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NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS

- - - - - X
In the Matter of: :
INVESTIGATIVE INTERVIEW OF :
MITCHELL JAROSZ :
(Closed) :
- - - - - X

Clubhouse Inn
Terrace Room
5311 Campbells Run Road
Pittsburgh, PA 15205
Thursday, March 11, 1993

The above-entitle matter commenced at 10:15 a.m.
when were present:

On behalf of the NRC:
GERARD KENNA, Investigator
U.S. NRC, Office of Investigations - Region I
475 Allendale Road
King of Prussia, PA 19406

THOR M. CZERWINSKYJ, Health Physicist
U.S. NRC - Region I
475 Allendale Road
King of Prussia, PA 19406

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CASE NO. 1-02-0602

EXHIBIT 39
PAGE 1 OF 73 PAGE(S)

9408150304 940808
PDR ADOCK 03031764
8 PDR

1 On behalf of the Interviewee:
2 KERRY A. KEARNEY, ESQ.
3 Reed, Smith, Shaw & McClay
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6 P. O. Box 2009
7 Pittsburgh, PA 15230
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P R O C E E D I N G S

[10:15 a.m.]

1
2
3 MR. KENNA: We're on the record now. Today is
4 Thursday, March 11, and the time is almost 10:15 a.m. This
5 will be an interview of Mitchell Jarosz. It's at the
6 Clubhouse Inn, Campbells Run Road in the Pittsburgh area. Mr.
7 Jarosz, you have been subpoenaed by the Nuclear Regulatory
8 Commission to be here today, is that correct?

9 MR. JAROSZ: That is correct.

10 MR. KENNA: Mr. Jarosz, will you please state you
11 full name and spell your last name for the court reporter?

12 MR. JAROSZ: Mitchell J. Jarosz, Jr. My last name
13 is J-A-R-O-S-Z as in zebra.

14 MR. KENNA: The purpose of the interview is to
15 discuss in part aspects of your employment with the company,
16 training, and various other items that have come up.
17 Basically, we will not go over the incident that took place
18 before. I think that's been thoroughly looked at.

19 MR. JAROSZ: Yes, sir.

20 MR. KENNA: My name is Gerard Kenna. That's G-E-
21 R-A-R-D, K-E-N-N-A. I'm an investigator. I've referred to
22 you, or you can refer to me as Gerry. I'm very informal. I'm
23 an investigator with NRC Office of Investigations in King of
24 Prussia, and for the record, I will show you credentials so
25 that -- you've seen these before, but you can see this. I'll

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1 give you a business card so that you can have it.

2 MR. JAROSZ: Thank you.

3 MR. KENNA: I will now swear you in, if you could
4 stand and raise your right hand.

5 Whereupon,

6 MITCHELL J. JAROSZ, JR.,

7 a witness, was called for examination by an investigator on
8 behalf of the NRC, and, having been first duly sworn, was
9 examined and testified as follows:

10 MR. KENNA: Mr. Jerosz, as I mentioned before, the
11 purpose of the interview is to discuss some aspects of your
12 employment, the training, your professional duties regarding
13 the Pittsburgh Cancer Center. Please identify -- I have some
14 questions for your attorney that we want to get some things
15 on to the record, and the attorney has some statements which
16 is to be entered into the record. Let me go around the room
17 and introduce everyone first.

18 MR. CZERWINSKYJ: My name is Ihor Czerwinskyj. I'm
19 a health physicist at the Region I Nuclear Regulatory
20 Commission office.

21 MS. KEARNEY: My name is Kerry Kearney, and I'm from
22 the lawfirm of Reed, Smith, Shaw & McClay in Pittsburgh,
23 Pennsylvania.

24 MR. KENNA: What is the purpose of your being here
25 today, Ms. Kearney?

1 MS. KEARNEY: I have been retained as counsel for
2 this witness, Mitchell Jarosz. In addition, as I indicated
3 -- do I shorten it by going through the whole thing, or do you
4 still have to ask the questions?

5 MR. KENNA: I still have to ask it.

6 MS. KEARNEY: Well, then I won't answer it then.

7 MR. KENNA: Okay. Have you been retained as Mr.
8 Jarosz' personal attorney regarding the matter being
9 investigated by the NRC?

10 MS. KEARNEY: Yes.

11 MR. KENNA: Have you been retained by Oncology
12 Services Corporation to represent them or any other officers
13 or owners concerning the matter being investigated by the NRC?

14 MS. KEARNEY: I have been retained by Oncology
15 Services Corporation to represent it, but not by any of its
16 officers or directors. I don't know what your other question
17 was.

18 MR. KENNA: Okay, owners concerning -- I think we
19 covered owners and officers.

20 MS. KEARNEY: Yes.

21 MR. KENNA: Okay. Do you believe that a potential
22 conflict of interest may arise during the course of this
23 interview?

24 MS. KEARNEY: I do not believe a potential conflict
25 of interest will arise for the reasons set forth in Dr.

1 Tokars' interview earlier, and with advice and consent, both
2 Oncology Services Corporation and Mr. Jarosz.

3 MR. KENNA: If a potential conflict of interest
4 should arise, what would you do?

5 MS. KEARNEY: As I indicated earlier during the
6 interview of Dr. Tokars, I am governed by the Pennsylvania
7 Rules of Professional Conduct which set forth certain things
8 I would have to do if a conflict were to develop. We have
9 reviewed those with each of the two clients, and we would
10 obviously follow the rules under those rules.

11 MR. KENNA: Okay. Mr. Jarosz, is Ms. Kearney acting
12 as your personal attorney during this interview?

13 MR. JAROSZ: Yes, she is.

14 MR. KENNA: Who is paying for your attorney
15 services?

16 MR. JAROSZ: I do not know that at the moment.

17 MR. KENNA: Is Oncology requiring that you have Ms.
18 Kearney present today for this interview?

19 MR. JAROSZ: Requiring, no. I requested it.

20 MR. KENNA: Was it suggested that you have her
21 present here today?

22 MR. JAROSZ: Yes, it was.

23 MR. KENNA: Do you understand that you have a right
24 to talk to me today without Ms. Kearney present?

25 MR. JAROSZ: Yes, I am aware.

1 MR. KENNA: With that understanding, do you still
2 want Ms. Kearney present during this interview?

3 MR. JAROSZ: Yes.

4 MR. KENNA: Since Ms. Kearney is representing you
5 today, is it your understanding that the testimony that you
6 provide today will be privileged with respect to yourself and
7 -- or respect to Ms. Kearney and that she will not be relating
8 the testimony to any third parties? That isn't written
9 correctly, you know that?

10 MS. KEARNEY: No, it's not. He doesn't know what
11 that means. That asks for a legal conclusion in that you're
12 asking about the attorney client privilege. I have disclosed
13 to Mr. Jarosz, as did for Dr. Tokars and each of the other
14 witnesses that I am retaining jointly by both, and corporate
15 entity OFC, in that I would disclose information during this
16 interview to it, and he has consented to that. I think that's
17 also a legal issue. You can ask him the underlying facts.

18 MR. KENNA: Okay, but it's not up to us to determine
19 whether there's a conflict of interest. It's up to you and
20 him.

21 MS. KEARNEY: No, of course not. Yes.

22 MR. KENNA: Okay. That's basically what they're -
23 - so, if there's a conflict, it's not up to me to say that
24 there's a conflict of interest here. That's up to you and
25 your attorney to determine that.

1 MS. KEARNEY: Yes. That's not the conflict issue,
2 though. That's a privilege issue, which is different.

3 MR. KENNA: Well, I don't want to get into a legal
4 thing because --

5 MS. KEARNEY: I understand that, but I just want to
6 put that on the record because your lawyers will probably read
7 this.

8 MR. KENNA: Okay. Also, I think you wanted to make
9 a statement.

10 MS. KEARNEY: Oh, do I have to do it again?

11 MR. KENNA: If you'd like to. If you don't --

12 MS. KEARNEY: I have the same statement I would like
13 to incorporate that I made earlier during the testimony of Dr.
14 Tokars, that our reading of the Administrative Procedure Act
15 and the regulations and of many bulletins that were available
16 in the document room of the NRC does not support Mr. Kenna's
17 instruction that I was permitted neither to have my own court
18 reporter present, nor to tape record this session, as I had
19 been requested to do by Mr. Jarosz, and to the extent the NRC
20 wants to use this transcript, we will very likely object to
21 that at a later time. We fell we're entitled to have our own
22 court reporter present and to have our own transcript.

23 MR. KENNA: Does that cover it?

24 MS. KEARNEY: Yeah, well, we can just incorporate
25 the earlier discussion. I mean, it's essentially the same.

1 MR. KENNA: Okay. You object, basically?

2 MS. KEARNEY: I basically object, yeah, but I mean,
3 rather than restating it at length --


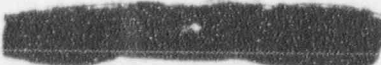
4 MR. KENNA: Well, I want to try and make each thing,
5 but we'll also do both. How's that?

6 MS. KEARNEY: Whatever you want to do.

7 MR. KENNA: I'll just refer to Section 555(c) in the
8 Administrative Procedures Act governs this issue and that it
9 basically says a person is entitled upon payment of cost to
10 obtain a copy of the transcript of his testimony. However,
11 it may be limited. Non-public investigatory proceedings by
12 the agency or its representative conducting the proceedings,
13 upon a showing of good cause, that such a party or witness is
14 limited to the inspection of the transcript, basically. So,
15 we've covered some of those procedural issues, but go right
16 ahead.

17 MS. KEARNEY: And of course, you understand, Mr.
18 Jarosz, that we've been denied transcripts of earlier
19 testimony, and that was why we tried to bring our own court
20 reporter because, you know, we felt that there was no other
21 way we were going to get it. Okay.

22 MR. KENNA: I think we're done with the procedural
23 issues. You stated your full name. What's your home address?

24 MR. JAROSZ: 
25 

1 MR. KENNA: And your home number and work phone
2 number?

3 MR. JAROSZ: My home number is [REDACTED]
4 [REDACTED] and my work number is area code 412-279-3695.

5 MR. KENNA: Your date of birth?

6 MR. JAROSZ: [REDACTED]

7 MR. KENNA: And Social Security Number?

8 MR. JAROSZ: [REDACTED]

9 MR. KENNA: Your job title?

10 MR. JAROSZ: I'm a senior radiological physicist.

11 MR. KENNA: Could you give us your educational
12 background beyond high school?

13 MR. JAROSZ: [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 MR. KENNA: How long have you been employed by
19 Oncology Services Corporation?

