

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Meeting of the Advisory Committee on the  
Medical Uses of Isotopes (ACMUI), Day 2

Docket Number: N/A

Location: Rockville, Maryland

Date: April 4, 2019

Work Order No.: NRC-0262

Pages 1-83

**NEAL R. GROSS AND CO., INC.**  
**Court Reporters and Transcribers**  
**1323 Rhode Island Avenue, N.W.**  
**Washington, D.C. 20005**  
**(202) 234-4433**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

+ + + + +

SPRING 2019 MEETING

+ + + + +

THURSDAY,

APRIL 4, 2019

+ + + + +

The meeting was convened in Room 1-C03/1-C05, Three White Flint North, 11601 Landsdown Street, Rockville, Maryland, at 8:30 a.m., Christopher J. Palestro, ACMUI Chairman, presiding.

MEMBERS PRESENT:

CHRISTOPHER J. PALESTRO, M.D., Chairman

DARLENE F. METTER, M.D., Vice Chairman

VASKEN DILSIZIAN, M.D., Member

RONALD D. ENNIS, M.D., Member

RICHARD L. GREEN, Member

MELISSA MARTIN, Member

MICHAEL D. O'HARA, Ph.D., Member

ZOUBIR OUHIB, Member

ARTHUR SCHLEIPMAN, Ph.D., Member

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MICHAEL SHEETZ, Member

MEGAN L. SHOBER, Member

LAURA M. WEIL, Member

NON-VOTING MEMBER PRESENT:

HARVEY B. WOLKOV, M.D.

NRC STAFF PRESENT:

CHRIS EINBERG, NMSS/MSST/MSEB, Branch Chief,  
Designated Federal Official

MARYANN AYOADE, NMSS/MSST/MSEB/MRST

LAURA CENDER, R-III/DNMS/MLB

SAID DIABES-FIGUEROA, NMSS/MSST/MSEB/MRST

LISA DIMMICK, NMSS/MSST/MSEB/MRST, Team Leader

SARA FORSTER, R-III/DNMSS/MLB

CASSANDRA FRAZIER, R-III/DNMS/MLB

ROBERT GALLAGHAR, R-I/DNMS/MLAB

SOPHIE HOLIDAY, NMSS/MSST/MSEB

ESTHER HOUSEMAN, OGC/GCRPS/RMR

DONNA-BETH HOWE, Ph.D., NMSS/MSST/MSEB/MRST

IAN IRVIN, OGC/GCRPS/RMR

KELLEE JAMERSON, NMSS/MSST/MSEB, ACMUI  
Coordinator

ERIN KENNEDY, R-III/DNMS/MLB

PENNY LANZISERA, R-I/DNMS/MLAB

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

ROBERT MACDOUGALL, NMSS/DRM/MRPB  
SCOTT MOORE, NMSS, Deputy Director  
JANICE NGUYEN, R-I/DNMS/MLAB  
DENNIS O'DOWD, R-III/DNMS/MIB  
PATRICIA PELKE, R-III/DNMS/MLB  
DAVID PELTON, R-III/DNMS  
ALEXA SIERACKI, NMSS/DRM/MRPB  
KATIE TAPP, Ph.D., NMSS/MSST/MSEB  
KEVIN WILLIAMS, NMSS/MSST  
IRENE WU, NMSS/MSST/MSEB

MEMBERS OF THE PUBLIC:

DANNY ALLEN, NuTech, Inc.  
ERIC ANDERSEN, Dana-Farber Cancer Institute  
KENDALL BERRY, Fox Chase Cancer Center  
BETTE BLANKENSHIP, American Association of  
Physicists in Medicine (AAPM)  
MARY BURKHART, Illinois Emergency Management  
Agency  
ASHLEY COCKERHAM, SirTex Medical  
JASON COLLIER, Lehigh Valley Health Network  
WHITNEY COX, Illinois Emergency Management  
Agency  
WILLIE (JACK) CRAWFORD, Virginia Office of  
Radiological Health

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

LYNNE A. FAIROBENT, *Unaffiliated*

SHERRIE FLAHERTY, Minnesota Radioactive  
Material Unit

MICHAEL FULLER, Virginia Office of Radiological  
Health

MATTHEW HADDEN, Virginia Office of Radiological  
Health

MATTHEW HALL, NorthShore University Health  
System

STANLEY HAMPTON, Eli Lilly

PAUL KANABROCKI, Virginia Office of  
Radiological Health

HEATHER KARMANSKY, SirTex Medical

RALPH LIETO, St. Joseph Mercy Health Center

JEFF MASON, Virginia Office of Radiological  
Health

STEVE MATTMULLER, Kettering Health

ANDREW MCKUSICK, *Unknown*

ASHLEY MISHOE, University of California, San  
Francisco

JOSHUA MYERS, Pennsylvania Department of  
Environmental Protection

SCOTT NEMMERS, U.S. Air Force

MICHAEL PETERS, American College of Radiology

BRAD PRICE, GE Healthcare

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

EUGENIO SILVESTRINI, Northwell Health

LAKSHMI SIVASUBRAMANIAN, University of  
Massachusetts Medical School

DIANA THOMPSON, University of Illinois at  
Chicago

WILLIAM WHITE, Rush University Medical Center

NEIL WHITESIDE, Yale New Haven Hospital

MATTHEW WILLIAMS, Georgetown University

MATTHEW WILLIAMSON, Memorial Sloan Kettering  
Cancer Center

ROBERT WILSON, University of Tennessee Health  
Science Center

DRAFT

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

## TABLE OF CONTENTS

	<u>Page</u>
11. ACMUI Reporting Structure	
Kellee Jamerson.....	7
12. Special Presentation to Ms. Weil	
Scott Moore.....	32
13. Thoughts on Leaving the ACMUI	
Laura Weil.....	35
16. ACMUI Bylaws Subcommittee Report	
Laura Weil.....	47
16(a) Establishment of Subcommittee to Improve the ACMUI's Institutional Memory	
Chairman Palestro.....	68
17. Open Forum	
Chairman Palestro.....	69
18. Administrative Closing	
Kellee Jamerson.....	74
19. Adjourn	
Chairman Palestro.....	83

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

## P R O C E E D I N G S

(8:31 a.m.)

1  
2  
3 CHAIRMAN PALESTRO: All right, good  
4 morning. We're getting ready to start Day 2 of the  
5 ACMUI Spring 2019 meeting. And the first session on  
6 today's agenda is the ACMUI reporting structure and it  
7 will be reported by Ms. Kellee Jamerson.

8 MS. JAMERSON: I will be giving the annual  
9 presentation on the committee's reporting structure.

10 So our outline for today includes the  
11 current reporting structure. This presentation will  
12 serve as your annual review. We will discuss how  
13 often we conduct our meetings and then open it up for  
14 a discussion.

15 This chart shows the organizational  
16 structure within the NRC from the Division of  
17 Materials Safety, Security, State, and Tribal  
18 Programs, up to the Commission.

19 The ACMUI reports directly to Ms. Andrea  
20 Kock, Director of the Division of Materials Safety,  
21 Security, State and Tribal Programs.

22 My branch, the Medical Safety and Events  
23 Assessment Branch also reports to Ms. Kock.

24 While the ACMUI does not report to the  
25 Medical Safety and Events Assessment Branch or MSEB,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 MSEB is responsible for supporting the day-to-day  
2 activities of the committee.

3 The dotted lines, as you see on the left,  
4 indicate that while you may report to Ms. Kock or  
5 Kevin Williams, our Deputy Division Director, this  
6 does not preclude you from communicating or  
7 interacting with the Director of our office, the  
8 Office of Nuclear Material Safety and Safeguards or  
9 our Executive Director of Operations, or to the  
10 Commission.

11 In September 2012, as indicated on the old  
12 business chart, the ACMUI recommended to have an  
13 annual review of the reporting structure open  
14 indefinitely. In May 2014, the Bylaws Subcommittee at  
15 that time presented the committee with the option to  
16 continue reporting to NMSS or directly to the  
17 Commission.

18 The subcommittee report stated that the  
19 working relationship between the NRC and the ACMUI  
20 remains excellent. The reporting structure, through  
21 NRC staff, continues to function effectively and the  
22 associated logistical overhead associated with direct  
23 reporting to the Commission did not and does not now  
24 justify any change in the ACMUI's reporting structure.

25 This presentation marks the ninth review

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of the reporting structure.

2 Currently, the ACMUI holds two meetings at  
3 NRC Headquarters each year. The spring meeting takes  
4 place in either March or April and the fall meeting  
5 occurs in September or October.

6 The ACMUI also has approximately two to  
7 three teleconferences per year, as needed. We have  
8 already conducted one teleconference on February 26th  
9 and we will likely have two more this summer to  
10 receive the committee's comments on the staff's draft  
11 commission paper related to the training and  
12 experience requirements and the draft revisions to  
13 Regulatory Guide 8.39.

14 As you can see, the number of  
15 teleconferences varies, depending on the needs of the  
16 committee, as well as the needs of the staff and the  
17 Commission.

18 At this point, I would like to open it up  
19 for discussion to the committee and, for your  
20 consideration, these questions for you to discuss.

21 Do you still agree with the current  
22 reporting structure where the ACMUI reports to the  
23 MSST management or would you rather report directly to  
24 the Commission?

25 Are you satisfied with the frequency of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the meetings; that is, two in-person meetings here at  
2 NRC Headquarters, with as-needed teleconferences?

3 And lastly, are there any other changes  
4 that you would like to see?

5 I will turn it over to Dr. Palestro.

6 CHAIRMAN PALESTRO: Dr. Metter?

7 VICE CHAIRMAN METTER: Thank you, Kellee.

8 Do you mind going back to that chart? You  
9 have the directors and I know you probably know who  
10 they are but can you give us their names so we know --  
11 can identify a name with the position?

12 MS. JAMERSON: Sure. John Lubinski is the  
13 Director of NMSS, whom you met yesterday.

14 The Director of MSST is Andrea Kock. She  
15 could not attend. Our Deputy Director is here, Kevin  
16 Williams.

17 Our Executive Director of Operations is  
18 Margaret Doane.

19 VICE CHAIRMAN METTER: Okay, thank you.

20 CHAIRMAN PALESTRO: Other  
21 questions/comments?

22 I have a question regarding the reporting  
23 structure. The way it is designed, we report up  
24 through various levels. What would be the advantages  
25 or disadvantages of changing that reporting structure?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Because I certainly have no idea.

2                       MS. HOLIDAY:   Okay, so this is Sophie  
3           Holiday, for those listening on the webinar.

4                       So currently we have three Federal  
5           Advisory Committees or FACA Committees here at the  
6           NRC. The one that everyone is most familiar with,  
7           aside from our committee here, is ACRS, which is the  
8           Advisory Committee for Reactor Safeguards. And that  
9           is the only FACA committee here at NRC that reports  
10          directly to the Commission.

11                      So because they report directly to the  
12          Commission, they have their own office, if you will, a  
13          dedicated staff that helps them because they generate  
14          a lot of letter reports, as I understand it. They  
15          meet here at headquarters at least ten times a year  
16          for in-person meetings and also subcommittee meetings  
17          in-between or also during those ten meeting times a  
18          year.

19                      Honestly, reporting directly to the  
20          Commission versus reporting through the division,  
21          through our division, MSST, is not necessarily very  
22          different in terms of if you feel the ACMUI wants to  
23          have access to the Commission, the dotted lines from  
24          ACMUI to the Director of NMSS, to EDO, or to the  
25          Commission simply means that we have an open door

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 policy.

