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June 16, 1983



BUCKET FILE  
PROPOSED RULE PR-20 (3)  
(48FR 20721)



Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: 10 CFR 20.402

Gentlemen:

The following comments are submitted in response to the proposed rule change to 10 CFR 20.402 which was published in the Federal Register, Vol. 48, No. 90, May 9, 1983.

The background information for the rule change indicates that its justification is primarily based on a single incident involving a shipment of Cs-137 sources to Korea in 1979. Since 3M was the licensee involved with that shipment, we are very familiar with the circumstances surrounding it. In our 20 years of shipping radioactive sources, with a current volume of 18,000 shipments/yr, the Korean incident has been the only one of its kind and it is extremely unlikely that a similar incident will occur in the future. We strongly believe that this complex incident is not adequate justification for increasing the regulatory burden on all NRC licensees when there appears to be no corresponding benefit to the public.

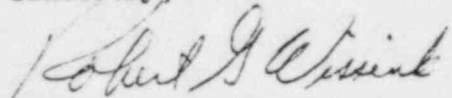
If the proposed changes to 10 CFR 20.402 had been in effect at the time of the Korean incident, they would not have influenced its outcome. First, 3M was not notified of the missing package until seven months after it was shipped from our production facility. Second, 3M spent over 400 person-hours attempting to locate it both in the U.S. and through our network of international subsidiaries. If, as the background information for the proposed rule indicates, NRC's concern is that the package might have been opened, a 30 day notification to the NRC seven months after shipment would not have materially affected the situation. Similarly, a 30 day written report would have provided little information on the disposition of the material involved, or exposures to individuals since this is still unknown.

DS10  
add: Donald O'Neil, 113055

6/21/83  
PD

We believe that it is appropriate for the NRC to modify the judgemental part of 10 CFR 20.402 to define a substantial hazard, but we feel that requirements for reporting missing sources containing only 10 times the quantity specified in Appendix C are totally inappropriate. These sources do not constitute substantial hazards. It is our recommendation that criteria such as that used for "Notification of Incidents", 10 CFR 20.403, be established for missing sources. This criteria is based on actual or potential radiation exposures to individuals. We further recommend that the reporting requirement take into consideration whether the package contains exempt, generally, or specifically licensed material and believe that 45-60 days should be allowed for tracing international shipments before they are reported missing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert G. Wissink".

Robert G. Wissink, Chairman  
Isotope Committee

RGW:cr