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REPOSITORY Oak Ridge Operations
 COLLECTION Records Holding area
Documents 1844-94
 BOX No. A-17-2 89-71 39 of 46 Bldg. 2714-H
 FOLDER Personnel-1 FOIA
Mary Sue + Dwayne Sexton

SEP 14 1981

Mrs. Mary Sue Sexton
 2333 Cranshaw Drive
 Kingsport, Tennessee 37660

Dear Mrs. Sexton:

Please accept this letter and its enclosures in response to your letter of August 31, 1981, styled as a Freedom of Information Act ("FOIA") request, requesting access to medical records within our possession regarding you and your [REDACTED]. Your letter was received by me on September 3, 1981.

While the request for your records, and probably [REDACTED], might more properly be made under the Privacy Act (rather than the FOIA), we will not concern ourselves with the form of your request or the statute and procedures under which it would be processed, but will simply respond to your request. Your request has not been deemed to have been accepted under the FOIA, because you did not agree to pay fees (you requested a fee waiver), but - since we are forwarding the complete medical files, within ten working days from receipt, without deletions and without charge - we do not consider it necessary to make a formal decision regarding the appropriate statute or the fee waiver (particularly since that does not apply to Privacy Act requests).

Enclosed you will find the complete medical files pertaining to you and [REDACTED]. Considering the nature of your request, no fees are being assessed for reproducing the 101 pages of your file and the 601 pages of Dwayne's file.

Sincerely,

WR

Wayne Range
 Freedom of Information Officer

CC-10:JLF

Enclosures: Enclosure filed separately in Per-1 FOIA
 As stated Mary Sue Sexton
 bcc w/o enc: W. R. Bibb, ER-13

CC-10:JLFoutch:mh:61204:9/14/81

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

PERSONNEL

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If all or any part of this request is denied, please cite the specific exemption(s) which you think justified your refusal to release the information, and inform me of the appeal procedures available to me under the law.

I would appreciate your handling this request as expeditiously as possible. I look forward to hearing from you within 10 days, as the law stipulates.

Sincerely yours,

Mary Sue Sexton
Aug 31, 1981

2300 W. ...
Kingsport, ...

INFO

'81 SEP 3 11 31 AM

Form 3811, Jan. 1978

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

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2. ARTICLE ADDRESSED TO:
 Mary Sue Sexton
 2333 Cranshaw Drive
 Kingsport, TN 37660

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	SECURED NO.
	811551	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE: *Mary Sue Sexton* ADDRESS: *Kingsport, TN* (Indicate if agent)

4. DATE OF DELIVERY: *9-15-81* POSTMARK:

5. ADDRESS (Complete only if requested)

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No. 811551

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 2333 Cranshaw Dr.
 P.O. STATE AND ZIP CODE
 Kingsport, TN 37660

POSTAGE: *1.11* \$
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Apr. 1976

1118175

Puppywood?

It's really too early, but then again the dogwood is coming along, but then again it's not really cold enough. Puppywood Winter maybe? Fair skies and cooler temperatures through Tuesday. High today, upper 50s; low tonight, mid 30s; high Tuesday, near 60.

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Sues ORAU for \$750,000



LAWRENCE

By CATHERINE FOSTER

The woman who charged last year that Oak Ridge Associated Universities used her son as a "guinea pig" in radiation research has sued ORAU for \$750,000.

The lawsuit charges that ORAU's cancer research hospital caused the early death of six-year-old Dewayne Sexton, who died of lymphoblastic leukemia in 1968, by using medically unsound low-level radiation treatment.

Mary Sue Sexton of Kingsport, mother of Dewayne, filed the suit last week in Anderson County Circuit Court against ORAU and its director of administra-

tion, Steve Lawrence.

A similar suit against the Department of Energy is expected to be filed in Federal Court in Washington, D.C.

The Sexton child was the focal point of an article in the September-October 1981 issue of Mother Jones magazine, which charged that radiation treatments given to Dewayne were not designed to control his disease, but were part of research done for the National Aeronautics and Space Administration program.

Both ORAU and DOE officials denied the charge, saying that data was collected for NASA, but that radiation doses were not

given to comply with the study, and that no data from children under the age of 19, including Dewayne, was made a part of the study. William R. Bibb, director of the research division of DOE's local office, told The Oak Ridger that in August, and repeated it before a congressional subcommittee in September.

