

EXHIBIT 3

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 [redacted] for at least the second time. The CI indicated this co-worker takes lots of days off and happens to be the [redacted] of a Tetra Tech [redacted]. 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 [redacted] of another Tetra Tech [redacted]. This same co-worker brought [redacted] to work and went inside the RCA. The [redacted] was not on the RWP. The CI stated that this same co-worker intimidates him and another technician because she is a [redacted].

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: [redacted]

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

N/A X 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:

EXHIBIT 3

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

EXHIBIT 4

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

3:05 p.m.

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SPECIAL AGENT (b)(7)(C): Today's date is Friday, April 20th, 2012. The time is currently 3:05 p.m. Eastern Standard Time. For the record, this is an interview of (b)(7)(C), who was formerly employed with Tetra Tech, AWS, which is a subsidiary, at the Hunters Point Naval Shipyard in San Francisco, California.

The location of this interview is the residence of (b)(7)(C) at (b)(7)(C) and that's in (b)(7)(C) --

(b)(7)(C): No. No, it's not (b)(7)(C). It's (b)(7)(C).

SPECIAL AGENT (b)(7)(C): I'm sorry, (b)(7)(C) (b)(7)(C)

I am (b)(7)(C), a Special Agent with the Office of Investigations, U.S. Nuclear Regulatory Commission, Region I Field Office in King of Prussia, Pennsylvania.

The interview today is concerning OI Case Number 1-2012-037 and is in regard to (b)(7)(C) claim of discrimination and harassment on behalf of Tetra Tech EC, Inc. upon raising safety-related concerns there on-site at Hunters Point.

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I must first tell you, (b)(7)(C) the NRC strictly prohibits the transmitting or recording of this interview by any parties other than the NRC or its designee.

Having said that, are you recording this in anyway? No?

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

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

Do you swear that the testimony you're about to provide is the truth, the whole truth and nothing but the truth so help you God?

(b)(7)(C) Yes.

SPECIAL AGENT (b)(7)(C) Please state your full name for the record. Spell your last name.

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

(b)(7)(C)

SPECIAL AGENT (b)(7)(C) Thank you, (b)(7)(C)

(b)(7)(C)

Are you currently employed?

(b)(7)(C) Not at the -- at the moment.

No.

SPECIAL AGENT (b)(7)(C) Okay. Whom were you employed with last?

(b)(7)(C): Tetra Tech and AWS who is a

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1 subsidiary of Tetra Tech.

2 SPECIAL AGENT (b)(7)(C) In what capacity?

3 (b)(7)(C) : I was a (b)(7)(C)

4 legitimate (b)(7)(C).

5 SPECIAL AGENT (b)(7)(C) Okay. When did you

6 begin your employment in the nuclear industry?

7 (b)(7)(C) : It was about (b)(7)(C)

8 SPECIAL AGENT (b)(7)(C) : And in what

9 position, in what facility?

10 (b)(7)(C) : Started off a Plant (b)(7)(C)

11 -- Plant -- Plant (b)(7)(C)

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

13 (b)(7)(C) Started off as a (b)(7)(C) and

14 worked my way up to (b)(7)(C) and from (b)(7)(C) to -- to (b)(7)(C)

15 (b)(7)(C) and in a variety of power plants, (b)(7)(C)

16 (b)(7)(C), because I travel.

17 SPECIAL AGENT (b)(7)(C) : What type of

18 training did you receive upon becoming employed in the

19 industry like over the years?

20 (b)(7)(C) : You know, you got your --

21 your basics. You know, you go through your RAD

22 training. You go through your -- your safety

23 training. You go through -- see if I could have a --

24 quite -- the right terminology, but you go through

25 your RAD training, your HP. You have to take HP

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1 tests. You have to go through simulations and you
 2 acquire your time by -- by the amount of time that
 3 you're on a job. So, but you go through a lot of
 4 training.

5 SPECIAL AGENT (b)(7)(C) : And you've received
 6 that at all various plants.

7 (b)(7)(C) : All --
 8 SPECIAL AGENT (b)(7)(C) Various licensees.

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

10 SPECIAL AGENT (b)(7)(C) : And all your
 11 background has pretty much come from training within
 12 the industry?

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

14 SPECIAL AGENT (b)(7)(C) Over the years.

15 (b)(7)(C) Yes.

16 SPECIAL AGENT (b)(7)(C) Are you a degreed

17 (b)(7)(C) ?

18 (b)(7)(C) No, I'm not. No, it was on-
 19 the-job training. Like I said, I worked my way up

20 from (b)(7)(C) I attended (b)(7)(C) (b)(7)(C)

21 (b)(7)(C) (b)(7)(C) and then got into

22 the (b)(7)(C) Did (b)(7)(C) and I found out about it
 23 through Plant (b)(7)(C) very first refueling outage in

24 (b)(7)(C) After that, I went to (b)(7)(C) and the rest is
 25 history. Been in it ever since.

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1 SPECIAL AGENT (b)(7)(C) And what were your
2 duties and responsibilities under your last position
3 as an (b)(7)(C)
4 (b)(7)(C) To protect the public and
5 workers from radiation and contamination and safety
6 concerns and HP, it involves a lot. I mean not just
7 -- you don't have to be an HP, but pretty much anyone,
8 you know, if -- if you don't raise -- if you see
9 something and you -- you don't report the concern,
10 you're just as guilty as the person what committed the
11 act. That's the way I was trained. That's the way I
12 was always trained.

13 SPECIAL AGENT (b)(7)(C) And you have to do
14 site training every time you get to a new site
15 whether --

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

17 SPECIAL AGENT (b)(7)(C) -- it's decom or
18 nuclear or whatever.

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

20 SPECIAL AGENT (b)(7)(C) You've got to go
21 through the site specific training.

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

23 SPECIAL AGENT (b)(7)(C) Now, in that site
24 specific training, is it covered in terms of your
25 obligation and responsibility to report safety

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1 concerns and how you're suppose to report them? Is
2 all that covered in the training when you get there?

3 (b)(7)(C) Yes, pretty much. You
4 pretty much know to report it to your supervisor and
5 he takes it to the next level. You know, takes it to
6 the next supervisor on up and you're suppose to act
7 upon it.

8 SPECIAL AGENT (b)(7)(C) Now, when you were
9 at Tetra Tech last, who did you report to? Who was
10 your boss?

11 (b)(7)(C)
12 SPECIAL AGENT (b)(7)(C) Did you have anybody
13 that reported to you? Any employees working under
14 you?

15 (b)(7)(C) As far as -- as far as like
16 when I'm -- like job coverage or whatever, they --
17 they have to adhere to my -- to (b)(7)(C) you know, being
18 scanned out or whatever or being signed in on the RWP.

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

20 (b)(7)(C) You know, you just have to
21 -- it's pretty much like autopilot. You know, you
22 just -- you know these things, but did I have anybody
23 under me? No. No, I -- I cannot say I did.

24 SPECIAL AGENT (b)(7)(C) And what policies
25 and procedures are you guided by as a (b)(7)(C) and what were

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1 you guided by when working out at Tetra Tech?

2 (b)(7)(C) I'm guided by the NRC. I
3 mean pretty much, you know, the -- the standards,
4 safety concerns, NRC, from what I've been trained
5 throughout the years, you know. Just different --

6 SPECIAL AGENT (b)(7)(C) Is there a
7 particular piece of (b)(7)(C) RP guidance that you follow?

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

9 SPECIAL AGENT (b)(7)(C) A particular reg
10 that comes to mind.

11 (b)(7)(C) Yes. Yes, there is. There
12 is and I -- I don't have that. I can't remember that
13 right off hand. Particular reg. But, is that 8.13?
14 No, I don't -- but, it's -- it's a lot of -- a lot of
15 procedures that you -- that you're under as an HP.
16 Namely the NRC.

17 SPECIAL AGENT (b)(7)(C) Okay. The NRC. And
18 what was the time line of your employment out at
19 Hunters Point?

20 (b)(7)(C) What was it? Probably --
21 it's (b)(7)(C) now. (b)(7)(C)
22 and then I was laid off, what, the (b)(7)(C) --

23 (b)(7)(C)
24 SPECIAL AGENT (b)(7)(C) Okay. All right.

25 Did you raise safety concerns with Tetra Tech

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1 management?

2 (b)(7)(C) I raised it to (b)(7)(C)
 3 He's -- he's Tetra Tech (b)(7)(C) All these safety
 4 concerns that I read out to you about the falsifying
 5 of the resumé --

6 SPECIAL AGENT (b)(7)(C) Yes, we're going to
 7 go over those.

8 (b)(7)(C) Okay.

9 SPECIAL AGENT (b)(7)(C) Yes. You raised all
 10 of these to (b)(7)(C)

11 (b)(7)(C)
 12 SPECIAL AGENT (b)(7)(C) Was it all at one
 13 time?

14 (b)(7)(C) No, it was at -- it was at
 15 different times.

16 SPECIAL AGENT (b)(7)(C) Various times.

17 (b)(7)(C) Various times.

18 SPECIAL AGENT (b)(7)(C) Okay. And he's in
 19 -- what position is (b)(7)(C) in?

20 (b)(7)(C) He's Q -- what is it? He's
 21 a (b)(7)(C).

22 SPECIAL AGENT (b)(7)(C) Okay. Let's go
 23 through and talk about each one and when you raised it
 24 to them.

25 (b)(7)(C) Okay.

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1 SPECIAL AGENT (b)(7)(C) And then if you can,
2 tell me why -- what the safety significance of it is
3 as you understand it to be.

4 (b)(7)(C) Okay. See now, this -- this
5 concern here about the fitness for duty about this --
6 what's her face? (b)(7)(C) This lady, she
7 constantly misses days from work and, you know, she's
8 -- she comes in -- I was standing behind her one day
9 when she was getting ready to sign out the instrument
10 and --

11 SPECIAL AGENT (b)(7)(C) What instrument was
12 this?

13 (b)(7)(C) It was a -- well, in -- in
14 the commercial side, we call them RM14s, but out
15 there, they call them something else. The -- the
16 frisker.

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

18 (b)(7)(C) Frisker.

19 SPECIAL AGENT (b)(7)(C) Frisker. Okay.

20 (b)(7)(C) Yes, and I'm standing behind
21 her and I (b)(7)(C) So.

22 SPECIAL AGENT (b)(7)(C) Do you recall when
23 that day was?

24 (b)(7)(C) It was April -- August 29th,
25 2011.

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1 SPECIAL AGENT (b)(7)(C) Okay. And what did
 2 you do? You (b)(7)(C) Did you go
 3 to (b)(7)(C) that day?

4 (b)(7)(C) I told him.

5 SPECIAL AGENT (b)(7)(C) And what did (b)(7)(C)
 6 (b)(7)(C) do?

7 (b)(7)(C) (b)(7)(C), every time you
 8 mention a -- a safety concern or something to him, he
 9 -- he doesn't say much. He has that -- it's like he
 10 already knows. It's like -- you know, he don't -- he
 11 won't comment on it until like -- be like -- or if he
 12 does comment on it, it would be more like -- it's like
 13 he knows, but he -- he doesn't want to --

14 SPECIAL AGENT (b)(7)(C) Address it?
 15 (b)(7)(C) Address it, you know.
 16 Because see all these guys -- it's -- it's a lot of --
 17 it's a lot of who you know type -- type thing.
 18 There's (b)(7)(C) and -- (b)(7)(C) and (b)(7)(C) and (b)(7)(C)
 19 (b)(7)(C)

20 SPECIAL AGENT (b)(7)(C) Right.
 21 (b)(7)(C) So, there's a lot of
 22 nepotism out there.

23 SPECIAL AGENT (b)(7)(C) Right.
 24 (b)(7)(C) So.

25 SPECIAL AGENT (b)(7)(C) And --

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1 (b)(7)(C) He's a good guy. A smart
2 guy.

3 SPECIAL AGENT (b)(7)(C) Is he amongst the in
4 crowd with this nepotism and does it seem like he's
5 worried about his --

6 (b)(7)(C) No. No, I -- I can't say
7 that. He -- he can't -- he can't -- he can't go
8 against -- can't go against the grain because if he
9 does -- he's a (b)(7)(C) like you and myself. If he
10 -- if he does, he -- I feel like he's going to --
11 they're going to -- they're going to take it out on --

12 SPECIAL AGENT (b)(7)(C) Okay. So, he's
13 towing the line?

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

15 SPECIAL AGENT (b)(7)(C) Okay. So, you
16 brought it up to him on that day. On the 29th.

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

18 SPECIAL AGENT (b)(7)(C) What did he say?

19 (b)(7)(C) It's more like -- he -- he
20 didn't really say anything.

21 SPECIAL AGENT (b)(7)(C) So, (b)(7)(C)
22 wasn't sent for a fitness for duty testing?

23 (b)(7)(C) She wasn't sent for a
24 fitness for duty or nothing. No.

25 SPECIAL AGENT (b)(7)(C) Was it documented?

1 Was a CR written? Was --

2 (b)(7)(C) I don't know. I brought it
3 to his concern. That's all I could do.

4 SPECIAL AGENT (b)(7)(C) And he -- and you
5 don't recall him -- did anybody else come and ask you
6 any follow-up questions from management saying hey, we
7 hear you reported this --

8 (b)(7)(C) No. Uh-huh.

9 SPECIAL AGENT (b)(7)(C) -- up the chain?

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

11 SPECIAL AGENT (b)(7)(C) What did you smell?

12 What did you --

13 (b)(7)(C) No. No.

14 SPECIAL AGENT (b)(7)(C) You never heard
15 anything else about it after that. How early in the
16 shift -- what shift was this on?

17 (b)(7)(C) This was -- now, we had a
18 morning meetings. Like I said, she --

19 SPECIAL AGENT (b)(7)(C) Okay. So, this
20 is --

21 (b)(7)(C) -- signed out the --

22 SPECIAL AGENT (b)(7)(C) -- this is --

23 (b)(7)(C) She signed out the --

24 SPECIAL AGENT (b)(7)(C) -- this is day
25 shift?

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1 (b)(7)(C) She signed -- yes, day
2 shift. Day shift. She signed out the instrument and
3 then -- and then I see (b)(7)(C) later on during the
4 day and then when we comes down and he'll see -- come
5 talk to me and find out what's going on at RSY2 when
6 I -- when I was down there and I addressed it to him.

7 SPECIAL AGENT (b)(7)(C) Okay. And he didn't
8 say too much. So, she works all day. You essentially
9 see her at work all day.

10 (b)(7)(C) When she comes to work.

11 SPECIAL AGENT (b)(7)(C) On that day though?

12 (b)(7)(C) On that day.

13 SPECIAL AGENT (b)(7)(C) The day you (b)(7)(C)

14 (b)(7)(C) her first thing in the morning.

15 (b)(7)(C) Yes. Yes.

16 SPECIAL AGENT (b)(7)(C) And then she worked
17 through the day. So, it's fair to --

18 (b)(7)(C) She pretty much worked the
19 whole day.

20 SPECIAL AGENT (b)(7)(C) Yes. So, it's fair
21 to assume she didn't get -- she didn't get sent home
22 and I doubt she got sent for for cause testing. Can't
23 be sure about that, but you don't recall and nobody
24 else asked you anything about the scenario.

25 (b)(7)(C) Now, where I come from, the

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1 culture I come from, you -- you come in with protocols
2 if you got like drugs. Fitness for duty, if you're
3 too tired --

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

5 (b)(7)(C) -- you know, you're not
6 suppose to come into work.

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

8 (b)(7)(C) They'll send you home or
9 whatever. If you're too tired, you're suppose to not
10 come in or whatever. That's their fitness for duty.
11 If -- if you got drugs in your system and they look at
12 your eyes --

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

14 (b)(7)(C) : -- it was like Bert Bowers,
15 if he -- he -- when he's having a conversation with
16 you or myself, I'm looking at you. I'm scoping you.

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

18 (b)(7)(C) You know, I'm looking you up
19 and down --

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

21 (b)(7)(C) : -- and I can pretty much
22 tell by your -- by your eyes. But, see these guys,
23 they wear like the dark -- dark shades like you --
24 like you wear. I -- I mean I wear the dark shades,
25 too, but, you know, I don't don't have any problem

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1 with taking the shades off and showing my eyes.

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

3 (b)(7)(C): You know, they're not red
4 and I'm not staying out day after day and you know.
5 So.

6 SPECIAL AGENT (b)(7)(C): So, in her case, you
7 -- I guess it didn't really go anywhere as far as you
8 understood.

9 (b)(7)(C): It ain't going nowhere.

10 SPECIAL AGENT (b)(7)(C): As far as you
11 understood, it didn't go too many places that day.

12 (b)(7)(C): No, it ain't going nowhere.
13 No, it ain't going nowhere. It didn't go anywhere.

14 SPECIAL AGENT (b)(7)(C): Did you follow up
15 with (b)(7)(C)? Was there any follow up the next day or
16 later that day?

17 (b)(7)(C): Well, you know, all I can do
18 is address it to him. That's all I can do. You know,
19 because they got a different culture out there. I
20 could tell the supervisor and I mean if he don't take
21 it anywhere, then evidently nothing's going to be
22 done. You know, he's my supervisor. He's my first
23 line supervisor and he's suppose to take it up --

24 SPECIAL AGENT (b)(7)(C): Up the chain.

25 (b)(7)(C): -- up the chain. Yes. So.

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1 SPECIAL AGENT (b)(7)(C) Okay. So, that was
2 the first issue and again, you don't know if it was
3 documented.

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

5 SPECIAL AGENT (b)(7)(C) Did you have access
6 to go in the system and look and see if a CR had
7 been --

8 (b)(7)(C): Oh, no. No, I didn't.

9 SPECIAL AGENT (b)(7)(C) -- had been
10 initiated?

11 (b)(7)(C) No. No, I -- they don't --
12 I don't -- man, those guys treated me like I was --
13 no, I -- I didn't have that. I don't know if Ms.
14 Andrews had access to that. She -- she -- she may
15 have or she may not have, but that -- no, they -- no,
16 I didn't have that -- that access to find out if she
17 was written up or anything, but she should have been
18 sit down for a fitness for duty test.

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

20 (b)(7)(C) Yes.

21 SPECIAL AGENT (b)(7)(C) Do they have a
22 clinic or lab or something on-site there where they do
23 FFD tests or do they send you off-site to do it?

24 (b)(7)(C) I would think they would
25 have probably sent to this place called Consenture

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1 (phonetic).

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

3 (b)(7)(C) : The clinic and say, you
4 know, what all -- you know -- you know, you look --
5 you know, we'd just like to send you down for a for
6 cause. You know, check you -- check your (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C) : And they also do
8 randoms. Right?

9 (b)(7)(C) : Yes. Where at? At Hunters
10 Point?

11 SPECIAL AGENT (b)(7)(C) : Yes. Are they doing
12 randoms?

13 (b)(7)(C) : Not -- not since I've been
14 there.

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

16 (b)(7)(C) : Uh-huh. No. I mean anytime
17 you go in a commercial power plant, DoE or DoD, you're
18 suppose to do randoms.

19 SPECIAL AGENT (b)(7)(C) : Correct.

20 (b)(7)(C) : No. No, because a lot of
21 these people, they're functioning drug addicts or
22 drunks.

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

24 (b)(7)(C) : You know. So, yes, you're
25 suppose to do randoms.

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1 SPECIAL AGENT (b)(7)(C): Okay. But, none of
2 those were going on out there?

3 (b)(7)(C) And it's alleged that she's
4 a -- it's alleged that she's -- she and (b)(7)(C),
5 the guy she's (b)(7)(C) they're drug addicts.

6 SPECIAL AGENT (b)(7)(C): Okay. So, what was
7 the next issue?

8 (b)(7)(C): Okay. Here we go. You
9 asserted that another worker, the (b)(7)(C) of Tetra Tech
10 (b)(7)(C) falsified her resumé. You stated that you
11 had reported it just to your (b)(7)(C) I don't have
12 a date for this.

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

14 (b)(7)(C): You further asserted that a
15 coworker brought (b)(7)(C) to work inside of the
16 RCA without signing on the RWP and you stated the same
17 coworker intimidated you and another technician
18 because she's (b)(7)(C)

19 SPECIAL AGENT (b)(7)(C): For the record --

20 (b)(7)(C): This is (b)(7)(C).

21 SPECIAL AGENT (b)(7)(C): Real quick just so
22 we can capture it on the record, (b)(7)(C) is
23 reading from the letter -- the allegation receipt
24 letter I believe that you got from the NRC. It just
25 clarifies your concerns.

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

2 SPECIAL AGENT (b)(7)(C) : For you to -- okay.

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

4 SPECIAL AGENT (b)(7)(C) : So, concern two is

5 that (b)(7)(C) --

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

7 SPECIAL AGENT (b)(7)(C) : -- was letting her

8 -- she had (b)(7)(C) on-site --

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

10 SPECIAL AGENT (b)(7)(C) : -- and that (b)(7)(C)

11 (b)(7)(C) was on-site with no -- wasn't signed in,

12 wasn't on the radiological work permit, didn't have a

13 dosimeter.

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

15 SPECIAL AGENT (b)(7)(C) : All these things.

16 Correct?

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

18 SPECIAL AGENT (b)(7)(C) : Okay. Do you recall

19 when that was?

20 (b)(7)(C) : I don't have a date for

21 that.

22 SPECIAL AGENT (b)(7)(C) : No date for that..

23 Okay. And tell me what you observed and kind of how

24 that -- what you remember about that incident.

25 (b)(7)(C) : She came in to (b)(7)(C) - my

1 understanding is she came into (b)(7)(C) -- not
2 (b)(7)(C) area and did the same
3 thing. Brought (b)(7)(C) on site. I heard this
4 through the grapevine.

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

6 (b)(7)(C) And wasn't signed in on the
7 RWP, didn't have equipment, proper attire, the PPE,
8 whatever and I just heard this through the grapevine.
9 So, if that answers your question.

10 SPECIAL AGENT (b)(7)(C): So, you didn't see
11 her -- you didn't see her per se bring (b)(7)(C)
12 into an area that you were in. You didn't witness
13 that yourself.

14 (b)(7)(C): She brought her -- she
15 brought (b)(7)(C) inside my area.

16 SPECIAL AGENT (b)(7)(C): Okay. With RWP, no
17 PPE, no dosimeter?

18 (b)(7)(C): No. No dosimeter. No --
19 not being signed on the RWP.

20 SPECIAL AGENT (b)(7)(C): None of that. Okay.
21 And that was in the area that you were working.

22 (b)(7)(C): RSY2. Right.

23 SPECIAL AGENT (b)(7)(C): Okay. And when she
24 brought her in, did you say anything to her relative
25 to hey, she's not suppose to be in here?

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(b)(7)(C) : She's -- (b)(7)(C) is pretty much an intimidator. I addressed it to (b)(7)(C) (b)(7)(C).

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

(b)(7)(C) : I addressed it to (b)(7)(C) (b)(7)(C)

SPECIAL AGENT (b)(7)(C) So, you didn't say anything to (b)(7)(C) when her and the (b)(7)(C) came through?

(b)(7)(C) Well, I'm like yes. Well, it's like if you -- if you say something to her, she's like -- she'll put a -- she'll do what she wants to do anyway. She will do what she wants to do --

SPECIAL AGENT (b)(7)(C) What position was she in?

(b)(7)(C) She's -- she's not a (b)(7)(C) but she's (b)(7)(C) to a Tetra Tech (b)(7)(C) She's a subsidiary of AWS.

SPECIAL AGENT (b)(7)(C) So, how long were they in this particular area? This was inside the RCA. Correct?

(b)(7)(C) : RCARMA.

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

(b)(7)(C) Let's see. My best gestimate is probably maybe -- maybe about I don't

1 know give or take maybe -- maybe -- maybe 15 minutes.

2 SPECIAL AGENT (b)(7)(C): Okay. So, you
3 didn't say anything to her. You went and reported --
4 you went and told (b)(7)(C).

5 (b)(7)(C): Told (b)(7)(C)

6 SPECIAL AGENT (b)(7)(C) What did (b)(7)(C) do?
7 (b)(7)(C) (b)(7)(C) is pretty much scared
8 of (b)(7)(C). I -- I feel that he is. As I
9 mentioned to you before, (b)(7)(C) he has pretty much --
10 how did you put it? He pretty much as to tow the --
11 tow the line or whatever.

12 SPECIAL AGENT (b)(7)(C) Um-hum.

13 (b)(7)(C) I never heard that phrase
14 before, but he -- he -- he pretty much wants to
15 collect his pay check. He's a nice guy, sharp guy,
16 good guy, but he don't want to buck the system.

17 SPECIAL AGENT (b)(7)(C) Okay. And in that
18 instance, do you recall a CR being written? Was there
19 was any -- or any system notes?

20 (b)(7)(C) Oh, no.

21 SPECIAL AGENT (b)(7)(C) What would normally
22 -- in that instance, what would the normal procedure
23 be for addressing that issue? Would you have the
24 person be frisked and make sure they're not hot? How
25 would you normally -- after the fact, after they've

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1 gone in when they shouldn't have, how would you
2 adjudicate it on a normal situation?

3 (b)(7)(C) She's (b)(7)(C) She's
4 (b)(7)(C) to the (b)(7)(C) but you normally -- you
5 really wouldn't let them in.

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

7 (b)(7)(C) You wouldn't let them inside
8 of the area.

9 SPECIAL AGENT (b)(7)(C) They wouldn't have
10 gotten in the first place.

11 (b)(7)(C) I mean to physically just
12 say you're not coming in, to put my hands on you,
13 that would be -- that would be like a criminal charge
14 on me, you know.

15 SPECIAL AGENT (b)(7)(C) Right. So, you're
16 not going to do that.

17 (b)(7)(C) I can -- no, I'm not going
18 to put my hands on no lady --

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

20 (b)(7)(C) -- and say look here, this
21 lady's not going in, you know.

22 SPECIAL AGENT (b)(7)(C) Now, are you sitting
23 at the entrance to the RCA?

24 (b)(7)(C) I was at the control point.
25 Yes.

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

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

3 SPECIAL AGENT (b)(7)(C) : They just walked
4 past you?

5 (b)(7)(C) : Not walked past me. They
6 drove past me.

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

8 (b)(7)(C) : Um-hum. Yes.

9 SPECIAL AGENT (b)(7)(C) : Okay. So, go to
10 (b)(7)(C) and --

11 (b)(7)(C) : Um-hum. Um-hum.

12 SPECIAL AGENT (b)(7)(C) : -- nothing really
13 happens. Nothing happens. No documentation. No --
14 no. Okay.

15 And is that a violation of a site
16 procedure as well as an NRC procedure?

17 (b)(7)(C) : That's an NRC procedure I
18 would think and that's -- that's got to be a site
19 procedure. See you have admin procedures and then you
20 have Federal procedures. So, it should be -- it's --
21 it's wrong. It's not right.

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

23 (b)(7)(C) : No matter how you look at it
24 it's not -- it's just not permitted.

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

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1 (b)(7)(C) : You know, if you haven't had
2 -- if you haven't been signed in on the RWP, you know,
3 but you're just bringing in someone that's -- because
4 they're a (b)(7)(C) or whatever, they don't know what
5 isotopes are in the area. They don't know what
6 they've been exposed to. Yes, she may be with them
7 and you could pretty much --

8 SPECIAL AGENT (b)(7)(C) : There's probably
9 some basic training that any guest would have to go
10 through. Like a little mini-class or video or
11 something.

12 (b)(7)(C) : Yes, they don't give that
13 out.

14 SPECIAL AGENT (b)(7)(C) : They should be doing
15 that. Shouldn't they?

16 (b)(7)(C) : They should. Yes.

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

18 (b)(7)(C) : Yes, they should. They
19 should.

20 SPECIAL AGENT (b)(7)(C) : I know at nuclear
21 plants oftentimes you got to --

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

23 SPECIAL AGENT (b)(7)(C) : -- there's a video.

24 (b)(7)(C) : RAD worker. RAD worker
25 training.

1 SPECIAL AGENT (b)(7)(C): Yes, there's --
2 (b)(7)(C): Yes, RAD workers. Yes, and
3 a lot of these guys out there -- and --

4 SPECIAL AGENT (b)(7)(C): Have never worked
5 nuclear though. Right?

6 (b)(7)(C): They -- they're not --
7 they're not really even RAD workers.

