



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

SECRETARY

July 25, 2008

COMMISSION VOTING RECORD

DECISION ITEM: SECY-08-0080

TITLE: PROPOSED RULE: MEDICAL USE OF BYPRODUCT
MATERIAL – AMENDMENTS/MEDICAL EVENT
DEFINITIONS (RIN 3150-AI26)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of July 25, 2008.

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".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
EDO
PDR

VOTING SUMMARY - SECY-08-0025

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	7/7/08
COMR. JACZKO	X					7/3/08
COMR. LYONS	X				X	6/17/08
COMR. SVINICKI	X				X	6/20/08

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and Chairman Klein and Commissioners Lyons and Svinicki provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on July 25, 2008.

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-08-0080 – PROPOSED RULE: MEDICAL
USE OF BYPRODUCT MATERIAL –
AMENDMENTS/MEDICAL EVENT DEFINITIONS
(RIN 3150-AI26)

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____



SIGNATURE


7/ 7 /2008

DATE

Entered on "STARS" Yes No _____

**Chairman Klein's Comments on SECY-08-0080, Proposed Rule:
Medical Use of Byproduct Material – Amendments/Medical Event Definitions**

I approve the publication of this proposed rule in the *Federal Register*. In concert with the Advisory Committee on the Medical Uses of Isotopes (ACMUI) and with the Agreement States, the staff has developed a well-founded proposed rule that will enhance the safe use of byproduct material in permanent implant brachytherapy. Furthermore, I agree with the Compatibility Categories for the Agreement State programs proposed for the sections of 10 CFR Part 35 that will be modified by this rulemaking. The staff should continue its engagement with the ACMUI, Agreement States, and other interested stakeholders as it proceeds with finalizing this rule.



Dale E. Klein

7/7/2008

NOTATION VOTE

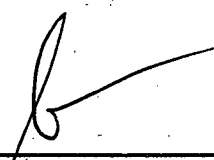
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-08-0080 – PROPOSED RULE: MEDICAL
USE OF BYPRODUCT MATERIAL –
AMENDMENTS/MEDICAL EVENT DEFINITIONS
(RIN 3150-AI26)

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached _____ None



SIGNATURE

7/3/08

DATE

Entered on "STARS" Yes _____ No _____

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: SECY-08-0080 – PROPOSED RULE: MEDICAL
USE OF BYPRODUCT MATERIAL –
AMENDMENTS/MEDICAL EVENT DEFINITIONS
(RIN 3150-AI26)

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

6/17/08

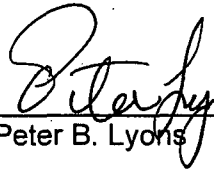
DATE

Entered on "STARS" Yes X No _____

Commissioner Lyons' Comments on SECY-08-0080

I appreciate the joint efforts of the ACMUI and the NRC staff in developing this proposed rule and staff's initiative to seek both public comment and Agreement State comment on the preliminary draft rule language prior to providing the proposed rule to the Commission for deliberation. I approve the staff's recommendation to publish a proposed rule in the *Federal Register* to amend 10 CFR Part 35 related to reporting and notification of medical events and to clarify requirements for permanent implant brachytherapy.

Additionally, I support staff working with the Agreement States to insure that licensing guidance is revised to reflect the new requirements and distributed to licensees, NRC and Agreement State personnel, prior to the effective date of the final rule.

 6/17/08
Peter B. Lyons Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI


SUBJECT: SECY-08-0080 – PROPOSED RULE: MEDICAL
USE OF BYPRODUCT MATERIAL –
AMENDMENTS/MEDICAL EVENT DEFINITIONS
(RIN 3150-AI26)

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None

I appreciate the collaborative efforts of the NRC staff and ACMUI members to continue to strengthen and inform Commission policy in this area.


SIGNATURE

06/20/2008
DATE

Entered on "STARS" Yes No