ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6115

MAJORITY (202) 225–2927
FACSIMILE (202) 225–2525
MINORITY (202) 225–3641

energycommerce.house.gov

November 1, 2010

The Honorable Steven Chu
Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Chu:

As you know, the availability of medical isotopes is critical to advancing cancer research and treatment and current policies have given rise to a situation in which American medical facilities may be forced either to import certain isotopes or to abandon their research. We write to request a briefing on this matter and ask that you address this situation by taking a new look at how we ensure the availability of isotopes derived from Uranium-233 (U-233) that are particularly valuable for leukemia and cancer research.

We write specifically regarding risks to the availability of two isotopes derived from U-233 that are valuable for such research. In particular, DOE in the past has used its unique nuclear facilities to produce thorium-229 from its U-233 inventory located at Oak Ridge National Laboratory (ORNL). Thorium-229 in turn is used to create two rare medical isotopes, actinium-225 and its progeny isotope, bismuth-213, which are used by hospitals and universities in clinical trials and cancer research.

We understand that DOE presently is the only domestic source with the capacity to produce these isotopes, but that the Department abandoned its plans for thorium extraction at ORNL after 2005 at the direction of a Congressional conference report and based on various agency cost, security, and safety considerations. However, in May 2008, DOE's Inspector General (IG) raised concerns about the continued availability of actinium and bismuth for medical and other scientific research needs in the United States. The IG's special report entitled "Meeting Medical and Research Needs for Isotopes Derived from Uranium-233" concluded that,

because DOE has been planning to dispose of its U-233 inventory at ORNL without extracting thorium-229, the Department may be disposing of a national resource that is irreplaceable.

In February 2010, DOE's IG issued an audit report that assessed the status of DOE's project for disposing of its excess ORNL U-233 inventory. The report indicated that the U-233 disposal project has been delayed and that the project has had a number of management, contractor, design, performance, monitoring and waste disposal issues. The report also indicated project cost estimates have increased, and that planning and design work still has not been completed. According to the report, the decision to abandon thorium extraction prior to final disposition has been one of the factors contributing to the project delay.

We share the concern of the DOE IG that, in proceeding to dispose of the U-233 inventory without thorium extraction, the Department may be disposing of a national resource that is irreplaceable. Accordingly, we request a briefing from DOE on the status of DOE's current excess U-233 disposition project and on the availability of isotopes derived from U-233 to meet medical and research needs. We are particularly interested in whether, in light of the disposition project delays and other concerns raised by the DOE IG, it may be appropriate for the Department to reconsider thorium extraction prior to final disposition of DOE's ORNL U-233 inventory, or whether there are other alternatives for ensuring a stable domestic supply of important medical isotopes produced from U-233.

We appreciate your attention to this matter. To arrange a briefing, please have your staff contact Minority Committee staff at (202) 225-3641.

Sincerely,

Joe Barton
Ranking Member

Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations

cc: The Honorable Henry A. Waxman, Chairman

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations