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7 December 2009

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements (DMSSA)
Office of Federal and State Materials and Environmental
Management Programs
U.S. Nuclear Regulatory Commission - T8-E24
Washington, D.C. 20555-0001

Dear Mr. Reis:

This letter is to request formal closeout of an open RATS item [1997-6] identified during our current IMPEP mid-term review on 2 December 2009.

NRC's 25 October 2004 response [ML043010048-Item 5] to our September 2004 amendments for the *Rhode Island Rules and Regulations for the Control of Radiation* noted that these amendments did not address the section of RATS 1997-6 which dealt with the requirements of 10 CFR 40.36 regarding decommissioning funding for source material.

This deficiency was corrected by the addition of §C.5.16(h) & (i) in the September 2006 amendments to the *Rhode Island Rules and Regulations for the Control of Radiation*. However, this correction was not specifically noted in our transmittal letter to NRC, and apparently not included during the NRC review of those amendments.

Enclosed is a copy of §C.5.16 of the September 2006 edition of the *Rhode Island Rules and Regulations for the Control of Radiation*. This final regulation corresponds to the following equivalent amendments to NRC's regulations.

Rats ID	Title	State Section
1997-6	Financial assurance and recordkeeping for decommissioning (source material)	§C.5.16(h) & (i)

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at (401) 222-4540 or William Dundulis of my staff at (401) 222-7767 or [Bill.Dundulis@health.ri.gov].

Sincerely,

Raymond Rusin, Chief
Office of Facilities Regulation

CC: Kathleen Schneider, USNRC

Enclosures: As stated