

ORIGINAL
OFFICIAL TRANSCRIPT OF PROCEEDINGS

Agency: Nuclear Regulatory Commission

Title: Investigative Interview of
Patrick W. Harris (CLOSED)

Docket No.

LOCATION: Cincinnati, Ohio

DATE: February 21, 1990

PAGES: 1 - 33

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF INVESTIGATIONS

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In the Matter of: :

INVESTIGATIVE INTERVIEW :

Patrick W. Harris :

(CLOSED) :

- - - - -X

Offices of BECKMAN, WEIL,
SHEPARDSON AND FALLER
Suite 1714
105 East Fourth Street
Cincinnati, Ohio 45202
February 21, 1990

The above-entitled matter commenced at 10:47
o'clock a.m., when were present:

On behalf of the Nuclear Regulatory Commission:

RICHARD C. PAUL, Investigator

MARY KAY FAHEY, Investigator

1 On behalf of the witness:

2
3 BECKMAN, WEIL, SHEPARDSON AND FALLER

4 BY: Margaret A. Fiorino, Esq.

5 Peter L. Cassady, Esq.

6 Suite 1714

7 105 East Fourth Street

8 Cincinnati, Ohio 45202

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P R O C E E D I N G S

MR. PAUL: For the record, this is an interview with Patrick W. Harris, spe'led H-A-R-R-I-S, who is employed by the University of Cincinnati. The location of this interview is Cincinnati, Ohio. Present at this interview, in addition to Mr. Harris, are Richard C. Paul, Mary Kay Fahey, with the U.S. Nuclear Regulatory Commission, and Peter Cassady and Peg Fiorino, with the law firm of Beckman and Weil. It is agreed that this interview is being transcribed by court reporter, Ron LeGrand. The subject matter of this interview concerns the University of Cincinnati Medical Center.

Whereupon,

PATRICK W. HARRIS,

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

EXAMINATION

BY MR. PAUL:

Q Mr. Harris, what is your background in health physics?

A I had -- I was in the Army. I was the environmental health technician in Denver. Part of that job was health physics, and when I was in Alaska I was an industrial hygiene technician, not specifically radiation safety, but --

1 Q How many years have you worked in this area of
2 health physics?

3 A Before UC or --

4 Q Yes, before UC.

5 A A year.

6 Q Before we go any farther, there's something I
7 forgot to ask you. Is Mr. Cassady and Ms. Fiorino your
8 personal attorneys in this matter?

9 A Yes

10 Q And you are aware that they also represent other
11 parties in the matter?

12 A Yes.

13 Q And it's your request that they are present here
14 today?

15 A Yes.

16 Q When did you first go to -- or, when did you begin
17 employment at the University of Cincinnati?

18 A August 20, 1986.

19 Q In what capacity did you go to work there?

20 A As a --

21 MR. CASSADY: You have to speak up a little bit.

22 THE WITNESS: I'm trying to think what they called
23 us back then. It's now a health physics technician, but it
24 had a different title back then.

25 MR. PAUL: Was it in the radiation safety

1 department?

2 THE WITNESS: Yes.

3 BY MR. PAUL:

4 Q And who was your supervisor when you started in
5 1986.

6 A Well, the immediate supervisor was Mr. Jason.

7 Q And who was the Radiation Safety Officer at that
8 time?

9 A Ken Fritz.

10 Q Did Jason provide you with your day to day
11 direction as far as management was concerned, or did Fritz?

12 A Well, Jason, if something needed to be done. He's
13 the one who told me to go do it.

14 Q Did Fritz get involved in the day to day
15 activities?

16 A Normally he's the one Jason would go see -- or,
17 who do you want to do this? -- and then he would come back
18 and assign the responsibility of performing the task.

