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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 06-021

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]**

#### 2. Form, Style and Placement in Administrative Code

- a. In s. HFS 157.03 (17m), the term “Air Kerma Rate” need not be capitalized. The term then can be used in lowercase throughout the remainder of the rule.
- b. In s. HFS 157.03 (68), the colons following the definitions of “S” and “X” should be replaced by semicolons.
- c. In. HFS 157.03 (84m), a closed quotation mark should be inserted after the word “index.” See, also, the use of quotation marks in s. HFS 157.03 (101m).
- d. In s. HFS 157.03 (124m), the second and third sentences are substantive in nature and should be placed in another section of the rule.
- e. On page 19 in the fee schedule under s. HFS 157.10 (3), it appears that the “D.” is missing; on page 20, the “O.” is missing; on page 21, the “A.” is missing under the “4. Waste Processing” category and the “6.” is missing for the “Nuclear Laundry” category; and on page 23, the “A.” is missing under the “9. Accelerator” category.
- f. In s. HFS 157.13 (5) (c) 1. (intro.), the word “all” should be inserted before the phrase “of the following.”
- g. In s. HFS 157.33 (3), the phrase “of this rule” is unnecessary and should be deleted.

h. In s. HFS 157.61 (7) (a) 2. b., the use of the notation “and/or” should be avoided. [See s. 1.01 (9) (a), Manual.] The remainder of the rule should be reviewed for the use of the notation “and/or.”

i. In s. HFS 157.61 (12) (a), in the cross-reference, the first comma should be replaced by the word “and.”

j. In s. HFS 157.64 (5) (c) 2. (intro.), the use of the notation “(s)” is unnecessary and should be deleted. In the construction of both statutes and administrative rules, the singular includes the plural and the plural includes the singular, unless to do so would produce a result inconsistent with the intent of the Legislature or the agency. [See ss. 227.27 (1) and 990.001 (1), Stats. The entire rule should be reviewed for the use of this notation.]

k. In s. HFS 157.67 (17) (a) (intro.), the term “Agreement State” should be shown in lowercase. In par. (a) 1., the word “Council” should be shown in lowercase. [See, also, s. HFS 157.68 (2) (a).]

l. In s. HFS 157.72 (2) (d) 7., the use of parenthetical notations is not necessary. [See, also, s. 157.93 (7) (d) 3. and (8) (d) 3.]

m. In s. HFS 157.76 (2), it appears that par. (d) 3. actually should be par. (e), followed by two subdivisions, and that pars. (e) and (f) should be renumbered as pars. (f) and (g). Also, in the unit that will become par. (e) 1., the phrase “; or” should be replaced by a period.

n. In s. HFS 157.76 (4) (e) 6., it appears that the phrase “these requirements” should be replaced by the phrase “this paragraph.”

o. In s. HFS 157.76 (7) (c) (intro.), the phrase “all of” should be inserted before the phrase “the following.”

p. In s. HFS 157.76 (10) (d), the introduction should be renumbered as subd. 1., since this material does not grammatically lead into the following subunits. The remaining subdivisions should be renumbered accordingly. Also, in the new subd. 1., the phrase “at one of the following referenced locations” should be replaced by the phrase “one of the referenced locations specified in subd. 2. or 3.”

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. On page 2, in the first clause under “Explanation of agency authority,” the first “(a)” after “s. 254.34 (1)” should be deleted, since it is s. 254.34 (1) (intro.), Stats., that makes the department the state radiation control agency.

b. On page 2, at the end of the last sentence of the first paragraph under “Explanation of agency authority,” the “0” in “2014” should be replaced by a “1” to correspond with the end of s. 254.34 (1) (a), Stats.

c. In s. HFS 157.03 (295m), the second occurrence of the notation “HFS” should be deleted.

d. In s. HFS 157.61 (7) (c) 1., the cross-reference “s. HFS 157.61 (8) (a)” should be replaced by the cross-reference “sub. (8) (a).”

e. In s. HFS 157.63 (5) (a) 1., the second occurrence of the notation “(c)” should be deleted. Also, in sub. (5) (c) 2 (intro.), the second occurrence of the notation “HFS” should be deleted. [See, also, ss. HFS 157.63 (6) (b) and 157.64 (7) (c).]

f. In s. HFS 157.64 (8) (a), the second occurrence of the notation “(4)” should be deleted.

g. On page 69, in the treatment clause for SECTION 124, an “(a)” should be inserted after the “(2).” Also on the same page, in the treatment clause for SECTION 128, a “(1)” should be inserted before the “(a).”

