

March 26, 2007

David R. Gifford, MD, MPH
Director of Health
Rhode Island Department of Health
Cannon Building
Three Capitol Hill
Providence, Rhode Island 02908

Dear Dr. Gifford:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 20, 2007, in which you informed us that due to a funding shortage, the Governor has recommended to the Rhode Island General Assembly that the State's radioactive materials program be returned to the NRC. This would also result in the State withdrawing from its Agreement with the NRC under Section 274 b. of the Atomic Energy Act (AEA). Your letter further requested that the NRC either provide operating funds for a period of up to three years to the Rhode Island Department of Health to enable the State to continue its program and maintain its Agreement with the NRC, or provide funds to support your staff in the return of the program to the NRC.

The Commission has the authority under Section 274 i. of the AEA to provide training and other assistance to States. The Commission is not authorized to provide operating funds for the administration of existing State programs, including any costs to support State staff terminating the Agreement or returning a program to the NRC. In those instances where States have returned some or all of their programs to the NRC, the administrative costs of doing so have been the State's responsibility.

We want to assure you that the Commission supports the objectives of the Rhode Island program and its continuation under the Agreement with the NRC. Over the years, the NRC has had a strong relationship with the management and staff of the program. We will continue to have staff available to work closely with the Department of Health staff to ensure a smooth transition as the Rhode Island General Assembly contemplates the recommendation to return the program to the NRC.

We would be pleased to provide or discuss with you, your staff, or other appropriate State representatives, information related to the return of the program to the NRC. This may include information on the current NRC fee schedule, the potential financial and administrative impacts on the Rhode Island radioactive material licensees if the program is returned to the NRC, and the requirements and process for becoming an Agreement State at a later date should the State withdraw from its existing Agreement with the NRC. In addition, whatever decision is made by the General Assembly, the NRC is prepared to ensure that the materials licensees in Rhode Island are appropriately regulated and inspected to provide adequate protection to the residents of Rhode Island.

If you or your staff have questions on this matter, please contact Janet Schlueter, Director, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, at JRS1@nrc.gov or 301-415-3340.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

cc: Walter Combs, Ph.D.
Rhode Island

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Sincerely,

/RA/

Luis A. Reyes
Executive Director
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cc: Walter Combs, Ph.D.
Rhode Island

This correspondence addresses policy issues previously resolved by the Commission, transmits factual information, or restates Commission policy.

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