19 Q In 1986 who else was in the department besides
20 yourself?

21 A Okay -- Jeff was there.

22 Q Jeff Barbro?

23 A Jeff Barbro, Ray Estes, Greg Zimbrod, myself,
24 Jason and Fritz, and Alexander.

25 Q What was Alexander's -- what did he do in the

1 department?

2 A His title was Administrative Director of Radiation
3 Safety.

4 Q Did he ever give you any day to day instructions
5 on work performed?

6 A No.

7 Q Was he Fritz's boss?

8 A Not on paper, I don't believe.

9 Q In effect, was he the one who ran the department?

10 A Money wise, yes.

11 Q By "money wise," you mean, administratively?

12 A Yes.

13 Q What about radiation safety? Was Alexander
14 involved in that at all?

15 A Only when it had nuclear medicine parts.

16 Q Does that mean use of isotopes by nuclear
17 medicine? Did he get involved at all with that area?

18 A He was the director, he was the administrative
19 director down there also, so if we didn't like anything they
20 did, we would hear from him to stop it if we had a problem
21 down there.

22 Q So I'm just trying to understand the situation.
23 Is it correct in that if you performed some type of function
24 in radiation safety in the nuclear medicine department that
25 he didn't particularly agree with he would get back to Fritz

1 about the situation? Is that --

2 A Most of the time, yes. If we had done something
3 or said something they didn't like in nuclear medicine, we
4 would hear about it from him.

5 Q Do you know what his title was, Alexander's?

6 A I believe it to be Chief Nuclear Medicine
7 Technician, Administrative Director -- something like that.

8 Q Quite a title. Regarding sealed sources, did the
9 Radiation Safety Department have responsibility over those
10 sealed --

11 A Yes.

12 Q And as one of your duties, did you periodically
13 survey the sealed sources?

14 A Yes.

15 Q And that included wipe tests?

16 A Yes.

17 Q Did you yourself perform these wipe tests? Were
18 you ever assigned to do that?

19 A Yes.

20 Q And was everyone in the department -- did they
21 have the same responsibility on a periodic basis?

22 A Sometimes Ray didn't --

23 Q Did? Did not do it?

24 A Didn't do it.

25 Q Was there any written procedure within the

1 department to perform your surveys?

2 A No.

3 Q Were you ever trained on how to perform the
4 surveys?

5 A I was taken around by another technician for a few
6 months at the beginning, and just learned.

7 Q And this was back in 1986?

8 A Yes.

9 Q And who was that who showed you how to do that?

10 A Most of the time it was Greg Zimbrod.

11 Q When did Zimbrod leave?

12 A I can't think off hand. It may have been 1987.

13 Q Did he quit or resign, or was he fired?

14 A He quit.

15 Q Do you know where he's at now?

16 A Yes, he works at the ~~old~~ Zimmer --

17 Q Nuclear power -- or --

18 A Yes, they're changing to coal plant and he works
19 out there now.

20 BY MS. FAHEY:

21 Q Do you know why he quit? What was your
22 impression of why he quit?

23 A Well, he'd had a few run-ins with Maxon and --

24 Q Dr. Maxon?

25 A Yes. And Ken wouldn't back him up and he got

1 chewed out a few times and Ken just let this go on

2 BY MR. PAUL:

3 Q And who was Maxon?

4 A Back then he was just a nuclear medicine
5 physician.

6 Q Now what is he?

7 A He's the director of the department.

8 Q Of Nuclear Medicine?

9 A Yes.

10 Q Did Alexander work for him?

11 A When I first got there he worked for Saenger and
12 now he works for Maxon.

13 Q Was Maxon on the Radiation Safety Committee?

14 A Yes.

15 Q Since 1986, since you've been there?

16 A As far as I know, yes.

17 Q Did you have, in that frame -- 1986-1987 -- did
18 you have any dealings at all with the Radiation Safety
19 Committee directly?