2 Maybe a couple of the members on the  
3 committee may remember at one time our previous  
4 chairman, I believe it was Dr. Thomadsen, scheduled  
5 drop-in meetings with the Commission, particularly, he  
6 held them the day before the ACMUI meeting when it was  
7 convenient because he was in town at that time. At  
8 any other time, any member here on the ACMUI can  
9 request to have a meeting with any of our  
10 commissioners, or the EDO, or any of our levels of  
11 management.

12 In terms of the disadvantages, I think one  
13 of the reasons, as I recall from the paper that Kellee  
14 referenced before, the reason that the committee had  
15 previously stated that they wanted to retain the  
16 current reporting structure, that is, to report  
17 through our division and our office, is that it would  
18 be less frequent meetings, not to say that you would  
19 not be as visible to the Commission but you would not  
20 be as demanded of, if that makes sense.

21 Because a lot of our rules and our  
22 regulations here at the NRC are very much so centered  
23 around nuclear reactors, that is why that particular  
24 FACA Committee meets as frequently as they do,  
25 produces as many reports as they do. Their reports do

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 go straight to the Commission; whereas, for the  
2 committee, any subcommittee report that you submit and  
3 it ties into any policy changes that the NRC staff is  
4 pursuing, we append your unfettered comments, which is  
5 your report to our SECY papers, to our memorandums, to  
6 our Commissioner Assistant notes, so that they are  
7 able to hear verbatim what the committee has said.

8 Hopefully, that answered your question.

9 CHAIRMAN PALESTRO: Yes, it does. Thank  
10 you.

11 MS. HOLIDAY: Thank you.

12 CHAIRMAN PALESTRO: Any other questions or  
13 comments? Ms. Weil.

14 MEMBER WEIL: As the historian, I guess,  
15 on this committee, when I first came on there was some  
16 question about why an annual review. Why can't we  
17 just settle on how we function? And the reason I was  
18 given, and this occurred before my time, before  
19 Kellee, before Sophie, before Ashley, there was some  
20 dissatisfaction on the ACMUI with the staff support  
21 that we had.

22 And so there was a decision made to  
23 annually review whether we are content with the  
24 support that the committee is given and whether we  
25 want to continue in our current organizational

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 structure.

2 I just thought I would offer that  
3 perspective.

4 CHAIRMAN PALESTRO: Thank you.

5 Any other comments or questions?

6 Is there a general consensus that we are  
7 content with the structure, recognizing that many of  
8 you are new on the committee and haven't had a lot of  
9 experience with it?

10 Dr. Ennis.

11 MEMBER ENNIS: Just my personal opinion, I  
12 am content. Actually, overall, content in this part  
13 of my life.

14 (Laughter.)

15 MEMBER ENNIS: You know over the years  
16 that I have been on, the NRC staff has been fabulous.

17 I do have, as I expressed a little bit  
18 yesterday, though, a little bit of a concern about  
19 whether they have enough support. I don't know if,  
20 personally, I am at a point where I feel like we need  
21 to do something about it because there have been some  
22 additions with Kellee and a new position. So  
23 personally, I may be willing to kind of give it  
24 another six months to a year. But even with that  
25 issue, I don't think that is so much about structure

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 but it may be about whether we need to have a meeting  
2 directly with someone higher up on the chain.

3 CHAIRMAN PALESTRO: Zoubir.

4 MEMBER OUHIB: I would just like to echo  
5 what Dr. Ennis just said. I really believe that there  
6 is still need for more support for the staff in order  
7 for the ACMUI to actually accomplish what we want to  
8 accomplish. There are other things that we probably  
9 could tackle but I think knowing that the staffing is  
10 probably not ideal, we tend to back up rather than try  
11 to push.

12 CHAIRMAN PALESTRO: Thank you.

13 Any other comments?

14 Mr. Einberg?

15 MR. EINBERG: This is Chris Einberg.

16 In regards to the staff support, in the  
17 past year or so, there have been challenges with the  
18 backfilling for some people that were out. I think we  
19 are righting the ship in that regard. And so we are  
20 putting priority and trying to -- we are going to put  
21 an additional priority on closing these open items.  
22 We heard you yesterday and we will make that a  
23 priority to close some of these open items.

24 And so if there is a need for additional  
25 staff support, management here does support getting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 additional resources. We have the flexibility to try  
2 to bring on people on rotations and details to help  
3 close some of these action items. So we will work  
4 those issues to try to close those action items and  
5 get the support you need.

6 Other than the open items, is there  
7 anything else that you feel that there is additional  
8 support needed?

9 CHAIRMAN PALESTRO: Dr. Ennis?

10 MEMBER ENNIS: I don't have a specific  
11 thing but, as Mr. Ouhib just mentioned, we do, or at  
12 least I feel like we function a little bit with a  
13 cloud over our heads -- well, don't ask for too much  
14 or don't try and do too much because the staff can't  
15 do that. That's not really an ideal way for ACMUI to  
16 function.

17 MR. EINBERG: I'm not sure I understood  
18 the comment. Perhaps you can rephrase it.

19 The staff is asking you not to do too  
20 much?

21 MEMBER ENNIS: No, it's just that we get a  
22 feeling. Like because things take a long time and  
23 occasionally, there will be comments like within our -  
24 - we will tackle that within our resources.

25 Now of course, we understand there is a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 budget, and a federal deficit, and all of that but it  
2 feels a little bit like, in such a big organization,  
3 to have such limited resources isn't a good balance.  
4 And it feels just like it is something that we have to  
5 always be aware of; you can only do a little bit.

6 MR. EINBERG: Okay.

7 MR. WILLIAMS: So also, if I may, this is  
8 Kevin Williams, the Deputy Director.

9 So those types of activities, and I know I  
10 can speak on behalf of Andrea, she wants to be aware  
11 of those types of activities. We are constantly  
12 looking at our workload, and analyzing it to see how  
13 best to support all of the things that we are doing.

14 I certainly wouldn't want you to feel as  
15 though there is a cloud or we are limited in terms of  
16 what we can do. So, we would like you to bring those  
17 types of things up to us. You can work through  
18 Kellee, and Chris, and so forth but we will address  
19 what we can but we can't necessarily address what we  
20 don't know.

21 And so I appreciate your candor and I  
22 would ask that you continue to push and let us know  
23 where the challenges are because we will identify  
24 those.

25 I think yesterday one of the things we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 talked about was the plans and the activities that we  
2 have committed to. Chris and I talked offline and  
3 that was one of the things that we said we wanted to  
4 make sure we have a plan with a milestone and  
5 schedule. So that is one thing that we know that is  
6 tangible and that we can actually address.

7 So I would look forward to continue  
8 engaging and letting us know where there are areas  
9 that we can enhance the program.

10 MEMBER ENNIS: That's great. I appreciate  
11 it.

12 Just to be clear, the individuals with  
13 whom we work are fabulous. It is not meant at all as  
14 a criticism of the current staff that we have.

15 MR. WILLIAMS: No, I know that.

16 CHAIRMAN PALESTRO: Dr. Metter.

17 VICE CHAIRMAN METTER: Thank you, Kellee.

18 And this may be a very minute question but  
19 you know when we talk to NRC staff and then you say  
20 you have to clear it with management, who is that?  
21 Oh, okay. Thank you, Kevin. Okay.

22 CHAIRMAN PALESTRO: Zoubir.

23 MEMBER OUHIB: Just to echo Dr. Ennis  
24 again is that I just want to make sure this is clear.  
25 This is not a wave that is coming from the staff, in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 all honesty. Because again, they are great, very  
2 accommodating and will do whatever they can. It is  
3 just more like us, at least from my point of view, us  
4 looking at the whole program and try to see well, yes,  
5 we could look into this, we could look into this but  
6 can we really do it? Listen to what they are dealing  
7 with and what they have to meet, and so on and so  
8 forth. So we tend to well, let's just wait a little  
9 bit and then maybe we can address this or we can  
10 address that.

11 I mean ideas come and go and we are like  
12 maybe next year, whatever. So I just want to make  
13 sure it is not coming from them. It is us looking at  
14 it.

15 MR. WILLIAMS: Yes, so hows I would  
16 respond to that is I want to go on the record as  
17 saying I think Sophie and Kellee do a great job. They  
18 are amazing and they work diligently to make sure that  
19 this program runs at a high-functioning level.

20 So I would want to reiterate is the fact  
21 that the whole purpose of this is to take that  
22 critical look at the program, the processes, and to  
23 say hey, is there something that we can do better. We  
24 wouldn't want you to feel as though you were limited.

25 So there are things that you are thinking about.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Let's talk about those things because in talking  
2 through them, we can develop plans. We can look at it  
3 and see if there is a way to do it.

4 We don't necessarily have to move at a  
5 snail's pace but if you are bringing those issues up  
6 to us, we are aware of what they are and we can take  
7 some sort of action.

8 CHAIRMAN PALESTRO: Any other comments or  
9 questions from the committee? Mr. Fuller.

10 MR. FULLER: Yes, this is Mike Fuller and  
11 I am the Director of the Virginia Radioactive  
12 Materials Program but I have some experience.

13 So again, to bring a little bit more of an  
14 historical perspective, I guess, one thing that hasn't  
15 been mentioned and I know everybody knows this, but  
16 just so that the new folks on the ACMUI are also  
17 aware, there is another big difference between the  
18 ACRS and the ACMUI.

19 The ACRS reports directly to the  
20 Commission, yes, and they have certain areas of  
21 expertise. Each of the members are you know highly  
22 specialized in what they do. But the NRC staff has,  
23 possesses all of those skills, all of that knowledge,  
24 and that experience, and so forth, the same sort of  
25 specialists. So it works for the ACRS to report

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 directly to the Commission because the staff has the  
2 exact same expertise, or at least very similar  
3 expertise.

4 What is different and one of the reasons  
5 why the ACMUI reports to staff is because this  
6 committee comprises and has certain technical,  
7 medical, clinical expertise that the staff does not  
8 have. So this committee advises the staff because the  
9 staff does not have what you have as far as experience  
10 and expertise.

11 So that is another reason why this  
12 committee reports and supports the staff, as opposed  
13 to the Commission, because if you reported directly to  
14 the Commission, the Commission would not have another  
15 -- so with the ACRS, the Commission can hear from the  
16 Advisory Committee can also hear from staff and get  
17 maybe two perspectives, or maybe a different nuanced  
18 perspective. Whereas, if you reported directly to the  
19 Commission, the staff has nothing to offer.

20 So anyway, I just thought I would add  
21 that. Like I said, I think that is sort of in the  
22 back of everybody's mind but it just didn't come up in  
23 this discussion and for the benefit of the newer  
24 members on the ACMUI.

25 So thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN PALESTRO: Thank you.

2 Any other comments or questions?

3 One item that I think comes up  
4 periodically is the number of face-to-face meetings  
5 per year. So I would ask if the committee has any  
6 thoughts on that.

7 As you all know, we meet twice a year;  
8 fall and spring. And the discussion has come up  
9 periodically as to whether or not a third or fourth  
10 face-to-face meeting could potentially be useful or  
11 necessary. So I am just putting that out for a  
12 discussion and comment.

13 Dr. Ennis.

14 MEMBER ENNIS: It looks like there are so  
15 many new members who can't really offer an opinion on  
16 that so, I will speak up that I think it is an  
17 appropriate balance. It feels to me twice a year is  
18 good -- is the right amount.