8 SPECIAL AGENT (b)(7)(C): They're
9 construction. Are a lot of them construction folks?

10 (b)(7)(C): A lot of these guys are --
11 I talked to one guy. I actually went in -- he came
12 down. His name was (b)(7)(C) I said what's
13 your background? He said well, I just hang out and
14 just drink with everybody. I asked him how he got
15 started.

16 So, but no, they don't really -- they
17 don't really give any training out there.

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

19 (b)(7)(C): Pretty much.

20 SPECIAL AGENT (b)(7)(C): Is that based upon
21 everybody they're getting they think is an
22 "experienced worker" in the industry?

23 (b)(7)(C): It's who you know and
24 there's his buddy. His buddy this. His relative
25 this.

1 SPECIAL AGENT (b)(7)(C) : Um-hum.

2 (b)(7)(C) : It's who you know and that's
3 pretty much the way it goes. A lot of nepotism.

4 SPECIAL AGENT (b)(7)(C) : So, that's concern
5 two. What was the next one?

6 (b)(7)(C) : Okay. You asserted that the
7 laborers set up -- I asserted that the laborers set up
8 the air samplers, but were not qualified to do so.
9 The laborers are not qualified to set up the air
10 samplers.

11 SPECIAL AGENT (b)(7)(C) : Right. Did (b)(7)(C)
12 (b)(7)(C) let them or did she --

13 (b)(7)(C) : She tells me -- I'm an ANSE
14 3.1 Senior. This lady that falsified her resumé, she
15 tells me like if it's raining, if I should set out the
16 air samplers or not. So, she'll say -- you know, she
17 has that (b)(7)(C) to her, that (b)(7)(C)
18 and she'll say -- she'll say (b)(7)(C) don't -- don't
19 set out the air samplers or bring in the air samplers.

20 I'm suppose to -- by discretion, I'm suppose to know
21 if I should set out the air samplers or not. I only
22 been in the business since (b)(7)(C) I mean, you know,
23 it's -- but, she's the (b)(7)(C)

24 SPECIAL AGENT (b)(7)(C) : So, she had
25 instructed -- when did this occur? Do you have a date

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1 for --

2 (b)(7)(C) I don't have a date for
3 that. No, that's -- that's been done so many times.
4 These -- this -- this has been done since I've been
5 there. So, you pretty much put that down since I've
6 started which was April 19, 2010 all the way through.
7 So, that's everyday. That's everyday.

8 SPECIAL AGENT (b)(7)(C) Does the procedure
9 say that you should have a certain kind of background,
10 a certain kind of certification to conduct the air
11 samples?

12 (b)(7)(C) I don't have a procedure in
13 front of me, but --

14 SPECIAL AGENT (b)(7)(C) From the best of
15 your memory.

16 (b)(7)(C) I would -- I would -- an
17 ANSE 3.1 Senior is suppose to set up the air samplers.
18 Senior HP or a Junior HP is suppose to set up the air
19 samplers to the best of my knowledge. I don't have --
20 because I can refer back to the procedure. That could
21 be right in front of me. I am -- I am allowed to do
22 that. But, laborers, they're not -- they're not
23 qualified to do that.

24 SPECIAL AGENT (b)(7)(C) But, she gave them
25 instructions.

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1 (b)(7)(C) : Authorization. Yes.

2 SPECIAL AGENT (b)(7)(C) : Is she an ANSE 3.1?

3 (b)(7)(C) : She's a falsified. She's a
4 falsified. She's a -- how do you put it? No, she's
5 not an ANSE 3.1C or HP.

6 SPECIAL AGENT (b)(7)(C) : What's her technical
7 -- what's her actual position? Her title?

8 (b)(7)(C) : She is -- she is -- she's
9 (b)(7)(C) to (b)(7)(C) . I'm serious. I'm serious.

10 SPECIAL AGENT (b)(7)(C) : I'm talking about
11 the title at the facility.

12 (b)(7)(C) : She -- she's -- she's -- oh,
13 okay. She's a --

14 SPECIAL AGENT (b)(7)(C) : Is she a Senior HP?
15 A Junior?

16 (b)(7)(C) : I think -- I think they call
17 -- I think they call her a (b)(7)(C) I'm pretty
18 sure.

19 SPECIAL AGENT (b)(7)(C) : She's a (b)(7)(C)

20 (b)(7)(C) : Yes, she gets -- she gets
21 (b)(7)(C) wages.

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

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

24 SPECIAL AGENT (b)(7)(C) : So, you all are in
25 the same --

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

SPECIAL AGENT (b)(7)(C) : -- title grade.

(b)(7)(C) : Yes, we get the same pay, 26
-- 24 an hour. So, she's qualified as a -- she's paid
as a (b)(7)(C)

(b)(7)(C) : Okay. On multiple
occasions, she's telling the laborers to do the -- to
set up the air samples. Did anybody correct her on
that? Call it to her attention. Said hey, you know,
they're not suppose to set up.

(b)(7)(C) : I told (b)(7)(C)

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

(b)(7)(C) : I mean I told (b)(7)(C)

But, you know, again --

SPECIAL AGENT (b)(7)(C) : Nothing was done.

(b)(7)(C) : -- that's the culture out
there. That's the culture.

SPECIAL AGENT (b)(7)(C) : So, did you tell him
on a regular basis about it? Was it the first time
you saw it?

(b)(7)(C) : I don't have a day when I
told him.

SPECIAL AGENT (b)(7)(C) : About how often
roughly?

(b)(7)(C) : Maybe -- maybe -- maybe

1 twice.

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

3 (b)(7)(C) Maybe twice. But, nothing's
4 going to get done with that. I mean the lady's --
5 like I said, she's -- she's (b)(7)(C) to (b)(7)(C)
6 So, you know, she could pretty much push her weight
7 around.

8 SPECIAL AGENT (b)(7)(C): Okay. So, and that
9 issue --

10 (b)(7)(C): Um-hum.

11 SPECIAL AGENT (b)(7)(C): -- do you recall
12 seeing a CR or any formal documentation?

13 (b)(7)(C): Uh-huh. No. Uh-huh.

14 SPECIAL AGENT (b)(7)(C): Okay. What else you
15 got?

16 (b)(7)(C): This is probably an OSHA
17 issue right here. I told my (b)(7)(C) r that the gated
18 RSY2 was left open. As a result, properties -- could
19 steal copper and be injured by the five-foot deep
20 pipes that were sticking out of the trench and I was
21 let go the next day.

22 SPECIAL AGENT (b)(7)(C): Okay. Well, okay.
23 So, I think it's an OSHA issue. The gate was open for
24 the compromise basic.

25 (b)(7)(C): Yes, because, you know, you

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1 got these crack heads. They come on-site. They come
2 on the Navy site. You know, you got the Navy there.
3 They catch them every now and then, but this guy -- I
4 remember almost vividly (b)(7)(C) who's the Tetra
5 Tech (b)(7)(C) he told me that, what's his name,
6 (b)(7)(C) (phonetic) was going to come and re-
7 post the area and I said okay. So, I noticed the next
8 morning the gate was left unlocked. The lock was off
9 of the gate and I called (b)(7)(C) and I addressed
10 it to (b)(7)(C). He took pictures and that's pretty
11 much it. Let go the next day.

12 SPECIAL AGENT (b)(7)(C): So --
13 (b)(7)(C): And --
14 SPECIAL AGENT (b)(7)(C): -- this happened on?
15 (b)(7)(C): December 15th.
16 SPECIAL AGENT (b)(7)(C): Okay. Of 2010 --
17 '11?

18 (b)(7)(C): Right. Right. Eleven.
19 What's his name? (b)(7)(C), I forgot what his --
20 what his position is.

21 SPECIAL AGENT (b)(7)(C): Um-hum.
22 (b)(7)(C): He said in the morning
23 meeting if you see a gate left open, just lock it
24 back.

25 No, I -- I mean I'm a (b)(7)(C), but, you

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1 know, if you -- if you've been in the industry for a
2 while, you don't just -- just lock it back. You're
3 suppose to report it to your -- to supervision first
4 and let them know. Which is what I did.

5 Because I knew if I had reported it to --
6 to one of these other guys like (b)(7)(C) or (b)(7)(C)
7 (b)(7)(C) she's not a (b)(7)(C) but she carries
8 herself like she is one, or (b)(7)(C), I know it
9 would have been swept under the rug.

10 But, I reported it to (b)(7)(C) and
11 evidently, it got back to a higher authority.
12 Probably pretty much (b)(7)(C) and say well, this
13 guy, he's got to go man. He's had too many concerns.

14 SPECIAL AGENT (b)(7)(C): So, do you have any
15 opinion on why you think it was this time that they
16 fired you? You've been reporting stuff to (b)(7)(C) any
17 other time.

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

19 SPECIAL AGENT (b)(7)(C): Was he not running
20 it up the chain? What's your theory on that?

21 (b)(7)(C): He probably -- he probably
22 -- he -- he may have been running it up. I'm pretty
23 sure he probably was running it up the chain, but I
24 don't think that -- that's all he -- that's pretty
25 much all he could pretty much do, but if it's coming

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1 from me and Susan, if it's constantly coming from us,
2 then it's like --

3 SPECIAL AGENT (b)(7)(C) And Susan made a lot
4 of complaints, too?

5 (b)(7)(C): Oh, yes. If it's constantly
6 coming from us, then it's like these guys they got to
7 go. I mean you come into work every day. You're on
8 time every day. You ain't drunk. You ain't got no --
9 no drugs in your system. You are like a --

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

11 (b)(7)(C): But, you know, and then you
12 got these other techs who are not qualified and then
13 so, I guess I had to go because I had too many
14 concerns.

15 SPECIAL AGENT (b)(7)(C): Were there other
16 people who kind of went down the same path? They
17 tended to raise a lot of issues and somehow, somehow
18 ended up being gone? They ended up getting rid of
19 them.

20 (b)(7)(C): The only -- the only people
21 that I know that raised other concerns that are not
22 gone is, and you'll probably have to talk to Bert
23 Bowers about this, is (b)(7)(C) and (b)(7)(C).
24 They're AWS also.

25 SPECIAL AGENT (b)(7)(C): So, they can confirm

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1 a lot of what you're saying?

2 (b)(7)(C) : That -- you know, that's --
3 that's a 50/50.

4 SPECIAL AGENT (b)(7)(C) : They may cooperate
5 and they may not?

6 (b)(7)(C) : Yes, that's a 50/50. That's
7 a --

8 SPECIAL AGENT (b)(7)(C) : (b)(7)(C) or
9 (b)(7)(C) ?

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

11 SPECIAL AGENT (b)(7)(C) : Did you appeal the
12 -- well, you were technically -- you weren't -- you
13 were laid off. You weren't terminated. Correct? How
14 is it written?

15 (b)(7)(C) : They didn't bring me back.
16 They didn't bring me back. I mean I -- you -- you --

17 SPECIAL AGENT (b)(7)(C) : What did they tell
18 you when they laid you off?

19 (b)(7)(C) : They told me that it was
20 something -- I heard two different stories. I told --
21 they told me that RSY2 was shutting down. Another
22 party told me -- (b)(7)(C) told me RSY2 was shutting
23 down.

24 SPECIAL AGENT (b)(7)(C) : Is that an area on
25 site?

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

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

3 (b)(7)(C) : (b)(7)(C) told me that
4 they would probably bring me back in March and it's
5 April now. He told me it was something to do with the
6 budget and what did (b)(7)(C) ? (b)(7)(C) also
7 told me that RSY2 was shutting down also. So, when he
8 -- when Susan and I was in the -- while we were in
9 there having that meeting with him and he told us that
10 we were being laid off. So.

11 SPECIAL AGENT (b)(7)(C) : And from an industry
12 perspective, that's kind of -- to some extent, you're
13 used to the lay-off thing because it happens in the
14 business. The work ends or money is -- is that fair
15 to assume or for the most part, was everything -- I
16 think Susan had been out there a few years. Is
17 everything --

18 (b)(7)(C) : She had been out there.

19 SPECIAL AGENT (b)(7)(C) : -- pretty steady out
20 there?

21 (b)(7)(C) : Yes, but, you know, you got
22 other people that, you know, they could have -- they
23 could have -- they could have transferred me. I'm --
24 I'm pretty much a qualified ANSE 3.1 (b)(7)(C) but
25 you got these guys like (b)(7)(C) and a lot of

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1 these guys. They -- they could have went across the
2 board and say look, this person, he comes in every
3 time. He's not causing any problems. She's not
4 causing any problems, but these other guys say like
5 (b)(7)(C) she lays out. But, she's (b)(7)(C) to
6 Tetra Tech (b)(7)(C) what's his name?

7 SPECIAL AGENT (b)(7)(C)
8 (b)(7)(C) So, yes.
9 Right. You know, what can you do?

10 SPECIAL AGENT (b)(7)(C) And as far as you
11 know, no documentation was written? No condition
12 reports? No --

13 (b)(7)(C) Not to my knowledge. No.
14 Not to my knowledge.

15 SPECIAL AGENT (b)(7)(C) You didn't file --
16 you didn't fill out any incident reports or anything
17 of that nature?

18 (b)(7)(C) Uh-huh. No. I reported it
19 to (b)(7)(C)

20 SPECIAL AGENT (b)(7)(C) Do they require that
21 of you? If you see something, fill out an incident
22 report or --

23 (b)(7)(C) I -- I -- I reported it to
24 (b)(7)(C). That's all I did. But, no, they don't
25 require for me to fill out any incident reports.

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1 SPECIAL AGENT (b)(7)(C) Did you tell anybody
2 else outside of Tetra Tech personnel? Did you go to
3 anybody at Raso for the Navy or did you go to the NRC
4 Resident Inspector, anybody like that when you didn't
5 feel like you were getting results or (b)(7)(C) was
6 responding?

7 (b)(7)(C): No. No, I -- that -- that
8 goes to the last question you -- you asked. I feel
9 like (b)(7)(C) he was reporting a lot of the concerns and
10 I felt like --

11 SPECIAL AGENT (b)(7)(C): It was just getting
12 shot down above him?

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

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

15 (b)(7)(C) So, you know, this guy he's
16 got -- you know, he's trying to make us look bad.
17 Because I felt like I was just saving everybody's job
18 and now, it's -- you know, they're still liable. Even
19 if you got crack heads coming on-site, still improper.
20 You know, you're still liable. So. Anyhow. But --

21 SPECIAL AGENT (b)(7)(C): What's your
22 understanding of Tetra Tech's company policy on
23 whistleblowing? If someone raises -- you, you know,
24 blow the whistle on some safety issues, are you
25 protected -- are you suppose to be protected?

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1 (b)(7)(C) Yes, you're suppose to.

2 SPECIAL AGENT (b)(7)(C) Did you find that to
3 be the case?

4 (b)(7)(C) : I found that to be the case.

5 SPECIAL AGENT (b)(7)(C) : That you were
6 protected when you raised issues?

7 (b)(7)(C) : I found that I was
8 retaliated against and so, was Susan Andrews.

9 SPECIAL AGENT (b)(7)(C) : Would you say that
10 Tetra Tech operates on the principals of safety first?

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

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

13 (b)(7)(C) : No. No, it's get the job --
14 just get the job done. Make the money and just, you
15 know, if you -- if you say something about somebody
16 that's -- say like somebody like Susan who's not
17 really treated well there, that's okay. But, I would
18 never do that.

19 If -- if someone says something about me,
20 it's okay. But, if -- if I say something about one of
21 the -- one of the -- somebody's that in the (b)(7)(C)

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

23 (b)(7)(C) And most of those guys are
24 in the (b)(7)(C) and (b)(7)(C) They're in the (b)(7)(C) So,
25 you know.

1 And see, I've been out there like many a
2 times with Bert Bowers, with -- with New World
3 Technology, when he's the RSO.

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

5 (b)(7)(C) : He is the RSO there.

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

7 (b)(7)(C) : And he was the -- he was --
8 he was (b)(7)(C) at one time and you know, you
9 know, he -- you know, he's -- he's always been more
10 like an approachable-type person. Bert, yes, oh, yes,
11 he was always an approachable-type person and he
12 always want to know how you're doing and how is it
13 going. If you have any shares, cares -- shares, cares
14 or concerns and, you know, we -- we kind of like took
15 that for granted at one time because, you know, he
16 says if you have any shares, cares or concerns, let me
17 know and we miss that.

18 But, (b)(7)(C), he's like --

19 SPECIAL AGENT (b)(7)(C) : Now, how would you
20 respond to -- and I've asked this question of multiple
21 people in the course of these couple of
22 investigations.

23 (b)(7)(C) : Um-hum. Yes.

24 SPECIAL AGENT (b)(7)(C) : It was said to me
25 once that Hunters Point was a nuke site. I don't know

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1 how true that is, but a nuke site operating like a
2 construction site.

3 (b)(7)(C) : Pretty much. Pretty much.

4 SPECIAL AGENT (b)(7)(C) : And that the
5 construction folks didn't have an appreciation of --

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

7 SPECIAL AGENT (b)(7)(C) : -- for -- yes, for
8 HP principles.

9 (b)(7)(C) : No, they don't. They don't.
10 They don't. They -- they have first -- first -- they
11 have priority over HPs. I mean like -- if you -- like
12 (b)(7)(C) (phonetic) and nice -- -- nice (b)(7)(C) guy,
13 but man, the culture out there is -- is -- is more
14 like -- how can I put it. It's more like a
15 construction site and -- but, you know, even though
16 it's low RAD, you know, you still have to frisk out
17 and still have to follow the procedures, guidance.
18 Right.

19 SPECIAL AGENT (b)(7)(C) : And was it made
20 clear to employees at Tetra Tech that you had the
21 right to raise concerns without fear of retaliation?

22 (b)(7)(C) : That's my understanding.

23 SPECIAL AGENT (b)(7)(C) : Was that in the
24 training program? Was that reemphasized in meetings?

25 (b)(7)(C) : Well, they don't give much

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1 training out there. See now, I -- I submit my -- and
2 when New World was out there, New World was let go and
3 then the -- the first of was it 2011 AWS came in.

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

5 (b)(7)(C) : So, we transferred over.

6 SPECIAL AGENT (b)(7)(C) : Was Shaw there at
7 that time, too?

8 (b)(7)(C) : Shaw was there. Shaw's not
9 there anymore?

10 SPECIAL AGENT (b)(7)(C) : No, I think they're
11 still there.

12 (b)(7)(C) : Okay. Okay. And now, I was

13 (b)(7)(C) Bert Bowers, he was the RSO then, you

14 know. (b)(7)(C)

15 SPECIAL AGENT (b)(7)(C) : Okay. You said you
16 had worked at -- you had worked out at Hunters Point
17 in (b)(7)(C)

18 (b)(7)(C) : Oh, yes, I worked there
19 about -- about four or five times and then after --

20 SPECIAL AGENT (b)(7)(C) : Was it just outages
21 or were you there for a while?

22 (b)(7)(C) : I -- I was -- no. No. No.

23 I wasn't there for a while. I was there like maybe

24 (b)(7)(C) . Then I go work at commercial power plant.

25 You know, after I get tired of San Francisco, you

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1 know, I go work at commercial power plant. I said
2 Bert, you know, if you -- if you have some -- if you
3 have any -- if you have any openings for a layoff, you
4 know, I'd like to apply for it. You know, he'd pretty
5 much oblige. You know, I wasn't always in his face.
6 I wasn't trying to -- I'm not -- I'm not a -- I'm not
7 a -- what's the word for it? I'm not the kind of guy
8 that -- that -- that -- I just never been that type
9 person that kissed nobody's, you know, I don't want to
10 say the word, but --

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

12 (b)(7)(C): But, he pretty much obliged
13 because I worked commercial, DoE and DoE -- DoD and
14 DoE and commercial.

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

16 (b)(7)(C) So, yes, I been out there
17 like many times before. This is the first time I
18 worked with (b)(7)(C)

19 SPECIAL AGENT (b)(7)(C): Okay. Do you know
20 if an investigation was conducted regarding your
21 concerns by Tetra Tech?

22 (b)(7)(C) Not to my knowledge.

23 SPECIAL AGENT (b)(7)(C): You said that layoff
24 was December --

25 (b)(7)(C): December 16th.

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1 SPECIAL AGENT (b)(7)(C): Prior to getting
2 laid off, were you ever given lesser duties or demoted
3 in anyway? Did you ever take a pay cut? Anything
4 like that?

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

6 SPECIAL AGENT (b)(7)(C): Did anybody from
7 Tetra Tech management ever say anything to you
8 regarding the fact that your layoff had anything to do
9 with you raising the safety issues?

10 (b)(7)(C): Oh, no.

11 SPECIAL AGENT (b)(7)(C): Officially or
12 unofficially?

13 (b)(7)(C): No. No, I don't think so.
14 No.

15 SPECIAL AGENT (b)(7)(C): Was there a system
16 in place wherein you could anonymously send stuff up
17 the chain? Concerns you had. Was there a computer
18 database? Was there a drop box of suggestions where
19 you could leave something? Was there a platform to do
20 that?

21 (b)(7)(C): That's a good question. You
22 know, because I stopped going up top because these
23 guys they -- I -- I didn't feel like I was welcome
24 there. I left one time. I left a long time and then
25 what's her name, she asked if I wanted to come back.

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1 What's her name? (b)(7)(C) So, you know, I mean
2 I just felt like the (b)(7)(C) was just so extreme. I
3 left. I just got in -- I got in my little (b)(7)(C), the
4 little -- little (b)(7)(C) right down the hill down
5 there. I -- I drove that all the way to California
6 and came all the way back.

7 So, but your question was --

8 SPECIAL AGENT (b)(7)(C): Was there a way that
9 you could have submitted an anonymous --

10 (b)(7)(C): Anything in drop box?

11 SPECIAL AGENT (b)(7)(C): Yes, a drop box or
12 anonymously.

13 (b)(7)(C): And I never saw that.

14 SPECIAL AGENT (b)(7)(C): Computer system.

15 (b)(7)(C): That's a good question. I
16 -- I never saw that inside. I stopped going inside of
17 the -- the office. I -- these guys, they give you an
18 unwelcome look. They give you a nasty look, you know.
19 It's like a -- it's like that. Is that the Jim Crow
20 type? I mean I'm -- we're -- I'm from (b)(7)(C),
21 man. I mean these guys they -- they got -- you know,
22 I don't want to get in any trouble. I ain't going to
23 -- I ain't going to confront you with it. I ain't
24 going to say -- you know, I'm not the kind -- type of
25 guy that just get up in your face and just say, you

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1 know, I -- I beat you down or whatever.

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

3 (b)(7)(C) So, maybe I -- maybe it's

4 I'm not welcome there. Maybe it's time for me to go.

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

6 (b)(7)(C) And that's what I did. I

7 left. I got the hell out of there.

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

9 (b)(7)(C) : I came back.

10 SPECIAL AGENT (b)(7)(C) : When you left, had

11 you left San Francisco and the area?

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

13 SPECIAL AGENT (b)(7)(C) You had come all the

14 way back to (b)(7)(C)

15 (b)(7)(C) : Yes. Yes, I came back to

16 (b)(7)(C) I left. I gave it some thought. She

17 asked me if I -- I would consider coming back. I told

18 her I'll think about it. I came back. Yes. So. So.

19 SPECIAL AGENT (b)(7)(C) : And did anything

20 change? When did you leave there?

21 (b)(7)(C) : It -- it changed a little,

22 but, you know, they go back to their old way.

23 SPECIAL AGENT (b)(7)(C) : When did you leave

24 and how long were you gone?

25 (b)(7)(C) : I left -- when was it?

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1 [REDACTED] -- I believe it was [REDACTED] or [REDACTED] and
2 I was out for like three weeks. Because, you know,
3 you could -- you could just -- you know when you ain't
4 -- you know when you're not welcome. But, then again,
5 you know, these guys you hear the -- you know, these
6 guys they -- they're on that stuff and I don't want to
7 piss these guys off. I'm driving with my little
8 [REDACTED] and that little window wasn't hardly let down.
9 So, I don't want them to lace my car with no crack or
10 no drugs.

11 SPECIAL AGENT [REDACTED]: Right.

12 [REDACTED]: And then the police pull me
13 over.

14 SPECIAL AGENT [REDACTED]: Right.

15 [REDACTED]: Then, you know, I'm doing
16 time for -- for something that I don't do.

17 SPECIAL AGENT [REDACTED]: Right.

18 [REDACTED]: You know. But, yes. So,
19 you just have to act civilized, but it's a totally
20 different environment out there. I mean they should
21 do random testing out there and --

22 SPECIAL AGENT [REDACTED]: Now, was there any
23 -- when you speak of the discrimination and the
24 [REDACTED], was it overt? Was it ever overt or what it
25 just the unsettling feeling you got based upon the

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1 look, based upon --
2 (b)(7)(C): The looks and what's his
3 name, he used to say the (b)(7)(C)
4 SPECIAL AGENT (b)(7)(C): Who's that?
5 (b)(7)(C) I might --
6 you know what? These guys -- you -- you're in Hunters
7 Point. Do you know where you're act? I know this
8 guy. I said I know this guy. He ain't too bright.
9 I say you know, man, you're in a dangerous
10 neighborhood. Because when I had gotten back the last
11 time, Bert Bowers told me a guy had been shot. His
12 name was (b)(7)(C) (phonetic). Yes, a laborer who turned
13 into like a HP, but them guys, man, from what I heard
14 talking, these -- these guys -- these -- these (b)(7)(C)
15 guys, they're -- they're easy going guys, but there's
16 a way these guys they would get you if you get off
17 that site. You don't want to piss these guys off.
18 SPECIAL AGENT (b)(7)(C) Right.
19 (b)(7)(C) This is their territory.
20 SPECIAL AGENT (b)(7)(C) Right. Now, were
21 any -- were these guys that you're speaking of -- were
22 a lot of these the laborers on site?
23 (b)(7)(C) Pardon?
24 SPECIAL AGENT (b)(7)(C) Were these a lot of
25 the guys that worked in the labor craft?

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1 (b)(7)(C) Yes.
2 SPECIAL AGENT (b)(7)(C) That you're talking
3 about.

4 (b)(7)(C) Yes, exactly.
5 SPECIAL AGENT (b)(7)(C) Were they hired
6 under that community program?

7 (b)(7)(C) Yes, the -- what is it?
8 What do you call it? Yes, that community program. I
9 don't have the word for it.

10 SPECIAL AGENT (b)(7)(C) They were locals.

11 (b)(7)(C) Yes, they were locals. Yes.

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

13 (b)(7)(C) Exactly.

14 SPECIAL AGENT (b)(7)(C) And you said (b)(7)(C)
15 went as far as to use the (b)(7)(C)

16 (b)(7)(C) Oh, yes, he's stupid. He --
17 he -- he's stupid. He is stupid. Make a word and
18 this and that. I ain't heard that in -- now, back in
19 -- back in high school, man, we -- hey, man, we used
20 to -- you know, we used to -- you know, we're him back
21 in the day, but this guy, he -- he'll say the (b)(7)(C)
22 and -- and yes, but this guy, he's stupid. I hear
23 he's on some kind of -- some kind of drug. What do
24 you call that? The -- what's that when you lift
25 weights or what --

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1 SPECIAL AGENT (b)(7)(C) Steroid.
2 (b)(7)(C) Steroids. Yes. Yes, that's
3 the word. Whatever. I'm not -- man, that -- that
4 stuff is affecting your mind, but I told him, you
5 know, you're in a bad neighborhood. These guys will
6 take you down and from what I heard, when he was going
7 through the neighborhood, somebody took the chair and
8 threw it and hit his door. They -- they told me that.
9 Well, I say well, it must have something that (b)(7)(C)
10 did. I say that. Okay. You don't say that. You --
11 that's just something you don't say nowadays. That's
12 a -- that's a fatal word.

13 SPECIAL AGENT (b)(7)(C) Right.
14 (b)(7)(C) Anywhere. Anywhere you go
15 to.

16 SPECIAL AGENT (b)(7)(C) Right.
17 (b)(7)(C) Yes, so. Yes, he's stupid.
18 He's stupid, man. You can't even get in trouble with
19 no nonsense like that. It's too many people in the
20 court system.

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

23 SPECIAL AGENT (b)(7)(C) So, you definitely
24 felt this and an uneasiness about the ways these guys
25 looked and acted.

