

**From:** [Smith, James](#)  
**To:** [David Anton](#)  
**Cc:** [Steven Castleman](#); [Koenick, Stephen](#); [Baer, Lorraine](#); [Case, Michael](#); [Teator, Jeffrey](#); [Bickett, Brice](#); [Klukan, Brett](#)  
**Subject:** RE: Re: Re: RE: Re: Tetra Tech 2.206 Petition Proposed Public Meeting dates  
**Date:** Tuesday, February 26, 2019 10:46:00 AM

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Mr. Anton-

This responds to your email below, dated February 22, 2019 2:37 PM, requesting information regarding OI and US Attorney's Office Reports on Tetra Tech EC frauds at Hunter's Point

- The information regarding the NRC OI report is OI investigation (1-2014-018), the title is - "TETRA TECH EC, INC. FALSIFICATION OF SOIL SAMPLE SURVEY RECORDS". The report is dated September 15, 2015.
- We have not received any reports from the from the US Attorney's Office on the Tetra Tech EC frauds at Hunters Point. However, we are aware of a Press Release from the Department of Justice. On May 4, 2018, we did receive a copy of a press release, dated May 3, 2018, regarding DOJ's activity relative to the Hunter's Point Site.

Please see the press release below:

Department of Justice

Acting United States Attorney Alex G. Tse Northern District of California

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FOR IMMEDIATE RELEASE

WWW.USDOJ.GOV/USAO/CAN<<http://WWW.USDOJ.GOV/USAO/CAN>>;

May 3, 2018

**RADIATION CONTROL TECHNICIAN SUPERVISORS SENTENCED FOR FALSIFYING  
FORMER HUNTER'S POINT NAVAL SHIPYARD CLEAN-UP RECORDS**

Defendants admit substituting "clean dirt" for legitimate soil samples in order to fake the results of radiological remediation efforts.

SAN FRANCISCO – Stephen C. Rolfe and Justin E. Hubbard have been sentenced to eight months in prison for falsifying records in a federal investigation, announced Acting United States Attorney Alex G. Tse; U.S. Nuclear Regulatory Commission Office of Investigations (NRC:OI) Acting Director Scott Langan; Environmental Protection Agency (EPA) Special Agent in Charge Jay Green; and Department of Defense, Office of Inspector General, Defense Criminal Investigative Service (DOD-OIG), Special Agent in Charge Chris D. Hendrickson. Both defendants supervised a team of radiation control technicians retained to conduct radiological remediation at the former Hunter's Point Naval Shipyard. The Honorable James Donato, United States District Judge, sentenced the defendants after each pleaded guilty to falsifying documents in related criminal cases. The cases against Hubbard and Rolfe were unsealed yesterday during Hubbard's sentencing proceedings.

Yesterday, Judge Donato sentenced Hubbard, 48, of Boulder City, Nevada, to eight months in prison for falsifying documents. Hubbard pleaded guilty on May 10, 2017, to the offense. On March 15, 2017, Rolfe, 65, of Bradenton, Florida, pleaded guilty to falsifying documents. On January 24, 2018, Judge Donato sentenced him to serve eight months in prison for the offense.

"When our community's health and safety is in jeopardy, we must vigilantly respond with all of our law enforcement tools," said Acting United States Attorney Tse. "This sentence reflects our commitment to ensure that bogus reports intended to deceive the protectors of our environment

will be investigated and prosecuted to the fullest extent of the law. We could not have achieved this success without the coordinated efforts of the Justice Department and our partner agencies.”

“Today’s announcement by the U.S. Attorney’s Office reaffirms the NRC’s continuing commitment to protecting public health, safety and the environment. The collaborative work of all federal agencies involved in this case serves as a reminder that the NRC will hold accountable any individual who willfully provides inaccurate and incomplete information to a safety regulator,” said NRC Executive Director for Operations Victor M. McCree.

“Accurate data is a critical component of EPA’s efforts to protect communities and the environment at Superfund sites,” said Assistant Administrator Susan Bodine. “Yesterday’s sentence demonstrates that those who place communities at risk by deliberately falsifying information will be held accountable.”

