

September 14, 2011

Mr. James B. Balocki, Chief
Environmental Community of Practice
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

Dear Mr. Balocki:

I am writing to thank you for your agency's participation in the U.S. Nuclear Regulatory Commission's (NRC's) Interagency Jurisdictional Working Group (IJWG). The IJWG was a multi-agency effort established by the NRC to evaluate jurisdictional and technical issues associated with regulating low concentrations of uranium and thorium, considered to be "source material" under the Atomic Energy Act (AEA) of 1954, as amended. In particular, I want to recognize and thank Mr. Brian Hearty, who was your agency's representative on the IJWG.

The IJWG was initially established in 2001 and operated until 2003. In 2003, the IJWG recommended that NRC's jurisdiction should be limited to uranium and thorium that are extracted and/or purposely concentrated for their chemical, physical, or radiological properties. This would include source material used in the nuclear fuel cycle. However, at that time, the Commission decided to defer further activities of the IJWG. In 2006, the Commission directed the NRC staff to reassemble the IJWG to determine if the IJWG continued to support the original recommendation. In subsequent deliberations of the IJWG, the IJWG voiced continued support of the overall recommendation, but some members wanted to see the actual legislative proposal before committing the support of their agency. The Commission has decided that the NRC should prepare and, upon the Commission's approval, submit a legislative proposal through the Office of Management and Budget (OMB) per normal process with the expectation that the contemplated legislative language would be distributed by OMB for review by your agency. Based upon this path forward, the Commission has determined that the IJWG has successfully completed its objectives and has decided to conclude the working group.

I want to again reiterate my thanks for your agency's participation on the IJWG. Your staff's knowledge in the subject matter was very helpful as we researched the issues related to the regulation of low-level concentrations of uranium and thorium as source material.

J. Balocki

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If you have any questions, please feel free to contact to me by telephone at 301-415-3641 or by e-mail at Cynthia.Carpenter@nrc.gov or contact Mr. Gary Comfort of my staff at 301-415-8106 or by email at Gary.Comfort@nrc.gov.

Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Brian Hearty

September 14, 2011

Mr. David Huizenga, Acting Assistant Secretary
Office of Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Huizenga:

I am writing to thank you for your agency's participation in the U.S. Nuclear Regulatory Commission's (NRC's) Interagency Jurisdictional Working Group (IJWG). The IJWG was a multi-agency effort established by the NRC to evaluate jurisdictional and technical issues associated with regulating low concentrations of uranium and thorium, considered to be "source material" under the Atomic Energy Act (AEA) of 1954, as amended. In particular, I want to recognize and thank Mr. Edward Regnier, who was your agency's representative on the IJWG.

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D. Huizenga

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Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Edward Regnier

September 14, 2011

Dr. Magdy El-Sibaie, Associate Administrator
Office of Hazardous Materials Safety
DOT/PHMSA/PHH-1
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Dear Dr. El-Sibaie:

I am writing to thank you for your agency's participation in the U.S. Nuclear Regulatory Commission's (NRC's) Interagency Jurisdictional Working Group (IJWG). The IJWG was a multi-agency effort established by the NRC to evaluate jurisdictional and technical issues associated with regulating low concentrations of uranium and thorium, considered to be "source material" under the Atomic Energy Act (AEA) of 1954, as amended. In particular, I want to recognize and thank your agency's representatives on the IJWG: Mr. Richard Boyle, Mr. Jim Williamson, and Mr. Fred Ferate (now retired).

The IJWG was initially established in 2001 and operated until 2003. In 2003, the IJWG recommended that NRC's jurisdiction should be limited to uranium and thorium that are extracted and/or purposely concentrated for their chemical, physical, or radiological properties. This would include source material used in the nuclear fuel cycle. However, at that time, the Commission decided to defer further activities of the IJWG. In 2006, the Commission directed the NRC staff to reassemble the IJWG to determine if the IJWG continued to support the original recommendation. In subsequent deliberations of the IJWG, the IJWG voiced continued support of the overall recommendation, but some members wanted to see the actual legislative proposal before committing the support of their agency. The Commission has decided that the NRC should prepare and, upon the Commission's approval, submit a legislative proposal through the Office of Management and Budget (OMB) per normal process with the expectation that the contemplated legislative language would be distributed by OMB for review by your agency. Based upon this path forward, the Commission has determined that the IJWG has successfully completed its objectives and has decided to conclude the working group.

I want to again reiterate my thanks for your agency's participation on the IJWG. Your staff's knowledge in the subject matter was very helpful as we researched the issues related to the regulation of low-level concentrations of uranium and thorium as source material.

M. El-Sibaie

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If you have any questions, please feel free to contact to me by telephone at 301-415-3641 or by e-mail at Cynthia.Carpenter@nrc.gov or contact Mr. Gary Comfort of my staff at 301-415-8106 or by email at Gary.Comfort@nrc.gov.

Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Richard Boyle
Jim Williamson

September 14, 2011

Mr. Neal Merrifield
Office of the Administrator
Metal and Non-Metal Mine Safety and Health
Mining Safety and Health Administration
1100 Wilson Boulevard, Room 2436
Arlington, VA 22209-3939

Dear Mr. Merrifield:

I am writing to thank you for your agency's participation in the U.S. Nuclear Regulatory Commission's (NRC's) Interagency Jurisdictional Working Group (IJWG). The IJWG was a multi-agency effort established by the NRC to evaluate jurisdictional and technical issues associated with regulating low concentrations of uranium and thorium, considered to be "source material" under the Atomic Energy Act (AEA) of 1954, as amended. In particular, I want to recognize and thank Mr. Christopher Findlay, who was your agency's representative on the IJWG.

The IJWG was initially established in 2001 and operated until 2003. In 2003, the IJWG recommended that NRC's jurisdiction should be limited to uranium and thorium that are extracted and/or purposely concentrated for their chemical, physical, or radiological properties. This would include source material used in the nuclear fuel cycle. However, at that time, the Commission decided to defer further activities of the IJWG. In 2006, the Commission directed the NRC staff to reassemble the IJWG to determine if the IJWG continued to support the original recommendation. In subsequent deliberations of the IJWG, the IJWG voiced continued support of the overall recommendation, but some members wanted to see the actual legislative proposal before committing the support of their agency. The Commission has decided that the NRC should prepare and, upon the Commission's approval, submit a legislative proposal through the Office of Management and Budget (OMB) per normal process with the expectation that the contemplated legislative language would be distributed by OMB for review by your agency. Based upon this path forward, the Commission has determined that the IJWG has successfully completed its objectives and has decided to conclude the working group.

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N. Merrifield

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Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Christopher Findlay

September 14, 2011

Mr. David Michaels, Assistant Secretary
Occupational Safety & Health Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Mr. Michaels:

I am writing to thank you for your agency's participation in the U.S. Nuclear Regulatory Commission's (NRC's) Interagency Jurisdictional Working Group (IJWG). The IJWG was a multi-agency effort established by the NRC to evaluate jurisdictional and technical issues associated with regulating low concentrations of uranium and thorium, considered to be "source material" under the Atomic Energy Act (AEA) of 1954, as amended. In particular, I want to recognize and thank both Ms. Doreen Hill and Mr. Surender Ahir, who were your agency's representatives on the IJWG.

The IJWG was initially established in 2001 and operated until 2003. In 2003, the IJWG recommended that NRC's jurisdiction should be limited to uranium and thorium that are extracted and/or purposely concentrated for their chemical, physical, or radiological properties. This would include source material used in the nuclear fuel cycle. However, at that time, the Commission decided to defer further activities of the IJWG. In 2006, the Commission directed the NRC staff to reassemble the IJWG to determine if the IJWG continued to support the original recommendation. In subsequent deliberations of the IJWG, the IJWG voiced continued support of the overall recommendation, but some members wanted to see the actual legislative proposal before committing the support of their agency. The Commission has decided that the NRC should prepare and, upon the Commission's approval, submit a legislative proposal through the Office of Management and Budget (OMB) per normal process with the expectation that the contemplated legislative language would be distributed by OMB for review by your agency. Based upon this path forward, the Commission has determined that the IJWG has successfully completed its objectives and has decided to conclude the working group.

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D. Michaels

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Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Doreen Hill
Surender Ahir

D. Michaels

-2-

If you have any questions, please feel free to contact to me by telephone at 301-415-3641 or by e-mail at Cynthia.Carpenter@nrc.gov or contact Mr. Gary Comfort of my staff at 301-415-8106 or by email at Gary.Comfort@nrc.gov.

Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Doreen Hill
Surender Ahir

DISTRIBUTION:
DILR R/F

Identical Letters Sent To: See Attached List

ML112290756

OFC	PM:RBA/DILR	BC:RBA/DILR	DD:DILR	Tech Ed	OGC	D:FSME
NAME	GComfort	JDanna	DJackson	PTressler	PHirsh (CMullins for)	CCarpenter (A)
DATE	8/19/11	8/25/11	9/6/11	9/14/11	9/8/11	9/14/11

OFFICIAL RECORD COPY

Identical Letters Sent To:

Mr. James B. Balocki, Chief

Environmental Community of Practice
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

Mr. David Huizenga, Acting Assistant Secretary

Office of Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dr. Magdy El-Sibaie, Associate Administrator

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DOT/PHMSA/PHH-1
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

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Mining Safety and Health Administration
1100 Wilson Boulevard, Room 2436
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