



SECRETARY

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

December 18, 2001

COMMISSION VOTING RECORD

DECISION ITEM: SECY-01-0208

TITLE: STATUS OF POTASSIUM IODIDE ACTIVITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 18, 2001.

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 Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

VOTING SUMMARY - SECY-01-0208

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	11/26/01
COMR. DICUS	X				X	12/12/01
COMR. DIAZ	X				X	11/28/01
COMR. McGAFFIGAN	X					11/27/01
COMR. MERRIFIELD	X				X	12/10/01

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation. Chairman Meserve and Commissioners Dicus, Diaz, and Merrifield provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 18, 2001. Commissioner Diaz would have preferred to not provide such detailed direction to the staff for fear that it could cause delay in offering of funding for KI.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN MESERVE

SUBJECT: **SECY-01-0208 - STATUS OF POTASSIUM IODIDE
ACTIVITIES**

Approved ^{with comments} _____ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attachment



A handwritten signature in black ink, appearing to read "Michael Meserve", written over a horizontal line.

SIGNATURE

Nov. 26, 2001

DATE

Entered on "STARS" Yes No

COMMENTS OF CHAIRMAN MESERVE ON SECY-01-0208

I agree that the staff should commence negotiation for a purchase of KI that will be shipped directly to specified recipients. The NRC should seek to obtain a substantial discount from the current market price on the basis that the ultimate purchase is likely to be several million KI tablets. Staff should seek to maintain flexibility as to the total amount of KI to be purchased, however, in light of the fact that the ultimate scope of the purchase will be governed by the decisions of the states (or authorized local governments or Indian tribes).

SECY-01-0208 indicates that the final FDA guidance is expected by the end of November. The guidance should thus be available long before the contract negotiations are completed. The letter to the states appropriately indicates that the imminent FDA guidance is an attachment. However, I attach certain editorial suggestions for the letter to the States.

LETTER TO STATES
DRAFT

As you know, the NRC has amended its emergency planning regulations to require that States 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 (EPZ) (66 FR5427, January 19, 2001). ~~that~~ The use of KI would serve as a supplement to sheltering and evacuation. ~~Concomitant with this action~~ Subject to available funding, the NRC will provide funding for an initial supply of KI for States with population within the plume exposure pathway EPZ that choose to incorporate KI for the general public in its their emergency plans. The term States includes local governments that have been designated by the State to request such funding and federally recognized Native American governments.

~~Together with the Federal Emergency Management Agency (FEMA), the NRC formed a subcommittee to develop and implement a program to provide KI to requesting States. The subcommittee had been awaiting the issuance of final Food and Drug Administration (FDA) guidance on dosage and intervention levels, prior to implementation of the NRC KI program.~~

The NRC, in coordination with the Federal Emergency Management Agency (FEMA) and the Food and Drug Administration (FDA), is developing the means to provide KI to States. Within approximately 30 days, the NRC will should be able positioned to supply KI to States upon request. ~~The following information is attached to this letter for your consideration and use: FDA guidance on use of KI (Attachment 1); FEMA guidelines for KI program implementation (Attachment 2); NRC Statements of Consideration published in support of the final KI rule (Attachment 3); optional KI application form (Attachment 4); and NRC Disclaimer (Attachment 5). States are encouraged to begin their process for considering the use of KI as early as possible, recognizing that the NRC's resources for this purpose will be limited. NRC will provide KI to requesting States on a first come, first serve basis.~~

~~When If your State [insert individual state] has completed its consideration process, concludedes that incorporating KI for use by the general public is appropriate, for your specific local situation, and that requesting KI from NRC is desired, the NRC requests that you respond by letter addressed to: you may request the NRC to provide KI by writing to Kathy Halvey Gibson, Chief, Emergency Preparedness and Health Physics Section, U.S. NRC, Washington, D.C. 20555. Your letter must provide the following information: the nuclear power plant (NPP) site(s), the population in the NPPs' 10-mile EPZ for which you are responsible, the contact person authorized to receive the KI, and the "Ship to" address for KI delivery. Upon receipt of this information, the NRC will validate the data and make arrangements to have KI shipped to your designated contact/address. The NRC will supply two KI tablets for each person in the 10-mile EPZ(s).~~