“Rolfe and Hubbard’s lies and shortcuts in the soil-testing process potentially put the community at risk and frustrated the contracting efforts of the U.S. Navy to test and remediate soil at the former Hunter’s Point Naval Shipyard,” said Special Agent in Charge Hendrickson. “These results demonstrate that DCIS and its law enforcement partners are committed to holding accountable those who cheat the Department of Defense procurement process and U.S. taxpayers.”

According to their plea agreements, the defendants were employed by government contractors performing nuclear remediation work at the former Hunter’s Point Naval Shipyard located in the Bayview District of San Francisco. Contractors at the site were expected to take soil from certain marked sampling locations, referred to as survey units, have the samples bagged and labeled, and then send them to a laboratory for analysis to determine, among other things, whether they contained certain radionuclides above an acceptable level. If a laboratory analysis determined a collected sample to contain a higher-than-allowable level of radionuclides of concern, then additional remediation of the survey area was to be conducted until all samples passed laboratory analysis. The defendants admitted that, rather than take samples from the intended survey units undergoing analysis, they participated in the substitution of dirt that was “clean” (containing acceptable levels of radionuclides) fraudulently taken from other areas within the former naval base.

As part of his plea agreement, Hubbard admitted that during 2012, he drove his company truck to an area outside the marked survey unit that he was tasked with remediating, and filled a bucket with clean dirt that he then substituted for legitimate soil samples. He then placed bar code stickers on the bags of dirt that misidentified the locations from where the samples were obtained. Hubbard acknowledged that he knew he was falsifying data that would ultimately be submitted to the U.S. Navy to demonstrate the area had been successfully remediated. Hubbard specifically admitted that on May 31, 2012, he fraudulently switched soil samples for four survey units at the former naval shipyard.

Rolfe admitted that he directed employees on his team to get clean dirt from outside the appropriate marked survey units and to substitute this clean dirt for legitimately collected samples. Rolfe estimated that he told his subordinates to obtain clean dirt in this manner on approximately twenty occasions in 2012. Rolfe further admitted that during this period, he observed forms containing this false information being filled out on between ten and twenty occasions. Rolfe admitted that on one occasion in August 2012, he personally falsified data on a tracking sheet to suggest that a sample of soil came from an area that he knew it did not. Rolfe acknowledged that he knew his conduct would impede the proper investigation and administration of the U.S. Navy’s radiological remediation efforts at the former naval shipyard.

Hubbard and Rolfe both were charged by information, each with one count of destruction, alteration, or falsification of records in federal investigations and bankruptcy, in violation of 18 U.S.C. § 1519. Pursuant to their plea agreements, they each pleaded guilty to the charge.

In addition to their prison terms, Hubbard and Rolfe were ordered to pay fines of \$10,000

and \$2,000, respectively. Both will be placed on a three-year period of supervised release following their prison sentences. Counsel for the defendants informed the court that both defendants no longer work in the remediation industry. Judge Donato ordered Hubbard to self-surrender on or before July 9, 2018, to begin serving his sentence. Rolfe is currently serving his sentence.

Assistant U.S. Attorneys Philip Kearney and Matthew McCarthy are prosecuting the case with the assistance of paralegal Alycee Lane, and legal assistants Bridget Kilkenny and Rosario Calderon. The prosecution is the result of an investigation by the NRC:OI, EPA, and DOD-OIG.

Further Information:

Case Nos.: CR 17-278 JD (Hubbard)  
CR 17-123 JD (Rolfe)  
Links the informations filed against the defendants and to their plea agreements can be found here: <https://go.usa.gov/xQ9Hp>

A copy of this press release will be placed on the U.S. Attorney's Office's website at [www.usdoj.gov/usao/can](http://www.usdoj.gov/usao/can)<<http://www.usdoj.gov/usao/can>>.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov)<<http://www.cand.uscourts.gov>>.