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. On page 3, because the sentence before the second group of bullets uses the plural for “revisions,” the “s” should be deleted from the end of the first word for each of the following four bullets.

b. On page 6, first complete paragraph, third sentence: because “registration fees,” is plural, the “s” should be deleted at the end of “consists.”

c. On page 7, third full paragraph, fourth sentence: “in” should be replaced with “with” and “inspection” should have an “s” added at the end to make it plural so that it corresponds with “are.”

d. In s. HFS 157.03, to make the last sentences of the first and second subsections the same, “Table” should be inserted before “A-3” in the last sentence of the first subsection.

e. In the treatment clause for SECTION 17, the first parenthesis is missing in “185m).”

f. In s. HFS 157.03 (198) (intro.), it is not clear what amendment is being made. If it is intended that the third quotation mark be deleted, the amendment should not be made.

g. In s. HFS 157.09 (2) (c) (intro.), the “s” should be deleted in the first use of the word “transfers” to correspond with the plural subject of the dependent clause.

h. In s. HFS 157.09 (2) (f), “Any” should be replaced with “A” and “a” should be replaced with “the.” Also, in s. HFS 157.09 (2) (g), “Any” should be replaced with “a” each of the three times it is used, and in subd. 1. “provided that such person” should be replaced with “who.” Finally, in subd. 4., the first comma should be replaced by the word “and.”

i. On pages 17 and 18, the acronym “SNM” beginning at the bottom of page 17 (and twice on page 18) is not included in the definition of “special nuclear material” in s. HFS 157.03 (350). In general, the use of acronyms is discouraged unless they improve readability, in which case they should be included in the definition. [See s. 1.01 (8), Manual.]

j. On page 22, in Category 7.D., the word “does” should be replaced with “dose.”

k. In s. HFS 157.11 (2) (g) 2., because the subject is singular (“A person”), the word “are” should be replaced with “is.”

l. In s. HFS 157.13 (4) (d) 5. 1., in the inserted language it appears that an apostrophe should be added before the “s” in “devices.”

m. In s. HFS 157.15 (1) (a) (intro.), the “a)” should be deleted.

n. In s. HFS 157.44 (3) (a) 5. Note, because the treatment clause for SECTION 80 of the rule states that the following note is “created,” the underlining and strike-throughs indicative of an amendment should be deleted. Also, par. (b) 2., which is not listed in the treatment clause, is affected by a different treatment (amendment rather than creation) than the preceding note and should be in a separate SECTION of the draft.

o. In SECTION 81 of the rule there should be a “2.” inserted after “(c).”

p. In s. HFS 157.44 (6) (a), the acronym “NVLAP” should be deleted since the use of acronyms is discouraged unless they improve readability, in which case they should be included in the definition. [See s. 1.01 (8), Manual.] “NVLAP” should also be spelled out in ss. HFS 157.44 (6) (e) and 157.45 (11) (c).

q. In s. HFS 157.44 (6) (a) 4. it appears that “personnel dosimeter” needs the indefinite article “a” before it. Also, the last sentence of sub. (6) (a) 4. has the same words (“film badge, TLD or similar approved device”) that were replaced by “personnel dosimeter” in this paragraph and in sub. (6) (e), and should thus be similarly replaced.

r. On page 35, the acronyms “USASI” under (b) 1., “ANSI/HPS” under (b) 2. and 3. e. Note., and “ANSI” under (b) 3. e. Note. should be deleted as they are not included in the definitions. In s. HFS 157.61 (9) (a) 1., the acronyms “ACPE” and “FPGEC” should be deleted, as they are not included in the definitions. [See s. 1.01 (8), Manual.]

s. In s. HFS 157.52 (10) (a), the three criteria should each begin with a verb to be consistent (e.g., “Have” for subd. 1. and “Meet” for subd. 3.) and the “s” in “Contains” under subd. 2. should be deleted.

t. In s. HFS 157.53 (1) (a) 1. an “a” should be inserted before “written examination.” Also, in s. HFS 157.53 (1) (d), another “e” should be added to the end of “license” to make the word “licensee.”

u. Section HFS 157.61 (7) (intro.) ends with the words “meets any of the following requirements:”, but par. (c) on page 39 does not appear to be a requirement, although it could be turned into a requirement by beginning with “Is....” It would also be useful to have an introduction to par. (c), similar to that for pars. (a) and (b), and to start each paragraph with a verb for consistency. The same comment regarding consistent use of verbs applies to s. HFS 157.61 (8) (a) and (b) and (9) (a) and (b).

v. In s. HFS 157.61 (8) (intro.), the “s.” before “sub.” should be deleted. Also, because par. (8) (a) (intro.) ends with the words “have all of the following:”, the words “Holds a” should

be replaced with “A” in subd. (8) (a) 1.a. [and also on page 40 in sub. (9) (a) 2.]. Finally, in sub. (8) (intro.), the last occurrence of the word “individual” should be preceded by the word “an” rather than the word “a.”

w. In s. HFS 157.61 (10) (a), it appears that the second use of “medical physicist” after the word “authorized” should be replaced with the word “user” to correspond with the title of the paragraph and the first sentence of sub. (10) (b). Also, in sub. (10) (b), “were” should be replaced with “are.” Finally, in sub. (10) (a) and (b), the comma following the acronym “NRC” should be replaced by the word “or.”

x. In s. HFS 157.61 (12) (a) the “an” before “radiation safety officer” should be changed to “a.” Also, in par. (b), the second period after the title should be deleted.

