

ORIGINAL  
OFFICIAL TRANSCRIPT OF PROCEEDINGS

Agency: Nuclear Regulatory Commission

Title: Investigative Interview of  
KENNETH M. FRITZ (CLOSED)

Docket No.

LOCATION: Cincinnati, Ohio

DATE: Thursday, November 1, 1990 PAGES: 1 - 7

EXHIBIT 18  
PAGE 1 OF 10 PAGE(S)

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1  
2 UNITED STATES OF AMERICA  
3 NUCLEAR REGULATORY COMMISSION  
4

5 OFFICE OF INVESTIGATIONS

6 - - - - -X

7 In the Matter of: :

8 INVESTIGATIVE INTERVIEW :

9 Kenneth M. Fritz :

10 (CLOSED) :

11 - - - - -X

12  
13 Office of Sirkin, Pinales,

14 Mezibov & Schwartz

15 105 W. Fourth Street

16 Cincinnati, Ohio

17 Thursday, November 1, 1990

18  
19 The above-entitled matter commenced at 10:06  
20 o'clock a.m., when were present:

21 FOR THE NUCLEAR REGULATORY COMMISSION:

22 RICHARD C. PAUL, INVESTIGATOR  
23  
24  
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1 APPEARANCES [continued]:

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FOR THE WITNESS

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MARC D. MEZIBOV, ESQUIRE

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SIRKIN, PINALES, MEZIBOV & SCHWARTZ

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ALSO PRESENT:

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MATTHEW BROMFIELD

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## P R O C E E D I N G S

[10:08 a.m.]

MR. PAUL: For the record, this is an interview of  
Kenneth M. Fritz, spelled F-r-i-t-z.

The location of this interview is Cincinnati,  
Ohio.

Present at this interview in addition to Mr. Fritz  
are Richard C. Paul with the U.S. Nuclear Regulatory  
Commission; Mr. Fritz's attorney, Mark D. Mezibov; and  
Matthew Bromfield.

As agreed, this interview is being tape recorded  
by Court Reporter Lincoln Davis.

The subject matter of this interview concerns the  
University of Cincinnati in Cincinnati, Ohio.

[Witness sworn.]

MR. PAUL: As I note to the record, Mr. Fritz is  
appearing at this interview in response to a subpoena issued  
by the U.S. Nuclear Regulatory Commission.  
Whereupon,

KENNETH M. FRITZ,  
a witness, was called for examination by Investigator  
Richard C. Paul, U.S. Nuclear Regulatory Commission, and,  
having been first duly sworn, was examined and testified as  
follows:

EXAMINATION

1 BY MR. PAUL:

2 Q Mr. Fritz, were you at one time or are you  
3 currently employed by the University of Cincinnati?

4 A I respectfully decline to answer that question on  
5 the grounds that to do so might tend to be incriminating in  
6 violation of my rights under the Fifth Amendment to the  
7 Constitution of the United States.

8 Q Were you ever the Radiation Safety Officer for the  
9 University of Cincinnati?

10 A I respectfully decline to answer that question  
11 upon the grounds that to do so might tend to be  
12 incriminating in violation of my rights under the Fifth  
13 Amendment to the Constitution.

14 Q Did you author a University of Cincinnati  
15 memorandum dated June 30, 1988. It's entitled "To the  
16 Radiation Safety Personnel, University of Cincinnati" and it  
17 is from George W. Alexander, Jr. and Kenneth M. Fritz. The  
18 subject was Problem Notification Process for Radiation  
19 Safety, Office Personnel.

20 We'll make it Attachment 1 to the interview.

21 [Attachment 1 to the Interview  
22 was marked for identification.]

23 BY MR. PAUL:

24 Q You can look at that, if you care to.

25 A I respectfully decline to answer that question

1 upon the grounds that to do so might tend to be  
2 incriminating in violation of my rights under the Fifth  
3 Amendment to the Constitution of the United States.

4 Q Did the restriction in this particular memo,  
5 Attachment 1, the restrictions related to the radiation  
6 safety employees discussing problems with anyone outside the  
7 University of Cincinnati include discussions with the  
8 Nuclear Regulatory Commission?

9 A I respectfully decline to answer that question  
10 upon the grounds that to do so might tend to be  
11 incriminating in violation of my rights under the Fifth  
12 Amendment to the Constitution of the United States.

13 Q Did you take or recommend disciplinary action  
14 against any employee as a result of the procedure and policy  
15 set forth in Attachment 1?

16 A I respectfully decline to answer that question  
17 upon the grounds that to do so might tend to be  
18 incriminating in violation of my rights under the Fifth  
19 Amendment of the Constitution of the United States.

20 Q Were you informed or aware of radioisotope sources  
21 that were determined to be missing as a result of  
22 inventories conducted by radiation safety technicians?

23 A I respectfully decline to answer that question  
24 upon the grounds that to do so might tend to be  
25 incriminating in violation of my rights under the Fifth



1 Amendment to the Constitution of the United States.

2 Q In the time frame 1988 did Melvin Boyd inform you  
3 of a missing Nickel-63 source located in Dr. Tan's area?

4 A I respectfully decline to answer that question  
5 upon the grounds that to do so might tend to be  
6 incriminating in violation of my rights under the  
7 Constitution -- under the Fifth Amendment to the  
8 Constitution of the United States.

