

September 14, 2011

Mr. Mike Flynn, Director  
Office of Radiation and Indoor Air  
U.S. Environmental Protection Agency  
Mail Code: 6601J  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Flynn:

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 Mr. Thomas Peake and Mr. Loren Setlow (recently retired), 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.

Because the NRC expects that the U.S. Environmental Protection Agency (EPA) would undertake jurisdiction of the uranium and thorium that would no longer fall under the AEA, NRC staff plans to continue to interact directly with your staff during the preparation of any draft legislation that would implement the IJWG recommendations. Our goal is to provide the views of EPA management on the drafted legislation to the Commission for review before the Commission decides whether to send a legislative amendment to OMB. I hope that your staff will be available to continue these interactions.

M. Flynn

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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.

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](mailto:Cynthia.Carpenter@nrc.gov) or contact Mr. Gary Comfort of my staff at 301-415-8106 or by email at [Gary.Comfort@nrc.gov](mailto:Gary.Comfort@nrc.gov).

Sincerely,

***/RA/***

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

cc: Thomas Peake

M. Flynn

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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](mailto:Cynthia.Carpenter@nrc.gov) or contact Mr. Gary Comfort of my staff at 301-415-8106 or by email at [Gary.Comfort@nrc.gov](mailto:Gary.Comfort@nrc.gov).

Sincerely,

**/RA/**

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

cc: Thomas Peake

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