

ORIGINAL  
OFFICIAL TRANSCRIPT OF PROCEEDINGS

Agency: Nuclear Regulatory Commission

Title: Investigative Interview of  
Prince Jason (CLOSED)

Docket No.

LOCATION: Cincinnati, Ohio

DATE: Tuesday, February 6, 1990

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EXHIBIT 13

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

## OFFICE OF INVESTIGATIONS

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In the Matter of: \_\_\_\_\_

INVESTIGATIVE INTERVIEW :

Prince Jason :

(CLOSED)

[illegible]

Vernon Manor Hotel

400 Oak Street

Cincinnati, Ohio

Tuesday, February 6, 1990

The above-entitled matter commenced at 1:10 p.m.,  
when were present

MARY KAY FAHEY

RICHARD C. PAUL

Office of Investigations Field Office

U. S. Nuclear Regulatory Commission

799 Roosevelt Road

Glen Ellyn, Illinois 60137

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

MR. PAUL: For the record this is an interview of Prince Jason, spelled J-a-s-o-n, who is currently employed by the University of Cincinnati Hospital in Cincinnati, Ohio.

The location of this interview is the Vernon Manor, Cincinnati, Ohio. Present at this interview in addition to Mr. Jason are Richard C. Paul, P-a-u-l, and Mary Key Fahey, F-a-h-e-y, with the Office of Investigations, U. S. Nuclear Regulatory Commission.

As agreed, this interview is being tape recorded by court reporter Kristy Smith.

The subject matter of this interview concerns the University of Cincinnati Hospital,

Mr. Jason, please stand and raise your right hand.  
Whereupon,

PRINCE JASON

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. PAUL:

Q Mr. Jason, how long have you been employed at the University of Cincinnati Hospital?

A Five years this past April 2nd.

Q And during your term of employment at the hospital were you working in the radiation safety department?

1 A That's correct, the entire time.

2 Q And what was your title there?

3 A I started off as a radiation safety technician.  
4 Subsequently that title was changed to health physics  
5 technician, and most recently, as of May or June of 1986 I  
6 believe, I went into the position of deputy radiation safety  
7 officer.

8 Q Who was the radiation safety officer?

9 A Mr. Kenneth Michael Fritz.

10 Q And was he the RSO the entire time?

11 A Yes, he was.

12 Q Prior to your employment at the University of  
13 Cincinnati Hospital, did you have any other background in  
14 radiation safety?

15 A Yes. I spent two years at the now defunct William H.  
16 Zimmer Nuclear Power Plant in Moscow, Ohio.

17 Q And in what capacity did you work there?

18 A My title was rad chem technician.

19 Q Did you have any educational background in radiation  
20 safety?

21 A Not outside the normal physical sciences and things  
22 like that -- chemistry, physics, biology and so on and so  
23 forth.

24 Q Focusing your attention to the timeframe -- I believe  
25 it was August 1988, the NRC was about to conduct a normal



1 inspection and at that time what was your position? Were you  
2 the deputy radiation safety officer?

3 A Yes, I was at that time the deputy RSO.

4 Q And in your position there at that time, were you  
5 responsible for keeping the inventory cards on sealed sources?

6 A It was one of my responsibilities to review the  
7 calculations on those documents in terms of accuracy and  
8 completeness and timeliness, yes.

9 Q Was there a card made out for each sealed source?

10 A There was a card on each sealed source that we were  
11 aware of.

12 Q And were those records maintained in your office?

13 A It was a general office. The cards were for the most  
14 part located in my area of the office. Everyone had access to  
15 them.

16 Q How often did they inventory the sealed sources at  
17 that time?

18 A That was one of the points upon which the program on  
19 the whole was negligent. We never did an actual inventory of  
20 sealed sources -- that is to say to actually go to their  
21 specified locales and make a determination as to whether or not  
22 they were still at that location, with the exception of the  
23 medical sources, the brachy therapy sources, on which we did to  
24 a physical inventory, but no sources of instrument calibration,  
25 check sources, sources mounted in research devices, things of

1 that nature, were to my knowledge ever inventoried.

2 Q Was there a procedure to inventory them or wasn't  
3 there any requirement at all existing?

4 A Oh, there was definitely the requirement. We simply  
5 were not living up to it, the assumption on the RSO's part  
6 presumably being that the sources or most all of them had to be  
7 leak-tested every six months and we did do that and as far as  
8 he was able to ascertain that in itself served as the  
9 inventory.

10 Q Would they document the leak test on these cards?

11 A Yes.

12 Q And would the technician do the documentation or  
13 would he inform you and you do the documentation, or the RSO?

14 A The technician would do the actual documentation.  
15 The technician would wipe test the sealed source, count that  
16 sample on the appropriate counting instrumentation and record  
17 and verify the data on the sealed source document card.

18 Q In your position as the deputy RSO, did you direct  
19 the day-to-day activities of the technicians, or was that just  
20 a higher level than the technicians as far as the performance  
21 level, or was it a management position I guess is what I'm  
22 asking.

23 A I assigned the yearly, monthly, biweekly and weekly  
24 tasks. There were very few things that were done on a daily  
25 basis with the exception of laboratory surveys and package

1 receipt and distribution.

2 Q Did Fritz deal with the technicians directly or would  
3 he go through you if he had something --

4 A He generally always went through me.

5 Q Was Fritz' office located in the same general area as  
6 yours?

7 A Same general area but somewhat removed from the main  
8 office area in that you had to go down a corridor a short  
9 distance, about 10 or 15 feet perhaps, to enter his door. He  
10 did have a separate office.

11 Q Who was George W. Alexander, Jr.?

12 A He was our departmental administrator.

13 Q The radiation safety department?

14 A Radiation safety department administrative director.

15 Q What type of duties did he have?

16 A He handled the budget of the radiation safety service  
17 account fund. He informed us of university policies and  
18 procedures regarding employee pay, employee vacation, sick  
19 leave, UC policies in general.

20 Q Did Fritz report to him or who did Fritz directly  
21 report to?

22 A Mr. Fritz should have reported to the chairman of the  
23 radiation safety committee, whomever that may have been.  
24 During the five years that I was there I've seen three or four  
25 different committee chairmen. As far as I'm cognizant, that

1 was the person to whom Mr. Fritz was to report, the chairman of  
2 the radiation safety committee, whomever that may have been at  
3 the time.

4 Q Do you recall who it was in '88, the summer of '88?

5 A Oh, yes. In '88 it was Dr. Wiot.

6 Q This memo that I'll make the first attachment to the  
7 interview, the University of Cincinnati memorandum dated June  
8 30 1988 and it's to radiation safety personnel, University of  
9 Cincinnati, from George Alexander and Kenneth M. Fritz. The  
10 subject is problem notification process for radiation safety  
11 office.

12 Have you ever seen that before, Mr. Jason?

13 A Yes, I have.

14 Q Could you describe the circumstances in which it came  
15 out? The subject is notification process and basically you're  
16 required to go through the University of Cincinnati in  
17 reporting safety problems.

18 Was that your understanding what the subject of this  
19 memo was?

20 A I know perfectly well what the subject was. I just  
21 don't really recall what actually precipitated it. It could  
22 have been a number of things. It could have been one incident  
23 in itself.

24 It had to do with the technical staff and I would  
25 presume myself included although at this point, in June of '88

1 as the memo is dated, I was no longer considered as part of the  
2 technical staff. I was part of the so-called management team  
3 or administrative staff.

4 In any regard, it had to do with the technical staff  
5 and informing persons about various aspects of the program with  
6 regard to any safety violations without first discussing those  
7 topics with an immediate supervisor.