20 MR. JAROSZ: Approximately one year.

21 MR. KENNA: Is that about February or March of '81?

22 MR. JAROSZ: That was --

23 MR. KENNA: Or '92?

24 MR. JAROSZ: March of '92, that's correct.

25 MR. KENNA: Are you an employee, a contractor, or

1 what is your status with the company?

2 MR. JAROSZ: I am an employee.

3 MR. KENNA: Do you have a contract with the company?

4 MR. JAROSZ: Not per se, just a letter that was
5 signed when I was hired.

6 MR. KENNA: Do you have any holdings in the company,
7 Oncology Services?

8 MR. JAROSZ: No, sir.

9 MR. KENNA: Who owns Oncology Services, do you know?

10 MR. JAROSZ: I do not know that for a fact, other
11 than I've heard talkings at the center. The CEO, I know who
12 that is.

13 MR. KENNA: Who's that?

14 MR. JAROSZ: That's Dr. Douglas Colkitt.

15 MR. KENNA: Do you hold any certifications or
16 licenses?

17 MR. JAROSZ: Yes, I do. A certification, as I said
18 previous, from the American Board of Radiologists.

19 MR. KENNA: Any others?

20 MR. JAROSZ: I'm a member of the American College
21 of Radiology, but no other certifications per se.

22 MR. KENNA: Give me some employment background
23 history, where you worked before, your level of experience.

24 MR. JAROSZ: Previous to my employment at Oncology
25 Services, I worked 25 years at one institution, St. Francis

1 Medical Center in Pittsburgh. [REDACTED]
2 [REDACTED] I worked as a nuclear
3 medicine technologist [REDACTED] I
4 worked as a radiation therapy technologist in therapy, and
5 then I proceeded to the radiation physics department, and that
6 occurred somewhere in the neighborhood about 1973. From then
7 on, I worked in the physics department from then to my present
8 employment. That dealt with working under an RSO at the
9 facility with a broad scope license. I had cobalt-60
10 teletherapy, two linear accelerators, brachy therapy, low dose
11 brachy therapy, and nuclear medicine and multiple diagnostic
12 units to be checked.

13 MR. KENNA: And this is all at St. Francis?

14 MR. JAROSZ: All at St. Francis.

15 MR. KENNA: Were are your supervisors here at OSC?

16 MR. JAROSZ: My supervisor directly is Dr.
17 Cunningham, and I assumed the authorized user at my facilities
18 at the centers that I primarily work at.

19 MR. KENNA: When did you first get the HDR unit at
20 your facility?

21 MR. JAROSZ: The unit arrived in August of '92.

22 MR. KENNA: Did you receive training for that
23 machine?

24 MR. JAROSZ: Yes, I did.

25 MR. KENNA: Where was the training?

1 MR. JAROSZ: My training for HDR consisted of two
2 things, a two-day in service that was given, a two-day in
3 service by Donna Green from Omnitron at the Jefferson Center,
4 and a two-day training down at Omnitron Center in Houston.
5 I'd like to clarify something, that the unit was installed in
6 July at Jefferson Oncology Center before it was transferred
7 to Greater Pittsburgh Cancer Center. Jefferson Oncology is
8 our sister center a half-hour away, but it doesn't have an NRC
9 license to use it at that unit. We assumed that it was going
10 to be our licensure to do HDR there would be approved quickly,
11 but it was delayed, so we transferred the unit up to Greater
12 Pittsburgh Cancer Center in August.

13 MR. KENNA: So you used it there or you didn't use
14 it?

15 MR. JAROSZ: No, no. We trained there. That's what
16 my clarification is to that. The two-day training that Donna
17 Green provided from Omnitron was provided at Jefferson
18 Oncology. So, we went through --

19 MR. KENNA: Where's Jefferson Oncology?

20 MR. JAROSZ: In Pleasant Hills, which is
21 approximately a half-hour away from here.

22 MR. KENNA: Okay.

23 MR. JAROSZ: So, the unit was delivered with a non-
24 active source, and it stayed there for approximately two weeks
25 or so, three weeks.

1 MR. KENNA: So, you received training there with a
2 non-active source?

3 MR. JAROSZ: That's right, with a non-active source.
4 That is correct.

5 MR. KENNA: Okay. Now, your Omnitron training
6 consisted of the operation of the machine, is that correct?

7 MR. JAROSZ: Yes, sir.

8 MR. KENNA: It was not a medical training as to out
9 of place catheters or anything like that?

10 MR. JAROSZ: Oh, no, sir.

11 MR. KENNA: Okay. Who works with the machine?

12 MR. JAROSZ: Can you be a little more specific, sir?

13 MR. KENNA: Well --

14 MS. KEARNEY: Ask who operates it first, and then
15 you may want to ask more than that.

16 MR. KENNA: Okay.

17 MR. JAROSZ: Operates the unit? Myself.

18 MR. KENNA: Okay.

19 MS. KEARNEY: Now, if you want more than that --

20 MR. KENNA: Yes. Who helps you operate the machine
21 or helps you bring in patients into the room or assist you?

22 MS. KEARNEY: Answer one question at a time because
23 there were three questions.

24 MR. JAROSZ: Okay. Well, in any HDR procedure,
25 there is a team per se that are involved. So, do you want to,

1 can I ask, clarify, like the doctors involved, and the nurse
2 that would look at the patient prior to coming over, and
3 basically that's it because at the present time, I'm the
4 control operator for the unit.

5 MR. KENNA: The doctor would be who?

6 MR. JAROSZ: Dr. Tokars, who is on the list.

7 MR. KENNA: And the nurses?

8 MR. JAROSZ: Michelle Markovitz, who is our oncology
9 nurse.

10 MR. KENNA: So, the use of the machine is limited
11 to the three?

12 MR. JAROSZ: That's correct.

13 MR. KENNA: Now, does Markovitz work on the machine
14 itself? Is she trained on the machine itself, to operate the
15 machine?

16 MR. JAROSZ: Oh, no, sir.

17 MR. KENNA: Okay. What is her function?

18 MR. JAROSZ: She's a certified oncology nurse.

19 MR. KENNA: What does she do to help you when you
20 have a patient?

21 MR. JAROSZ: She takes care of the clinical symptoms
22 of the patient. She has nothing to do with the unit itself.

23 MR. KENNA: Who has access to the restricted area
24 in which the HDR machine is located?

25 MR. JAROSZ: Primarily the technologists that are

1 working at the accelerator and Dr. Tokars, myself, and
2 Michelle Markovitz, the nurse.

3 MR. KENNA: And who are the technologists?

4 MR. JAROSZ: The technologists at the center are
5 John Ondos. Now, do you want at the present time?

6 MR. KENNA: Since you've gotten the unit also.
7 That's going to be a question, too. John Ondos is still here?

8 MR. JAROSZ: Yes. So, basically John Ondos. Then
9 the treatment machine -- at the treatment machine is Joe
10 Dugan, Tracy Dugan, and Tony Gargotta.

11 MR. KENNA: These are all current employees?

12 MR. JAROSZ: Yes, sir.

13 MR. KENNA: Are there any former employees?

14 MR. JAROSZ: Not to my knowledge. The answer is no.

15 MR. KENNA: What functions does Mr. Ondos do? What
16 does he do?

17 MS. KEARNEY: With regard to HDR?

18 MR. KENNA: Well, what does he do if he has access
19 to the restricted area?

20 MS. KEARNEY: You mean --

21 MR. KENNA: My understanding, and correct me if I'm
22 wrong, is you operate the machine and Dr. Tokars?

23 MR. JAROSZ: Yes, that's correct. When there's an
24 HDR procedure going on, the technologists are not available.
25 You asked who had access to the restricted area. Since the

1 HDR is in the treatment room next to the accelerator, these
2 are the people that would have access to that room. Does that
3 answer your question?

4 MR. KENNA: I hope so.

5 MR. JAROSZ: Okay.

6 MR. KENNA: I just want it to be clear so that
7 answer isn't narrow or I interpret it as being narrow.

8 MR. JAROSZ: No.

9 MR. KENNA: Do these people participate at all in
10 any aspect of the HRD process, whether wheeling in a patient
11 or helping to wheel out a patient? I don't want to get it too
12 narrow. If they participate at all in the procedure, that's
13 what I'm asking.

14 MR. JAROSZ: They could. Most of the time, it's
15 just helping to wheel the patient down into the treatment
16 room.

17 MR. KENNA: Okay.

18 MR. JAROSZ: And Tracy Dugan is the Sim Tech, so she
19 would be doing simulation on these patients.

20 MS. KEARNEY: That's before the source is there,
21 isn't it?

22 MR. JAROSZ: That's before --

23 MS. KEARNEY: The simulation has no active source,
24 isn't that right?

25 MR. JAROSZ: That is correct. The simulation in the

1 X-ray, the simulator next door to the treatment room.

2 MR. KENNA: Then that's the procedure prior to the
3 actual use of the machine with the source, and after the
4 machine is used with the source, who participates?

5 MS. KEARNEY: I don't understand the question. You
6 mean while the source is active?

7 MR. KENNA: No, the source being active and then
8 being taken back into the machine. I mean, who unhooks the
9 patient or wheels the patient out or participates?

10 MR. JAROSZ: I'd like to clarify this in one way.
11 During an actual treatment with an active source, there are
12 two people at the control console. Because of limited space,
13 if you saw the facility, is Dr. Tokars and myself. Behind me
14 may be -- is a simulator, so there may be four people, the
15 ambulance drivers, and everything, you know what I'm saying,
16 away from the restricted area. After the treatment has been
17 completed, normally entering the room would be myself, Dr.
18 Tokars, and the nurse who is assisting the patient, that's
19 Michelle Markovitz. That's all.

20 MR. KENNA: Okay. Is the doctor or you, the
21 physicist, present at the console, or are they just in the
22 building when the machine is in operation?