Lawrence, who is leaving his job at ORAU April 1, said this morning that he was "disappointed in Mrs. Sexton and whatever legal advice she's getting." He added that he "thought the congressional subcommittee hearings resolved this (Continued on Page 6 No. 6)



Workers pump Ziolene for transport to storage this morning.

PERSONNEL -
FOIA
Mary Sue Sexton

Truck fire chases Karns residents

BY JOHN HARDING

Cleanup work continued today in the aftermath of a truck fire early Sunday that dumped hundreds of gallons of toxic weed killer into a creek in an area east of Karns.

The fire began in a Mason-Dixon truck which was parked in near a small market about seven miles east of Solway bridge on Oak Ridge Highway. The driver had parked the truck overnight, planning to continue his run to Atlanta Monday morning.

The truck contained about 900 gallons of the weed killer Ziolene. Nearly 100 residents of the area were evacuated from

their homes because of fears of toxic fumes from the burning weed killer. Residents were allowed to return to their homes just before dawn Sunday. No injuries were reported. Rural Metro Fire Department officials say the fire may have been set intentionally.

Workers from the Alpha Recovery Division of Universal Oil and Supply were working today containing the sickly-smelling, bright yellow substance. Universal Oil was contracted by Mason-Dixon to clean up the spill.

Heavy rain during the (Continued on Page 7 No. 1)

Renovations before school bd.

every liftoff of the shuttle Columbia.

Space officials predicted a turnout that might surpass the previous launch record of 1 million people, as shuttle watchers continued to jam public viewing sites an hour before blastoff.

Jack Estes, 18, saved money from a part-time restaurant job for an airplane ticket, skipped school and became one of the estimated 250,000 to 300,000 people who packed themselves like sardines along the Indian River in Titusville.

"Nobody cares about the space shuttle back home," said the high school senior from Leominster, Mass. "People think I'm fanatical. My parents are angry. And I guess only the science teachers will be easy to deal with when I get back."

Early, overcast skies left only a hazy view of the spectacular flying machine 15 miles away. But as the sun broke through, optimism came over the throngs — retirees sipping coffee, college students on spring break guzzling beer, and parents trying to keep kids and pets in tow.

The Highway Patrol said traffic was extremely heavy, but flowing smoothly. "This is one of the biggest — a real biggie," said Dennis Rathbun, a trooper in Titusville. "They're still coming from all directions."

Twenty-two Michigan State college students came on an old school bus, renovated with bunks and stereo and painted bright yellow and orange. It stuck out among the decreed vans, the makeshift campers, the luxury recreation vehicles and the pup tents that crammed the beach. The five students who own the bus charged \$90 a head to buddies on spring break who wanted to combine the annual trek to the beach with a stop at the Cape.

NASA spokesman Hugh Harris said civil defense estimated that "somewhere between 800,000 and 1 million people" would view the launch — more than the 750,000 on hand for the shuttle's maiden journey last April, or its return to space last November which drew 400,000 to 500,000.

The record of 1 million was set by the crowd that gathered under starlit skies to see the nighttime launch of Apollo 17 in 1972, according to Brevard County officials. That last moon flight was the only night launch in the history of NASA's manned space program.

Besides the Indian River, other popular sites were overlooking the Atlantic Ocean at Jetty Park and along the Banana River at the Cape.

RANGE, (AP) — About 100 technicians packing time for a dress rehearsal, were ready beside a score of custom vehicles here today in case problems forced Columbia to end its third space flight early.

The recovery convoy, more than 1,500 tons of unique equipment sent by train from the shuttle's soggy California landing strip, did not arrive on the fine white sand of Northrup Strip at this sprawling base until Sunday.

As a result, said NASA spokesman Larry King, the full-scale rehearsals on the new strip, an unused alternate during Columbia's first two trips, were considerably scaled down.

"They simulated some contingency operations (unusual landing problems), mostly with helicopters," he said.

Army weathermen promised good weather throughout the day with only a few wisps of thin clouds.

King said the recovery crews, most of whom greeted the shuttle at Rogers Dry Lake at Edwards Air Force Base, Calif., last April and again in November, should have no problems if the ship returns to Earth early.

"They're not anticipating any problems ... but I'm sure they'd feel better if they had done it once before," he said.

There should be time for rehearsals if the mission goes its scheduled seven days, landing in the southern New Mexico desert next Monday.

NASA decided Thursday, after Edwards was drenched with more than 1 1/4 inches of rain, that the California dry lake would not be dry in time to handle the landing.