8 Q Did you discuss this memorandum at all with either  
9 Fritz or Alexander?

10 A Not to my recollection, no.

11 Q I notice at the bottom there's a space for name and  
12 day. Was a signature required by the technician?

13 A Oh, yes. We all signed it, myself included.

14 Q Was it a required signature?

15 A The way it was put before us, it was either sign it  
16 or else type of deal. You know, not in so many words but Mr.  
17 Alexander has a way of presenting things and I don't know if it  
18 simply to appease him or to get rid of him you would do it,  
19 perhaps.

20 Q Was this subject discussed at any meeting with the  
21 technicians, or was it just a memo that was circulated?

22 A Oh, it was definitely discussed at the point when the  
23 technical staff and myself did finally have the opportunity to  
24 meet with the radiation committee and its members. This was  
25 one of the topics that was brought up and discussed.

1 Q Was it your interpretation of this memorandum that  
2 this affected your ability to contact the NRC at all?

3 A Oh, no.

4 Q Did this deal at all with the potential of an  
5 employee going to the NRC with a safety concern?

6 A Not to my line of thinking.

7 Q So it was more, if I'm understanding right, that if  
8 in fact they had a safety concern that in addition to going to  
9 the NRC they were required to notify management or personnel  
10 within the University of Cincinnati?

11 A Our management wanted to be informed first before any  
12 person on the staff went to the NRC and that's what this was  
13 for, in addition to having something to hold over an  
14 individual's head in the event that he or she did not do that.

15 Q As an example, if an individual went to the NRC with  
16 a concern and failed to notify the university, would he be  
17 subject to some type of disciplinary action as a result of  
18 that?

19 A Very possibly.

20 Q Did you express any concerns regarding this memo to  
21 you to Fritz or Alexander?

22 A Oh, yes. We all told Mr. Alexander especially that  
23 we did not think that this type of thing was protocol and there  
24 was even discussion amongst ourselves -- that is, myself and  
25 the technical staff -- of getting together and filing a class



1 action suit against this sort of thing or against the  
2 university or against whomever it should appropriately be  
3 directed towards.

4 Mr. Fritz blindly signed this memo, according to Mr.  
5 Fritz, without really having read it or knowing its contents.  
6 George Alexander was the author of this. Ken simply signed it  
7 and I do believe that he probably did not read it.

8 BY MS. FAHEY:

9 Q You alluded earlier that there were several things  
10 that may have caused the memo to be written but you didn't  
11 specifically state what you thought those were.

12 A I can give you some for instances. There was an  
13 incident whereby one of the technical staff persons was in the  
14 nuclear medicine department and said something to a nuclear  
15 medicine technician in terms of a contamination problem or some  
16 sort of safety violation.

17 The technician in the nuclear medicine department  
18 became quite perturbed over the remarks that were made and went  
19 crying and ballyhooing to the superiors in that department and  
20 it got back to our department and it was an ugly mess.

21 There was an incident whereby one of our radiation  
22 safety technical staff personnel said something to a patient  
23 who was undergoing some type of medical radiation therapy and  
24 that got back to the director of nuclear medicine -- Dr. Harry  
25 Maxon -- and he came to us all bent out of shape.



1 Our technical staff felt obligated to make people  
2 aware of certain conditions, certain potentials for hazards,  
3 not necessarily a true hazard but a potential for a hazard and  
4 they simply did not want the technical staff speaking to people  
5 at all without first speaking to the immediate supervisor and  
6 administrative managerial type persons.

7 BY MR. PAUL:

8 Q Does this relate at all -- I'm not familiar with the  
9 details but there was an employee by the name of (b)(7)  
10 Do you know (b)(7) 67

11 A Yes, I worked there when (b)(7) was there.

12 Q And it's my understanding that (b)(7) brought up some  
13 safety concerns that went to the NRC and so forth. I'm not  
14 familiar with it or anything.

15 In your mind did the allegations brought out by (b)(7)  
16 (b)(7) have anything to do with this memo?

17 A No, I wouldn't think so. This is very much 67  
18 subsequent to (b)(7) proposed allegations. This was long after  
19 (b)(7) allegations.

20 BY MS. FAHEY:

21 Q Do you think that the prior NRC Office of  
22 Investigations investigation possibly contributed to that memo  
23 being written?

24 A I would think so.  
25

1. 70 pages

1 BY MR. PAUL:

2 Q The result of the NRC investigation?

3 A Not as a result but I'm sure that had to be a  
4 catalyst somewhere. That's just my opinion but I would say  
5 that it certainly --

6 Q But you don't think that the interpretation of the  
7 memo could be made that the University of Cincinnati Hospital  
8 management didn't want technical staff going to the NRC with  
9 their complaints?

10 A I don't think that, no.

11 Q You said -- I'm just trying to get the background on  
12 what was happening and it brought it to the August inspection  
13 by Mr. Gibbons, August of '88. Was that an announced  
14 inspection?

15 A Yes, it was an announced inspection.

16 Q Do you recall were all the NRC inspections announced?

17 A To the best of my remembrance some were and some were  
18 not.

19 Q Were you present during the inspections?

20 A Yes.

21 Q Were you required to be present?

22 A By whom?

23 Q By management. You were a deputy RSO so was your  
24 presence required by the NRC inspector?

25 A As far as I'm cognizant, I was not required to be

1 there unless someone indicated that they wanted me there. I  
2 was never told by my supervisors that I had to be there, nor  
3 did the onsite inspector really ever request very much from me  
4 at all.

5 My answer to that would have to be no, there was no  
6 requirement for me to be there.

7 Q Up to that time, was there effective -- there were  
8 missing sources as far as the inventory cards. Did that ever  
9 come to light up to that timeframe, that you had that problem  
10 before?

11 A Oh, certainly. Over the years that I've been there  
12 we had sources unaccounted for. We made great endeavors to  
13 locate those sources without any success and it was brought to  
14 the attention of our supervisor, Mr. Kenneth Fritz. Whether or  
15 not he ever took the issue to his supervisor, the chairman of  
16 the committee, I have no knowledge because we were never until  
17 most recently ever permitted to attend any meetings, nor were  
18 we allowed for the most part to ever see any records of the  
19 minutes of those meetings so we had no idea what went on at  
20 those meetings.

21 BY MS. FAHEY:

22 Q Was the inspector ever made aware that the sources  
23 were missing?

24 A Not while he was onsite, no. If you're referring to  
25 Don Gibbons, no.

1 BY MR. PAUL:

2 Q At the time was there -- Do you have any idea how  
3 many sources were missing at that point in time, as far as  
4 numbers? How many are we talking about?

5 A I don't feel certain that I could say with any degree  
6 of accuracy, really.

7 Q Two or three or ten?

8 A I would say of the ones that I knew seven or eight,  
9 maybe.

10 BY MS. FAHEY:

11 Q You stated earlier that sources were required to be  
12 leak tested every six months?

13 A Yes, the beta gamma are required to be tested at that  
14 frequency. The alphas every four months.

15 Q And how many of these seven or eight were that type?

16 A We're talking only beta gamma sources of the ones  
17 that I know were misplaced, lost, missing, what have you.

18 Q So they obviously couldn't have been leaked out. You  
19 couldn't find them.

20 A That's true.

21 Q So what did the records reflect?

22 A That's where all the problem really comes to the  
23 fore. There were a number of cards that the last entry was  
24 something like "no longer here." Where did it go? Was it  
25 properly disposed out, was it shipped out for burial, was it

1 transferred to another institution? Nobody knows.

2 Some of the records go back to the '60s and the early  
3 '70s and those are the type of notations that we saw on quite a  
4 number of cards -- no longer here or gone or disposed of.