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(b)(7)(C)

Oh, yes. Yes.

SPECIAL AGENT (b)(7)(C) But, was he the only

one that was overtly (b)(7)(C) and discriminatory or was that --

(b)(7)(C)

Well, you really judge a person by their actions. Is -- is the way I pretty much go, but this guys, he -- he was saying it. You know, I don't have the dates that -- when he said it, but, you know, I didn't write it down. But, he said that and I heard the guy was bringing guns on-site. I didn't -- I didn't know that he was bringing guns on-site, but I wouldn't doubt it. Because like -- like I said, it's a lot of these guys they -- they are ex-convicts. Easy-going guys.

SPECIAL AGENT (b)(7)(C) Right. When you say that, you're talking about the workers?

(b)(7)(C)

: The laborers.

SPECIAL AGENT (b)(7)(C) : The laborers.

Right.

(b)(7)(C)

: Yes, these guys -- I talk to a guy everyday. He told me he was in prison for -- he drive a -- a (b)(7)(C) to work everyday and one guy was saying well, I wonder why he drive this car everyday. I said this man done missed (b)(7)(C) of his life. I mean I don't drive my -- my nice vehicle. I drive the

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1 little (b)(7)(C) even around here. But, you know, I keep
2 my little gas guzzlers parked or whatever as you can
3 see out front. But -- but, you know, they're easy-
4 going guys. But, these guys, man, they -- you know,
5 you don't mess with a guy that don't mess with nobody.
6 You know, you just --

7 SPECIAL AGENT (b)(7)(C) : No.
8 (b)(7)(C) -- just try to -- try to
9 keep the peace because you're in -- you're in a bad
10 neighborhood. You're in a real bad -- even me. So,
11 I know where I was. So. Just try to get along and do
12 what you got to do and --

13 SPECIAL AGENT (b)(7)(C) : Would you say that
14 (b)(7)(C) was kind of -- was he subjected to some of
15 those same (b)(7)(C) overtones and discrimination?
16 (b)(7)(C) : Oh, yes, (b)(7)(C) will
17 probably deny it though. He'll probably deny it.
18 Because -- I remember one time -- we were in the
19 office one time and (b)(7)(C) was in the office.
20 Me, he, (b)(7)(C)
21 were in the office and (b)(7)(C) mentioned something about
22 -- about (b)(7)(C) using the (b)(7)(C) and -- and I
23 said yes. Yes, he uses it. I got upset. I don't
24 know why. I just got mad, man. I -- I was in (b)(7)(C)
25 (b)(7)(C) office. I was sitting down. I don't know why

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1 (b)(7)(C) brought it up, but yes, (b)(7)(C) -- and (b)(7)(C) would
2 tell me.

3 I mean he's an (b)(7)(C) like (b)(7)(C)
4 We've had these discussions before. He told me how
5 (b)(7)(C) they was out there. I don't know if he would
6 -- would say that now. He's probably fearing for his
7 -- his position now. He's a sharp guy. Don't get me
8 wrong, but he told me -- yes, but, yes, he told me how
9 (b)(7)(C) they were. He told me how (b)(7)(C) they were.

10 SPECIAL AGENT (b)(7)(C) : And did he
11 experience some of that same things?

12 (b)(7)(C) : Because -- yes, because a
13 lot of stuff -- a lot of recommendations that he tried
14 to make, you know, he'd get -- he'd get pushed aside.
15 I can't quite quote them to you right now, but, you
16 know, just -- I could count. Like HPs that are there
17 now, the ANSE 3.1 Senior HPs, he's a qualified HP.
18 (b)(7)(C) is. I am and who else? That's all that
19 come to mind right now.

20 When Bert Bowers was out there, you know,
21 lot of these guys they -- they may -- haven't been
22 through the -- you know, what we went through as far
23 as like the training and stuff to really become ANSE
24 3.1 HPs, but, you know, you have more of a -- a
25 rainbow coalition out there.

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1 SPECIAL AGENT (b)(7)(C) : More diverse
2 workers?

3 (b)(7)(C) : Yes, more diverse. Yes,
4 it's more diverse. Exactly. So, yes.

5 SPECIAL AGENT (b)(7)(C) : And at the time that
6 everything -- well --

7 (b)(7)(C) Miss Susan was the one that
8 really, really, really welcomed me when I got out
9 there. She was -- she really welcomed. She -- she's
10 -- she's a nice person.

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

12 (b)(7)(C) : Real nice person. Bert
13 Bowers is a pretty -- pretty good guy. He's from down

14 (b)(7)(C)

15 But, this -- this last time I was out
16 there, man, it's just -- it's more like that Jim Crow
17 type, (b)(7)(C), in the (b)(7)(C), you know. Yes.

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

19 (b)(7)(C) So.

20 SPECIAL AGENT (b)(7)(C) : You were told that
21 the layoff had to do --

22 (b)(7)(C) Well, I was told --

23 SPECIAL AGENT (b)(7)(C) Some people went as
24 far as to tell you that it was the budget.

25 (b)(7)(C) -- the budget -- um-hum.

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1 SPECIAL AGENT (b)(7)(C) Which is what (b)(7)(C)
2 told you, but you said (b)(7)(C) and (b)(7)(C)
3 said that they were shutting that area.

4 (b)(7)(C): They were shutting that.

5 SPECIAL AGENT (b)(7)(C) They were releasing
6 -- well, I guess they were releasing that area back
7 over to the Navy. That area was cleared. I guess is
8 that the bottom line?

9 (b)(7)(C) He -- he didn't say that it
10 was clear. He just said that they -- they were
11 shutting down the RSY2. He didn't go into detail.

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

13 (b)(7)(C) So.

14 SPECIAL AGENT (b)(7)(C) Which would mean
15 they -- but, since you've been there, had they been
16 shutting other areas down like that over time and they
17 still found work for people?

18 (b)(7)(C): They shut down -- what's
19 other areas? RSY3 is where (b)(7)(C) is and then right
20 across from that is -- it's been awhile since I've
21 been -- been there. I can't even recite that. The
22 areas.

23 SPECIAL AGENT (b)(7)(C) Um-hum.

24 (b)(7)(C) But, you know, they open and
25 close areas.

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

2 (b)(7)(C) So, you know, it's like --

3 SPECIAL AGENT (b)(7)(C) But, would they
4 generally keep everybody even if they shifted around
5 and closed an area and this and that? Was it a thing
6 that they --

7 (b)(7)(C) I think -- it seems like
8 they -- they would have looked at your attendance.
9 They would have looked at your -- your attendance and
10 they would have looked at if you caused any problems
11 or if you, you know, at your -- how many years of
12 experience, if you're really a qualified HP and, you
13 know, you're really helping them by telling them about
14 their concerns and not being retaliated against.

15 SPECIAL AGENT (b)(7)(C) Well, that leads me
16 to some other questions.

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

18 SPECIAL AGENT (b)(7)(C) Were you given an
19 annual evaluation? Performance appraisal? Anything
20 of that -- some type of formal way to rate your work.

21 (b)(7)(C) No. Bert Bowers used to do
22 that though.

23 SPECIAL AGENT (b)(7)(C) When he was the RSO,
24 you used to get one?

25 (b)(7)(C) Yes. Yes, he --

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1 SPECIAL AGENT (b)(7)(C) It was in writing or
2 was it just a verbal?

3 (b)(7)(C) He's -- no, he's giving --
4 he used to -- he used to sign off and give you like a
5 -- tell you -- he gave me a pretty good recommendation
6 from what I remember. He -- he's pretty a critique
7 type of RSO type. Yes.

8 SPECIAL AGENT (b)(7)(C) Um-hum.

9 (b)(7)(C) But, no, I -- I never was
10 given one when I was there the whole while.

11 SPECIAL AGENT (b)(7)(C) Was it required or
12 was it procedurally anywhere? Stipulated that you
13 would -- everybody --

14 (b)(7)(C) I would think so. I would
15 think so. I would think so.

16 SPECIAL AGENT (b)(7)(C) Was it ever -- well,
17 by the virtue that you didn't get one, we can question
18 whether it was ever reinforced or reannounced that
19 hey, we're going to be doing performance appraisals or
20 we're watching for this, this and this and at
21 appraisal time, you'll hear more about it. Was
22 anything like that said?

23 (b)(7)(C) No.

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

25 (b)(7)(C) No.

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1 SPECIAL AGENT (b)(7)(C) So, you didn't get
2 a -- had you been written up? Were you -- prior to
3 them terminating or prior to them laying you off --

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

5 SPECIAL AGENT (b)(7)(C) -- did you have any
6 write-ups?

7 (b)(7)(C) Uh-huh. No. No.

8 SPECIAL AGENT (b)(7)(C) Is there a policy
9 regarding write-ups? Like after two or three write-
10 ups, then you're going to be let go or anything?

11 (b)(7)(C) No. Well, I would think so.
12 I would think so. After -- after a certain while, you
13 know, you -- now, you get the layoff. You get the
14 boot. You know, this guy, you know, he's -- he don't
15 know what the heck he's doing or this girl or this
16 person, they don't know what the heck they're doing,
17 you know --

18 SPECIAL AGENT (b)(7)(C) But, you also have
19 people coming to work.

20 (b)(7)(C) You know, if you --

21 SPECIAL AGENT (b)(7)(C) -- potentially
22 inebriated and not being--

23 (b)(7)(C) Inebriated. Missing all
24 these days, you know. You're missing day after day
25 after day. She comes in trembling and shaking like a

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1 wet fish out of water. So, but --

2 SPECIAL AGENT (b)(7)(C) But, nothing?

3 (b)(7)(C) -- nothing was done. Yes.

4 SPECIAL AGENT (b)(7)(C) And I guess at the
5 end of the day you just feel like they had enough of
6 your -- at some point, they just -- you were raising
7 too many issues and they just had enough of it. So --

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

9 SPECIAL AGENT (b)(7)(C) -- that's why, you
10 know, this was retaliation for you always bringing --
11 raising things.

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

13 SPECIAL AGENT (b)(7)(C) Did you ever raise
14 that to -- you and (b)(7)(C) had a casual conversation.
15 Did it ever go up the management chain about (b)(7)(C)
16 use of the (b)(7)(C)

17 (b)(7)(C) No, the guy, he's -- he's
18 disturbed. He's stupid. I took it as that. He's an
19 idiot. I mean I didn't want to -- I didn't want to
20 see the guy get hurt. I did not -- I don't know why
21 (b)(7)(C) brought that up that I -- I came up there for

22 something. That was when New World was there and --
23 and (b)(7)(C) and I was sitting in his office and we were
24 talking about something. Me, he and (b)(7)(C) and

25 (b)(7)(C) and he said something about (b)(7)(C)

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1 (b)(7)(C) using the (b)(7)(C). I said yes. Yes, I say you
2 ain't got to say nothing. You ain't got to say a
3 word.

4 He's still using that word and I just got
5 back here. I had just gotten back. I -- I had just
6 started the job probably about may (b)(7)(C)
7 if that. I say yes, he's still using that word and
8 I'm telling this guy. Man, look here, do you know
9 where you're at? Do you know where you are?

10 These guys will kill you. (b)(7)(C),
11 (b)(7)(C). You got people from all (b)(7)(C)
12 These guys are convicts.

13 SPECIAL AGENT (b)(7)(C): Right.
14 (b)(7)(C): I'm talking with this guy
15 every day. He -- you know, he done missed (b)(7)(C) of
16 his life. He drive a daggone (b)(7)(C) to work every
17 day and like I told you, the guy, he say why does this
18 guy drive a -- I say where have you missed (b)(7)(C) of
19 your life. I mean this man done miss most of his life
20 being in prison.

21 SPECIAL AGENT (b)(7)(C): Correct.
22 (b)(7)(C): And, you know, I -- I like
23 talking to those guys. They're real nice guys, you
24 know, because -- the laborers, you know, they're
25 saying man, you know, stay -- stay out trouble.

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1 Well, I already know. I'm (b)(7)(C)
2 You know, I ain't -- I ain't going to -- I ain't going
3 to bug the system as far as getting in nobody's face.
4 I -- I ain't -- I ain't stupid, you know. But, yes.

5 I heard that he was bringing guns on-site.
6 I'm like whoa. Maybe that's why he's bringing guns
7 on-site.

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

9 (b)(7)(C) : So. But.

10 SPECIAL AGENT (b)(7)(C) : But, there was no
11 adverse action or any derogatory elements to your
12 performance and your work there prior to you getting
13 -- there was no writing on the wall so to speak?

14 (b)(7)(C) : No, no writing on the wall
15 whatsoever.

16 SPECIAL AGENT (b)(7)(C) : It came as a
17 surprise?

18 (b)(7)(C) : Came as a surprise.
19 Exactly.

20 SPECIAL AGENT (b)(7)(C) : Anything else you'd
21 like to add to the record at this time?

22 (b)(7)(C) : That will be it. That would
23 be it. I don't think we missed anything. Okay.

24 SPECIAL AGENT (b)(7)(C) : A couple closing
25 comments and questions for you.

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

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

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

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

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

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

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

SPECIAL AGENT (b)(7)(C) : The time is currently 4:10 p.m. Eastern Standard Time. This interview is concluded.

(Whereupon, at 4:10 p.m., the interview was adjourned.)

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: 1-2012-037

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
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EXHIBIT 5

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

8:49 a.m.

1
2
3 SPECIAL AGENT (b)(7)(C): Today's date is
4 Thursday, April 26th, 2012. The time is currently
5 8:49 a.m., Eastern Standard Time.

6 For the record, this is an interview of
7 Ms. Susan Andrews who was previously employed at Tetra
8 Tech EC, Inc., at the Hunters Point Naval Shipyard in
9 San Francisco, California.

10 The location of this interview is the
11 Andrews residence located at (b)(7)(C)

(b)(7)(C)

12
13 I am (b)(7)(C) a Special Agent with
14 the Office of Investigations, U.S. Nuclear Regulatory
15 Commission, Region 1 Field Office in King of Prussia,
16 Pennsylvania.

17 The content and subject of our meeting
18 this morning is to discuss issues or events that Ms.
19 Andrews may have witnessed with regard to
20 discrimination against a fellow Tetra Tech employee,
21 (b)(7)(C), who was laid off in or about
22 December 2011.

23 Ms. Andrews, I must inform you the NRC
24 strictly prohibits the transmitting or recording of
25 this interview by any party other than the NRC or its

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1 designee. Having said that, are you recording or
2 transmitting this interview?

3 MS. ANDREWS: No, sir.

4 SPECIAL AGENT (b)(7)(C) : If you could please

5 --
6 SPECIAL AGENT (b)(7)(C) : Can I say something
7 right here? (b)(7)(C) is not a Tetra Tech employee.

8 SPECIAL AGENT (b)(7)(C) : I was going to get
9 to that. He was AWS which is a subsidiary of Tetra
10 Tech. I'm going to clarify that.

11 MS. ANDREWS: Okay. Great. Thanks.

12 SPECIAL AGENT (b)(7)(C) : For the record, (b)(7)(C)

13 (b)(7)(C) was employed by AWS, a subsidiary of Tetra
14 Tech, a subsequent subcontractor to Tetra Tech. But
15 at the time of the layoff was initiated by Tetra Tech,
16 the primary contractor. Correct?

17 SPECIAL AGENT (b)(7)(C) : Yes, sir.

18 SPECIAL AGENT (b)(7)(C) : If you could, please
19 state your full name for the record and spell your
20 last name?

21 MS. ANDREWS: Susan Virginia Andrews, A-N-
22 D-R-E-W-S.

23 SPECIAL AGENT (b)(7)(C) : Okay. Are you
24 currently employed, Ms. Andrews?

25 MS. ANDREWS: No.

1 SPECIAL AGENT (b)(7)(C) : Okay. And when was
2 your last tenure of employment?

3 MS. ANDREWS: December 16th, 2011, with
4 AWS as a subcontractor for Tetra Tech at Hunters Point
5 Shipyard, San Francisco, California.

6 SPECIAL AGENT (b)(7)(C) : How long had you
7 been there? When did you start there?

8 MS. ANDREWS: I started June 27th, 2005.

9 SPECIAL AGENT (b)(7)(C) : Okay. So, 2005 to
10 2011, just short of seven years?

11 MS. ANDREWS: That's correct.

12 SPECIAL AGENT (b)(7)(C) : Okay. And in what
13 capacity were you employed there?

14 MS. ANDREWS: I came in as a junior HP.
15 I was then put within a month into the lab so I was a
16 lab technician under (b)(7)(C) with New World
17 Technology, try not to say NWT. Then I was there for
18 four years working at that and then they asked me to
19 come out to the field as a Senior HP to do field work.
20 And at that time I was still employed by NWT, New
21 World Technology. The last year of my employment
22 there I was employed by AWS as a Senior HP for field
23 work, to balance the site under (b)(7)(C).

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

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1 MS. ANDREWS: 2003, February.

2 SPECIAL AGENT (b)(7)(C): Okay. And was that
3 as an HP?

4 MS. ANDREWS: No. My first involvement
5 with nuclear was laborer. A union laborer at Beaver
6 Valley Nuclear Power Station in Shippingport,
7 Pennsylvania.

8 SPECIAL AGENT (b)(7)(C): Okay. And during
9 your time with AWS and New World, were you at any
10 sites other than Hunters Point?

11 MS. ANDREWS: Yes.

12 SPECIAL AGENT (b)(7)(C): What other sites
13 were you at when you were employed by them?

14 MS. ANDREWS: No, no.

15 SPECIAL AGENT (b)(7)(C): Just Hunters Point?

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C): Okay. Were you
18 trained on how to report safety concerns while at
19 Hunters Point?

20 MS. ANDREWS: Yes. We -- we had meetings
21 on how to do that, yes.

22 SPECIAL AGENT (b)(7)(C): Okay. What was the
23 mechanism by where an employee could raise a safety-
24 related issue?

25 MS. ANDREWS: You first went to your

1 supervisor. Then he was to go to his supervisor and
2 on up the chain.

3 SPECIAL AGENT (b)(7)(C): Great. Who
4 performed that training, do you remember?

5 MS. ANDREWS: RAD safety, you're talking?

6 SPECIAL AGENT (b)(7)(C): No, the training --
7 at what block of training was it wherein you were
8 instructed on how to raise safety concerns and kind of
9 what the protocol is for an employee's right to raise
10 safety issues?

11 MS. ANDREWS: Yes, when you first got
12 there -- when I first got there in June 27th we had
13 everybody that was being processed in at that time
14 were different people such as the (b)(7)(C) for
15 New world which was (b)(7)(C) and (b)(7)(C). I
16 think his title at the time was the (b)(7)(C) for New World.
17

18 They all came in and spoke to us on, you
19 know, different topics that we needed to know before
20 we were allowed to go in the field and whoever was
21 Tetra Tech's safety person at the time. It's been so
22 long and so many people have changed hands and titles
23 and the same person could be the safety director one
24 day and then the next day be out in the field as a
25 junior HP. So, I get confused a little bit. Bert

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1 Bowers would know all the definite specifics on who
2 was there at that time.

3 SPECIAL AGENT (b)(7)(C) : Okay. And that
4 training occurred in 2007 when you arrived?

5 MS. ANDREWS: Three.

6 SPECIAL AGENT (b)(7)(C) : Three, I'm sorry.

7 MS. ANDREWS: Oh, yes, 7, you're right.

8 No, 5. 2005 is when I arrived.

9 SPECIAL AGENT (b)(7)(C) : Did you get that
10 same training every year or just initially when you
11 got there?

12 MS. ANDREWS: Safety briefings were always
13 done kind of every day at a 7:00 meeting.

14 SPECIAL AGENT (b)(7)(C) : Okay. They went
15 over --

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C) : And so they would
18 ask if anybody had any issues they wanted to raise.

19 MS. ANDREWS: Yes.

20 SPECIAL AGENT (b)(7)(C) : Okay. So, there was
21 a platform to do it.

22 MS. ANDREWS: Yes.

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

24 MS. ANDREWS: Yes.

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

1 to at Tetra Tech? Who was your (b)(7)(C)

2 MS. ANDREWS: At the end of my stay there,
3 I was -- I -- (b)(7)(C)

4 SPECIAL AGENT (b)(7)(C): And that's when you
5 were an HP?

6 MS. ANDREWS: Yes.

7 SPECIAL AGENT (b)(7)(C): Who was your boss
8 when you were in a lab?

9 MS. ANDREWS: (b)(7)(C) was the manager.
10 I had multiple bosses in those four years. At the end
11 of my time was (b)(7)(C) and (b)(7)(C) and then
12 (b)(7)(C) was their direct.

13 SPECIAL AGENT (b)(7)(C): Okay. Did anybody
14 work for you? Did you have any employees under you?

15 MS. ANDREWS: No.

16 SPECIAL AGENT (b)(7)(C): Okay. What policies
17 and procedures were you guys guided by as HPs there?
18 Was it an NRC reg? Were there --

19 MS. ANDREWS: Yes.

20 SPECIAL AGENT (b)(7)(C): Were there Navy
21 regs? Multiple?

22 MS. ANDREWS: Well, our contract was with
23 the Navy so naturally we went under what they wanted
24 and our procedures was guided by the contract they had
25 with the Navy. But the NRC was always above

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1 everything to make sure RADs stayed safe. So, we were
2 under the NRC license.

3 SPECIAL AGENT (b)(7)(C) : Okay. What was the
4 safety culture there at Hunters Point?

5 MS. ANDREWS: Okay. There's two safety
6 things. When you say safety my mind goes two
7 different ways. It's like, are you --

8 SPECIAL AGENT (b)(7)(C) : Nuclear safety.

9 MS. ANDREWS: Okay. There you go.

10 SPECIAL AGENT (b)(7)(C) : Not the OSHA
11 Occupational Health. That's different --

12 MS. ANDREWS: Yes, okay.

13 SPECIAL AGENT (b)(7)(C) : More the NRC driven.

14

15 MS. ANDREWS: That was really not so good.

16 And I was just a junior with very little experience
17 when I came on site and saw things totally wrong then.

18 And (b)(7)(C) was my (b)(7)(C) for a couple of

19 weeks. I got put in his group and what they call

20 Metal Debris Reef, MDR. It was on the shoreline. And

21 at that time he threatened me. It was the second day

22 in he took me to another gentleman, (b)(7)(C) and I don't

23 know his last name right now. Bert knows it. Off the

24 side and apparently at that point I didn't know.

25 (b)(7)(C) had a real foul mouth and just -- just not

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1 nice. And so he took me off to the side and said if
2 I had any problem with the way he talked, his language
3 or how he talked to people then I was no longer going
4 to work for him in his group. And he informed me at
5 that time that I wouldn't have a job there because
6 nobody else needed me -- wanted me, excuse me. Wanted
7 me in their group and he just took me in and if I
8 didn't get along with the way he did business, then I
9 apparently -- he told me I didn't have a position
10 there and I would be laid off and going home. And I
11 just got there. So, you know, I just -- I was only
12 there -- I had an eight-week contract so I thought I
13 could probably muster through this. This guy isn't
14 that bad for eight weeks to recoup my losses of
15 driving out there and back and make some money.

16 But then at that point I tried to figure
17 out how to get away from him. The other gentleman was
18 his witness. If I went to the (b)(7)(C) which
19 was (b)(7)(C) at the time and reported him for any
20 misconduct, that guy would -- I don't know what the
21 guy was supposed to do. Say that I swore that I
22 wouldn't, I guess. I -- I just wanted to work for
23 eight weeks and go home.

24 SPECIAL AGENT (b)(7)(C): So, from a nuclear
25 safety perspective?

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1 MS. ANDREWS: Okay. Now--

2 SPECIAL AGENT (b)(7)(C) That sounds like a
3 lot of personality --

4 MS. ANDREWS: That -- now get into this.
5 Now, I'm intimidated by this person. So, he puts me
6 out on walking pads with a 2350. And people are
7 swinging their meters, you know, a 2350. And you're
8 supposed to walk it real slow back and forth and
9 listen to the clicks and watch your meter to find
10 radiation. Well, these people were swinging and some
11 people swung them up around like --

12 SPECIAL AGENT (b)(7)(C): Is this a form of a
13 frisker?

14 MS. ANDREWS: No.

15 SPECIAL AGENT (b)(7)(C): Radio --

16 MS. ANDREWS: Yes.

17 SPECIAL AGENT (b)(7)(C): It's a surveying
18 device?

19 MS. ANDREWS: Yes, for looking for gamma.

20
21 SPECIAL AGENT (b)(7)(C): Okay. A surveying
22 device.

23 MS. ANDREWS: Right.

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

25 MS. ANDREWS: And so I brought it up to

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1 him that, you know, I'm going to walk in behind them
2 and I'm going to find stuff that they're missing. So,
3 at the time, the laborer force had to pick this pile
4 up and turn it. Pick all the dirt up and turn it.
5 And they only wanted to turn this pad three times so
6 they could keep up with production.

7 Well, once I got there, you're going to
8 turn it as many times as you have to because I'm
9 looking for radiation. I don't care how many times
10 you have to turn it.

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

12 MS. ANDREWS: They were kind of getting a
13 little antsy with me but I was finding stuff.

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

15 MS. ANDREWS: Dials and stuff we were
16 supposed to be finding. Maybe some of it was brick,
17 but any how since I brought up that he put me out on
18 a gate so that I would just let people in and out of
19 the RCA, frisk them out, sign them in on the RWP
20 coming and going. So, because I brought up concerns
21 there, I was shifted away from that job and put on the
22 gate.

23 And then I found out they were opening up
24 a porta-monitor and I asked if I could be put there
25 because I had work with truck drivers in that

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1 previously for 14 years and I had radiation detection
2 on my scale going into a landfill in Pennsylvania.
3 So, that time got away from (b)(7)(C) I've always had
4 RAD safety concerns out there when I put -- where my
5 job is.

6 SPECIAL AGENT (b)(7)(C) Would you say that
7 Tetra Tech promoted a safety-conscious work
8 environment?

9 MS. ANDREWS: RAD-wise?

10 SPECIAL AGENT (b)(7)(C): Right. The issues
11 that would be -- that we would consider nuclear safety
12 concerns, i.e., RAD and --

13 MS. ANDREWS: Yes. They're concerned
14 about it but they -- they want to kind of look the
15 other way and hurry through construction work. They
16 want to get the construction end of it done quicker.
17 So, they try to -- they try to put people in position
18 that will just, you know, look the other way also and
19 do their job and make the paperwork look right for an
20 inspection. And when they've had people come out
21 there that bring up concerns, those people are gone.
22 They figure out a reason to lay them off. They wait
23 for a layoff or they just get rid of them instantly if
24 there's no layoff coming up within the next couple of
25 weeks.

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1 And so it intimidates everybody out there.
2 You better keep your mouth shut about that or you're
3 going to be the next, you know, the next one to go.
4 And I was told that repeatedly, repeatedly, keep your
5 mouth shut by my co-workers because they liked working
6 with me and they knew I was good at what I did for out
7 there. And I tried, but it doesn't work with me. I
8 still have to tell somebody because if I don't, it's
9 always on me. If I pass it up to my up line, then
10 it's on my up line. Does that make any sense?

11 SPECIAL AGENT (b)(7)(C): Right. So, was it
12 acceptable to raise safety concerns or would you say
13 not really? Should be?

14 MS. ANDREWS: Yes, I know. It should be.
15 They really didn't want to hear it and they would try
16 to work around a way that they could out talk you and
17 convince you that they were right and you were wrong.
18 And so you'd sit back and go like, okay. Is that
19 really true? Like eventually you talk to some other
20 seniors and find out what's right and what's wrong and
21 then they'll go, well, we didn't do it that way at the
22 previous place we worked but this is Hunters Point
23 Shipyard so I guess that's the way they do business
24 here so, unless it was really critical, you were just
25 shut down.

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1 SPECIAL AGENT (b)(7)(C): Are you aware of
2 (b)(7)(C) ever raising safety concerns to
3 management?

