

September 9, 2004

Mr. John Henshaw, Assistant Secretary  
Occupational Safety & Health Administration  
U.S. Department of Labor  
200 Constitution Avenue  
Washington, DC 20210

Dear Mr. Henshaw:

This is to advise the Department that under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) has approved an amendment to the Agreement with the State of Utah. This amendment to the Agreement relinquished NRC's regulatory authority and the State assumes regulatory authority over 11e.(2) byproduct material and the facilities that generate such material (uranium milling). In addition, the amendment to the Agreement makes the administrative change to the wording reflecting the 1996 return to NRC of the regulatory authority for Evaluation of Sealed Sources and Devices. The amendment to the Agreement became effective August 16, 2004. Enclosed is a copy of the Agreement for your information.

Sincerely,

**/RA/**

Paul H. Lohaus, Director  
Office of State and Tribal Programs

Enclosure:  
As stated

September 9, 2004

Mr. Rick Dearborne, Assistant Secretary  
Congressional and Intergovernmental  
Affairs  
U.S. Department of Energy N3641  
1000 Independence Avenue, S.W.  
Washington, DC 20565-0001

Dear Mr. Dearborne:

This is to advise the Department that under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) has approved an amendment to the Agreement with the State of Utah. This amendment to the Agreement relinquished NRC's regulatory authority and the State assumes regulatory authority over 11e.(2) byproduct material and the facilities that generate such material (uranium milling). In addition, the amendment to the Agreement makes the administrative change to the wording reflecting the 1996 return to NRC of the regulatory authority for Evaluation of Sealed Sources and Devices. The amendment to the Agreement became effective August 16, 2004. Enclosed is a copy of the Agreement for your information.

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*/RA/*

Paul H. Lohaus, Director  
Office of State and Tribal Programs

Enclosure:  
As stated

September 9, 2004

Mr. James Connaughton, Chairman  
Council on Environmental Quality  
722 Jackson Place, N.W.  
Washington, DC 20503-0002

Dear Mr. Connaughton:

This is to advise the Council on Environmental Quality that under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) has approved an amendment to the Agreement with the State of Utah. This amendment to the Agreement relinquished NRC's regulatory authority and the State assumes regulatory authority over 11e.(2) byproduct material and the facilities that generate such material (uranium milling). In addition, the amendment to the Agreement makes the administrative change to the wording reflecting the 1996 return to NRC of the regulatory authority for Evaluation of Sealed Sources and Devices. The amendment to the Agreement became effective August 16, 2004. Enclosed is a copy of the Agreement for your information.

Sincerely,

**/RA/**

Paul H. Lohaus, Director  
Office of State and Tribal Programs

Enclosure:  
As stated

September 9, 2004

David W. Feigal, Jr., M.D., MP, Director  
Center for Devices & Radiological Health  
Food and Drug Administration  
9200 Corporate Boulevard  
Rockville, MD 20850-3229

Dear Dr. Feigal:

This is to advise the Food and Drug Administration that under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) has approved an amendment to the Agreement with the State of Utah. This amendment to the Agreement relinquished NRC's regulatory authority and the State assumes regulatory authority over 11e.(2) byproduct material and the facilities that generate such material (uranium milling). In addition, the amendment to the Agreement makes the administrative change to the wording reflecting the 1996 return to NRC of the regulatory authority for Evaluation of Sealed Sources and Devices. The amendment to the Agreement became effective August 16, 2004. Enclosed is a copy of the Agreement for your information.

Sincerely,

**/RA/**

Paul H. Lohaus, Director  
Office of State and Tribal Programs

Enclosure:  
As stated

September 9, 2004

Mr. Jeffrey R. Holmstead  
Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
Ariel Rios Building, 6101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Mr. Holmstead:

This is to advise the Environmental Protection Agency that under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) has approved an amendment to the Agreement with the State of Utah. This amendment to the Agreement transfers to the State the Commission's regulatory authority over 11e.(2) byproduct material and the facilities that generate such material (uranium milling). In addition, the amendment to the Agreement makes the administrative change to the wording reflecting the 1996 return to NRC of the regulatory authority for Evaluation of Sealed Sources and Devices. The amendment to the Agreement became effective August 16, 2004. Enclosed is a copy of the Agreement for your information.

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Paul H. Lohaus, Director  
Office of State and Tribal Programs

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Occupational Safety & Health Administration  
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**/RA/**

Paul H. Lohaus, Director  
Office of State and Tribal Programs

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NAME	DMSollenberger:kk		JMPiccone		PHLohaus				
DATE	9/08/04		9/08/04		9/09/04				

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**IDENTICAL LETTERS SENT TO DOE, CEQ, FDA, EPA**

Mr. Rick Dearborne, Assistant Secretary  
Congressional and Intergovernmental Affairs  
U.S. Department of Energy N3641  
1000 Independence Avenue, S.W.  
Washington, DC 20565-0001

Mr. James Connaughton, Chairman  
Council on Environmental Quality  
722 Jackson Place, N.W.  
Washington, DC 20503-0002

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