



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JUL 6 1992

Mr. Dave Davis  
The Plain Dealer  
1801 Superior Avenue  
Cleveland, OH 44114

IN RESPONSE REFER  
TO FOIA-92-A-5  
(FOIA-92-176)

Dear Mr. Davis:

I am responding to your letter dated May 13, 1992, in which you appealed Mr. Donnie Grimsley's response dated May 5, 1992. Mr. Grimsley's response denied portions of a record and its attachment, identified on the enclosed appendix, which were subject to your Freedom of Information Act request for records related to the death of a patient, and overexposures of patients, at Riversid- Methodist Hospital in Columbus, Ohio, in the 1970s.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that the previously withheld information can now be made publicly available. Your appeal is, therefore, granted.

The record and its attachment are enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hugh L. Thompson, Jr.", written over a circular stamp.

Hugh L. Thompson, Jr.  
Deputy Executive Director for  
Nuclear Materials Safety, Safeguards  
and Operations Support

Enclosures:

1. Appendix
2. Record and attachment

FOIA — 92-176

RESPONSE TYPE

XX FINAL

PARTIAL

DATE

MAY - 5 1992

DOCKET NUMBER(S) (if applicable)



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

REQUESTER

Dave Davis

## PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.

☐ No additional agency records subject to the request have been located.

☐ Requested records are available through another public distribution program. See Comments section.

☐ Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

XX ☒ Agency records subject to the request that are identified in Appendix(es) A are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

☐ Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

XX ☒ Agency records subject to the request are enclosed.\*

☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

### Fees

☐ You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.

☐ You will receive a refund from the NRC in the amount of \$ \_\_\_\_\_.

☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_, No \_\_\_\_\_.

## PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

XX ☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

### COMMENTS

\*Agency records subject to your FOIA request that are identified on the enclosed Appendix A and the releasable portions of the record identified on the enclosed Appendix B are enclosed.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

*Donna H. Murphy*

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST  
(CONTINUATION)

FOIA — 92-176

MAY - 5 1992

PART B.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) B are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1.	The withheld information is properly classified pursuant to Executive Order. (Exemption 1)
2.	The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)
3.	The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)
	Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
	Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
4.	The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)
	The information is considered to be confidential business (proprietary) information.
	The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
	The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
5.	The withheld information consists of interagency or intra-agency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:
	Deliberative Process. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
	Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)
	Attorney-client privilege. (Confidential communications between an attorney and his/her client.)
X 6.	The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)
7.	The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)
	Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))
	Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C))
	The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))
OTHER	

PART B.C — DENYING OFFICIALS

Pursuant to 10 CFR 9.26(b) and/or 9.26(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publication Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
Mr. Bert Davis	Regional Administrator Region III	Appendix B	XX		

PART B.D — APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

To be released entirely

	<u>Date</u>	<u>Description</u>
1.	08/02/76	Ltr J. G. Keppler to Riverside Methodist Hospital re: NRC investigation conducted 4/20-22 and 5/12-13/76 w/IE Investigative Report No. 76-01 and Attachments A-K (64 pages)

To be withheld in part

<u>Date</u>	<u>Description</u>
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07/29/77	Letter enclosing a copy of a report by NRC medical consultant (6 pages) Exemption 6
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RE: FOIA-92-A-5  
(FOIA-92-176)

1. 7/29/77 Letter from James Keppler to Dr. William Adrion, attaching report prepared by Dr. Eugene Saenger. (6 pages)

# THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER

1801 SUPERIOR AVE.

CLEVELAND, OHIO 44114

216-344-4500  
OHIO TOLL FREE  
800-362-0727FREEDOM OF INFORMATION  
ACT REQUESTFOIA-92-176  
Rec'd 4-7-92

April 6, 1992

Mr. Donnie Grimsley  
Director FOIA and Publication Services  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
FAX: 301-492-4994

Dear Mr. Grimsley:

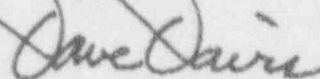
Under the provisions of the federal Freedom of Information Act, I request that your office provide copies of the following documents:

- 1). A July 11, 1977, report by an NRC medical consultant which characterized the death of a patient at Riverside Methodist Hospital, Columbus, Ohio, as radiation pneumonitis.
- 2). The NRC investigation report, made public about August 18, 1976, into the over-exposures of hundreds of patients at Riverside Methodist Hospital, Columbus, Ohio in the 1970s.