23 MR. JAROSZ: We are at the console.

24 MR. KENNA: Who is responsible for emergencies at
25 the facility?

1 MR. JAROSZ: Dr. Tokars and myself.

2 MR. KENNA: What is your job in an emergency?

3 MR. JAROSZ: My job is, first response to any
4 emergency with any radioactive source is the safety of the
5 patient. So, that would mean whatever is required to make
6 sure that the patient's safety is primarily attended to. That
7 would involve myself or the physician. Then following the
8 safety of the patient, make sure that the patient does not
9 contain any radioactive material. It's my responsibility to
10 take care of the emergency at hand with the radioactive
11 source. That would entail the emergency procedures that were
12 instituted at our facility.

13 MR. KENNA: Okay. Did you ever have any dry runs
14 for emergencies or just dry runs?

15 MR. JAROSZ: Yes.

16 MR. KENNA: When was that?

17 MR. JAROSZ: That was done at our two-day training
18 in July at Jefferson. We discussed emergency procedures at
19 the unit. Since we did not have an active source, we could
20 operate the unit with no restrictions since it had two dummy
21 wires, per se, in the unit.

22 MR. KENNA: And who attended that two-day training
23 in Jefferson?

24 MR. JAROSZ: The people -- you want the exact
25 people's names?

1 MR. KENNA: Yeah.

2 MR. JAROSZ: Dr. Tokars, myself, Mr. Jarosz, my
3 assistant physicist, Bill Collins, Michelle Markovitz, John
4 Ondos, and Kathy -- I can't pronounce her last name, but it's
5 Lucavitch. It's a Polish name.

6 MR. KENNA: We asked this prior before, does Cohen
7 still work for the company?

8 MR. JAROSZ: Collins?

9 MR. KENNA: Yes.

10 MR. JAROSZ: Yes, sir, he does.

11 MR. KENNA: And Lucavitch? She still works for the
12 company?

13 MR. JAROSZ: Yes, sir.

14 MR. KENNA: Are they -- do they also have access to
15 the restricted area? The previous answer you gave I think was
16 Ondos, Tracy and Joe Dugan and Tony --

17 MR. JAROSZ: Bill Collins, yes. Kathy has access,
18 but she works at Jefferson Oncology. Bill Collins works
19 between Jefferson Oncology and Pittsburgh Cancer Center.

20 MR. KENNA: Okay. This was a joint training session
21 for you?

22 MR. JAROSZ: It was joint, and it's stated in my
23 records that it's a joint between GPCC and Jefferson.

24 MR. KENNA: Any others?

25 MR. JAROSZ: No.

1 MR. KENNA: Okay. Who calibrates the machine?

2 MS. KEARNEY: You mean the HDR?

3 MR. KENNA: The HDR machine.

4 MR. JAROSZ: The HDR machine? I do.

5 MR. KENNA: And how often is it calibrated?

6 MR. JAROSZ: After each source exchange.

7 MR. KENNA: What do you do when calibrating the
8 machine?

9 MR. JAROSZ: Well, following any source exchange by
10 the company, I would use a calibrated electrometer attached
11 to a -- we have an HDR ionization well chamber to measure the
12 activity from the source.

13 MR. KENNA: Do you wear a film badge?

14 MR. JAROSZ: Yes.

15 MR. KENNA: Does the company post the results of the
16 film badge?

17 MR. JAROSZ: Yes.

18 MR. KENNA: Could you explain the results on the
19 film badge? What do the numbers mean?

20 MR. JAROSZ: The values are in millirem. That's the
21 whole body exposure, plus there's a deep and shallow. Deep
22 is for whole body, and shallow is basically skin exposure.
23 On there, there is a quarterly limit, quarterly values for
24 each person, and a yearly and a permanent.

25 MR. KENNA: Did you ever see the license that was

1 issued by NRC to the company?

2 MR. JAROSZ: Yes, sir.

3 MR. KENNA: Is it located at your facility?

4 MR. JAROSZ: Yes, sir, it is.

5 MR. KENNA: Did you ever read the NRC license and
6 the regulations concerning the nuclear source?

7 MR. JAROSZ: Yes, I have, sir.

8 MR. KENNA: Is it readily available? I mean, is it
9 posted on a wall or is it in a file or --

10 MR. JAROSZ: No, the license is posted at the
11 entrance to the restricted area on the wall. The entire
12 license is available in the physics office, which everyone
13 knows where the physics office is in the department.

14 MR. KENNA: Did you ever read the regulations or the
15 application for the nuclear license?

16 MR. JAROSZ: Yes, I have, sir.

17 MR. KENNA: Let me ask you a few questions about the
18 survey meter and the PrimAlert, if we could.

19 MR. JAROSZ: Sure.

20 MR. KENNA: Could you explain how the portable
21 survey meter works?

22 MR. JAROSZ: The portable survey is a GM tube unit.
23 It's a 410 Victoreen, which is obviously a geiger muller tube,
24 small unit. Radiation that's exposed on the GM ionizes the
25 gas inside the GM tube, and I get a reading that's calibrated

1 against the cesium 137 source at a certified laboratory, and
2 the reading that's on the unit is in millirem per hour.

3 MR. KENNA: How often are you trained on the
4 operation of the meter?

5 MS. KEARNEY: You mean the survey meter?

6 MR. KENNA: The survey meter.

7 MR. JAROSZ: Well, since I'm responsible to make
8 sure it's calibrated, the training, I train myself on each
9 use, per se.

10 MR. KENNA: But do you receive any type of formal
11 training?

12 MR. JAROSZ: No, sir. With my background, I'd
13 better know how to use it.

14 MR. KENNA: Okay. What are the high scales or low
15 scales on the meter? What do they mean?

16 MR. JAROSZ: Well, the reading, it's a times one
17 scale, and the maximum value on that -- I don't know exactly
18 right now since the meters are all different, but if it's a
19 times ten scale, the maximum full scale reading is ten times
20 one would be 10 millirem per hour, and I believe it goes up
21 to 1,000 millirem per hour or greater.

22 MR. KENNA: Is this -- the meter that you have, is
23 it -- when was the first time you learned about the meter?
24 Is the meter different from other meters?

25 MR. JAROSZ: Well, since I joined the company,

1 that's the first time I saw -- I saw it in the catalog, but
2 that's the first time I've seen that particular type of meter.
3 I've used other ones throughout my career.

4 MR. KENNA: When do you use the meter at the
5 facility?

6 MR. JAROSZ: Primary since the accelerator's there,
7 the main uses during the survey for HDR patients. We used a
8 survey meter before every HDR and after every HDR.

9 MR. KENNA: When was the first time or the last time
10 when somebody went over the meter with you and explained how
11 it works?

12 MR. JAROSZ: The last time that someone went over
13 the meter with me? Never, sir. I have to be honest. Never.
14 I mean, to show me the operation of the unit, no.

15 MR. KENNA: Okay. How often is training provided
16 on the meter?

17 MR. JAROSZ: By myself? I'm a little confused on
18 the question.

19 MR. KENNA: Well, I want to be completely open.

20 MR. JAROSZ: Sure.

21 MR. KENNA: Do you receive any training other than
22 -- you know, I've been told --

23 MR. JAROSZ: I'm considered --

24 MR. KENNA: The trainer.

25 MR. JAROSZ: The trainer for that unit, and I've

1 given yearly to the technologists.

2 MR. KENNA: How often do you have job training or
3 have exercises when to use the meter?

4 MR. JAROSZ: Well, I go through informal training
5 to everyone that will be looking at a yellow meter with a
6 check source for the unit, so if that constitutes a training
7 episode, it's on every use of that particular unit, survey
8 unit.

9 MR. KENNA: Since you're the trainer, when did you
10 give training, radiation safety training?

11 MR. JAROSZ: I provided training to -- a general
12 radiation safety training, along with the two-day meeting in
13 July with the Omnitron representative, and recently we did it
14 in -- I don't know the exact date, but in January, sometime
15 in the end of January.

16 MR. KENNA: Are there any other dates that you gave
17 training formally?

18 MR. JAROSZ: No, sir.

19 MR. KENNA: Is training sort of like an informal
20 process? I mean, you mentioned before that every time you
21 used the unit --

22 MR. JAROSZ: I don't constitute it as training.
23 That's the use of the unit, and I'm checking to make sure that
24 the unit is operational.

25 MR. KENNA: Okay. I mean, you mentioned informal

1 training. Is there an informal process with some people as
2 far as --

3 MR. JAROSZ: If I make sure that the -- when I'm
4 using the unit and if -- example, if someone is standing by
5 myself, before an HDR procedure, and if Joe, somebody is next
6 door, I would show, if they were involved or in the area, I
7 would make sure that I'd show that this is a geiger counter.
8 I'm always informally training my staff to make sure -- as a
9 refresher course. We always forget if you don't use the
10 instrumentation. So, I'm always in the process of just making
11 sure everyone's aware of what things are.

12 MR. KENNA: So, you're comfortable that your staff
13 understands the workings of the meter?

14 MR. JAROSZ: I'm very comfortable.

15 MR. KENNA: Okay. I just want to ask you a couple
16 of questions on the PrimAlert.

17 MR. JAROSZ: Sure.

18 MR. KENNA: How does the PrimAlert work?

19 MR. JAROSZ: The PrimAlert is another GM type unit,
20 in response to -- there's a high and low radiation. The low
21 is, I believe to be 2 mr per hour activation level,
22 approximately. If that threshold is exceeded, the unit will
23 activate and blink with a red light. There's a green light
24 that responds to radiation that tells that the unit is
25 operational.

1 MR. KENNA: Who tests the PrimAlert?

2 MR. JAROSZ: For an HDR, or in general?

3 MR. KENNA: In general.

4 MR. JAROSZ: The technologists all are instructed,
5 and myself, I check it before every HDR.

6 MR. KENNA: So, it's done basically after each unit
7 as opposed to every day?

8 MR. JAROSZ: It's checked in the morning every day
9 by the technologists since it's in the accelerator room.

10 MR. KENNA: When was the last time you had training
11 about distance time and shielding?

12 MR. JAROSZ: I attended a formal safety course in
13 Harrisburg in February.

14 MR. KENNA: And have you received any other training
15 prior to that?

16 MR. JAROSZ: [REDACTED] yes.

17 MR. KENNA: Okay. Did you receive any formal
18 training with -- from OSC, that OSC provided?

19 MR. JAROSZ: The meeting that was held in Harrisburg
20 was provided by OSC.

21 MS. KEARNEY: And that would include Omnitron, too.

22 MR. JAROSZ: Oh, I'm sorry. Okay, well the Omnitron
23 training, yes, was provided by the company in relationship
24 with OSC, that's correct.

