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December 2, 1996



VIA FACSIMILE

Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
ATTN: Chief of Docketing and Services Branch
Washington DC 20555-0001

Dear Secretary Hoyle:

Enclosed are the Maryland Radiological Health Program's comments on the Nuclear Regulatory Commission Strategic Assessment and Rebaselining Initiative. Thank you for the opportunity to comment on this subject.

If you should have any questions, please feel free to contact me at (410) 631-3300. You may also reach my office toll-free by dialing 1-800-633-6101 and requesting extension 3300.

Sincerely,

Roland G. Fletcher, Manager
Radiological Health Program

RGF:dpn

Enclosure

CC: Robert Quillin

U.S. NUCLEAR REGULATORY COMMISSION
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State of Maryland**Comments on****U.S. NRC Strategic Assessment and Rebaselining Initiative****Direction Setting Issue Paper # 12****"Risk-Informed, Performance Based Regulation"**

Where it is true that many complex licensees would prefer performance based regulation, we have seen that many smaller licensees prefer prescriptive regulation. Many times prescriptive regulation is good in that it has had a larger base of review against potential hazards and provides an increased attention to detail that may be lacking with performance based regulation. Regulation should continue to reflect conservatism well below what a risk based evaluation would allow. Failure to meet a performance based criteria should result in consequences to the licensee.