4 MS. ANDREWS: Yes, to (b)(7)(C) yes.

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

6 MS. ANDREWS: I know (b)(7)(C) had been out
7 there multiple times and I was in the lab at the time.
8 I really didn't know (b)(7)(C) until the last time when
9 I was out in the field he was in our group. And
10 that's when I really got to meet and know (b)(7)(C)

11 SPECIAL AGENT (b)(7)(C): So, you saw him in
12 passing previously -- when was the last --

13 MS. ANDREWS: No, I never saw --

14 SPECIAL AGENT (b)(7)(C): You never really saw
15 him on the site before you guys were in the same
16 group?

17 MS. ANDREWS: Yes, people were not to come
18 up unless they had business up at the main office --

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

20 MS. ANDREWS: -- and the lab was right
21 with the main office. If you didn't have business up
22 there, you weren't to go up there.

23 SPECIAL AGENT (b)(7)(C): Okay. So, this last
24 time he was placed in your group and he was a (b)(7)(C)

25 (b)(7)(C)

1 MS. ANDREWS: Yes, that's true.

2 SPECIAL AGENT (b)(7)(C) Okay. And what time
3 schedule? What was the time frame that you all were
4 working?

5 MS. ANDREWS: I think he might have been
6 about a good year and a half because -- I was out in
7 the field two and a half years. He might have come
8 (b)(7)(C) I know he was there for the year while
9 Bert was gone and he was there ahead of that. So, I'm
10 sure he would know the exact date.

11 SPECIAL AGENT (b)(7)(C) Did he tell you
12 directly that he reported his concerns to management?

13 MS. ANDREWS: Yes, because they were my
14 concerns too and I wanted to make sure he did
15 something about at least going to (b)(7)(C).

16 SPECIAL AGENT (b)(7)(C): When was this that
17 he told you that he had directly reported the issues
18 to management? Do you recall when the first time was
19 and was it an ongoing thing?

20 MS. ANDREWS: Yes, it's ongoing out there.
21 Any time when (b)(7)(C) would say he saw something wrong
22 I -- we became friends and he felt that he could talk
23 to me and I always wanted him to go and at least tell
24 (b)(7)(C) he had to by -- I felt by the law, by our
25 NRC -- what I've been taught about the NRC, you have

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1 to go and tell somebody when you see something going
2 wrong no matter how severe it is.

3 And if he would tell me something I would
4 direct him to go and tell his (b)(7)(C) and I always
5 got back with him. I always found him, you know,
6 called him. Did you talk to him because once he did,
7 then I would tell (b)(7)(C) did (b)(7)(C) tell you, but I
8 wanted (b)(7)(C) to tell him first.

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

10 MS. ANDREWS: So, it would be concerns
11 that he had. He was --

12 SPECIAL AGENT (b)(7)(C): How regular was
13 this? Was it if you had to estimate, were these
14 issues, were they weekly? Monthly? Was it, you know,
15 twice a year?

16 MS. ANDREWS: Oh, no, it was more frequent
17 than that. (b)(7)(C) had concerns about like (b)(7)(C)
18 coming in inebriated and sometimes he's come up --
19 we'd be in the morning meeting at 7:00 and he had
20 mentioned something about he could smell her. He just
21 gave me the look like, so I'd walk over to get close
22 to her and say something to her so she'd talk back at
23 me, you know, so I could smell it too because it was
24 becoming a really big concern of ours that she was a
25 (b)(7)(C) and working the gate or walking pads,

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1 whatever her (b)(7)(C) which was (b)(7)(C)
 2 (b)(7)(C) told her to do. But she was -- (b)(7)(C)
 3 (b)(7)(C) And (b)(7)(C) I know brought it up to (b)(7)(C)
 4 (b)(7)(C) I brought it up to (b)(7)(C). In my
 5 opinion, (b)(7)(C) didn't do anything about it.
 6 There wasn't much (b)(7)(C) could do about it because --
 7 I mean, he could, but he -- to save his job he
 8 couldn't because (b)(7)(C) was (b)(7)(C) and he
 9 was the (b)(7)(C) and (b)(7)(C) was pretty
 10 intimidated out there by the other senior --

11 SPECIAL AGENT (b)(7)(C) When did this issue
 12 with (b)(7)(C) occur?

13 MS. ANDREWS: (b)(7)(C) drank all the time.

14 From the time I met her when I started out there and
 15 then at one point, 2006, 2006 in January I went to
 16 Hatch to do a project for New World. I left the site
 17 for about a month. And when I came back, (b)(7)(C) had
 18 apparently (b)(7)(C) or done something and
 19 they gave her (b)(7)(C) So, she was in the lab area
 20 setting. And so I was walking past her all the time
 21 going to, you know, do my job in the lab when I was
 22 brought back. And, you know, she just (b)(7)(C)
 23 (b)(7)(C) And, you know, going out to the bathroom and
 24 vomiting a lot.

25 So, finally -- finally, I got a little

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1 irritated with her setting in there all the time and
2 my (b)(7)(C) at the time was (b)(7)(C) and she
3 was getting tired of her setting in there. So, she
4 was confronted, did she want to join -- move into the
5 lab or did she want to stay as a (b)(7)(C) and if she was
6 going to do that, she had to get out of the lab area.

7
8 And so she decided she wanted to stay a
9 (b)(7)(C) so Bert Bowers -- in my opinion, this is how I
10 put it. He created a job for her. I'm sure he's
11 going to say, you know, there was a job there, but so
12 she did paperwork for him, sorting files. So, they
13 gave her a little office and kept her in a pumpkin
14 shell hidden very well. But not back out in the
15 field. So, she was doing paperwork. I'm not sure if
16 Bert knew about the drinking or not. He was more with
17 the (b)(7)(C) and keeping (b)(7)(C) for her.
18 SPECIAL AGENT (b)(7)(C): So, when (b)(7)(C) --
19 when was it that (b)(7)(C) identified the
20 (b)(7)(C) to management on her behalf? He (b)(7)(C)
21 (b)(7)(C)

22 MS. ANDREWS: For me --

23 SPECIAL AGENT (b)(7)(C): That you recall?

24 MS. ANDREWS: It was in 2011 that I know,
25 let's see, no. April -- no, it had to be before that.

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1 He left -- he left, he couldn't take anymore harassment
2 from (b)(7)(C) and that (b)(7)(C) Group. And he
3 left, I think it was in April of 2010. And he wasn't
4 gone very long and for some unknown reason, (b)(7)(C)
5 (b)(7)(C) told him to come back to work and she's not a
6 boss but he came back to work and they kept him at
7 R.S. White too and away from (b)(7)(C). And what I
8 was told, (b)(7)(C) was told not to make snide remarks at
9 him during the 7:00 meeting.

10 SPECIAL AGENT (b)(7)(C): That was in about
11 2010?

12 MS. ANDREWS: Yes.

13 SPECIAL AGENT (b)(7)(C): Was that the only --

14 MS. ANDREWS: (b)(7)(C) knew he couldn't get
15 no where with this complaints and if he complained
16 about (b)(7)(C) he was going to get fired.

17 SPECIAL AGENT (b)(7)(C): What was the other
18 nature of his -- was that his only concern was that
19 (b)(7)(C) was coming in drunk or he (b)(7)(C) on her?

20 MS. ANDREWS: He (b)(7)(C) on her.

21 SPECIAL AGENT (b)(7)(C): Was that his primary
22 concern?

23 MS. ANDREWS: Yes, they didn't do a drug
24 test on her after it was reported.

25 SPECIAL AGENT (b)(7)(C): She didn't get it at

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1 the --

2 MS. ANDREWS: No, no. And I even told
3 (b)(7)(C) I started to kind of like get on -- get behind
4 (b)(7)(C) with his complaint so maybe if he put more
5 behind it and (b)(7)(C) would do something about it but
6 there wasn't anything done about it.

7 SPECIAL AGENT (b)(7)(C): Did he ever raise
8 that concern to management in your presence? Did you
9 ever witness him?

10 MS. ANDREWS: Yes, one time because I went
11 to (b)(7)(C) and he stepped in and made sure I was -- he
12 wanted to make sure I was saying something to (b)(7)(C)
13 too. And he goes, yes, I smelled it and he walked off
14 to his car.

15 SPECIAL AGENT (b)(7)(C): When was that?

16 MS. ANDREWS: Oh, it was in 2011,
17 sometime. I don't -- didn't write that down. But it
18 was after Bert Bowers left because things just started
19 getting really worse and more out there. They didn't
20 care.

21 SPECIAL AGENT (b)(7)(C): Did anyone from
22 management ever come to you and mention that (b)(7)(C)
23 raised safety concerns and the content of his concerns
24 and so forth?

25 MS. ANDREWS: When I would bring them up

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1 to (b)(7)(C), I knew (b)(7)(C) was worried about something
 2 and I'd go to (b)(7)(C). And he'd go, yes, (b)(7)(C) told
 3 me. Already told me. So, that's --

4 SPECIAL AGENT (b)(7)(C): So, he at least
 5 acknowledged that --

6 MS. ANDREWS: Yes, yes.

7 SPECIAL AGENT (b)(7)(C): -- that he had
 8 received a --

9 MS. ANDREWS: Yes.

10 SPECIAL AGENT (b)(7)(C): Okay. Do you
 11 believe that (b)(7)(C) was retaliated against for
 12 raising safety-related issues? If so, why?

13 MS. ANDREWS: Yes.

14 SPECIAL AGENT (b)(7)(C): Safety-related
 15 issues and I'm going to get to this in a minute or do
 16 you think that discrimination thing based on what you
 17 previously identified to me at another time we talked.
 18 He identified his more (b)(7)(C) case.

19 MS. ANDREWS: I think it was both with
 20 him.

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

22 MS. ANDREWS: Yes. Yes. They were --
 23 they weren't nice to (b)(7)(C) at all. (b)(7)(C) -- (b)(7)(C)

24 (b)(7)(C) -- in my group there was (b)(7)(C) and
 25 (b)(7)(C) and (b)(7)(C) and I in our own base-wide

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1 activity. And they did not like him and then they
2 started to be even nastier toward me because --

3 SPECIAL AGENT (b)(7)(C): You had befriended
4 him?

5 MS. ANDREWS: -- I was working with him
6 and trying, you know, and if I -- if I -- we had our
7 own little office and if I was setting in there with
8 (b)(7)(C) showing her how to maybe -- how Tetra Tech wants
9 the paperwork written up to put your dots and dashes
10 in the right place so when the lab gets it they type
11 it in correctly and all the paperwork comes through
12 with the same metric form. If he came in and sat
13 down, she'd get up and leave right in the middle of me
14 -- I'd be where did she go, you know. (b)(7)(C) did
15 the same thing. I mean, where did he go? But they
16 would not stay even in the same room with him once he
17 arrived.

18 SPECIAL AGENT (b)(7)(C): So, would you say
19 that management -- do you believe that management
20 retaliated against him for raising the safety-related
21 issues which was going back to --

22 MS. ANDREWS: By his lay off, do you mean?

23 SPECIAL AGENT (b)(7)(C): (b)(7)(C) drinking,
24 yes.

25 MS. ANDREWS: I think so because he left

1 there that April of 2010, somewhere around the spring
2 of that year. And the scuttlebutt that went around,
3 you know, the gossip that went around Hunters Point
4 was that he went back east to get a lawyer because he
5 was going to come back and do something about (b)(7)(C)
6 (b)(7)(C) and his nasty mouth toward him and all the
7 things he had been talking about. And (b)(7)(C) just
8 went home and that's why I feel that (b)(7)(C) was
9 just an AWS employee. She was out talk between (b)(7)(C)
10 (b)(7)(C), you know, the AWS office and us. But she also
11 is (b)(7)(C) to (b)(7)(C) which is construction.
12 So, that's Tetra Tech. So, Tetra Tech wouldn't want
13 him to be getting a lawyer to file a discrimination
14 suit against him.

15 So, he called about a paycheck and she
16 said why don't you come back to work? You know, your
17 job is still here. Why don't you come back? And I
18 really feel that they brought him back so that they
19 could turn around and lay him off, if that makes sense
20 then.

21 SPECIAL AGENT (b)(7)(C): As opposed to him
22 filing a lawsuit?

23 MS. ANDREWS: Yes. He'll know the exact
24 time when he left and came back. That had to be in
25 2011 because we were all working for AWS. So, he left

1 in 2011 and Bert was gone, yes.

2 SPECIAL AGENT (b)(7)(C): Do you know if (b)(7)(C)

3 (b)(7)(C) took his concerns to any other entities
4 outside of Tetra Tech? Did he go to RAD O? Did he go
5 to the NRC during the time this was going on, not
6 after the fact?

7
8 MS. ANDREWS: Not that I know of. (b)(7)(C)

9 is one not to really -- he tries to keep it within and
10 get it corrected right there on site. It just doesn't
11 get corrected on site and he knows that and he knew
12 that.

13 SPECIAL AGENT (b)(7)(C): Do you know what
14 management cited as the reason for his layoff?
15 Because you guys got laid off together?

16 MS. ANDREWS: Yes, on December 9th we were
17 brought in at 12:30 into (b)(7)(C) office. (b)(7)(C)
18 said that they were going to close up RSY 2 which was
19 -- when they dug up the trenches they came and put the
20 dirt on the pads so it could be surveyed whether it
21 was RAD material in it in containment and then release
22 the soil back. So, he manned the gate there.

23 What was the question? I forget.

24 SPECIAL AGENT (b)(7)(C): What did management
25 cite as the reason for --

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1 MS. ANDREWS: Okay.

2 SPECIAL AGENT (b)(7)(C) -- the layoff?

3 MS. ANDREWS: They were going to close
4 down RSY 2, that it wasn't going to be used any
5 longer. And so that was his position, they were doing
6 away with that position and that's why he got to go.

7 (b)(7)(C) also told him while we were setting there that
8 as soon as they started the dig in somewhere around
9 where Parcel B and Parcel C come together, he pointed
10 on a map. And he would be bringing (b)(7)(C) back as
11 soon as they opened up RSY 2 again.

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

13 MS. ANDREWS: And command that gate.
14 That's yet to be seen.

15 SPECIAL AGENT (b)(7)(C): Were you ever
16 interviewed by anyone from management regarding or an
17 outside entity regarding (b)(7)(C) safety concerns
18 that he raised? Did they do an investigation and come
19 and say, hey, we heard so and so has been drinking on
20 site? The problem?

21 MS. ANDREWS: Well, you know, I've talked
22 to Fed OSHA and told them about that. I've talked to
23 Kathleen Daily with California Department of Labor and
24 I've talked to you.

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

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1 MS. ANDREWS: And I've talked to another
2 NRC group, Marissa Bailey -- Marissa.

3 SPECIAL AGENT (b)(7)(C): Did Tetra Tech do an
4 investigation? Did they ask you any questions
5 regarding --

6 MS. ANDREWS: No.

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

8 MS. ANDREWS: She's still working there.
9 If they investigated it, she wouldn't be working
10 there.

11 (b)(7)(C) also right before our layoff
12 brought up a concern. People would go into had been
13 a posted area and they wouldn't lock the gate or post
14 it and he got a little tired of it and they down
15 posted it, this trench area. So, now it's just a
16 locked gate area so nobody gets hurt if they go in
17 there. And it just happened to be a (b)(7)(C)
18 named (b)(7)(C) went in there to do something.
19 I don't know what -- had no idea what he was in there
20 for but when he came back out he didn't lock the gate.
21 And (b)(7)(C) was kind of running a little short on these
22 people. They needed to pay more attention. So, he
23 reported that to his (b)(7)(C) right -- right that
24 week of layoff. And he kind of got reprimanded in a
25 roundabout way. They brought it up at the safety

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1 meeting at 7:00, (b)(7)(C) did that if you see a gate
2 open, close it. Don't -- don't run into your
3 (b)(7)(C) Just fix the situation and go about your
4 business.

5 So, I try to do that a lot, too. I
6 understand (b)(7)(C) frustration because after awhile
7 the person constantly keeps making these mistakes
8 needs to know they're making them so they quit it.
9 You can't be everywhere with your eyes all over the
10 place.

11 I had the same problem with (b)(7)(C)
12 group. Every time, every place they worked they don't
13 repost when they lock the gate, close up. So, I would
14 stop and fix it on my way out and I eventually started
15 like telling the person I knew was working the gate
16 that day, please don't do that. And then after
17 awhile, you know, just kept it up. I would tell their
18 (b)(7)(C) which was (b)(7)(C) and (b)(7)(C) would
19 tell me to mind my own business and thanks to Susan
20 and then I got tired of it so I would go to (b)(7)(C)

21 (b)(7)(C). I even went to Bert Bowers over that, the
22 thing I'm thinking about right here. Bert finally
23 came down on (b)(7)(C) pretty heavy.

24 SPECIAL AGENT (b)(7)(C): Okay. Were you
25 aware of any discriminatory actions or statements made

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1 against (b)(7)(C) I understand that at one point
2 he was kind of offended by (b)(7)(C) use of the

3 (b)(7)(C) Were you aware of any --

4 MS. ANDREWS: Yes, I'm aware of (b)(7)(C)
5 with that nasty word. Personally, straight at me.
6 Did I hear him say it around (b)(7)(C) no. (b)(7)(C)
7 probably has. Other people that worked out around
8 there would hear him. But I've witnessed (b)(7)(C)
9 horribly -- horribly.

10 The gentleman I spoke of earlier (b)(7)(C)
11 that was in the group if I went to management about
12 his bad language was (b)(7)(C) This guy was trying to
13 get (b)(7)(C) job. He was real -- he wanted to be a
14 leader. He wanted to--

15 SPECIAL AGENT (b)(7)(C): Who, (b)(7)(C)?

16 MS. ANDREWS: Yes, (b)(7)(C) did. And so he
17 was right now COC is really helping (b)(7)(C) but (b)(7)(C)
18 knew that he was trying to move in on his position and
19 so they -- they were like this now all of a sudden
20 within like a week and a half of me being there.
21 They're not --

22 SPECIAL AGENT (b)(7)(C): Do you remember
23 (b)(7)(C) last name?

24 MS. ANDREWS: I did the other day. Bert
25 looked it up on the computer for me and gave it to me

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1 and now I can't remember it.

2 SPECIAL AGENT (b)(7)(C) : Is he still out on
3 the --

4 MS. ANDREWS: No, he -- this is where I'm
5 getting at. He couldn't put up with it any longer and
6 he left and he went back working nuclear work and he -
7 - last time I heard about him, he got a permanent job
8 down at (b)(7)(C) and so I don't know if he's still
9 there or not.

10 But when he left, because he couldn't --
11 he couldn't put up with it any longer. And he left
12 and (b)(7)(C) came up to me and said --

13 SPECIAL AGENT YOUNG: He left because of
14 (b)(7)(C) ?

15 MS. ANDREWS: Oh, I'm sure, he couldn't
16 deal with (b)(7)(C) and the (b)(7)(C) (b)(7)(C) came up to me
17 and now you're -- I'm going to tell you what (b)(7)(C)
18 said.

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

20 MS. ANDREWS: (b)(7)(C) says, well, I got rid
21 of that (b)(7)(C) He's gone for good. And I went like,
22 huh? He said I got rid of the (b)(7)(C), okay? And I
23 was huh, I don't believe you said that.

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

25 MS. ANDREWS: And I just walked on. And

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1 that was early on. I mean, that was when I first
2 started out there and (b)(7)(C) just had a mouth like
3 that. It was horrible.

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

5 MS. ANDREWS: He told me because I took
6 (b)(7)(C) under wing because (b)(7)(C) and --

7 SPECIAL AGENT (b)(7)(C): Treated him badly?

8 MS. ANDREWS: Really bad. Don't teach him
9 anything. They wanted rid of him. And --

10 SPECIAL AGENT (b)(7)(C): They conveyed that
11 to you?

12 MS. ANDREWS: (b)(7)(C) and (b)(7)(C)

13 (b)(7)(C) wanted -- wanted him out of our group. They
14 did not like him. They did not want him there. He
15 was in our group and so they -- and I even went to
16 (b)(7)(C) about it. I said, (b)(7)(C), he said just
17 keep him with you. And I said I'm keeping him with me
18 but you got to keep management off my back. If they
19 see him in my car and we're driving around and
20 somebody goes why is there two techs in one car? Why
21 isn't one tech doing something and why are they doing
22 the same job? You see what I'm saying? I said, you
23 better back me up because you know why he's in my car.
24 And he goes, I will, don't worry. And for the record,
25 (b)(7)(C) is (b)(7)(C) also so he knew the

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1 discrimination he had went through with (b)(7)(C) and
2 (b)(7)(C) and (b)(7)(C). He knew what (b)(7)(C) was
3 going through. So, I kept (b)(7)(C) with me.

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

5 MS. ANDREWS: So, now let me finish this.
6 So, now I become, you like them. So, (b)(7)(C) would
7 like -- well, you like them. You're one of them. And
8 to me -- do you understand what I'm saying?

9 SPECIAL AGENT (b)(7)(C): Right, right.

10 MS. ANDREWS: Okay. And I like, he's a
11 human being and he's very nice. He just needs to
12 learn how we do it. I know (b)(7)(C) had a lot going on
13 and a lot of discrimination hitting him and sometimes
14 he couldn't focus maybe on how to write it correctly
15 on a piece of paper what he had to write.

16 (b)(7)(C) had me so upset back when I was
17 i the lab. Somebody said, if I ask you your name
18 right now you probably wouldn't know it would you?
19 And I go, what is my name, you know. You can have a
20 (b)(7)(C) get you so upset over discrimination that
21 you can't even think to do your job. And I think
22 that's what happened to (b)(7)(C) when he was in our
23 group, he did well and then all at once he just
24 started -- if he's up around one of them people,
25 couldn't think and that happens because you're being -

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1 - being --people being mean to you.

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

3 (b)(7)(C) and (b)(7)(C) show the same type of --

4 MS. ANDREWS: (b)(7)(C) is the one that
5 said about me liking them.

6 SPECIAL AGENT (b)(7)(C): Right. Did they
7 have the same type of disposition towards (b)(7)(C)

8 because wasn't he the (b)(7)(C)
9 MS. ANDREWS: (b)(7)(C) did. (b)(7)(C)

10 did. (b)(7)(C) always went to like (b)(7)(C) if he
11 had a problem. (b)(7)(C) is (b)(7)(C) and he would go to him.

12 He never liked to go to (b)(7)(C) And it was -- it
13 was because he was (b)(7)(C) and then (b)(7)(C) or (b)(7)(C) would
14 say, he don't know what he's talking about. He
15 doesn't have the right qualifications. He doesn't
16 know.

17 But first and foremost was (b)(7)(C) was
18 because he was (b)(7)(C)

19 (b)(7)(C) didn't like him and to me
20 it was -- first and foremost was because of his (b)(7)(C)

21 But then I find out she's dating somebody from, I
22 don't know. Somewhere in (b)(7)(C) or (b)(7)(C) and

23 -- and -- and, you know, she's a (b)(7)(C) you know.
24 He's not. So, when I found that out months, months

25 later, I go like, what is her problem? You know,

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1 she's -- Why does she treat (b)(7)(C) that way?

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

3 MS. ANDREWS: You know. But she did. It
4 was a shame and I kept him with me as much as I could.
5 And then when (b)(7)(C) got let go, they put him on a
6 gate at RSY 2. He worked there off and on. And
7 that's where we found, you know, his niche out there
8 so to speak.

9 SPECIAL AGENT (b)(7)(C): So, you believe that
10 his safety concerns going back to (b)(7)(C)
11 drinking was valid?

12 MS. ANDREWS: Oh, yes. Heavens sakes,
13 yes.

14 SPECIAL AGENT (b)(7)(C): Are you aware of any
15 other employees that raised safety concerns? I know
16 yourself and for the record, Ms. Andrews has raised
17 safety concerns and subsequently was laid off on
18 December 9, 2011, and has brought those issues to the
19 NRC and currently has an active OI discrimination
20 investigation open at this time, so clarify this at
21 the time.

22 MS. ANDREWS: On December 16th -- yes. I
23 was notified on the 9th on that Friday that I was
24 going to be laid off, (b)(7)(C) and I together. And the
25 16th was our last day of work.

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1 SPECIAL AGENT (b)(7)(C) : Okay. Did anyone
2 ever -- did you ever hear anybody in management
3 identify that (b)(7)(C) was laid off because he raised
4 the issues? Did anyone ever mentioned that to you?

5 MS. ANDREWS: No, no.

6 SPECIAL AGENT (b)(7)(C) : What kind of
7 employee would you say (b)(7)(C) was? What kind of
8 reputation did he have?

9 MS. ANDREWS: He was -- he was very
10 conscientious, willing to learn their ways. You know,
11 he knows his senior skills come in. How to use a
12 meter and what to look for but everybody's paperwork
13 is different. He was real polite to me when -- when
14 he put a dot where he shouldn't have put a dot. It's
15 really minor what he did. We all make those kind of
16 mistakes but when it's paperwork turning in, it has to
17 be perfect.

18 And whenever I would take a piece of
19 paperwork back and he would redo it or correct it. I
20 couldn't because it was his survey. So, I found him
21 very polite, very easy to get along with. I didn't
22 find him lazy. When he was told to do a job he went
23 out and did it and he did it right when he did it.
24 You know, he was at work on time. He never came in,
25 he didn't report off. He gave notice when he was

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1 going to be gone vacation time, advanced notice. And
2 he always let me know. I wasn't a supervisor or
3 anything but I kind of kept track for (b)(7)(C) and
4 kept the balance of site moving forward. It was kind
5 of -- but he always reports his goings and comings to
6 (b)(7)(C). But he also politely let me know because I
7 needed to pick up where he wasn't going to be there
8 and figure out who was going to do what he did.

9 SPECIAL AGENT (b)(7)(C) And you guys worked
10 together for about (b)(7)(C)

11 MS. ANDREWS: Yes.

12 SPECIAL AGENT (b)(7)(C) Are you aware of
13 whether or not he had been subject to any progressive
14 discipline during the time that he was there on site?

15 MS. ANDREWS: Discipline?

16 SPECIAL AGENT (b)(7)(C): Yes, had he been
17 written up --

18 MS. ANDREWS: No, no.

19 SPECIAL AGENT (b)(7)(C) -- or suspended or
20 did he --

21 MS. ANDREWS: No, no. And that's why he
22 said he walked off -- he gave his notice and left back
23 in the spring of that year because he knew if he went
24 to anybody about (b)(7)(C) and (b)(7)(C) and that group,
25 he was going to be fired. And you don't want fired on

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1 your resume.

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

3 MS. ANDREWS: So, it's better if you just
4 kind of leave.

5 SPECIAL AGENT (b)(7)(C) Do you know if he
6 had ever received any poor performance appraisals or
7 evaluations?

8 MS. ANDREWS: No.

9 SPECIAL AGENT (b)(7)(C): Do you all get
10 performance appraisals?

11 MS. ANDREWS: We used to.

12 SPECIAL AGENT (b)(7)(C): When did you stop
13 getting them?

14 MS. ANDREWS: When Bert Bowers left. Bert
15 always --

16 SPECIAL AGENT (b)(7)(C): So, Bert used to do
17 them?

18 MS. ANDREWS: Yes.

19 SPECIAL AGENT (b)(7)(C): He was the RSO at
20 the time. Nobody else was doing them after he left?

21 MS. ANDREWS: Not that I know of. Once I
22 became AWS nobody did evaluations and they evaluated
23 me before I left.

24 SPECIAL AGENT (b)(7)(C): But when you were
25 New World they were doing evaluations?

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1 MS. ANDREWS: Well, Bert was --

2 SPECIAL AGENT (b)(7)(C): When Bert was there?

3 MS. ANDREWS: Yes. Oh, yes, I've got --
4 I've got copies of them.

5 SPECIAL AGENT (b)(7)(C): So, how would an
6 employee know, get adequate feedback as to the job
7 they were doing? How would you know if you were doing
8 a good job or a bad job?

9 MS. ANDREWS: You didn't. You just hoped
10 you were.

11 SPECIAL AGENT (b)(7)(C): And would they come
12 back and -- did you ever see cases where they came
13 back and said, oh, you weren't doing a good job so we
14 laid you off when they hadn't given the person any
15 feed back or any notice that they weren't doing a good
16 job? That they let somebody go really without
17 notification because they hadn't pre-warned them that,
18 you know, this needed to be improved or that needed to
19 be improved?

20 MS. ANDREWS: Yes, yes. A lot of people
21 were just fired for bringing up concerns. (b)(7)(C) --

22 (b)(7)(C), he was in instruments. He had issues,
23 instruments weren't being done right. Weren't moving
24 sources around right. I didn't know (b)(7)(C) well enough,
25 but I know there was a big conflict there and I know

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1 he tried to get -- get it turned so it was going right
2 and he butted heads and he ended up, you know,
3 spouting off and going and getting fired, you know,
4 because he wasn't more control over what was going on
5 with the instruments and the sources.

