

ACMUI
NOVEMBER 28, 2014

U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
ADVISORY COMMITTEE ON MEDICAL USES OF ISOTOPES
BYLAWS

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PREAMBLE

These bylaws describe (1) the procedures to be used by the Advisory Committee on the Medical Uses of Isotopes (ACMUI), established pursuant to Section 161a of the Atomic Energy Act of 1954, as amended, in performing its duties, and (2) the responsibilities of the members. For parliamentary matters not explicitly addressed in the bylaws, Robert's Rules of Order will be followed. Certain issues that come before the ACMUI may involve legal issues and may require input from the U.S. Nuclear Regulatory Commission's (NRC) Office of the General Counsel for their ultimate resolution.

These bylaws have as their purpose fulfillment of the ACMUI's responsibility to provide objective and independent advice to the Commission through the NRC staff in the Division of Material Safety, States, Tribal and Rulemaking (MSTR), Office of Nuclear Material Safety and Safeguards (NMSS), with respect to the development of standards and criteria for regulating and licensing medical uses of byproduct material. The procedures are intended to ensure that such advice is fairly and adequately obtained and considered, that the ACMUI members and the affected parties have an adequate opportunity to express their opinions, and that the resulting reports represent, to the extent possible, the best of which the ACMUI is capable. Any ambiguities in the following should be resolved in such a way as to support those objectives.

BYLAWS-ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

1. Scheduling and Conduct of Meetings

The scheduling and conduct of ACMUI meetings shall be in accordance with the requirements of the Federal Advisory Committee Act (FACA), as amended, 10 CFR Part 7, and other implementing instructions and regulations as appropriate.

1.1 Scheduling of Meetings:

- 1.1.1 ACMUI meetings must be approved or called by the Designated Federal Officer (DFO). At least two regular meetings of the ACMUI will be scheduled each year, one in the spring and one in the fall. Additionally, the ACMUI will meet with the Commission annually, unless the Chair or designated Chair of the ACMUI declines or the Commission declines such a meeting.
- 1.1.2 ACMUI meetings will be open to the public, except for meetings or portions of meetings in which matters are discussed that are exempt from public disclosure under FACA or other appropriate rules or statutes.
- 1.1.3 All ACMUI meetings, open or closed, will be transcribed. During portions of the meeting that are open to the public, electronic recording of the proceedings by members of the public will be permitted. Television recording of the meeting will be permitted to the extent that it does not interfere with ACMUI business or with the rights of the attending public.
- 1.1.4 Portions of ACMUI meetings that are open to the public should be broadcast or otherwise electronically disseminated (e.g., webcast) whenever possible, with closed captioning in accordance with the Americans with Disabilities Act.
- 1.1.5 All available meeting handouts should be electronically transmitted to the ACMUI members no later than 2 weeks prior to the meeting.
- 1.1.6 All publicly available meeting handouts should be posted on the ACMUI public website no later than 3 business days prior to the meeting.

1.2 Meeting Agenda:

The agenda for regularly scheduled ACMUI meetings will be prepared by the Chair of the ACMUI (referred to below as “the Chair”) in consultation with the NMSS staff. The DFO must approve the agenda. The Chair, with the NMSS staff’s assistance, will query ACMUI members for agenda items prior to agenda preparation. A draft agenda should be provided to ACMUI members no later than 30 days prior to a scheduled meeting. The final agenda should be provided to members no later than 7 days prior to a scheduled meeting.

Before the meeting, the Chair and the DFO will review the findings of the Office of the General Counsel regarding possible conflicts of interest of members in relation to agenda items. Members will be recused from discussion of those agenda items with respect to which they have a conflict.

