 and RSY4 would remain open where as one RSY (RSY2) would close. When the decision was made to close RSY2 (b)(7)(C) job as a gate monitor was eliminated. (b)(7)(C) also advised that in addition to (b)(7)(C) 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 even (b)(7)(C).

After examining all of the available testimonial and documentary evidence, OI concluded that (b)(7)(C) had not been discriminated against for raising safety concerns. In fact, with the exception of (b)(7)(C) testimony, OI found insufficient testimony and documentary evidence to support any part of (b)(7)(C) claim that he 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 (b)(7)(C) was discriminated against for raising nuclear safety concerns.

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

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated April 4, 2012 (1 page)
2	Allegation Receipt Report, dated February 16, 2012 (2 pages).
3	Allegation Review Board Disposition Record, dated February 29, 2012 (2 pages).
4	Sworn Testimony of (b)(7)(C) dated April 20, 2012 (62 pages).
5	Sworn Testimony of Susan V. ANDREWS, dated April 26, 2012 (45 pages).
6	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (27 pages).
7	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (33 pages).
8	Sworn Testimony of Delbert BOWERS, dated June 14, 2012 (86 pages).
9	Sworn Testimony of (b)(7)(C) E, dated January 25, 2013 (82 pages).
10	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (43 pages).
11	DON Letter to Tetra Tech, dated June 24, 2011 (22 pages).
12	DON Record of Negotiation, dated July 18, 2011 (2 pages).
13	DON Amendment of Solicitation of Contract, dated August 10, 2011 (64 pages).
14	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (39 pages).
15	Interview Report of (b)(7)(C) dated May 30, 2013 (1 page).
16	Interview Report of (b)(7)(C) dated May 31, 2013 (1 page).

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SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION I

U.S. Department of Labor

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



June 27, 2014

(b)(7)(C) Senior Special Agent
Office of Investigations, Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop: O-3F1
Rockville, MD 20852

RE: Arizona Public Service (b)(7)(C)
TetraTech/Bowers
TetraTech (b)(7)(C) - 1-2012-037

(b)(7)(C)

Pursuant to the NRC's request, we are returning your investigation files. Thank you very much for your assistance in this matter.

Sincerely,

Jennifer Wuest
Program Analyst
OSHA Region IX

PII

1-2012-037

U.S. Nuclear Regulatory Commission
Office of Investigations

Personal History Form

OI Case Number _____

Date of Interview: 4/20/2012

Full Name: (b)(7)(C)

Current Employer: Tetra Tech AWS subsidiary

Employer Address: AKORKEGALASKA

Work Phone: _____

Mobile Phone: _____

Home Phone: _____

Home Address: (b)(7)(C)

Title/Position: _____

Length of Employment: (b)(7)(C)

Sex: Male
 Female

Race: (b)(7)(C)

Date of Birth: (b)(7)(C)

Place of Birth: _____

Email Address: (b)(7)(C)

EXHIBIT 1

INVESTIGATION STATUS RECORD

Facility:	TETRA TECH EC, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-037	Date Opened:	04/04/2012
Docket Number(s):	03038199	ECD:	07/2012
Case Code:	Materials / Waste	Priority:	High
Primary Alleg Source:	Alleger	Status:	Field Work In Progress
Allegation Number(s):	RI-2010-A-0022		
Subject/Allegation:	DISCRIMINATION AGAINST A CONTRACT HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS AT HUNTERS POINT		

Monthly Status Report:

04/04/2012: On February 16, 2012, (b)(7)(C) (former), employed by Tetra Tech at the Hunters Point, CA, remediation site contacted the NRC:RI allegations office to report a discrimination concern. Specifically, (b)(7)(C) claims that: 1) on August 29 and 30, 2011, he observed a co-worker shaking/trembling and (b)(7)(C) for at least the second time; 2) he reported this concern to his supervisor and felt that his co-worker should have been FFD tested; 3) he informed his supervisor that another co-worker had falsified her resumes in order to be hired at Hunter's Point; 4) the same co-worker brought her (b)(7)(C) to the site and went inside the RCA even though the (b)(7)(C) was not on the RWP; and 5) on December 15, 2011, he informed his supervisor that the gate at the RSY2 trench area was left open and copper thieves could get in there to steal the copper and be injured by the 5' deep pipes that stick up out of the trench.

(b)(7)(C) said that the following day, December 16, 2011, he was informed that his employment was being terminated because they were closing the RSY2 trench work area.

(b)(7)(C) said that he has not been on the Hunters Point site since his termination, but believes the RSY2 area was only recently closed.

These concerns were discussed during a NRC:RI Allegation Review Board (ARB) held on February 29, 2012. The ARB, to include Regional Counsel determined that (b)(7)(C) had articulated a prima facie case of discrimination and that (b)(7)(C) would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. On March 29, 2012, (b)(7)(C) declined ADR and 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): 07/2012.

Completion Date:		Total Staff Hours:	0.0
Issue Date:		Months Open:	0.0
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):	Harassment and Intimidation - No Result	Statute of Limitations Date:	12/16/2016

EXHIBIT /

PAGE / OF / PAGE(S)

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EXHIBIT 2

1-2012-037

Allegation Receipt Report

Date Received: 2/16/2012
Received via: Phone

Allegation No. RI-2012-A-0022

Employee Receiving Allegation: (b)(7)(C)

Source of information: former licensee employee

Alleger Name: (b)(7)(C)
Cell Phone: (b)(7)(C)

Home Address: (b)(7)(C)
City/State/Zip: (b)(7)(C)

Alleger's Employer: Formerly Tetra Tech EC, Inc.

Alleger's Position/Title: Technician

Facility: Tetra Tech EC, Incorporated (Hunters Point)

DN: 030-38199

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
If H&I was alleged, was alleger informed of DOL rights?	Yes
Did they raise the issue to their management and/or ECP?	Yes

Does the alleger object to having their issue(s) forwarded to the licensee? No

Provide alleger's verbatim response to this question: OK

Was confidentiality requested?	No
Was confidentiality initially granted?	No
Individual Granting Confidentiality:	

Allegation Summary:

CI was terminated on 12/16/2011 for raising what CI believes are safety concerns.

Functional Area: Decommissioning Materials

Discipline For Each Concern: Discrimination

RI 2012-037

Detailed Description of Allegation:

On 8/29-30/2011 CI observed co-worker shaking/trembling and (b)(7)(C) for at least the second time. CI indicated this co-worker takes lots of days off and happens to be the (b)(7)(C) of a Tetra Tech (b)(7)(C) CI indicates that this co-worker should have been FFD tested. CI reported this to his supervisor.

CI reported to his supervisor that another co-worker falsified her resume'. This co-worker happens to be the (b)(7)(C) of another Tetra Tech (b)(7)(C) CI stated that this same co-worker intimidates him and another technician because she is a (b)(7)(C). This same co-worker brought her (b)(7)(C) to work and went inside the RCA and (b)(7)(C) was not on the RWP.

Laborers set up air samplers that are not qualified to do this.

On 12/15/2011, the CI reported to his supervisor that the gate at the RSY2 trench area was left open and copper thieves could get in there to steal the copper and be injured by the 5' deep pipes that stick up out of the trench. The following day, 12/16/2011, the CI was terminated.

The reason the CI was given for being terminated was that they were closing the RSY2 trench area. The CI has not been onsite since his termination, but believes the RSY2 area was only closed recently.