6 And (b)(7)(C) was -- (b)(7)(C) my heavens.

7 He -- he brings up to (b)(7)(C) there she goes
8 again going in and doing the -- me and (b)(7)(C)
9 going in to do the PAD sampling wrong. You know, he
10 was frustrated. Why do you keep letting this lady
11 continually do this and it's not done correctly?

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

13 MS. ANDREWS: Let laborers do it, not
14 paying attention to what's going on. (b)(7)(C) was
15 definitely a person on the PAD. I gave you (b)(7)(C)

16 (b)(7)(C) name. I think I gave you (b)(7)(C)
17 (b)(7)(C) name. People -- laborers that actually
18 went out there and did this work that had no idea what
19 they were doing. And pulling samples.

20 Now, once they say that samples go into
21 the lab and the lab says the samples that came in
22 weren't elevated, then they can take that PAD and put
23 it in a non-radiological area and stage it to go off
24 site. And before that dirt is allowed to go off site,
25 it has to go in the portamonitor luckily. And when it

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1 alarms the portamonitor per procedure three times,
2 it's hand scanned to what set the portamonitor off.
3 Then it is to go back on the PAD, laid back out and
4 find what she missed --

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

6 MS. ANDREWS: -- when the sampling
7 process. And then take that up. That's -- after Bert
8 left, that whole procedure stopped.

9 SPECIAL AGENT (b)(7)(C): Okay. She can do
10 whatever she wants to out on that PAD and that can go
11 through the portamonitor and alarm three times and
12 somebody with a 2350 does one of these things and that
13 dirt still goes off site.

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

15 MS. ANDREWS: There's no stopping to it
16 now.

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

18 MS. ANDREWS: And I think (b)(7)(C) told you
19 about her just coming up short by one jar. When they
20 collect the sample, there's like 18 samples that have
21 18 points. Okay. So, she was to collect 18 samples.
22 One time he witnessed in his CONEX that she was
23 missing one. They only got 17. So, she handed the
24 jar and the laborer knew by just gestures what to do.
25 So, with saying that to me, then it was something

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1 commonly they did and (b)(7)(C) agreed to that. He just
2 went out right there, not to the PAD that was way down
3 -- way down in RSY 2, just right there. Collected
4 enough dirt from the ground and gave it to her as a
5 sample and she put it in as it was from that PAD.

6 The way she does it is insane.

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

8 MS. ANDREWS: It's just wrong. I don't
9 know how to explain it to anybody.

10 SPECIAL AGENT (b)(7)(C): I've previously been
11 provided --

12 MS. ANDREWS: Yes, we went through this.

13 SPECIAL AGENT (b)(7)(C): Right. Okay. A
14 list of some of the other people that raised concerns
15 so we've reached out and identified them.

16 MS. ANDREWS: And (b)(7)(C) is another
17 one. I keep -- you need people to witness this.

18 (b)(7)(C) is her -- her (b)(7)(C) She -- she
19 goes -- when (b)(7)(C) is not there, (b)(7)(C) fills in for
20 (b)(7)(C)

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

22 MS. ANDREWS: So, they stay together so
23 they know what's going on. (b)(7)(C) can verify
24 how they do it. If they're going to tell you how
25 they really do it or they're going to tell you how

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1 the procedure says they're supposed to do --

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

3 MS. ANDREWS: -- that there you get into
4 she's covering her, you know. They know what the
5 procedure says.

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

7 MS. ANDREWS: They don't work it that way.

8
9 SPECIAL AGENT (b)(7)(C) All right. I have
10 a couple of closing comments and remarks.

11 MS. ANDREWS: And he brought up the safety
12 concern about her bringing (b)(7)(C) on site and
13 bringing her into RAD areas.

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

15 MS. ANDREWS: Yes, there's a lot of people
16 that can witness that.

17 SPECIAL AGENT (b)(7)(C) Right. That's been
18 discussed.

19 MS. ANDREWS: Okay.

20 SPECIAL AGENT (b)(7)(C) Have I threatened
21 you in any manner in exchange for your testimony?

22 MS. ANDREWS: Oh, heavens no.

23 SPECIAL AGENT (b)(7)(C) Have I offered you
24 any reward in exchange for your testimony?

25 MS. ANDREWS: No.

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

3 MS. ANDREWS: Yes.

4 SPECIAL AGENT (b)(7)(C) : Anything else you'd
5 like to add for the record at this time?

6 MS. ANDREWS: Are they going to look into
7 her falsified resume? (b)(7)(C)

8 SPECIAL AGENT (b)(7)(C) : That issue has been
9 brought up. I'm not certain, the violation aspect of
10 that has to be determine.

11 MS. ANDREWS: Okay.

12 SPECIAL AGENT (b)(7)(C) : Whether that, you
13 know, falsifying a resume whether that's a violation
14 or whether there's a procedural tie-in there. So,
15 that will be looked at.

16 MS. ANDREWS: Okay. And what about the
17 trashing of Bert Bowers' office?

18 SPECIAL AGENT (b)(7)(C) : That --

19 MS. ANDREWS: That's all in one?

20 SPECIAL AGENT (b)(7)(C) : That's relative to
21 the investigation and can't really speak on that --

22 MS. ANDREWS: Okay.

23 SPECIAL AGENT (b)(7)(C) -- because that's
24 being looked at.

25 MS. ANDREWS: All right. Just the foul

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1 language and the portamonitor and the frisking of the
2 vehicles.

3 Why can they -- they -- they have these
4 company rented vehicles. When they come on site, they
5 are allowed to go in and out of the RCA. They frisk
6 their tires on the way out of the RCARMA. And then
7 these vehicles go off site to lunch, to their homes or
8 whatever. I've always had a concern that that's not
9 really enough frisking on there. When it's muddy,
10 raining out there, dirt and radioactivity could fall
11 up into that. Everything that comes on site, goes off
12 site according to procedure is supposed to go through
13 the gamma. So, why don't those vehicles, because they
14 pick up wagons that, you know, like little wagons a
15 kid rides around in. We put equipment in there and
16 take them out. They'll put those wagons up in the
17 back of their truck and bring them out of the RCARMA
18 to stage-- who is frisking any of this stuff that goes
19 in the back? They don't do that. They don't frisk
20 anything that's in the back of these trucks.

21 SPECIAL AGENT (b)(7)(C): That sounds like an
22 inspection item that I will discuss that with the
23 inspection staff, (b)(7)(C) and folks there. That's
24 something they would have looked at when they came out
25 for their inspection so we'd have to follow up. That

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1 definitely sounds like an inspection-type activity
2 that they would be able to speak to.

3 MS. ANDREWS: Okay. All right.

4 SPECIAL AGENT (b)(7)(C): The time is now 9:42
5 a.m. This interview is concluded.

6 (Whereupon, the above matter was concluded
7 at 9:42 a.m.)

8

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CERTIFICATE

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

Name of Proceeding: Interview of
Susan Andrews

Docket Number: 1-2012-037

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)
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EXHIBIT 6

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

(3:07 p.m.)

1
2
3 SPECIAL AGENT (b)(7)(C): Today's date is
4 Wednesday, June 13th, 2012. The time is currently
5 3:07 p.m. Pacific Standard Time. For the record this
6 is an interview of (b)(7)(C), who is
7 employed with AWS and working at the Hunters Point
8 Naval Shipyard in San Francisco, California.

9 The location of this interview is the
10 Tetra Tech conference room onsite at Hunters Point in
11 San Francisco, California. I am (b)(7)(C), a
12 Special Agent with the Office of Investigations, U.S.
13 Nuclear Regulatory Commission, Region I Field Office
14 in King of Prussia, Pennsylvania.

15 Also present during this interview is (b)(7)(C)
16 (b)(7)(C), who will also serve as
17 her representative here today in the interview
18 process. We are here to discuss issues related to NRC
19 OI Case Number 1-2012-032 and 1-2012-037.

20 Case Number 032 is regarding (b)(7)(C)
21 a former (b)(7)(C) who is no longer employed, was
22 previously employed with New world Technologies here
23 at Hunters Point. He's no longer onsite here and has
24 raised claims of discrimination for raising safety
25 related concerns.

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1 Case Number 037 has to do with (b)(7)(C)
2 (b)(7)(C) who is no longer employed here as well and has
3 also raised safety related issues. (b)(7)(C) claims
4 of being terminated based upon raising safety related
5 concerns. (b)(7)(C) was also a (b)(7)(C) here.

6 That will be the balance of our discussion
7 here this afternoon. I must first inform you that the
8 NRC strictly prohibits the recording or transmitting
9 of this interview by any parties other than the NRC.
10 Having said that, are you recording or transmitting
11 this interview in any way?

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

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

14 (No response)

15 SPECIAL AGENT (b)(7)(C): Okay. I take that
16 as a no?

17 (b)(7)(C): That's a no.

18 SPECIAL AGENT (b)(7)(C): Okay, thank you. I
19 also want to advise you that under 18 United States
20 Code, Section 1001, it's known as the False Statement
21 Provision. And it essentially says, if you knowingly
22 or willingly make any false, fictitious or fraudulent
23 statements or representations and provide false
24 information, you could be subject to prosecution under
25 18 USC 1001, which that felony is punishable by a

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1 sentence of up to five years confinement and a
2 \$250,000 fine.

3 That's not a threat, that is to say that
4 I'm a Special Agent with the US Government and it's
5 important that what you disclose to me is forthright
6 and truthful, and if we found that to be any different
7 we would have some concerns.

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

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) : I do.

15 SPECIAL AGENT (b)(7)(C) : Thank you. Please
16 state your full name for the record, spell your last
17 name?

18 (b)(7)(C)

19 SPECIAL AGENT (b)(7)(C) : Okay. And you are
20 employed with AWS?

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

22 SPECIAL AGENT (b)(7)(C) : Okay. And that
23 stands for?

24 (b)(7)(C) : It's Aleut World Solutions.

25 SPECIAL AGENT (b)(7)(C) : And what capacity

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are you employed with AWS? What's your position?

(b)(7)(C) I'm a (b)(7)(C)

SPECIAL AGENT (b)(7)(C) Okay. How long have

you been with AWS?

(b)(7)(C) A year and a half with that
company.

SPECIAL AGENT (b)(7)(C) : Where you previously
with New World?

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

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

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

(b)(7)(C) Not (b)(7)(C)

(b)(7)(C) (b)(7)(C) to, okay a (b)(7)(C)

and (b)(7)(C) It was (b)(7)(C)

(b)(7)(C) I think.

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

(b)(7)(C) : I'm just guessing because I
don't have a calendar.

SPECIAL AGENT (b)(7)(C) Okay. When did you
begin your employment in a Nuclear Industry?

(b)(7)(C) : (b)(7)(C) prior to that, I

worked at (b)(7)(C) Of (b)(7)(C) was it (b)(7)(C)

(b)(7)(C) Yes.

(b)(7)(C) So, like (b)(7)(C) or (b)(7)(C)

I'm not sure.

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1 [redacted] I got here in [redacted]
2 I think you started you [redacted] at the lab.

3 [redacted] [redacted]
4 SPECIAL AGENT [redacted]: Okay. [redacted] of

5 [redacted]
6 [redacted] Because you'd only been there
7 for a few weeks before I got there.

8 [redacted] Yes or like a month.

9 [redacted] Yes.

10 [redacted] It wasn't long. It was like
11 a month or so.

12 SPECIAL AGENT [redacted] Okay. Okay, were
13 you trained upon arriving here at Hunters Point, were
14 you trained on how to report safety concerns?

15 [redacted]: Yes.

16 SPECIAL AGENT [redacted]: Okay. Who conducted
17 that training?

18 [redacted]: Well he had safety meetings
19 everyday. It was different people.

20 SPECIAL AGENT [redacted]: Was there a formal,
21 like an orientation or introductory training?

22 [redacted]: There was and I don't
23 remember. We came in and they had classes and you had
24 to read books.

25 SPECIAL AGENT [redacted]: Was Tetra Tech

1 responsible for that?

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

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

4 (b)(7)(C) : Like your work plans and all
5 that, yes.

6 (b)(7)(C) : (b)(7)(C).
7 : Was it (b)(7)(C) at that
8 time?

9 (b)(7)(C) : (b)(7)(C).
10 : Yes, (b)(7)(C) was here.

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

12 (b)(7)(C) : Now I know that is so funny.
13 : He's not here anymore.
14 : Yes but that was so --

15 SPECIAL AGENT YOUNG: And now there's

16 (b)(7)(C)
17 (b)(7)(C) Yes exactly.

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

19 (b)(7)(C) There you go.

20 (b)(7)(C) That was so long, you know
21 (b)(7)(C) I'm like, that type of memory.

22 (b)(7)(C) Yes now we're saying who has
23 the better memory now.

24 (b)(7)(C) Yes, how about it. Because
25 I was like who was the safety guard.

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1 SPECIAL AGENT (b)(7)(C): And do you have to
2 annually re-certify on those training's? Particularly
3 as it relates to how you are to handle safety
4 concerns?

5 (b)(7)(C): Well you do your HAZWOPER
6 every year.

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

8 (b)(7)(C): You have to have a 40 hour
9 HAZWOPER to be here and then you do your eight hour
10 refresher.

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

12 (b)(7)(C): Every year.

13 SPECIAL AGENT (b)(7)(C): And did the training
14 identify to you what safety related concerns were?
15 Like what's a safety related issue? Did it dilute it
16 all the way down to that common thread of what even a
17 safety issue is?

18 (b)(7)(C): Yes, and we were taught how
19 to use a fire extinguisher at one time. Like how to
20 actually sweep. So I would say, yes we were.

21 (Off the record comments)

22 SPECIAL AGENT (b)(7)(C): Okay, and what are
23 your duties and responsibilities as a (b)(7)(C)

24 (b)(7)(C): It's quite a few, you can do
25 anything. We can do surveys, we can do release of

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1 equipment, be at a control point, remediations, load
2 bins, escort people.

3 SPECIAL AGENT (b)(7)(C): Now do you actively
4 do all those things or do you have any one job? One
5 of those responsibilities that your more so in line to
6 do or assign to do?

7 (b)(7)(C): Also sampling. No, I do
8 everything. We do a little bit of everything.

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

10 (b)(7)(C): I'm not assigned to one place
11 at all times, no.

12 SPECIAL AGENT (b)(7)(C): Okay. Who do you
13 report to?

14 (b)(7)(C) I report to, (b)(7)(C) runs our
15 yard, (b)(7)(C) s our (inaudible). He --

16 SPECIAL AGENT (b)(7)(C) (b)(7)(C)
17 (b)(7)(C) (b)(7)(C) is, (b)(7)(C) she
18 runs the, she's the (b)(7)(C) of like (inaudible),
19 the yards where we lay down our soil and stuff.

20 (Off the record comments)

21 SPECIAL AGENT (b)(7)(C): Okay. Did you have
22 anyone reporting to you?

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

24 SPECIAL AGENT (b)(7)(C): Okay what would you
25 say is the safety culture is here at Hunters Point?

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1 (b)(7)(C) : Pretty safe, knock on wood.
2 We've had a lot of days, I think we're like in the
3 1,400 safety days. Is that what you're talking about?

4 SPECIAL AGENT (b)(7)(C) : So pretty good?

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

6 SPECIAL AGENT (b)(7)(C) : Does Tetra Tech
7 promote a safety conscious work environment?

8 (b)(7)(C) : Yes. We get safety awards
9 even.

10 SPECIAL AGENT (b)(7)(C) : Is it acceptable
11 here to report safety concerns to management? Is it
12 welcome and is it encouraged?

13 (b)(7)(C) : Yes. We have ZIP slips.

14 SPECIAL AGENT (b)(7)(C) : Okay. And we're
15 going to talk about those.

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

17 SPECIAL AGENT (b)(7)(C) : So other than ZIP
18 slips is there any other mechanism that you can report
19 a safety concern? Is there a way you can log into the
20 computer system and generate?

21 In the Nuclear Plant where they call them
22 condition reports, some call them discrepancy reports.
23 Can you log on and put something in the computer
24 system or is the writing of a ZIP slip the only way to
25 report it?

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1 (b)(7)(C) : Well other then verbally, the
2 ZIP slip is what we use here.

3 SPECIAL AGENT (b)(7)(C) Okay. So verbal,
4 ZIP slips.

5 (b)(7)(C) : I have access to a computer,
6 if I had to do, that I could do that.

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

8 (b)(7)(C) : I just never had.

9 SPECIAL AGENT (b)(7)(C) : Can this be done
10 anonymously, with the ZIP slips?

11 (b)(7)(C) : Yes. But they get awards
12 here, so. Everybody likes stuff.

13 SPECIAL AGENT (b)(7)(C) : What do they give
14 awards for?

15 (b)(7)(C) : Like if you, well not awards,
16 they'll do a drawing. Say you have 15 people turning
17 in a ZIP slip. They'll have like a drawing, they'll
18 hold a hat and then give a \$10.00 coffee at Starbucks
19 gift card. So they encourage you to do that.

20 SPECIAL AGENT (b)(7)(C) : Okay. Are you aware
21 of (b)(7)(C) ever raising safety concerns to
22 management?

23 (b)(7)(C) : Not personally, no.

24 SPECIAL AGENT (b)(7)(C) Did (b)(7)(C) ever
25 directly tell you that he reported safety concerns to

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1 management?

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

3 SPECIAL AGENT (b)(7)(C) : Did he ever raise
4 them to, raise safety concerns to management in your
5 presence?

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

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

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

11 SPECIAL AGENT (b)(7)(C) : Okay, lets, I'm
12 going to throw some things out here regarding the
13 nature of his concerns, and I want to see if it
14 resonates with you, maybe it's something you heard
15 before or you're aware of it.

16 Any knowledge or recollection of (b)(7)(C)

17 (b)(7)(C) being onsite in what appeared to be an
18 (b)(7)(C) you could (b)(7)(C) on her?

19 (b)(7)(C) : No, I don't work with her so
20 I have no idea. I'd say no though.

21 SPECIAL AGENT (b)(7)(C) : Okay. Do you ever
22 recall (b)(7)(C) bringing (b)(7)(C) onsite and

23 (b)(7)(C) not having a visitors badge or a TLD, and
24 even an issue of her allegation that they had food
25 with them in the RCA?

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(b)(7)(C)

No.

SPECIAL AGENT

(b)(7)(C)

Okay.

(b)(7)(C)

That be no.

SPECIAL AGENT

(b)(7)(C)

No, so, to any of

those? You don't recall her bringing

(b)(7)(C)

onsite?

(b)(7)(C)

She's had

(b)(7)(C)

here

yes.

SPECIAL AGENT

(b)(7)(C)

Okay.

(b)(7)(C)

But she did not have her in

the RCA with any food, no.

SPECIAL AGENT

(b)(7)(C)

Okay. Now if she

had her onsite, could she have her onsite behind, I

guess the RCA zone in a vehicle? Have you ever

observed that, that she was in the car with

(b)(7)(C)

(b)(7)(C)

She was onsite, not sure if

she came in the area but she was being, potentially

going to be employed here in the lab. And she did

have permission to bring her around to show her where

we worked and stuff.

SPECIAL AGENT

(b)(7)(C)

Okay. Do you recall

when that was, when she had onsite?

(b)(7)(C)

I don't remember the exact

dates, no.

SPECIAL AGENT

(b)(7)(C)

Okay. And do you

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1 recall by whom she received the permission to have her
2 on?

3 (b)(7)(C) : I think (b)(7)(C)

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

5 (b)(7)(C)

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

7 SPECIAL AGENT (b)(7)(C) ?

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

9 SPECIAL AGENT (b)(7)(C) Okay, so you were
10 completely unaware of (b)(7)(C) having raised any safety
11 issues?

12 (b)(7)(C) Correct.

13 SPECIAL AGENT (b)(7)(C) Of the, particularly
14 of the two issues we just discussed with regarding to
15 (b)(7)(C) having (b)(7)(C) onsite and what might be
16 construed in an inappropriate fashion and that of (b)(7)(C)
17 (b)(7)(C) being onsite with the (b)(7)(C) on her?

18 You're aware of none of those?

19 (b)(7)(C) That he made complaints, no.

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

21 (b)(7)(C) No.

22 SPECIAL AGENT (b)(7)(C) When (b)(7)(C) was
23 laid off, did management say why he was laid off?

24 (b)(7)(C) No.

25 SPECIAL AGENT (b)(7)(C) Did you ever hear

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1 anything, why?

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

3 SPECIAL AGENT (b)(7)(C) Were you ever
4 interviewed by members of management regarding any
5 issues (b)(7)(C) may have raised?

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

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

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

11 SPECIAL AGENT (b)(7)(C) : When did you begin
12 working with (b)(7)(C) ?

13 (b)(7)(C) : When he, I'm not sure when he
14 was hired but he was put right, he went from (b)(7)(C)
15 (b)(7)(C) to the (b)(7)(C) and that's where I do a lot of
16 sampling, so.

17 SPECIAL AGENT (b)(7)(C) : Okay, so?

18 (b)(7)(C) : I would say maybe, I don't
19 even have dates, I couldn't tell you.

20 SPECIAL AGENT (b)(7)(C) : In what year maybe,
21 around about?

22 (b)(7)(C) : Last year.

23 SPECIAL AGENT (b)(7)(C) : 2011?

24 (b)(7)(C) : I would say he worked with
25 New World with us because he did a transition with us,

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1 so the maybe last two years.

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

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

4 SPECIAL AGENT (b)(7)(C) 2010?

5 (b)(7)(C) Yes.

6 (b)(7)(C) He got here in (b)(7)(C)

7 SPECIAL AGENT (b)(7)(C) He was here in (b)(7)(C)

8 (b)(7)(C) : He was here when I got here,

9 in (b)(7)(C)

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

11 (b)(7)(C) : But I didn't work with him
12 then.

13 (b)(7)(C) : No you weren't here then.

14 SPECIAL AGENT (b)(7)(C) Okay. And then he
15 came back?

16 (b)(7)(C) Yes, he left and came back.

17 SPECIAL AGENT (b)(7)(C) : Okay. What type of
18 employee would you describe him as?

19 (b)(7)(C) Quiet. He would instruct
20 himself. I mean, he was friendly, courtesy you know.

21 SPECIAL AGENT (b)(7)(C) What about his
22 competency as a (b)(7)(C) ?

23 (b)(7)(C) : He knew his job.

24 SPECIAL AGENT (b)(7)(C) Are you aware of any

25 (b)(7)(C) derogatory comments openly made to (b)(7)(C) or

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1 about him, in the presence of other employees by
2 members of management?

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

4 SPECIAL AGENT (b)(7)(C) : Okay. Were the
5 issues that I mentioned to you that (b)(7)(C)
6 raised, are those issues crossed referenced as a
7 violation somewhere in the policy and procedure?
8 Would both those things be, if they were true, be
9 legitimate violations somewhere?

10 (b)(7)(C) Oh yes. That's
11 discrimination.

12 SPECIAL AGENT (b)(7)(C) Well just the, but
13 the safety concerns that he had regarding (b)(7)(C) having
14 (b)(7)(C) onsite, if she was onsite without the
15 appropriate credentials and so forth and the
16 allegation that (b)(7)(C) had been drinking while at
17 work? Are those both, those things that occurred, are
18 those both violations?

19 (b)(7)(C) Yes.

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

21 (b)(7)(C) Well I don't know about the,
22 (b)(7)(C) being onsite.

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

24 (b)(7)(C) No, she was going to be an
25 employee here and was signed off on our RWP.

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

2 (b)(7)(C): She's allowed to do, to go
3 into the areas. And she was signed on the RWP.

4 SPECIAL AGENT (b)(7)(C): Now what is this
5 about, I've heard today that a visitor doesn't even
6 necessarily need a visitors badge or a TOD if they're
7 fully escorted?

8 (b)(7)(C): That's correct.

9 SPECIAL AGENT (b)(7)(C) Okay. So there are
10 situations where vendors and contractors come onsite
11 and they don't have a visitor badge or TOD, but
12 they're 100 percent escorted by someone that does?

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

14 SPECIAL AGENT (b)(7)(C): So it's an
15 acceptable practice?

16 (b)(7)(C) Yes, they're not allowed in
17 there without a badge at all or being escorted with
18 somebody with a badge. That's correct.

19 SPECIAL AGENT (b)(7)(C) Okay. Do you have
20 any firsthand knowledge that the personal action
21 levied against (b)(7)(C) was based on, I guess will
22 be considered whistle blowing activity?

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

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

1 form of progressive discipline? Had he been written up
2 first or had he been having other problems that,
3 before the laid off occurred?

4 (b)(7)(C) Not that I know of.

5 SPECIAL AGENT (b)(7)(C) We're going to take
6 a brief recess.

7 (b)(7)(C) Okay.

8 SPECIAL AGENT (b)(7)(C) And the time is now
9 3:30 p.m., before we, returning to the record to
10 address similar concerns with respect to (b)(7)(C)

11 (Whereupon, the interview went off the
12 record at 3:30 p.m. and went back on the record at
13 3:35 p.m.)

14 SPECIAL AGENT (b)(7)(C) We are returning to
15 the record at 3:35 p.m. Pacific Standard Time. We're
16 going to move now to discussing (b)(7)(C) as I
17 previously stated. How did you become aware or are
18 you aware of (b)(7)(C) ever raising safety concerns
19 to management?

20 (b)(7)(C) I'm not aware of that.

21 SPECIAL AGENT (b)(7)(C) Okay. Did (b)(7)(C) ever
22 directly identify to you that he reported safety
23 concerns to management?

24 (b)(7)(C) No.

25 SPECIAL AGENT (b)(7)(C) Assuming he never

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1 raised any then to management in your presence?

2 (b)(7)(C): No, not to me. Not with me
3 present.

4 SPECIAL AGENT (b)(7)(C) Did he ever kind of,
5 did he raise the issues to you or complain about
6 certain safety things going on to you, during your
7 time working with him?

8 (b)(7)(C) No.
9 SPECIAL AGENT (b)(7)(C) Okay. (b)(7)(C) has
10 identified similar incidents with (b)(7)(C) as the,
11 as his safety concern relative to her having (b)(7)(C)
12 (b)(7)(C) onsite and not serving, not utilizing
13 appropriate procedures in that regard as did (b)(7)(C)

14 (b)(7)(C)
15 (b)(7)(C): When (b)(7)(C) had (b)(7)(C)
16 onsite, it was just a couple of months ago, (b)(7)(C)
17 wasn't here.

18 SPECIAL AGENT (b)(7)(C) Okay.
19 (b)(7)(C) So that's a lie right there,
20 so that's not true.

21 SPECIAL AGENT (b)(7)(C) Wow. Let me get
22 back to a couple other things. More so identified was
23 that she had, that she instructed laborers who were
24 untrained to conduct smears and surveys. That's the
25 larger issue relative to (b)(7)(C) per (b)(7)(C). Are

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1 you aware of that ever happening?

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

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

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

7 SPECIAL AGENT (b)(7)(C) Was (b)(7)(C) fired,
8 laid off? Do you recall what is --

9 (b)(7)(C) I don't know what happened
10 with (b)(7)(C) I just heard he was no longer with us.

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

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

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

17 (b)(7)(C) : I want to say like maybe (b)(7)(C)
18 (b)(7)(C) after I got here, he was put where we were
19 working.

20 SPECIAL AGENT (b)(7)(C) Okay, so that was
21 (b)(7)(C)

22 (b)(7)(C) Yes.

23 SPECIAL AGENT (b)(7)(C) Would have been
24 (b)(7)(C) or so?

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

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1 SPECIAL AGENT (b)(7)(C) What type of
2 employee would you describe him as?

3 (b)(7)(C) You don't want to know what,
4 well (b)(7)(C) a lot you know. So I don't
5 know what type of employee you would call that.

6 SPECIAL AGENT (b)(7)(C) When you say (b)(7)(C)
7 (b)(7)(C) was he at a fixed post, like out somewhere
8 and then he only got, he only had stuff to do when
9 trucks or when people come in they need to be
10 surveyed?

