



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF RADIOLOGICAL HEALTH

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April 1, 2004

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Piccone:

This is a follow-up to your letter of February 1, 2002, concerning comments to final regulations we submitted electronically on December 21, 2001. There were three topics identified during our recent IMPEP review that we need to address in regard to these regulations.

The first is the date they became effective. The regulations did not become effective on February 4, 2002, as we had anticipated. The Division had submitted the regulations to the Office of the Secretary of State (SOS) on November 21, 2001. Based on this date, the regulations were to become effective on February 4, 2002. During their processing by SOS, the regulation package was lost. When the Division learned of this loss, on April 3, 2002, we took immediate action to put the regulations in place as public necessity rules, which were effective April 18 through September 30, 2002. We held a new public hearing for the rules on June 17, 2002. The regulation package was submitted to the SOS on July 19, 2002, and the final rules became effective October 1, 2002.

Second is our handling of the comments in your February 1, 2002, letter, which contained seven (7) comments that applied to adequacy and compatibility, seven (7) editorial comments and one comment from your letter of June 8, 2001. We incorporated five (5) of the adequacy and compatibility comments and the seven (7) editorial comments into the rulemakings described above. The other two (2) adequacy and compatibility comments and the open comment from the June 8 letter were incorporated into our next rulemaking. This rulemaking was submitted for NRC review on October 22, 2003. It has been signed by the Commissioner, Department of Environment and Conservation, and is currently under review in the Office of the Attorney General (AG).

Last is a clarification regarding Rule 1200-2-10-.36 Radiological Criteria for License Termination. This rule was included in the December 21, 2001, submission and in all the rulemakings described above in the first topic; it became final on October 1, 2002. During the

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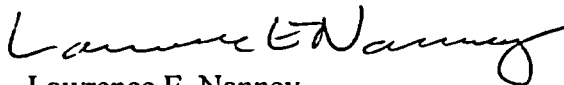
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recent IMPEP, however, we were made aware that NRC apparently had not reviewed it as part of our December 21, 2001, submission.

We have attached copies of the amendments for the regulations that became effective on October 1, 2002, and for those that are in AG review with the corrections and Rule 1200-2-10-.36 marked.

If you have any questions, please feel free to contact me at 615-532-0360 or Barbara Davis of my staff at 615-532-0389 or Barbara.A.Davis@state.tn.us.

Sincerely,



Lawrence E. Nanney
Director

Attachments