y. Section HFS 157.63 (4) (a), (b), and (c) should start with the verbs “Is,” “Is,” and “Has,” respectively. The same comment applies to sub. (5) (a), (b), and (c).

z. In s. HFS 157.63 (4) (a) (intro.), “have” should be replaced with “do” to correspond with the first words of the subsequent subdivisions. Also, given the first comma in subd. 2., there should also be a comma inserted after “board.” [See, also, sub. (5) (a) (intro.).]

aa. In the title for s. HFS 157.63 (6) (b), the word “material” should be inserted between “radioactive” and “for” to correspond with the first sentence.

bb. In s. HFS 157.64 (4) (intro.), par. (a) should begin with “Is certified...” and par. (b) should begin with “Has completed...” Also, “have” in the second sentence of par. (a) (intro.) should be replaced with “do.”

cc. Section HFS 157.64 (4) (b) 2. (intro.) appears to be grammatically incorrect. It is unclear how “or prior to the effective date of this chapter” fits with the rest of the sentence.

dd. Section HFS 157.64 (4) (b) 2. f. should be deleted. Also, the note following sub. (4) is substantive and should be included in the text of the rule.

ee. Section HFS 157.64 (5) (a), (b), and (c) should begin with “Is certified...,” “Is an authorized...,” and “Has successfully completed...,” respectively. See, also, subs. (6) and (7). Subsection (7) (c) 2. should begin with “Has.”

ff. In s. HFS 157.64 (8) (b), the first comma should be deleted.

gg. In s. HFS 157.64 (8) (d), it appears that “of unsealed radioactive material” should be inserted between the first use of the word “administration” and “requiring” to correspond with the end of that sentence, as well as the title.

hh. Section HFS 157.65 (8) (a) and (b) should begin “Is...” and “Has...,” respectively. Also, in par. (a) (intro.) “have” should be replaced with “do.”

ii. Section HFS 157.66 (2) (a) and (b) should begin with “Is...” and “Has...,” respectively. Similarly, s. HFS 157.67 (17) (a) and (b) should begin with “Is...” and “Has...,” respectively, and in par. (a) (intro.) “have” should be replaced with “do.”

jj. In s. HFS 157.68 (1) (intro.), “or meets” and “criteria” should be deleted. Under par. (c) of that subsection, “Meets the” should be replaced with “The” in subd. 1., and subds. 2. and 3. should begin with “Is identified....”

kk. In s. HFS 157.68 (2) (d), the second “of” should be deleted.

ll. In s. HFS 157.72 (2) (e), “for the” immediately preceding “nursing child” should be deleted.

mm. In s. HFS 157.76 (intro.), commas should be inserted before and after “except computed tomography x-ray systems manufactured on or after November 29, 1984” and that language should be moved in between “receptor” and “shall.” The introduction should conclude with a colon.

nn. In s. HFS 157.76 (1) (a), and several places on the following pages, “SID” is used and does not appear to be included in the definitions and, in sub. (4) (c) 1., “AERC” is used and does not appear to be included in the definitions. [See 1.01 (8), Manual.]

oo. In s. HFS 157.76 (7) (a), “Irradiation” should not be capitalized. Also, in sub. (7) (c) 2. d., an “s” should be added to the end of “second.”

pp. In provisions beginning with s. HFS 157.76 (9), the acronym “LIH” is used for “last-image-hold.” This acronym is not included in the definition in s. HFS 157.03 (185m), and the term “last-image-hold” should be changed to correspond to the definition. If the acronym is used, the indefinite article preceding it in pars. (b) and (c) should be “an.”

qq. In s. HFS 157.76 (9) (c) “techniques factors” is plural, and in sub. (9) (e) the word “technique” is singular in “technique factors.” These should be made consistent. Also in sub. (10) (b), “updatedat” should be corrected to “updated at.”

rr. In s. HFS 157.77 (5) (b), the “h” is missing from “wit” in the first sentence.

ss. In the amendment to s. HFS 157.79 (2) (c), the beginning of the text contains a reference that has a transposed number: “HFS 175.79 (2) (c).”

tt. In s. HFS 157.80 (1) (c) 3., the word “average” should be replaced by the word “averaged.”

uu. In s. HFS 157.92 (2) (c) (intro.), “Fissile materials meeting one of the following requirements...” should be replaced with “The following fissile materials....” The introduction should conclude with a colon.

vv. In s. HFS 157.92 (2) (c) 5. c., “shall be” should be replaced with “is.”

ww. In s. HFS 157.93 (7) (a), it appears that the acronym “DOT” should be replaced with the phrase “federal Department of Transportation.”

xx. In s. HFS 157.93 (7) (d) (intro.), it appears that “packages” should be replaced with “a package” to correspond grammatically to the following subdivisions.

yy. In the title for TABLE HFS 157.96A, it appears that the “4” is intended to be replaced with “0.04,” and should therefore be stricken.

a. In the treatment clause of SECTION 147, it appears that the word “in” before the word “listed” should be replaced with “as.”