



TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT

Bureau of Environment  
T.E.R.R.A. BUILDING  
150 NINTH AVENUE, NORTH  
NASHVILLE, TENNESSEE 37203

April 19, 1984

Mr. Donald A. Nussbaumer  
Assistant Director for State Agreements Program  
Office of State Programs  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

We would like to make the following brief comments on the proposed revision to 10 CFR Part 35:

- A. It appears that this revision strikes hard at the necessity for maintaining a licensing program. The dilution of the concept of licensing leads to the conclusion that licensing is no longer recognized as an important facet of the relationship between the regulated and the regulator. Perhaps this is an indication that the regulated need no longer to be regulated. ✓
- B. This proposal allows many, if not all, later compliance and health physics decisions to be made in an atmosphere where the licensee, by judging his own program, makes these decisions under the assumption that he is in compliance, though, he may not, in fact, be. ✓
- C. We understand that the rejection rate by NRC on the present applications is very high. We fail to see how a transfer of the licensing judgment to the applicant will reduce the faults in understanding and reasoning which exist even now. ✓
- D. We cannot agree that the inspector should bear the responsibility of reviewing the licensee's procedures cold on the premises. Will they not change even as he sits there reviewing them? ✓

For the above reasons, we would not recommend the adoption of this proposed change. We appreciate the opportunity to comment on this proposal.

Sincerely,

*Johnny C. Graves*

Johnny C. Graves, Radiological Physicist  
Division of Radiological Health

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