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NRC Petition: Supplemental Filing 4 Exhibit 7 - Declaration of Steven J Castleman

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1 1. My name is Steven J. Castleman. I am an attorney licensed to practice law in the
2 State of California. Together with my co-counsel, David Anton, I represent Greenaction for
3 Health and Environmental Justice in its 10 C.F.R. Section 2.206 Petition (“*Petition*”) seeking to
4 revoke the Materials License of Tetra Tech, EC, Inc. (“Tetra Tech”), License number 29-
5 31396-01. The Petition is pending before the Petition Review Board (“PRB”) which will make a
6 recommendation to the Director or Operations of the Nuclear Regulatory Commission regarding
7 the disposition of the *Petition*. The *Petition* demonstrates that Tetra Tech engaged in widespread
8 fraud, including reporting fraudulent sampling and scanning data, which has led to the Navy
9 throw out all of Tetra Tech’s data from its radiological work at the Hunters Point Naval Shipyard
10 in San Francisco, California (“Shipyard”).

11 2. In my capacity as Greenaction’s attorney, I have participated in interviews of
12 numerous former radiation workers at the Shipyard. Some have been willing to make statements
13 under penalty of perjury, as demonstrated by the declarations attached to the *Petition* as Exhibits
14 A, B, C, D, E, G and N. Two former radiation workers have been willing to be interviewed
15 extensively but, because they are still working in the radiation remediation industry and fear
16 retaliation and/or for other personal reasons, do not wish to be identified publicly. I will refer to
17 them as “Informant 1” and “Informant 2” and use neutral pronouns (they/them) so as not to
18 identify their gender.

19 3. Informant 1 worked at HPNS in 2007-2008. Informant 1 told me they left HPNS
20 voluntarily in 2008 because they did not approve of Tetra Tech’s radiological practices and they
21 were subject to harassment by Tetra Tech for raising concerns about their improper radiological
22 practices. Specifically, they objected to, among other things, changing analytical numbers taking
23 samples from one place while claiming they were from another and improperly filling out chain-
24 of-custody documents.

25 4. According to Informant 1, improper practices increased dramatically when Bill
26 Dougherty became the Project Manager for Tetra Tech. Prior to Dougherty becoming Project
27 Manager, the Health Physics (“HP”) technicians worked for New World Environmental and
28

1 were separate and independent of Tetra Tech's Construction Department. After Dougherty took
2 over, that changed. HPs were under Dougherty's control and the radiation work was
3 compromised. Dougherty also hired people who did what he wanted. Two such people, they told
4 me were Steve Rolfe, a senior HP who became a supervisor and Justin Hubbard, whom they saw
5 being pushed to cut corners by Dougherty.

6 5. Informant 1 told me they witnessed Justin Hubbard changing field readings taken
7 by a Ludlum 2360 scanner which had been downloaded to a computer.

8 6. Informant 1 also said they became aware that some HPs took samples in one
9 location but reported they had been taken elsewhere. They say they overheard Justin Hubbard
10 telling HPs to "Go back and find clean samples," or words to that effect, at locations other than
11 the locations they were supposed to be surveying. This was an ongoing problem that continued
12 through the time they were at the Shipyard, they said.

13 7. According to Informant 1, Tetra Tech did not follow proper chain-of-custody
14 ("COC") procedure. Rather, it had people who were not part of the sampling group fill out the
15 COC documents in advance. To Informant 1's knowledge, Marie Winder, Tina Rolfe (the wife
16 of HP supervisor Steve Rolfe) and Christine Dougherty (the wife of Tetra Tech Project Manager,
17 Bill Dougherty) filled out COCs in advance. They did not note the names of the person who
18 actually took the sample, where the sample was taken, or the actual time of the sample-taking.
19 For soil samples, they filled out the sample time as being every 5 minutes, exactly on each five-
20 minute mark. For example, soil samples were supposedly taken on the hour, at 5 after, 10 after,
21 15 after, etc. Informant 1 told me there was no way proper samples could be taken according to
22 such a fast schedule.

23 8. Informant 2 was an HP who, for a time, worked on Justin Hubbard's crew. On
24 April 15, 2010, they told me, they were directed by Justin Hubbard to take background reference
25 samples in Parcel D-1 because that parcel was supposed to be free of any radiological impact.
26 During their tenure at the Shipyard they took gamma-scans throughout HPNS and background
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