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335 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515

November 19, 1990

MAKCE CLEMING
 DIRECTOR AND CHIEF COUNSEL

Honorable Kenneth M. Carr
 Chairman
 Nuclear Regulatory Commission
 Washington, DC 20555

Dear Chairman Carr:

As you may know, a small amount of a material used to conduct medical research, Phosperous 32, was recently released from a research laboratory at the San Diego Department of Veterans Affairs Medical Center (DVAMC) where the material was being utilized. According to an early media account of this incident, this release posed no threat to medical center patients or employees. Additionally, I understand the release of this material posed no more threat to medical center patients and employees than travel in an airplane at an altitude of 40,000 feet.

According to a more recent media report, as a result of this incident, the Nuclear Regulatory Commission has imposed an indefinite ban on specific research being conducted at the San Diego DVAMC and prohibited researchers at the medical center from using certain specified research materials. As no patient or employee was apparently endangered by the release, these reactions by the NRC may be viewed as excessively harsh, inappropriate or unwarranted.

The highly beneficial results of medical research conducted and supported by the Department of Veterans Affairs are widely known. The Seattle Foot, Computerized tomography (CAT scan), revolutionary prostate and breast cancer treatment, pioneering research in TB treatment, organ transplants, and oral medication to control diabetes and high blood pressure are but a very few of the significant, widespread benefits of DVA research. Vital research is now being conducted at the San Diego DVA medical center and the importance of continuing this research, which reportedly includes study of HIV virus, is obvious.

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Clearly, no useful purpose will be served if excessive or inappropriate restrictions are imposed on medical center research by the NRC in response to this incident. Please provide me with your personal assessment of the threat posed to patients and employees as a result of this release, a list of everyday activities and appliances which may pose a comparable danger, a description of the sanctions imposed by the NRC in response to all comparable releases during 1989 and 1990 and a complete explanation of the severity of the reported NRC response to this incident.

Sincerely,

Lane Evans

LANE EVANS
Chairman
Subcommittee on Oversight
and Investigations

LE/cmd