25 MR. KENNA: So, what you're telling me is Omnitron

1 gave training relative to distance, time and shielding?

2 MR. JAROSZ: Yes.

3 MR. KENNA: That was I believe in July or August of
4 1992?

5 MR. JAROSZ: That was the beginning of August of
6 '92, that's correct.

7 MR. KENNA: Did you ever disregard the PrimAlert?

8 MR. JAROSZ: Never.

9 MR. KENNA: Did the PrimAlert or survey meter ever
10 fail to operate properly?

11 MR. JAROSZ: No.

12 MR. KENNA: What would you do if it did fail to
13 operate properly?

14 MR. JAROSZ: I would investigate why it is not
15 working. Most of the time on a survey meter, it would be the
16 batteries. I would replace the battery, and if either one -
17 - if I could not make it become operational, I would have it
18 replaced.

19 MR. KENNA: You've sort of answered some of these
20 questions, and it's a list.

21 MR. JAROSZ: That's quite all right. I understand.

22 MR. KENNA: You may end up answering the question
23 again, but I have here when did you ever receive radiation
24 safety training? I think you said that OSC provided training
25 in February.

1 MR. JAROSZ: February, and the Omnitron training
2 that we discussed in the beginning of August, and I provided
3 the safety lectures at the end of July for the two-day course
4 that we had at Jefferson.

5 MR. KENNA: I'm sorry, I didn't hear what you just
6 said about July.

7 MR. JAROSZ: At the end of July, the two-day
8 representative with Donna Green, it wasn't just her. I also
9 gave instructional regarding survey meter and basic radiation
10 safety along with that.

11 MR. KENNA: In July?

12 MR. JAROSZ: In July of '92.

13 MR. KENNA: In '92, with the staff that we
14 mentioned, plus the personnel from the other facility,
15 Jefferson?

16 MR. JAROSZ: Yes, sir.

17 MR. KENNA: Okay. Do you want to ask some
18 questions?

19 MR. CZERWINSKYJ: I just have a couple of questions.
20 You said that you are certified by the American Board of
21 Radiology. In what specialty?

22 MR. JAROSZ: Radiological physics.

23 MR. CZERWINSKYJ: Okay. Who performs the source
24 exchange for the Omnitron?

25 MR. JAROSZ: Omnitron personnel.

1 MR. CZERWINSKYJ: Do you assist them at all or are
2 you present during the source exchange?

3 MR. JAROSZ: If I happen to be there, if they happen
4 to be night, I may be there, but I do not assist in any way
5 with the source exchange. I have not witnessed the source
6 exchange.

7 MR. CZERWINSKYJ: On the survey meters, do you have
8 a backup meter that you can use in case of this one fails?

9 MR. JAROSZ: Yes, sir. The -- two ways I can get
10 a backup meter. One is at Jefferson Oncology which is a half-
11 hour away from here, or from Harrisburg.

12 MR. CZERWINSKYJ: And what do they have? Do they
13 have also a Victoreen?

14 MR. JAROSZ: They have a Victoreen, and also I have
15 a panoramic Victoreen 470A ionization chamber that's available
16 for surveys.

17 MR. CZERWINSKYJ: How long have you had this present
18 survey meter?

19 MR. JAROSZ: The present one? It's been there since
20 the Center has started.

21 MR. CZERWINSKYJ: Which would be when?

22 MR. JAROSZ: I believe the Center opened in '88
23 sometime, before I came.

24 MR. CZERWINSKYJ: Who does the calibration for you
25 of survey meters?

1 MR. JAROSZ: Initially, the survey meter was
2 calibrated by Victoreen, and then sent out to Applied Health
3 Physics here in Bethel Park in Pittsburgh.

4 MR. CZERWINSKYJ: And when you sent up the meter,
5 did they send you a --

6 MR. JAROSZ: Certificate.

7 MR. CZERWINSKYJ: No, not after that, but did they
8 send you a backup meter for the time that the meter was being
9 calibrated, or how do you work this?

10 MR. JAROSZ: Oh no, sir. I received another meter
11 from --

12 MR. CZERWINSKYJ: From the --

13 MR. JAROSZ: From Jefferson Oncology -- that's not
14 doing HDR, which is a half-hour away, or I will receive one
15 from Harrisburg. I called before I send that out so I have
16 a backup calibrating meter available.

17 MR. CZERWINSKYJ: Do you use a check source on the
18 meter before each use?

19 MR. JAROSZ: Yes, sir.

20 MR. CZERWINSKYJ: What kind of a check source is
21 that?

22 MR. JAROSZ: Ten microcurie, cesium 137 check
23 source.

24 MR. CZERWINSKYJ: Would this be the meter that you
25 are using?

1 MR. JAROSZ: That is correct.

2 MR. CZERWINSKYJ: Where would you place the check
3 source when you're testing it?

4 MR. JAROSZ: I would place in on the very top, sir.
5 The GM tube is on the very top.

6 MR. CZERWINSKYJ: On the top or on the side of --

7 MR. JAROSZ: I place -- I made a little mark right
8 on top. You can do it on the top part, but for ease of use,
9 there is a circle of where to place it so you can get a
10 consistent reading.

11 MR. CZERWINSKYJ: Thank you. Now, on the PrimAlert,
12 you say that you -- how do you check it for operation? The
13 PrimAlert?

14 MR. JAROSZ: We also have the same cesium --

15 MR. CZERWINSKYJ: You use it with the same cesium
16 source?

17 MR. JAROSZ: Yes, sir.

18 MR. CZERWINSKYJ: Do you have a battery backup for
19 the PrimAlert?

20 MR. JAROSZ: Yes, we do.

21 MR. CZERWINSKYJ: For the moment, I think this is
22 pretty much all I need.

23 MR. KENNA: I want to go back, if I could, Mitch.

24 MR. JAROSZ: Sure.

25 MR. KENNA: Now, the training that was given in

1 July, you say you received training from Omnitron, and then
2 you also gave training? Is that my understanding?

3 MR. JAROSZ: I complimented the training by Omnitron
4 representatives.

5 MR. KENNA: At the same time?

6 MR. JAROSZ: Yes, sir. Since I was there, I was
7 giving the technologists and Dr. Tokars and the nurse
8 instruction along with the representative instruction
9 regarding the operation of the unit, how it works and stuff
10 like that.

11 MR. KENNA: Did Omnitron provide you with training?
12 This is you. The Omnitron did not provide you with the
13 training?

14 MR. JAROSZ: Regarding?

15 MR. KENNA: Radiation safety, general radiation
16 safety.

17 MR. JAROSZ: Well, since the Omnitron representative
18 is a nurse and is basically an applications person, I would
19 say we discussed general terms, but she did not provide
20 specific instruction regarding radiation safety. I was doing
21 that for her, basically.

22 MR. KENNA: Okay. So, if someone was to tell me
23 that Omnitron gave radiation safety training, that basically
24 --

25 MR. JAROSZ: Well, let's say this. I probably

1 didn't allow her to.

2 MR. KENNA: Okay, but you did. Okay, just as long
3 as I understand it.

4 MR. JAROSZ: Yes, sir.

5 MR. KENNA: We discussed this briefly before. The
6 narrowness of language sometimes --

7 MR. JAROSZ: I understand.

8 MR. KENNA: Things are done and someone will say
9 they assume something happened, so you can -- Now, what I'm
10 showing you now is some papers from -- this is from the
11 license. This is general -- it has to do with training. It
12 starts with page 4. There's page 11, I think page 12 -- 12
13 and 13. If you could start with page 4, if you want to take
14 a minute to look that over.

15 MR. JAROSZ: Page 4?

16 MS. KEARNEY: Page 4 is here, and then there's a
17 series of pages, 11, 12 and 13, and these are the
18 applications.

19 MR. JAROSZ: Yes.

20 MR. KENNA: Okay. Did you give that type of
21 training?

22 MR. JAROSZ: No, sir. This type of training?

23 MS. KEARNEY: I think your question is ambiguous.

24 MR. KENNA: Did you give radiation safety training?
25 There's three different pages that refer to some type of

1 training of what the company will do for training. Did you
2 provide that training?

3 MS. KEARNEY: Why don't you answer the question was
4 training provided? I know he's getting stuck on the you.

5 MR. JAROSZ: Well, I guess what I've seen here is
6 that this is the training for individuals. Did I provide this
7 training for HDR? The answer is basically no, this training.
8 I covered basic radiation safety training.

9 MR. KENNA: I think on page 13, it may refer, if you
10 look at 13.

11 MR. JAROSZ: There's a 4, 11 and 12 --

12 MR. KENNA: There's another.

13 MR. JAROSZ: Okay, 13. The radiation safety
14 training --

15 MR. KENNA: Do you want to take a break and we'll
16 go off the record? You can review that a little.

17 MR. JAROSZ: Sure. Can we do that?

18 MR. KENNA: Sure. We'll take a break, and we'll go
19 off the record.

20 [Brief recess.]

21 MR. KENNA: On the record, a few minutes after 11.
22 There's some specific questions, I think, about one of the
23 machines, one of the training for some of the machines, and
24 then there's some statements in there what the company will
25 do as far as radiation safety. I believe that's on page 13.

1 It refers to radiation safety in the general sense. It may
2 be referred to in other portions there also. Did you receive
3 or did you provide any of that training?

4 MS. KEARNEY: Are you talking about the radiation
5 safety?

6 MR. KENNA: The radiation safety, yes.

7 MR. JAROSZ: The radiation safety part regards to
8 time, distance, shielding, specifically, was taught by me for
9 these -- the two things that I said, but I did not provide the
10 overall safety that's stated in this license here.

11 MR. KENNA: Okay.

12 MR. JAROSZ: I wasn't responsible for that.

13 MR. KENNA: Okay. Who would have done that?

14 MR. JAROSZ: By looking over here, the Omnitron
15 personnel at the two-day meeting in the end of July was done
16 by basically on the job.