~~The NRC We requests that one consolidated request for KI be submitted for each State or Native American government. If decisions about emergency planning and the use of KI are the responsibility of local, rather than State authorities, the NRC we requests that the State consolidate the local requests and forward the consolidated request covering all NPPs within the State to the NRC.~~

~~Should you decide not to request KI, please respond to notify the NRC by letter. stating that decision.~~

The following information is attached to this letter for your consideration and use: FDA guidance on use of KI (Attachment 1); FEMA guidelines for KI program implementation (Attachment 2); NRC Statements of Consideration published in support of the final KI rule (Attachment 3); optional KI application form (Attachment 4); and NRC Disclaimer (Attachment 5). States are encouraged to begin their process for considering the use of KI as early as

possible, recognizing that the NRC's resources for this purpose will be limited. NRC will provide KI to requesting States on a first come, first serve basis.

If you have questions or require assistance in this matter, please contact either Kathy Halvey Gibson, NRC, 301-415-1086 or Vanessa Quinn, FEMA, 202-646-3664.

Thank you for your consideration of this important issue.

ATTACHMENT

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER DICUS
SUBJECT: **SECY-01-0208 - STATUS OF POTASSIUM IODIDE
ACTIVITIES**

Approved x ^{w/comments} Disapproved _____ Abstain _____
Not Participating _____

COMMENTS:

See attached comments.

Christa Joy Dicus
SIGNATURE
December 12, 2001
DATE

Entered on "STARS" Yes x No _____

COMMISSIONER DICUS' COMMENTS ON SECY-01-0208:

Because the Commission has already made a decision to approve the initial purchase of potassium iodide (KI) as a protective measure for the general public that would serve as a supplement to sheltering and evacuation, I agree with the comments of Chairman Meserve to have the staff initiate negotiations for the purchase of KI for States and/or local entities that have made a informed choice to obtain KI. I also agree that with proper negotiations, the staff should seek to obtain a substantial discount from the current market price.

Because we understand that the Center for Diseases Control (CDC) has also recently requested funding for the distribution and/or stockpiling of KI as a part of the terrorism response emergency funding request to Congress, I would also recommend that the NRC follow very closely the interactions between Congress and CDC regarding this request, in case there is a government agency that will stockpile KI.

Lastly, minor edits to Chairman Meserve's edits to the letter to the States are attached. I recommend that this letter be signed out by the Director, Office of State and Tribal Programs.

gd
12-12-01

*gd
12-12-01*

LETTER TO STATES
DRAFT

As you know, the NRC has amended its emergency planning regulations to require that States 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 (EPZ) (66 FR5427, January 19, 2001). ~~that~~ The use of KI would serve as a supplement to sheltering and evacuation. ~~Concomitant with this action:~~ Subject to available funding, the NRC will provide funding for an initial supply of KI for States with population within the plume exposure pathway EPZ that choose to incorporate KI for the general public in its their emergency plans. The term "States" includes local governments that have been designated by the State to request such funding and federally recognized Native American governments. x

~~Together with the Federal Emergency Management Agency (FEMA), the NRC formed a subcommittee to develop and implement a program to provide KI to requesting States. The subcommittee had been awaiting the issuance of final Food and Drug Administration (FDA) guidance on dosage and intervention levels, prior to implementation of the NRC KI program.~~

The NRC, in coordination with the Federal Emergency Management Agency (FEMA) and the Food and Drug Administration (FDA), is developing the means to provide KI to States. Within approximately 30 days, the NRC will ~~should be able~~ positioned to supply KI to States upon *written* request. The following information is attached to this letter for your consideration and use: FDA guidance on use of KI (Attachment 1); FEMA guidelines for KI program implementation (Attachment 2); NRC Statements of Consideration published in support of the final KI rule (Attachment 3); optional KI application form (Attachment 4); and NRC Disclaimer (Attachment 5). States are encouraged to begin their process for considering the use of KI as early as possible, recognizing that the NRC's resources for this purpose will be limited. NRC will provide KI to requesting States on a first come, first serve basis. x