5 Q But none of the leak test records were ever falsified  
6 that you know of?

7 A No, I don't believe so.

8 Q So if you couldn't find the source, technicians would  
9 just leave it blank?

10 A Yes. As I stated earlier, we made an attempt on some  
11 of the most recent sources, those received in the late '70s and  
12 especially in the '80s to locate those but could not locate any  
13 of them so there was no notation to be made, really.

14 Q I don't know if you have any personal knowledge of  
15 this, but how could they be gone? I assume that there's a  
16 specific location where the sources are supposed to be, a  
17 department or a certain doctor.

18 A Yes, the front of the source documents have all the  
19 pertinent information as regards where the source is supposed  
20 to be in terms of department, who is in charge of it, the  
21 principal investigator responsible for it and so on and so  
22 forth.

23 We got there and it's not there and we had very  
24 little cooperation from a large percentage of the research  
25 investigators so it was just up in the air as to its



1       whereabouts, totally up in the air.

2               Q       The matter ultimately was left with Mr. Fritz?

3               A       Yes.

4               Q       And if the sources were reported to him he would have  
5       taken whatever action?

6               A       Should have.

7               BY MR. PAUL:

8               Q       Could you basically tell us what happens in regards -  
9       - you describe it here in your memo so you're welcome to  
10      refresh your memory -- as far as what Fritz instructed you to  
11      do with the inventory cards at the time -- I guess it took  
12      place before Gibbons arrived for his inspection.

13              A       Yes. That's what I was mistaken about in my first  
14      response to Dr. Wiot, which I later clarified.

15              The inspection was an announced inspection and it was  
16      due to take place on a Monday morning, I believe August 19th  
17      1988, and the Friday prior to that announced inspection Mr.  
18      Fritz in his usual manner was frantically running around the  
19      office asking me a lot of question as to what's been done, is  
20      there anything that hasn't been done, where certain records  
21      are, what is the status of those records and are they correct,  
22      are they complete, are they done on time and so on and so  
23      forth.

24              He called me back in his office and asked to bring  
25      with me all the sealed source documents so he could review

1       them, look at them and see if everything was in accord.

2               Up until this point he had never done that. He had  
3       never reviewed any of these record, as it clearly states in the  
4       new regulations. I was always the one to do that and he took  
5       it on my word that everything was as it was supposed to be.

6               I gathered up all those documents for him and took  
7       them back to his office and he very quickly and very briefly  
8       scanned through them and any that looked amiss were put in a  
9       separate stack, or pile if you will, informed me to do  
10      something with those that he himself could not explain.

11              Unfortunately I followed that directive. I did not  
12      want to. I knew that subsequently it would come out in the  
13      open. <sup>E</sup>Even before all this I saw the direction things were  
14      headed in for the program.

15              I did it on the assumption that, well, maybe with all  
16      the other things that were going on in terms of the technical  
17      staff maybe all this is going to get turned around and  
18      straightened out somehow.

19              I took those cards out to the general office where  
20      all the other technical staff was seated at the time and I gave  
21      them to one technician who put them somewhere, as Mr. Fritz  
22      instructed me to do.

23              Q     Were the cards he gave you the cards for the sealed  
24      sources that you couldn't find?

25              A     Yes, precisely.



1 Q And who is the technician you gave the cards to?

2 A At that time the newest addition to our staff, Melvin  
3 Boyd.

4 Q Was Mr. Boyd aware of the reason why you gave him the  
5 cards?

6 A Oh, yes. We were all aware.

7 Q So at the time of the inspection, those cards were  
8 unavailable for Don Gibbons' review, is that correct?

9 A That's correct.

10 Q Did he actually go through the cards while he was  
11 there?

12 A Yes, he looked at some of them. We had quite a few  
13 sources at the institution and he did not look at each and  
14 every one of them but he did look at the majority of them,  
15 probably, to see how we did the calculation and how the  
16 information was recorded.

17 I would like to add that until the outside  
18 consultants -- Nuclear Energy Services -- were called in, all  
19 prior inspections any inspector that I saw looking at those  
20 documents never asked for anything to balance them against like  
21 NES did.

22 NES said show me a list of all your sealed source  
23 documents, not show me the actual documents.

24 Well, without knowing what you actually have -- We  
25 could have handed Mr. Gibbons five or six cards and that could

1 have been it, you know.

2 Q And he would never have known, correct?

3 A Right, he would never have known.

4 Q Did he go to verify that these sources actually  
5 existed, to balance the cards against --

6 A No. His inspection was somewhat brief. He wasn't  
7 there nearly long enough to do anything of that magnitude.

8 Q Were you aware or did you know that Gibbons -- Did he  
9 interview you during the inspection regarding procedures, any  
10 type of activities related to license? Did he talk to you at  
11 all during the inspection?

12 A Not specifically. I don't recall having had a one-  
13 on-one for any extended length of time with Mr. Gibbons.

14 Q Did the technicians during this inspection ever  
15 indicate to you that based on this -- they referred to it --

16 A As a gag order.

17 Q That because of the gag order they didn't feel that  
18 they were -- they didn't feel comfortable talking to Gibbons,  
19 did they ever bring this concern to your attention?

20 A Not at that time, no.

21 BY MS. FAHEY:

22 Q Prior to the inspection in '88, did you feel that the  
23 technical staff and yourself were anxious to meet with the  
24 inspector?

25 You stated that things were headed in a certain

1 direction. Did you --

2 A We discussed it amongst ourselves as to whether or  
3 not to at that time let on to what we knew. I think the  
4 general consensus was that, no, we won't do it at this point,  
5 we'll wait and we'll address these matters ourselves in our own  
6 fashion and see what we can get done and see if we can turn  
7 some things around first.

8 Q Did you hope that --

9 A I'm sure there were those of us who wanted to at that  
10 point just spill the beans and tell all but on the whole we  
11 chose not to at that point.

12 Q Did you hope that the NRC inspector would uncover  
13 some of your concerns?

14 A Yes. I think we all privately and secretly had that  
15 hope and desire.

16 BY MR. PAUL:

17 Q But it didn't work out that way.

18 A No, it did not.

19 Q I guess one question I have would be your opinion --  
20 I don't know what discussions you had with Ken Fritz in regards  
21 to the inventory cards, but was it your opinion that he was  
22 deliberately attempting to hide the cards from the inspector,  
23 knowing that the sources were missing?

24 A Yes. I don't see what else one could determine it.

25 Q He never said that to you, did he? Did he make any

1 direct comments as to his reason for doing it or was it sort of  
2 an implied situation?

3 A The reason was apparent. I think he may have  
4 intended upon the inspector's departure from the UC premises to  
5 make some stab at or some effort to see what could be done  
6 about locating those sources but to my knowledge it was simply  
7 forgotten about on his part.

8 Q What happened to the cards? Were they returned to  
9 the inventory or wherever it was that they were kept after the  
10 inspector left or were they just discarded?

11 A No, nothing was discarded. As to where they went  
12 after that I'm not real certain.

13 Q Here in the memo you said you had these cards -- I  
14 ca identify these documents as I have them in my possession.

15 A I have some of them still but everyone has several  
16 copies of the ones that I still have in my possession.

17 Q Could I get copies at some point in time?

18 A Sure.

19 BY MS. FAHEY:

20 Q In your possession in your office or at home?

21 A They're at home.

22 BY MR. PAUL:

23 Q If you don't mind I would like to get at least a  
24 copy.

25 A I kept the originals of those that were most

1       blatantly in error of regulations. I have somewhere between  
2       two and four sources that were last -- again we're talking beta  
3       gamma umitters, basically and predominately nickel-63 beta and  
4       gamma -- last leak tested November of '86. After that, no  
5       entry whatsoever.