19 CHAIRMAN PALESTRO: Yes, this question  
20 comes up periodically at these annual reviews and it  
21 has generally been a consistent response that while an  
22 additional face-to-face meeting or two might be  
23 desirable, the logistics involved and so forth far  
24 outweigh any benefits. And that at least at the  
25 present time, and again, we have the opportunity to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 review it annually.

2 The two face-to-face meetings,  
3 supplemented with a sufficient number of telephone  
4 conferences during the year are sufficient to complete  
5 our business.

6 Any other comments? Zoubir.

7 MEMBER OUHIB: Yes, I think biannual is  
8 probably sufficient. However, with the emerging  
9 technology and things that we are all going to be  
10 dealing with in the very near future, perhaps to sort  
11 of not necessarily say okay, let's do it three times  
12 or something like that, but be flexible and have the  
13 ability to add another face-to-face meeting to sort of  
14 deal with urgent matters that will come along.

15 CHAIRMAN PALESTRO: All right, thank you  
16 for that.

17 Maryann.

18 MS. AYOADE: Yes, Maryann, NRC member.

19 I just wanted to add that we do have  
20 opportunities where if the ACMUI members feel that  
21 they need additional face-to-face, we can try to  
22 accommodate that.

23 For example, last year with the T&E  
24 Subcommittee, Dr. Metter asked for a face-to-face  
25 working day with the subcommittee a day before the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 meeting. And we were able to accommodate that. And  
2 that worked with people's schedules because they  
3 didn't have to plan a separate visit outside of the  
4 two annual or the two times you guys come in in the  
5 year.

6 And I don't know, historically, if,  
7 Sophie, this has been done before but we were able to  
8 accommodate that. So that might be something that  
9 some of the members may want to consider if they think  
10 a face-to-face meeting would benefit their  
11 subcommittees in moving forward.

12 MS. HOLIDAY: Hi, Maryann. Thank you for  
13 that input.

14 And Maryann is quite correct. We did do  
15 that last year for the T&E Subcommittee. For the time  
16 that I have been with the committee, has been roughly,  
17 oh, gosh, nine years, I can only remember maybe one or  
18 two other instances where we brought members in a day  
19 before the meeting. And that was really more so to do  
20 the Commission dry run because, at that time, the  
21 Commission meeting was on Day 1 of the ACMUI meeting  
22 versus Day 2.

23 That being said, you know just like  
24 Maryann said, if this is something that the committee  
25 desires, subject to budget availability because travel

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 does cost quite a bit of money and our members are  
2 scattered across the country, you know we would do our  
3 best to support you in those efforts.

4 With respect to what Mr. Ouhib said  
5 regarding emerging medical technologies and I believe  
6 the word you used was urgent, I personally find that  
7 with urgent matters, an ad hoc teleconference is a  
8 better approach in terms of it allows you a little bit  
9 more flexibility, members are able to set aside two --  
10 you know one to three hours. I think our longest  
11 teleconference has been three hours for a given topic  
12 or two topics.

13 The reason that we have these in-person  
14 meetings twice a year is because it covers several  
15 different topics. So unless, for example, the  
16 emerging medical technologies, if that had evolved  
17 into numerous agenda topics where it could cover a day  
18 or two, I think NRC would be very supportive of that.

19 But like we said, we are flexible. It  
20 hasn't happened yet but if it does come to that point,  
21 I don't see an objection.

22 I see nods from the management.

23 CHAIRMAN PALESTRO: Any other comments or  
24 questions? Dr. Dilsizian.

25 MEMBER DILSIZIAN: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I guess my observation over the last three  
2 or four years now, is that I don't see any issue of  
3 ACMUI coming up with an agenda and recommendations.  
4 The reason I think we don't need more than two is  
5 because a lot of our recommendations don't actually  
6 become reality for several years.

7 So I don't understand what the urgency  
8 would be because I feel like I have been on this  
9 committee, this is my fifth year, a lot of things that  
10 we have discussed, that we have proposed, or  
11 recommended, we are still very active and nothing is  
12 happening. So to me, the urgency of doing more  
13 meetings would be if those actually become actionable  
14 items.

15 So we can talk all we want to. We can  
16 present all these nice ideas but I think that there  
17 doesn't seem to be urgency from the NRC. So we can  
18 just only advise but it doesn't seem to be moving  
19 forward.

20 So that would be my comment.

21 CHAIRMAN PALESTRO: Thank you. I'm  
22 inclined to agree with you. Certainly at the moment,  
23 it is hard to identify something that is urgent and  
24 there is no way to know about urgency looking into the  
25 future. On the other hand, I think it is nice to know

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 or to have the sense that if we do feel there is an  
2 urgent need for a meeting, that we have the support of  
3 staff and management, in the event that we so desire.

4 Any other comments or questions?

5 MS. HOLIDAY: Dr. Palestro, if I could  
6 just quickly respond, and I'm sorry if I am going to,  
7 perhaps, steal your thunder, Chris.

8 But with respect to the timeliness of  
9 responding to the actionable items, if you'll notice,  
10 a lot of the items we close, we closed several charts  
11 in the fall meeting because they were all tied to the  
12 rulemaking effort. And as a federal agency, we have  
13 to follow our regulatory process in terms of  
14 rulemaking efforts. That means that we have to engage  
15 members of the public. We have to satisfy all the  
16 steps, and there is a flow chart, all of the steps  
17 that you have to do for a rulemaking.

18 So for rulemakings, you know we always  
19 joke about how it took ten years to push this rule out  
20 and ideally, you know we would like things to hit the  
21 street within six months. But the reality of it is in  
22 order to give a topic, especially one that can be as  
23 sensitive and as controversial as medical, that  
24 rulemaking got extended and there were several  
25 questions. At one point, the ACMUI members

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 participated in specifically a Commission meeting  
2 regarding a permanent implant brachytherapy, if I  
3 recall. Correct? I see a couple of nods in the  
4 audience.

5 So because of things like that, that is  
6 why some of the items take us longer to close and it  
7 is not because we don't want to take action or that we  
8 aren't taking action. Our action may be to -- we are  
9 addressing it but we still have to follow that  
10 regulatory process.

11 Whereas, other things, actionable items,  
12 for example, some subcommittee reports related to  
13 licensing guidance. As you guys know, 35.1000  
14 licensing is a much more nimble, quicker effort than a  
15 rulemaking. As of lately, we have been able to push  
16 out 35.1000 licensing guidance within about a year  
17 time frame, which is significantly faster than a  
18 rulemaking.

19 With regard to rulemaking, there is also  
20 another process called a direct final rule, which  
21 still has to go through the regulatory process but it  
22 is not as -- it doesn't have as many steps as the Part  
23 35 rulemaking that we just went through.

24 So if you guys recall, a couple of years  
25 ago when Steve Mattmuller was on the committee, he

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 talked about the decommissioning funding plan and how  
2 the subcommittee and the committee, ultimately,  
3 endorsed the report that said we recommend a direct  
4 final rule. And direct final rules are for things  
5 where we think that there will be less, or very  
6 minimal, or no controversy. But if we get into that  
7 process and there ends up being a lot of controversy,  
8 then it kicks over to the regular, normal, full blown-  
9 out rulemaking regulatory process.

10 So it is not to say that NRC staff is not  
11 being responsive. It is not saying that we are not  
12 taking action. It really depends on what the action  
13 is.

14 For example, the information notice that  
15 Dr. Tapp referenced yesterday. The staff did take an  
16 action. They were evaluating it and, based on their  
17 evaluation, it spurred into something else.

18 So I guess my bottom line is to say we are  
19 doing something. We are taking action. It depends on  
20 what that particular action is.

21 CHAIRMAN PALESTRO: Thank you, Ms.  
22 Holiday.

23 Mr. Einberg.

24 MR. EINBERG: Yes, just to add on to what  
25 Sophie had to say, I think the frustration from the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 ACMUI members may be that they don't understand why it  
2 is taking so long. So when we go through the action  
3 items that we explain that this is where we are in the  
4 process on this particular item so that they have an  
5 understanding that it is in rulemaking, rulemaking  
6 takes X number of years and this is where we are in  
7 the process, so that they don't have that frustration  
8 and that they see that these items are being acted  
9 upon.

10 Regarding the frequency of meetings, I  
11 would also add that another option would be to have  
12 three-day meetings, rather than two-day meetings if  
13 there are additional topics that need to be discussed.

14 CHAIRMAN PALESTRO: Thank you. Mr. Ouhib.

15 MEMBER OUHIB: Yes, I guess just to answer  
16 the concern about you know perhaps things are not  
17 being done as expected, which I am not sure I agree  
18 with that, is to sort of have some projected target  
19 dates, more or less, but they are not set in stone,  
20 knowing that sometimes, for whatever reason, there are  
21 things that will take longer. But at least having  
22 some target date, people will sort of have an idea of  
23 what to expect.

24 MR. EINBERG: Yes, excellent idea.

25 CHAIRMAN PALESTRO: Any other comments or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 questions from the committee?

2 Attendees in the room?

3 Bridge line?

4 All right, I am just going to add one  
5 final comment because we are really out of time on  
6 this session.

7 And I think it would be helpful for the  
8 fall meeting to include a session and explain how the  
9 items that the ACMUI itself acts on or recommendations  
10 we make, how they go through the pathway to final  
11 resolution, like rulemaking and so forth, and give us  
12 a sense of the time it takes for each of these things.

13 Because I have been on the committee for eight years  
14 and I know that it takes a long time to get many items  
15 accomplished but if you were to ask me specifically  
16 what path, I don't have that answer, that knowledge  
17 and I think it would be helpful to us. It would give  
18 us a much better understanding.

19 Any other comments or questions?

20 All right, that concludes this session.

21 Thank you.

22 And now we are ready for the next, which  
23 is a special presentation to Ms. Laura Weil, our  
24 patients' rights advocate. And Mr. Moore will make  
25 this presentation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 MR. MOORE: Good morning, ACMUI. Good  
2 morning, Chairman. Good morning, Dr. Weil.

3 I am Scott Moore. I am the Deputy  
4 Director for the Office of Nuclear Material Safety and  
5 Safeguards and today I am here to recognize Dr. Weil  
6 with the ACMUI, her contributions to the committee,  
7 and to the NRC.

8 This is Dr. Weil's last in-person meeting  
9 as the ACMUI Patients' Rights Advocate. Dr. Weil was  
10 appointed as the ACMUI Patients Rights' Advocate in  
11 2011 and will be completing her second and final term  
12 on August 28th, 2019. She serves in a unique and  
13 vital role on the ACMUI because the patients' rights  
14 advocate serves as a liaison between patients and the  
15 healthcare providers on the committee.

16 Patient care is of the utmost concern to  
17 the NRC and we are interested in that because  
18 byproduct material, obviously, is used to treat and  
19 diagnose diseases and cancers.

20 She has briefed the Commission during  
21 public Commission meetings on a number of occasions,  
22 since she has been with the committee, including in  
23 2012 -- actually, every year that she has been on the  
24 committee from 2012 until today. In 2012 she talked  
25 about medical events, 2013 she talked about patient

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 release, 2014 she talked about radiation safety  
2 instruction, 2015 was patients' rights, 2016 was more  
3 about patients' rights, 2017 was training and  
4 experience, 2018 was a number of different topics, it  
5 was three separate topics on T&E recommendations for  
6 revisions to patient release and medical event  
7 reporting. And then she is again reporting to the  
8 Commission today on nursing mothers' guidelines, T&E,  
9 and medical event reporting.

