

AFFIRMATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DIAZ

SUBJECT: **SECY-00-0040 - FINAL AMENDMENTS TO 10 CFR 50.47;
THEREBY GRANTING IN PART TWO PETITIONS FOR
RULEMAKING (50-63 AND 50-63A); RELATING TO A
REEVALUATION OF POLICY ON THE USE OF POTASSIUM
IODIDE (KI) FOR THE GENERAL PUBLIC AFTER A SEVERE
ACCIDENT AT A NUCLEAR POWER PLANT**

Approved *LD* Disapproved *LD* Abstain _____
Not Participating _____

COMMENTS:

See attached comments.

--REC'D BY HJD--

Bill G. Diaz

SIGNATURE

April 4, 2000

DATE

Entered on "STARS" Yes No _____

ORIGINAL

COMMISSIONER DIAZ'S COMMENTS ON SECY-00-0040

I approve the publication of a final rule that will grant in part two petitions for rulemaking relating to consideration and use of potassium iodide (KI) in offsite emergency planning, contingent on the Commission clearly stating that it believes stockpiling of KI is a prudent measure and on NRC funding of KI for those States choosing to maintain a stockpile. This is consistent with my belief in "Federalism," the NRC's mission and my own fiscal conservatism. The Supreme Court's *Pacific Gas & Electric* decision in 1983 reaffirms the NRC's solitary role in regulating the safety of nuclear power and the Federal Government's preemption of the entire field of nuclear power safety concerns except when expressly ceded to the States. With our mission of protecting public health and safety thus buttressed, as a prudent measure (as demonstrated by the availability of KI for nuclear power workers) and given the accumulation of data on thyroid cancers,¹ I believe we have a responsibility to clearly aid the States by providing them with information and funding.² The NRC can then trust the States to make the right decision for them, knowing that we have done our best to protect public health and safety.



¹ Please compare the experience of Poland, on the one hand, and Russia, Belarus, and Ukraine on the other, in KI preparedness and distribution and in subsequent rates of childhood thyroid cancer. See also the March 15, 2000, Reuters dispatch, reporting on an article in "Cancer", published by the American Cancer Society, documenting Chernobyl-related thyroid cancer in children under two. For the views of physicians expert in this field, see the statements of the American Thyroid Association on that organization's website.

² The NRC's FY 2001 budget which was recently submitted to Congress includes a \$400K planning wedge for the possible purchase of KI.