17 MR. KENNA: Okay.

18 MR. JAROSZ: But I added to that.

19 MR. KENNA: And that would have covered the
20 radiation safety portion?

21 MR. JAROSZ: Yes, sir.

22 MR. KENNA: I believe that's on page 13, is that
23 correct, the radiation safety portion of it?

24 MR. JAROSZ: Some of this stuff doesn't pertain
25 particularly to the machine in question.

1 MR. KENNA: Okay, but basic radiation safety, you
2 provide it to the individuals, enhancing --

3 MR. JAROSZ: The safety training that was done by
4 Omnitron personnel.

5 MR. KENNA: Okay, and did you have a general -- was
6 there like a general -- well, we can strike that. You also
7 gave informal training, from my understanding of what you said
8 before regarding radiation safety, is that correct?

9 MR. JAROSZ: That's correct.

10 MR. KENNA: Okay, so did you have a general question
11 and discussion, I think it says there, for about 30 minutes
12 regarding radiation safety?

13 MR. JAROSZ: We discussed pertaining to the GM
14 counter and what would happen in terms of the door interlock,
15 make sure the door interlock is working and stuff like that.

16 MR. KENNA: Okay. Did you receive training prior
17 to working for the company? did you receive training prior
18 -- the radiation training, you specifically received?

19 MR. JAROSZ: Yes, sir.

20 MS. KEARNEY: I think you're worrying too much about
21 the questions. You're looking for tricks, and they're aren't
22 any.

23 MR. KENNA: No, I'm not here to trick you or give
24 you double ended questions. That not my purpose, and I want
25 to be specific about that.

1 MR. JAROSZ: I understand.

2 MR. KENNA: Don't try and narrow it too much because
3 then later on, you know, it comes back to haunt you. I want
4 you to be as open as you can because --

5 MR. JAROSZ: I'm trying to be, sir.

6 MR. KENNA: Okay, that one I think you answered.
7 Did you ever have training on basic radiation safety emergency
8 response, film badges, shielding, and time. I think we
9 answered.

10 MR. JAROSZ: Yes, sir.

11 MR. KENNA: And was this training provided by OSC?
12 I think you're the one that provided the training for your
13 specific office at Jefferson. I think we've gone through that
14 thoroughly.

15 MR. JAROSZ: Yes, sir.

16 MR. KENNA: What is your overall impression of the
17 radiation safety training you received from OSC?

18 MR. JAROSZ: Good, sir.

19 MR. KENNA: Okay. Were you ever trained on how to
20 react if the HDR indicates that the source has been retracted
21 into the lead shield but the in-room radiation monitor shows
22 the presence of radiation?

23 MR. JAROSZ: Yes, sir.

24 MR. KENNA: Have you been trained on what action to
25 take if the radiation monitor goes off unexpectedly?

1 MR. JAROSZ: Yes, sir.

2 MR. KENNA: If you suspect a failure of the in-room
3 monitor, have you been trained to take a portable monitor in
4 with you?

5 MR. JAROSZ: Yes, sir.

6 MR. KENNA: Okay. How would you determine if the
7 monitor failed?

8 MS. KEARNEY: Which one?

9 MR. KENNA: The PrimAlert.

10 MR. JAROSZ: With the check source.

11 MR. KENNA: Okay. Do you want to ask any questions?

12 MR. CZERWINSKYJ: I have one or two questions. I
13 take it that you and Dr. Tokars are the only two people who
14 operate the unit.

15 MR. JAROSZ: Dr. Tokars I don't think could operate
16 the unit, to be honest.

17 MS. KEARNEY: He's at the console.

18 MR. JAROSZ: The only person that operates the HDR
19 during patients is myself.

20 MR. CZERWINSKYJ: Okay. So, I take it that Dr.
21 Tokars never operated, never had a chance to operate the
22 units?

23 MR. JAROSZ: I don't think he wants to. The answer
24 is no.

25 MR. CZERWINSKYJ: Now, if -- so I take it that that

1 whole operation is a pretty much one man operation, yourself?

2 MR. JAROSZ: Unfortunately at this time, yes.

3 MR. CZERWINSKYJ: What would happen if you were out?

4 MR. JAROSZ: If I were out?

5 MR. CZERWINSKYJ: If you were out and there was a
6 procedure scheduled for the day.

7 MR. JAROSZ: My -- if the procedure, they would
8 either cancel it or if my colleague, Bill Collins, who has
9 been trained by Omnitron, could fill in for my place.

10 MR. CZERWINSKYJ: Did he ever have a chance to
11 operate the unit in your absence?

12 MR. JAROSZ: Yes, sir. My associate, when I do my
13 calibration and everything, he has watched me. He is a
14 physicist, associated physicist, and he watches me perform the
15 HDR.

16 MR. CZERWINSKYJ: But independently, he never was,
17 for instance, in your absence, he never operated the unit,
18 let's say, with Dr. Tokas' presence?

19 MR. JAROSZ: Yes, sir, one time.

20 MR. CZERWINSKYJ: He did operate it at one time?

21 MR. JAROSZ: Yes.

22 MR. CZERWINSKYJ: When was that?

23 MR. JAROSZ: Back in -- I don't know the exact date,
24 but I would say, as I said to Dr. Paparello, it was probably
25 one time with Dr. Tokars when I was not available. I was at

1 another center.

2 MR. CZERWINSKYJ: But he had the training by
3 Omnitron?

4 MR. JAROSZ: Yes, sir.

5 MR. CZERWINSKYJ: Okay. That's all I have.

6 MR. KENNA: Who was responsible for training at the
7 facility? Providing training?

8 MR. JAROSZ: Specify what training.

9 MS. KEARNEY: I think he's already answered it.

10 MR. JAROSZ: When you say training, what --

11 MR. KENNA: Training in radiation safety training.
12 Who's responsible? Is it your responsibility? Dr. Tokars',
13 or is it Dr. Cunningham?

14 MR. JAROSZ: I would say from a radiation safety,
15 it's the corporation, but I take the responsibility at my
16 setup for the radiation safety training.

17 MR. KENNA: Okay, what training has been provided
18 by Dr. Cunningham?

19 MR. JAROSZ: Well, since I am the physicist at the
20 center, he has -- there was a safety that was provided, safety
21 training at two places that I'm aware of. One is the safety
22 meeting in February that I attended, and there was a lengthy,
23 I was told, lengthy HDR session at the Atlantic City meeting,
24 which I did not attend, so I do not know exactly what
25 transpired, but I have two people that attended.

1 MR. KENNA: And who are they?

2 MR. JAROSZ: John Ondos and Michelle Markovitz.

3 MR. KENNA: What was the purpose of the trip in
4 Atlantic City?

5 MR. JAROSZ: The trip was a -- since I didn't go,
6 I can't say exactly what went on there, but it was an
7 education/vacation type arrangement.

8 MR. KENNA: You don't know where it was held, I
9 guess, in Atlantic City?

10 MR. JAROSZ: No, I'm not aware.

11 MR. KENNA: Do you know if meetings were held on
12 radiation safety or training in Atlantic City?

13 MR. JAROSZ: To my knowledge, no. But I know HDR
14 was covered specifically. The reason why is I asked my
15 technologist what transpired, and they said they had training
16 on HDR there.

17 MR. KENNA: Did they tell you who gave the training?

18 MR. JAROSZ: Yes, they did.

19 MR. KENNA: Who was that?

20 MR. JAROSZ: Dr. Cunningham. His name was
21 specifically mentioned.

22 MR. KENNA: Did they tell you what the training
23 consisted of?

24 MR. JAROSZ: Through HDR and basic, some basic
25 safety. They said they showed survey meter. Since I wasn't

1 there, I'm just passing on information that was provided to
2 me. Specifically regarding HDR operation.

3 MR. KENNA: So, they received basic radiation safety
4 in Atlantic City, to your knowledge?

5 MR. JAROSZ: To my knowledge, that's right.

6 MR. KENNA: Did Dr. Cunningham send you any notices
7 that he did it or was going to do it, or was it your
8 understanding that it was going to be done?

9 MR. JAROSZ: I can't recall, but there was a flyer
10 that was sent out, but since I could not attend, I did not
11 actively hold any of the information.

12 MR. KENNA: Do you know how long it lasted, the
13 training?

14 MR. JAROSZ: No, I do not.

15 MR. KENNA: The trip?

16 MR. JAROSZ: Oh, the trip? It was over a weekend.
17 That's all I know.

18 MR. KENNA: Oh, it was a weekend educational
19 training seminar?

20 MR. JAROSZ: Yes, sir.

21 MR. KENNA: If you knew of the Atlantic City trip
22 but didn't go, why didn't you go?

23 MR. JAROSZ: I had a prior commitment with my son
24 in Harrisburg.

25 MR. KENNA: So, it was not mandatory to attend the

1 meeting?

2 MR. JAROSZ: They highly recommended it, but I could
3 not go.

4 MR. KENNA: Was there a syllabus or some type of
5 outline of what was going to be discussed in Atlantic City?

6 MR. JAROSZ: I did not see that. I'm just
7 speculating that from what they said, there was some sort of
8 an outline, but I did not see that.

9 MR. KENNA: I think you mentioned that, the question
10 here is did you go to Harrisburg to attend training. Did you
11 go to Harrisburg to attend any training?

12 MR. JAROSZ: Yes, sir.

13 MR. KENNA: When was that?

14 MR. JAROSZ: In February of this year.

15 MR. KENNA: Okay. Have you ever received any
16 notices from OSC regarding radiation safety or training?

17 MR. JAROSZ: Yes, sir.

18 MR. KENNA: And when was that?

19 MR. JAROSZ: Regarding the February meeting.

20 MR. KENNA: Prior to that, I mean, notices?

21 MR. JAROSZ: Not to my recollection.

22 MR. KENNA: Who was the radiation safety officer of
23 the RSO?

24 MR. JAROSZ: Dr. David Cunningham.

25 MR. KENNA: Is there a radiation safety committee?

- 1 MR. JAROSZ: Not to my knowledge.
- 2 MR. KENNA: How often does the RSO come to your
3 location?
- 4 MR. JAROSZ: He was at our institution in September.
- 5 MR. KENNA: What does he do when he comes in? .
- 6 MR. JAROSZ: I was not available at the time. I was
7 at a meeting, so I cannot speak for what he did at the Center.
- 8 MR. KENNA: He was there once since you've been
9 employed?
- 10 MR. JAROSZ: Since I've been employed, yes, sir.
- 11 MR. KENNA: Are there audits done by the company?
- 12 MR. JAROSZ: There's always somebody from the OSC
13 corporate coming in, and if they constitute an audit, I don't
14 know.
- 15 MR. KENNA: Audit of training. Is there an audit
16 of training?
- 17 MR. JAROSZ: Audit of training? I'm not aware of
18 any right now.
- 19 MR. KENNA: Dr. Cunningham, did he conduct any
20 training or does any other person conduct training at the
21 facility?
- 22 MR. JAROSZ: Not that I'm aware of.
- 23 MR. KENNA: Did Dr. Cunningham or Dr. Ying ever
24 conduct a training session? William Ying?
- 25 MR. JAROSZ: Yes, yes.