10 So she has the honor of having briefed the  
11 Commission more than anybody else on the committee, at  
12 this point, which may be a dubious honor. So it  
13 depends on how you look at it, I guess. If you are a  
14 problem licensee, you don't want to be in that place.

15 Anyway, we appreciate your doing that, Dr.  
16 Weil, and the Commission appreciates it, too.

17 You have worked with NRC staff to develop  
18 a Federal Register notice to request information from  
19 the public on patient information and guidance  
20 existing on websites and available brochures. And  
21 most recently, you provided the staff in our office  
22 with comments on the patient release brochure.

23 Since being on the committee, she has  
24 attended a number of thyroid cancer survivors'  
25 meetings in her role as the patients' rights advocate.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           And in addition to the things that I just mentioned,  
2           we have also benefitted from her experience on a  
3           number of high priority issues, including hormesis  
4           linear non-threshold, abnormal occurrence reporting,  
5           proposed amendments to the ACMUI bylaws, proposed  
6           revision to our NRC policy statement on abnormal  
7           occurrence reporting, the issue of the 700 hours  
8           training and experience, the impact of medical event  
9           reporting on medical licensee patient safety, patient  
10          intervention, and the physical presence requirements  
11          for the Leksell Gamma Knife.

12                        She also served as the chair of the 2019  
13          ACMUI Bylaws Subcommittee.

14                        So at this time, we would like to present  
15          you with a few tokens of our appreciation. Sophie, I  
16          would like to ask you to come up, and Dr. Weil.

17                        MEMBER WEIL: I appreciate the promotion  
18          but I am not a doctor.

19                        MR. MOORE: Oh, I'm sorry, Ms. Weil, yes,  
20          actually.

21                        So Sophie, if you could hand this to her.  
22          Yes, and Kellee, too. Yes.

23                        We have a flag that was flown over the  
24          Capitol and a certificate from Senator Van Hollen; a  
25          certificate of appreciation from Chairman Svinicki;

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and finally, a gold lapel pin from the NRC.

2 And so I would just like to tell you from  
3 myself, from the staff, and from the NRC as a whole,  
4 thank you so much for your service. The Patients'  
5 Rights Advocate is a very important role for us, the  
6 staff. The committee, as you all know, is filled with  
7 medical experts, with government officials, with  
8 states' representatives but the patients' rights  
9 advocate plays an extremely important role.

10 To us, you know you are representing  
11 patients that are out there and we listen very heavily  
12 to the comments that you provide. You have been on  
13 the committee for a long time and we really, really  
14 appreciate your input. So thank you from the staff  
15 and from the agency.

16 Would you like to make any comments?

17 MEMBER WEIL: Yes, but I would like to sit  
18 down.

19 MR. MOORE: Okay, great. Thanks.

20 MEMBER WEIL: Well thank you very much for  
21 reminding me of all the things I've been engaged in  
22 because I had forgotten most of that.

23 When I first began my first term on the  
24 ACMUI, I was prepared to face a fair amount of  
25 suspicion, if not outright hostility in my role as a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 professional patients' advocate.

2 Someone who calls herself a patients'  
3 advocate needs always to be ready for the dangers of  
4 usurping that title from others who justifiably see  
5 themselves as advocates as well. Almost everyone who  
6 works in the healthcare arena has opportunities to  
7 advocate for what patients need and often, the front  
8 line workers are the unsung heroes in this endeavor.

9 But I was surprised that there was very  
10 little, if any, of that reaction here at NRC. And as  
11 you will hear me state to the Commissioners, I believe  
12 that just about every one of the ACMUI members I have  
13 had the privilege to work with over the last nearly  
14 eight years has considered patient advocacy an  
15 essential core of his or her professional ethic.

16 In my academic career, I used to tell my  
17 students that there is patient advocacy with a small p  
18 and patient advocacy with a capital P. And that  
19 uppercase P represents a more zoomed-out perspective,  
20 advocating for groups and populations, rather than the  
21 needs of a single small p patient.

22 The uppercase P is certainly the focus of  
23 advocacy here at the ACMUI and it needs to be  
24 differentiated from what most healthcare workers can  
25 accomplish in the course of their often overwhelming

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 primary responsibilities. The uppercase P is what has  
2 driven my belief that it is perfectly appropriate for  
3 a regulatory agency like NRC to require and not just  
4 recommend guidance timely education for patients who  
5 are administered radiopharmaceuticals such that they  
6 are able to understand, and plan, and effectively  
7 protect those around them from unnecessary exposure to  
8 radiation. That's a public health issue and it isn't  
9 stepping on the toes of the practice of medicine.

10 The uppercase P drives the need to make  
11 sure that healthcare providers are competent to use  
12 radiopharmaceuticals and have received appropriate  
13 training and experience. Indeed, the uppercase P  
14 drives much of what the ACMUI tries to accomplish in  
15 terms of promoting safety, accessibility, and  
16 fairness.

17 That uppercase P also prompted me to  
18 repeatedly remind the committee that all of the  
19 distinguished professionals in this room work at  
20 Centers of Excellence and represent the best of the  
21 best in health care. And everyone needs to remember  
22 that not all patients experience health care the way  
23 it is provided in your facilities. Not all medical  
24 personnel have the support that is likely provided in  
25 the facilities where you work.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Regulation needs to be appropriate for the  
2 best facilities but more essentially, it needs to  
3 ensure protections for patients and workers in those  
4 less-than-best environments, where most health care is  
5 delivered in the United States.

6 It has really been a privilege to serve  
7 with you and I wish you the very best going forward.

8 MR. MOORE: Congratulations, Ms. Weil. I  
9 would like to thank the committee and the chairman for  
10 the opportunity to recognize Ms. Weil as well as her  
11 briefings to the Commission. And if anybody beats her  
12 record of eight presentations to the Commission -- we  
13 are keeping track. So, congratulations.

14 MEMBER WEIL: Thanks.

15 MR. MOORE: Mr. Chairman.

16 CHAIRMAN PALESTRO: Laura, you and I have  
17 been on the committee for just about the same length  
18 of time and I have always come to think of you as the  
19 conscience of the committee, reminding us that, as we  
20 are going through our various discussions about  
21 education and experience, and the various rules and  
22 regulations, and so forth, reminding us that  
23 ultimately, at the end of the day, it is centered on  
24 the best in care and safety for the patient. The  
25 patient is of the utmost importance.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Now on a personal note, Northwell Health  
2           owes you a vote of thanks. A few years ago you had  
3           presented the results of a survey that you had done on  
4           patients with thyroid cancer. And one of the things  
5           that you -- you discussed many things but one of the  
6           things that you discussed that stuck in my mind  
7           because I am responsible for several institutions, was  
8           the variation in instructions that patients got from  
9           one institution or one physician to another and how  
10          disconcerting that was, not necessarily that the  
11          instructions, the variations were wrong or incorrect  
12          but there were variations and the patient didn't know  
13          what to do.

14          And so I decided that it was time probably  
15          to go back and relook at what I had assumed to be  
16          consistent instructions from site to site and found  
17          that they weren't so consistent and that they did  
18          vary. And as the patients moved from one institution  
19          to another, they would get one set of instructions or  
20          another and that clearly caused them angst.

21          So as a result of your comments and my  
22          review of that, it took us a while, but I think that  
23          you would be pleased to know, and I know that our  
24          patients are, that we finally have it down, for at  
25          least our thyroid cancer patients, to a uniform set of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 instructions and guidelines. And for that, we are  
2 deeply indebted. Thank you.

3 Anyone else who would like to say  
4 anything?

5 Dr. Ennis.

6 MEMBER ENNIS: I just wanted to echo what  
7 other people have said, that in the almost four years  
8 I have been on the committee, I have always found your  
9 comments to be extremely thoughtful, sharpening the  
10 debate, the discussion, extremely well expressed, and  
11 always a significant contribution to any conversation.

12 So personally, I have enjoyed getting to  
13 know you and forming a friendship as well but your  
14 professional contributions go beyond the specific  
15 presentations that you have made but the role that you  
16 have had in regular discussions and all your  
17 subcommittees has just been really extremely valuable.

18 CHAIRMAN PALESTRO: Any other comments?

19 Dr. Metter.

20 VICE CHAIRMAN METTER: I haven't been on  
21 the committee as long as everybody else. This is, I  
22 believe, my third year. And I have always looked  
23 forward to your wise comments, your excellent  
24 delivery. And you were not afraid.

25 And as far as the patients' rights

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 advocate, if a patient were here, I mean they would be  
2 very proud of what you stand for for them.

3 And you know there would be discussion and  
4 then all of a sudden, Laura's hand would go up and  
5 there would be like uh-oh. And the thing is that you  
6 would bring a perspective that we are so tunneled in  
7 that it would be oh, yes, I forgot about that. And  
8 something like what Dr. Palestro said, you know  
9 something we take for granted that you bring up and  
10 really you are a true patient advocate.

11 And thank you for all the work that you do  
12 and really you've opened up the ACMUI to even getting  
13 better in what they do. Thank you.

14 CHAIRMAN PALESTRO: Mr. Ouhib.

15 MEMBER OUHIB: Yes, I just want to thank  
16 you, Laura, for everything you've brought to the  
17 table.

18 It's always good to have a compassionate  
19 person that reminds everybody that numbers are good,  
20 rules are good, but I think more than everything else,  
21 don't forget to be compassionate in everything you do  
22 because that is what it will come down to. Thank you.

23 CHAIRMAN PALESTRO: Anyone else?

24 Mr. Einberg.

25 MR. EINBERG: Yes, hi, Laura.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I hired, Laura. I was one of the  
2 people who interviewed Laura. And when we went out  
3 and were looking for a patients' rights advocate in  
4 the position, this is a very difficult position to  
5 fill, and we really lucked out with Laura. She has  
6 made tremendous contributions to the ACMUI. She has  
7 been conscious of the staff here and she has done  
8 wonderful.

9           And so we are in the process of looking  
10 for a new ACMUI patients' rights advocate and that is  
11 going to be a very tough position to fill and very big  
12 shoes to fill.

13           So thanks once again. And any advice you  
14 have for us regarding what we should look for in a  
15 future patients' rights advocate would be appreciated  
16 and we can talk offline about that.

17           Thank you.

18           CHAIRMAN PALESTRO: Anyone else?

19           Dr. Howe.

20           DR. HOWE: I've probably seen more ACMUI  
21 meetings than anyone else in this room and I have been  
22 through -- probably including Scott -- and I've been  
23 through a number of different patients' rights  
24 advocates that we have had on the ACMUI. And I have  
25 to tell you Laura has set the bar extremely high. She

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 has been one of the best patient advocates we have  
2 had.

3 And I hope in the future we are able to  
4 make a decision that brings a new patient advocate in  
5 that will meet her high standards because it has been  
6 very important to the ACMUI to have that different  
7 perspective and she has contributed a tremendous  
8 amount to the NRC and the ACMUI.

9 Thank you, Laura.

10 CHAIRMAN PALESTRO: Dr. Dilsizian.

11 MEMBER DILSIZIAN: Well, Laura, when I  
12 joined the ACMUI, I had no expectation of what the  
13 patient advocate was going to be promoting, except my  
14 experience with the IRBs. I had a lot of patient  
15 advocates in the IRB meetings. You know usually their  
16 comments are directed to the patient consent form,  
17 understanding of the wordings, et cetera.

