

NOTATION VOTE

cc: WDircks
JRoe

RESPONSE SHEET

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TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: CHAIRMAN PALLADINO

SUBJECT: SECY-84-485 - PROPOSED REVISION OF 10 CFR PART 35
"MEDICAL USE OF BYPRODUCT MATERIAL"

APPROVED XX DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

(See attached comments)

8509230446 850906
PDR PR
35 50FR30616 PDR

N. J. Palladino
SIGNATURE

5-5-85
DATE

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE
MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

CHAIRMAN PALLADINO'S COMMENTS ON SECY-84-485

The comments, recommendations and modifications proposed by Commissioners Zech, Bernthal and Asselstine have merit and are worthy of further consideration. However, I also believe that the proposed revision to 10 CFR 35 is a marked improvement and, as such, should be issued for comment. I believe that the issues raised can, and would better, be addressed by the staff during the comment period. Therefore, in the interest of avoiding delay, I approve the issuance of the proposed rule as is.

In the interim until comments on the proposed rule are received and evaluated, staff should continue to work in three areas:

- (1) The basis for the need to exempt minor license requirements from NRC review, and the criteria for defining minor requirements, should be clarified;
- (2) The staff should meet with the Advisory Committee on Medical Uses of Byproduct Isotopes and determine what level of physician training is appropriate; and
- (3) The staff should further investigate the subject of medical misadministration enforcement, and propose a course of action to address this subject as a second and separate proceeding.