

August 10, 2004

The Honorable Olene S. Walker  
Governor of Utah  
Salt Lake City, Utah 84114-0601

Dear Governor Walker:

I am pleased to inform you that the United States Nuclear Regulatory Commission (NRC) has approved the proposed amendment to the Agreement requested by former Governor Michael O. Leavitt. Under the amendment to the Agreement, NRC will discontinue, and the State of Utah will assume, regulatory authority over the possession and use of 11e.(2) byproduct material, including the facilities that generate such material. 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.

Enclosed are three formal copies of the amendment to the Agreement for your signature. After signature, one copy should be retained by your office, and the other two copies should be mailed to Paul H. Lohaus, Director, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The Commission appreciates your interest in expanding Utah's participation in the Agreement State Program, and looks forward to continuing the excellent relationship that exists between the NRC and the State of Utah.

Sincerely,

**/RA/**

Nils J. Diaz

Enclosures:  
As stated

cc: Dane Finerfrock, Director  
Division of Radiation Control  
Department of Environmental Quality