

MAR 26 1982

*Walker*

NOTE TO: Bill Walker


FROM: John Klucsik, ELD

RE: Revision of Part 35, Recommended Changes to Feb. 26 Draft

Attached is a marked up copy of Norm McElroy's February 26, 1982, draft of the Revised Part 35. Accompanying that markup is a set of 8 1/2" x 14" pages which contain changes to the draft which Tom Dorian and I recommend. In some cases these changes are required to clarify what would otherwise be an unenforceably vague rule. In other cases we have made suggestions which we believe improve a legally sufficient, but difficult to understand structure. By reading through the Feb. 26 draft and making reference to the 8 1/2" x 14" pages as indicated in the marginal notes to the draft, you will find our editorial recommendations include minor changes requiring only the insertion or deletion of a few words and those requiring major revisions to a section or subpart.

Approaching the Feb. 26 draft as strangers to the details of byproduct materials use in private medical practice and in the institutional setting could in some cases be a handicap. In this case, however, we believe our perspective on the proposed rule provides the advantage of objectivity, uninfluenced by any preconceptions which might arise from a more intimate association with the practice or regulation of radiodiagnostics or radiotherapy. Our review has been guided by considerations of legal propriety, the need for a clear relationship between the provisions of the rule and radiation safety, and the need for clarity in the meaning of the proposed rule.

As we discussed in our last meeting, both Tom and I will be available to meet with you and the members of the task force who have been most active in the preparation of the draft to discuss these recommended revisions. In the meantime, if you have any questions on the attached materials or any other topic with respect to the Part 35 project, please do not hesitate to call.

  
John F. Klucsik  
Attorney, OELD

Attachment:  
As stated.

cc: J. R. Cook  
D. Bozik  
N. McElroy  
T. Dorian

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