When ~~if your State~~ [insert individual state] has completed its consideration process, ~~concluded~~ that incorporating KI for use by the general public is appropriate, for your specific local situation, and that requesting KI from NRC is desired, the NRC requests that you respond by letter addressed to: you may request the NRC to provide KI by writing to Kathy Halvey Gibson, Chief, Emergency Preparedness and Health Physics Section, U.S. NRC, Washington, D.C. 20555. Your letter must provide the following information: the nuclear power plant (NPP) site(s), the population in the NPPs' 10-mile EPZ for which you are responsible, the contact person authorized to receive the KI, and the "Ship to" address for KI delivery. Upon receipt of this information, the NRC will validate the data and make arrangements ~~to have KI shipped to~~ your designated contact/address. The NRC will supply two KI tablets for each person in the 10-mile EPZ(s). *for NRC's Contractor to ship KI directly to*

~~The NRC~~ We requests that one consolidated request for KI be submitted for each State or Native American government. If decisions about emergency planning and the use of KI are the responsibility of local, rather than State authorities, ~~the NRC we~~ requests that the State consolidate the local requests and forward the consolidated request covering all NPPs within the State to the NRC.

~~Should you decide not to request KI, please respond to notify the NRC by letter, stating that decision.~~ *delete* x

The following information is attached to this letter for your consideration and use: FDA guidance on use of KI (Attachment 1); FEMA guidelines for KI program implementation (Attachment 2); NRC Statements of Consideration published in support of the final KI rule (Attachment 3); optional KI application form (Attachment 4); and NRC Disclaimer (Attachment 5). States are encouraged to begin their process for considering the use of KI as early as

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If you have questions or require assistance in this matter, please contact either Kathy Halvey Gibson, NRC, 301-415-1086 or Vanessa Quinn, FEMA, 202-646-3664.

Thank you for your consideration of this important issue.

ATTACHMENT

ghd
12-12-01

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER DIAZ
SUBJECT: **SECY-01-0208 - STATUS OF POTASSIUM IODIDE
ACTIVITIES**

Approved ^{w/comment} Disapproved _____ Abstain _____
Not Participating _____

COMMENTS:

I approve. I am extremely pleased that the Commission's decisions in support of purchase and distribution of KI are about to come to fruition.



SIGNATURE

Nov. 28, 01

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

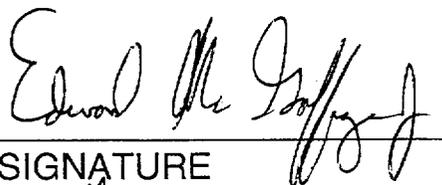
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-01-0208 - STATUS OF POTASSIUM IODIDE
ACTIVITIES**

Approved Disapproved Abstain

Not Participating

COMMENTS:



SIGNATURE

November 27, 2001

DATE

Entered on "STARS" Yes No

NOTATION VOTE

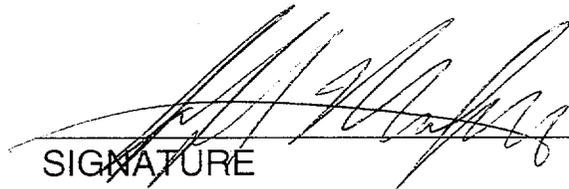
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-01-0208 - STATUS OF POTASSIUM IODIDE
ACTIVITIES**

