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WASHINGTON, DC 20515

August 29, 1986

The Honorable Lando W. Zech, Jr.  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C.

Dear Mr. Chairman:

In the context of the Subcommittee consideration of H.R. 3653, "Price-Anderson Amendments of 1986", it was brought to the attention of the Subcommittee staff that some radiopharmaceutical companies may be experiencing difficulty in retaining liability insurance for activities licensed by the Nuclear Regulatory Commission. Given the significant humanitarian benefit which these companies make to our society, I think these concerns should be explored further. Accordingly, I request that you answer the following questions.

1. Does the Commission have authority under current law to extend Price-Anderson coverage to radiopharmacies? Has the Commission ever decided on whether coverage should be extended to these companies? When?
2. Has the Commission reviewed the potential public liability which could arise from the activity of a radiopharmacy? When? What is the risk of such liability? Please describe the Commission's findings on these questions for the Subcommittee.
3. Has new information been discovered which would prompt the Commission to reexamine the question of extending Price-Anderson coverage to radiopharmacies? Is the Commission aware of any recent court decisions, either at the state or federal level, which might affect radiopharmacies? Please provide the Subcommittee with a legal memoranda examining recent court cases in this area and their potential impact on radiopharmacies and the Price-Anderson Act.
4. Is there a process under current law which would require the Commission to extend coverage of the Price-Anderson Act to NRC licensees not now covered? If the answer is yes, has this process ever been initiated by any NRC licensee? By a radiopharmaceutical company? If the answer is no, then please describe how NRC licensees not now covered by the Price-Anderson Act can receive coverage.

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5. What is the level of insurance carried by radiopharmaceutical companies? How has this changed over the past ten years? How does their insurance coverage compare with other NRC licensees?

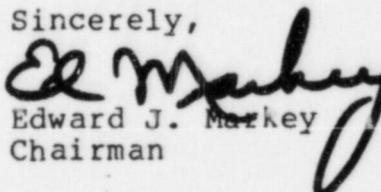
6. Does the Commission believe that the Price-Anderson Act should be extended to cover radiopharmacies? Why or why not? If the answer is yes, please include recommendations as to how the Act should be amended to accomplish that goal. If the answer is no, please explain to the Subcommittee why the concerns raised by some radiopharmacy companies do not warrant action under the Price-Anderson Act.

As you know, H.R. 3653 will be considered by the House in mid-September. In order to incorporate the views of the Commission on this issue into the floor debate, I request a reply to these questions by September 11, 1986.

I appreciate your cooperation in this matter.

With best wishes,

Sincerely,

  
Edward J. Markey  
Chairman