

JAMES A. HANCOCK, JR.
RADIOLOGICAL PHYSICS CONSULTANT
CERTIFICATION: AMERICAN BOARD OF RADIOLOGY

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PROPOSED RULE

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TP 102-3
1130 Hanover Avenue
Norfolk, Virginia 23508

August 2, 1978

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) (1), (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.

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,

James A. Hancock, Jr.
James A. Hancock, Jr.

Copy to: The Honorable Harry F. Byrd, Jr.
The Honorable William L. Scott
The Honorable G. William Whitehurst
Area Medical Licensees.

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Acknowledged by card 8/8 S. H.