20 A No.

21 Q Do you know if Fritz reported directly to the
22 Radiation Safety Committee, or were they an advisory body?

23 A I'm not real sure of that.

24 BY MS. FAHEY:

25 Q Were these -- to back up a little bit -- were these

1 run-ins that Zimbrod had with Dr. Maxon relating to the
2 missing of certain sources?

3 A No.

4 BY MR. PAUL:

5 Q What was the procedure as far as when you did a
6 source survey? How would you document your survey?

7 A The results would be transcribed onto a card, 3 x
8 5, 5 x 7 card.

9 Q Was there an existing card for every source?

10 A Yes.

11 Q And would you be given the card to go out in the
12 field to perform the survey, or did you just go do the
13 survey and then come back, look up the card and then
14 document it? How did you handle --

15 A Okay, they were broken up into Alpha, Beta, Gamma
16 and one person might get the Alphas and another person get
17 the Beta, Gammas, and you take the cards with you to check
18 the serial numbers and write a wipe number on there so you
19 knew what wipe corresponded to what source and then bring
20 them back with you.

21 Q Did anybody within the department have a
22 responsibility over the cards?

23 A Not that --

24 Q Did Jason --

25 A Not that was ever shown that it was your

1 responsibility to keep these, or --

2 Q So it was just a general working document that was
3 available to everyone within the department? Is that
4 correct?

5 A Yes.

6 Q Did you ever have any occasions to attempt to
7 perform a survey on a source that you could not find?

8 A Me? One that I couldn't find? No.

9 Q Were you aware of any incidents such as that
10 happening with other radiation safety techs, where they had
11 problems locating the source so they could perform the
12 survey?

13 A Yes.

14 Q And who had problems? Do you recall?

15 A I'm not sure which one it was, but --

16 Q Was it something that happened often, or was it
17 just a rare occasion?

18 A Sealed sources -- it was rare.

19 Q Is the one instance you're familiar with the
20 incident with Mr. Boyd attempting to locate the Nickel 63
21 source? Is -- are you familiar with that particular event?

22 A Somewhat.

23 Q Was that the one you were thinking about or was
24 there another incident?

25 A Yes, that's the one, from the Nickel 63.

1 Q In June of 1988, it's my understanding that there
2 was a meeting in which George Alexander and Ken Fritz met
3 with the radiation safety technicians regarding a memo that
4 they wanted you to sign concerning your responsibility as to
5 reporting safety concerns. Do you recall that?

6 A Somewhat, yes.

7 Q What do you recall about that, as far as what
8 happened and what the subject of what they were talking
9 about?

10 A Well, what I remember about the day is -- we had
11 to -- I'm not sure if it was before or after -- we had to
12 sign our evaluations for the year and sign that letter.

13 Q Do you know what the letter stated?

14 A Yes, that you weren't allowed to go to outside
15 people about anything that went on in the office.

16 Q Did you consider that to include the NRC?

17 A Not myself, no.

18 Q Was there any discussions about the requirements
19 to -- did any of the technicians bring up the fact that
20 there weren't ^{RCR} Federal regulations related to outside agency
21 contact?

22 A I can't recall if that was ever mentioned or not.

23 Q Do you know what brought this about, this issue?
24 Was there some incident, or something that brought it on?

25 A I don't remember that either.

6,7C

1 Q Were you working at the University when (b) [REDACTED]
2 [REDACTED] was employed there?

3 A No.

4 Q Were you familiar at all with the reasons why (b) [REDACTED]
5 left?

6 A Just from --

7 Q What was your understanding? What did you know?

8 A All I know is (b) [REDACTED] went to the NRC several times
9 complaining about safety problems and they (b) [REDACTED]

10 Q By "they," you mean Fritz?

11 A Among -- he's among one of them.

12 Q Did you have any -- in this timeframe we're
13 talking about -- 1988 -- did you look upon contact with the
14 NRC as being detrimental to your career with the University
15 of Cincinnati? Did you make that connection?