6               These are some of the types of the sources that we  
7       did bring to the attention of Kenneth Fritz and he simply never  
8       did anything about it. He never went to that point of location  
9       where those sources were supposed to have been and spoke with  
10      the research investigator or any of the investigators and staff  
11      people or anything.

12             BY MS. FAHEY:

13             Q     Would you consider this nickel-63 source missing as  
14      being a safety concern as far as the amount of radiation to  
15      have these sources unaccounted for?

16             A     Any amount of radiation loose out there in the  
17      general public, in someone's home or wherever it may be,  
18      unaccounted for, in my opinion yes, poses a potential for a  
19      hazard.

20             Q     These sources aren't so old that the amount of  
21      radiation would be negligible?

22             A     No, no, no. Nickel-63 has a life of 92 years. It's  
23      going to be around for a while so there is a potential for a  
24      hazard. How high that potential is, that's hard to say. It  
25      ultimately depends upon what may have happened to that source.



1 If its integrity has been breached, if the encapsulation is  
2 damaged, a child swallowed the darn thing, there are great  
3 potentials for health hazards.

4 BY MR. PAUL:

5 Q In my review of the documentation, the next area that  
6 came to my attention was in January of '89 there was concerns  
7 brought up to the radiation safety committee. Evidently -- I  
8 noticed your name is on the minutes as attending a meeting of  
9 the radiation safety committee in which quite a few concerns  
10 were brought up.

11 A A dozen of them, as I recall.

12 Q What was going on that it finally came to this level,  
13 that the individual technicians and yourself went to the  
14 radiation safety committee? Was there any event that caused  
15 you to or just a general buildup of your concerns?

16 A It was both a general buildup of concerns or  
17 practices with the utilization of react materials and radiation  
18 producing devices that we thought could be improved upon in  
19 light of the alar concept.

20 Things could have been in our estimation even safer  
21 than what they may or may not have been. A general wish and  
22 desire to improve upon the program as well as your comment,  
23 everyday, ordinary animosities towards particular individuals,  
24 departments, repeat offenders.

25 There was preferential treatment given to some and

1 very rash, abrasive, harsh treatment given to others, totally  
2 unwarranted in my estimation.

3 Q This was within the radiation safety department among  
4 the technicians?

5 A No, from the radiation safety department heads -- Ken  
6 Fritz, George Alexander -- towards other individuals. Some  
7 departments simply got away with murder. Other departments  
8 could not breathe.

9 Q And was your department one of the ones that couldn't  
10 breathe?

11 A Oh, no. No.

12 BY MS. FAHEY:

13 Q<sup>c</sup> Are you talking about medical departments?

14 A No, not necessarily medical departments although Mr.  
15 Fritz did have his problems with some of the medical users of  
16 radioactive materials. He had a great dislike for radiation on  
17 ecology and its staff people. Nuclear medicine were friends  
18 to him, both medical use departments.

19 There were other departments like chemistry and  
20 physics and he did not like those departments or the people in  
21 those departments very well and there were those departments  
22 where he did have friends and did like individuals and  
23 permitted them to do pretty much as they pleased.

24 BY MR. PAUL:

25 Q<sup>-</sup> Did Alexander have management responsibilities or was



1 he just supposedly an administrative type?

2 A Supposedly he was administrative type but he had his  
3 nose in every last single issue that came up within the  
4 radiation safety department and had something to say about  
5 everything.

6 BY MS. FAHEY:

7 Q Did you feel he directed Kenneth Fritz at time?

8 A At times, on certain matters, in a certain limited  
9 capacity I'd say but, yes, indeed.

10 Q And do you feel that Kenneth Fritz went along with  
11 him or agreed with him? How would you characterize Ken Fritz'  
12 position?

13 A Well, if it was something that Ken really did not  
14 want to see come about or thought that it would defeat some  
15 other purpose or make anything in any way any harder on  
16 himself, he was very adamant about disagreeing with George.

17 They had a strong dislike for one another although  
18 they had to work fairly closely together a lot of the time.

19 For the most part he didn't go along with George.  
20 They practically disagreed on everything but they would argue  
21 it out back and forth and somehow they would both come out  
22 satisfied I'd say. Strange relationship. We've all been  
23 trying to figure why George had anything at all to do with us,  
24 the same question that the consultants and some of the other  
25 Nuclear Regulatory Commission staff have been asking us.

1 BY MR. PAUL:

2 Q At the time you went to the radiation safety  
3 committee, which I believe was January 4th '89 -- Have you seen  
4 the memo that was prepared?

5 A Yes, I've seen this.

6 Q When you went there did you and the other technicians  
7 present all of your concerns?

8 A Everything was addressed, yes. Every issue from  
9 every memo that we originated and sent to the committee was  
10 addressed and discussed one way or another, some to our  
11 satisfaction, some not. It was probably about 50-50. We got  
12 our way on some things and did not get our way on others.

13 Q Did you consider whether to bring up this issue with  
14 Ken Fritz and the inventory cards at that time, whether to bring  
15 this to the attention of the radiation safety committee?

16 A Was that not one of the issues? I thought it was.  
17 So many things have happened and time has elapsed.

18 Q I don't see it as being an issue that was addressed.  
19 I guess the question is why wasn't it addressed. Were you  
20 hesitant to bring this up to the committee?

21 BY MS. FAHEY:

22 Q Was there anybody on the radiation safety committee  
23 responsible for the sources?

24 A Let me think on that. It was mostly nickel-63  
25 sources that were used in gas chromatographic graphs which were

1 generally found in departments like pharmacy and -- I would say  
2 not. I don't think -- I would have to say no, there were no  
3 members on the committee at that point who had a source  
4 unaccounted for.

5 If that was not addressed in that January meeting it  
6 was certainly not due to reluctance on our part. Perhaps we  
7 put it as a lower priority and said to ourselves, hey, this is  
8 enough and we're not even going to get all this, we'll deal  
9 with that a little later on down the line.

10 Maybe we thought these things were a little more  
11 important, a bit more immediate, they were a little more  
12 concrete and really existed here and now. Sources -- well,  
13 it's gone and there really isn't anything we can do about it at  
14 this point so maybe it simply wasn't one of our highest  
15 priorities. BY MR. PAUL:

16 Q I guess my next question would be what caused you to  
17 write the memo of August 2nd of '89, which was about a year  
18 later, where you brought the subject up to Dr. Wiot. Was there  
19 anything specific that happened at that particular point in  
20 time that caused your concerns to be raised?

21 A Well, as I previously stated, I saw the direction  
22 that things were headed.

23 I was advised by one of my own staff members, to be  
24 frank, to submit something like this in an effort to help  
25 protect myself and I knew prior to that date that I was going

1 to do something like that anyway.

2 Q Was this the major issue that was bothering you at  
3 that time, that you had concerns on? Was there anything else  
4 going on in the radiation safety department that was causing  
5 concern on your part?

6 A Probably so. I simply didn't like the way that Mr.  
7 Fritz dealt with a lot of various individuals. I didn't like  
8 some of the judgments that he made on various policies and  
9 issues and things that were brought forth to him. I didn't  
10 like the way he was running the program.

11 One of our biggest contentions was that we didn't  
12 feel that we should have been -- we meaning the technical staff  
13 in the radiation safety office -- should have been compelled  
14 to do the decontaminations of nuclear medicine iodine patients  
15 and that in itself was one of the big issues that precipitated  
16 a lot of the animosities between our department and nuclear  
17 medicine and higher-up management.