11 (b)(7)(C) He'd be in the area sitting
12 on a bale of hay and just, you'd see him go like this.
13 So I mean, yes, I guess he was supposed to be doing
14 something. What his job was exactly because I'd be at
15 the gate at that time.

16 SPECIAL AGENT (b)(7)(C) Okay. He was a
17 (b)(7)(C) as well, correct?

18 (b)(7)(C) At that time I was a (b)(7)(C)
19 yes.

20 SPECIAL AGENT (b)(7)(C) Okay. But he was a
21 (b)(7)(C)

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

23 SPECIAL AGENT (b)(7)(C) Okay.
24 (b)(7)(C) I think he's been a (b)(7)(C)
25 ever since I've known he's always been a (b)(7)(C)

1 [REDACTED] : Yes, he goes back. He's got
2 [REDACTED]
3 [REDACTED] Yes. So I --
4 [REDACTED] : He's got the time to be a
5 [REDACTED]
6 [REDACTED] Yes.
7 SPECIAL AGENT [REDACTED] Would you say he was
8 competent as a [REDACTED]
9 [REDACTED] If I had to ask for a
10 [REDACTED] advice I wouldn't go to him, no.
11 SPECIAL AGENT [REDACTED] Okay. In terms of,
12 how much do you know about [REDACTED] raising a concern
13 that [REDACTED] him, and that
14 leading to maybe other potential areas of concern with
15 management? Are you aware of any of this?
16 [REDACTED] : I'm aware of, one day I'm at
17 the Conex, [REDACTED] walked into the area.
18 SPECIAL AGENT [REDACTED] Okay.
19 [REDACTED] I stood right there, she
20 walked out.
21 SPECIAL AGENT [REDACTED] Okay.
22 [REDACTED] : And he said that she [REDACTED]
23 [REDACTED] him. I said oh [REDACTED] are you kidding me. And
24 I walked away from him. She did not [REDACTED] him, she
25 did not go near him.

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1 SPECIAL AGENT (b)(7)(C): Did he report that
2 to management?

3 (b)(7)(C): I don't know if he did,
4 because I laughed in his face. They were, it was
5 like, here's (b)(7)(C) coming, (b)(7)(C) went that way.
6 He stayed as far away from her as he can. So I don't
7 even know where that came into play, but.

8 SPECIAL AGENT (b)(7)(C) Do you know if that,
9 did it ever offer the appearance that management may
10 have taken that seriously or that he was being treated
11 unfairly as a result of even making those statements
12 that she (b)(7)(C) him?

13 (b)(7)(C) He was never treated
14 unfairly.

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

16 (b)(7)(C) I will say that and if he did
17 make a complaint I'm sure they investigated it.
18 Because management does not take anything lightly
19 here.

20 (Off the record comments)

21 SPECIAL AGENT (b)(7)(C) Do you have any
22 firsthand knowledge that the personal action levied
23 against (b)(7)(C) had anything to do with
24 whistleblowing activity or him raising issues?

25 (b)(7)(C) No.

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1 SPECIAL AGENT (b)(7)(C) When did he leave,
2 was it (b)(7)(C)

3 (b)(7)(C) Now I got to think, that was
4 last year? Because when (b)(7)(C) came, well (b)(7)(C) was
5 here already. I would say (b)(7)(C) yes.

6 SPECIAL AGENT (b)(7)(C) So you worked with
7 him about (b)(7)(C)

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

9 SPECIAL AGENT (b)(7)(C) Are you aware if he
10 was ever subject to any progressive discipline? Was
11 he ever written up, was ever, I understand that he had
12 some, he was making some statements or that he may
13 have been let go based upon some issues he was having
14 with (b)(7)(C) and statements he was making? Are you
15 aware of those items having occurred?

16 (b)(7)(C) No.

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

18 (b)(7)(C) I'm not aware of that.

19 SPECIAL AGENT (b)(7)(C) Okay. Had you
20 yourself ever raise any safety related concerns?

21 (b)(7)(C) Yes.

22 SPECIAL AGENT (b)(7)(C) Okay. And how were
23 they responded to?

24 (b)(7)(C) They were taking care of.

25 SPECIAL AGENT (b)(7)(C) What were the issues

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1 and do you recall when you brought them up?

2 (b)(7)(C): I just had on. I got a
3 (b)(7)(C) and the windshield was total scratched, you
4 couldn't see out of it. And they replaced it.

5 SPECIAL AGENT (b)(7)(C): Okay. No brush back
6 or retaliation anything of that nature?

7 (b)(7)(C): Well my name went in for that
8 drawing, for the McDonald's card.

9 SPECIAL AGENT (b)(7)(C): Okay. So you filled
10 out a ZIP slip?

11 (b)(7)(C): Yes. Yes I did.

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

13 (b)(7)(C) And I also came and got (b)(7)(C)
14 well it was (b)(7)(C) really and (b)(7)(C) came and I said,
15 can you come look at this. And they saw what was
16 going on, so not just mine was replaced I think they
17 replaced two so far.

18 SPECIAL AGENT (b)(7)(C): Okay. How much do
19 you know about assertions or information being put out
20 there that (b)(7)(C) had a fraudulent resume when she
21 came on the job?

22 (b)(7)(C): I don't know anything about
23 it.

24 SPECIAL AGENT (b)(7)(C) You don't know
25 anything about that?

1 (b)(7)(C) : No, just anything personally
2 about her prior history work and I know nothing about.

3 SPECIAL AGENT (b)(7)(C) Okay. A couple of
4 closing comments. Have I threatened you in any manner
5 in exchange for your testimony?

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

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

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

10 SPECIAL AGENT (b)(7)(C) Has it been given
11 freely and voluntarily?

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

13 SPECIAL AGENT (b)(7)(C) Is there anything
14 else that you'd like to add at this time?

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

16 SPECIAL AGENT (b)(7)(C) And are you aware of
17 any other employees that related, that may have raised
18 safety concerns and had some adverse impact from
19 management as a result?

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

21 SPECIAL AGENT (b)(7)(C) The time is now 3:46
22 p.m. Pacific Standard Time. This interview is
23 concluded.

24 (Whereupon, the interview in the above-
25 mentioned matter was concluded at 3:46 p.m.)

NEAL R. GROSS

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1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

CERTIFICATE

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

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 1-2012-019/037

Location: San Francisco, California

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

(b)(7)(C)

Official Transcriber
Neal R. Gross & Co., Inc.

NEAL R. GROSS

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

(202) 234-4433

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EXHIBIT 7

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : OI Case Nos.

(b)(7)(C)
[Redacted]

: 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)
[Redacted]

EXHIBIT 7

PAGE 1 OF 33 PAGE(S)

1 2012 037

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EXHIBIT 8

EXHIBIT 9

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.
Fisher & Phillips
San Francisco, California 94111
Telephone: 415-490-9011

NEAL R. GROSS

(202) 234-4433

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

EXHIBIT 9
PAGE 1 OF 2 PAGE(S)

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EXHIBIT 10

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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INTERVIEW OF : Case Nos. 1-2012-019
[Redacted] : 1-2012-032
-----x 1-2012-037

Friday, January 25, 2013

Fisher & Phillips, LLP
One Embarcadero Center, Suite 2040
San Francisco, California 94111

BEFORE:

[Redacted] 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.
Fisher & Phillips
San Francisco, California 94111
Telephone: 415-490-9011

EXHIBIT 10

PAGE 1 OF 43 PAGE(S)

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1-2012-037

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EXHIBIT 11



DEPARTMENT OF THE NAVY
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.

Non Responsive

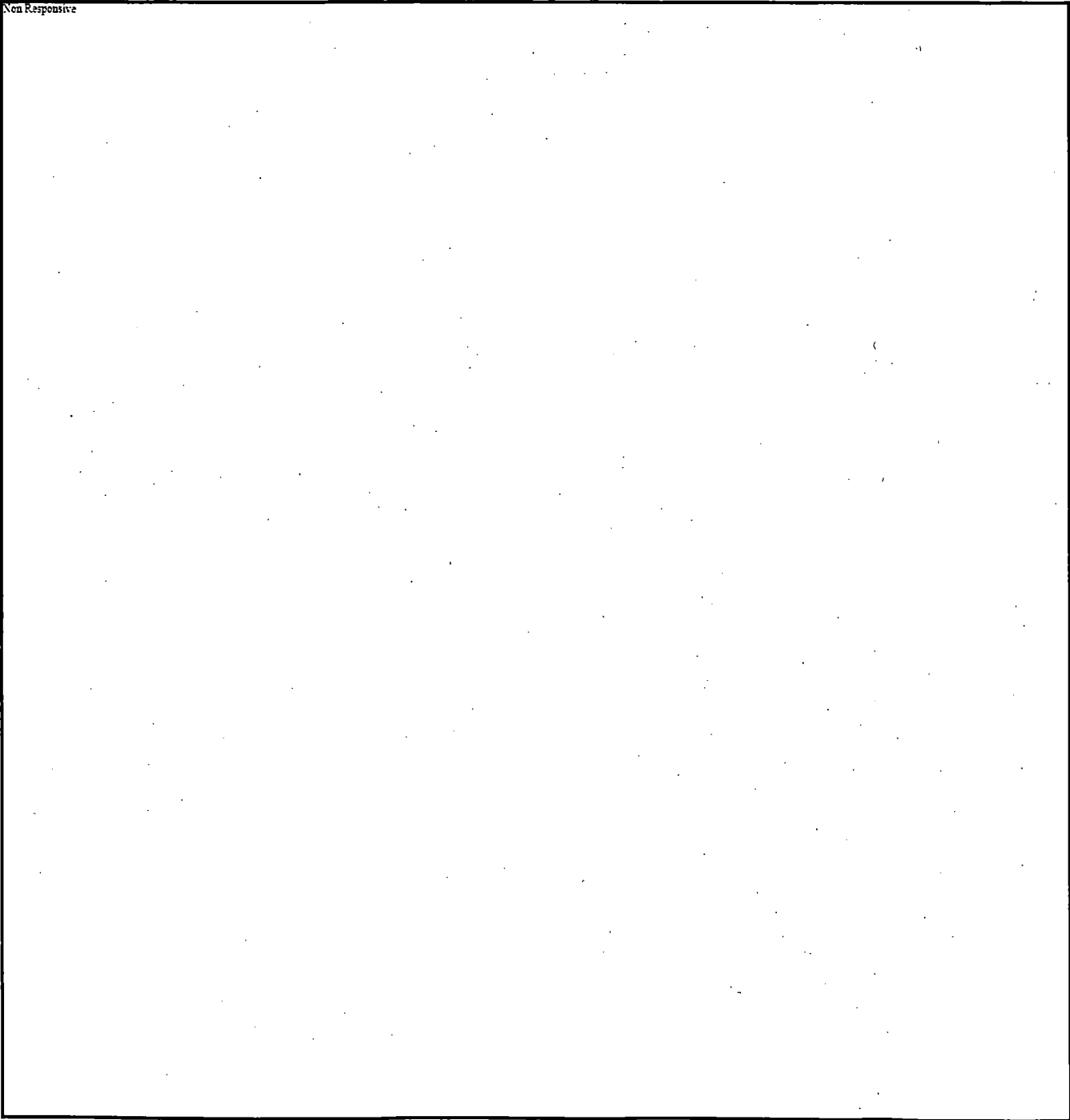
1020123037

EXHIBIT 11
PAGE 1 OF 22 PAGE(S)

EXHIBIT 12

Record of Negotiations.

Non Responsive



1480124037

EXHIBIT 13

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

J

PAGE OF PAGES

1 | 31

Non Responsive

EXCEPTION TO SF 30
APPROVED BY OIRM 11-84

30-105-04

STANDARD FORM 30 (Rev. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

EXHIBIT 13

PAGE 1 OF 64 PAGE(S)

1 780 123 037

EXHIBIT 14

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :
INTERVIEW OF : OI Case Nos.
(b)(7)(C) : 1-2012-019,
(CLOSED) : 1-2012-037

-----X

Wednesday, June 13, 2012

Tetra Tech Conference Room
Hunters Point Naval Shipyard
200 Fisher Avenue
San Francisco, CA 94124

The above-entitled interview was conducted
at 2:10 p.m.

BEFORE:

Special Agent

(b)(7)(C)

EXHIBIT 14
PAGE 1 OF 39 PAGE(S)

2012087

EXHIBIT 15

EXHIBIT 16

INVESTIGATION STATUS RECORD

Facility: NEW WORLD ENVIRONMENTAL, INC. Case Agent: (b)(7)(C)
 Case Number: 1-2012-032 Date Opened: 03/23/2012

Docket Number(s): 03036174 ECD:
 Case Code: Materials/Other Priority: High
 Primary Alleg Source: (A) Alleger Status: Case is closed
 Allegation Number(s): RI-2011-A-0138
 Subject/Allegation: DISCRIMINATION AGAINST A HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS

Monthly Status Report:

03/23/2012 On December 6, 2011, (b)(7)(C), a contract (b)(7)(C) employed by New World Environmental, working as a subcontractor for Tetra Tech at the Hunter's Point/Navy BRAC decommissioning and/or remediation site contacted NRC Region IV's Rick MUNOZ to report a discrimination concern. (b)(7)(C) claims that after raising safety concerns to his supervisor (b)(7)(C) regarding the qualifications of individuals performing remediation/decommissioning work and the conduct of such work, he was terminated by Tetra Tech (b)(7)(C) in late summer or early fall 2010.

These concerns were discussed during a December 21, 2012, NRC:RI Allegation Review Board (ARB). The ARB, to include Regional Counsel, determined that (b)(7)(C) had articulated a prima facie showing 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. Only after repeated contact from the NRC staff did (b)(7)(C) advise OI that he declined ADR in favor of an OI investigation.

Potential violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on or about September 1, 2015. Status: FWP ECD (90 days): 06/2012.

03/31/2012 During this reporting period, reporting agent contacted (b)(7)(C) who indicated his interest in being interviewed during the reporting agent's next trip to the San Francisco Bay area. This investigation continues pending further investigative activities in this matter, to include the allegor interview. Status: FWP ECD: 06/2012

04/30/2012 During this reporting period, reporting agent maintained contact with allegor (b)(7)(C) and an interview will be scheduled with (b)(7)(C) for the week of May 21, 2012-May 25, 2012, which will be the reporting agent's next trip to the Northern California region. In an effort to maintain a higher degree of efficiency, reporting agent is conducting investigative activities on multiple cases originated at Hunters Point Naval Shipyard during each travel period to the west coast. Status: FWP ECD: 06/2012

05/31/2012 During this reporting period Concerned Individual (CI) (b)(7)(C) was interviewed in Scottsdale, AZ on May 31, 2012. (b)(7)(C) provided additional details with respect to his discrimination claim as well as the names of potential witnesses. This investigation continues further investigative efforts. Status: FWP ECD (90 days): 06/2012.

06/30/2012 During this reporting period, OI:RI received CI transcript from May 31, 2012 interview with (b)(7)(C). Transcript has been forwarded to RI Staff personnel for technical review and is scheduled to be reviewed by the reporting agent in the very near future. During his interview with the reporting agent, (b)(7)(C) provided a small list of potential witnesses. A predomination of the witnesses identified by (b)(7)(C) were interviewed during the week of June 12-16, 2012, in the San Francisco, CA bay area. This investigation continues pending additional field work in this matter. Status: FWP ECD: 09/2012.

07/31/2012 During this reporting period, there has been minimal field work completed due to other investigative priorities. Additionally, this investigation has been transferred to Special Agent (b)(7)(C). Status: FWP ECD: 09/2012.

INVESTIGATION STATUS RECORD

Facility: NEW WORLD ENVIRONMENTAL, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-032 Date Opened: 03/23/2012

03/19/2013 JANUARY ENTRY 2013:

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. Status: FWP ECD: 02/2013.

03/28/2013 Since last reporting period, all active work has been completed. Investigation is currently being prepared for SAIC review. Due to working on other priority investigations, 1-2012-041 and 1-2012-057, the ECD has to be changed to April 30, 2013. Status: FWP ECD: 4/30/2013.

04/19/2013 Case was closed (unsubstantiated) and issued on April 19, 2013.

Completion Date:	Total Staff Hours:	116.5
Issue Date:	Months Open:	13.1
DOJ Action(s):	DOJ Referral Date:	
OI Violation(s):	Statue of Limitations Date:	09/01/2015

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

Case #: 1-702-032

AGENT: (b)(7)(C) Initials: (b)(7)(C) Date: _____

IA: [Signature] Initials: _____ Date: _____

AGENT RESPONSIBILITY:

OPEN CASE:

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

CLOSED CASE:

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

IA RESPONSIBILITY:

OPEN CASE:

- ARB Meeting Sheets
- Opening ISR
- Checklist

CLOSED CASE:

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

INVESTIGATION STATUS RECORD

Facility: NEW WORLD ENVIRONMENTAL, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-032 Date Opened: 03/23/2012
Docket Number(s): 03036174 ECD:
Priority: High
Case Code: Materials/Other Status: Case is closed
Primary Alleg Source: (A) Allegor
Allegation Number(s): RI-2011-A-0138
Subject/Allegation: DISCRIMINATION AGAINST A HEALTH PHYSICIST FOR HAVING RAISED SAFETY CONCERNS

Monthly Status Report:

03/23/2012 On December 6, 2011, (b)(7)(C) a contract (b)(7)(C) employed by New World Environmental, working as a subcontractor for Tetra Tech at the Hunter's Point/Navy BRAC decommissioning and/or remediation site contacted NRC Region IV's Rick MUNOZ to report a discrimination concern. (b)(7)(C) claims that after raising safety concerns to his supervisor (b)(7)(C) regarding the qualifications of individuals performing remediation/decommissioning work and the conduct of such work, he was terminated by Tetra Tech (b)(7)(C) in late summer or early fall 2010.

These concerns were discussed during a December 21, 2012, NRC:RI Allegation Review Board (ARB). The ARB, to include Regional Counsel, determined that (b)(7)(C) had articulated a prima facie showing 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. Only after repeated contact from the NRC staff did (b)(7)(C) advise OI that he declined ADR in favor of an OI investigation.

Potential violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on or about September 1, 2015. Status: FWP ECD (90 days): 06/2012.

03/31/2012 During this reporting period, reporting agent contacted (b)(7)(C) who indicated his interest in being interviewed during the reporting agent's next trip to the San Francisco Bay area. This investigation continues pending further investigative activities in this matter, to include the allegor interview. Status: FWP ECD: 06/2012

04/30/2012 During this reporting period, reporting agent maintained contact with allegor (b)(7)(C) and an interview will be scheduled with (b)(7)(C) for the week of May 21, 2012-May 25, 2012, which will be the reporting agent's next trip to the Northern California region. In an effort to maintain a higher degree of efficiency, reporting agent is conducting investigative activities on multiple cases originated at Hunters Point Naval Shipyard during each travel period to the west coast. Status: FWP ECD: 06/2012

05/31/2012 During this reporting period Concerned Individual (CI) (b)(7)(C) was interviewed in Scottsdale, AZ on May 31, 2012. (b)(7)(C) provided additional details with respect to his discrimination claim as well as the names of potential witnesses. This investigation continues further investigative efforts. Status: FWP ECD (90 days): 06/2012.

06/30/2012 During this reporting period, OI:RI received CI transcript from May 31, 2012 interview with (b)(7)(C). Transcript has been forwarded to RI Staff personnel for technical review and is scheduled to be reviewed by the reporting agent in the very near future. During his interview with the reporting agent, (b)(7)(C) provided a small list of potential witnesses. A predomination of the witnesses identified by (b)(7)(C) were interviewed during the week of June 12-16, 2012, in the San Francisco, CA bay area. This investigation continues pending additional field work in this matter. Status: FWP ECD: 09/2012.

07/31/2012 During this reporting period, there has been minimal field work completed due to other investigative priorities. Additionally, this investigation has been transferred to Special Agent (b)(7)(C) Status: FWP ECD: 09/2012.

INVESTIGATION STATUS RECORD

Facility: NEW WORLD ENVIRONMENTAL, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-032 Date Opened: 03/23/2012

- 08/31/2012 Since last reporting period, reporting agent received case transferred from OI:RI SA (b)(7)(C) who resigned from NRC to take a position with another federal agency. The investigation will continue pending review of case documentation to determine witness interview schedule. Status: FWP ECD: 09/2012.
- 09/30/2012 Due to efforts expended on high priority, time sensitive and emergent investigations in Region I, the planned field work in California did not occur. Since last reporting period, documentation continues to be reviewed on this case and two other cases (1-2012-019 and 1-2012-037) that are interrelated. It is anticipated that one trip will be made to the San Francisco, CA, area to complete all three cases. To allow for the completion of field work, the drafting, review and approval of the report of investigation the ECD is being extended to December 2012. Status: FWP ECD: 12/2012.
- 10/31/2012 Since last reporting period no additional work has been completed on this report. Reporting agent is in the process of identifying witnesses for this case as well as 1-2012-019 and 1-2012-037 in order to make one trip to conduct all interviews at one time. It is anticipated that a trip to San Francisco, CA, will be made in the near future. Status: FWP ECD: 12/2012.
- 11/30/2012 Since last reporting period, the allegor's transcript continues to be reviewed to determine possible witnesses and efforts are ongoing to schedule witness interviews in the San Francisco, CA, area. It is anticipated that witness interviews will take place in January 2013 and that all of the witness interviews for this investigation, as well as 1-2012-019 and 1-2012-037, will take place during this anticipated trip. Status: FWP ECD: 12/2012.
- 02/19/2013

DECEMBER ENTRY:

Since last reporting period, approximately (5) 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. In order to maximize efficiency and since there were higher priority cases (1-2012-022 and 1-2012-045) the ECD needs to be changed to February 2013. Status: FWP ECD: 02/2013.

- 03/01/2013 Since last reporting period, on February 25, 2013, (b)(7)(C) New World Environmental Inc, (NWE) Livermore, CA, was provided with a request to provide OI with an investigation that NWE conducted pertaining to (b)(7)(C) appropriate conduct while working at Hunters Point Naval Shipyard, Hunters Point, CA. (b)(7)(C) confirmed receipt of the request and advised that he would provide the requested document in the near future. Investigation is pending receipt of the document from NWE and preparation of written report for SAIC review. To allow for receipt and review of the licensee investigative report and the completion of the OI Report of Investigation, the ECD is being extended to March 31, 2013. Status: FWP ECD: 3/31/2013.

INVESTIGATION STATUS RECORD

Facility: NEW WORLD ENVIRONMENTAL, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-032 Date Opened: 03/23/2012

03/19/2013 JANUARY ENTRY 2013:

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. Status: FWP ECD: 02/2013.

03/28/2013 Since last reporting period, all active work has been completed. Investigation is currently being prepared for SAIC review. Due to working on other priority investigations, 1-2012-041 and 1-2012-057, the ECD has to be changed to April 30, 2013. Status: FWP ECD: 4/30/2013.

04/19/2013 Case was closed (unsubstantiated) and issued on April 19, 2013.

Completion Date:	04/19/2013	Total Staff Hours:	120.5
Issue Date:	04/19/2013	Months Open:	13.1
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):		Statue of Limitations Date:	09/01/2015

CASE CHRONOLOGY

Facility: NEW WORLD ENVIRONMENTAL, INC. Case Agent: (b)(7)(C)
Case Number: 1-2012-032 Date Opened: 03/23/2012

- Date Activity**
- 04/30/2012 fod reviewed, \. case agent needs to beging chron entries.
 - 06/06/2012 On May 31, 2012 reporting agent interviewed Concerned Individual (CI) (b)(7)(C) in Scottsdale, AZ. This investigation continues pending additional investigative efforts.
 - 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 On or about June 26, 2012, reporting agent received (b)(7)(C) interview transcript. (b)(7)(C) transcript and a subsequent memo were forwarded to the RI staff for appropriate technical review, where necessary. Additionally, five witnesses were interviewed during the week of June 12, 2012, in San Francisco, CA. The interviewed witnesses include: Bert BOWERS, (b)(7)(C) (b)(7)(C). Additional witnesses unfortunately postponed interviews at the last minute due to extenuating circumstances. This investigation continues pending additional field work in this matter.
 - 06/29/2012 fod reviewed
 - 08/10/2012 Received case from SA (b)(7)(C) due to (b)(7)(C) job change.
 - 09/11/2012 SAIC reviewed case chronos. Case transferred to SA Ferich
 - 10/18/2012 fod reviewed case chronos and did case review with SA
 - 11/15/2012 Left messages with several potential witnesses in order to schedule an interview.
 - 11/21/2012 (b)(7)(C) and (b)(7)(C) (Tetra Tech) wanted counsel present during their interviews.
 - 11/27/2012 Received phone message from (b)(7)(C) about representing Tetra Tech employees.
 - 11/27/2012 Scheduled interview with (b)(7)(C) New World Enviromental, INC, on 1/30/2013.

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 wrongdoing (e.g., record falsification or other deliberate 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. (b)(7)(C)

Date: 05/31/12

Witness: (b)(7)(C) (Concerned Citizen)

**NRC OFFICE OF INVESTIGATIONS
INVESTIGATIVE PLAN**

CASE NO.: 1-2012-032

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

ALLEGATION:

The CI formerly served as a Senior (b)(7)(C) employed by New World Technologies (NWT); a subcontractor to Tetra Tech EC, Inc, which is the primary contractor at the Hunters Point Naval Shipyard Decommissioning site in San Francisco, CA. CI has alleged that he was removed from HPNSY for raising safety concerns to management.

SUBJECTS: (b)(7)(C) (Alleger)

POSSIBLE VIOLATIONS:

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

INVESTIGATIVE ISSUES:

Was Sr. (b)(7)(C) terminated for raising safety concerns at the HPNSY?

INVESTIGATIVE STEPS:

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

Prepared by: (b)(7)(C) _____ Date 4/10/12

Special Agent

_____ Date

Field Office Director

1-2012-032

G:\ora\alleg\panel\20110138arb1.docx

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

Allegation No.: RI-2011-A-0138

Branch Chief (AOC): Ferdas

Site/Facility: Tetra Tech

(sub-contractor: New World Environmental) - WAU IS WORKING UNDER
Hunters Point, CA - Navy BRAC site

ARB Date: December 21, 2011

Confidentiality Granted: No

Concern(s) Discussed:

IF DECLINED
AOR, OE TO OPEN - POTENTIAL
TETRA-NEW WORLD ENV. SPACE
TETRA-TECH LICENSE, NOT
NEW WORLD ENV.
BUT ARE ARE LICENSEES.

None of the concerns have a security component. New World Environmental has been subcontracted by Tetra Tech to provide decommissioning and radiological activities.

- (1) The CI alleges that an individual (b)(7)(C) working as a (b)(7)(C) for New World Environmental, a sub contractor for Tetra Tech, is not qualified and falsified her job history. Although this happened approximately a year ago, the CI believes that this individual still works at Hunters Point as a (b)(7)(C) (This is a similar concern to that raised in RI-2011-A-0113 by a different CI)
- (2) The CI was terminated for raising safety concerns. The CI told his (b)(7)(C) about the concern dealing with the (b)(7)(C) in Concern No. 1. According to the CI, the (b)(7)(C) took the concern to the Tetra Tech (b)(7)(C) who asked that the CI be removed from the site. The very next day, the CI was terminated by a New World Environmental (b)(7)(C). The CI was told that he was being terminated because he had "gone off on the Tetra Tech (b)(7)(C) and had made derogatory comments regarding the above mentioned (b)(7)(C). (New concern)
- (3) The CI alleges that field laborers (with "limited education") at Hunter's Point are operating air samplers and collecting and preparing soil samples without any Health Physics oversight or supervision. (This is a similar concern to that raised in RI-2011-A-0113 by a different CI)

Does allegor object to providing concerns to the licensee via an RFI? No

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson/Collins Branch Chief: Ferdas/Hammann SAC: Urban/McFadden
Counsel: Farrar Others: Masnyk Bailey

OI: (b)(7)(C) RI

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

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

DISPOSITION ACTIONS

- 1. Acknowledgment letter with DOL rights if prima facie case made.

Responsible Person: Urban/Ferdas
Closure Documentation:

ECD: 1/5/2012
Completed:

- 2. Perform inspection of Concerns 1 and 3 at Hunters Point to ascertain if health physicists are trained and qualified to perform the job duties necessary for the safe remediation of the site. This will include a review of field laborers operation of air samplers and collection and preparation of soil samples. Inspection will be conducted in conjunction with RI-2011-A-0113 inspection planned the week of 1/9/12.