16 A It wouldn't have helped.

17 Q Were you required to sign that form?

18 A Yes.

19 Q Did they make any threats that if you didn't you'd
20 be fired, or some type of job action?

21 A I can't say that they did.

22 Q But you were acting under that impression?

23 A Well, if they say sign it, you've got to --

24 Q Did everybody sign?

25 A Yes.

1 on. no time

1 Q Do you recall that approximately two months later
2 there was an NRC inspection in August 1988 conducted by Don
3 Gibbons?

4 A Yes.

5 Q Do you recall an incident just prior to Gibbons'
6 inspection, an incident where Jason gave Melvin Boyd some
7 inventory cards ^{ON RUP} and sealed sources?

8 A Yes.

9 Q Were you present when that happened?

10 A Yes.

11 Q And basically, could you tell us what happened and
12 what you knew about the particular situation?

13 A Okay, I was sitting over at Ray's desk.

14 Q Ray Estes?

15 A Yes, he was either off or out of the office for
16 some reason, and Jason came from the back room with -- I
17 didn't know at first what he had in his hand, but he said,
18 here get rid of these, and then I saw what they were. They
19 were sealed source cards, and I said, no, I won't do it.

20 Q Oh, he asked you first?

21 A Well, he asked the whole group. I said no, that I
22 wasn't going to do it.

23 Q At that time were you aware the NRC was coming?

24 A I believe they knew.

25 Q Did you know?

1 A I knew they were coming about a week before he
2 actually showed up. Now, I don't the exact date that Jason
3 came out of there, out of Ken's office, or the back area.

4 Q What was your understanding of why Jason was
5 giving these -- coming out and asking you to get rid of the
6 cards?

7 A They were missing.

8 Q What was missing?

9 A The sources. Or we couldn't find them.

10 Q Do you know how many sources were missing at that
11 time?

12 A All I know is of the one over in Dr. Tan -- over
13 in the --

14 Q The Nickel 63?

15 A Yes.

16 Q So that was the only one that you were aware of?

17 A That I can recall, yes.

18 BY MS. FAHEY:

19 Q Did Jason tell you why he wanted you to get rid of
20 the cards?

21 A No.

22 BY MR. PAUL:

23 Q Who ended up getting the cards?

24 A Mel.

25 Q What did he do with them?

1 A He put them in his desk drawer.

2 Q Did you ever have discussions with Jason on why he
3 did this?

4 A Not why he did it.

5 Q Or what was behind all that?

6 A Nothing was ever mentioned until he -- Dr. Wiot
7 wanted a letter from him.

8 Q Which was a year later; is that right?

9 A [No response.]

10 Q Were the sources -- the inventory cards on the
11 sources kept in Jason's area?

12 A Yes.

13 Q ^E At that time in preparation for the NRC
14 inspection, were you involved in any type of review of
15 procedures or existing documentation in preparation for the
16 NRC visit?

17 A Yeah.

18 Q Were you given any instructions regarding your
19 contact with the NRC inspector, whether you were prohibited
20 or encouraged to talk with the inspector?

21 A Neither way.

22 Q Neither way.

23 At that point in time, did you have any concerns
24 regarding the radiation safety program as far as the
25 operation of the department?

1 A Some.

2 Q Did your concerns include concerns regarding
3 radiation safety?

4 A Yes.

5 Q Did you ever attempt to discuss these with the NRC
6 inspector?

7 A Never had a chance.

8 Q What do you mean by "never had a chance"? He
9 never interviewed you or you were out of the office or what
10 was the --

11 A No interview, and Ken was never away from him.

12 Q Is it my understanding you didn't feel you could
13 talk to the NRC inspector in the RSO's presence -- Fritz'
14 presence?

15 A Correct.

16 Q Did this feeling have anything to do with the memo
17 you'd signed back in June regarding proper notification
18 procedures?

