

December 10, 2004

Mr. Lawrence E. Nanney, Director
Division of Radiological Health
L & C Annex, Third Floor
401 Church Street
Nashville, TN 37243-1532

Dear Mr. Nanney:

On April 12, 2004, a written request was made for a response to our comments on the Tennessee Rules found in sections 1200-2-5-.18 and 1200-2-5-.122, which correspond to 10 CFR 20.2003. For your convenience, the referenced letter is attached.

In addition, at the May 13, 2004 Management Review Board Meeting for the Tennessee IMPEP review, you indicated that after appropriate review and consideration, Tennessee would respond in writing to the above referenced April 12, 2004 correspondence. As of the date of this letter, no amended rules have been sent for our review. Based on that review and the lack of response from the State, Tennessee's rule equivalent to 10 CFR 20.2003 continues to be incompatible to the NRC rules for the following reasons:

1. Section 1200-2-5-.18 contains the older, sewer discharge requirements of Part 20 that were amended by the NRC in 1991. The verbiage used in this section is in contradiction to Tennessee Rule Section 1200-2-5-.122, as well as the current Part 20.2003. The State needs to remove this section to achieve compatibility.
2. Section 1200-2-5-.122 (1)(c) refers licensees to Tennessee Schedule RHS 8-30, Table 2, Column 2. This reference makes this Section incompatible with Part 20.2003 because the limits listed in Schedule RHS 8-30, Table 2, Column 2, are more restrictive than in Part 20, Appendix B, Table 3 (monthly average concentration for releases to sewers). This Section is designated as Compatibility Level A requiring adoption of rule language that is essentially identical to the NRC rules. The State needs to add a column to its' Schedule RHS 8-30, that is equivalent to Part 20, Appendix B, Table 3 and make the correct reference to that new column in 1200-2-5-.122 (1)(c), to achieve compatibility.

Please provide a final amended version of your rules showing the location of any changes made in response to our comments. If there are any comments which the State believes are in error, the State should identify the section of their regulations that meet the designated compatibility category and provide regulations for our review.

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 Bill Rautzen of my staff at (301)415-7206 or WRR@NRC.GOV.

Sincerely,

IRA By D. Sollenberger For

Josephine Piccone, Deputy Director
Office of State and Tribal Programs

Attachment:
As stated

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 Bill Rautzen of my staff at (301)415-7206 or WRR@NRC.GOV.

Sincerely,

IRA By D. Sollenberger For

Josephine Piccone, Deputy Director
Office of State and Tribal Programs

Attachment:
As stated

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