All press inquiries to the U.S. Attorney's Office should be directed to Abraham Simmons at (415) 436-7264 or by e-mail at [Abraham.Simmons@usdoj.gov](mailto:Abraham.Simmons@usdoj.gov)<<mailto:Abraham.Simmons@usdoj.gov>>.

Thanks,

Jim Smith

James Smith



**From:** David Anton [mailto:davidantonlaw@gmail.com]

**Sent:** Friday, February 22, 2019 2:37 PM

**To:** Smith, James <James.Smith@nrc.gov>

**Cc:** Steven Castleman <scastleman@ggu.edu>; Koenick, Stephen <Stephen.Koenick@nrc.gov>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Case, Michael <Michael.Case@nrc.gov>

**Subject:** [External\_Sender] Re: Re: RE: Re: Tetra Tech 2.206 Petition Proposed Public Meeting dates

James Smith:

I am at this time requesting very limited information to assist us in determining how to respond to the

information you provided to Steve Castleman and I today.

Would you please provide us with the DATE and title of each report the NRC from the US Attorney's Office on the Tetra Tech EC frauds at Hunters Point.

Would you please provide us with the DATE and title of each report that the NRC received from the NRC Office of Investigation on the Tetra Tech EC frauds at Hunters Point.

I am not asking for the reports, nor the content of the reports at this time, just the dates and title of each such report.

Why am I asking? We were informed in the telephone call that our Petition did not present "new and significant new information" to warrant the Petition going forward. I recall that you Jim explained to me why the public meeting on the Petition was not being held within the guideline period [what was it? 30 or 60 days it was supposed to be]. You explained to me that the NRC was asked/directed not to proceed while the US AG criminal investigation and NRC office of investigation was proceeding. It strikes me as dishonest by the NRC to claim that the Petition did not present new and significant new information if the information the NRC is claiming it already had is information it obtained while it held the Petition in cold storage with the NRC. It seems to me that the issue of new and significant should be taken from the point in time that the Petition was filed.

Please forward the dates and titles of the reports. If the NRC refuses to provide this very limited information, please explain why since no content is now being requested.

David Anton

On Thu, Feb 21, 2019 at 6:09 AM Smith, James <[James.Smith@nrc.gov](mailto:James.Smith@nrc.gov)> wrote:

Mr. Castleman and Mr. Anton

Below is the information for the Bridge-line tomorrow at 10:00 am West Coast time, 1:00 pm East Coast.

Look forward to speaking with you tomorrow.

Jim



**Meeting Information:**

Leader:	MR JAMES SMITH
Phone number:	1-301-492-3234

Contact: MR OMAR  
MORRIS

Phone  
number: 1-301-415-7000

Service  
level: Unattended

Number of  
lines: Total=6  
Dialout=0 Meet  
Me=6 Meet Me  
Toll=0

Call date: FEB-22-2019  
(Friday)

Call time: 01:00 PM  
EASTERN  
TIME

Duration: 1 hr

Confirmation  
number: 8810723

Company: NWX-US  
NUCLEAR  
REGULATORY  
COM

CRC:

**Passcodes/Pin codes:**

Participant  
passcode: 16887

**For security reasons, the passcode will be  
required to join the conference.**

**Dial in numbers:**

Country	Toll Numbers	Freephone/ Toll Free Number
USA		877- 596- 8189

**Restrictions may exist when accessing  
freephone/toll free numbers using a mobile  
telephone.**

**In-Conference Features:**

All participants  
must use a  
touch-tone  
phone to  
participate in an  
Audio  
Conference. The

following  
features are  
available for  
you to use on  
your phone  
during an active  
conference:

- Press \*0  
operator
- ◆ assistance  
(small fee  
may apply)
- Press \*6
- ◆ mute/unmute  
individual  
line

**Selected Conference Features:**

**Audio**

Tones

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**From:** Steven Castleman [<mailto:scastleman@ggu.edu>]

**Sent:** Wednesday, February 20, 2019 12:07 PM

**To:** David Anton <[davidantonlaw@gmail.com](mailto:davidantonlaw@gmail.com)>; Smith, James <[James.Smith@nrc.gov](mailto:James.Smith@nrc.gov)>

