DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

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Ser BPMOW.rdc/414
December 17, 2018

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

Dear Mr. Ruch:

This letter responds to your Freedom of Information Act (FOIA) request of November 1, 2018 in which you seek the following:

- Documents describing Tetra Tech involvement in radiological assessment/remediation of areas of Treasure Island;
- Documents and communications related to the sufficiency of prior radiological assessment and remediation work performed by any Tetra Tech entity, including Tetra Tech EC, at Treasure Island;
- All documents and communications assessing the potential for fraudulent radiological cleanup work to have been conducted at Treasure Island by Tetra Tech or other contractors and the Navy's investigation of that potential;
- Documents and communications supporting any decision not to review the prior Tetra Tech radiological work at Treasure Island;
- All documents and communications among BRAC personnel and between BRAC and RASO (Navy Radiological Affairs Support Office) regarding whether Tetra Tech workers involved in fraudulent radiological work at Hunter's Point Naval Shipyard had performed radiological work at Treasure Island; and
- Documents relied upon or supporting, the statement by BRAC Program Director Laura Duchnak at the May 14, 2018 hearing on Hunter's Point before the San Francisco Board of Supervisors that the Navy has no information that any Tetra Tech workers involved in the fraud at Hunter's Point conducted radiological work at Treasure Island.

Your request was received by this office on November 19, 2018 and assigned file number DON-Navy-2019-002006.

Despite diligent efforts, we are unable to provide you a final determination on your request within the 20 working-day statutory time frame established by the FOIA because of the need to search for, collect, and examine a substantial number of responsive records and the need to consult with another naval activity which has substantial subject-matter interest in the release determination of identified responsive records.

At this time, we are also unable to provide an estimate of when your request will be completed because of uncertainty regarding the type and number of records that may be responsive. The processing of your request is being continued and a date for the response will be provided by **March 15, 2019**.

The link to the Administrative Record for the former Naval Station Treasure Island includes documents available to the public that form the basis for the selection of environmental response actions for environmental sites and is provided below in the interim while we process your request.

https://www.navfac.navy.mil/products_and_services/ev/products_and_services/env_restoration/administrative_records.html?fromDate=DD-MON-YYYY&toDate=DD-MON-YYYY&p_instln_id=TREASURE_ISLAND_NS&basic=&title=&sites=&author=&keywords=

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted.

You may modify your request to allow this agency to complete its processing in an alternative time frame. To discuss this option or for any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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Should you agree to await a substantive response, your right to appeal any denial of information, in whole or in part, will not be prejudiced. In the event of a partial or total denial, you will be afforded 60 calendar days from the date of denial in which to appeal.

Any questions concerning this matter should be directed to Ms. Sarah Ann Moore who may be contacted at sarah.moore@navy.mil or 619-524-5727.

Sincerely,

Alan K. Lee

ALAN K. LEE
Director
Acting