



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

To: Lohaus STP
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BETSY L. CHILD
COMMISSIONER

PHIL BREDESEN
GOVERNOR

July 14, 2004

Mr. Martin J. Virgilio
Deputy Executive Director
for Materials, Research and State Programs
Office of the Executive Director for Operations
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Virgilio:

This letter is in response to your June 9, 2004, correspondence which transmitted the results of the IMPEP review of the Tennessee Radiological Health program. In your letter, you requested a response to recommendations made by the IMPEP team. We offer the following responses to those recommendations found in Section 5.0 of the report:

1. The review team recommends that the Division promptly adopt the current version 10 CFR 20.2003. (Section 4.1.2.)

The Division of Radiological Health will respond to a letter dated April 12, 2004, from Josephine Piccone, Deputy Director, Office of State and Tribal Programs, which outlined the differences between NRC regulations and the State's rules regarding discharges of radioactive material to sanitary sewerage systems. In her letter, Ms. Piccone observed that the State's rules are more restrictive than the NRC's rules, and indicated that a change would be necessary in order to achieve compatibility with NRC regulations. The Division is currently evaluating this issue.

2. The review team recommends that the Division acquire or provide a mechanism for staff to have access to expertise commensurate with the complexity of SS&D casework. (Section 4.2.2)

During the course of a review, the reviewers of sealed sources and devices will identify any areas of materials interaction, materials design, etc., with which they are not familiar. They will bring these areas to the attention of the Section

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Manager, who will work with them to explore additional information which can be obtained from the applicant. If this does not resolve the issue to the satisfaction of the reviewers, the Section Manager will assist in the exchange of information with experts in the NRC and/or reviewers in states who have reviewed devices having similar issues. If questions still remain, a summary of the information and actions taken with respect to the identified area, along with recommendations for obtaining expert assistance, including outside consultants or contractors where appropriate, will be prepared. The Section Manager and Division Director will coordinate with Departmental management to obtain necessary resources which are not available through the normal NRC and Agreement State channels.

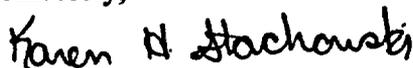
3. The review team recommends that the Division prepare registration certificates consistent with the current version of NUREG-1556, Volume 3. (Section 4.2.2)

Division SS&D review staff has studied the format of registration certificates presented in NUREG-1556, Vol. 3, Rev. 1, and will prepare certificates consistent with the chapter dealing with the contents of the certificate, in order to maintain a standard format. Modifications to existing registration certificates will also adopt the specific guidance of the NUREG to maintain a standard format.

In addition to our response to the recommendations, please note a correction that needs to be made in the Final Report. In Section 4.1.2, Program Elements Required for Compatibility, on page 12, the report discusses the seven rules needed for compatibility. Please change the last sentence of the paragraph introducing this topic to read: "Presently, this rule package has been signed by the Department's Commissioner and is currently in the Attorney General's office for review."

Again, we appreciate the professionalism and the thoroughness demonstrated by the IMPEP Review Team during the staff accompaniments and the onsite review in February 2004. We also value greatly the exchange of information and opportunities for improvement that the IMPEP process provides to both the States and the NRC. If you have any questions, please contact me or Eddie Nanney at (615) 532-0360.

Sincerely,



Karen Stachowski
Deputy Commissioner of Environment

cc: Lawrence E. Nanney, Director
Division of Radiological Health