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TOM O'HALLERAN

1ST DISTRICT, ARIZONA

November 13, 2019

The Honorable Kristine L. Svinicki
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairwoman Svinicki,

As the Representative of Arizona's First Congressional District, it is my duty to voice the concerns which may impact the Navajo Nation, which occupies the largest reservation in the United States and spans three states: Arizona, New Mexico, and Utah. Tragically, since the end of the Cold War the Navajo Nation has been dealing with dangerous environmental pollution and harmful radiation exposure from the 523 abandoned uranium mines (AUM) that scatter the Navajo territory.

It is my understanding that EPA awarded the Navajo Area Abandoned Uranium Mines Response, Assessment, and Evaluation Service contract (Contract), worth $85 million, to Tetra Tech Inc. to assess uranium contamination at 30 AUM sites.[1] As a Member of the House Committee on Energy & Commerce, I value exercising continued oversight over all federal agencies involved in the cleanup work of AUM on the Navajo Nation, including the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), and Department of Energy (DOE). My office has become aware of disturbing reports that the EPA has awarded the Contract to Tetra Tech Inc., despite their subsidiary's (Tetra Tech EC) previously documented malpractice in conducting environmental cleanup projects at hazardous sites.[2]

During Tetra Tech EC's contract work at a former Hunters Point Naval Shipyard in San Francisco, CA, a Department of Navy investigation found "evidence of potential data manipulation or falsification" of soil samples collected during the site's cleanup process.[3]

The NRC is charged, in part, with authorizing licenses for applicant organizations to "possess, use, process, export and import nuclear materials and waste.[4]" Following the NRC's

[1] U.S. Environmental Protection Agency, News Releases from Region 9, "EPA Awards Tetra Tech Inc. $85 Million Contract to Assess Navajo Abandoned Uranium Mines (Oct. 11, 2017) https://www.epa.gov/newsreleases/epa-awards-tetra-tech-inc-85-million-contract-assess-navajo-abandoned-uranium-mines-0

[2] High Country News, Susie Neilson, "Feds give Navajo uranium contract to firm with sketch past" (Oct. 17, 2019) https://www.hcn.org/articles/indigenous-affairs-feds-give-navajo-uranium-clean-up-contract-to-firm-with-sketchy-past

[3] Department of the Navy, Naval Facilities Engineering Command, "Radiological Data Evaluation Findings Report for Parcels B and G Soil: Former Hunters Point Naval Shipyard, San Francisco, California" (Sept. 2017) https://www.documentcloud.org/documents/6476466-4-9-19-Navy-Submission-Sept2017.html

[4] Nuclear Regulatory Commission, How We Regulate- Licensing https://www.nrc.gov/about-nrc/regulatory/licensing.html

investigation of this incident, it found that "Tetra Tech EC reported the issue to the NRC and took appropriate corrective actions" and "[the NRC] did not restrict, suspend, or qualify Tetra Tech EC's NRC license.[5]"

As part of this oversight responsibility, I request the NRC provide my office thorough responses to the following questions that will further inform our oversight of the organizations such as Tetra Tech EC that are involved in the ongoing cleanup activities on the Navajo Nation:

1) In detail, please explain what review process NRC undertook to determine Tetra Tech Inc.'s Radioactive Material License should remain in good standing.
2) In detail, please explain what corrective actions were taken by Tetra Tech EC following the revelation that supervisors directed workers to falsify soil samples that were collected during cleanup work at the former Hunters Point Naval Shipyard site.
3) When the EPA announcing the award of the Contract to Tetra Tech Inc., it stated that the company possessed "strong technical and scientific capabilities." However, two months after this award announcement, EPA told the Department of the Navy that its own investigation into the allegation "demonstrate a widespread pattern of practices that appear to show deliberate falsification and failure to perform the work in a matter required.[6]"

   While the EPA solicitation for the Contract was still open, did NRC ever share evidence, reports, or any other communication with EPA regarding their review of the company's license or qualifications?

I look forward to continuing to work with NRC, its federal partner agencies, and the Navajo Nation to ensure the cleanup of these harmful AUM sites are done expeditiously and with qualified contract awardees. My office looks forward to receiving NRC's timely response. Please contact Edgar Rivas (edgar.rivas@mail.house.gov) or Paul Babbitt (paul.babbitt@mail.house.gov) on my staff with any questions you may have.

Thank you for your prompt attention to this matter.

Sincerely,

Tom O'Halleran
Member of Congress

[5] Tetra Tech, Press Release, Charlie MacPerson (Jun. 29, 2017) https://assets.documentcloud.org/documents/3882363/Tetra-Tech-Statement-June-29-2017.pdf
[6] U.S. Environmental Protection Agency, Region 9, John Chesnutt- Federal Facilities Section Manager, Superfund Division (Dec. 27, 2017) https://assets.documentcloud.org/documents/6476467/4-9-18-EPA-Comment-Summary-Dec2017.pdf