

November 26, 2002

COMMISSION VOTING RECORD

DECISION ITEM:      SECY-02-0089

TITLE:                      Revised Draft Nureg-1633 and Public Information  
                                    Brochure on Potassium Iodide (Ki) for the General  
                                    Public

The Commission (with Chairman Meserve and Commissioners Diaz, McGaffigan, and Merrifield agreeing) disapproved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 26, 2002. Commissioner Dicus approved the paper with changes.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

---

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-02-0089

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MESERVE		X				X 11/14/02
COMR. DICUS	X					X 9/20/02
COMR. DIAZ		X				X 10/28/02
COMR. McGAFFIGAN		X				X 11/12/02
COMR. MERRIFIELD		X				X 10/29/02

COMMENT RESOLUTION

In their vote sheets, Chairman Meserve and Commissioners Diaz, McGaffigan, and Merrifield disapproved the subject paper. Commissioner Dicus approved the paper with changes. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on November 26, 2002.

## Commissioner Comments on SECY-02-0089

### Chairman Meserve

I concur with the conclusion of a majority of the Commission that we can best protect our limited staff resources by not expending more effort on the revision of NUREG-1633 or a brochure on potassium iodide (KI). As my colleagues have noted, there are a variety of on-going events that would likely make these efforts stale by the time the work is completed.

In light of the changing circumstances, however, I believe that the staff should make special efforts to ensure that our website fully reflects activities at the NRC and our sister agencies. As Commissioner McGaffigan has noted, much of the current interest in KI has arisen as a result of concerns about terrorist incidents. The website should provide information on the role of KI in responding to such events at nuclear power plants, as well as information as to the limits of KI effectiveness (e.g., for events involving most radiological dispersal devices). In short, there is a continuing need for accurate information about KI, which can best be served by the updating and revision of our website.

### Commissioner Dicus

I approve, subject to the attached revisions, the publication of both NUREG-1633, "Consideration of the Use of Potassium Iodide During Severe Nuclear Reactor Accidents" and the Public Information Brochure for public comment. I believe that these documents provide a well-balanced discussion on the uses of potassium iodide (KI) as a supplemental protective action within the plume exposure pathway of an emergency planning zone during a severe reactor accident.

I have also recommended a considerable number of changes throughout NUREG-1633 (as shown in the attached redline/strikeout version). Although many of the changes are editorial in nature (i.e., spelling errors or adding references to the bibliographic list), many are technical to correct for errors in SI or English unit conversions, use of the term "deterministic" rather than "non-stochastic" when discussing risk, including appropriate references where necessary (including correct websites), and providing the latest up-to-date information on the use of KI in France (e.g., see p. 32 for a discussion of France's current KI program). For the French update, I have included a copy of the August 2002 *Health Physics Society Journal* article by B. Le Guen, et. al., that I referenced in this section for both my fellow Commissioners and the staff's information.

Minor edits to the Public Information Brochure on KI are also attached.

### Commissioner Diaz

The staff proposed that we approve publication of a new version of NUREG-1633 and a brochure on KI. For the reasons that follow, I believe that the NUREG and brochure have been overtaken by events, and that no useful purpose would be served by expending any more time or resources on these two documents. On the contrary, doing so could revive criticism of the NRC for its lack of timeliness.

The draft NUREG now before us is the third version we have been asked to review since mid1998. (The first version was withdrawn by the Commission and we disapproved the second one.) KI has been and continues to be a moving target, with significant new developments actions by other agencies, by Congress, the states, etc. - occurring with some frequency. By the time the NUREG and brochure are put in final form, they would again be out of date and in need of revision.

Congress has asked the National Academies of Science to look at issues of KI distribution. The Food and Drug Administration has issued its guidance on the safety and effectiveness of KI. In addition, the NRC has provided its own guidance in its Federal Register notice on the new rule. In my opinion, the NUREG and the brochure at best can add little to what states and the public already know. At worst, they can confuse the public and the states. These projects have gone on too long, and cost too much, to be continued. In my opinion, it's time to pull the plug.

#### Commissioner McGaffigan

I concur with Commissioners Diaz and Merrifield that our limited resources would be better served by not expending any more time or resources on draft NUREG-1633 or a brochure on potassium iodide (KI).

This is not to say that the current draft NUREG isn't a distinct improvement over previous versions. But it has been overtaken by events, and would, as Commissioner Diaz points out, likely continue to be overtaken by events. Most of our national experience in KI distribution has been accumulated over the past year. Seventeen States have requested initial supplies of KI from NRC. This does not yet include Tennessee, which previously made provisions for KI prophylaxis as a supplementary protective measure, and Illinois which has a KI program separate from NRC's funded from State resources.

Our web page's guidance has been adequate for the purpose of this effort. It includes the FDA guidance, the FEMA policy statement and the NRC Statements of Consideration, as well as practical details about how to apply for the initial KI supply.

Moreover, as Commissioner Diaz points out, Section 127 of Public Law 107-188, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, directs the President to request a National Academy of Sciences' study to determine the most effective and safe way to distribute potassium iodide tablets on a mass scale. This study will presumably go into far more detail about national and international experiences and the strengths and weaknesses of various approaches to KI distribution than the staff's brief discussion in Chapter 5 through 7 of the draft NUREG.

Finally, the terrorist events of September 11, 2001 are what has spurred this interest in KI prophylaxis among the States. The draft NUREG is silent on this subject. If we were going to go forward with the draft NUREG or a brochure, it would be important to point out for which terrorist incidents KI prophylaxis may be relevant, e.g., terrorist-induced events at operating nuclear power plants, and for which incidents it is not relevant, e.g., to deal with a radiological dispersal device, which will almost certainly not contain radio-iodines, or with a terrorist attack on a fuel cycle facility, where there are no radio-iodines present. There unfortunately is great confusion among the public and the media and even some in Congress on this point. The

staff may want to add a brief discussion of this point to our web page on potassium iodide.

In short, I fully agree with Commissioners Diaz and Merrifield and believe that our limited staff resources would be better devoted to other more pressing tasks.

Commissioner Merrifield

I agree with Commissioner Diaz that our resources would be better served by not expending any more time or resources on NUREG 1633 or the brochure on KI. We should direct our efforts toward our ongoing activities, including working with FEMA to supply KI stockpiles to the States that request it.