As a reporter for The Plain Dealer, I ask that you waive any search or copying fees.

I greatly appreciate your help in obtaining this information. I can be reached at 216-344-4808 with questions.

Truly,



Dave Davis

9212070235

July 29, 1977

Franklin County Coroner's Office  
ATTN: Dr. William Adrion  
Coroner  
520 King Avenue  
Columbus, OH 42310

Dear Dr. Adrion:

Enclosed is a copy of a report prepared by Dr. Eugene L. Saenger concerning [REDACTED] of Columbus, Ohio, who died at Riverside Methodist Hospital, Columbus, Ohio, on December 30, 1975. As you are aware, Dr. Saenger is the NRC's Medical Consultant.

Sincerely,

James G. Kepplar  
Director

Enclosure:  
Medical Report

cc w/enclosure:  
Mr. James Flynn, Associate  
Administrator  
Riverside Methodist Hospital  
Central Files

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 6  
FOIA- 92-176

OFFICE	RILEY	RILEY	RILEY			
SURNAME	Loneragan	Allan	Keppler			
DATE	7/14/77					

811

8004220366



REPORT ON [REDACTED]

Eugene L. Saenger, M.D.  
University of Cincinnati  
Medical Consultant  
Nuclear Regulatory Commission

# 1. Clinical Course

[REDACTED] a 25 year old pregnant female who entered Riverside Methodist Hospital for final admission on December 1, 1975 and died on December 30, 1975.

The patient noted a lump in her neck in February 1975. The diagnosis of Hodgkin's disease was made in September 1975 and was considered to be limited to the neck. On September 9, 1975 abdominal exploration, liver biopsy and splenectomy revealed no evidence of Hodgkin's disease in the abdomen. The patient was approximately 4 1/2 months pregnant. Radiation therapy was begun on September 30, 1975 and concluded on October 31, 1975. Treatment was planned to the mediastinum, bilateral supraclavicular, and axillary areas and the neck - a mantle technique using Cobalt 60 teletherapy. There were 19 treatments administered in 33 days and the doses initially calculated and subsequently recalculated are shown in the following table:

Total Doses to Treatment Areas (rads)

	<u>Mediastinum</u>	<u>Supraclavicular</u>	<u>Axillary</u>
Initial Calculated dose (10-31-75)	3420	3708	3519
Recalculated dose (6-8-76)	4708	5546	4314
Ratio of Recalculated to initial dose	1.38	1.5	1.22

At the beginning of treatment, September 30, 1975, the position of trimmer blocks to protect the lungs was checked by port films and appeared "essentially correct". Midway through treatment, October 15, the patient complained of severe sore throat and increased nausea. On examination "her throat still appears markedly reddened and there are areas of patchy pseudomucinous formation". On a follow-up visit of November 21, 1975, she developed a severe skin reaction over the upper portion of the mantle field after October 31 but the skin peeled and at that visit looked "virtually normal". "Overall she is doing well with good appetite and slow weight gain".

Seven days prior to her final admission on December 1 she noted gradual onset of progressive dyspnea and non-productive cough with substernal pleuritic chest pain. On the day after admission she spontaneously aborted a 7 1/2 month fetus.

Her subsequent course was steadily downhill with increasing respiratory difficulty, characteristic of a severe form of the adult respiratory distress syndrome (Hopewell and Murry, Ann. Rev. Med. 1976). There was increasing abnormalities of blood gases and increasing pulmonary infiltrates by x-ray culminating in bilateral pneumothoraces. On the third hospital day there was clinical evidence of thrombophlebitis of the left lower extremity and laboratory evidence of pulmonary emboli.

In spite of vigorous therapy directed to the many manifestations of respiratory difficulty the patient failed to respond. Death occurred December 30, 1975 which was 92 days from the beginning of radiation therapy and 60 days from its completion.

A copy of the necropsy record of the patient from the Department of Pathology, Riverside Methodist Hospital is appended (attachment 1).

## 2. Evaluation of the clinical course and autopsy findings

The rapidly progressing course involving primarily the lungs leading to death within 60 days after completion of treatment is characteristic of a severe reaction to ionizing radiation. As noted by Rubin and Casarett the typical acute response begins after a latent period of weeks to months before the onset of symptoms and signs. They further state that typically the onset occurs one to three months after the completion of a four to six week course of x-irradiation (Rubin and Casarett, p. 423). An earlier report of Whitfield, Bond and Arnott (Quart. J. Med. New Series 25: 67-86, 1956) lists 3 cases of Hodgkin's disease with very similar courses and fatal outcomes in which deep x-ray therapy was used. Radiographic changes were similar to those experienced in [REDACTED] case. Schwarz, Whitcomb and Goldman (Chest 64: 88-93, 1973) describe similar roentgenographic changes including the fact that radiographic changes can extend beyond the confines of the treatment portals.