9 Q Were you made aware or given advance notice of the  
10 August, 1988 NRC inspection conducted by Don Gibbons?

11 A I respectfully decline to answer that question  
12 upon the grounds that to do so might tend to be  
13 incriminating in violation of my rights under the Fifth  
14 Amendment to the Constitution of the United States.

15 Q Did you instruct Prince Jason or any other  
16 radiation safety employee to remove inventory cards from  
17 their permanent location?

18 A I respectfully decline to answer that question  
19 upon the grounds that to do so might tend to be  
20 incriminating in violation of my rights under the Fifth  
21 Amendment to the Constitution of the United States.

22 Q Were you aware or did you have any knowledge of  
23 the removal of sealed source inventory cards prior or during  
24 the inspection conducted by the NRC in August, 1988?

25 A I respectfully decline to answer that question

1 upon the grounds that to do so might tend to be  
2 incriminating in violation of my rights under the Fifth  
3 Amendment to the Constitution of the United States.

4 MR. PAUL: Mr. Fritz, have I or any other NRC  
5 representative here threatened you in any manner or offered  
6 you any rewards in return for this statement?

7 THE WITNESS: Would you repeat that question?  
8 Sorry.

9 MR. PAUL: Mr. Fritz, have I or any other NRC  
10 representative here threatened you in any manner or offered  
11 you any rewards in return for this statement?

12 THE WITNESS: No.

13 MR. PAUL: Have you given this statement freely  
14 and voluntarily?

15 THE WITNESS: Yes.

16 MR. PAUL: Is there anything further you would  
17 care to add for the record?

18 THE WITNESS: No.

19 MR. PAUL: The interview is concluded.

20 [Whereupon, at 10:15 a.m., the investigative  
21 interview was concluded.]

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## REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission

in the matter of:

NAME OF PROCEEDING: Interview

DOCKET NUMBER:

PLACE OF PROCEEDING: Cincinnati, OHIO

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Official Reporter  
Ann Riley & Associates, Ltd.



University of Cincinnati  
Radiation Safety Committee

234 Goodman Street  
Cincinnati, Ohio 45267-0591

Mall Location #591

Telephones:

Radiation Safety Office 558-4110  
Administration 558-9081

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June 30, 1988

TO: Radiation Safety Personnel  
Univ. of Cincinnati

FROM: George W. Alexander, Jr. B.S. *S.A.*  
Kenneth M. Fritz, M.S. *KMF*

SUBJECT: Problem Notification Process for  
Radiation Safety Office Personnel

In the event that there are any problems related to Radiation Safety Office programs, Radiation Health Technicians must notify either the Deputy Radiation Safety Officer, Radiation Safety Officer or Administrative Director of Radiation Safety immediately. Under no circumstances should any employee state either policies or problems related to radiation safety to anyone within the University of Cincinnati or outside of the University of Cincinnati unless told to do so by one of the above mentioned supervisors. Please be reminded that the Radiation Safety Committee makes radiation safety policies for the University, and we act upon the provisions of our NRC Broad License. Your specific jobs are to comply with assigned duties from the supervisors. In the event that there is a discrepancy related to this policy by an employee, disciplinary action will be taken.

NAME

DATE

REPORT OF INTERVIEW  
WITH  
DONALD R. GIBBONS

On August 13, 1990, Donald R. GIBBONS, NRC:RIII was interviewed by Richard C. Paul, Investigator, Office of Investigations, at the Region III office in Glen Ellyn, Illinois.

GIBBONS said in August 1988 he was assigned to conduct an inspection of the University of Cincinnati (UC) Radiation Safety Program (RSP). GIBBONS said the inspection was unannounced.

According to GIBBONS, his first contact with anyone from the UC RSP occurred when he called Kenneth M. FRITZ, the UC Radiation Safety Officer (RSO), upon his arrival at UC to ask directions to the RSP's offices. GIBBONS said this was the first inspection he had conducted at UC.

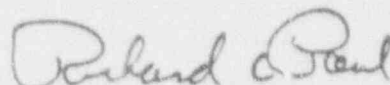
GIBBONS said that FRITZ was UC's RSO and his deputy was Prince JASON at the time he conducted his inspection.

GIBBONS said that during the course of his inspection he asked FRITZ to see the inventory cards of the sealed radio-isotope sources. This conversation took place in FRITZ' office, according to GIBBONS. GIBBONS said FRITZ had JASON get the cards and bring them into FRITZ' office for his (GIBBONS') review. GIBBONS said he was never informed by FRITZ that any of UC's sources were missing.

According to GIBBONS, the sealed source inventory cards are documents required to be maintained per NRC regulations. GIBBONS indicated that the fact that information relevant to the missing sealed sources was not presented by UC to him impacted the outcome of his inspection.

GIBBONS said his inspection at UC lasted for approximately 2½ to 3 days. GIBBONS indicated that he spent about ½ hour talking with JASON and the health physics technician. GIBBONS was of the opinion that the technicians were not very open and were hesitant in their discussions with him. GIBBONS said he told the technicians the name of the hotel where he was staying, which would give them the opportunity to contact him without their supervisors' knowledge.

This report of interview was prepared on August 13-14, 1990.



Richard C. Paul, Investigator  
Office of Investigations  
Field Office, Region III

3-189-011

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