

# MEDICAL SOCIETY OF MOBILE COUNTY

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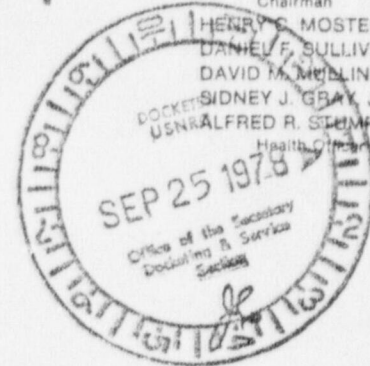
DOCKET NUMBER

PROPOSED RULE

(70)  
PR-35(43FR29297)

18 September 1978

BOARD OF HEALTH  
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Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Gentlemen:

Reference your letter to the Medical Society Executives dated 26 July 1978 and proposed rule contained on page 29297, Federal Register, Vol. 43, No. 131-Friday July 7, 1978 concerning Human Uses of By product Material, Misadministration Reporting Requirements.

We have studied the proposed regulations and our Society is in agreement with the proposal except for (3) of 35.33. We recommend that the proposed (3) of 35.33 of 10 CFR Part 35 be rewritten to read as follows:

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"(3) The patient or the patient's responsible relative, unless the referring physician personally informs the licensee that in him medical judgment telling the patient or the patient's responsible relative would be harmful to one or the other, respectively, or, if in the judgment of the licensee that no detrimental effect will accrue to the patient as a result of such administrations, with the concurrence of the referring physician, the patient or the patient's responsible relative need not be informed. This judgment, and the reasons therefore, will be made a part of the patient's record as well as the report to NRC. If in reviewing the incident the NRC does not concur in the licensee's and referring physician's judgment, then the incident shall be reported to the patient, or the patient's responsible relative. Also, if the referring physicians does not concur in the licensee's judgment then the incident shall be reported to the patient, or the patient's responsible relative."

The rationale behind this recommended rewrite is that "minor" misadministrations of radioactivity which in all likelihood will not effect the patient's welfare (to the best of our present information) could cause undue alarm and apprehension that could lead to unnecessary and unwarranted litigation, or psychologically impair the patient, or the patient's family for an indeterminate length of time. In this day and age with the lay public exposed to a great deal of misinformation concerning radiation and radiation hazards, small incidents may be blown out of proportion to their actual potential detriment. In fact in the total spectrum of evaluation the use of radioactive materials has been around a very

Acknowledged by card... 9/25 S.S.

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