



VETERANS ADMINISTRATION
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BALTIMORE, MARYLAND 21218

August 2, 1978

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

Attn: Docketing and Service Branch

Dear Sir:

DOCKET NUMBER

PROPOSED RULE

TP 102-3
16
PR-35(43FR29297)



Re: Requested comments on change in nuclear regulatory commission's item on proposed rule 10 CFR Part 35 on records on all misadministrations of radioactive material etc.

The biggest difficulty in these two portions is to define precisely misadministration and potentially dangerous misadministration. I would suggest that in misadministration be the administration of an incorrect isotope. Could I suggest an incorrect form of isotope by a dose determine to be at least 100 percent in excess for diagnostic and 25 percent excess for therapeutic. I believe a maximal definition should be defined for potential dangerous misadministration so that there can be no variations for interpretation. I believe that these rules will create the factual basis for fairly expensive malpractice settlements since by definition a recorded misadministration is a compensatable tort. However, I would suggest the following:

Potentially dangerous misadministrations be defined in terms of a radiation exposure that includes exceeding the diagnostic amount for diagnostic radiation by a certain number of rads; or an increased therapeutic dose of the order of 25 percent. Once these two levels of danger are described and defined, then it could be made the regulation to require the licensee to both keep a record and to report this to the referring physician. I personally have great difficulty with requiring by regulation that this also be reported to the patient for it simply will boost the cost of medical care and only serve to regulate this unfortunate occurrence when a given physician or technician is repeatedly involved in the same action. I repeat, the problem is with definition.

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Acknowledged by card.

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"To care for him who shall have borne the battle, and for his widow, and his orphan."— ABRAHAM LINCOLN

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