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DOCKET NUMBER  
PROPOSED RULE PR 20

(61FR 3334) (31)

Secretary  
U. S. Nuclear Regulatory Commission  
Washington D. C. 20555  
Attention: Docketing and Service Branch

- References: 1) Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43
- 2) NRC Proposed Rule, 10CFR20, Reporting Requirements for  
Unauthorized Use of Licensed Radioactive Material, dated  
January 31, 1996 (61 FR 3334)

Subject: Detroit Edison Comments on the Proposed Rule 10CFR20, Reporting  
Requirements for Unauthorized Use of Radioactive Material

The purpose of this letter is to submit Detroit Edison's comments on the proposed rule on 10CFR20 (Reference 2). Detroit Edison supports the need for the NRC to be promptly informed of incidents involving the intentional misuse of licensed material, even if the resulting personnel doses do not exceed any regulatory limits.

Detroit Edison is concerned about the approach which would require reporting all events where intentional use cannot be "ruled out." This language, together with the 48 hour time frame for reporting such events, would result in a large number of reports of events which cannot reasonably be considered intentional, but where intent cannot be ruled out. Examples of such reports include:

- Low-level internal uptakes of licensed material where the source cannot be identified,
- Low-level contamination of shoes or clothing where the source cannot be identified;
- Unexplained increases of a few mrem in the reading on a pocket dosimeter;
- Instrument check sources which cannot be accounted for during a 48 hour period; and

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- Equipment found in a clean area which has low levels of contamination.

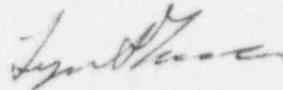
The proposed enforcement policy of considering an infraction a level III violation will require licensees to be conservative when considering whether events are reportable. Events of this type which are not reportable will require that documentation be generated and retained to "rule out" intentional misuse. Detroit Edison estimates approximately 5 reports per year at our facility, in addition to another 5 events which will require documentation to "rule out" intentional misuse. This will result in considerable resources being required for compliance, with no significant benefit.

We propose that this rule be amended in three ways:

1. The reporting time frame should be extended to 7 days. If there is a requirement for 24 or 48 hour reports, it should be limited to doses above a reasonable threshold.
2. The requirement that an event be reported when "... the licensee cannot rule out that the use was intentional," should be changed to cases where the circumstances of the event make it reasonable to conclude that the misuse was intentional.
3. The enforcement policy should be downgraded unless the event results in an exposure above a regulatory limit.

We feel that, with these changes, the proposed regulation will fulfill its intent without becoming an undue burden on licensees. If you should have any questions concerning Detroit Edison's comments please contact William V. Lipton, Principal Engineer at (313) 586-1678.

Sincerely,



Lynne S. Goodman  
Director, Nuclear Licensing

cc: T. G. Colburn  
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