Approved Disapproved Abstain

Not Participating

COMMENTS: *See attached comments.*


SIGNATURE

12/10/01
DATE

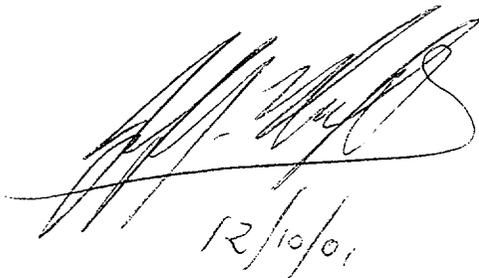
Entered on "STARS" Yes No

COMMENTS OF COMMISSIONER MERRIFIELD ON SECY-01-0208

I approve the purchase and distribution of KI tablets. However, the staff has failed to include in this memo significant information that is necessary for deciding how to proceed with the purchase of KI tablets. The staff in its paper states that the minimum price per tablet is 23¢ per tablet. From previous information provided by the staff, this cost estimate is for pills in bottles of 14 tablets each. Though in its paper the staff informs the Commission of two forms of packaging, individually wrapped and in bottles of 14 tablets each, it inexplicitly failed to mention a minimum price for individually wrapped tablets. This is curious considering that the staff had previously informed the Commission that the available minimum price for KI tablets individually wrapped is 65¢ per tablet. The staff advises that we would need approximately six million tablets in order to supply up to two doses per person in the 10-mile Emergency Planning Zones (EPZ). They further state that with the available funding of \$800,000, only approximately 3.4 million tablets could be purchased. This statement was apparently premised on the purchase price of 23¢ per tablet. It should be noted that if the Commission permits the staff to purchase the pill at 65¢ per tablet, under the Commission's present budget of \$800,000, the Commission can purchase only approximately one million tablets—approximately one sixth the amount required to provide KI for the 10-mile EPZ. Put another way, to purchase KI for all 10-mile EPZ's at 65¢ per tablet would cost \$3.9 million, resulting in an NRC funding shortfall of more than three million. Though requested, the Commission has not been promised any additional funds for KI purchase as part of the terrorism response emergency funding request.

For these reasons, the Commission must provide appropriate guidance to the staff on the purchasing of KI. The failure of having these guidelines in place may cause many States to be unable to obtain Commission-funded stockpiles. The Commission should give the following guidance to the staff:

- 1) the staff should negotiate the lowest possible price for KI taking advantage of bulk pricing before purchasing,
- 2) before providing funds for individually wrapped KI tablets, the staff should consider whether the expense of that packaging will seriously undermine our ability to provide KI to all states that request it,
- 3) the staff should consider how it is going to accommodate funding for states that wish to predistribute KI.



12/10/01

LETTER TO STATES
DRAFT

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The NRC, in coordination with ~~FEMA~~ ^{the Federal Emergency Management Agency} and the ~~FDA~~ ^{Food and Drug Administration}, is developing the means to provide KI to States. Within approximately 30 days, the NRC will be positioned to supply KI to States upon request. The following information is attached to this letter for your consideration and use: FDA guidance on use of KI (Attachment 1); FEMA guidelines for KI program implementation (Attachment 2); NRC Statements of Consideration published in support of the final KI rule (Attachment 3); optional KI application form (Attachment 4); and NRC Disclaimer (Attachment 5). States are encouraged to begin their process for considering the use of KI as early as possible, recognizing that the NRC's resources for this purpose will be limited. NRC will provide KI to requesting States on a first come, first serve basis.

When your State has completed its consideration process, ^{if it concludes} ~~concluded~~ that incorporating KI for use by the general public is appropriate for your specific local situation, and that requesting KI from NRC is desired, the NRC requests that you respond by letter addressed to: Kathy Halvey Gibson, Chief, Emergency Preparedness and Health Physics Section, U.S. NRC, Washington, D.C. 20555. Your letter must provide the following information: the nuclear power plant (NPP) site(s), the population in the NPPs' 10-mile EPZ for which you are responsible, the contact person authorized to receive the KI, and the "Ship to" address for KI delivery. Upon receipt of this information, the NRC will validate the data and make arrangements to have KI shipped to your designated contact/address. The NRC will supply two KI tablets for each person in the 10-mile EPZ(s).

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Should you decide not to request KI, please respond to the NRC by letter stating that decision. X

If you have questions or require assistance in this matter, please contact either Kathy Halvey Gibson, NRC, 301-415-1086 or Vanessa Quinn, FEMA, 202-646-3664.

Thank you for your consideration of this important issue.

ATTACHMENT