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NRC Confirms Actions to Be Taken at New Jersey Firm to Address Violations at San Francisco Shipyard

The Nuclear Regulatory Commission has issued a confirmatory order to Tetra Tech EC Inc. of Morris Plains, N.J., confirming actions the company is required to implement under an agreement reached with the NRC. The actions are intended to address a violation involving falsified soil sample records by technicians at the Hunters Point Naval Shipyard in California and are in addition to steps already taken by the company.

The settlement with Tetra Tech was achieved under the NRC's alternative dispute resolution (ADR) process, which was initiated at the request of the company.

Tetra Tech was contracted by the Department of the Navy to assist with the regulatory free-release and closure of the radiologically-impacted buildings and sites at the shipyard. The NRC has jurisdiction over the northeast portion of the shipyard, but is not overseeing decommissioning of the site. NRC oversight involves ensuring that contractors with NRC service provider licenses, such as Tetra Tech, are conducting remediation activities safely.

The violation involves the failure by Tetra Tech to make surveys that were reasonable to evaluate concentrations and potential radiological hazards of residual radioactivity. Specifically, a radiation control technician and a radiation task supervisor deliberately falsified soil sample records by taking soil samples from areas not designated as part of the target area and by completing forms with inaccurate information on a number of occasions in late 2011 through mid-2012. The falsified records that were the subject of NRC's investigation were identified by the Navy prior to any buildings or land being released. Tetra Tech took actions to correct the issue and prevent recurrence, including re-sampling of suspect areas.

In July, NRC issued a notice of violation and proposed a $7,000 civil penalty. In response, Tetra Tech informed the agency that they were interested in the use of the ADR session to resolve the matter. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement or resolving any differences regarding a dispute.

An ADR mediation session took place Sept. 7, and led to an agreement which is detailed in the confirmatory order issued by the NRC. Tetra Tech has agreed to:

- Discuss the facts and lessons learned from this event with its employees who are engaged in licensed activities within 180 days, emphasizing the importance of not engaging in willful activities in violation of NRC's regulations.
- Provide refresher training on NRC requirements to all Tetra Tech employees engaged in licensed activities within 270 days. A copy of the training documents must be submitted to the NRC. The refresher training must be conducted annually for a period of five years.
- Conduct an independent third-party assessment of all areas involving NRC-licensed activities to assess Tetra Tech's safety culture within 360 days. In addition, within 120 days from completion of the assessment, Tetra Tech has agreed to evaluate the results and take appropriate corrective actions.
- For a period of three years, use a third party to perform quality assurance reviews of work performed at Hunters Point.
- Send copies of the notice of violation and confirmatory order to the Navy and the California State Department of Public Health to assure they are fully informed of the NRC's actions.

In consideration of Tetra Tech's actions, the NRC has agreed to withdraw the proposed civil penalty.

A copy of the confirmatory order will be posted on the enforcement page of the NRC's website.

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