- 1 MR. KENNA: When?
- 2 MR. JAROSZ: In February.
- 3 MR. KENNA: Is that that same meeting?
- 4 MR. JAROSZ: We were all involved, yes.
- 5 MR. KENNA: Did they bring the whole company in in
6 February?
- 7 MR. JAROSZ: Well, it's a -- it was sent out that
8 this is being provided, that it's mandated, but in terms of
9 for the staff, so you could go. It wasn't mandatory per se
10 that you had to go over the weekend, but it was provided, and
11 I went.
- 12 MR. KENNA: How often do you have contact with Dr.
13 Cunningham and Dr. Ying?
- 14 MR. JAROSZ: Well, over the phone, I have the
15 contact any time. I usually speak once a month.
- 16 MR. KENNA: What's the purpose of the contact? Is
17 he your supervisor? I think you mentioned before --
- 18 MR. JAROSZ: Yes, he is.
- 19 MR. KENNA: Is training discussed with him, what
20 you've provided?
- 21 MR. JAROSZ: Specifically Omnitron training and HDR
22 training, yes.
- 23 MR. KENNA: And radiation safety training?
- 24 MR. JAROSZ: Yes.
- 25 MR. KENNA: Do you have any manuals regarding

1 training or do you have any?

2 MR. JAROSZ: Yes, we do.

3 MR. KENNA: Who supplied the materials?

4 MR. JAROSZ: Corporate OSC.

5 MR. KENNA: When?

6 MR. JAROSZ: If I received a draft regarding our HDR
7 program, and I don't know the exact date I received it, but
8 sometime in October, early October.

9 MR. KENNA: So, there was no manual other than that
10 manual that you received the draft in?

11 MR. JAROSZ: We have a policy manual.

12 MR. KENNA: Okay.

13 MR. JAROSZ: That's in the file.

14 MR. KENNA: Any other manuals that refer to
15 training, radiation safety training?

16 MR. JAROSZ: Not that I'm aware of. There are
17 training manuals that are in the, you know, the technologists'
18 room regarding training for the techs and stuff like that.

19 MR. KENNA: And I assume you have the Omnitron
20 training manual, too?

21 MR. JAROSZ: Of course.

22 MR. KENNA: Yes. Do you have any documents that
23 would support anything that we've talked about so far?

24 MR. JAROSZ: Yes, sir.

25 MR. KENNA: Would you like to submit them or any

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1 letters or handouts?

2 MR. JAROSZ: I don't have -- that has all been
3 provided under the subpoena for records.

4 MR. KENNA: Okay. Do you have any documents that
5 you would want to submit personally that would support
6 anything that --

7 MR. JAROSZ: I don't have any.

8 MR. KENNA: Okay.

9 MR. JAROSZ: Not at the present time.

10 MR. KENNA: Okay. Did anyone talk to you recently
11 about how you should respond to a question by the NRC about
12 training or procedures at this location?

13 MS. KEARNEY: He's not asking you about
14 conversations with counsel. We clarified that earlier.

15 MR. JAROSZ: Oh, I was going to say.

16 MR. KENNA: I'm not trying -- go ahead.

17 MR. JAROSZ: In response to questions, how I should
18 answer, the answer is no.

19 MR. KENNA: Okay. Did anyone attempt to influence
20 what you said here today?

21 MR. JAROSZ: No.

22 MR. KENNA: Did Dr. Rogers talk to you over the
23 telephone about the incident in Indiana?

24 MR. JAROSZ: I've talked to Dr. Rogers on one or two
25 occasions, but I don't know specifically in regards to the

1 HDR, no.

2 MR. KENNA: Did you ever get a copy of the Indiana
3 incident report? I mean, by the company, what happened, why
4 it happened?

5 MS. KEARNEY: The IIT report.

6 MR. JAROSZ: Oh, IIT?

7 MS. KEARNEY: Dr. Paparello's.

8 MR. JAROSZ: Yes, I did.

9 MR. KENNA: When were you notified about the
10 incident in Indiana, do you recall?

11 MR. JAROSZ: The specific date, no. Dr. Tokars
12 informed me that an event occurred. Specifically, he informed
13 me, but I don't know what date. In specifics, he just said
14 that there was an incident in Indiana.

15 MR. KENNA: Do you feel comfortable using the
16 machine with the level of training that you have received?

17 MR. JAROSZ: Yes.

18 MR. KENNA: Has anyone told you that you were
19 responsible for radiation safety training at your facility?

20 MR. JAROSZ: No.

21 MS. KEARNEY: I think that's inconsistent with what
22 you said earlier. I thought you were responsible for
23 training.

24 MR. JAROSZ: But the question was asked, I feel that
25 I am responsible --

1 MS. KEARNEY: Yes.

2 MR. JAROSZ: But the question was asked --

3 MR. KENNA: Do you want me to repeat the question?

4 MR. JAROSZ: Yes.

5 MR. KENNA: Has anyone told you that you are
6 responsible for radiation safety training at your facility?

7 MS. KEARNEY: Is it in your job description?

8 MR. JAROSZ: My job description, yes. Yes, it is.
9 I'm sorry if I missed --

10 MR. KENNA: It's okay.

11 MS. KEARNEY: Mitch is real precise. So, if you say
12 has anyone told you --

13 MR. JAROSZ: I'm reading the question the way it is.

14 MR. KENNA: Okay. Let's take a five minute or a two
15 minute break here for a second.

16 [Brief recess.]

17 MR. KENNA: We took a minute or two. It's 11:25
18 a.m., and we're continuing. I think what we'll do is go over
19 that last question so we totally clarify that.

20 MR. JAROSZ: Yes, please. Thank you.

21 MR. KENNA: Has anyone told you that you were
22 responsible for radiation safety training at your facility?

23 MR. JAROSZ: Yes.

24 MR. KENNA: Who was that?

25 MR. JAROSZ: Dr. Cunningham.

1 MR. KENNA: When did he tell you that?

2 MR. JAROSZ: It's written in my job description.

3 MR. KENNA: Now, you're an employee. Do you have
4 a contract also as an employee, or is that a separate document
5 that says --

6 MS. KEARNEY: He does have a contract. He may not
7 know it, but you do. I saw it yesterday.

8 MR. JAROSZ: I have a contract, okay.

9 MR. KENNA: Do you know if it's addressed in your
10 contract or not, or you don't know?

11 MR. JAROSZ: No, I do not know.

12 MR. KENNA: Is there a separate job description?
13 Is that what you're describing to me, that lists it?

14 MR. JAROSZ: The job --

15 MS. KEARNEY: Is it oral or written?

16 MR. JAROSZ: It's just oral, sir.

17 MR. KENNA: And when did he tell you that?

18 MR. JAROSZ: During our conversations with Dr.
19 Cunningham on the phone. Specifically, I don't have a date.

20 MR. KENNA: Is it before the incident in Indiana?
21 I mean, was it back in August, or whenever you -- I'm sorry,
22 go ahead.

23 MR. JAROSZ: I cannot recall exactly the date, but
24 it was prior to the -- it was when I was hired per se, and
25 during my job interview.

1 MR. KENNA: Well, since you gave the training in
2 July, I assume you knew back in July.

3 MR. JAROSZ: Yes, sir.

4 MR. KENNA: Okay.

5 MS. KEARNEY: You misunderstood his answer. He was
6 hired before he did the training. He said he understood it
7 when he was hired that this was part of his job description.

8 MR. KENNA: Okay, but you really didn't receive the
9 machine in which it was required until August of '92, right?

10 MR. JAROSZ: August of '92, that's correct, sir.

11 MR. KENNA: All right. So, you really didn't have
12 to do it? Am I understanding that correct, until August of
13 '92?

14 MR. JAROSZ: That's correct. We give training once
15 a year to people involved with radiation. Once a year, it is
16 provided, and that's what I thought we were supposed to do in
17 terms of the HDR. Now, the HDR that we were doing only
18 occurred in August of '92.

19 MR. KENNA: Okay.

20 MS. KEARNEY: Mitch is nervous.

21 MR. JAROSZ: Yes, I am, extremely.

22 MS. KEARNEY: You don't have to be, Mitch. It's
23 okay. Really, there's nothing happening. There's nothing -
24 - you're not saying anything that's upsetting. You're doing
25 great.

1 MR. JAROSZ: All right.

2 MR. KENNA: Yes. I think there's some confusion,
3 but I'm not -- it's not a trick question or anything. I'm
4 just, you know --

5 MS. KEARNEY: Maybe you need more water.

6 MR. KENNA: So prior to July when the training was
7 given, there was no training given, of radiation safety
8 training given prior to July?

9 MR. JAROSZ: July, that is correct.

10 MR. KENNA: Okay. Prior to that, there was no
11 radiation training given, and you had no source prior to, I
12 guess it was August or whatever --

13 MR. JAROSZ: Yes, sir.

14 MR. KENNA: So, there was no need to give training,
15 is that correct?

16 MR. JAROSZ: That is correct.

17 MR. KENNA: Okay. How often would you -- you
18 mentioned informal training, Mitch. How often would you give
19 this? I mean, informal basic radiation safety training?

20 MR. JAROSZ: Discussed radiation safety every time
21 I'm doing a procedure and anyone around me. I always remind
22 them regarding radiation safety. That's part of my duties.

23 MR. KENNA: Do you attend any biannual meetings?
24 I understand the company has biannual meetings, twice a year
25 in Florida and --

1 MR. JAROSZ: No.

2 MS. KEARNEY: Those are physicians.

3 MR. KENNA: Have you ever attended any meetings with
4 Dr. Cunningham in Harrisburg regarding radiation safety
5 training?