18 But I have learned so much from you. I  
19 have served in so many committees with you. Not only  
20 do you provide insight, you also are -- you edit a lot  
21 of our reports very accurately and correctly. And I  
22 have to say that you have also taught me that our  
23 perspective here is really, as you said, from  
24 university hospitals, where we tend to forget. And  
25 several times you pointed out to me, I said this is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 how we do it at Maryland and you said but that's not  
2 normal. And then that was kind of unusual for me to  
3 hear that and I think I learned a lot from you. And  
4 yes, I have a different perspective.

5 And I also respect that you are willing to  
6 change your mind. A lot of times, you start with a  
7 certain opinion. After discussions, you kind of  
8 change. And that is big.

9 Thank you very much.

10 CHAIRMAN PALESTRO: Anyone else?

11 MS. HOLIDAY: Does anybody before I go?

12 Okay. So unlike Donna-Beth, I have not  
13 been around for as many ACMUI meetings but I have been  
14 around for all of Ms. Weil's ACMUI meetings. And  
15 after hearing what everybody has said, you know it is  
16 absolutely true.

17 And one of the remarkable things about Ms.  
18 Weil is that she is so humble. You were humble every  
19 time you were placed on a subcommittee. And she is  
20 the first person to say, you know I am not the subject  
21 matter expert and I don't have any technical expertise  
22 but then you come in and you add so much value to the  
23 discussions, to the report. You have wordsmithed the  
24 heck out of everything, out of our patient release  
25 brochure. The staff has reached out to Ms. Weil on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 numerous occasions as it relates to patient release.

2 And we are very, very fortunate to have  
3 had you here on the committee. We have been around  
4 for the birth of children, for the birth of  
5 grandchildren. We are the fellow vertically-  
6 challenged people and I am happy to be able to call  
7 you a friend.

8 So congratulations and thank you.

9 CHAIRMAN PALESTRO: Anyone else?

10 All right, Laura, I think what we've heard  
11 sums up everything about you and, again, on behalf of  
12 myself and the committee, everyone here, our sincere  
13 thanks for your eight years of service and we hope we  
14 don't lose touch.

15 Thank you very much.

16 All right, that concludes this session.  
17 We are on a break now until ten o'clock. The  
18 Commission meeting is in White Flint One. All right,  
19 very good. We will see you there. Thank you.

20 (Whereupon, the above-entitled matter went  
21 off the record at 9:25 a.m. and resumed at 1:15 p.m.)

22 CHAIRMAN PALESTRO: All right, welcome  
23 back. We will call this afternoon's final session to  
24 order.

25 Before we proceed into the formal part of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the program, I just want to thank Doctors Metter,  
2 Ennis, and Ms. Weil for their contributions and  
3 presentations at this morning's session with the  
4 Commission. It certainly -- obviously, I am  
5 prejudiced because I was part of it, but I think it  
6 was the best of all the sessions that I have been  
7 involved with the commissioners. I thought it was an  
8 excellent dialogue and I received compliments from  
9 many people. And I really appreciate that and it  
10 really goes to all of you folks.

11 And in fact some woman, who I have no idea  
12 who she was, stopped me on the street and said good  
13 meeting, Palestro. So, whoever it was, I think we did  
14 a good job.

15 (Laughter.)

16 CHAIRMAN PALESTRO: That may be a custom  
17 here in Rockville and Bethesda.

18 So thank you all very much. I appreciate  
19 that job well done.

20 All right. So we are going to move on to  
21 the next topic, the ACMUI Bylaws Subcommittee Report  
22 and Ms. Weil will present this.

23 MR. WILLIAMS: Dr. Palestro, if I could, I  
24 want to correct the record.

25 Thank you. Before we get into the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 presentation, I wanted to -- before the break and Mike  
2 Fuller and I had this conversation during the  
3 Commission meeting, I wanted to just correct one thing  
4 on the record.

5 We were talking about the advantages or  
6 disadvantages of ACMUI reporting either to the  
7 Commission or staying at the same place with reporting  
8 to the Division Director. And one of the comments  
9 that was made is that the -- and I am paraphrasing but  
10 that the staff had nothing to offer.

11 And what I wanted to correct was the staff  
12 has a vast amount of knowledge and expertise in terms  
13 of health physics and things of that nature. What is  
14 being supplemented is the vast expertise that the  
15 ACMUI Committee brings in a variety of areas that we -  
16 - you know so we have identified the gap. And  
17 together, I think we work very well and complement  
18 each other, and we are able to provide and address a  
19 number of activities.

20 So, thank you.

21 CHAIRMAN PALESTRO: Thank you, Mr.  
22 Williams.

23 All right, now we are going to proceed to  
24 the Bylaws Subcommittee report with Ms. Weil.

25 MEMBER WEIL: Thank you. Can I have the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 next slide? Do I have control of the slides? Thank  
2 you.

3 So I would like to thank my fellow  
4 subcommittee members, Robert Schleipman, Michael  
5 Sheets, Megan Shober, and our staff resource was  
6 Sophie Holiday.

7 The subcommittee charge was to review the  
8 ACMUI Bylaws and recommend updates, with particular  
9 focus on the question of whether the ACMUI chair may  
10 serve as a member or a chair of any subcommittee.

11 So we considered two issues. Should the  
12 ACMUI chair be allowed to participate in the  
13 subcommittees and, if so, in what capacity? And what  
14 language, if any, should be added to the bylaws to  
15 clarify this question?

16 And we also considered whether there were  
17 any other clarifications or additions to the ACMUI  
18 bylaws that should be considered.

19 Regarding the ACMUI chair participation on  
20 subcommittees, it has been the practice of the NRC to  
21 prohibit the participation of the ACMUI chair in  
22 subcommittee deliberations and recommendations. This  
23 was recently brought to the attention of the incoming  
24 ACMUI chairman, Dr. Palestro, who was asked to  
25 relinquish his position as chair of an ongoing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 subcommittee in anticipation of his role as ACMUI  
2 chairman.

3 Dr. Palestro felt that this issue should  
4 be investigated by a subcommittee and an explicit  
5 recommendation be made to the ACMUI with potential  
6 clarification in the ACMUI bylaws. The current ACMUI  
7 chair and vice-chair would not vote on the  
8 recommendation put forth by this subcommittee.

9 ACMUI bylaws do not address this point,  
10 nor does the ACMUI charter. The documents of our  
11 sister NRC Federal Advisory Committee, the Advisory  
12 Committee on Reactor Safeguards, is also generally  
13 silent on the issue, although the ACRS chair is the  
14 designated chair of a standing subcommittee. We don't  
15 have standing subcommittees.

16 There is no discussion of this issue on  
17 the FACA website, nor did consult with FACA staff  
18 suggest any required position on the issue.

19 Several other FACA committee bylaws and  
20 charters were reviewed by the subcommittee and none  
21 had explicit language regarding the potential for  
22 chair membership and participation in subcommittee  
23 work.

24 The understood rationale for the existing  
25 informal prohibition is that the role of the chair is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 onerous and time-consuming and it would be an  
2 imposition to expect the chair to undertake additional  
3 -- is this slide 4? Do we have slide 4? It doesn't  
4 matter. We can go forward -- to undertake any  
5 additional responsibilities.

6 And the second rationale is that the chair  
7 might, exert undue influence on subcommittee  
8 deliberations.

9 Can you go forward to slide 4? Okay.

10 Section 1.3.6 of the ACMUI Bylaws  
11 explicitly states the chair may take part in the  
12 discussion of any subject before the ACMUI and may  
13 vote. The chair should not use the power of the chair  
14 to bias the discussion. And any dispute over the  
15 chair's level of advocacy shall be resolved by a vote  
16 on the chair's continued participation in the  
17 discussion of the subject.

18 Each member of the ACMUI has a specific  
19 area of expertise and in some cases, there is no  
20 duplication of expertise among all members. The  
21 subcommittee felt that any subcommittee should be able  
22 to avail itself of the relevant expertise of any  
23 member of the ACMUI. The potential for benefit of any  
24 given subcommittee outweighs the potential for undue  
25 influence by the position of the chair.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So here is an example.       Recent  
2       subcommittee relating to gamma stereotactic  
3       radiosurgery licensing guidance, only one member of  
4       the ACMUI had specific and significant GSR experience.

5       Had that member been the ACMUI chair and prohibited  
6       from subcommittee participation, the subcommittee  
7       would have been deprived of essential information and  
8       input in its deliberations.

9           Concern was expressed that the ACMUI  
10      chair's participation on a subcommittee should not  
11      overburden or compromise the ability of the chair to  
12      perform the duties of ACMUI chair. So it is proposed  
13      that the ACMUI chair not be asked to serve as a  
14      subcommittee chair.

15      The subcommittee also discussed whether  
16      explicit bylaws language is required to address the  
17      question or whether a formal position expressed and  
18      captured in the ACMUI meeting would be adequate. The  
19      membership of the ACMUI turns over completely every  
20      eight years or sooner and NRC staff rotate in and out  
21      of the medical team with unpredictable frequency. It  
22      is challenging to research areas of tradition and  
23      practice such as this. The minutes and transcripts of  
24      ACMUI meetings, while available, aren't indexed by  
25      subject.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           It was felt that there are potential  
2 limits to ACMUI institutional memory such that  
3 inclusion of specific language in the bylaws would be  
4 beneficial and the most efficient way to address this  
5 issue.

6           New language is suggested to be inserted  
7 in the existing bylaws regarding ACMUI chair  
8 discussion, participation, and voting rights. So this  
9 would go into 1.3.6 and we suggest amending the  
10 statement with in matters where the ACMUI chair's  
11 unique experience and knowledge would be especially  
12 informative, the chair may serve on relevant  
13 subcommittees. In these instances, the ACMUI chair  
14 will not chair the subcommittee.

15           With respect to additional bylaws  
16 additions, the subcommittee felt that the existing  
17 language in the bylaws regarding conflict of interest  
18 was vague.

19           The bylaws currently state, under Section  
20 4, Conduct of Members, if a member believes that he or  
21 she may have a conflict of interest with regard to an  
22 agenda item to be addressed by the ACMUI, this member  
23 should divulge it to the chair and the DFO as soon as  
24 possible and before the ACMUI discusses it as an  
25 agenda item. ACMUI members must recuse themselves

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 from discussion of any agenda item in which they have  
2 a conflict of interest.

3 The subcommittee suggests that the bylaws  
4 be amended with additional language to identify more  
5 clearly what constitutes a conflict of interest.

6 The following language -- can you go to  
7 the next slide -- is used in the ACRS bylaws, Section  
8 10.2-2, defining what constitutes a financial conflict  
9 of interest and we think it should be inserted or  
10 considered for amending the ACMUI bylaws.

11 And this is what is in the ACRS bylaws and  
12 it is pretty simple. It just identifies that a  
13 financial conflict would directly or predictably  
14 affect the personal financial interest of a spouse,  
15 minor child, the organization in which they serve as  
16 an officer, director, trustee, general partner, or  
17 employee, an organization in which they are  
18 negotiating or have an arrangement for prospective  
19 employment.

20 However, the subcommittee welcomes staff  
21 input on other language that would still provide  
22 adequate clarification if this is not thought to be  
23 useful.

