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

SECRETARY

October 9, 2009

COMMISSION VOTING RECORD

DECISION ITEM: SECY-09-0101

TITLE: LICENSING OF A BABCOCK AND WILCOX MEDICAL ISOTOPE PRODUCTION SYSTEM

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 9, 2009.

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 Jaczko
Commissioner Klein
Commissioner Svinicki
OGC
EDO

VOTING SUMMARY - SECY-09-0101

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACZKO	X					7/20/09
COMR. KLEIN	X				X	8/5/09
COMR. SVINICKI	X				X	8/7/09

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on October 9, 2009.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN JACZKO

SUBJECT: SECY-09-0101 – LICENSING OF A BABCOCK AND WILCOX MEDICAL ISOTOPE PRODUCTION SYSTEM

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached ___ None X

SIGNATURE

7/20/09
DATE

Entered on "STARS" Yes ___ No ___

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER KLEIN

SUBJECT: SECY-09-0101 – LICENSING OF A BABCOCK AND WILCOX MEDICAL ISOTOPE PRODUCTION SYSTEM

Approved __X__ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached __X__ None ___

SIGNATURE

08/ 5 /2009
DATE

Entered on "STARS" Yes ✓ No ___

Commissioner Klein's comments on SECY-09-0101, LICENSING OF A BABCOCK AND WILCOX MEDICAL ISOTOPE PRODUCTION SYSTEM

I approve the NRC staff's recommended response to Babcock and Wilcox. The staff succinctly answers several complex questions relating to the licensing of the proposed Medical Isotope Production System (MIPS).

The staff's analyses demonstrated that the existing regulations do not provide an efficient process for licensing this type of facility, as compared to the existing processes for the licensing of new nuclear power reactors under 10 CFR Part 52. Some of these key issues could be addressed through legislation, and the staff should engage other agencies, as appropriate (e.g., the Department of Energy), to develop legislative proposals that would streamline and clarify the licensing requirements for these unique facilities. One area that needs particular attention is waste stream management for storage and, ultimately, waste disposal. These legislative proposals should be provided to the Commission within 90 days of the date of the staff requirements memorandum for this Commission decision. In addition, the staff should consider an approach to rulemaking that could address the unique aspects of licensing medical isotope production facilities. This area is especially important today, due to the recent uncertainty of medical isotope availability from foreign manufacturers.

8/5/2009

Dale E. Klein Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI

SUBJECT: SECY-09-0101 – LICENSING OF A BABCOCK AND WILCOX MEDICAL ISOTOPE PRODUCTION SYSTEM

Approved XX **Disapproved** _____ **Abstain** _____

Not Participating _____

COMMENTS: **Below** XX **Attached** ____ **None** ___

I join Dr. Klein in supporting the advancement of legislative proposals to streamline and clarify waste classification and licensing requirements for facilities of this type.

SIGNATURE

08/7/09
DATE

Entered on "STARS" Yes ✓ No ___