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September 3, 1996

Hon. Shirley Jackson, Chair
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Dr. Jackson,

I had promised you a letter stating the concerns I expressed to you in a crowd at a recent ANS meeting. The subject is margin as used in the regulatory sense.

Nuclear regulatory policy and regulations are based on safety. In any attempt to set rational and workable regulations, safety must be the primary criterion. If the regulations are met, a license can be granted and operations can take place under its terms.

It is widely recognized that regulations are set with a measure of conservatism, but it is also understood that one wants to be sure to remain in compliance by a reasonable margin, not operating every system right at the line.

One of the reasons that margin is useful is that there is some uncertainty in every measurement or instrument reading, and some uncertainty as well in the health effects relationships and safety implications of the actions being regulated.

This said, the definition is clear: Margin is Margin.

It is a numerical range above a regulatory limit. It gives the operator confidence that the operation is in compliance, and it gives the regulator a feeling of security in his knowledge that limits are being honored.

But margin is not a regulatory requirement.

During the post-TMI period, extensive scientific work was published, research was done, discussions were held, and negotiations took place between the industry and the Commission, both at the staff and at the Commission level. Understandings were reached.

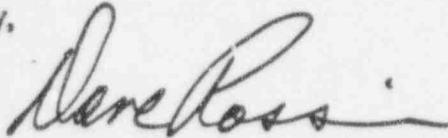
One of them was that requiring the maintaining of the same margin that existed at one time was not a valid requirement, particularly when the argument of the regulator was that it was needed to "give a warm feeling" that compliance was being achieved.

This battle was brought to a close. It should not be recurring. It represents an abuse of regulatory authority, and could not stand legal challenge. At the same time, it is known that it is difficult for any licensee to mount a legal challenge to a regulatory position that requires engineering experience and judgment to be effective.

It is a matter of integrity and trust. It continues to recur, and needs to be understood clearly by all parties, including media representatives that cover NRC and nuclear industry issues, and other groups that express an interest in nuclear safety and regulatory activities.

I would be pleased to discuss this matter with you if you so desire. Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. David Rossin".

A. David Rossin

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