

February 23, 2010

The Honorable Jeff Bingaman
703 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Lisa Murkowski
709 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Bingaman and Ranking Member Murkowski:

As a coalition made up of the Society of Nuclear Medicine (SNM), American Association of Physicists in Medicine (AAPM), American College of Radiology (ACR), American Nuclear Society (ANS), American Society of Nuclear Cardiology (ASNC), American Society for Radiation Oncology (ASTRO), Health Physics Society (HPS), Nuclear Energy Institute (NEI), Academy of Molecular Imaging (AMI), the non-proliferation community, Union of Concerned Scientists (UCS), National Association of Nuclear Pharmacies (NANP) and the Council on Radionuclides and Radiopharmaceuticals (CORAR), we ask that you support the timely passage of H.R. 3276, the American Medical Isotope Production Act of 2009. The Senate Energy and Natural Resources Committee held a hearing on the bill December 3, 2009, and unanimously approved the bill with an amendment on December 16, 2009. We understand it is currently on the Senate calendar but we are asking for your assistance in bringing this legislation forward for action by the Senate.

H.R. 3276 is urgently needed legislation that would provide the U.S. Department of Energy the authority to aid in the domestic development of essential medical isotope production. H.R. 3276 is intended to help ensure that U.S. patients have a stable and reliable supply of diagnostic and therapeutic medical isotopes within the next ten years, while converting the production process to avoid highly enriched uranium (HEU), in keeping with U.S. non-proliferation policy.

The legislation would facilitate the adequate production of isotopes without HEU prior to the restriction of HEU exports. In the unexpected event that conversion were delayed, the legislation provides for a waiver to permit continued HEU exports to avoid a "critical shortage" of isotopes. The legislation thus ensures both the supply of isotopes and the timely phase out of HEU exports.

Moreover, as you may know, on November 5, 2009, the House passed H.R. 3276 by a vote of 400-17. Sponsored by Representative Edward Markey (D-Mass.) and Representative Fred Upton (R-Mich.), the Act is balanced, bipartisan legislation that addresses *the current shortfall in the availability of critical medical isotopes that has had a high negative impact on patients in the U.S.*

Molybdenum-99 (Mo-99) is a critical medical radioisotope whose decay product Technetium-99m (Tc-99m) is used in more than 16 million nuclear medicine procedures annually across the nation. Physicians who use Tc-99m for the diagnosis of common cancers, heart and other diseases, fully rely upon a steady and predictable supply. The very short **six-hour** half-life of Tc-99m, while beneficial to patients and health care professionals, precludes any efforts to maintain an inventory. In addition, the domestic supply of Mo-99 (to produce Tc-99m-generators) is entirely dependent upon aging foreign reactors that have faced extended shutdowns for repair and maintenance.

As a consequence, the U.S. supply has been repeatedly and significantly disrupted. Many patients who need imaging with Tc-99m-based radiopharmaceuticals are now facing lengthy delays in the availability of nuclear medicine imaging, or being forced to resort to alternative diagnostic and therapeutic procedures that may involve the potential of more invasive procedures (with possible higher clinical risks to patients), greater radiation dosage, lower accuracy, and higher costs.

Additionally, the reliance on foreign reactors for the supply of Mo-99 requires the U.S. to ship highly enriched uranium, material of interest for use in nuclear terrorism, out of the country. Domestic production of Mo-99 will eliminate the risk that this nuclear material can be diverted for terrorists' use, thus increasing the effectiveness of the U.S. program for non-proliferation of nuclear materials.

The coalition believes the initiative being led by the National Nuclear Security Administration through the Global Threat Reduction Initiative with oversight and interagency coordination by the Office of Science and Technology Policy has the capability to achieve the establishment of a reliable domestic production of Mo-99 within the next ten years. The Congress has appropriated sufficient support for fiscal year 2010. The remaining task is to obtain congressional support through authorizing legislation that will serve as the support and basis for the administration's program into the future.

In order to avoid compromising patient care and increasing medical costs, a continuous and reliable supply of medical radioisotopes is clearly essential. It is also critical that domestic production capability for Mo-99 be developed. H.R. 3276 provides the needed support to accelerate the process of conversion so that the industry can move even more aggressively in this direction and be able to meet the time frame highlighted in this bill.

Senator, we hope you will join the patients, physicians, nuclear non-proliferation community, radioisotope manufacturers, and our coalition of professional organizations to quickly enact H.R. 3276. We would welcome the opportunity to answer any question you or your staff may have about the bill or the medical isotope industry. Thank you.

Sincerely,

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President, SNM

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cc: The Members of the United States Senate