



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

March 24, 2011

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-11-0023

TITLE: JURISDICTION FOR MILITARY OPERATIONAL  
RADIUM-226

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 24, 2011.

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

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Jaczko  
Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-11-0023

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACZKO	X				X	3/18/11
COMR. SVINICKI	X				X	3/14/11
COMR. APOSTOLAKIS	X					3/11/11
COMR. MAGWOOD	X					3/11/11
COMR. OSTENDORFF	X				X	3/2/11

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and Chairman Jaczko and Commissioners Svinicki and Ostendorff provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on March 24, 2011.

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Chairman Gregory B. Jaczko  
**SUBJECT:** SECY-11-0023 – JURISDICTION FOR MILITARY OPERATIONAL RADIUM-226

Approved  X  Disapproved       Abstain      

Not Participating      

**COMMENTS:** Below  X  Attached       None      

I approve of the staff's recommendation to issue guidance and a Federal Register notice that will: 1) clarify the radium-226 under military control that is subject to NRC regulations, and 2) describe the regulatory approaches for implementing NRC authority for radium-226 contamination and radium-226 in items and equipment. Staff's approach provides an effective and practical approach for exercising the NRC's authority over these materials and protecting public health and safety.



\_\_\_\_\_  
**SIGNATURE**

3/18/11   
\_\_\_\_\_  
**DATE**

Entered on "STARS" Yes  x  No

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** COMMISSIONER SVINICKI  
**SUBJECT:** SECY-11-0023 – JURISDICTION FOR MILITARY OPERATIONAL RADIUM-226

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

**COMMENTS:** Below XX Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendation to prepare a guidance document and *Federal Register* notice that clarifies the radium-226 under military control that would be subject to NRC regulations and describes the regulatory approaches to be used to exert this authority. Subsequent to the opportunity for public comment but prior to publishing the final guidance, the staff should provide to the Commission, via Commissioner Assistant note, a summary of public comment received on the draft guidance, with an emphasis on comments received from, or submitted on behalf of, the U.S. Air Force, U.S. Army, or U.S. Navy regarding any implementation challenges related to the draft guidance.

  
\_\_\_\_\_  
SIGNATURE

03/14/11  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: Commissioner Apostolakis  
SUBJECT: SECY-11-0023 – JURISDICTION FOR MILITARY  
OPERATIONAL RADIUM-226

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below   Attached   None  X



\_\_\_\_\_  
SIGNATURE

3/19/11

\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MAGWOOD  
SUBJECT: SECY-11-0023 – JURISDICTION FOR MILITARY  
OPERATIONAL RADIUM-226

Approved X Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_ Attached \_\_\_ None X

Will D. Magwood  
SIGNATURE

11 March 2011  
DATE

Entered on "STARS" Yes ✓ No \_\_\_\_\_

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER OSTENDORFF

SUBJECT: SECY-11-0023 – JURISDICTION FOR MILITARY OPERATIONAL RADIUM-226

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below  X  Attached   None

I approve of the staff's proposal to issue guidance to clarify the NRC's jurisdiction for radium-226 used in military operations. The staff's approach will bring consistency and efficiency to the manner in which the NRC regulates byproduct material used in military operations. The staff's proposal also addresses a potential health and safety issue in a manner than balances the NRC's engagement with the involvement of the States and the EPA.

W. Ostendorff  
SIGNATURE

3/2/11  
DATE

Entered on "STARS" Yes  X  No