24 So, in summary -- next slide -- we  
25 recommend that the ACMUI chair should be permitted to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 serve as a subcommittee member, not chair, when his or  
2 her specific expertise is necessary and a specific  
3 statement to that effect should be included in the  
4 ACMUI bylaws.

5 And the subcommittee recommends that more  
6 explicit language be included in the bylaws defining  
7 conflict of interest with respect to participation of  
8 individual ACMUI members in discussion of matters that  
9 come before the committee.

10 Thank you.

11 CHAIRMAN PALESTRO: Any comments from  
12 other members of the subcommittee?

13 MEMBER SCHLEIPMAN: I have one comment.  
14 The second slide erroneously refers to me as M.D. I  
15 guess I got promoted like you earlier today. So just  
16 for the record that that could be removed.

17 CHAIRMAN PALESTRO: Any other comments or  
18 questions from the subcommittee? From the committee?

19 Mr. Ouhib.

20 MEMBER OUHIB: Yes, can we go back to  
21 slide number 8, please? I'm not sure if I am in favor  
22 of that statement members cannot participate in the  
23 review of any particular matter.

24 I think as long as the conflict of  
25 interest is disclosed, okay, to the chair, basically,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 or to the subcommittee, or whatever, I don't see why  
2 that member should not participate without voting, per  
3 se. Because that person might very well have valuable  
4 information to the committee but then they will up-  
5 front disclose as the conflict comes because six  
6 months from now there was no conflict but all of a  
7 sudden now, there is a conflict.

8 They can simply disclose it at the very  
9 beginning but then they should be able to participate  
10 but perhaps they should not be voting.

11 CHAIRMAN PALESTRO: This issue actually  
12 came up, I believe, at the last meeting and there was  
13 in fact a conflict of interest or a potential conflict  
14 of interest and it was decided that individual could  
15 not participate on the subcommittee.

16 And in fact a decision, and correct me if  
17 I am wrong, Ms. Holiday, but that decision really went  
18 beyond the ACMUI's choice. That went I guess through  
19 legal. Is that right?

20 MS. HOLIDAY: That is correct. And just  
21 for clarification, in the existing ACMUI bylaws  
22 Section 4.1, the language specifically states if a  
23 member believes that he or she may have a conflict of  
24 interest with regard to an agenda item to be addressed  
25 by the ACMUI, this member should divulge it to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 chair and the DFO as soon as possible and before the  
2 ACMUI discusses it as an agenda item. ACMUI members  
3 must recuse themselves from discussion of any agenda  
4 item in which they have a conflict of interest.

5 This is also covered in your annual ethics  
6 training. As it so happens, we have some  
7 representatives from the Office of General Counsel  
8 here.

9 MS. HOUSEMAN: Hi, Esther Houseman --

10 MS. HOLIDAY: Esther, you have to push the  
11 button. There is a gray button.

12 MS. HOUSEMAN: Esther Houseman, Office of  
13 the General Counsel.

14 I just want to quickly point out that it  
15 looks to me like this provision from the ACRS bylaws  
16 is a restatement of the Office of Government Ethics  
17 rule on financial conflict of interest. So these are  
18 actually Office of Government Ethics requirements and  
19 nothing in the ACMUI's or the ACRS's charter, or  
20 bylaws, or NRC regulations can change that.

21 And so if you are to revise the conflict  
22 of interest provisions in the ACMUI bylaws, in  
23 addition to the staff, the NMSS staff, the Office of  
24 the General Counsel can review those and provide input  
25 to ensure that they align with the Office of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Government Ethics rules.

2 MS. HOLIDAY: Thank you.

3 And just to follow-up to what Ms. Houseman  
4 just said, Section 5.4 of the bylaws says the ACMUI  
5 shall consult with the Office of General Counsel  
6 regarding conflicts that arise from the interpretation  
7 of the bylaws. After consultation, the ACMUI shall  
8 resolve interpretation issues by a majority vote of  
9 the current membership of the ACMUI.

10 So basically, the process -- I don't see  
11 many members here from back when we passed the bylaws  
12 in 2014, except for maybe the latter part of this  
13 table. The ACMUI had made recommendations to change  
14 the bylaws in 2014. So after we revised those bylaws  
15 in a public meeting, so that everybody could see the  
16 language that was proposed and agreed to, it had to go  
17 through our Office of General Counsel for them to give  
18 us what they call a no legal objection, meaning that  
19 there is nothing legally objectionable to it. And  
20 that from there, it could be finalized.

21 So as Ms. Houseman stated, this language  
22 is directly from OGE, the Office of Government Ethics.

23 It is a more detailed explanation than what is  
24 currently in our bylaws. So all Ms. Weil's  
25 subcommittee was doing was wanting to update the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 language that I had initially read to correspond to  
2 the language that is verbatim from OGE and,  
3 coincidentally, captured in the ACRS bylaws.

4 CHAIRMAN PALESTRO: Thank you, Ms.  
5 Holiday.

6 Dr. Dilsizian.

7 MEMBER DILSIZIAN: Yes, I completely  
8 agree. I think that even if -- if you have a conflict  
9 and you are in the discussion, period, you can  
10 convince other people's minds. So that is the reason  
11 I think it should be completely -- and you know any  
12 organization, any meeting, any Board of Directors, if  
13 you remember, you always recuse yourself. You never  
14 really try to convince the others.

15 Even though your expertise may be unique,  
16 I think that this is the proper way, in my opinion.

17 Now regarding your presentation, Laura, I  
18 think could you go back to maybe six, slide 6?

19 Okay, so I agree with you that the concept  
20 that if the chair has unique experience, obviously, he  
21 should serve as a member. You say in these  
22 circumstances, the ACMUI chair will not chair the  
23 subcommittee.

24 In my opinion, it is not only in these  
25 instances. In any other instances, the chair should

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 not chair a subcommittee. You know what I am saying?

2 It just seems like others --

3 MS. HOLIDAY: So is there a motion on the  
4 table to amend the recommendation?

5 CHAIRMAN PALESTRO: I am not done.

6 MS. HOLIDAY: Sure.

7 CHAIRMAN PALESTRO: Ms. Weil, you are  
8 reporting the case that the ACMUI chair, under certain  
9 circumstances, can serve on a subcommittee. The  
10 question is, who makes the determination, the  
11 subcommittee chair or the ACMUI chair?

12 MEMBER WEIL: So the ACMUI chair would be  
13 establishing the subcommittee, correct? You establish  
14 our subcommittees.

15 CHAIRMAN PALESTRO: That's correct.

16 MEMBER WEIL: And so I would think that it  
17 would be the chair of the subcommittee. You choose a  
18 subcommittee. The chairman of the ACMUI --

19 CHAIRMAN PALESTRO: That's correct, yes.

20 MEMBER WEIL: -- chooses the subcommittee,  
21 designates a chair of that subcommittee, and that  
22 chair then would be the person to request the  
23 participation of the appropriate specialist, who  
24 happens to be the ACMUI chair.

25 CHAIRMAN PALESTRO: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Mr. Sheetz.

2 MEMBER SHEETZ: I just want to comment on  
3 that. I would think that the chair would be able to  
4 appoint him or herself to the subcommittee and, if the  
5 chair did not appoint him or herself to subcommittee,  
6 the subcommittee chair could ask the chair to serve on  
7 that committee, should they feel that that expertise  
8 was necessary.

9 That covers all ends.

10 CHAIRMAN PALESTRO: Dr. Ennis.

11 MEMBER ENNIS: So the point of these kinds  
12 of rules are to avoid abuse of power. It feels a  
13 little like okay, that's not going on. Now we're all  
14 getting along and all of that. But the point of this  
15 is well what happens if there is an issue, which has  
16 happened in the past, from what we understand. Most  
17 of us weren't here then.

18 So I feel a little uncomfortable about the  
19 notion that the chair appoints his friend, who then  
20 will turn around and appoint his friend back on the  
21 committee. That feels too cozy and allows for a  
22 little bit of abuse of power over what kind of  
23 relationship those two might have in all kinds of  
24 ways.

25 So I would prefer that this exception in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 allowing the chair to be on a subcommittee be  
2 something that either the entire ACMUI has to vote on  
3 or the subcommittee in its entirety has to vote on.

4 MS. HOLIDAY: Dr. Ennis, thank you for  
5 raising that point. So I will also read for you  
6 Section 1.3.6 of the bylaws. And it states the chair  
7 may take part in the discussion of any subject before  
8 the ACMUI and may vote. The chair should not use the  
9 power of the chair to bias the discussion. Any  
10 dispute over the chair's level of advocacy shall be  
11 resolved by a vote on the chair's continued  
12 participation in the discussion of the subject.

13 So one could say that you could either  
14 reference Section 1.3.6, if that is the recommendation  
15 of the committee, you can model it after the language  
16 in Section 1.3.6. But I do want to make you aware of  
17 the language that is currently in the bylaws.

18 MEMBER WEIL: What we are suggesting is  
19 that this statement follow and be included in 1.3.6  
20 but be included in that paragraph.

21 CHAIRMAN PALESTRO: Any other comments or  
22 discussion?

23 Comments/questions from attendees in the  
24 room? Bridge line?

25 Dr. Howe.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. HOWE: I just had a question. When  
2 you are proposing to change the conflict of interest,  
3 it seems to be only addressing financial reasons.

4 In some cases in the past, we have had --  
5 and I don't think this would be necessarily financial,  
6 but we have had cases where maybe a member of the  
7 ACMUI has a licensing action in front of the NRC and  
8 that might be a conflict of interest for that person  
9 to be actively representing a certain position on that  
10 type of licensing action.

11 So I think the conflict of interest is a  
12 little broader than just financial. I think you  
13 should consider.

14 CHAIRMAN PALESTRO: Ms. Weil, any comments  
15 on that?

16 MEMBER WEIL: Yes, I looked at other  
17 conflict of interest statements in other advisory  
18 committee bylaws and they can run to several pages.  
19 And I guess I would rely on our counsel to suggest  
20 whether or not our bylaws need additional language, or  
21 whether the statement -- well, not counsel -- on us to  
22 decide whether we need additional language or whether  
23 or not we just can rely on that statement where we  
24 refer back.

25 I felt there needed to be further

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 clarification because conflicts do come up in this  
2 committee. They do come up and we had one recently.  
3 And I think we could all use a bit of guidance.

4 I guess I would love to open this to  
5 subcommittee members about whether you think we need  
6 the broad description of conflict.

7 MEMBER SCHLEIPMAN: So this is Robert.

8 I agree with Dr. Howe that there can be  
9 other conflicts. And the existing language in 4.1  
10 permits all of the -- you know more than financial  
11 conflicts to be addressed or reviewed.

12 I think what you are asking, perhaps, or  
13 suggesting is that all of the committee members have a  
14 clear understanding of what types of situations may  
15 constitute a conflict. Most people know but perhaps  
16 we are not regularly familiar with the Code of Ethics,  
17 although we have reviewed it and so forth.

18 And so if there is just a reference to  
19 what are the descriptions for a conflict of interest,  
20 that may be fine, rather than substituting the broader  
21 language, which permits consideration of all types of  
22 conflicts.

23 CHAIRMAN PALESTRO: Mr. Green.

24 MEMBER GREEN: In light of the comment to  
25 be not quite so specific, to focus purely on financial

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 interest, if we go to slide 8 in the proposed  
2 language, as proposed by the subcommittee, if we  
3 struck the word financial out of the fourth row, to  
4 predictably affect their personal interest or the  
5 financial -- or again, I guess we would strike  
6 financial twice out of that first paragraph. If we  
7 struck that word out twice, then it is not solely  
8 focused on financial matters but also include  
9 licensing activities of all of these items below.