18 Everyone knows about that, I guess, the decons,  
19 iodine 131 room decons which actually sometimes took two men  
20 all week long, four or five days, without proper respiratory  
21 equipment and without any regard to radiation safety personnel,  
22 exposure to radioiodine without regard to the other things that  
23 we had to do in addition to that, without regard to anything  
24 except appeasing the record of the director of nuclear  
25 medicine, D. Harry Massin, and George Alexander who was also

1 administrative director for nuclear medicine.

2 George was in two roles -- administrative director  
3 for our department as well as director for nuclear medicine  
4 department. There was a lot of animosity between those two  
5 departments and we fought that tooth and nail, these room  
6 decons.

7 Q Did Fritz go along with your -- meaning you and the  
8 technicians -- viewpoint or was he more on their side as far --

9 A He was on our side about not having to do it. He  
10 didn't want us to do it. That took us away from things that we  
11 should have been doing for him, for radiation safety, but he  
12 never expressed it to anyone but us.

13 Q Would you characterize Fritz as a team player as far  
14 as being management or did he at times represent the  
15 technicians' interest or was it a definite break between the  
16 technicians as far as communication?

17 A A break. He seldom, rarely if ever, privately or  
18 publicly represented us. His hands were tied. He was a mere  
19 puppet in the entire operation, a puppet of people above him -  
20 - Dr. Sanger, Dr. Keriakas, Dr. Maxson, Dr. Silberstein, Dr.  
21 Wiot, Steger -- You name it. His hands were tied. He couldn't  
22 do anything or wouldn't do anything.

23 As the RSO he had the authority to do what he knew  
24 was right and <sup>but</sup> a lot of instances was afraid to do so.

25 Q Political situation?



1 A Oh, yes.

2 Q It was such that it affected his ability to perform  
3 as RSO? Is that a fair characterization?

4 A I would say definitely that hits it right on the  
5 head.

6 Q Considering this date, August 1989, when you wrote  
7 your first letter, was there an NRC inspection scheduled at  
8 that time that you were aware of?

9 A Yes. They were to come in after Nuclear Energy  
10 Services finished their findings.

11 Q What caused Nuclear Energy Services to come in?

12 A That was a university decision.

13 Q Was there an incident? Was there any NRC  
14 involvement in that decision to bring NES in that you know of?

15 A Well, in light of all the memorandums that our  
16 technical staff issued to the committee and in light of the  
17 discrimination suit that was filed against the university by  
18 one of the radiation safety staff personnel and just a whole  
19 host of things I would imagine caused the upper management of  
20 UC to get together and say, hey, we've got a problem with our  
21 radiation safety program, we better get somebody from the  
22 outside, a third party, in here first and look at it before the  
23 NRC comes.

24 Maybe it was that the NRC had called and told them  
25 that they were going to be looking into some things that they

1 had knowledge of and suggested to UC -- Yes, I think that's the  
2 way it went.

3 I think the UC was aware of some things that were  
4 going on. There may have been some phone calls by some members  
5 of our staff or some individuals outside of our department  
6 concerning all this mess and I think it was at the NRC's  
7 request that the third party was brought in to look the program  
8 over and see what the strengths and weaknesses were and how to  
9 go about firming up the operation.

10 Q Were you aware at the time you wrote this memo that  
11 there had been concern raised to the NRC at about the same time  
12 regarding radiation safety programs? Were you aware of that?

13 A <sup>c</sup> In terms of what?

14 Q In terms that the NRC would be looking at radiation  
15 safety.

16 A I knew they would be here soon. I knew at the time I  
17 sat down and made this that they would be here pretty soon.

18 BY MS. FAHEY:

19 Q Were there yearly inspections in August? It seems  
20 like the one in '88 was in August.

21 A No. NRC generally inspected every two or three  
22 years, not yearly inspections. Every two or three years. In<sup>the</sup>  
23 five years I've been there I think I saw three inspections and  
24 one was shortly after I was hired and one about midway and then  
25 the latest one back in '88.



1 BY MS. FAHEY:

2 Q Why is it you say you knew the NRC was going to be  
3 coming out in August of '89?

4 A Because of the discrimination suit that was filed  
5 with Department of Labor with a lot of accusations and  
6 allegations in it directly related to the operations of the  
7 radiation safety program at UC and that entire packet that went  
8 to DOL was copied to NRC.

9 Q Do you remember who came out during the '89  
10 inspection?

11 A I don't recall their names.

12 Q It was a team?

13 A Yes, it was a team.

14 BY MR. PAUL:

15 Q It was Wayne Slawinski, I believe.

16 A Right, Mr. Slawinski, Toye Simmons and another  
17 gentleman.

18 Q Did you -- Before this inspection did Fritz hide any  
19 of the inventory cards at this point?

20 A Oh, no. At this point, no.

21 Q Were you there when NES was there?

22 A Yes. For a while. I understand they spent quite  
23 some time there. I was suspended August 25th and they had been  
24 there perhaps about a week prior to that date and I don't know  
25 how long subsequent to that date. I understand they were there

1 -- not the entire team that they originally sent but members of  
2 that team were there for quite some time as I understand.

3 Q Did they come out after the NRC inspection or during  
4 it or was it ongoing with both of them there?

5 A I don't recall.

6 Q I noticed that your first memo on the inventory cards  
7 was dated August 2nd 1989 and your response from Wiot it was  
8 dated August 18th 1989 and there's a cc to Trejo, who is with  
9 NES, is that correct?

10 A Yes, Trejo is with NES.

11 Q Did you have any verbal conversations with Wiot in  
12 the interim, from the time you sent your memo to the time he  
13 sent a memo asking for more information? Did he call you up on  
14 this or have any discussions with him?

15 A No, I don't believe so. At the time I wrote this he  
16 was in Hawaii or something and that's why the dates are so far  
17 apart. He did not receive this until long after that date. He  
18 was on vacation, out of town for about a week or so, maybe a  
19 couple of weeks. I think that's why there's a disparity in the  
20 dates there.

21 Q Are you aware that the NRC issued a confirmatory  
22 action letter against University of Cincinnati at about this  
23 time?

24 A If you'll tell me what a confirmatory action letter  
25 is maybe --

1 Q It basically suspended license activities until the  
2 special inspection could take place.

3 A Then I have to say yes, I was aware of that, I guess  
4 mainly because the police officers came in and confiscated all  
5 of our records.

6 Q Were they the University of Cincinnati police, do you  
7 know?

8 A He didn't have on a UC campus police uniform outfit.  
9 He was just a plainclothesman with a big gun on his hip and  
10 they had some UC transportation guys, movers and haulers, and  
11 they came into our office and carted every piece of paper out  
12 of there and put it under lock and key.

13 I knew right then and there -- I don't know if I knew  
14 before then but surely that's enough to tell the story that the  
15 operation is suspended until such time as the act was cleaned  
16 up.

17 BY MS. FAHEY:

18 Q Was NES at the university at that time?

19 A Yes, NES was onsite at the time.

20 BY MR. PAUL:

21 Q In your memo of the 21st back to Wiot's 18th, you  
22 sent a copy to Trejo. I just wondered why.

23 A I believe he asked me for one but I don't know why.  
24 He surely was working in conjunction with the chairman of the  
25 committee, Dr. Wiot, so I responded to Wiot and I think he

1 requested that I give him a copy of my clarification memo.

2 Q Did you ever meet with Trejo or Wiot on your  
3 concerns?

4 A Trejo interviewed me his first or his second day  
5 there, extensively. I was with Mr. Trejo for four or five  
6 hours.