19 A No.

20 Q At that point in time, did you have any
21 impression regarding the adequacy of the recordkeeping at
22 the University of Cincinnati as far as what was required per
23 the license?

24 A Yes.

25 Q Did you feel it was adequate?

1 A No.

2 Q It's my understanding that ultimately in late 1988
3 or early 1989 that you went before the University of
4 Cincinnati's radiation safety committee; is that true?

5 A Yes.

6 Q And you presented the committee with a number of
7 memos; is that right?

8 A Yes.

9 Q Do you know why the situation with the missing
10 sealed sources and the inventory cards was not presented to
11 the committee at that time?

12 A I don't.

13 Q Did you have a spokesman before the committee that
14 represented the safety techs or were you all sort of
15 independent?

16 A We were independent and I didn't say a word during
17 them.

18 Q Who did most of the talking?

19 A Jeff and Melvin.

20 Q Was Fritz at the meeting?

21 A No.

22 Q At that time, who was the chairman of the
23 radiation safety committee?

24 A Dr. Wiot.

25 Q Did you bring up the issue about the memo that

1 Alexander had had you sign earlier in June?

2 A Yes.

3 Q Was there any discussion about that issue with the
4 committee?

5 A Yes.

6 Q Did they concur with that type of action or what
7 was said about it; do you recall?

8 A As far as I can recollect, Dr. Silberstein -- he
9 about flew out of his chair and Maxin and Wiot were trying
10 to shadow over the issue.

11 Q Meaning make it a --

12 A Sidestep, whatever.

13 Q Avoid it?

14 A Just say no, that's not what it meant, although I
15 --

16 Q Did you have the concern at that time when it was
17 discussed that there was an attempt to void or violate the
18 requirements of 10 CFR that was posted throughout the
19 facility?

20 A I don't know if it was a specific attempt by
21 anyone, but --

22 Q Did you connect that memo with that particular
23 issue to your ability to freedom of access to the NRC? Were
24 those issues connected in your mind at that time?

25 A It could -- the memo could be read that way, yes.

1 Q Now, I understand that Alexander was at the
2 meeting; is that right?

3 A Yes.

4 Q What did he say? Do you recall?

5 A When that came up, I don't recall if he even said
6 a word.

7 Q Did Silberstein ever confront him about it?

8 A Not to my knowledge, Silberstein didn't.

9 Q Is it true that after the meeting, the safety
10 committee formed some type of subcommittee to look into the
11 radiation safety techs' concern; was that true?

12 A Yes.

13 Q And Silberstein was the one who headed it up?

14 A I believe so.

15 Q Do you know who else was on this subcommittee?

16 A Somehow, I believe George for some reason was on
17 it.

18 Q George Alexander?

19 A Yes, and for sure, I couldn't tell you anybody but
20 Silberstein.

21 Q Did you ever meet with them after that?

22 A Myself? No.

23 Q Were you working the week that the issue regarding
24 the inventory cards of August '88, where Jason gave them to
25 Melvin, were you present when that issue came to the surface

1 again in -- I guess it was in relation to Dr. Wiot got
2 involved. Were you there at the University then?

3 A Yes.

4 Q How did it come up again; do you know?

5 A I believe Jeff was talking to Wiot to resign and
6 in their discussion this came up.

7 No, that's not correct. That was later. I think
8 Silberstein wanted it.

9 Q Silberstein wanted the incident brought out?

10 A He wanted for some reason, I believe, I'm not sure
11 if it's Silberstein, but he wanted a letter saying that this
12 -- the source cards had been hidden.

13 Q This is when Jason wrote his letter, is that --

14 A Yeah.

15 Q This was before that?

16 A Yes.

17 Q So then how did Jason come to write his letter; do
18 you know?

19 A That's when Jeff went to resign and then he
20 started going on about what the problems with the program
21 was, and Dr. Wiot asked Jeff if he could get Jason to write
22 a letter.

