UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SECRETARY

February 28, 2006

COMMISSION VOTING RECORD

DECISION ITEM: SECY-06-0028

TITLE: RECOMMENDATIONS FOR STREAMLINING THE APPOINTMENT PROCESS AND ENHANCING THE OVERALL EFFECTIVENESS OF THE ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

The Commission (with Chairman Diaz and Commissioners McGaffigan, Jaczko, and Lyons agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of February 28, 2006. Commissioner Merrifield approved in part and disapproved in part.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:
1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
EDO

VOTING SUMMARY - SECY-06-0028

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	2/15/06
COMR. McGAFFIGAN	X				X	2/14/06
COMR. MERRIFIELD	X	X			X	2/16/06
COMR. JACZKO	X				X	2/17/06
COMR. LYONS	X				X	2/22/06

COMMENT RESOLUTION

In their vote sheets, Chairman Diaz and Commissioners McGaffigan, Jaczko, and Lyons approved the staff's recommendation and Commissioner Merrifield approved in part and disapproved in part. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on February 28, 2006.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN DIAZ

SUBJECT: **SECY-06-0028 - RECOMMENDATIONS FOR STREAMLINING THE APPOINTMENT PROCESS AND ENHANCING THE OVERALL EFFECTIVENESS OF THE ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES**

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

SIGNATURE

2-15-06

DATE

Entered on "STARS" Yes ✓ No ___

Chairman Diaz's Comments on SECY-06-0028

I commend the staff for providing a set of recommendations that will enhance the efficiency and flexibility of the ACMUI, while assuring that an effective composition of the membership will be maintained. There are many factors which will impact the NRC regulatory framework for the medical arts, notably among them the expansion of our jurisdiction to include naturally occurring and accelerator-produced radioactive material (NARM) and the efforts of the Interagency Radiation Source Protection and Security Task Force. The staff should remain cognizant of ongoing changes and developments and move expeditiously to recommend changes to the ACMUI's composition to ensure that it continues to provide expert advice to the Agency.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: **SECY-06-0028 - RECOMMENDATIONS FOR STREAMLINING THE APPOINTMENT PROCESS AND ENHANCING THE OVERALL EFFECTIVENESS OF THE ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES**

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

SIGNATURE

Feb 14, 2006

DATE

Entered on "STARS" Yes X No ___

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MERRIFIELD

SUBJECT: **SECY-06-0028 - RECOMMENDATIONS FOR STREAMLINING THE APPOINTMENT PROCESS AND ENHANCING THE OVERALL EFFECTIVENESS OF THE ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES**

Approved ✓ in part Disapproved ✓ in part Abstain _____

Not Participating _____

COMMENTS:

- See attached comments.

SIGNATURE

3/16/06
DATE

Entered on "STARS" Yes ✓ No ___

Comments from Commissioner Merrifield on SECY-06-0028:

I understand and support the staff desires to improve and streamline the process for appointing members to the Advisory Committee on the Medical Uses of Isotopes (ACMUI). However, I do not approve eliminating the Commission totally from the selection process. I recognize the ACMUI was initially established to directly support the staff. I personally respect the advice provided by the ACMUI and have, on occasion, directly discussed medical issues with the Chairman of the ACMUI. Therefore, the Commission should be directly involved in the final selection process. To make it perfectly clear concerning which recommendations I approve and disapprove, I will address all five recommendations individually.

1. I approve the staff request to reduce the size of the ACMUI by eliminating the position of interventional cardiology physician.

2. I approve authorizing the Director, IMNS, in the Office of NMSS to approve the Federal Register announcement of vacancies on the ACMUI.

3. I approve authorizing the Director, NMSS, to appoint members of the ACMUI based on recommendations of the screening panel only after consulting directly with the Commission. I do not approve the Director, NMSS appointing members without first consulting with the Commission.

4. I approve the staff's request that ACMUI members be appointed under the advisory committee appointment process in accordance with Management Directive 10.12, "Use of Advisory Committee Members" to permit staggered termination dates.

5. I approve the staff request that ACMUI member's terms of service be increased from three to four years with the maximum number of terms remaining at two.

2/6/06

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER JACZKO

SUBJECT: **SECY-06-0028 - RECOMMENDATIONS FOR STREAMLINING THE APPOINTMENT PROCESS AND ENHANCING THE OVERALL EFFECTIVENESS OF THE ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES**

Approved _x_ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: See attached comments.

SIGNATURE

2/21/06

DATE

Entered on "STARS" Yes _x_ No ___

Commissioner Jaczko's Comments on SECY-06-0028
Recommendations for Streamlining the Appointment Process and Enhancing the Overall Effectiveness of the Advisory Committee on the Medical Uses of Isotopes

I appreciate the staff efforts to develop the set of recommendations in SECY-06-0028 that would ensure continuity in the membership of the Advisory Committee on the Medical Use of Isotopes (ACMUI) and provide for a more efficient and effective means of recruiting and selecting members to the ACMUI. The staff, in this paper, seeks to use Management Directive (MD) 10.12, "Use of Advisory Committee Members," to streamline its process by adapting the MD to handle the entire process within the Office of Nuclear Material Safety and Safeguards. While I generally support the staff recommendations in this paper, and believe that implementation of MD 10.12 would ensure continuity of the committee, the staff should continue to consult the Commission prior to appointing members to the ACMUI.

2/17/06

Gregory B. Jaczko Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS

SUBJECT: **SECY-06-0028 - RECOMMENDATIONS FOR STREAMLINING THE APPOINTMENT PROCESS AND ENHANCING THE OVERALL EFFECTIVENESS OF THE ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES**

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

Peter Lyons
SIGNATURE

2/22/06
DATE

Entered on "STARS" Yes ✓ No ___

Commissioner Lyons Comments on SECY-06-0028

I support staff in their recommendation to enhance the overall effectiveness of the Advisory Committee on the Medical Users of Isotopes (ACMUI) by reassessing member composition, streamlining the recruitment and appointment process, and modifying the procedure for ACMUI appointments and term limits. I believe that ACMUI is essential in providing independent technical advice to staff in evaluating licensing, inspection and enforcement actions. Although I appreciate Commissioner Merrifield's and Jaczko's desire to continue to have the Commission review prior to appointing members to the ACMUI, I agree with staff's recommendation that the Director, NMSS, will notify the Commission following all appointments and reappointments of members to ACMUI.

Peter Lyons
2/22/06