1.3 Conduct of the Meeting:

- 1.3.1 All ACMUI meetings will be held in full compliance with the FACA. Questions concerning compliance will be directed to the NRC Office of the General Counsel.
- 1.3.2 The Chair will preside over the meeting. The Vice Chair will preside if the Chair is absent or if the Chair is recused from participating in the discussion. The DFO will preside when both the Chair and the Vice Chair are absent and/or recused from the discussion or when directed to do so by the Commission.
- 1.3.3 A majority of the current membership of the ACMUI will be required to constitute a quorum for the conduct of business at an ACMUI meeting.
- 1.3.4 The Chair has both the authority and the responsibility to maintain order and decorum and may, at his or her option, recess the meeting, if these are threatened. The DFO will adjourn a meeting when adjournment is in the public interest.
- 1.3.5 Decisions shall be made by a majority vote of the current ACMUI membership. Should one or more members be unavailable for compelling reasons (such as extended incapacity or recusal), the current membership shall be regarded as reduced accordingly.
- 1.3.6 The Chair may take part in the discussion of any subject before the ACMUI and may vote. The Chair should not use the power of the Chair to bias the discussion. Any dispute over the Chair's level of advocacy shall be resolved by a vote on the Chair's continued participation in the discussion of the subject.
- 1.3.7 When a consensus appears to have developed on a matter under consideration, the Chair will summarize the results for the record. Any members who disagree with the consensus shall be asked to state their dissenting views for the record. Any ACMUI member may request that any consensus statement be put before the ACMUI as a formal motion subject to affirmation by a formal vote. No ACMUI position will be final until it has been formally adopted by consensus or formal vote and the transcript written and certified.

2. TRANSCRIPTS

- 2.1 Transcripts of each meeting will be prepared by the ACMUI Chair with assistance from the NMSS staff in accordance with the requirements in 10 CFR Part 7. The Office of the Secretary staff will prepare transcripts of the ACMUI meetings with the Commission.
- 2.2 In accordance with 10 CFR section 7.13(c), the ACMUI Chair, or other individual who presided over the meeting in place of the ACMUI Chair, will certify the transcripts.
- 2.3 Copies of the certified transcripts will be made available to the ACMUI members and to the public no later than 90 days after the meeting.
- 2.4 NMSS staff will prepare a meeting summary, which will be made available to ACMUI members and to the public no later than 30 business days after the meeting.

3. APPOINTMENT OF MEMBERS

- 3.1 ACMUI members are appointed by the Director, NMSS, after consultation with the Commission. The Commission determines the size of the ACMUI. The NRC will solicit nominations by notice in the *Federal Register* and by such other means as are approved by the Commission. Evaluation of candidates shall be done in accordance with procedures approved by the Director, NMSS. The term of an appointment to the ACMUI is 4 years, and the Commission has determined that no member may serve more than 2 consecutive terms (8 consecutive years), unless directed otherwise by the Commission.
- 3.2 The Chair will be appointed by the Director, NMSS, from the membership of the ACMUI. The Chair will serve at the discretion of the Director, NMSS.
- 3.3 The Vice Chair will be appointed by the Director, NMSS, from the membership of the ACMUI. The Vice Chair will serve at the discretion of the Director, NMSS.

4. CONDUCT OF MEMBERS

- 4.1 If a member believes that he or she may have a conflict of interest with regard to an agenda item to be addressed by the ACMUI, this member should divulge it to the Chair and the DFO as soon as possible and before the ACMUI discusses it as an agenda item. ACMUI members must recuse themselves from discussion of any agenda item in which they have a conflict of interest.
- 4.2 ACMUI members should submit their hours of work, as they relate to official ACMUI business, on the Thursday prior to the close of the pay period, unless noted otherwise. The hours shall be transmitted via the appropriate reporting method established by the DFO.

- 4.3 For meetings requiring travel, ACMUI members should submit travel authorizations by the travel reporting procedure as directed by NMSS staff. ACMUI members should submit vouchers for reimbursement by the travel procedure as directed by NMSS staff no later than 5 business days after the meeting.
- 4.4 Upon completing their tenure on the ACMUI, members will return any privileged documents and accountable equipment (as so designated by the NRC) provided for their use in connection with ACMUI activities, unless directed to dispose of these documents or equipment.
- 4.5. ACMUI members should conform to all applicable NRC rules and regulations and are expected to attend meetings regularly and perform all assigned duties.

5. ADOPTION AND AMENDMENTS

- 5.1 Adoption or approval of an amendment of these bylaws shall require an affirmative vote of two-thirds of the current ACMUI membership and the concurrence of the Director, NMSS.
- 5.2 Any member of the ACMUI or NMSS staff may propose an amendment to these bylaws. The proposed amendment will be distributed to the members and scheduled for discussion at the next regular ACMUI meeting.
- 5.3 The proposed amendment(s) may be voted on as early as the next ACMUI meeting after distribution to the members.
- 5.4 The ACMUI shall consult with the Office of the General Counsel regarding conflicts that arise from the interpretation of the bylaws. After consultation, the ACMUI shall resolve interpretation issues by a majority vote of the current membership of the ACMUI.