23 Q Okay. So evidently -- let's just go through this
24 again and make sure I understand what's happening.

25 Initially Silberstein was involved. At what point in time

1 was that?

2 A I had no direct meetings or anything with him.
3 That was Melvin and Jeff.

4 Q Went to Silberstein initially?

5 A Yes.

6 Q And evidently, they told Silberstein about this
7 incident regarding Jason giving inventory cards to Boyd.

8 A I believe so.

9 Q So then how much time passed before Jeff met with
10 Wiot?

11 A Maybe a month. I'm not real sure.

12 Q So then after he went to Wiot, it was subsequent
13 to that when Jason wrote the letter; is that right?

14 A Same day, I believe.

15 Q When did NES get there? Was that at that -- were
16 they there when this happened?

17 A No, NES came in the following week.

18 Q At that point, which is really in my
19 understanding, is August of '89, did Silberstein's committee
20 ever -- did you feel that they had made an attempt to
21 correct your concerns that you'd brought to them back in
22 January -- December?

23 A I don't know if they ever resolved anything.
24 Possibly the service license stuff, but --

25 Q Your other concerns you felt were still pending or

1 --

2 A They made minor -- like the protocols. Everything
3 had to be reviewed by the committee, all protocol changes,
4 minor things.

5 Q Were there any other cases there in '89 regarding
6 missing sources; did that ever come up again?

7 A Missing source -- I can't recall.

8 Q Only the one that you're aware of; right?

9 A The Dr. Tan one, yeah.

10 Q Were you ever asked to falsify any records that
11 were required to be kept in regards to the license at UC?

12 A Falsify, no.

13 Q ^cAre you aware of any instances where records were
14 not accurately filled out?

15 A Specific records, no, none offhand.

16 Q Okay.

17 BY MS. FAHEY:

18 Q When the NRC inspector came out, did he go through
19 the sealed source cards?

20 A I believe so, yes.

21 Q But you weren't present at the time?

22 A I was in the office but --

23 Q Do you know if he identified any missing cards?

24 A I have no idea.

25 Q Did you see the NRC inspection report at the

1 conclusion of the inspection?

2 A I believe it was one of those that he could write
3 up right there and there was nothing on it.

4 Q And he didn't identify any of your concerns?

5 A No.

6 Q It was about that time that all of you techs had
7 gotten together; correct? August?

8 A August.

9 Q Started documenting some of your concerns?

10 A That happened.

11 Q You already stated on the record you didn't have
12 an opportunity to speak with him even if you'd wanted to?

13 A Correct.

14 Q I have one other question, something you said
15 earlier on the record about the nuclear medicine department.
16 Is it correct that -- I got the impression from you that the
17 radiation safety procedures and rules were not consistently
18 applied to all the departments in the hospital?

19 A Yes.

20 Q Okay. So the nuclear medicine department got away
21 with doing some things that other departments might not
22 necessarily have gotten away with?

23 A Correct.

24 Q Okay. Now would any of those things that they got
25 away with have to do with radiation safety concerns? I

1 hear, would they be any serious safety concerns?

2 A It was -- as far as I recollect, they got special
3 privileges on -- see, we had to come in early specifically
4 for them and they always wanted things now and if we didn't
5 do it for them now, we heard about it.

6 Q Whereas if another department requested something,
7 they would have to get in line --

8 A Right. Go through them.

9 Q -- and when you guys were available, you'd get to
10 it.

11 A Correct.

12 Q That was a direct result of George Alexander
13 having --

14 A Not specifically George.

15 Q Who else?

16 A Sanger.

17 Q Dr. Sanger?

18 A Uh-huh.

19 Q Okay. And you said that he used to be the
20 director of nuclear medicine department, and Dr. Maxin.

21 A You could say he still is.

22 Q Okay, but Dr. Maxin is now the director in name?

23 A Correct.

24 Q I also want to talk to you about the service use -
25 - is that how you term -- is that the same thing that I'm --

1 A Service license.

2 Q Commercial use of a license?

3 A Commercial use, yes.

4 Q Okay. There were allegations made that certain
5 physicians at the hospital were running a business using the
6 University's sources to calibrate instruments. Were you
7 aware of that?

