



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

May 21, 2013

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-13-0044

TITLE: INTERIM ENFORCEMENT POLICY FOR PERMANENT
IMPLANT BRACHYTHERAPY MEDICAL EVENT
REPORTING

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of May 21, 2013.

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 L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

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

VOTING SUMMARY - SECY-13-0044

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE	X				X	5/10/13
COMR. SVINICKI	X				X	5/16/13
COMR. APOSTOLAKIS	X					5/7/13
COMR. MAGWOOD	X					5/15/13
COMR. OSTENDORFF	X				X	5/3/13

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Allison M. Macfarlane
SUBJECT: SECY-13-0044 – INTERIM ENFORCEMENT POLICY
FOR PERMANENT IMPLANT BRACHYTHERAPY
MEDICAL EVENT REPORTING

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below X Attached None

I approve the staff's request to issue this Interim Enforcement Policy for Permanent Implant Brachytherapy Medical Event Reporting. I believe that this policy strikes the right balance between the radiation oncologist's need for flexibility, and the NRC's need to have appropriate medical events identified and reported.



SIGNATURE

5/10/13

DATE

Entered on "STARS" Yes X No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-13-0044 – INTERIM ENFORCEMENT POLICY
FOR PERMANENT IMPLANT BRACHYTHERAPY
MEDICAL EVENT REPORTING

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached ___ None ___

I approve the staff's proposed interim enforcement policy related to the reporting of certain medical events occurring under a licensee's permanent implant brachytherapy program. I approve publication of the *Federal Register* Notice, enclosed with the paper.



SIGNATURE

05/16/13

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-13-0044 – INTERIM ENFORCEMENT POLICY
FOR PERMANENT IMPLANT BRACHYTHERAPY
MEDICAL EVENT REPORTING

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached _____ None



SIGNATURE

15 May 2013

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

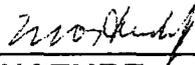
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-13-0044 – INTERIM ENFORCEMENT POLICY
FOR PERMANENT IMPLANT BRACHYTHERAPY
MEDICAL EVENT REPORTING

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below X Attached ___ None ___

I approve the interim enforcement policy that will allow the staff to exercise enforcement discretion for certain violations of the 10 CFR 35 regulations for reporting medical events under a licensee's permanent implant brachytherapy program. This enforcement discretion is needed to address hesitancy among medical practitioners to use permanent implant brachytherapy because, under the current definition, otherwise acceptable treatments may need to be reported as events. In addition to providing necessary flexibility, the interim enforcement policy continues to ensure radiation safety by limiting the use of discretion to cases in which doses to normal tissue are within the limits specified in the current definition. I also agree that enforcement discretion should be provided for doses to the treatment site that exceed 120%. I believe that this provision is consistent with the NRC's policy to not intrude into medical judgments affecting patients, except as necessary to provide for the radiation safety of workers and the general public.



SIGNATURE

5/3/13

DATE

Entered on "STARS" Yes ___ No ___