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October 13, 2008

Chairman Dale Klein
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Klein:

My last letter to you on the subject of the "Patient's Rights Advocate" on the Advisory Committee on the Medical Uses of Isotopes (ACMUI) brought a response, dated August 11, 2008, from Mr. Charles Miller. Though I regret having to prolong this correspondence, I feel compelled to point out that Mr. Miller is evidently the victim of inadequate staff work, misinformation, or both.

The key sentence from his letter says that "the NRC staff verified with the Internal Revenue Service that the the NACP was registered as a Section 501(c)(3) organization before sending you our June 11, 2008, response." Referring to the website in which the National Association of Cancer Patients describes itself as a 501(c)(4) lobbying group, Mr. Miller continues: "It appears that the website you relied on may be misleading." His letter thus takes the position that the NRC staff knows the NACP's tax status better than does the NACP itself.

The source of the misunderstanding is not hard to find. There are two organizations with similar names. In 1997, the NACP created a separate, tax-exempt educational foundation, the NACP Foundation, which was later certified as a 501(c)(3) organization by the IRS. This was explained in the October 1998 issue of the NACP newsletter, *Lifelines*, easily accessed from the NACP website.

In the July 1996 issue of the same newsletter, one finds ample evidence of the NACP's involvement in partisan politics, all related to Ward Valley. The NACP boasts of its political activities, and reports that it has contacted 1000 donors to the Clinton-Gore campaign to attack the Clinton Administration's actions on Ward Valley. Readers with ideas for further fundraising are urged to contact the NACP Executive Director, Nicki Hobson. (She would later be named Patient's Rights Advocate on the ACMUI.) I also suggest retrieving the article that appeared in "Business Wire" on October 22, 1998, describing how, two weeks before that year's elections, the NACP accused an incumbent Senator, running for re-election, of "delaying a cure for cancer by many years, perhaps decades," by her opposition to the Ward Valley waste disposal facility. These are not the actions of a 501(c)(3) charity.

All this reinforces the point that giving the "Patient's Rights Advocate" position to one person after another from the NACP mocks the Commission's intent in creating that position in the early 1990's. The continuing inability of the NRC staff to get the facts right on something as elementary as the NACP's status under the Tax Code is a minor matter, but symptomatic of much deeper problems of competence and attitude in NRC's regulatory program in the medical sector. It is these deeper problems – not least of which is the Commission's demonstrated unwillingness to get involved – that I hope will lead Congress to conduct a searching investigation of NRC's medical program.

Sincerely,

Peter Crane
Counsel for Special Projects, NRC (ret.)

cc: NRC Commissioners
Chairman John Dingell
Chairman Bart Stupak
Chairman Ed Markey
Mr. Charles Miller

10/21... To EDO/OCA for Appropriate Action
Copy to: RF...08-0542