6 MR. JAROSZ: One, in February.

7 MR. KENNA: In February. Do any of the technicians
8 turn their machine on, the Omnitron machine, to warm it up?

9 MR. JAROSZ: No, sir.

10 MR. KENNA: So, my understanding is you are the only
11 person that operates that machine?

12 MR. JAROSZ: That's correct, other than my
13 associate, F 'l Collins, who has formal training.

14 MR. KENNA: You received two days of training here
15 with Omnitron, and you received two days of training down in
16 Texas?

17 MR. JAROSZ: Yes, sir.

18 MR. KENNA: Did they pay for you to go to Texas?

19 MS. KEARNEY: Who's they?

20 MR. JAROSZ: Who's they?

21 MR. KENNA: OSC.


22 MS. KEARNEY: Did your company, your employer, pay
23 your way? Your air fare?

24 MR. JAROSZ: My air fare was paid by Omnitron. I
25 had no bill.

1 MR. KENNA: Did you get paid a salary to go?

2 MR. JAROSZ: Yes, sir. I was paid my normal salary
3 during those days.

4 MR. KENNA: Okay. There have been a series of
5 documents that were written by your attorney, and there's been
6 a document written by the doctor concerning some treatments.
7 Is there other facilities in Pittsburgh that provide HDR
8 treatment?

9 MS. KEARNEY: Just let me clarify. This is patient
10  that we had that thing about in early February.

11 MR. JAROSZ: To my knowledge, there's one other
12 facility that is providing HDR.

13 MR. KENNA: And what is that facility?

14 MR. JAROSZ: In the Pittsburgh area, it's
15 Presbyterian University Hospital.

16 MR. KENNA: How do you know this?

17 MR. JAROSZ: I was talking to my colleagues in the
18 area that Presbyterian was having a -- had an Omnitron unit,
19 and so they were planning on doing HDR.

20 MR. KENNA: Now, do you know their level of
21 experience?

22 MR. JAROSZ: Just from my contact with the physicist
23 at Presbyterian University Hospital.

24 MR. KENNA: And what did the physicist tell you?

25 MR. JAROSZ: He told me, when I talked to him, that

1 they were not using Omnitron. They received another unit, and
2 they have done one or two patients, probably, when I talked
3 to him in the middle of January.

4 MR. KENNA: Did you have a conversation with him?
5 You called him and asked him about the --

6 MR. JAROSZ: Yes, sir, I did.

7 MR. KENNA: And did you relate that material to
8 anybody, the information that you got?

9 MR. JAROSZ: Yes, sir. I related that information
10 to Dr. Tokars and Nancy.

11 MR. KENNA: Do you know if there was any other
12 facilities that have HDR in this general area?

13 MR. JAROSZ: Just one other one in Beaver Medical
14 Center.

15 MR. KENNA: And that's about an hour away, I guess,
16 right?

17 MR. JAROSZ: Approximately.

18 MR. KENNA: The facility at Presbyterian, what
19 information did you develop about the facility at Presbyterian
20 from your friend, the physicist?

21 MR. JAROSZ: The only question I asked him was what
22 unit they do have, and how many patients have they treated.

23 MR. KENNA: And who is that person that you asked
24 that question?

25 MR. JAROSZ: I called two people at the University

1 of Pittsburgh. Mike Sheetz, he is in the radiation safety
2 office, and Curt Blodgett in the radiation therapy center.

3 MR. KENNA: And did they give you -- go ahead, I'm
4 sorry.

5 MR. JAROSZ: He's a physicist.

6 MR. KENNA: Did they both give you the same answers
7 to your questions?

8 MR. JAROSZ: Well, Mike Sheetz could not. He
9 thought it was about one, but I'd asked Curt, and he says they
10 did one or two. So, the second person who gave me the
11 information. The first one could not give me the specific
12 information since he only does licensure.

13 MR. KENNA: Now, is he directly involved in the
14 treatment of patients?

15 MS. KEARNEY: Which he, Blodgett?


16 MR. JAROSZ: Curt Blodgett?

17 MR. KENNA: Well, both. Let's go one at a time.

18 MR. JAROSZ: No, no.

19 MS. KEARNEY: No for both of them?

20 MR. JAROSZ: No, they are not involved directly with
21 the HDR. You said that they work in the department that they
22 are doing it.

23 MR. KENNA: Were you specifically directed by Dr.
24 Tokars to find out if there was a facility at which patient
25  could have this treatment in the Pittsburgh area?

1 MR. JAROSZ: No, sir. I took my liberty.

2 MR. KENNA: Did you relay the information that they
3 only did one treatment to Dr. Tokars?

4 MR. JAROSZ: Yes, sir.

5 MR. KENNA: Did he ask you --

6 MR. JAROSZ: HDE treatment, is that the question?

7 MR. KENNA: Yes. Did he ask you to find out if the
8 level of experience for Presb...rian, or was it just a comment
9 that was --

10 MR. JAROSZ: Just a comment, can you find out, and
11 the answer is I think I can.

12 MS. KEARNEY: You're very precise.

13 MR. JAROSZ: I'm sorry.

14 MS. KEARNEY: That's okay. You understand the
15 information came from the NRC? You were the ones that told
16 us that Presby and Beaver were two other facilities in the
17 Pittsburgh area.

18 MR. KENNA: Yeah, but -- okay. I'm not --

19 MS. KEARNEY: And then they investigated.

20 MR. KENNA: And found out that it was only one
21 procedure.

22 MS. KEARNEY: Yes.

23 MR. KENNA: Is that your understanding?

24 MR. JAROSZ: That is correct.

25 MR. KENNA: Okay.

1 MS. KEARNEY: And the information came from me.
2 That's why he's having a little bit of difficult answering.
3 In other words, the NRC told me, and then I told Dr. Tokars,
4 who asked Mr. Jarosz to look into it.

5 MR. JAROSZ: The comment was made from the reading
6 there, and I called -- I called the two people that were
7 friends of mine and asked them regarding where they stand with
8 their HDR. That's all.

9 MR. KENNA: Okay. Maybe there's some confusion
10 because we have a letter that indicates that there is no other
11 facility in which -- I presume it's patient [REDACTED] -- [REDACTED] can
12 have this treatment in the Pittsburgh area. There is another
13 facility. That would be the Presbyterian. Is that --

14 MS. KEARNEY: Well, Dr. Tokars already handled this.
15 He said that that particular patient he wouldn't refer [REDACTED]
16 there, and that's Dr. Tokars' letter.

17 MR. KENNA: Okay. Then there's another statement
18 that says that --

19 MS. KEARNEY: Those are earlier letters.

20 MR. KENNA: Yeah, but there's another statement that
21 says there are no other facilities in the Pittsburgh area
22 which can provide HDR treatments. But there are, right?

23 MR. JAROSZ: At this time, yes. I don't know what
24 dates you're referring to.

25 MR. KENNA: But there are other facilities that can

1 provide HDR treatment?

2 MR. JAROSZ: Now, yes.

3 MS. KEARNEY: There were not when we were doing our
4 -- the Omnitron machine that Presby had used, they refused to
5 use it, and there was a period of time when they weren't doing
6 any HDR procedures. When we made that statement, the
7 information we were operating under was that they still were
8 not doing any treatments. The NRC came back to me and said
9 Presby is doing them, whereupon Dr. Tokars asked Mitch to
10 check into it. They apparently had bought a different kind
11 of machine. I don't know the name of it.

12 MR. JAROSZ: Dr. Tokars made the statement, and he
13 didn't direct me to call. I called on my own, since I'm
14 friends with the people there. I called and talked to my
15 friends, the physicists there. Not the physician, the
16 physicist.

17 MR. KENNA: But this was not a formal inquiry, then?

18 MS. KEARNEY: I object to that. I don't know that
19 there's any commonly understood definition of the term formal.

20 MR. KENNA: It was just you called a friend and
21 said, do you have HDR?

22 MR. JAROSZ: After -- I want to clarify. After
23 receiving information from the NRC regarding the two
24 facilities from the letter that Dr. Tokars mentioned in his
25 deposition, probably, which I'm not aware of, whether it was

1 mentioned. He said that Beaver and Presbyterian were doing
2 HDR. So, I called to verify how many patients they were
3 doing.

4 MR. KENNA: Okay. What if I were to tell you that
5 there were 20, 30, or 40 patients that have been treated
6 there?

7 MR. JAROSZ: Then I was given wrong information.

8 MR. KENNA: So, there was no intent to make a false
9 statement?

10 MR. JAROSZ: No, sir.

11 MR. KENNA: Okay.

12 MS. KEARNEY: Well, first of all, it's not his
13 statement. It's Dr. Tokars' statement, and Dr. Tokars has
14 already testified under oath that he wouldn't send the patient
15 there in any event. So, you know, this gentleman would never
16 refer a patient.

17 MR. KENNA: Okay. But you can understand where I'm
18 coming from. There's no intention to deceive NRC. When
19 statements are made, it's sort of like a casual inquiry of
20 friends, but then it's written down here as a statement of
21 fact. I'm trying to get as to, you know, what the intent is.
22 If the intention is to deceive or not to deceive NRC. That's
23 the intent of my question.

24 MR. JAROSZ: I understand.

25 MR. KENNA: You see where I'm coming from, then?

1 MR. JAROSZ: Yes, sir.

2 MR. KENNA: So, is there an intent to deceive NRC?

3 MR. JAROSZ: Of course not.

4 MR. KENNA: Okay. Let's see, do you have anything?

5 MR. CZERWINSKYJ: The only question I have is were
6 you aware that one of the patients could have been one of the
7 patients that you started the treatment on? I mean, not you,
8 but Oncology Services Corporation?

9 MS. KEARNEY: What's the rest of the question?

10 MR. JAROSZ: I don't understand the question.

11 MR. CZERWINSKYJ: Were you aware that one of the
12 patients that Presbyterian Hospital has treated might have
13 been one of your former patients that did not complete the
14 treatment with you?

15 MS. KEARNEY: Well, he just testified he doesn't
16 know anything about them.

17 MR. CZERWINSKYJ: Okay. That was my only question.

18 MR. KENNA: Okay. Why don't we take five minutes
19 and take a break here.

20 MS. KEARNEY: Okay.

21 [Brief recess.]

22 MR. KENNA: Now, we're back on the records, about
23 10 of 12, and we just have some clarification questions. The
24 friend that you called the first time at Presbyterian, were
25 there any other further inquiries to Presbyterian other than

1 that one time.