So the recovery convoy — an assortment of specialized vehicles that cool the space shuttle to protect its electronics, check for poisonous or explosive gases and clear away any that are found, cleanse holds and fuel lines and get the astronauts back on the ground — was packed aboard a special 23-car train that left California Friday.

The trip across Arizona and into Holloman Air Force Base at nearby Alamogordo took 35 hours. King said an additional 12 hours was needed to unload the gear, then tow and drive it about 20 miles to Northrup Strip.

All the components finally arrived alongside the two seven-mile runways that criss-cross the huge, misshapen oval of Northrup.

"I think we're in pretty good shape here, considering we came out in an awful big hurry," King said.

The convoy crews are together by their machines each chilly desert morning until the shuttle

issue, and I believe that ORAU is in no way liable."

It's not clear why Lawrence was named in the lawsuit since, as director of administration, he has no direct responsibility for ORAU's medical division. ORAU's acting director, William Felling, was not named in the suit, nor was Dr. Clarence C. Lushbaugh, director of ORAU's medical division.

Lawrence guessed this morning that lawsuits are "administrative matters, and that's why I was named."

Following the day-long congressional subcommittee hearing in September, subcommittee chairman Rep. Albert Gore Jr., D-Tenn., said that he believed the charges against ORAU had been "essentially refuted."

In her suit, Mrs. Sexton says that Dewayne had been a patient at ORAU's cancer treatment hospital from July 27, 1965, until his death on Dec. 29, 1968. "During the time the decedent was a patient at Oak Ridge Associated Universities, the treatment he received was not consistent with the standard of care which patients received in the same or similar circumstances in the

returns. They must be ready, engines warming and booms unlimbered, for any emergency.

The landing site, isolated deep within this rugged 4,000-square-mile missile range, is roughly the size of Rhode Island and Connecticut combined.

Northrup Strip, in the Tularosa Basin between the San Andres and Sacramento mountains, covers about 100 square miles.

The fine gypsum sand is so densely packed that, although easily shoveled, it defies penetration by such things as tent sticks, said Army Maj. Dave Olmsted, White Sands public information officer.

Though crisp, clear days have been the rule here recently, Olmsted said a concern might be the winds, which often whip across the flat expanse in the afternoons.

"If it blows, it's worse than any blizzard you've ever seen. The sand gets into your eyes and nose and ears and everything," he said.

Normally empty except for an Army weather station and a control tower, the gypsum flat has sprouted a small ramshackle village of portable metal buildings, trailers and motor homes to house mission personnel and a variety of reporters and cameramen.

Wooden scaffolds are rising from the sand to support television crews.

same or similar localities for lymphoblastic leukemia," the lawsuit charges.

The suit also says that the child's parents "were improperly advised of the consequences of the treatment, and there was a failure to provide adequate information so that fully informed consent could be given to the treatment received by the decedent."

Mrs. Sexton asks that any statute of limitations covering the lawsuit be ignored because "the defendant ... has concealed the purpose of these treatments and thus the statute of limitations would be tolled until such time as the plaintiff discovered the lack of adequate treatment in this case."

The lawsuit says that Mrs. Sexton "only recently ... has been informed that the purpose for these programs was not necessarily the proper treatment of the patient but may have been for other motives, and thus caused the treatment not to conform with the applicable standard of care at that time."

Mrs. Sexton does not say so in her lawsuit, but she told a House subcommittee investigating the Mother Jones charges that she was told of ORAU's involvement in the NASA study during the preparation of the article.

Following the publication of the Mother Jones article, eleven former patients and family members wrote letters to The Oak Ridge praising the hospital, which has been closed for ten years, and its staff.

The House subcommittee, chaired by Rep. Gore, held hearings last September and planned to release a report six weeks later. However, it still has not been released, but is expected next month, a subcommittee staff member said this morning.

W. Holt Smith of Sweetwater, the Tennessee attorney representing Mrs. Sexton, said this morning that no decision had been made yet on a suit against the doctors who treated Dwayne during his stay at the ORAU facility. "We're looking into the statute of limitations question, and have made no decision yet on that aspect of the case," Smith said. He cited a state statute which limited malpractice cases to three years after the injury, and said he wasn't sure how that law might affect any suit against the medical personnel, including Dewayne's physician, Dr. Helen Vodopick, now in private practice in Oak Ridge.

Smith said that Mrs. Sexton's attorney, Kathleen M. Tucker of Washington, D.C., would be fil-

Tucker could not be reached for comment this morning.