7 BY MS. FAHEY:

8 Q Did you tell him the concerns that you're telling us  
9 today?

10 A Oh, yes.

11 Q And those were the same concerns that the radiation  
12 safety committee was made aware of also?

13 A That's right.

14 Q Did NES independently identify problems with the  
15 radiation safety program?

16 A No, I don't think that was what they were there for.

17 Q They weren't there to overhaul the program?

18 A Oh, they were there to overhaul the program but not  
19 identify the problems as we identified them, as I and the  
20 technical staff could address.

21 They never went out in the laboratory and did a test  
22 and found gross contamination and said, hey, you've got a  
23 contamination problem in this lab, not that type of  
24 identification, but simply to discourse with myself and our  
25 technical staff to identify problems.

1           We told them how we do things and they say, well,  
2           that's not the best way to do it, you're leaving this part of  
3           it out and you're leaving that part of it out, here's what's  
4           required, you have to do it this way or at least in a manner  
5           that is acceptable.

6           A. PAUL:

7           Q           Did a programmatic review as opposed to a  
8           specific review.

9           A           Precisely.

10          Q           Did the NRC inspectors talk with you at all on these  
11          concerns?

12          A           Yeah, yeah.

13          Q           They interviewed you on this?

14          A           Oh, sure.

15          Q           What was the reason they suspended you? Were you  
16          ever given written notification or did they ever explain?

17          A           Yes, Ken and I both on August 25th of '89 got a small  
18          one-paragraph memo from whomever saying that we were  
19          immediately on administrative leave until further notice.

20                    There was no reason other than verbal from Dr. Wiot,  
21          that it was upper management felt as if this was the way to  
22          best handle the situation.

23          Q           Have they indicated to you since that time what your  
24          status was?

25          A           No.



1 Q So you're just under suspension, right?

2 A Yes, with the exception of the now acting RSO, Dr.  
3 Howard Elson, who is the medical physicist for radiation  
4 onconcology department, called me one evening a week or so ago  
5 and told me that this was about to occur and said that he felt  
6 as if the university had no rights or grounds whatsoever to  
7 terminate my employment with the institution and that I was  
8 perfectly very well protected and so on and so forth and that a  
9 lot of persons still there in the employ don't feel as if the  
10 university is handling this properly at all by what they did to  
11 me.

12 Certainly I don't think anyone wants to see Ken go  
13 back. I don't see how he could go back. He is the culprit,  
14 the true culprit in my estimation in all this and has been for  
15 years. Given his personality, his lackadaisical, really  
16 noncaring attitude towards properly running that kind of  
17 program makes him the biggest culprit in my mind for all of  
18 this mess.

19 But, once again, it's not entirely his fault given  
20 the fact that, as I've already stated, he put himself into a  
21 position I guess whereby he really couldn't do anything though  
22 he should have been able to.

23 It's my understanding that the radiation safety  
24 officer has the ultimate authority and power on any final  
25 decision which regards any activity involving radioactive



1 material or radiation-producing apparatus.

2 He should have the ultimate -- I don't care if it's  
3 the president of UC, Joseph Stager, on down. No one -- it's  
4 the RSO who should have that ultimate authority to make a  
5 decision as regards things of that nature but he never did. He  
6 never exercised it. He never even admitted having it.

7 Q Who in your opinion was actually calling the shots as  
8 far as the operation of the department?

9 A It had been Dr. Sanger, but since over the past three  
10 or four years now he's been emeritus and getting up in age and  
11 he's not had too much to do or say about what's going on with  
12 the radiation safety program.

13 <sup>c</sup> To be quite frank, I don't know who is really calling  
14 the shots.

15 Q Wasn't it true that Mr. Fritz had some commercial  
16 ventures with other people on the staff -- Dr. Sanger or Dr.  
17 Keriakas. Was that an influencing factor?

18 A I don't know if that was a collaborative effort or  
19 what. I really don't. I know that's one of the big issues,  
20 the commercial use of the license. I know that there are a  
21 number of individuals -- I don't know if I should say guilty of  
22 that sort of activity.

23 Yes, if there is a license required they do that sort  
24 of thing and as far as I know, yes, there is a license required  
25 to do that sort of thing, but that's been going on for years

1 and years, decades probably, and it's more than Ken Fritz who  
2 has been involved in that kind of activity.

3 Q That was my question, whether this activity  
4 influenced his running the department over the fact that he was  
5 involved in this commercial use somehow influenced his  
6 performance as radiation safety officer.

7 A No, I don't think the two are akin at all, really.  
8 He was making a few extra bucks, I guess, and no one ever saw  
9 any harm in it over all these years.

10 Q Well, from the way you described -- you stated that  
11 you didn't think Fritz was performing up to par in his duties  
12 as RSO. I thought there was some other reason why he wasn't  
13 minding the store, so to speak, in radiation safety.

14 I was just trying to figure out if this could be a  
15 contributing factor in his commercial interests with other  
16 doctors.

17 A I really don't know. I wouldn't think so. There  
18 were so many people involved with commercial utilization of  
19 UC's license that I don't think that had any bearing on his  
20 day-to-day conduct of running the radiation safety program  
21 project operation. It could have. I just don't see a  
22 connection myself.

23 Q On your memo of August 2nd -- we'll make this  
24 attachment two. It's on University of Cincinnati radiation  
25 safety office letterhead. It's dated August 2nd to Dr. Jerome

1       Wiot -- W-i-o-t -- and it's signed by Prince Jason, deputy  
2       radiation safety officer.

3               Did you feel that this particular letter resulted in  
4       your suspension, had any bearing at all?

5           A     You're asking me to read other people's minds. I  
6       don't know. It may have.

7           Q     Did you ever discuss this with Fritz or Wiot or any  
8       member of the radiation safety committee, this particular  
9       memorandum?

10          A     I most certainly did not discuss it with Mr. Fritz.  
11       I have to say yes, I discussed it briefly with Dr. Wiot, to  
12       whom it's addressed.

13          Q     Obviously after you wrote the memorandum a number of  
14       events transpired. There was the NRC confirmatory action  
15       letter. NES came onsite. Then both you and Fritz were  
16       suspended.

17               The question was in your mind was there a connection  
18       there of you identifying these concerns and --

19          A     Probably so if persons other than to whom it's  
20       addressed saw this particular memorandum, and I'm quite sure  
21       that they must have. I'm sure Dr. Wiot felt obligated once he  
22       received this to show it to his superiors and so on up the  
23       ladder so I would say, yes, this probably did somewhat  
24       influence my suspension.

25               I knowingly did this in spite of that. I took the

1 risk. I knew that.

2 Q You knew that there would be repercussions.

3 A Oh, sure, yes.

4 Q Were you on a talking basis with Fritz at this time?

5 A Up until the very last day, yes, I was. Up until  
6 August 25th and <sup>u'</sup> then I had no more to say to him.

7 BY MS. FAHEY:

8 Q Have you had any contact with him since?

9 A Not at all. I have not spoken to him or seen him  
10 since August 25th.

11 Q Do you know whether Mr. Fritz is aware that there's  
12 an NRC Office of Investigation investigation?

13 A I don't know if he's been informed or not. A few  
14 days prior to my receipt of the memorandum from the acting RSO,  
15 Dr. Howard Elson, I got that phone call from him stating that I  
16 would be receiving that in the mail and when I did receive that  
17 correspondence from Dr. Elson, a lot of people were carbon  
18 copied but Ken Fritz was not so I don't know if he's aware that  
19 the investigation section of the NRC is here presently or not.

