

EDO Principal Correspondence Control

FROM: DUE: 01/21/03

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FINAL REPLY:

Governor Michael O. Leavitt  
State of Utah

TO:

Chairman Meserve

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 03-0011

Chairman Meserve

DESC:

Request for an Amended Agreement Between NRC and  
the State of Utah

ROUTING:

Travers  
Paperiello  
Kane  
Norry  
Craig  
Burns/Cyr  
Merschhoff, RIV  
Virgilio, NMSS

DATE: 01/09/03

ASSIGNED TO:

CONTACT: -

STP

Lohaus

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01





# STATE OF UTAH

OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
84114-0601

MICHAEL O LEAVITT  
GOVERNOR

OLENE S WALKER  
LIEUTENANT GOVERNOR

January 2, 2003

The Honorable Richard A. Meserve  
Chairman  
Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Chairman Meserve:

The purpose of this letter is to formally request an amended agreement between the U.S. Nuclear Regulatory Commission (NRC) and the State of Utah, as authorized under Section 274b of the Atomic Energy Act of 1954, as amended and Utah Code Annotated 19-3-104 under which the Commission will discontinue and the State of Utah will assume certain regulatory authority for by-product material as defined in Section 11e.(2) of the Atomic Energy Act, as amended (uranium mills and tailings) now under federal jurisdiction.

I certify that the State of Utah desires to assume regulatory responsibility for uranium mills and tailings and has a program for the control of radiation hazards adequate to protect the public health and safety with respect to materials within the State covered by this proposed agreement. In support of this proposal, I am submitting information describing the State's radiation control program and regulatory capabilities and a copy of the applicable State of Utah radiation control statute and rules. As part of the request, Utah is proposing to apply existing Utah groundwater protection standards in lieu of the NRC groundwater requirements in Appendix A to 10 CFR Part 40.

I would like the amended Agreement to become effective October 1, 2003. There will not be a formal signing ceremony.

I look forward to this amended Agreement and the transfer of regulatory authority over uranium mills and tailings to the State of Utah. Thank you for the support of NRC staff as the State has developed its program.

Sincerely,

Michael O. Leavitt  
Governor

Enclosures: Final Application, Amended Agreement for Uranium Recovery  
Regulation, Division of Radiation Control, Utah Department of  
Environmental Quality, January 2003

MOL:DRN:dco/fs