2 MR. JAROSZ: No, sir. Just that once.

3 MR. KENNA: Okay.

4 MR. CZERWINSKYJ: I have a question, back to the
5 dosimetry. You are the dosimetrist, right?

6 MR. JAROSZ: Yes, sir.

7 MR. CZERWINSKYJ: So, you do the dosimetry for each
8 patient?

9 MR. JAROSZ: Yes.

10 MR. CZERWINSKYJ: Who checks your calculations?

11 MR. JAROSZ: I do, sir.

12 MR. CZERWINSKYJ: You check your own calculations?

13 MR. JAROSZ: Well --

14 MR. CZERWINSKYJ: Is there any independent check of
15 your --

16 MR. JAROSZ: Well, the computer program puts out a
17 product that gives the dwell times, and then I do a manual
18 calculation of that.

19 MR. CZERWINSKYJ: So, you check the --

20 MR. JAROSZ: The computer.

21 MR. CZERWINSKYJ: Computer by manually doing the
22 calculations?

23 MR. JAROSZ: Yes, sir.

24 MR. CZERWINSKYJ: With a hand calculator?

25 MR. JAROSZ: By hand calculation.

1 MR. CZERWINSKYJ: And is there anybody else that
2 checks your calculations, or is that, you know --

3 MR. JAROSZ: Dr. Tokars does not check my
4 calculations, but looks at the plan and all of the dwell times
5 that are there.

6 MR. CZERWINSKYJ: So, he does not check your
7 dosimetry?

8 MR. JAROSZ: Well, he looks at the dosimetry and
9 everything, including my manual calculations, but does he
10 calculate them again?

11 MR. CZERWINSKYJ: He does not?

12 MR. JAROSZ: No.

13 MR. CZERWINSKYJ: So, this is basically, it's done
14 twice. It's done once by the computer, and then you do a hand
15 calculation to see whether the two correspond?

16 MR. JAROSZ: Yes, that's correct, sir.

17 MR. CZERWINSKYJ: Okay. That was my only question.
18 Thank you.

19 MR. KENNA: Let me just go back so we can clarify
20 some things. The training that you gave, there is an Appendix
21 A here that basically says before assuming duties with or in
22 the vicinity of radioactive materials, personnel will be
23 instructed. So, prior to receiving the machine and prior to
24 receiving the source, you conducted a training?

25 MR. JAROSZ: That is correct.

1 MR. KENNA: Okay, and you mentioned annual training
2 refresher training. You gave training in July. The next
3 session is due, basically, in July, but there's already
4 another session, there are several sessions, formal sessions,
5 that you've received -- either received their training.

6 MR. JAROSZ: That's correct.

7 MR. KENNA: Okay. And then it says, "Whenever there
8 is a significant change in duties, regulations, or terms of
9 the license, and basically there has been none, but you still
10 have given training as you went along?"

11 MR. JAROSZ: Yes, sir.

12 MS. KEARNEY: Is that the Omnitron manual or the
13 licensed --

14 MR. KENNA: This is Appendix A, I believe, comes
15 model training program.

16 MS. KEARNEY: Okay.

17 MR. JAROSZ: Oh, I see.

18 MR. KENNA: Instructions for individuals in
19 attendance will include the following subjects, applicable
20 regulations and licensing conditions. Have you given that -
21 -

22 MR. JAROSZ: Yes, sir.

23 MR. KENNA: And areas where radioactive material is
24 used or stored?

25 MR. JAROSZ: Yes.

- 1 MR. KENNA: Potential hazards associated with
2 radioactive material in each area where the employees will
3 work.
- 4 MR. JAROSZ: Yes, sir.
- 5 MR. KENNA: Appropriate radiation safety procedures?
- 6 MR. JAROSZ: Yes, sir.
- 7 MR. KENNA: License in house work rules?
- 8 MR. JAROSZ: Yes, sir.
- 9 MR. KENNA: Do you have in house work rules?
- 10 MR. JAROSZ: I don't know what you mean by work
11 rules.
- 12 MR. KENNA: I don't want to get too precise.
- 13 MR. JAROSZ: Okay. It's a policy --
- 14 MS. KEARNEY: It doesn't have to be a written thing
15 necessarily, whatever you're --
- 16 MR. JAROSZ: There's a policy and procedure manual
17 at our institution governing safety. Not radiation safety,
18 but safety things and stuff like that, policy.
- 19 MR. KENNA: And how long is that policy, procedures
20 manual, been in effect?
- 21 MR. JAROSZ: In effect?
- 22 MR. KENNA: Yes.
- 23 MR. JAROSZ: Since I arrived. I only arrived, so
24 it's been there --
- 25 MR. KENNA: March of '92?

1 MR. JAROSZ: Yes, sir.

2 MR. KENNA: Way before you got the source?

3 MR. JAROSZ: Way before I got there.

4 MR. KENNA: Okay. Okay, and also, it continues
5 here. Instructions for individuals, and we will include each
6 individuals who will include each individual's obligation or
7 report on safe conditions to the radiation safety officer.
8 That's covered.

9 MR. JAROSZ: That, and NRC 3 form that we told about
10 the hot line.

11 MR. KENNA: Forms 3?

12 MR. JAROSZ: If I'm not correct, the Notice to
13 employees, posted.

14 MR. KENNA: Okay, because I want appropriate
15 responses to emergencies or unsafe conditions. People would
16 know what to do.

17 MR. JAROSZ: Yes, sir.

18 MR. KENNA: And you've instructed them how to handle
19 that, right?

20 MR. JAROSZ: Since I'm the --

21 MR. KENNA: Go ahead.

22 MR. JAROSZ: Since I'm the only one and Dr. Tokars
23 is doing HDR, emergency procedures were not instructed to
24 those people. They're not permitted to do source handling,
25 let's say, but in terms of safety procedures, if there's a red

1 light blinking, they know exactly what to do.

2 MR. KENNA: Okay, and you have instructed them on
3 that?

4 MR. JAROSZ: I have instructed them specifically.

5 MR. KENNA: And we refer back to the same dates, and
6 you do it informally, you've told me, is that correct?

7 MR. JAROSZ: That's correct.

8 MR. KENNA: Okay. As it goes on, there's a few
9 other things here, and I'll just go over them. A worker's
10 rights to inform of occupational radiation exposure and bio-
11 assay results.

12 MR. JAROSZ: Bio-assay results.

13 MR. KENNA: Okay, and you have provided that?

14 MR. JAROSZ: Well, we don't have a -- yes, I have.

15 MR. KENNA: And you've instructed the employees the
16 location where the license is posted or made available
17 notices, copies of pertinent regulations, and copies of
18 pertinent licenses and licensing conditions?

19 MR. JAROSZ: That's posted, and they know where they
20 are.

21 MR. KENNA: Okay, and you have a question and answer
22 session where they can ask questions?

23 MR. JAROSZ: Any time.

24 MR. KENNA: As perfectly clear as I think we are,
25 you've provided training, started in July. You attended a

1 formal training class with Omnitron. You enhanced that class
2 with radiation safety training that you provided to your
3 employees. I think we're clear on that. I want it to be
4 perfectly clear.

5 MR. JAROSZ: Yes.

6 MR. KENNA: Basically, I have no questions, no
7 further questions.

8 MR. CZERWINSKYJ: I have no further questions.

9 MR. KENNA: Do you want to make a statement or do
10 you want to further clarify something so that we fully --
11 there is not a narrow definition here of any subject that -
12 -

13 MS. KEARNEY: Do you feel like any answers that you
14 gave might have been misleading and that you need to say more
15 or you have a gripe or you want to say something? I mean,
16 you've got time now.

17 MR. JAROSZ: Do I have time?

18 MS. KEARNEY: Yes.

19 MR. JAROSZ: Well, in regards to the question that
20 was stated -- we discussed it outside.

21 MS. KEARNEY: Sure, go ahead.

22 MR. JAROSZ: In regards did someone instruct me that
23 those are my duties, radiation safety duties, I have to be
24 honest. No one said to me, like written, you are responsible,
25 but in my job description -- in my training from the radiation

1 safety personnel, I assumed that was my responsibility, and
2 it's written down basically in my job description that I'm
3 responsible for radiation safety, since my career tells me
4 that I am. But no one said to me verbally. That's what I
5 want to make sure, but that's my responsibility, and I
6 provided that, I hope.

7 MS. KEARNEY: Do you have any gripes?

8 MR. JAROSZ: No, no.

9 MS. KEARNEY: Dr. Tokars had some gripes.

10 MR. JAROSZ: Oh, gripes? No. Dr. Tokars may have
11 in terms of his --

12 MS. KEARNEY: He wants to treat his patients.

13 MR. JAROSZ: He wants to treat his patients because
14 -- but in terms of -- the only thing that I would just like
15 to make a comment about is in regards to the Indiana incident.
16 Following that and informing, nothing in our institution
17 changed from that point, meaning that things were in place
18 prior to that, and in our incident, which we never thought
19 would happen, everything was in procedure, you know.
20 Everything was posted and everything, and we did not change
21 anything that dramatic, other than being a little bit more
22 cautious in watching the patients, you know, making sure that
23 things were okay.

24 MR. KENNA: So, you always do what you've done, even
25 during your incident, where you would go in and survey the

1 patient. You've always done that --

2 MR. JAROSZ: From the first patient.

3 MR. KENNA: Pardon me?

4 MR. JAROSZ: From the first patient.

5 MR. KENNA: From the first patient, so that the
6 incident that you refer to, you were able to catch that
7 incident and rectify it by the training that you provided or
8 by the training that you received?

9 MR. JAROSZ: That is correct, sir.

10 MR. KENNA: Okay.

11 MR. JAROSZ: Meaning that I did not, from the
12 Indiana incident, we were prepared to handle that from day
13 one.

14 MR. KENNA: Okay. I have nothing else. Do you have
15 anything further that you want to make a comment on?

16 MS. KEARNEY: No, not at all.

17 MR. KENNA: Okay. This interview is terminated.

18 [Whereupon, at 12:00 p.m., the interview was
19 concluded.]

20

21

22

23

24

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REPORTER'S CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission
in the matter of:

NAME OF PROCEEDING: Interview of Mitchell Jarosz

DOCKET NUMBER:

PLACE OF PROCEEDING: Pittsburgh, PA

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OFFICIAL TRANSCRIPT OF PROCEEDINGS

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