In his review of this case, Clarence C. Lushbaugh, M.D. of Oak Ridge Associated Universities, our consulting pathologist, described as the cause of death "the severe pneumonitis which at the time of her death was actively extending, undergoing scarring and progressively thickening alveolar walls and filling alveolar spaces with cellular detritus, multinucleated giant epithelial cells, masses of loose epithelium, macrophages, proteinaceous edema fluid and mucin".

Lushbaugh continues as follows: "While it is true that sections from the periphery of the lungs are not as extensively involved as the more hilar ones, they have increased fibrosis and even in atelectatic areas have not collapsed normally. There is also pleural fibrosis..."

The rapid termination of life with severe pulmonary involvement following so quickly the radiation therapy given at an excessively high dose indicate that her death was due to acute radiation pneumonitis.

Eugene L. Saenger, M.D.  
Medical Consultant

ELS/swh

July 29, 1977

Franklin County Coroner's Office  
ATTN: Dr. William Adrion  
Coroner  
520 King Avenue  
Columbus, OH 43210

Dear Dr. Adrion:

Enclosed is a copy of a report prepared by Dr. Eugene L. Saenger concerning [Mrs. Edna Gail Valentine] of Columbus, Ohio, who died at Riverside Methodist Hospital, Columbus, Ohio, on December 30, 1975. As you are aware, Dr. Saenger is the NRC's Medical Consultant.

Sincerely,

James G. Keppler  
Director

Enclosure:  
Medical Report

cc w/enclosure:  
Mr. James Flynn, Associate  
Administrator  
Riverside Methodist Hospital  
Central Files

OFFICE	RIII	RIII	RIII			
SURNAME	Lanergan/38	Allen	Keppler			
DATE	7/14/77					

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6/1



REPORT ON [MRS. EDNA GAIL VALENTINE]

Eugene L. Saenger, M.D.  
University of Cincinnati  
Medical Consultant  
Nuclear Regulatory Commission

1. Clinical Course

[Mrs. Edna Gail Valentine,] a 25 year old pregnant female who entered Riverside Methodist Hospital for final admission on December 1, 1975 and died on December 30, 1975.

The patient noted a lump in her neck in February 1975. The diagnosis of Hodgkin's disease was made in September 1975 and was considered to be limited to the neck. On September 9, 1975 abdominal exploration, liver biopsy and splenectomy revealed no evidence of Hodgkin's disease in the abdomen. The patient was approximately 4 1/2 months pregnant. Radiation therapy was begun on September 30, 1975 and concluded on October 31, 1975. Treatment was planned to the mediastinum, bilateral supraclavicular, and axillary areas and the neck - a mantle technique using Cobalt 60 teletherapy. There were 19 treatments administered in 33 days and the doses initially calculated and subsequently recalculated are shown in the following table:

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In his review of this case, Clarence C. Lushbaugh, M.D. of Oak Ridge Associated Universities, our consulting pathologist, described as the cause of death "the severe pneumonitis which at the time of her death was actively extending, undergoing scarring and progressively thickening alveolar walls and filling alveolar spaces with cellular detritus, multinucleated giant epithelial cells, masses of loose epithelium, macrophages, proteinaceous edema fluid and mucin".

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Eugene L. Saenger, M.D.  
Medical Consultant

ELS/swh

#### REFERENCES

Hopewell PC, Murray JF: The Adult Respiratory Distress Syndrome, in Annual Review of Medicine: Selected Topics in the Clinical Sciences, W.P. Creger, ed., Annual Reviews, Inc., Palo Alto California, Vol. 27, 1976.

Rubin P, Casarett GW; Clinical Radiation Pathology, W.B. Saunders Company, Vol. 1, 1968.

Whitfield AGW, Bond WH, Arnott WM; Radiation Reactions in the Lung, Quarterly Journal of Medicine, New Series XXV, No. 97, January 1956.

Schwarz MI, Whitcomb ME, Goldman AL; The Spectrum of Diffuse Pulmonary Infiltration in Malignant Disease, Chest, Vol. 64, No. 1, July 1973.