



TP 102-3

LOUISE OBICI MEMORIAL HOSPITAL · SUFFOLK, VIRGINIA 23434

DOCKET NUMBER **27** August 8, 1978  
PROPOSED RULE **PR-35(43FR29297)**



Secretary of the Commission  
Attention: Docketing and Service Branch  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Mr. Secretary:

I wish to oppose the adoption of any part of the proposed new part, Section 35.33 to Chapter 10, Code of Federal Regulations, as published in the Federal Register, Vol 43, No. 131, Pages 29297-29298, July 7, 1978.

The following reasons are given in support of my position:

- 1) This requirement will mean an intrusion of a regulatory agency into the care of a patient without assuming responsibility of the care of the patient.
- 2) I hold that the required reporting will not benefit the patient. The limits in proposed 35.33 (f) (4) do not represent a significant difference in patient dose. The limit in proposed 35.33 (f) (5) can be adjusted by changing a treatment schedule in external beam treatment, and is well within the biological variation in internal administrations. Requirements under proposed 35.33 (f), (2) and (3) are best reported, as now required, through the local Radioisotopes Committee of the licensee.
- 3) Requirement of reporting such information under proposed 35.33 (c) would mean an admission of fault on public record. A hospital or physician would be in immediate jeopardy of suit, and such a requirement would add considerably to the cost of liability insurance, if, indeed, it did not actually preclude such insurance. Further, it appears to me to be in violation of the constitutional right against self-incrimination.
- 4) The whole reporting procedure, including the requirement under proposed 35.33 (e) would increase the cost of medical care without adding to the benefit therefrom, unlike the present requirement of review by the hospital committee.

7810180069

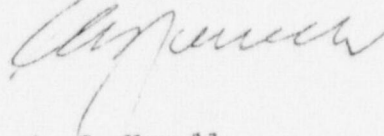
Acknowledged by card. 8/15 S.S.

Secretary of the Commission  
August 8, 1978  
Page Two

Finally, may I suggest that this requirement will lead, inevitably, to cover up of misadministrations, to avoid the vulnerability to liability suits.

Thank you for the privilege of submitting this comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. G. Howell".

A. G. Howell  
Administrator

AGH:cms