8 A Physicians, no.

9 Q Who? Mr. Fritz?

10 A And Teriakis.

11 Q Well, he's a physician; isn't he?

12 A Ph.D.

13 Q Oh, I'm sorry. Okay. And what was your
14 understanding of what they were doing?

15 A All I knew --

16 Q This is your personal opinion, what you
17 understood.

18 A All I knew was he had contracts -- both of them
19 had contracts with various hospitals, agencies, around this
20 area, to perform their radiation safety responsibilities or
21 whatever, calibrate instruments, stuff like that, and Ken
22 would calibrate his instruments and he would also calibrate
23 the ones for Teriakis.

24 Q Were you ever asked to calibrate instruments for
25 either one of them?

1 A No.

2 Q How about any of the other techs?

3 A Possible. I can't --

4 Q And do they calibrate these instruments during
5 work time or was it something that --

6 A Yes, always work time.

7 Q Did you know whether the hospital was billing for
8 this service or if it came from the two individuals
9 themselves?

10 A My opinion, right? The hospital had no idea.

11 Q Was it a violation of the hospital's license?
12 Again, I realize you might have limited knowledge of the
13 license requirements.

14 A Up until Jeff or Melvin saw that there had to be a
15 special service license, we didn't have any problems, and we
16 had no knowledge that that was improper.

17 Q It was brought to the radiation safety committee's
18 attention by your group?

19 A I believe so.

20 Q Do you remember how they addressed that matter?

21 A I don't recall them getting upset at the meeting.

22 Q Now, there were other services that the radiation
23 safety office provided to outside clients that were billed
24 directly to the University.

25 A Yes.

1 Q What were those types of services?

2 A Room surveys for Good Samaritan Hospital and I
3 believe there were radiography sources for companies or from
4 sealed source wipes or other companies like Dear Iron,
5 Almart, et cetera.

6 Q Okay, so at the time, the fact that these two
7 gentlemen were also doing it, a similar type service, it
8 didn't really bother the techs until it was discovered that
9 there needed to be an amendment or a special license to
10 allow them to perform those functions? Do you know if the
11 license was ever amended to allow that?

12 A I believe it has been because -- well, Dr. Wyatt
13 stopped it when NES got here. I don't know if it had been
14 approved then or not and he just didn't want it done.

15 Q He stopped it before NES got here?

16 A When NES got there -- now. We had been doing it a
17 few months before that, I think, because they had said we
18 had gotten approval, a license to do these things. When NES
19 got there, I don't know if they found out that we had never
20 received it or not, but Dr. Wyatt stopped us until -- like
21 this January.

22 Q So it's currently going on again?

23 A Yes.

24 Q Are you aware of any hospitals or companies being
25 found to be out of compliance as a result of either one of

1 these gentlemen conducting their business?

2 A Otto Epp Memorial Hospital, I believe, is the name
3 of it.

4 Q What did you hear about that incident?

5 A Well, actually, I read it.

6 Q In an NRC type?

7 A Yes.

8 Q We don't need to go into that, if that's what your
9 knowledge is limited to.

10 A It's a date is what the problem was as far as I
11 know it was.

12 Q Did you read it in your office?

13 A Yes.

14 Q Everyone saw it, I assume?

15 A Yes.

16 Q What did you all think of that?

17 A Just that it was going to happen sooner or later.

18 Q Okay.

19 BY MR. PAUL:

20 Q Just one question on the special services that you
21 were asked to perform for the Nuclear Medicine Department
22 where exceptions were taken for that --

23 A Yes.

24 Q Were any of these exceptions where radiation
25 safety procedures were bypassed; did that ever occur?

1 A I believe so.

2 Q Could you tell us the specifics on that?

3 A Syringe shields.

4 Q Syringe shields?

5 A They were supposed to have syringe shields on
6 there when they draw a dose -- license. They were supposed
7 to have them -- they weren't supposed to have them in their
8 hands. They were supposed to be on trays and all they did
9 was just carry them around. I believe -- I never brought
10 that up, because I never saw them do that, but I believe
11 Jeff had mentioned that several times.

