

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: Paul Sloan

AFFILIATION: TN

ADDRESSEE: Dale Klein

SUBJECT: Tennessee's intent to regulate certain radioactive materials

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ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 10/04/2006

ACKNOWLEDGED: No

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NOTES:

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DATE DUE:

DATE SIGNED:



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

JAMES H. FYKE  
COMMISSIONER

PHIL BREDESEN  
GOVERNOR

October 4, 2006

Dale E. Klein  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Klein:

Governor Bredeesen has asked the Department of Environment and Conservation to respond to your letter dated August 18, 2006 requesting information regarding the plans of the State of Tennessee for the regulation of certain radioactive materials soon to come under the regulatory program of the U. S. Nuclear Regulatory Commission, in accordance with its expanded authority under the Energy Policy Act of 2005, as newly defined byproduct materials.

Tennessee has regulated the radioactive materials to be captured under the expanded definition of byproduct material for more than forty years, protecting our public health and safety, and our environment through the same regulatory practices employed in the conduct of our Section 274b Agreement State program.

I anticipate that the State of Tennessee will, at the appropriate time, submit its certification to the Nuclear Regulatory Commission, as provided for in Section 651(e) of the Energy Policy Act of 2005, and continue to regulate the radioactive materials newly defined as Section 11e. (3) and 11e. (4) byproduct materials by the Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Sloan".

Paul L. Sloan  
Deputy Commissioner

PLS:TC:cm