10 MEMBER WEIL: I believe we just heard that  
11 we can't alter the language, that we need to use the  
12 language that already exists.

13 MS. HOUSEMAN: OGC would review whatever  
14 proposal you put forth and could assist in drafting  
15 language, again, that aligns with the government  
16 ethics rules. And it all depends on just to what  
17 extent do you want to summarize and incorporate the  
18 government ethics rules into your bylaws to serve as  
19 just an additional place where you can look to think  
20 about is there a conflict of interest here.

21 I don't think that striking the term  
22 financial would work, again, because I think that this  
23 restatement captures specifically the financial  
24 conflict of interest government ethics rule.

25 MEMBER WEIL: Is there a reference

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 document that we can refer to in the bylaws that --  
2 rather than restating it, can we just reference it as,  
3 Dr. Schleipman asked?

4 MS. HOUSEMAN: We could find the  
5 regulatory references so to the particular government  
6 ethics rules, if that is what you are asking.

7 MEMBER WEIL: That might be the most  
8 efficient way to approach this.

9 MS. HOUSEMAN: It might be, yes.

10 MEMBER WEIL: Efficient is good.

11 CHAIRMAN PALESTRO: Mr. Ouhib.

12 MEMBER OUHIB: Yes, just I would make a  
13 suggestion. Perhaps for every subcommittee at the  
14 beginning of each session to sort of remind people  
15 about the conflict of interest to state that. And  
16 that is very common in several medical organizations  
17 when there is a task group or whatnot to actually at  
18 the very beginning state that if you have any conflict  
19 of interest to state it now and remove yourself.  
20 Because you just never know. It is sort of like  
21 reminding people about that policy.

22 CHAIRMAN PALESTRO: Mr. Ouhib, just so  
23 that it is clear in my mind what you said, that you  
24 would like to have a conflict of interest reviewed at  
25 the beginning of every meeting and every telephone

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 conference?

2 MEMBER OUHIB: Not necessarily review it  
3 but state it sort of as a reminder to people that if  
4 you have a conflict of interest, that you need to  
5 remove yourself from any discussion that is going to  
6 take place.

7 CHAIRMAN PALESTRO: I think that that is  
8 an excellent point.

9 Mr. Einberg.

10 MR. EINBERG: Maybe we could add that to  
11 the opening remarks.

12 CHAIRMAN PALESTRO: Thank you.

13 Any other comments or questions?

14 All right. In terms of the subcommittee's  
15 report, it has actually got two separate components  
16 and I would ask Ms. Weil and the subcommittee what do  
17 you think about deferring a vote on the conflict of  
18 interest until such time as legal provides us with a  
19 more comprehensive or more appropriate, if you will,  
20 definition?

21 MEMBER WEIL: I would suggest that the  
22 report should be amended to remove the in these  
23 instances statement. So the chair may serve on  
24 relevant subcommittees. The ACMUI chair will not  
25 chair the subcommittee. So that recommendation is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 amended to remove those three words: in these  
2 instances.

3 CHAIRMAN PALESTRO: And you add that the  
4 ACMUI chair will serve on a subcommittee at the  
5 subcommittee's discretion.

6 MEMBER WEIL: Yes.

7 Okay and regarding the conflict of  
8 interest, I would suggest that the report be amended  
9 to state the same things, the subcommittee felt that  
10 the existing language in the bylaws regarding conflict  
11 of interest was vague. And then there is the citation  
12 of Section 4, Conduct of Members, which describes what  
13 -- yes, there it is.

14 And then instead of amending the bylaws  
15 with language, I would just suggest that we refer in  
16 Section 4.1 to the government document that we will be  
17 able to cite, once we have that citation, and take out  
18 all the other language about financial conflict.

19 CHAIRMAN PALESTRO: Regarding a conflict  
20 of interest, is that acceptable to legal? Ms. Weil's  
21 proposal, does that make sense?

22 MS. HOUSEMAN: It does but to confirm, I  
23 would need to go back to the division in the Office of  
24 the General Counsel that specializes in advising on  
25 the government ethics rules and run it by them.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN PALESTRO: Thank you.

2 Any more, comments, questions, discussion  
3 on these two topics?

4 All right, can I have a motion to approve  
5 the amended report? Dr. Dilsizian.

6 Second?

7 (No audible response.)

8 CHAIRMAN PALESTRO: Any further  
9 discussion?

10 All in favor?

11 Any opposed?

12 Any abstentions?

13 Okay and Ms. Holiday, I would like to go  
14 on the record as indicating that my abstention was not  
15 or should not be considered a vote against or a  
16 negative vote but rather, as I stated when I formed  
17 the subcommittee, abstention because of the obvious  
18 conflict of interest.

19 I would like to thank the subcommittee for  
20 your work on this because I found this a very vexing  
21 issue, as the chair, having been so intimately  
22 involved in the Training and Experience Subcommittee  
23 and then being told that I had to give it up and not  
24 being able to find a hard and fast reason as to why  
25 documented. It was difficult.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I think you have cleared, at least for  
2 me and hopefully, for future chairs what potentially  
3 can become an issue and I thank you very much for  
4 that. And I think your rationale for doing so  
5 regarding expertise was exactly something that had  
6 come up in my mind when Dr. Metter and I had talked  
7 about it.

8           In your report, you alluded to another  
9 issue, another problem that we sometimes face and that  
10 is institutional memory, going back and trying to  
11 retrieve documents and so forth in the past. There is  
12 no good way to do it and we ran into that numerous  
13 times continually, when we tried to sort through how  
14 the 700 hours for training and experience was arrived  
15 at.

16           Having said that, I think it is reasonable  
17 to form a subcommittee with a charge for improving or  
18 at least attempting to improve the ACMUI's  
19 institutional memory.

20           MEMBER WEIL: I believe that the website  
21 that has been established for ACMUI subcommittee  
22 charges and reports will ameliorate that situation  
23 going forward. Do you think Sophie?

24           CHAIRMAN PALESTRO: The answer is I don't  
25 know but one of the issues that comes up is, and you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 noted in your report, that while there are transcripts  
2 of the meeting minutes, they aren't categorized or  
3 there is no cross-referencing by subject.

4 So while I think the website improves  
5 things, I'm not sure that it solves all of the issues.

6 And the truth of the matter is, the subcommittee can  
7 come back and say this is as good as it gets; there  
8 are no additional recommendations. I think it  
9 behooves us to look at it.

10 That's my only thought. And maybe this is  
11 where it ends.

12 So with that in mind, I am going to ask  
13 Dr. Schleipman to chair this committee. I am going to  
14 ask Ms. Shoher to be a part of that; Ms. Weil, for  
15 whatever time you have left, I would like to have you  
16 on that; Dr. Ennis; and Dr. O'Hara because you work  
17 for another federal agency and you may have some  
18 unique insights into institutional memory.

19 All right, staff resource? Okay, Ms.  
20 Kellee Jamerson.

21 All right and then finally, before we move  
22 on to the open forum, if I could just ask the  
23 subcommittee chairs, when you are presenting your  
24 reports, be they slides or full reports, please make  
25 sure to include the name of the staff resource on that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 introductory slide.

2 All right, the next item on the agenda is  
3 the open forum; topics of interest previously  
4 identified or maybe not identified. Anybody have  
5 anything that they would like to bring up?

6 Ms. Dimmick.

7 MS. DIMMICK: Thank you. Lisa Dimmick,  
8 Medical Team Leader.

9 It is more or less just a follow-up to a  
10 previously discussed item and it is about the Medical  
11 Event Subcommittee's recommendation for an information  
12 notice. It was discussed during the Commission  
13 briefing and there wasn't really an opportunity for  
14 staff to provide any input to that. But I did want to  
15 add that that information notice is on the Medical  
16 Team's work plan for FY19. So we do plan to have at  
17 least the IN drafted and hopefully starting in  
18 concurrence by the end of fiscal year '19. So that  
19 would be the end of September.

20 So in anticipation that there should be an  
21 information notice drafted in September.

22 CHAIRMAN PALESTRO: Thank you.

23 Dr. O'Hara, a little while ago, you and I  
24 were talking and I suggested that you bring up your  
25 observations at the open forum. And so could I ask

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 you to expand on it?

2 MEMBER O'HARA: Yes, yesterday we were  
3 discussing the National Nuclear Safety Association's  
4 plans for isotope use in the United States. And I sit  
5 on a couple of their committees. So I have some  
6 knowledge of what is going on. There is someone at  
7 NRC who sits on that committee as well, because I have  
8 heard her speak before.

9 But what I heard was concern from Ms.  
10 Martin and others that we will lose the use of  
11 specific isotopes. And we all know that the isotope  
12 that is tops on the hit list is cesium but people were  
13 mentioning other isotopes. So what I suggested to Dr.  
14 Palestro was that we invite the NNSA here to tell us  
15 about their -- where they are, where they are going  
16 and so that we have the option to understand where  
17 they are going and begin to push back, if they are  
18 planning on getting rid of iridium or something like  
19 that.

20 CHAIRMAN PALESTRO: Ms. Holiday, before I  
21 open the discussion to the group, are there  
22 restrictions on having invited speakers?

23 MS. HOLIDAY: No, absolutely not. If you  
24 guys will remember, a couple of years ago when NNSA  
25 was rolling out their GTRI program -- am I saying that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 right -- G-T-R-I program, NNSA came and gave  
2 presentations on that. So they are not -- they are a  
3 familiar face here.

4 So if this is something that the committee  
5 wishes to hear about, then we will make the contact  
6 with NNSA.

7 CHAIRMAN PALESTRO: Comments, questions?

8 MR. EINBERG: Yes, if Dr. O'Hara has a  
9 contact person, that would help facilitate us making  
10 that arrangement.

11 CHAIRMAN PALESTRO: Any other comments or  
12 questions?

13 Ms. Martin.

14 MEMBER MARTIN: I would just speak in  
15 support of that. I think it would be wonderful for  
16 this committee to know what the plans are as far as  
17 use of medical isotopes. Are the restrictions  
18 potential restrictions on the use of certain isotopes?

19 CHAIRMAN PALESTRO: Dr. Ennis.

20 MEMBER ENNIS: Yes, I would encourage us  
21 to embrace this topic. I have a lot of concerns about  
22 and have heard about grumblings before. I kind of  
23 alluded to it in the Commission briefing. And  
24 whatever we can do to kind of engage them in dialogue,  
25 perhaps even suggesting they have their own ACMUI

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 might be good.

2 So, let's start the conversation.

3 CHAIRMAN PALESTRO: Any other comments or  
4 questions? Attendees in the room? Bridge line?

5 All right, Dr. O'Hara, can I ask you to  
6 put this in the form of a motion?

7 MEMBER O'HARA: I move that the ACMUI  
8 contact the NNSA and ask them to come to a meeting, to  
9 one of our meetings and review their plans for isotope  
10 utilization in the United States.

11 CHAIRMAN PALESTRO: Second?

12 Dr. Schleipman.

13 Any further discussion?

14 All in favor?

15 Any opposed?

16 All right, thank you very much for that,  
17 Dr. O'Hara.

18 And I think, recognizing that there are a  
19 lot of things that need to be accomplished at these  
20 meetings and so forth, that going forward we need to  
21 consider having outside individuals from different  
22 groups appear more often. It strikes me that over the  
23 course of my eight years, most of the time the outside  
24 speakers have been vendors.

