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November 24, 1995

Minnesota Mining and Manufacturing
ATTN: Mr. Robert Wessink, Manager
Health Physics Services
3M Center, Building 220-3W-06
P.O. Box 33283
St. Paul, MN 55133-3283

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 030-14999/95001(DRSS))

Dear Mr. Wessink:

This acknowledges receipt of your letter dated October 20, 1995, in response to our letter dated September 29, 1995, transmitting a Notice of Violation (Notice) concerning the failure of Minnesota Mining and Manufacturing (3M) to notify the NRC in writing of a change in the assigned Radiation Safety Officer (RSO) at 3M's Brookings, South Dakota facility. We have completed our review of your letter which requested the violation be vacated or, at a minimum, be reclassified as a Non-Cited Violation.

Your NRC License No. 22-00057-61 was renewed on April 23, 1993. License Condition 19.B. requires that 3M conduct its program in accordance with the statements contained in a letter dated March 23, 1993. Mr. Joseph Milianta was designated as the plant RSO in the referenced letter and Mr. Ronald Stangeland was designated as assistant RSO in a subsequent phone conversation prior to issuance of your license. It is our understanding that Mr. Milianta retired in early 1995 and Mr. Stangeland was then designated as the RSO. In your October 20, 1995 response, you indicated that this information was verbally provided to Ms. Pelke around the time of the retirements during a phone conversation discussing other licensing matters.

The RSO is expected to be actively involved in a licensee's radioactive material use program to ensure that the materials are used safely in order to protect the public health and safety and to provide security for the licensed material. The NRC performs a review of the qualifications of the individual assigned as RSO to ensure he/she is appropriately qualified to carry out these safety responsibilities. To remain in compliance, the conditions of your license must be amended when there is a change in the individual assigned as the RSO regardless if the new RSO was previously assigned and approved as the assistant RSO. Verbal notification does not meet the requirement to amend your license. As noted above and in the September 29, 1995 Notice, the individual designated as RSO in the conditions of your license has changed and

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your license has not been amended. Based on the circumstances of this case, enforcement discretion is not appropriate. As such, the violation cited in the September 29, 1995 Notice is not withdrawn and you are required to promptly amend your license to reflect the conditions as they exist at your facility.

If you have any further questions regarding this issue, please contact me at (708) 829-9801 or Mr. T. Kozak of my staff at (708) 829-9866.

Sincerely,

Original Signed By

James L. Caldwell, Deputy Director
Division of Nuclear Materials Safety

Docket No. 030-14999
License No. 22-00057-61

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