

April 18, 2011

James M. Frincke, Ph.D.  
CEO  
Harbor BioSciences, Inc.  
9171 Towne Centre Drive, Suite 180  
San Diego, CA 92122

Dear Dr. Frincke:

I am responding to your letter to Chairman Jaczko dated March 22, 2011, in which you requested Nuclear Regulatory Commission (NRC) assistance in negotiating with the Department of Health and Human Services (HHS) Biomedical Advanced Research and Development Authority (BARDA) regarding your company's experimental radiation countermeasure drug.

The NRC's mission is to regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. A key component of the mission of the NRC is to ensure adequate protective actions are in place to protect the health and safety of the public in the unlikely event of an emergency at a nuclear power plant.

The NRC requires that nuclear power plant licensees and the communities in which they operate have a comprehensive emergency plan. This emergency plan is tested and evaluated on a regular basis, ranging from periodic in-plant drills, off-year exercises, and a full-participation exercise which occurs every 2 years. The overall objective of emergency planning and preparedness is to ensure that the nuclear power plant operator is capable of implementing adequate measures such as evacuation, sheltering, and use of potassium iodide as appropriate, to protect public health and safety in the event of a radiological emergency.

To negotiate on behalf of a company is outside the purview of the NRC. Therefore, concerns that you have regarding the decisions made by BARDA should be directed to the appropriate authorities at BARDA and HHS.

Sincerely,

*/RA/* Patricia K. Holahan for

James T. Wiggins, Director  
Office of Nuclear Security and Incident Response

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