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.sda/043
February 22, 2019

Mr. Kevin Bell
Public Employees for Environmental Responsibility
962 Wayne Avenue Suite 610
Silver Springs, MD 20910

Dear Mr. Bell:

This letter responds to your Freedom of Information Act (FOIA) request of December 14, 2018 in which you seek the following:

1. U.S. Navy responses or communications concerning the most recent EPA estimates of what fraction, percent, and/or number of samples and/or sample units at the Hunters Point Shipyard Superfund site are suspect, questionable, unreliable, and/or potentially fraudulent or otherwise inaccurate, including but not limited to:

    - The EPA reevaluation of soil samples at Parcels B and G dated December 27, 2017 displayed at https://www.peer.org/assets/docs/epa/4_9_18_EPA_comment_summary.pdf ; and

    - The EPA reevaluation of soil samples at Parcels D-2, UC-1, UC-2, and UC-3 dated March 30, 2018 displayed at https://www.peer.org/assets/docs/ca/6_4_18_EPA_reevaluation_D_UC.pdf.

2. Decision documents stemming from or communications following the U.S. Navy's March 2018 "Building Radiation Data Initial Evaluation Report" confirming data manipulation of Tetra Tech EC, Inc. ("Tetra Tech") radiation surveys submitted from 2008 through 2016;

3. Records reflecting the current status of Tetra Tech as a Navy consultant or contractor at the Hunters Point Shipyard Superfund site, including whether the Navy is pursuing complaints, sanctions, or repayment from Tetra Tech; and

4. Documents and communications concerning the latest U.S. Navy action to verify or address whistleblower allegations concerning fabrication, data manipulation, and related misconduct by Tetra Tech at Hunters Point.

Your request was received by this office on December 17, 2018 and assigned file number DON-Navy-2019-002092.

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 other naval activities which has substantial subject-matter interest in the release determination of identified responsive records. The processing of your request is being continued and is expected to be completed by **March 29, 2019**.

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.

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 Mr. Scott Anderson who may be contacted at scott.d.anderson@navy.mil or 619-524-5808.

Sincerely,

KIMBERLY A. OSTROWSKI
Director