Responsible Person: Ferdas
Closure Documentation:

ECD: 1/13/2012
Completed:

3. If regional counsel determines prima facie, offer CI ADR/OI/DOL rights.

Responsible Person: Urban
Closure Documentation:

ECD: TBD

4. Request that a Region IV inspector participate in January 2012 inspection with Region I. If issues involve only New World Environmental Region IV can continue with enforcement against their licensee.

Responsible Person: Ferdas
Closure Documentation:

ECD: TBD

SAFETY CONCERN:

(Describe potential safety impact, assuming concern is true, which should be commensurate with ECDs above)
Potential for radioactive contamination and/or sources to be released offsite or site improperly released for unrestricted use.

PRIORITY OF OI INVESTIGATION: High

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)

What is the potential violation and regulatory requirement? 10 CFR 30.7

When did the potential violation occur? 2010 -2011 time frame

NOTES:

RI-2011-A-0113 contains similar concerns and DNMS to inspect the week of January 9, 2012.

The CI here has concerns about New World Environmental but the CI in R1-2011-A-0113 has attributed these same concerns to Tetra Tech. Tetra Tech is the lead decommissioning contractor and New World Environmental is their subcontractor. The last inspection report, 3/2010, for New World Environmental states that they are using their NRC license at Hunters Point as subcontractors to Tetra Tech. The individual who asked that the CI be terminated is the Tetra Tech (b)(7)(C). With Region IV inspector participating an inspection can be opened for New World and if concerns are substantiated Region IV can pursue enforcement action if needed.

DISTRIBUTION: Panel Attendees to include Region IV, Regional Counsel, OI, Responsible Persons

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

Allegation No.: RI-2011-A-0113

Site/Facility: Navy – Hunters Point, CA (decommissioning site)

ARB Date: 12/21/2011

Branch Chief (AOC): Ferdas

Acknowledged: No

Confidentiality Granted: NO, email sent to OI

(b)(7)(C)

- TU
DETERMINE
PRIMA FACIE

Concern(s) Discussed:

1. CI alleges that she was terminated by Tetra Tech for "Attempts to address/correct observations considered adverse to industry standard radiation safety practices as well as regulatory license compliance...". Also, CI contends that she was fired after "participating as a silent witness" in discrimination hearing for another (b)(7)(C) Tetra Tech employee.

Security Category: N/A

Does alieger object to providing concerns to the licensee via an RFI? Need to find out from Allegations and/or OI.

ALLEGATION REVIEW BOARD ATTENDEES

Chair: Lorson Branch Chief: Ferdas/Hammann SAC: Urban
RI Counsel: Farrar Others: Masnyk Bailey

OI: (b)(7)(C)

DISPOSITION METHOD (See Attached RFI Worksheet, If Applicable)

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

DISPOSITION ACTIONS

1. Acknowledgment letter update

Responsible Person: Urban/Ferdas
Closure Documentation:

ECD:
Completed:

2. Determine if prima facie case.

Responsible Person:
Closure Documentation:

ECD:
Completed:

SAFETY CONCERN: Chilling effect on contractor staff

PRIORITY OF OI INVESTIGATION: High

RATIONALE USED TO DEFER OI DISCRIMINATION CASE:

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION:

(Only applies to wrongdoing & discrimination issues that are under investigation by OI/DOL/DOJ)

What is the potential violation and regulatory requirement?

When did the potential violation occur?

G:\ora\alleg\panel\20110113arb3.docx

NOTES:

Repanel of RI-2011-A-0113. CI sent in letter clarifying previous concerns and added this concern.

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

Teator, Jeffrey

From: (b)(7)(C)
Sent: Wednesday, March 21, 2012 5:29 PM
To: (b)(7)(C)
Subject: RE: RI-2011-A-0138 - Tetra Tech

No Problem. Thanks.

From: (b)(7)(C)
Sent: Wednesday, March 21, 2012 5:23 PM
To: (b)(7)(C)
Subject: RE: RI-2011-A-0138 - Tetra Tech

Thanks - you will be getting this case.

From: (b)(7)(C)
Sent: Wednesday, March 21, 2012 3:05 PM
To: (b)(7)(C)
Subject: RE: RI-2011-A-0138 - Tetra Tech

(b)(7)(C)

I just got off the phone with the CI in the below matter. He has indicated his desire for an OI investigation and also identified that he will acknowledge that desire to Sharon Johnson in Allegations, immediately.

(b)(7)(C)

Special Agent
U.S. Nuclear Regulatory Commission
Office of Investigations
Region-I Field Office
475 Allendale Road
King of Prussia, PA 19406

(b)(7)(C)

Direct

(b)(7)(C)

Fax

(b)(7)(C)

Mobile

From: (b)(7)(C)
Sent: Wednesday, March 21, 2012 2:34 PM
To: (b)(7)(C)
Subject: FW: RI-2011-A-0138 - Tetra Tech

(b)(7)(C)

– If you have yet to act of this, please do so near term and advise me of the results of the call.

Thanks,

(b)(7)(C)

United States Nuclear Regulatory Commission
Office of Investigations
Region I
475 Allendale Rd

King of Prussia, PA 19406

Office (b)(7)(C)

Blackberry (b)(7)(C)

From: (b)(7)(C)

Sent: Tuesday, March 20, 2012 9:44 AM

To: (b)(7)(C)

Subject: FW: RI-2011-A-0138 - Tetra Tech

(b)(7)(C)

– see below – please contact the CI on whether CI has chosen ADR or wants OI to investigate. Tell the CI that the NRC needs an answer soonest. Thanks,

(b)(7)(C)

United States Nuclear Regulatory Commission

Office of Investigations

Region I

475 Allendale Rd

King of Prussia, PA 19406

Office (b)(7)(C)

Blackberry (b)(7)(C)

From: (b)(7)(C)

Sent: Tuesday, March 20, 2012 9:42 AM

To: Johnson, Sharon

Subject: RE: RI-2011-A-0138 - Tetra Tech

Thanks Sharon – (b)(7)(C) has the tetra tech and hunters point cases – he is on leave today – I will have him contact the CI tomorrow.

(b)(7)(C)

United States Nuclear Regulatory Commission

Office of Investigations

Region I

475 Allendale Rd

King of Prussia, PA 19406

Office (b)(7)(C)

Blackberry (b)(7)(C)

From: Johnson, Sharon

Sent: Tuesday, March 20, 2012 8:59 AM

To: (b)(7)(C)

Cc: Urban, Richard; Johnson, Sharon

Subject: FW: RI-2011-A-0138 - Tetra Tech

Importance: High

FRIENDLY REMINDER

Know you have been busy

Thanks

SLJ

From: Johnson, Sharon
Sent: Friday, March 02, 2012 10:55 AM
To: (b)(7)(C)
Cc: Urban, Richard; Johnson, Sharon
Subject: RI-2011-A-0138 - Tetra Tech
Importance: High

(b)(7)(C)

This CI was offered ADR, OI and DOL in a "certified" letter dated 1/5/2012. The CI signed for the "certified" letter on 1/13/2012.

On 2/13/2012 I attempted to contact the CI via telephone - indication that the telephone mail box was FULL.

I spoke with Rick about this and we agreed to send an email asking CI's decision regarding ADR via email. I sent an email on 2/13/2012.

To date, 3/2/2012, our office has not received a response from this CI.

Please consider taking this for your action.

Thanks Much

Sharon Law Johnson
~~Allegation Assistant~~
610-337-5374



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

April 19, 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: NEW WORLD ENVIRONMENTAL, INC.: DISCRIMINATION AGAINST A
(b)(7)(C) FOR HAVING RAISED SAFETY CONCERNS
(CASE NO. 1-2012-032/ALLEGATION NO. RI-2011-A-0138)

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: NEW WORLD ENVIROMENTAL, INC.

DISCRIMINATION AGAINST A (b)(7)(C) FOR HAVING RAISED SAFETY CONCERNS

Licensee:

New World Environmental, Inc.
448 Commerce Way
Livermore, CA 94551

Docket No.: 03036174

Allegation No.: RI-2011-A-0138

Case No.: 1-2012-032

Report Date: April 19, 2013

Control Office: OI:RI

Status: CLOSED

Reported by:

(b)(7)(C)

(b)(7)(C)

Office of Investigations
Field Office, Region I

Special Agent

(b)(7)(C)

former Special Agent
Office of Investigations
Field Office, Region I

Reviewed and Approved by:

(b)(7)(C)

(b)(7)(C)

Office of Investigations
Field Office, Region I

Special Agent in Charge

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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 March 23, 2012, to determine whether a contract (b)(7)(C) working at the Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, remediation site, was subjected to harassment and discrimination for raising safety concerns. The (b)(7) was a subcontractor (New World Environmental, Inc. (NWE) working for Tetra Tech (TT), Pasadena, CA, who is the prime contractor for the HPNS remediation site. The (b)(7) alleged that after raising concerns to a HP (b)(7)(C) TT, regarding the qualifications of laborers performing remediation work on site, his/her employment was terminated by the TT, (b)(7)(C) at HPNS.

Based upon the evidence developed during the course of this investigation, OI did not conclude that the (b)(7)(C) was discriminated against for raising nuclear safety concerns.

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Case No. 1-2012-032

2

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
TESTIMONIAL EVIDENCE	5
DOCUMENTARY EVIDENCE	7
DETAILS OF INVESTIGATION.....	9
Applicable Regulations	9
Purpose of Investigation	9
Background	9
Allegation (Discrimination Against a (b)(7)(C) for Having Raised Safety Concerns)	9
Agent's Analysis of the Evidence.....	9
Agent's Analysis.....	13
Conclusion	13
LIST OF EXHIBITS.....	15

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Case No. 1-2012-032

4

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TESTIMONIAL EVIDENCE

	<u>Exhibit</u>
(b)(7)(C) Tetra Tech (TT), Hunters Point Naval Shipyard (HPNS), Hunters Point, CA.....	11
BOWERS, Elbert (Bert), former RSO, TT, HPNS	7
(b)(7)(C) TT, HPNS.....	8
(b)(7)(C) New World Environmental (NWE), Livermore, CA	12
(b)(7)(C) NWE, HPNS.....	4
(b)(7)(C) TT, HPNS	10
(b)(7)(C) Aleut World Solutions (AWS), Anchorage, Alaska, HPNS.....	5
(b)(7)(C) TT, HPNS.....	9
(b)(7)(C) AWS, HPNS.....	6

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Case No. 1-2012-032

6

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DOCUMENTARY EVIDENCE

New World Environmental, Inc. (NWE), Memorandum, dated August 23, 2010. Memorandum indicates that (b)(7)(C) NWE, was terminated from employment as a result of making a disparaging remark about (b)(7)(C) Tetra Tech, Inc. (TT) (Exhibit 14).

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Case No. 1-2012-032

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Case No. 1-2012-032

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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 30.10: Deliberate misconduct (2010 Edition)
10 CFR 30.7: Employee protection (2010 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 March 23, 2012, to determine whether (b)(7)(C) working at the Hunters Point Naval Shipyard (HPNS), Hunters Point, CA, remediation site, was subjected to harassment and termination for raising safety concerns. (b)(7)(C) was a subcontractor (New World Environmental, Inc. (NWE)) working for Tetra Tech (TT), Pasadena, CA, who is the prime contractor for the remediation site at HPNS. (b)(7)(C) alleged that after raising concerns to (b)(7)(C) TT, regarding the qualifications of laborers performing remediation work on site, his employment was terminated by (b)(7)(C) TT, (b)(7)(C) at HPNS.

Background

On December 6, 2011, (b)(7)(C) contacted the NRC:RIV, Allegations office to report that he was harassed, and subsequently terminated for raising safety concerns regarding the qualifications of individuals performing remediation work at HPNS. (b)(7)(C) concern was forwarded to the NRC:RI Allegation Review Board (ARB) due to NRC:RI having oversight of military base and realignment commission (BRAC) sites. On December 21, 2011, a RI ARB met to consider (b)(7)(C) discrimination allegation at which time it was determined that (b)(7)(C) articulated a prima facie showing. Only after repeated contact from the RI staff did (b)(7)(C) decide that he wanted an OI investigation in lieu of participating in the NRC Alternative Dispute Resolution (ADR) program (Exhibits 2 and 3).

Allegation: Discrimination Against a (b)(7)(C) for Having Raised Safety Concerns

Agent's Analysis of the Evidence

Sworn Testimony of (b)(7)(C) (Exhibit 4)

(b)(7)(C) stated he worked for NWE as a (b)(7)(C) from (b)(7)(C) to (b)(7)(C) advised that his technical lead was Bert BOWERS, Radiation Safety Officer (RSO), TT, and his immediate (b)(7)(C) was (b)(7)(C), TT. (b)(7)(C) stated in (b)(7)(C) he made a complaint with (b)(7)(C) NWE, stating that (b)(7)(C) NWE, (b)(7)(C) sexually harassed him. (b)(7)(C) reported that in approximately

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(b)(7)(C) he informed (b)(7)(C) that (b)(7)(C) had laborers mishandle asbestos. (b)(7)(C) stated that several days before getting fired (b)(7)(C) he approached (b)(7)(C) and informed him that (b)(7)(C) resume was not accurate. (b)(7)(C) also informed (b)(7)(C) that (b)(7)(C) was using laborers at the HPNS site that were not properly trained to move radiologically contaminated soil. (b)(7)(C) related that the next day (b)(7)(C) visited him and asked him if he had called (b)(7)(C) a (b)(7)(C) and if he had (b)(7)(C) on a co-worker. (b)(7)(C) reported that he told (b)(7)(C) that he had not (b)(7)(C) on anyone and that (b)(7)(C) success at NWE was based on where she stayed and not her credentials. (b)(7)(C) noted that several hours later (b)(7)(C) informed him that he had been fired. (b)(7)(C) advised that (b)(7)(C) contract (b)(7)(C) Aleut World Solutions (AWS), had also approached (b)(7)(C) about (b)(7)(C) using unqualified laborers and that (b)(7)(C) had approached (b)(7)(C) about (b)(7)(C) inappropriate actions with the unqualified laborers (pp. 7-14, 17-24, and 29-30).

AGENT'S NOTE: At the time of this incident (b)(7)(C) was residing with (b)(7)(C) TT, HPNS. (b)(7)(C) never denied calling (b)(7)(C) a " (b)(7)(C) throughout his testimony (Exhibit 4, p. 31).

Protected Activity

According to (b)(7)(C) he reported to (b)(7)(C) that (b)(7)(C) resume was not accurate and that (b)(7)(C) was using unqualified laborers to handle radiologically contaminated soil (Exhibit 4, pp. 11 and 17).

Management Knowledge

(b)(7)(C) advised that (b)(7)(C) had informed him (b)(7)(C) that (b)(7)(C) had raised a concern to him (b)(7)(C) that unqualified laborers were being used to move potential waste and to take samples when they were not qualified to do so (Exhibit 8, p. 21).

(b)(7)(C) reported that (b)(7)(C) did not make a complaint to him regarding (b)(7)(C) using unqualified workers to move waste and conduct samples. (b)(7)(C) noted that (b)(7)(C) did inform him that (b)(7)(C) failed to monitor an air sampler stationed on site that was designated to collect data which violated radiological surveillance protocols (Exhibit 9, pp. 56-57).

(b)(7)(C) stated that on one occasion (nfi) (b)(7)(C) informed (b)(7)(C) that (b)(7)(C) had laborers mishandle asbestos. (b)(7)(C) noted that (b)(7)(C) subsequently informed him (b)(7)(C) prior to (b)(7)(C) termination, of the concern (b)(7)(C) had brought forward (Exhibit 10, p. 22).

(b)(7)(C) stated that (b)(7)(C) did approach him about (b)(7)(C) resume not being accurate. (b)(7)(C) also noted that (b)(7)(C) informed him that (b)(7)(C) had laborers transport a drum containing asbestos to the radiological screening yard which was not permitted. (b)(7)(C) related upon hearing this information, he and (b)(7)(C) proceeded to the site and had the truck containing the asbestos removed. (b)(7)(C) advised that (b)(7)(C) also informed him that (b)(7)(C) was using unqualified laborers to move radiological waste (Exhibit 11, pp. 21-27).

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Adverse Act

(b)(7)(C) employment was terminated on August 23, 2010.

Nexus: Was (b)(7)(C) discriminated against for raising safety concerns?

(b)(7)(C) Aleut World Solutions (AWS), indicated that he is a (b)(7)(C) and has been working for AWS at the HPNS site for approximately (b)(7)(C) years. (b)(7)(C) stated he was not aware that (b)(7)(C) had reported safety concerns to either TT or NWE management. (b)(7)(C) believes (b)(7)(C) was asked to quit due to him (b)(7)(C) constantly making derogatory references about (b)(7)(C) (Exhibit 5, pp. 4 and 25-29).

(b)(7)(C) advised that she is a (b)(7)(C) employed by AWS working at the HPNS site. (b)(7)(C) was not aware that (b)(7)(C) reported safety concerns to management. (b)(7)(C) noted that she was not aware that (b)(7)(C) had identified (b)(7)(C) as the individual permitting unqualified laborers to conduct smears/surveys of radiologically contaminated soil. (b)(7)(C) was also not aware of any discriminatory actions that were taken against (b)(7)(C) or raising safety concerns. (b)(7)(C) noted that on one occasion (b)(7)(C) walked into an area where she (b)(7)(C) was located and subsequently left the area. (b)(7)(C) was approached by (b)(7)(C) who indicated that (b)(7)(C) had brushed up against him (b)(7)(C). (b)(7)(C) stated she was there the entire time and at no time did (b)(7)(C) brush up or touch (b)(7)(C) (Exhibit 6, pp. 4-5 and 19-24).

Elbert (Bert) BOWERS, former RSO, TT, HPNS, advised that (b)(7)(C) never raised safety concerns to management in his (BOWERS) presence. BOWERS related that (b)(7)(C) informed him, after he (b)(7)(C) had been terminated, that unqualified laborers were collecting soil samples instead of qualified HPTs. BOWERS noted that (b)(7)(C) told him (BOWERS) that he (b)(7)(C) informed (b)(7)(C) of the use of unqualified laborers that were tasked to collect soil samples. BOWERS believes (b)(7)(C) was retaliated against because of an incident where (b)(7)(C) reported to (b)(7)(C) [circa (b)(7)(C) that he (b)(7)(C) was being sexually harassed by (b)(7)(C). BOWERS reported that (b)(7)(C) has been romantically involved with people associated with the HPNS project, to include (b)(7)(C) and believes that this played a factor in (b)(7)(C) dismissal (Exhibit 7, pp. 64-81).

AGENT'S NOTE: Although BOWERS believes (b)(7)(C) was discriminated against; he was unable to provide any proof of that discrimination. In addition, BOWERS was laid off by TT in December 2011 and is currently pursuing legal action against TT and/or NWE.

(b)(7)(C) stated in August 2010, (b)(7)(C) informed him (b)(7)(C) that (b)(7)(C) had come forward and raised the concern that unqualified laborers were moving potentially contaminated soil and taking samples. (b)(7)(C) stated that (b)(7)(C) was removed from the HPNS site after (b)(7)(C) conducted an investigation and it was determined that (b)(7)(C) had called (b)(7)(C) a (b)(7)(C). (b)(7)(C) stated that based on (b)(7)(C) findings (Exhibit 13)

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(b)(7)(C) was asked to leave the site because his (b)(7)(C) comments were unacceptable and created a hostile work environment. (b)(7)(C) said (b)(7)(C) was let go solely based on the inappropriate comments he made about (b)(7)(C) and had nothing to do with (b)(7)(C) raising safety concerns (Exhibit 8, pp. 20-28).

(b)(7)(C) stated he was not (b)(7)(C) immediate (b)(7)(C) but had some (b)(7)(C) on occasion. (b)(7)(C) advised that (b)(7)(C) reported directly to (b)(7)(C). (b)(7)(C) stated he was aware that in (b)(7)(C) had made a (b)(7)(C) complaint to (b)(7)(C) against (b)(7)(C). (b)(7)(C) reported that (b)(7)(C) did not make a complaint to him regarding (b)(7)(C) use of unqualified laborers to move waste and conduct samples. (b)(7)(C) noted that (b)(7)(C) did inform him that (b)(7)(C) failed to monitor an air sampler stationed on site that was designated to collect data which violated radiological surveillance protocols. (b)(7)(C) indicated that (b)(7)(C) was removed from the HPNS site after it was determined that he made inappropriate comments about (b)(7)(C). (b)(7)(C) related that during a conversation with (b)(7)(C) he (b)(7)(C) told him (b)(7)(C) and (b)(7)(C) that (b)(7)(C) was specifically brought to the site in order to (b)(7)(C). (b)(7)(C) noted that when (b)(7)(C) made the inappropriate comment about (b)(7)(C) he told (b)(7)(C) to shut up. (b)(7)(C) stated he never informed (b)(7)(C) or (b)(7)(C) what (b)(7)(C) had said about (b)(7)(C) because (b)(7)(C) informed (b)(7)(C) of what had occurred before he could. (b)(7)(C) related that when he arrived at (b)(7)(C) office, (b)(7)(C) was telling (b)(7)(C) what (b)(7)(C) had said about (b)(7)(C). (b)(7)(C) said (b)(7)(C) had (b)(7)(C) removed from HPNS because of the comment he made about (b)(7)(C) and not because (b)(7)(C) had raised safety concerns (Exhibit 9, pp. 51-64).

(b)(7)(C) stated that he does not recall if (b)(7)(C) or (b)(7)(C) approached him about information that (b)(7)(C) had provided indicating that (b)(7)(C) was using unqualified laborers to move contaminated dirt. (b)(7)(C) did remember that (b)(7)(C) raised an issue that (b)(7)(C) was having laborers mishandle asbestos. (b)(7)(C) stated as a result of (b)(7)(C) raising the concern about the asbestos the problem was corrected. (b)(7)(C) noted that (b)(7)(C) was returned to his employer (NWE) after making an inappropriate comment about (b)(7)(C). (b)(7)(C) related that at the time of (b)(7)(C) comment (b)(7)(C) was not his (b)(7)(C) and he was not aware of what transpired between (b)(7)(C) and (b)(7)(C). (b)(7)(C) related that from what he has learned since this incident, (b)(7)(C) did not leave on good terms. (b)(7)(C) stated that he had no information that would indicate that (b)(7)(C) was discriminated against for raising safety concerns (Exhibit 10, pp. 20-27).

(b)(7)(C) stated that he was (b)(7)(C) immediate (b)(7)(C) stated that (b)(7)(C) approached him about (b)(7)(C) resume not being accurate. (b)(7)(C) also noted that (b)(7)(C) informed him that (b)(7)(C) had laborers transport a drum containing asbestos to the radiological screening yard which was not permitted. (b)(7)(C) related that he and (b)(7)(C) proceeded to the location and had the truck containing the asbestos removed. (b)(7)(C) advised that (b)(7)(C) also informed him that (b)(7)(C) was using unqualified laborers to move radiological waste. (b)(7)(C) stated that several days after raising one of his concerns, (b)(7)(C) was fired because he (b)(7)(C) made a comment to he and (b)(7)(C) indicating that the only reason (b)(7)(C) was on site was because she (b)(7)(C) was a (b)(7)(C). (b)(7)(C) related that he subsequently informed

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(b)(7)(C) and (b)(7)(C) what (b)(7)(C) had said about (b)(7)(C) reported that (b)(7)(C) was called in to conduct an investigation into this incident and (b)(7)(C) was ultimately removed from the site. (b)(7)(C) advised that he has no knowledge or information indicating that (b)(7)(C) was terminated as a result of raising safety concerns (Exhibit 11, pp. 20-35).

(b)(7)(C) advised that in approximately (b)(7)(C) (b)(7)(C) approached her to report that (b)(7)(C) was sexually harassing him. (b)(7)(C) noted that after conducting her inquiry into the matter, she determined that (b)(7)(C) had actually approached (b)(7)(C) and that (b)(7)(C) had repulsed him. (b)(7)(C) related that (b)(7)(C) was "let go" from NWE after (b)(7)(C) informed her that (b)(7)(C) had called (b)(7)(C) a (b)(7)(C). (b)(7)(C) conducted an investigation and determined that there was sufficient information to conclude that (b)(7)(C) did indeed make those inappropriate comments about (b)(7)(C). (b)(7)(C) denied (b)(7)(C) accusation that he was fired for raising safety concerns (Exhibits 12 and 13).

Agent's Analysis

While reviewing the documentation related to this investigation it became very clear that with the exception of (b)(7)(C) testimony that there is insufficient evidence to conclude that (b)(7)(C) employment was terminated for raising safety concerns. Both (b)(7)(C) and (b)(7)(C) testified that during their conversation with (b)(7)(C) he (b)(7)(C) called (b)(7)(C) OI finds (b)(7)(C) and (b)(7)(C) testimony credible. OI also finds that although (b)(7)(C) raising of safety concerns and his termination were in the approximate same time frame, it was (b)(7)(C) inappropriate comments about (b)(7)(C) that caused his (b)(7)(C) termination of employment. When (b)(7)(C) interviewed (b)(7)(C) as part of her inquiry into the matter, (b)(7)(C) readily admitted to (b)(7)(C) that (b)(7)(C) "was hired (b)(7)(C) not HP work." (b)(7)(C) also reported that in circa (b)(7)(C) (b)(7)(C) had filed a (b)(7)(C) claim against (b)(7)(C). (b)(7)(C) noted her investigation into the (b)(7)(C) issue revealed that (b)(7)(C) was actually pursuing (b)(7)(C) and that (b)(7)(C) had rebuked him. If NWE or TT wanted to have (b)(7)(C) removed from the site they would have been justified at that time but they chose to retain him. OI found (b)(7)(C) testimony very credible noting that (b)(7)(C) is currently involved in civil litigation against NWE (Exhibit 9, pp. 51-64; Exhibit 11, pp. 20-35; Exhibit 12; and Exhibit 13, p. 2).

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 the (b)(7)(C) was discriminated against for raising nuclear safety concerns.

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Case No. 1-2012-032

14

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated March 23, 2012 (1 page)
2	Allegation Receipt Report, dated December 6, 2011 (6 pages).
3	Allegation Review Board Disposition Record, dated December 21, 2011 (2 pages).
4	Sworn Testimony of (b)(7)(C) dated May 31, 2012 (65 pages).
5	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (33 pages).
6	Sworn Testimony of (b)(7)(C) dated June 13, 2012 (27 pages).
7	Sworn Testimony of Delbert BOWERS, dated June 14, 2012 (86 pages).
8	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (43 pages).
9	Sworn Testimony of (b)(7)(C) dated January 25, 2013 (82 pages).
10	Sworn Testimony of (b)(7)(C) dated September 25, 2013 (32 pages).
11	Sworn Testimony of (b)(7)(C) dated September 25, 2013 (36 pages).
12	Interview Report of (b)(7)(C) dated January 30, 2013 (2 pages).
13	New World Environmental, Inc., Memorandum, dated August 23, 2010 (6 pages).

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P II / Notes

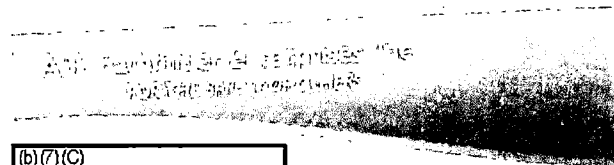
1-2012-032

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(415) 490-9000 Tel
(415) 490-9001 Fax



(b)(7)(C)

318 N. Carson St #208
Carson City, NV 89701

(b)(7)(C)

Neal R. Gross & Co., Inc.
1323 Rhode Island Ave, NW
Washington, DC 20005

202-234-4433, voice
202-387-7330, fax

(b)(7)(C)

(b)(7)(C)
Notary Public, State of California



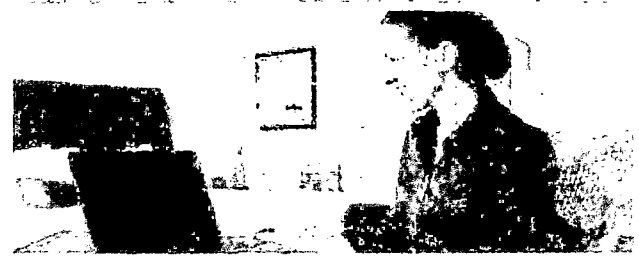
Wednesday, Nov 28 at 11:40 AM

From: "Hilton Garden Inn Confirmed" <hiltongardeninn@res.hilton.com>
To: (b)(7)(C)
Subject: Hilton Garden Inn Confirmation (b)(7)(C)

Starbucks 720 S. Meadows Reno, NV 5A.M.