12 Q To Fritz?

13 A ^s To Fritz, to Alexander and --

14 Q There was no action taken on it?

15 A And probably Craig Williams, the radiopharmacist.

16 Q Craig Williams?

17 A Yes.

18 BY MS. FAHEY:

19 Q Do you know if it was standard procedure up there
20 to not use them, or if it was just --

21 A They never use them.

22 Q Never?

23 A Never.

24 Q Has that situation been corrected that you know
25 of? -

1 A I believe so, yes, at least an attempt. Whether
2 they do it when we're not around is hard to say.

3 Q Certainly the techs up there must realize the
4 importance of using those things?

5 A A lot of times you find them without rings on,
6 too.

7 BY MR. PAUL:

8 Q Is Alexander still in your department?

9 A No.

10 Q Is he back over in Nuclear Medicine?

11 A Yes.

12 Q He doesn't have anything to do with the radiation
13 safety department?

14 A One minor thing. He gets to sound out the
15 balance?

16 Q Balance?

17 A The thing for human use protocols. He gets to
18 make sure they're all nice and neat for the committee.

19 Q Is he on the committee or an advisor to the
20 committee?

21 A No.

22 Q He was before in some type of function?

23 A He used to make sure the food was there, and sit
24 in and listen.

25 BY MS. FAHEY:

1 Q That's an important function. I just have one
2 more thing that we didn't address, and you may have some
3 limited knowledge of it.

4 Regarding Fritz being notified by the NRC that
5 some anonymous allegations had come in.

6 A I know bits and pieces of that.

7 Q Okay, tell us what you know, what limited
8 information you have.

9 A What I remember is that we needed NRC Form 30's.
10 We were out. We called and they sent us -- it was a two or
11 three minute phone conversation. I don't remember
12 specifically who called. Then, I guess they looked at the
13 phone bill and checked out the numbers, and then there was a
14 letter from Dr. Wyatt saying due to things out of our
15 control, this has happened; that someone's gone to the NRC.

16 I don't know if it specifically said the NRC; it
17 may have said outside agencies, or something like that.
18 That's all I ever heard of it.

19 Q Fritz never came out and accused anybody or held a
20 meeting?

21 A Not that I was aware of or in on.

22 Q Were you ever asked if you had gone to the NRC?

23 A Me? No.

24 MS. FAHEY: I can't think of anything else. Let's
25 go off the record for a minute.

1 [Discussion off the record.]

2 MR. CASSADY: I did say at the beginning of this
3 interview, as I had with the others, that you had told me
4 that you're not targeting Mr. Harris in this investigation;
5 that he's being interviewed as a witness; is that correct?

6 MR. PAUL: That's correct.

7 MR. CASSADY: He's not a target?

8 MR. PAUL: He's not a target; he was interviewed
9 as a witness.

10 MR. CASSADY: Thank you.

11 BY MR. PAUL:

12 Q Mr. Harris, have I or any other NRC representative
13 here threatened you in any manner or offered you any rewards
14 in return for this statement?

15 A No.

16 Q You gave this statement freely and voluntarily?

17 A Yes.

18 Q Is there anything further you'd care to add for
19 the record?

20 A No.

21 MR. PAUL: The interview is concluded. Thank you
22 for your time.

23 [Whereupon, t 11:37 a.m., the interview was
24 concluded.]

25

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.



Ronald N. LeGrand

Official Reporter
Ann Riley & Associates, Ltd.