20 I'm sure he knows about it from someone. He has a  
21 few friends there, I presume.

22 BY MR. PAUL:

23 Q So Fritz never personally confronted you about your  
24 allegation?

25 A He never had the opportunity. When he and I were

1 brought into Dr. Wiot's office late morning of the 25th, to my  
2 knowledge it was only at that point that Mr. Fritz was made  
3 aware of these allegations against him by me and he was totally  
4 surprised and shocked by it so I don't think he knew before  
5 that time.

6 The part that really surprised me -- well, not really  
7 surprised me, more angered me than any other emotion I guess,  
8 was when I did convene with the NRC after all this, when Towe  
9 and Slawinski interviewed me, there were about ten allegations  
10 that they went over with me and all of them were against me and  
11 there was nothing at all against Mr. Fritz, to my recollection,  
12 and ten against me.

13 I wasn't really surprised by that. I was a little  
14 angered by that because since I've been there I have done  
15 everything in my power to try to better the program and to try  
16 to circumvent some of the ridiculous behavior that's been going  
17 on there the five years I've been there.

18 Q You're sort of caught in the middle between the guys  
19 working and you are management.

20 A Definitely in the middle.

21 Q I guess you brought this concern to everyone's  
22 attention. Was there any other items or actions similar to  
23 this blatant disregard to UC procedures or NRC regulations that  
24 you went on as far as you were aware of or was it limited to  
25 this?

1           A     There were all types of -- Contamination itself is  
2     not really a violation. It is something that needs to be  
3     addressed. To have contamination in a laboratory area, in an  
4     area where therapy patients frequent and so on and so forth,  
5     it's not really a violation.

6                 It is a concern and something that should be  
7     addressed and that was another thing that various ones of our  
8     technical staff were highly upset about, that contamination  
9     existed in those areas that were utilized and frequented by  
10    nuclear medicine patients.

11                In addition to those patients, those facilities were  
12    open to other UC personnel as well as the general public.

13                None of us liked it. It was a condition that had  
14    existed for years and years. The RSO never saw it as a threat  
15    to anyone's health or safety or wellbeing and nothing was ever  
16    done about it.

17                There were a lot of personnel issues where we really  
18    got jacked around and that probably contributed to some of  
19    these memoranda that transpired between the technical staff and  
20    the committee.

21                The personnel issues I'm speaking of, those are all  
22    Mr. Alexander's baby. He's the one that gave us the shaft on  
23    all that.

24                There were just so many things, so many personality  
25    conflicts, UC personnel policy, withholdings, and whatnot and



1 just a myriad of things that contributed to all the ill feeling  
2 and distrust and so on between technical staff, as well as  
3 myself -- I include myself as part of the technical staff.  
4 Most of my job, even as the deputy RSO, was still very  
5 technically oriented.

6 I was doing the technical aspect as well as the  
7 administrative aspect because I reviewed everything so I had to  
8 know the little simple calculations that we had to do. I had  
9 to know about sources. I had to know about radiation. I had  
10 to train nursing personnel caring for therapy patients. I had  
11 to from time to time get involved with decon, very much  
12 involved with waste disposal, all technical things as well as  
13 trying to manage the office personnel, making assignments, tell  
14 somebody when they're falling short, sitting in on the  
15 personnel annual performance reviews, making recommendations as  
16 to promotions, hirings and firings.

17 I was stuck in the middle every time. That's why I  
18 never disassociated myself from the technical staff. I was  
19 very much a part of the technical staff.

20 Q You were physically located with them, is that right?

21 A Yes.

22 BY MS. FAHEY:

23 Q How is it that your deputy position was created?

24 A That was a battle, too. Personnel policy is --  
25 everybody wanted more money, of course. They paid us all rock

1 bottom. We finally found out how to go about getting more  
2 money and we proceeded and we were successful in that everybody  
3 came out on top.

4 We all had to fill out some position description  
5 questionnaires and they were all submitted to the benefits  
6 section and compensation division and they actually did create  
7 a little job <sup>LAODOL AD</sup> ~~letter~~ for us that goes from tech at entry level  
8 to senior tech and simply created my position.

9 I was always a deputy RSO after the former person in  
10 that position left but only in title. There was no such title  
11 at the university or at the state level on their books. They  
12 simply created that title and position for me because I truly  
13 believe <sup>E</sup> they did not want to see me leave because I did have a  
14 lot of knowledge, not so much about health physics, I'm not a  
15 health physics expert. I had technical staff that knew a lot  
16 more about the technical aspects of the business than I do, but  
17 I knew and know still the UC license and what UC is required to  
18 do.

19 I was a valuable employee, I think, and I think they  
20 actually did that to keep me there.

21 BY MS. FAHEY:

22 Q Let's backtrack a little bit about the commercial use  
23 of the license.

24 After technical staff met with the radiation safety  
25 committee, were you aware of what action was taken? Was the UC

1 license amended to allow the commercial use?

2 A As I recall speaking with Mr. Fritz on that  
3 particular issue, there were two areas of concern. One was  
4 radiation detection instrumentation calibration on UC premises  
5 with UC calibration sources utilizing UC personnel.

6 Ken swore up and down that they had submitted a  
7 license to do that sort of thing some years ago, send in the  
8 \$900-some for that license and never got a copy of that  
9 license. That's what he swears. Whether that was done, I  
10 don't know. I've never seen such a license on the premises.

11 The other big issue was the sample analysis from  
12 various outside contractors and corporations which has been  
13 done since way back in 1960-something.

14 They did submit or amend the license to have the  
15 capability to do that and they now do have that license to  
16 perform sample analysis from outside contractors in that manner  
17 on UC premises using instrumentation and so on and so forth.

18 Q But it's not the university that gets benefits from  
19 these commercial services?

20 A No. The radiation -- the check is always made  
21 payable to University of Cincinnati Radiation Safety Office  
22 Service Account Fund.

23 Q And the calibration service, is that also University  
24 of Cincinnati service or was it -- I was under the impression  
25 that it was private consultants, doctors at the university.

1           A     Oh, some of it. The ones that we did out of our  
2 office, radiation safety office, our office got directly paid  
3 for. The instruments that were calibrated by Ken from some  
4 other institutions or by Dr. Keriakas from some other  
5 institutions, I don't know where that money went. It wasn't  
6 made pay able to our office.

7           Q     Who performed the calibrations?

8           A     Sometimes Ken did. Sometimes we would do it for him.  
9 We generally did all of Dr. Keriakas' sample analysis. I think  
10 he did his own meter calibrations of meters from contractors  
11 that he had deals with but he always did bring his samples for  
12 analysis from outside contractors because he had not the  
13 counting equipment to make that analysis.

14           BY MR. PAUL:

15           Q     This is one of the areas you brought up with the  
16 radiation safety committee?

17           A     Oh, yes, the commercial use of the license, yes.

18           Q     Did you consider -- After you went to the radiation  
19 safety committee, did they take any actions on your concerns?

20           A     Oh, yes, sure. Dr. Wiot said right then and there if  
21 we need a license to do this, we'll get one, and they got one.

22           Q     I just have one other question on the so-called gag  
23 order, or it's been called a gag order.

24                   As far as you're -- Did this thing have any effect --  
25 this memo or the meeting you had behind it, did that have any

1 effect upon your performance in radiation safety?

2 A No. That memo, as were so many others that Mr.  
3 Alexander issued, were worthless and meaningless to me. I  
4 never put any stock in most of what he did or said or wrote.  
5 You want me to sign it? Fine, I'll sign it. I didn't have any  
6 problem with that but whether or not I felt obligated to abide  
7 by what he issued was another matter as far as I was concerned.  
8 He was not my boss. Ken was my boss.

9 Q The technicians had some concern because that was one  
10 of the issues they brought up to the radiation safety  
11 committee.

