

July 30, 2003

William J. Sinclair, Director
Division of Radiation Control
Department of Environmental Quality
168 North 1950 West, P.O. Box 144850
Salt Lake City, Utah 84114-4850

Dear Mr. Sinclair:

As requested, we have reviewed the proposed change to Utah Radiation Control Rule, R313-25-31(7). This change was evaluated in comparison with the requirements of 10 CFR 61.62 (g) and the health and safety categories established in the Office of State and Tribal Programs Procedure SA-200.

10 CFR 61.62 (g) is designated as a Health and Safety compatibility category, which allows a State to be more restrictive than the equivalent Federal rules. As a result, while Utah's removal of one of the financial assurance vehicles makes the State rule more restrictive, the decision to do so is within the State's purview.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or John Zabko of my staff at (301) 415-2308 or JGZ@NRC.GOV.

Sincerely,

/RA by Josephine Piccone/

Josephine Piccone, Deputy Director
Office of State and Tribal Programs

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Josephine Piccone, Deputy Director
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