25 MS. HOLIDAY: Dr. Palestro and Dr. O'Hara,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 if I may, I know that the committee just voted  
2 unanimously for this recommendation.

3 Point of clarification: I think the  
4 committee means the NRC staff will reach out, not the  
5 ACMUI will reach out.

6 CHAIRMAN PALESTRO: Thank you.

7 MS. HOLIDAY: Thank you.

8 CHAIRMAN PALESTRO: Any other items for  
9 the open forum?

10 All right, hearing none, we will move on  
11 to the administrative closing and I will turn this  
12 over to Ms. Jamerson.

13 MS. JAMERSON: So I provided a meeting  
14 Doodle poll to all of the members of the committee for  
15 tentative dates for the 2019 fall ACMUI meeting.

16 Again, our fall meeting occurs in either  
17 September or October and, as it's been mentioned, Dr.  
18 Palestro's term ends September 21st. So I wanted to  
19 schedule the meeting prior to the end of his term.

20 Considering this, the selection of dates  
21 for the fall meeting was rather limited. And so the  
22 options that received the most votes were for  
23 September 9th and 10th; September 10th and 11th; and  
24 September 11th and 12th.

25 So from these dates, from these options,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is there a preference of the committee for the fall  
2 meeting?

3 MEMBER MARTIN: I just realized I can't  
4 make any of those dates. I'm going to be out of the  
5 country. I'm sorry.

6 MS. JAMERSON: So I will clarify that for  
7 September 9th, Mr. Green and Ms. Martin have  
8 conflicts. For September 10th, again, Mr. Green and  
9 Ms. Martin have conflicts. For September 11th, Ms.  
10 Martin is also away. And for September 12th, Dr.  
11 Dilsizian and Ms. Martin have conflicts.

12 MEMBER DILSIZIAN: I could potentially  
13 make the 12th.

14 MS. JAMERSON: Okay.

15 MEMBER GREEN: I could potentially make  
16 the 10th. I'd just have to do some travel  
17 arrangements.

18 MS. JAMERSON: So I propose from this that  
19 September 11th and 12th as the first option and, for  
20 the backup dates, would be September 10th and 11th.

21 Is that okay with the committee?

22 CHAIRMAN PALESTRO: Works for me.

23 Other members? Ms. Martin.

24 MEMBER MARTIN: Point of clarification.

25 Since you gave me the subcommittee that is supposed to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 report back at this meeting, do you want me to try and  
2 get the report meeting and have some other member of  
3 the committee give it or hold the subcommittee report  
4 until the spring meeting?

5 CHAIRMAN PALESTRO: There are a couple of  
6 ways it could be done. One, is to prepare the report  
7 and have someone designated from your subcommittee.  
8 That might be the easiest.

9 MEMBER MARTIN: Okay.

10 CHAIRMAN PALESTRO: Alternatively, we  
11 could hold a telephone conference meeting over the  
12 summer.

13 MEMBER MARTIN: Okay.

14 CHAIRMAN PALESTRO: All right. I would  
15 rather not delay it beyond the fall meeting.

16 MS. JAMERSON: Okay.

17 CHAIRMAN PALESTRO: I'm sorry, Ms.  
18 Jamerson, for me could you repeat the days?

19 MS. JAMERSON: Yes, so our fall meeting  
20 will be September 11th and 12th and our backup date  
21 will be September 10th and 11th.

22 CHAIRMAN PALESTRO: Thank you.

23 MS. JAMERSON: So the other portion of our  
24 administrative closing is where we review any of the  
25 new recommendations or actions that have occurred

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 during the course of this two-day meeting.

2 First, the ACMUI endorsed the Yttrium-90  
3 Microsphere Brachytherapy Licensing Guidance, Revision  
4 10 Subcommittee report and the recommendations therein  
5 with the caveat that the term drug be changed to  
6 device. Do you agree?

7 CHAIRMAN PALESTRO: Yes.

8 MS. JAMERSON: Okay. Secondly, Dr.  
9 Palestro formed a Subcommittee to Reevaluate the 1980  
10 Infiltration Decision and report to the committee at  
11 the fall 2019 meeting with any recommendations. The  
12 subcommittee members include Dr. Dilsizian, Mr. Green,  
13 Ms. Martin as the chair, Mr. Sheetz, Ms. Shober, and  
14 Ms. Weil. And the staff resource for this is Maryann  
15 Ayoadé.

16 Do you agree?

17 CHAIRMAN PALESTRO: Yes.

18 MS. JAMERSON: For item 5, the ACMUI  
19 endorsed the Germanium-68/Gallium-68 Generator  
20 Licensing Guidance, Revision 1 Subcommittee report and  
21 the recommendations therein.

22 Do you agree?

23 CHAIRMAN PALESTRO: Yes.

24 Question: Can this item now be closed or  
25 not? No. Can you explain why, Ms. Holiday, again?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. HOLIDAY: Sure. So at the present  
2 time, this is ACMUI providing its recommendations for  
3 revisions to the Germanium/Gallium-68 Generator  
4 Licensing Guidance. So that is being provided to the  
5 NRC staff and the working group, Agreement State  
6 Working Group for them to disposition and, if they  
7 agree, make changes to the guidance with respect to  
8 the recommendations that the subcommittee provided.

9 And then after the guidance has been  
10 finalized, a memorandum should be distributed to the  
11 ACMUI to inform you of how they dispositioned your  
12 recommendations.

13 So this will stay open until 1) the  
14 guidance comes out; and 2) the memorandum is provided  
15 to the ACMUI.

16 CHAIRMAN PALESTRO: Thank you.

17 MR. EINBERG: Excuse me, Dr. Palestro.

18 Sophie, just to lessen your bureaucracy  
19 around issuing a memorandum, once we issue the  
20 licensing guidance, is there any reason that this  
21 couldn't be closed, rather than waiting for a  
22 memorandum?

23 MS. HOLIDAY: Mr. Einberg, this was a  
24 recommendation, though not formally captured in the  
25 recommendation chart, that came from the ACMUI several

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 years ago. And they requested a memorandum so that  
2 they could know exactly how the recommendations were  
3 dispositioned. And because of that, they requested  
4 that these items remain open until that memorandum  
5 comes to them.

6 MR. EINBERG: I see. Okay, thank you.

7 MS. HOLIDAY: So in my haste to put this  
8 up, I did not put any edits that the committee just  
9 voted on for the Bylaws Subcommittee. So I am going  
10 to have to read from my sticky note. The language you  
11 see on this screen is not what I am reading.

12 So item 6 is that the ACMUI endorsed the  
13 ACMUI Bylaws Subcommittee report with the caveat that  
14 the report be amended to remove the phrase in these  
15 instances and to add language about the ACMUI chairman  
16 will serve on the subcommittee at the subcommittee's  
17 discretion.

18 Additionally, the report will be amended  
19 in Section 4.1 to reference the OGE reference that  
20 will be provided by the Office of General Counsel.

21 This was unanimously approved by the  
22 ACMUI. The motion was put forth by Dr. Dilsizian and  
23 seconded by Ms. Martin. However, it should be noted  
24 that Dr. Palestro abstained from the vote so that his  
25 vote would not present as a conflict of interest.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Did I accurately capture the committee's  
2 recommendations?

3 Yes, Dr. Schleipman.

4 MEMBER SCHLEIPMAN: I think you missed  
5 that we were removing the prior addition of spelling  
6 out the financial conflicts of interest.

7 MS. HOLIDAY: Yes, you are absolutely  
8 right. Yes, you are correct.

9 So with that, does the committee agree?  
10 Okay.

11 Another item not captured on here was that  
12 the NRC staff agreed to add language specifically  
13 about the conflict of interests in our opening remarks  
14 at every ACMUI meeting.

15 Does the committee agree? Thank you.

16 Another item not captured on here -- I'm  
17 sorry. Oh.

18 Another item not captured on here is that  
19 the ACMUI recommended that the NRC staff invite the  
20 NNSA to present at the fall 2019 ACMUI meeting to  
21 review its plans for isotope utilization in the United  
22 States.

23 Does the ACMUI agree?

24 CHAIRMAN PALESTRO: Yes.

25 MS. HOLIDAY: Thank you and I will turn it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 back to you, Ms. Jamerson.

2 MR. EINBERG: Ms. Jamerson and Ms.  
3 Holiday, can we add a column or can we have an action  
4 item to add a column to this table with a target date  
5 for completion?

6 MS. HOLIDAY: Yes. Does that need to be  
7 made a motion or captured?

8 MR. EINBERG: I think we discussed it or  
9 the ACMUI members discussed it. We committed to that.  
10 So I'm not sure if there needs to be a motion or not  
11 but I think that would be a useful item for tracking  
12 these items.

13 CHAIRMAN PALESTRO: Rather than debating  
14 whether we need a motion, why don't we just make one?  
15 This way, it is definitive.

16 So can we have a motion to add an extra  
17 column on our recommendations and action items that  
18 will include the anticipated date of completion? Is  
19 that correct, sir?

20 MR. EINBERG: That's correct.

21 CHAIRMAN PALESTRO: Okay.

22 Mr. Ouhib?

23 MEMBER OUHIB: Yes, I make the motion.

24 CHAIRMAN PALESTRO: Second?

25 (No audible response.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN PALESTRO: Any discussion?

2 All in favor?

3 All right, any opposed?

4 Thank you.

5 MS. HOLIDAY: So point of clarification.

6 Is this a target date of completion for NRC staff  
7 action?

8 MR. EINBERG: Yes.

9 MS. HOLIDAY: Thank you. So, for the  
10 record.

11 MS. JAMERSON: Also not listed on this is  
12 Dr. Palestro formed a new subcommittee. The charge:  
13 for improving ACMUI's institutional memory.

14 Dr. Schleipman is the chair. Other  
15 subcommittee members include Dr. Schleipman as the  
16 chair, Ms. Shober, Ms. Weil, Dr. Ennis, Dr. O'Hara,  
17 and Kellee Jamerson as the NRC staff resource.

18 Does the ACMUI agree?

19 CHAIRMAN PALESTRO: Yes.

20 MS. JAMERSON: And the last item is the  
21 ACMUI tentatively scheduled its fall 2019 meeting for  
22 September 11th and 12th, 2019. The alternate date is  
23 September 10th and 11th, 2019.

24 Does the ACMUI agree?

25 Okay, this concludes my administrative

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 closing.

2 MEMBER OUHIB: Kellee, when do you  
3 anticipate to have a final date for the meeting  
4 between the two?

5 MS. JAMERSON: By next month.

6 CHAIRMAN PALESTRO: All right. Are there  
7 any other items, Committee? No.

8 Just before we adjourn, just to remind  
9 especially the new members, and obviously to help a  
10 couple of you with the hotel rooms, but I would  
11 suggest that you make your reservations ASAP. I  
12 learned the hard way for my first meeting and since  
13 then, as soon as this meeting ends, I go and make my  
14 reservations for both meeting dates and then cancel  
15 the one that we're not going to use.

16 So all right, with that, the meeting  
17 concludes. It is adjourned. I thank you all and we  
18 will see you again in September.

19 (Whereupon, the above-entitled matter went  
20 off the record at 2:13 p.m.)

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8

DRAFT