**Cc:** Baer, Lorraine <[Lorraine.Baer@nrc.gov](mailto:Lorraine.Baer@nrc.gov)>; Case, Michael <[Michael.Case@nrc.gov](mailto:Michael.Case@nrc.gov)>; Koenick, Stephen <[Stephen.Koenick@nrc.gov](mailto:Stephen.Koenick@nrc.gov)>

**Subject:** [External\_Sender] RE: Re: RE: Re: Tetra Tech 2.206 Petition Proposed Public Meeting dates

Friday 2/22 at 10:00 am Pacific/1:00pm Eastern works for me.

Thanks.

steve

**Steve Castleman**

Visiting Associate Professor & Staff Attorney  
Environmental Law and Justice Clinic  
415-442-6675 | [scastleman@ggu.edu](mailto:scastleman@ggu.edu)



**From:** David Anton [<mailto:davidantonlaw@gmail.com>]  
**Sent:** Wednesday, February 20, 2019 5:48 AM  
**To:** Smith, James  
**Cc:** Steven Castleman; Baer, Lorraine; Case, Michael; Koenick, Stephen  
**Subject:** Re: Re: RE: Re: Tetra Tech 2.206 Petition Proposed Public Meeting dates

Still works for me, Steve does it work for you for Friday AM our time is best for me. I have a lunch meeting 11:45 AM on. Hope we can have the call with the NRC at 10 am our time and 1 pm east coast time.

David Anton

On Wed, Feb 20, 2019 at 3:24 AM Smith, James <[James.Smith@nrc.gov](mailto:James.Smith@nrc.gov)> wrote:  
Friday works for me.

On: 20 February 2019 00:05,  
"David Anton" <[davidantonlaw@gmail.com](mailto:davidantonlaw@gmail.com)> wrote:

Friday works for me. How about you Steve?

David

On Tue, Feb 19, 2019 at 10:43 AM Smith, James <[James.Smith@nrc.gov](mailto:James.Smith@nrc.gov)> wrote:  
Me. Castleman and Mr. Anton:

It's likely that the NRC HQ will be closed on Wednesday due to Winter weather; however, it's likely that we will be open and available for a call on Thursday or Friday.

Thanks

Jim Smith

On: 14 February 2019 16:39,  
"Steven Castleman" <[scastleman@ggu.edu](mailto:scastleman@ggu.edu)> wrote:

Mr. Smith,

Thank you for your email. I'm sorry but I am unavailable tomorrow as I'll be traveling.

I'll consult with David Anton and get back to you about a time that works for us on Tuesday, the 19<sup>th</sup> or Wednesday the 20<sup>th</sup>.

Thanks again.

steve

**Steve Castleman**

Visiting Associate Professor & Staff Attorney

Environmental Law and Justice Clinic

415-442-6675 | [scastleman@ggu.edu](mailto:scastleman@ggu.edu)



**From:** Smith, James [mailto:[James.Smith@nrc.gov](mailto:James.Smith@nrc.gov)]

**Sent:** Thursday, February 14, 2019 1:02 PM

**To:** David Anton; Steven Castleman

**Cc:** Baer, Lorraine; Case, Michael; Koenick, Stephen

**Subject:** RE: Re: Tetra Tech 2.206 Petition Proposed Public Meeting dates

Mr. Anton and Mr. Castleman:

The NRC Petition Review Board (PRB) has reviewed the 10 CFR 2.206 Petition and its supplements you filed on behalf of Greenaction for Health and Environmental Justice to revoke the Materials License No. 29-31396 and has reached an initial recommendation on the disposition of the Petition.

I would like to schedule a teleconference with both of you tomorrow, February 15, 2019, to provide you with the PRB's recommendation.

If you are available, I will set up a bridge line, in order to allow both of you to participate in the teleconference. If so, can you both give me a set of times that both of you will be available so that I can schedule the teleconference? If not, could you please provide a date in the near future to hold this teleconference?

Thank you,

Jim Smith





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