

J-MAIL

From: James P. Dwyer (JPD1)
To: JMJ
Date: Tuesday, April 18, 1995 10:21 am
Subject: Backus incident

Jenny:

We received a letter dated April 10th from Marvin Horwitz, Attorney for the patient who was injured at Backus Hospital in June 1994, requesting specific documentation related to the case. Horwitz said that they had made an earlier request for documentation in their letter dated February 14, 1995 - a request that we never responded to. Horwitz enclosed a copy of the February 14th letter. I was unable to locate anyone in the Region who had ever received the February 14th letter.

Anyway, Karla is reviewing the letter with OGC and has promised to contact Horwitz directly regarding the procedure for getting the documentation he requested. Apparently some of the information may not be releasable under FOIA. I told Karla that I would contact Horwitz, verbally acknowledge receipt of the letter, and provide Horwitz with her name and number as the point of contact. Karla was agreeable to this.

I have placed the original letter with enclosure in your "IN" box.

Jim

B/1


From: James P. Dwyer (JPD1)
To: CMY
Date: Thursday, April 20, 1995 7:56 am
Subject: BACKUS REQUEST -Reply

Connie:

Region I will not respond in writing to Mr. Horwitz by April 24th. I contacted him by telephone earlier this week and told him that we received his letter. OGC contacted Horwitz by telephone and told him what additional information we required before we could release the documentation that he requested. I would imagine that our written response enclosing the information that he requested will not be sent until sometime during the week of May 1st.

Jim

CC: KDS1, SFS, CWH, JMJ

From: Constance M. Yusko (CMY)
To: JPD1, KDS1, JMJ
Date: Thursday, April 20, 1995 7:49 am
Subject: BACKUS REQUEST

RE: Letter sent to Region I by Marvin Horwitz, Attorney for a patient injured at Backus Hospital - we need to track this letter for the Public Responsiveness File. If we do not reply by Monday, April 24 it needs to be submitted to Marie Fudge for submittal to this report. Please let me know the status by Monday

thanks, connie

CC: SFS

From: Karla D. Smith (KDS1)
To: KP1:CMY
Date: Thursday, April 20, 1995 8:01 am
Subject: BACKUS REQUEST -Reply

Connie,

Perhaps the date for responding should be extended. Jim Dwyer is working on gathering the documents, and I have been coordinating it with Chuck Mullins, OGC, because it is a request under 10 C.F.R. 9.200. We can not send out the material until Mr. Horwitz sends us an authorization for release from his client because it involves medical records of his client. Mr. Horwitz was informed of this this week and plans to send it to us. Thus, the timeliness of our response will depend upon how fast Mr. Horwitz supplies the release. Therefore, I feel it would be sort of unfair to place us on the late list when the reason we are late is because of the member of the public.

Karla

CC: CEM, MRF1, MJM, JPD1

■ HORWITZ & MARUZO, P.C. ■

ATTORNEYS AND COUNSELLORS AT LAW

74 WEST MAIN STREET ■ NORWICH, CONNECTICUT 06360 ■ TELEPHONE 203-889-3351 ■ FACSIMILE 203-886-5551

Marvin M. Horwitz ■ Lewis C. Maruzo ■ Charles K. Norris

FILE NO. 9390 ✓ JOHN B. JACKSON, JR. ✓ Tort Claim
Date of Injury: June 21, 1994

April 10, 1995

United States Nuclear
Regulatory Commission
Region One
475 Allendale Road
King of Prussia, PA 19406-1415

Re: Misadministration of iodine-125 at William W. Backus
Hospital on June 21, 1994

To Whom It May Concern:

On February 14, 1995, we sent to you the enclosed letter. We haven't received any reply from you. It is vitally important to us to receive this information. Please reply to us at your earliest opportunity or give us a reason why you cannot do so.

Very truly yours,


MARVIN M. HORWITZ

MMH/lab
Enclosure

CERTIFIED MAILING - RETURN RECEIPT REQUESTED
2 441 569 516

■ HORWITZ & MARUZO, P.C. ■

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FILE NO. 9390 ~~JOHN B. JACKSON, JR.~~ Tort Claim
Date of Injury: June 21, 1994

February 14, 1995

United States Nuclear
Regulatory Commission
Region One
475 Allendale Road
King of Prussia, PA 19406-1415

Re: Misadministration of iodine-125 at William W. Backus Hospital on
June 21, 1994

Dear Sir/Madam:

We represent ~~John B. Jackson, Jr.~~ who was the subject of the misadministration of iodine-125 seeds at the William W. Backus Hospital on June 21, 1994.

We have received the following documents:

1. Letter of July 6, 1994 from Brian J. Smithwick, Vice President of William W. Backus Hospital to Mr. Charles W. Hehl, Director, Division of Radiation Safety and Safeguards, United States Nuclear Regulatory Commission, Region One;
2. Typewritten notes of Nuclear Regulatory Commission Exit Conference;
3. Letter from Mr. Charles W. Hehl, Director to Michael T. Moore dated August 4, 1994 regarding the augmented inspection team report with six attachments.

We would appreciate any other documents, consultants' reports, letters, correspondence or memorandums in the files of the United States Nuclear Regulatory Commission regarding this matter. Among other things, the August 4, 1994 letter refers to subsequent review to determine compliance with NRC Regulations or to recommend enforcement actions. We would appreciate copies of any documents relating to those matters as well. We would also appreciate any medical reviews or any other reviews conducted by NRC consultants.

■ HORWITZ & MARUZO, P.C. ■

United States Nuclear
Regulatory Commission
February 14, 1995
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Finally, if there are any other pertinent documents that might be in the possession of any other agency, we would appreciate your advice with regard to those.

Thank you.

Very truly yours,

LEWIS C. MARUZO

LCM/mal

cc: Mr. John B. Jackson, Jr.