12 A Well, they just realized that this is the  
13 inappropriate way to do something like that. You can't force  
14 that type of thing on a worker, especially in this business.  
15 We have rights as radiation workers to report directly to the  
16 NRC if we so desire without ever taking it through any channels  
17 internally if we felt the need was that strong. We do have  
18 that right.

19 BY MS. FAHEY:

20 Q Didn't the authors of the memo understand that?  
21 Before they prepared it, certainly they must have been aware  
22 that what they were doing was certainly a violation of NRC  
23 regulations.

24 A They should have been aware. I mean the notice to  
25 employees has been posted all over the university. If George

1       ever stopped in his own nuclear medicine laboratory and read  
2       the top section of it, he would have known that each radiation  
3       worker has a perfect right to go directly to the NRC if they  
4       think the problem is sufficiently serious enough or is in  
5       existence for long enough and totally circumvent any internal  
6       channels.

7               He should have know that before he wrote this. He's  
8       probably never read it.

9               BY MR. PAUL:

10       Q       You said that you didn't think Fritz read it.

11       A       No, Fritz didn't read this.

12       Q       Do you think Alexander's attempt -- Was he attempting  
13       here to prohibit you guys from going to the NRC? Was that the  
14       purpose of this memo, that you had to go to the University of  
15       Cincinnati with any concerns?

16       A       I think his intent was two-fold. Number one, because  
17       he was not aware of what the notice to employees said, he  
18       probably -- I could be wrong on that but if he has not read  
19       that and is not aware that we do have that right, that would be  
20       one reason for him precipitating a memo like this.

21               Number two, just to shut us up in general. He didn't  
22       want us talking to any patients about anything. He didn't want  
23       us talking to anyone in the general public about what was going  
24       on at UC. He didn't want us talking to anybody about anything  
25       as regards radiation safety.



1 Q Do you know at the NRC inspection whether they  
2 interviewed Alexander? Do you know that?

3 A I'm sure they did. I'm sure they must have. They  
4 were amiss if they did not.

5 Q Did you have any discussions in this timeframe,  
6 summer of '88, with any Region 3 staff member, other than those  
7 that came out for the inspection? Did you by telephone have  
8 any discussions regarding allegations concerning radiation  
9 safety program?

10 A No, not to my recollection. I did have a telephone  
11 conversation with I believe it was Mr. Slawinski at some point  
12 during when all this was happening.

13 We had an incident whereby we came across some  
14 tritiated foils we should not have wipe tested and we called  
15 and said these things were leaking. Well, they're not really  
16 leaking. We should have never wipe tested them. That was the  
17 whole problem with that.

18 Outside of that, no, I haven't had any other contact  
19 or communications with Region 3 personnel.

20 Q Were you aware of an attempt by Ken Fritz to  
21 determine whether the technicians -- I believe it was <sup>BACBLO</sup> Barbara Rev  
22 or Boyd -- to call the NRC through phone records?

23 A Oh, sure. He tried to prove that someone in our  
24 office did call the NRC to make an allegation or report  
25 something and he did secure phone records from somewhere that

1 definitely indicate that a call or calls were made to the NRC  
2 on a certain date which in my estimation coincidentally  
3 coincided with a date that we somehow know that the NRC was  
4 called about something.

5 It could have been anything. We periodically would  
6 call the technical staff at NRC to assist us in answering a  
7 question or something that we couldn't find in the regulations  
8 for some reason or other.

9 Sure, yes, he kind of put the thumb on somebody for  
10 that.

11 Q You don't know when that was?

12 A It had to have been between Christmas and the new  
13 year somewhere, I believe.

14 Q Of the '88-'89 timeframe?

15 A Yeah. It must have been earlier than that. I can't  
16 say with any degree of certainty. It was at least in '88. It  
17 was probably towards the end of the year '88.

18 Q Do you know where Fritz got his information that  
19 there had been an allegation made to the NRC by these two  
20 individuals or someone on the staff? Do you know what the  
21 basis of all that was?

22 A I don't believe I know. We must have received a  
23 call from Region 3. I would surmise that's the way it went.

24 Q I just wondered if you directly participated in that  
25 and knew what Fritz was doing.

1 A No, not personally.

2 Q Did he ever take any action against these two or  
3 anyone as a result of what he found from the phone record?

4 A No.

5 BY MS. FAHEY:

6 Q Did he suspect you of calling NRC?

7 A I don't believe he did. He was fairly certain that  
8 it was Mr. Boyd. As far as I was concerned he had no proof of  
9 it whatsoever.

10 Q So there was no -- He didn't take any action against  
11 Mr. Boyd.

12 A No. He didn't take any action against anyone.

13 Q His suspicion that Melvin Boyd called in the  
14 allegation would have been after the gag order?

15 A Oh, I'm certain it would have been after that date.

16 BY MR. PAUL:

17 Q So during this timeframe there were four members of  
18 the technical staff?

19 A Yes, four health physics techs and myself, Ken and  
20 our secretary.

21 Q Who was the secretary?

22 A Carolyn Hart.

23 Q Has she been there a while?

24 A Yes, she has been now for probably going on four  
25 years. Thre - least. Probably just finishing up her third

1 year and going into the fourth.

2 Q Mr. Jason, have I or any other NRC representative  
3 here threatened you in any manner or offered you any rewards  
4 in return for this statement?

5 A No.

6 Q Have you given the statement freely and voluntarily?

7 A I most certainly have.

8 Q Is there anything further you care to add to the  
9 record on this that we failed to discuss here, or that you want  
10 to add to what we already discussed?

11 A No, nothing really except for the fact that I hope  
12 this is very quickly resolved so I will know where I stand.  
13 I'm more concerned about having my name not smudged, if you  
14 will, than anything else.

15 I know what I did was wrong. I should not have  
16 followed that order that Ken did give me but I've already  
17 related why I did it.

18 What I did was a more ultimate hoax than rearranging  
19 that program as it is now being done without my presence and  
20 assistance.

21 I just hope this is over and done with soon so I know  
22 where I stand and hopefully I'll stand at least favorably with  
23 the University of Cincinnati. Whether or not I will stand  
24 favorably with the NRC I have no idea but I would like to stand  
25 in favor of the University of Cincinnati.

1           Q     Like I told you before, we prepare our report and it  
2 goes through administrative channels and if there's any action  
3 it comes out in the form of a notice of violation and it goes  
4 to the university because they're the licensee and we're  
5 investigating their actions.

6                 If there is no action, there is really no report that  
7 comes down so there wouldn't be a notice issued but that's all  
8 up to NRC management.

9                 We just prepare a report on the facts that we  
10 determine from interviewing the witnesses such as yourself and  
11 people that have knowledge on it, and going through the records  
12 that pertain to this item in a little different fashion than  
13 the inspectors that came out in August of last year. They came  
14 out and they prepared an inspection report.

15                This is taken in conjunction and acted on at the same  
16 time as the findings of that inspection report determines if  
17 there was any willful violation of NRC rules and regulations.

18                It's a factor in the findings on that report. If in  
19 fact there are certain violations, the degree of willfulness  
20 will have an impact on the action taken by the NRC.

21                That's basically the future of what's going to happen  
22 on the matter. So far as time things, I don't know.

23           A     I understand it's going to take some time. It's been  
24 going on six months since I've been suspended.

25           Q     Well, I don't know if the university is --

1           A     I know how slow you guys are, too.

2           MR. PAUL: At this point, let's go off the record.

3           (Whereupon the matter was concluded at 2:47 p.m.)

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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: Investigative 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.

2

Kristy Smith  
Kristy Smith  
Official Reporter  
Ann Riley & Associates, Ltd.