

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland

Friday, December 22, 2000

The Commission met in open session, pursuant to notice, at 10:15 a.m.,
Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman

GRETA J. DICUS, Member of the Commission

NILS J. DIAZ, Member of the Commission (VIA TELECONFERENCE)

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission (VIA TELECONFERENCE)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

KAREN D. CYR, General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 22, 2000 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[10:15 a.m.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Good morning. This is an affirmation session this morning dealing with petitions for rulemaking on potassium iodide. Commissioner Dicus and Commissioner McGaffigan are here present in the room and I believe that Commissioners Diaz and Merrifield are participating by telephone.

COMMISSIONER DIAZ: Correct.

COMMISSIONER MERRIFIELD: Correct.

CHAIRMAN MESERVE: Madam Secretary, will you proceed?

MS. VIETTI-COOK: Okay. Commissioner Diaz and Commissioner Merrifield, I going to read the statement and then I will call your names out separately to affirm your votes, okay? The Commission is being asked to act on a final rule amending 10 CFR 50.47 to grant in part two petitions for rulemaking related to NRC policy and regulations concerning the consideration and use of potassium iodide as one of the elements in offsite emergency planning in the event of a severe accident. The final rule amends 10 CFR 50.47(b)(10) to require that consideration be given to including the prophylactic use of potassium iodide (KI) as a protective measure for the general public in the plume exposure pathway Emergency Planning Zone that would serve as a supplement to sheltering and evacuation. The Commission has voted to approve the publication and implementation of this final rule granting one petition in part and granting the amended petition as provided in the attached revised Federal Register notice. As a matter of policy, the Commission has agreed to offer initial funding for State stockpiles of potassium iodide. After funding the initial purchases of KI, the Commission may consider extending the program to fund stockpile replenishment but has made no commitments in this regard. The Commission approved State funding because

it concluded that local stockpiles would be more likely to be effective than Federal regional stockpiles. Commissioners Dicus and Merrifield approved the final rule except they disagreed with the Commission funding State stockpiles instead of funding regional stockpiles. They believe that Federal funding of regional stockpiles would better serve the public because States could fund their own stockpiles and regional stockpiles would serve as a prudent backup measure for States whose stockpiles prove insufficient, or where a state has elected not to stockpile KI. Accordingly, they believed that funding regional stockpiles would be more effective use of Federal funds than and would be more consistent with the allocation of responsibility between the Federal government and the States for all other emergency matters.

Would the Commissioners in the conference room please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye

MS. VIETTI-COOK: Commissioner Diaz, would you please affirm your vote?

COMMISSIONER DIAZ: Aye.

MS. VIETTI-COOK: Commissioner Merrifield, would you please affirm your vote?

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: That's all I have.

CHAIRMAN MESERVE: Let me turn to my colleagues to see if they would choose to make any statements. Commissioner Dicus?

COMMISSIONER DICUS: Thank you, Mr. Chairman. I would like to make a statement. I'd like to state for the record that the Commission has worked diligently to arrive at

a decision on the important issue of funding for potassium iodide (KI). Each Commissioner recognizes the importance of KI as an adjunct to other protective measures in the event of an inadvertent release of radioactive iodine. We merely differ in the best way to implement the policy. While I disagree with the final decision, I respect that decision, and the effort we have all applied to this issue. Because of the concerns that I have, I have chosen to provide a separate statement to be made available to stakeholders in some appropriate manner yet to be determined. Thank you.

CHAIRMAN MESERVE: Thank you very much. Commissioner McGaffigan?

CHAIRMAN MCGAFFIGAN: No statement, Mr. Chairman.

CHAIRMAN MESERVE: Let me turn to my colleagues on the telephone. Would either of you choose to make a statement?

COMMISSIONER DIAZ: This is Commissioner Diaz. I have no statement, Mr. Chairman.

CHAIRMAN MESERVE: Thank you. Commissioner Merrifield?

COMMISSIONER MERRIFIELD: Yes, Mr. Chairman. I have just a brief statement that I will make. I do want to say that, like Commissioner Dicus, I was not in the majority on part of this decision. That having been said, I think that the actions that the Commission have taken are positive. Since coming to the Commission, I think this is an issue that has probably taken more thoughtful consideration in time as any among all of the Commissioners and while we all have strong and very well founded reasons for our differing opinions, I think what we have done this week in our efforts to move this forward, and I personally believe it is important that we move forward with this and bring this chapter to a conclusion, I think the way in which we have come together as a Commission, and unified

around trying to fashion a workable policy so that the will of the majority can be applied, I think is very meritorious and for that reason I think we should all congratulate ourselves for working together in a very hard and diligent fashion over the course of the last week to move forward and to try to implement this in the best public policy manner available. Thank you, Mr. Chairman.

CHAIRMAN MESERVE: Good.

COMMISSIONER MCGAFFIGAN: Mr. Chairman, I know you called on my earlier. I'd also join Commissioner Merrifield in thanking all the Commissioners and all the staff who've worked this past week so diligently to get this done. It was a real testament to a lot of hard work just before Christmas.

COMMISSIONER DIAZ: Me too.

CHAIRMAN MESERVE: Good. I join in those sentiments and I'd like wish you all the happiest of holidays, and with that we are adjourned. [10:25 a.m.]

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session

(PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: December 22, 2000

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)