

EDO Principal Correspondence Control

FROM: DUE: / /

EDO CONTROL: G20060363
DOC DT: 03/27/06
FINAL REPLY:

Michael Leavitt
Health and Human Services (HHS)

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN **

CRC NO: 06-0175

DESC:

ROUTING:

Concerns Expanding the Distribution of KI for
Populations Beyond the 10 Mile Radius of the
Emergency Planning Zone (EPZ)
(EDATS: SECY-2006-0055)

Reyes
Virgilio
Kane
Silber
Dean
Cyr/Burns
Schlueter, STP
Dyer, NRR

DATE: 04/05/06

ASSIGNED TO:

CONTACT:

NSIR

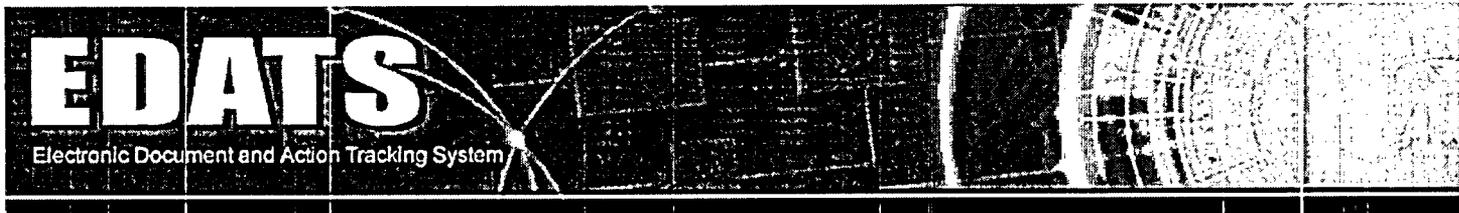
Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Appropriate Action.

Template: SECY-017

E-FILES: SECY-01



EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2006-0055

Initiating Office: SECY

General Information

Assigned To: NSIR	OEDO Due Date: NONE
Other Assignees:	SECY Due Date: NONE
Subject: Concerns expanding the distribution of KI for populations beyond the 10 mile radius of the Emergency Planning Zone (EPZ)	
Description:	
ADAMS Accession Numbers	
Incoming:	
Response:	
Package:	

Document Information

Originating Organization: Health and Human Services	Originator Name: Michael O. Leavitt
Incoming Task Received: Letter	Date of Incoming Document: 3/27/2006
	Document Received by OEDO Date: 4/5/2006
	Date Response Requested by Originator: NONE
Addressee: Chairman Diaz	

Process Information

Action Type: Appropriate Action	Priority: Medium
	Sensitivity: None
Signature Level: No Signature Required	Urgency: NO
OEDO Concurrence: NO	
OCM Concurrence: NO	
Special Instructions:	

Other Information

Cross Reference Number: G20060368	
Related Task:	
File Routing: EDATS	Agency Lesson Learned: NO



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

MAR 27 2006

The Honorable Nils J. Diaz
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Diaz:

Thank you for your letter in which you expressed concern about the publication of proposed guidelines to States, local governments, and tribal authorities regarding Federal provision of Potassium Iodide (KI). The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 requires the President, through the Strategic National Stockpile (SNS), to provide KI to communities within 20 miles of nuclear power facilities. The Department of Health and Human Services (HHS) has agreed to fulfill this role through the SNS, an HHS asset.

I appreciate your concerns about expanding the distribution of KI for populations beyond the 10-mile radius of the Emergency Planning Zone (EPZ) surrounding commercial nuclear power plants and your recommendation to apply subsection 127(f) of the Bioterrorism Preparedness and Response Act of 2002. We agree that the current NRC established protective actions within the EPZ from 10 to 50 miles are very important measures to deal with the accidental or terrorist-related release of radioactive iodine from a nuclear power plant. We also agree with the National Academy of Sciences' conclusions regarding the need for KI. Specifically, in its 2004 KI report it recommended that "*Potassium iodide (KI) should be available to everyone at risk of significant health consequences from accumulation of radioiodine in the thyroid in the event of a radiological incident.*" The National Academy of Sciences went on to conclude that

KI distribution planning in the United States has focused on the Nuclear Regulatory Commission's early-phase Emergency Planning Zone (EPZ) of a 10-mile radius. However the EPZ provides only a basis for planning. A specific incident might call for protective actions to be restricted to a small part of the EPZ or require that they be implemented beyond the EPZ as well. (for emphasis.)

Section 127 of the Bioterrorism Preparedness and Response Act of 2002 requires the President to make KI available to State and local governments for stockpiling and distribution, and to establish guidelines for the stockpiling of KI and for its distribution and utilization in the event of a nuclear incident. Additionally, subsection 127(f) states that these requirements "*cease to apply as requirements if the President determines that there is an alternative and more effective prophylaxis or preventive measures for adverse thyroid conditions...*" The President has not made the necessary determination here. Rather, as the President stated in 2002 when

forming the Department of Homeland Security, “...one Department would be responsible for distributing Potassium Iodide to citizens exposed – no matter where they lived. There would no longer be an artificial ten-mile barrier to treatment.” Currently, we do not believe there are “alternative and more effective... measures” than to make KI available up to 20 miles from a nuclear facility, in conjunction with the protective measures established by the NRC.

If states, local governments, or tribal authorities wish to apply for a federal program to provide KI as another layer of thyroid protection in the additional area of 10-20 miles, their plans should prescribe KI utilization in a way that complements rather than compromises the Nuclear Regulatory Commission’s primary protective measures of avoiding consumption of contaminated food and water. We have drafted the guidelines as required by Section 127 with this principle in mind; where the draft guidelines state

The 10-mile EPZ has been reviewed and accepted by the Environmental Protection Agency (EPA), NRC, and FEMA as the appropriate EPZ size for commercial nuclear power plant licensees to use in developing emergency plans in cooperation with State and local governments. These guidelines do not question the appropriateness of the 10-mile EPZ under NRC regulations or their legal or regulatory basis, and nuclear power plant licensees will not be expected to modify their emergency plans because of these guidelines.

Your thoughts on making the KI guidelines consistent with the NRC protective actions and delineating any confusion between the two joint strategies is greatly appreciated. Thank you for your continued support of the American people and the public health activities that protect them.

Sincerely,

A handwritten signature in black ink, reading "Michael O. Leavitt". The signature is written in a cursive style with a large, stylized initial "M".

Michael O. Leavitt