

DINSMORE & SHOHL

ATTORNEYS AT LAW

550 CHEVROLET CENTER
235 EAST FIFTH STREET
CINCINNATI, OH 45202-3172
TELEPHONE 513-577-0700
TELETYPE 513-577-0700

WRITER'S DIRECT DIAL:
(513) 577-8332

OTHER OFFICES

NORTHERN KENTUCKY OFFICE
SOUTHWEST RIVER OFFICE PARK
7300 LUMINA ROAD, SUITE 400
FLORENCE, KENTUCKY 41041-1300
800-383-0538
TELETYPE 502-383-8017

COLUMBUS OFFICE
NBL BANK BUILDING
SUITE 200
175 SOUTH THIRD STREET
COLUMBUS, OH 43215-1800
614-224-7887
TELETYPE 614-224-7888

DAYTON OFFICE
500 COURTHOUSE PLAZA, S.W.
10 N. LUDLOW STREET
DAYTON, OH 45409-1894
614-258-6011
TELETYPE 614-258-1283

November 27, 1991

FREEDOM OF INFORMATION
ACT REQUEST

Mr. John A. Grobe
Chief, Nuclear Material Safety Branch
U.S. Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137

FOIA 91-533
Rec'd 12-2-91

Re: Kenneth M. Fritz/University of Cincinnati

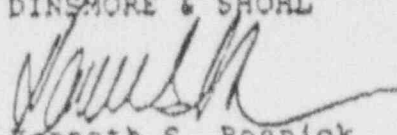
Dear Mr. Grobe:

This will request that the Nuclear Regulatory Commission provide me copies of the following materials under the Freedom of Information Act, 5 U.S.C. § 522 and your agency's implementing regulations, 10 C.F.R. § 9, et seq.: 1) Evidentiary summary or report supporting the synopsis of alleged violations which is attached hereto as Exhibit A, and, 2) any referral by your agency to the Justice Department or a U.S. Attorney's office for criminal prosecution of Kenneth M. Fritz, Prince Jason or the University of Cincinnati with regard to the events described in the synopsis attached hereto as Exhibit A and any written response to such referral from the Department of Justice and/or a U.S. Attorney's office.

In compliance with the applicable regulations, I promise to pay reasonable charges incurred for search and copying costs. Please send me your invoice along with the copies which I have requested to my attention at the above address in Cincinnati. I look forward to your response within 10 days or earlier if possible. Thank you very much.

Yours very truly,

DINSMORE & SHOHL


Kenneth S. Resnick

KSR:ymm
9301060335 911127
PDR FOIA
RESNICK91-533 PDR

SYNOPSIS

On October 30, 1989, the Regional Administrator, U.S. Nuclear Regulatory Commission (NRC), Region III (R111), requested that an investigation be initiated concerning an allegation that sealed source records were intentionally concealed from an NRC/R111 inspector during a 1988 inspection at the University of Cincinnati Medical Center (UCMC). The Office of Investigations (OI) investigation substantiated the allegation that the UCMC Radiation Safety Officer (RSO) and Deputy RSO intentionally concealed sealed source records from the NRC inspector during his August 1988 inspection.

During the investigation an additional allegation of discrimination was brought to OI's attention and pursued during the investigation. The OI investigation substantiated that the RSO and his administrative director intentionally instituted a policy which was discriminatory. However, the investigation failed to find where the discriminatory policy affected or prevented UCMC employees from going to the NRC.