Hilton Garden Inn Reno
8926 Double R Boulevard | Reno | NV | United States
89521
T: 1-775-850-9700 | F: 1-775-850-9797



Suites Dining Amenities & Services

We are a smoke-free hotel.

Thank you for booking with us (b)(7)(C)
Confirmation: (b)(7)(C)
Hilton HHonors® Number: (b)(7)(C)
Arrival: 22 Jan 2012 3:00 PM
Departure: 28 Jan 2012 12:00 PM

HILTON HHONORS

Welcome (b)(7)(C)

Honors Status: DIAMOND

Points as of (b)(7)(C) 305.667

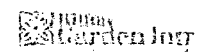
517.50
510.00

HHONORS POINT UPGRAD (b)(7)(C)
Guaranteed (b)(7)(C)

Rate Information:
Rate Type: (b)(7)(C)
US GOVERNMENT (c)
Rate per night: (b)(7)(C)
Total for Stay per Room:
Rate 94.00 USD (b)(7)(C)
Taxes 12.22 USD
Total 106.22 USD

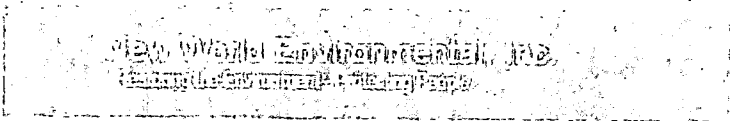
Total for Stay: 106.22 USD
Includes estimated taxes and service charges. (Gratuities not included.)

Tax: (b)(7)(C)
• There is a 13.00% per room per night tax.



*RSES
100 S. Washington ST.
Suite 200
Reno, NV.*

Radiological Survey + Remedial SVCS.



Home About Us Services Projects Employment

Contact Us

Northern California:

New World Environmental, Inc.
448 Commerce Way
Livermore California 94551-5251
Tel: (925) 443-7967
Fax: (925) 443-0119

spo to
(b)(7)(C)

Southern California:

New World Environmental, Inc.
One Park Plaza, 6th Floor
Irvine, CA 92614

Office: (949) 833-7113 Fax: (925) 443-0119

Sales Inquiries

Allison Hicks
V.P. Business Development
Tribal, Federal, and Commercial Services
Enrolled member, Prairie Band Potawatomi Nation
Direct: (925) 470-0570

ahicks@newworld.org



(b)(7)(C)

(b)(7)(C)

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1/30/2013 @ 11:00 A.M.

1hr 15 minutes from
SAN FRANCISCO

McDonalds
2050 Daniels St.
Manteca, CA.

(b)(7)(C)

1/27/2013
(b)(7)(C)

1 - 2012 - 019

Name: (b)(7)(C)
SSN: (b)(7)(C)

DOB
POB:

RIBS: (b)(7)(C)
RAD Industry

(b)(7)(C)

(b)(7)(C)

Employee RSRD @ site -
Tutor Tech Samson

(b)(7)(C)

→ (b)(7)(C) -
(b)(7)(C) Samson HPS -

→ (b)(7)(C) - - MAF (b)(7)(C)

Spring (b)(7)(C)

→
→
→
→

→
→ Email - requesting all loc records =
 ↓
 To RSRD

→ Hunter Point -

→ (b)(7)(C)

→
→

1/23/2013

(b)(7)(C)

1-2012-019

(b)(7)(C)

Name: (b)(7)(C)
 SSN: (b)(7)(C)
 DOB/POB: (b)(7)(C)
 Position: (b)(7)(C)
 How long: (b)(7)(C) RSRS

6 - 1/2012 -

1/25/2013

(b)(7)(C)

NAME: (b)(7)(C)
 SSN: (b)(7)(C)
 DOB/POB: (b)(7)(C)
 Position: (b)(7)(C) Tetra Tale -
 Employer - How Long - (b)(7)(C)

Hunter's Boat - (b)(7)(C)

*1 → NEED DATA at Employment for (b)(7)(C) at Hunter's Boat.

*2 → Who are the (b)(7)(C) after Andrews was lost off vessel - SR HFS - hired after Andrews.

*3 → For the money that job was given Andrews / (b)(7)(C) was result of fear indicating world was being laid off.

*4 → For (b)(7)(C) (Attorney) investigation with (b)(7)(C) New Environmental for (b)(7)(C) for (b)(7)(C)

1/25/2013
(b)(7)(C)

Name
SSN:
Pod/Job

(b)(7)(C)

position: Ref
How long:

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

Tetra Tech Houston point
years - (b)(7)(C) w/
Tetra Tech.

1/25/2013
(b)(7)(C)

Name
SSN:
Pod/Job:
Position:
How long:

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

(b)(7)(C)
Tetra Tech - (b)(7)(C)
- Houston point.

1/25/2013
(b)(7)(C)

NAME:
SSN:
DOB -
POB -
Position:

(b)(7)(C)

(b)(7)(C) 7 years
(Houston point)
Tetra Tech Employee (b)(7)(C)

1/30/2013
(b)(7)(C)

NAME
SSN:
Pod/Job:
Position
How long

(b)(7)(C)
(b)(7)(C) - (b)(7)(C)
(b)(7)(C) / (b)(7)(C)
(b)(7)(C)
(b)(7)(C)

New World Environmental
Inc.

Interviewed

(b)(7)(C)

(b)(7)(C)

(copy)

(b)(7)(C)

filed several complaint and

said

(b)(7)(C)

- Always made

comments (said out - putting up against them).

→ After investigation - determined that

(b)(7)(C)

was appropriate,

(b)(7)(C)

and (b)(7)(C) was

turned down

(b)(7)(C)

Did tell me that (b)(7)(C) resume was fake.

(b)(7)(C)

→ many people told us that (b)(7)(C) fake.

(b)(7)(C)

(b)(7)(C)

received

(b)(7)(C)

resume and determined

that everything in resume was ok. Not able to reference otherwise.

→ originally (b)(7)(C) was employee of

New World - (b)(7)(C) went over to Ford when New World lost contracts.

(b)(7)(C)

Didn't pass info to Peter Tule -

3)

Not aware until after (b)(7)(C) filed w/ claim (A lot of Pol.)

(b)(7)(C)

4)

(b)(7)(C)

let go for hostile work environment.

(b)(7)(C)

called me and said to come out - said (b)(7)(C) was making comment (b)(7)(C) said

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

was attacking me.

Talked to

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

said that they heard

(b)(7)(C)

comments.

(b)(7)(C)

(b)(7)(C)

→ (b)(7)(C) SAIC works (b)(7)(C) off site.
(b)(7)(C) talked to (b)(7)(C) And he admitted
to saying the commitment. (b)(7)(C) was removed
But could be re-hired But no work.

→ Report done (b)(7)(C)
(b)(7)(C)

(File located ~~under~~ Report under Site Bottom
in computer under HR. ~~Search~~)

(b)(7)(C) Attorney → New World Environmental Inc.

5) Did not raise safety issues to me until I
to (b)(7)(C) was to (b)(7)(C) he was being removed.
(b)(7)(C) SAIC (b)(7)(C) Report to what she what she was
doing - she was incompetent. - only reason
she was a job is she "Lays on Back".

6) never had any contact w/ Tetra Tech regarding
(b)(7)(C)

7) No knowledge/information that (b)(7)(C) was President of
Agent.

→ prior to being removed - (b)(7)(C) was getting the
Job done.

→ Speaks to (b)(7)(C) - no discos during
meetings!

→ No contract w/ Andrews / (b)(7)(C)
working for AWS.

→

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

Case Number: 1-2012-032

Case Type: H & I **Case Agent:** S/A

(b)(7)(C)

Facility/Site: Hunters Point Naval Shipyard Decommissioning Project

Interviewee:

(b)(7)(C)

Date: May 31, 2012

Location:

(b)(7)(C)

Start Time: 12:56 PM PST

End Time: 2:26 PM PST

Alleged Interview Questions

Background

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

NO

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

N/A

3. How long have you been with your current employer?

N/A

4. Have you held any other positions other than the above identified with your current

employer?

N/A

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

(b)(7)(C)

6. In what capacity?

(b)(7)(C)

7. When did you begin your employment in the Nuclear Industry?

(b)(7)(C)

2. 7.1

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

(b)(7)(C)

Worked IN Chemistry
RAD Tech
HP Tech

(b)(7)(C)

9. By whom did you receive that training?

(b)(7)(C)

[Redacted]

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

- Decommissioning
- Chemistry
- RAD waste
- HP

11. What are your duties and responsibilities under your current position?

NA

12. What were your duties and responsibilities during your tenure of employment with Tectra

(b)(7)(C)

[Redacted]

Tech?

(b)(7)(C)

[Redacted]

of RAD materia

13. Who did you report to?

Site RSO Bert Bowers. Bowers was New World when (b)(7)(C) first got there and moved over to Tetra Tech. Tetra Tech installed HP supervisors who were inexperienced. (b)(7)(C) was first line.

14. Did you have any direct reports?, if so please identify?

No.

15. What policies and procedures were you guided by?

- 10 CFR 20
- 10 CFR 24
- Industry Standards

16. What were your individual requirements under the license for which your name was

under? N/A

17. What were Tectra Tech's responsibilities as a condition of the license?

N/A

Protected Activity / Management Knowledge

18. Did you raise safety related concerns to Tectra Tech management? If so who, and

when? [redacted] Raised Issue to
TT [redacted] previously
TOLD [redacted] NWT [redacted] that
[redacted] came in with a FALSE Resume.

19. What was your safety related issued?

- ① [redacted] Fake Resume
 - ② [redacted] had Non trained RAD workers handling RAD material.
- [redacted] SAID to [redacted] w/ regard to [redacted] = "oh you mean
The [redacted] or [redacted]

20. Where is your safety related concern captured procedurally?

[redacted] SAID [redacted] called [redacted] a [redacted]

(b)(7)(C) - TOLD (b)(7)(C) the (b)(7)(C) success
AT HP HAD more to DO with where (b)(7)(C)
Then her Credentials.

21. How did management respond to you raising your safety concern?

He was Fired,

22. Was a condition report or equivalent written regarding your concern, if so by whom?

NOT BY (b)(7)(C). (b)(7)(C) told (b)(7)(C) that
(b)(7)(C) HAD TAKEN Exception to (b)(7)(C) using laborers
Does not know if mgmt. Documented Safety Concern

23. Was there any documentation of your safety related concern?

Not on site: (b)(7)(C) wrote up something for
State of California.

24. Did you have the ability to document your concerns in some form or another?

Was not Aware of CR'S or ZIP SLIPS

25. Had this issue been raised by any other Tectra Tech employees, if so what happened?

(b)(7)(C) a respect (b)(7)(C) went to
(b)(7)(C) (TT (b)(7)(C)

26. Did you take your concerns to anyone outside your employer (i.e. - the Navy), if so who,

when and in what form?

NO

27. What is your understanding of Tectra Tech's company policy regarding whistleblowing/

raising safety related concerns/

There isn't one

28. Does Tectra Tech operate on the principals of safety first?

NO.

29. Was it made clear to TT employees that they had the right and even responsibility to

raise safety related concerns without fear of retaliation?

NO.

(b)(7)(C)
Concerns @ TT.

Threatened to not raise safety

30. Was any training provided by TT with respect to how to raise safety related issues and

the process by which those issues would be addressed?

NO, neither New World or Tectra Tec

31. Was an investigation/inquiry conducted regarding your concerns and if so by whom at

TT?

NO

Adverse Action (s)

32. What do you believe was the adverse action taken against you?

Firing

33. When was this action taken?

(b)(7)(C)

34. Were you ever demoted or given a lesser job, prior to termination proceedings?

No

35. What did management provide as the reason for personnel action taken against you?

For calling

(b)(7)(C)

a

(b)(7)(C)

36. Did you ever receive a reduction in pay?

NO

37. Did anyone within the TT management hierarchy ever identify to you either officially or

unofficially that the personnel action levied against you had anything to do with you

raising safety related issues?

NO

38. What was the impact of you raising your safety concerns, on TT?

There is nuclear material and untrained laborers who were untrained could cause a release outside the plant.

39. Are aware of any other employees having been retaliated against for raising safety

concerns, if so whom?

40. Was an internal investigation gone by TT or any other entity regarding your termination?

NO

41. Do you currently have any other open complaints, i.e.- DOL or State of California? If so

Identify?

Fed. D.O.L he was too late. Talked w/ OSHA
(b)(7)(C) OSHA later said he was too late.
State of California. Is only active case

42. Do you know if TT management discussed your safety concerns and subsequent

termination with any other employees? If so whom?

NO

43. Is there anything additional that you would like to add to the record at this time?

TT see's HP's as In the way, Slowing down
production.

EXHIBIT 1

INVESTIGATION STATUS RECORD

Facility:	NEW WORLD ENVIRONMENTAL, INC.	Case Agent:	(b)(7)(C)
Case Number:	1-2012-032	Date Opened:	03/23/2012
Docket Number(s):	03036174	ECD:	06/2012
Case Type:	Materials / Other	Priority:	High
Primary Alleg Source:	Alleger	Status:	Field Work In Progress
Allegation Number(s):	RI-2011-A-0138		
Subject/Allegation:	DISCRIMINATION FOR HAVING RAISED SAFETY CONCERNS AT REMEDIATION SITE		

Monthly Status Report:

03/23/2012: On December 6, 2011, (b)(7)(C), a contract (b)(7)(C) employed by New World Environmental, working as a subcontractor for Tetra Tech at the Hunter's Point/Navy BRAC decommissioning and/or remediation site contacted NRC Region IV's Rick MUNOZ to report a discrimination concern. (b)(7)(C) claims that after raising safety concerns to his (b)(7)(C) regarding the qualifications of individuals performing remediation/decommissioning work and the conduct of such work, he was terminated by Tetra Tech (b)(7)(C) in late (b)(7)(C).

These concerns were discussed during a December 21, 2012, NRC:RI Allegation Review Board (ARB). The ARB, to include Regional Counsel, determined that (b)(7) had articulated a prima facie showing of discrimination and that (b)(7) would be offered access to the NRC's Alternate Dispute Resolution (ADR) program or to have OI investigate. Only after repeated contact from the NRC staff did (b)(7) advise OI that he declined ADR in favor of an OI investigation.

Potential violations include 10 CFR 50.5 (Deliberate misconduct) and 10 CFR 50.7 (Employee protection). The Statute of Limitations tolls on or about September 1, 2015. Status: FWP ECD (90 days): 06/2012.

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:	09/01/2015

EXHIBIT 1

PAGE 1 OF 1 PAGE(S)

1-2012-032

EXHIBIT 2



Allegation Receipt Form

Allegation Number: RIV-2011-1A

Received By: Rick Munoz

Receipt Date: 12-06-2011

Facility/Outside Org Name:

GENERAL INFORMATION: CONCERN # 1

Concern (one or two sentences)

An individual serving as a (b)(7)(C) is not qualified for the job and falsified her job history in order to get hired. Although this occurred approximately a year ago, the CI obtained information that this individual was still working as an (b)(7)(C)

Concern Details and Comments

New World Environmental is a subcontractor for Tetra Tech EC, currently contracted by the US Navy to complete remediation and decommissioning activities at Hunter's Point in San Francisco, California. The CI was employed by New World in (b)(7)(C) and had worked at Hunter's Point as an (b)(7)(C) for (b)(7)(C) in (b)(7)(C) a (b)(7)(C) co-worker (b)(7)(C) asked the CI if he would vouch for her (b)(7)(C) and provide a statement or written confirmation to (b)(7)(C) from Human Resources at New World, that he had worked with her as an (b)(7)(C) performing (b)(7)(C) activities at other locations. He refused. Later on in (b)(7)(C) the CI found out that she had been hired by New World as an (b)(7)(C). The CI's concern is that she (b)(7)(C) is not qualified and her job history was falsified. As of the end of (b)(7)(C) New World was replaced by Radiological Survey & Remediation Services and Alut World Solutions as D&D subcontractors which supply the HP support. The CI was interviewed by DOL OSHA and California Department of Labor Retaliation Unit regarding a friend of his, Burt Bowers (ex site RSO Tetra Tech) alleged retaliation for raising safety concerns about Tetra Tech. After hearing the CI's concerns, Mr. Bowers suggested the CI contact R-IV. There is an ongoing NRC R-I OI investigation by Special Agent (b)(7)(C) (b)(7)(C) addressing an allegation that Burt Bowers was terminated for raising safety concerns in 2010.

What records, documents, and other evidence should the NRC review?

Tetra Tech EC - License Number 46-27767-01, docket number 030-36414

New World Environmental License Number 04-27745-01, docket number 030-36174

Burt Bowers (terminated site RSO-Tetra Tech) (800) 326-5146 or (864) 483-1789

Sewali Patel, Regional Inspector Region-9 DOL OSHA (415) 625-2538

Katharine Daly, California Labor Commissioners office Retaliation Unit DOL (415) 703-4841

(b)(7)(C) Special Agent Office of Investigation NRC R-I (b)(7)(C) (b)(7)(C)

John Nicholson, NRC Inspector R-I & Ms Orysia Bailey, NRC Inspector R-I

(b)(7)(C) Tetra Tech

(b)(7)(C) New World Environmental (b)(7)(C)

What other individuals, witnesses or other sources could the NRC contact for information?

Burt Bowers, previous RSO at Hunter's Point (b)(7)(C) (also individuals listed above)

What is the potential safety impact of this ongoing concern? Is there a safety or security concern? If so, describe the nature of the concern, the potential consequences, and the actions being taken to address the concern.

This individual had been working at an HP egress point, and may not be controlling residual radioactive contamination into an unrestricted area. According to the CI this is an ongoing concern.

Was the concern brought to management attention? Was it entered into the Corrective Actions Program (CAP)? What actions have been taken? (If not, why not?)

Yes and the CI was terminated. (see concern #2)

What requirements, if any, do you have for this concern?

Not clear at this time. Procedural violations or License Tie-Down Condition?

EXHIBIT 2

PAGE 1 OF 6 PAGE(S)

1-2012-032



Allegation Receipt Form

Allegation Number: RIV-201111A

HARRASSMENT AND INTIMIDATION (H&I)

Allegation involves: Peer-to-peer contractor, Work order, Work discontinue against work order maintaining individual who engage in protected activities: all other non-regulatory, government, or other non-regulatory, or other non-regulatory.

Does the concern involve discrimination or H&I? If "No," proceed to page 2. Yes No

Was the individual advised of the DOL process? Yes No

What was the protected activity? When did it occur?

Who in management/supervision was aware of the protected activity? When and how were they made aware?

What adverse actions have been taken (termination, demotion, etc.)? When? What was management's reason for action?

Why does the allegor believe the actions were taken as a result of engaging in a protected activity?



Allegation Receipt Form

Allegation Number: RIV-2011-A

GENERAL INFORMATION: CONCERN #2

Concern (one or two sentences)

The CI was terminated for raising safety concerns. The CI stated "There is a culture of non-compliance at Tetra Tech".

Concern Details and Comments

The CI apologized for reporting his concerns so late but stated that "if the RSO for Tetra Tech (Burt Bowers) was fired for raising safety concerns, what do you think they would do to me?"

See discussion about H&I

What records, documents, or other evidence should the NRC review?

HR records at New World Environmental

What other individuals (witnesses or other sources) could the NRC contact for information?

See concern #1

What is the potential safety impact? Is this an ongoing concern? Is an immediate safety or security concern? If the concern is an immediate and ongoing concern, the system should be immediately taken out of service.

N/A

Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP)? What actions have been taken? If not, why not?

Yes

What requirement, regulation governs this concern?

10 CFR 30.7

HARRASSMENT AND INTIMIDATION (H&I)

Regulations prohibit NRC staff, special inspectors, and other agency personnel from engaging in harassing and intimidating activities with licensees, permittees, or other individuals. Harassment and intimidation include, but are not limited to, the following: (1) making threats or intimidating statements; (2) making false or misleading statements; (3) making derogatory or insulting remarks; (4) making unwelcome sexual advances or requests for sexual favors; (5) making unwelcome comments about an individual's race, ethnicity, or religion; (6) making unwelcome comments about an individual's physical appearance; (7) making unwelcome comments about an individual's age; (8) making unwelcome comments about an individual's disability; (9) making unwelcome comments about an individual's marital status; (10) making unwelcome comments about an individual's family status; (11) making unwelcome comments about an individual's sexual orientation; (12) making unwelcome comments about an individual's gender identity or expression; (13) making unwelcome comments about an individual's gender role; (14) making unwelcome comments about an individual's gender expression; (15) making unwelcome comments about an individual's gender identity or expression; (16) making unwelcome comments about an individual's gender role; (17) making unwelcome comments about an individual's gender expression; (18) making unwelcome comments about an individual's gender identity or expression; (19) making unwelcome comments about an individual's gender role; (20) making unwelcome comments about an individual's gender expression.

Does the concern involve discrimination or H&I? If "No," proceed to page 2. Yes No

Was the individual advised of the DOL process? Yes No

What was the protected activity? When did it occur?

The CI raised the concern that (b)(7)(C) falsified her work history and was not qualified to work as an (b)(7)(C). The qualification(s) of the individual were falsified approximately (b)(7)(C) year ago. The Navy requires individuals working as (b)(7)(C) to meet minimum standards which are established as part of the contract bid package. The procedures for the NRC licensees working these sites commit to establishing and implementing procedures relative to radiological controls and radiation safety.

Whom management/supervision was aware of the protected activity? When and how were they made aware?

On or about (b)(7)(C) he spoke with (b)(7)(C) at the access point, (b)(7)(C) went to (b)(7)(C) and (b)(7)(C) wanted the CI off the project.

What adverse actions have been taken (termination, demotion, etc.)? When? What was management's reason for action?

The CI was terminated the very next day after notifying management of the safety concerns. The CI was informed by a New World Environmental (b)(7)(C) that he was being terminated because "you had (b)(7)(C) on the Tetra Tech (b)(7)(C) and "you called (b)(7)(C) a (b)(7)(C). (b)(7)(C) informed the CI that she would go back to talk to (b)(7)(C) for reconsideration. A few hours later (b)(7)(C) came to talk to the CI at the HP access control point and stated he was sorry but he had to let the CI go.

Why does the allegor believe the action was taken as a result of engaging in a protected activity?

The CI had been there (b)(7)(C) of completing (b)(7)(C) of service at Hunter's Point. In all that time, he had never been reprimanded for any reason other than putting his shoes up on a desk. (b)(7)(C) was (b)(7)(C) with the (b)(7)(C) (b)(7)(C) who (b)(7)(C) her about a (b)(7)(C) after the CI was fired. An assault charge complaint was filed by the CI



Allegation Receipt Form

Allegation Number: RIV-2011-1A

against
CI.

(b)(7)(C)

(b)(7)(C)

prior to that. The CI felt that there was some influence by

(b)(7)(C)

on

(b)(7)(C)

to terminate the



Allegation Receipt Form

Allegation Number: RIV-2011-1-A

GENERAL INFORMATION: CONCERN # 3

Concern (in part two sentences)

Field laborers at Hunter's Point are operating air samplers and collecting & preparing soil samples without any Health Physics oversight or supervision. This is contrary to O&E procedures established by New World Environmental.

Concern Details and Comment

Although New World was charged with supplying HP support at Hunter's Point, field laborers with limited education, hired by the local union, are being used to operate and collect air and soil samples. These activities are being conducted without the presence of an HP. Standard Operating Procedures for air sampling and soil sampling collection and preparation for analysis are not followed. As a result, soil samples are being cross contaminated and prepared for analysis incorrectly bringing into question the validity of the sample results for release of the site. As of the end of December 2010, New World was replaced by Radiological Survey & Remediation Services and Aluet World Solutions which supply the HP support.

What records, documents, or other evidence should the NRC review?

Sample records for air and soils. Who was collecting the aliquots? How were these samples collected?

What other individuals, witnesses or other sources could the NRC contact for information?

See concern #1

What is the potential safety impact? Is this an ongoing concern? Is this an immediate safety or security concern? Are there any other safety or security concerns?

The Hunter's Point site is being remediated for final release for unrestricted use. Inaccurate soil and air sampling techniques result in suspect or invalid sample results that are not defensible to verify that the site meets release criteria.

Was the concern brought to management's attention? Was it entered into the Corrective Action Program (CAP)? What actions have been taken (if not why not)?

See concern #2

What requirement, regulation governs this concern?

Unknown at this time. License Tie-Down Condition and or Operating and Safety Procedures.

HARRASSMENT AND INTIMIDATION (H&I)

Regulation prohibits the licensee, contractor, or other who controls a radioactive material, from engaging in a prohibited activity. What is the alleged H&I? What is the alleged H&I? What is the alleged H&I?

Does the concern involve discrimination or H&I? If "No," proceed to page 2. Yes No

Was the individual advised of the DOL process? Yes No

What was the protected activity? When did it begin?

When management/supervision was aware of the protected activity? When and how were they made aware?

What adverse actions have been taken (termination, demotion, etc.)? When? What was management's reason for action?

Why does the alleged believe the actions were taken as a result of engaging in a protected activity?

EXHIBIT 2
PAGE 5 OF 6 PAGE(S)



Allegation Receipt Form

Allegation Number: RIV-2011-1

ALLEGATION INFORMATION

Allegation Received by: Phone/Voice Mail Letter Email Fax In-Person Inspection

Other (describe): _____

Was this allegation identified by the NRC or a licensee acting in their official capacity? Yes No

ALLEGER INFORMATION

Full Name: (b)(7)(C)

Email: (b)(7)(C)

Mailing Address: _____

Telephone: (b)(7)(C)

Employer: unemployed

Occupation: (b)(7)(C)

- Relationship to Facility:
- Licensee Employee
 - Former Licensee Employee
 - Contractor Employee
 - Former Contractor Employee
 - Other (describe): _____
 - Private Citizen
 - News Media
 - Special Interest Group
 - Other Federal Agency
 - State Agency
 - Municipal Government
 - Fed/State/Local Govt Employee
 - Confidential Source

ALLEGER PREFERENCE FOR FUTURE CORRESPONDENCE

Contact by: Telephone

Postal Service

Email

Best time to contact: Between _____ am and _____ am
 pm pm

or: Between _____ am and _____ am
 pm pm

Other Requests/Comments: any time

LICENSEE INFORMATION REQUEST & INDIVIDUAL IDENTITY PROTECTION

Explain that if concerns are discussed with or information is requested from the licensee, the allegor's identity will not be revealed. This contact is necessary for the NRC to conduct an independent evaluation of the concerns. If the concerns are a grievance, state issues or jurisdiction or otherwise explain that we will transfer the concern to the appropriate party. If the allegor agrees, we may provide the allegor's identity to follow up.

Does the allegor OBJECT to the NRC requesting information from the licensee to support an evaluation? Yes No

Does the allegor OBJECT to the release of their identity? Explain in certain situations (ie: discrimination cases), their identity will need to be released in order for the NRC to obtain specific and related information from the licensee. Yes No

ADDITIONAL CONTACT INFORMATION

NRC Headquarters

HOO (Immediate Safety Concerns): 1-301-816-5100
Non-emergency Toll-Free Hotline*: 1-800-695-7403

*This hotline is not recorded from 7am-5pm Eastern.
After hours, this call will be transferred to a recorded line.

RIV Allegations

Hotline: 1-800-952-9677 ext. 245
Fax: 1-817-276-6525
Email: R4Allegation@nrc.gov

Department of Labor

Main Call Center: 1-866-4-USA-DOL (M-F, 8am-5pm)
<http://www.dol.gov>
Discrimination/Wage/Back-Pay Issues: 1-866-487-9243
TTY for all DOL issues: 1-877-889-5627

OSHA

1-800-321-OSHA Regional Offices:
<http://www.osha.gov/html/ramap.html>

EXHIBIT 2
PAGE 6 OF 6 PAGE(S)

EXHIBIT 3