

NOTICE OF VIOLATION

Minnesota Mining and Manufacturing
Company (3M)
St. Paul, Minnesota

Docket No. 030-04972
License No. 22-00057-59MD
EA No. 89-231

During an inspection conducted on October 30 through November 3, 1989 and review of a 3M report dated December 22, 1989, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) the violation is listed below.

10 CFR 21.21(a) requires, in part, that each individual, corporation, partnership or other entity subject to the regulations in 10 CFR Part 21 adopt appropriate procedures to: (1) provide for: (i) evaluating deviations or (ii) informing the licensee or purchaser of the deviation in order that the licensee or purchaser may cause the deviation to be evaluated unless the deviation has been corrected; and (2) assure that a director or responsible officer is informed if the operation of a facility, or activity, or a basic component supplied for such facility or activity contains a defect.

10 CFR 21.3(a)(2), "Basic Component," when applied to facilities other than nuclear power reactors and when applied to activities licensed pursuant to 10 CFR Part 30, includes a component, structure, system, or part thereof that is directly procured by the licensee of a facility or activity subject to the regulations in 10 CFR Part 21 and in which a defect could create a substantial safety hazard.

10 CFR 21.3(d)(1), "Defect," includes a deviation in a basic component delivered to a purchaser for use in a facility or an activity subject to the regulations in this part if, on the basis of an evaluation, the deviation could create a substantial safety hazard.

10 CFR 21.3(3), "Deviation," means a departure from the technical requirements included in a procurement document.

10 CFR 21.3(f), "Director," means an individual, appointed or elected according to law, who is authorized to manage and direct the affairs of a corporation, partnership or other entity.

10 CFR 21.3(i), "Procurement document," means a contract that defines the requirements which facilities or basic components must meet in order to be considered acceptable by the purchaser.

10 CFR 21.3(k), "Substantial Safety Hazard," includes a loss of safety function to the extent that there is a major reduction in the degree of protection provided to public health and safety for any facility or activity licensed, other than for export, pursuant to 10 CFR Part 30.

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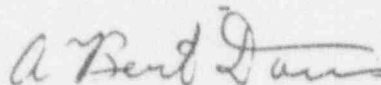
10 CFR 21.2(j), "Responsible officer," means the president, vice-president or other individual in the organization of a corporation, partnership, or other entity who is vested with executive authority over activities subject to 10 CFR Part 21.

Contrary to the above, as of November 30, 1989, 3M failed to adopt appropriate procedures to provide for evaluating deviations and to assure that a director or responsible officer is informed if a basic component supplied for a licensed facility or activity contains a defect.

This is a Severity Level III violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Minnesota Mining and Manufacturing Company (3M) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, U.S. Nuclear Regulatory Commission, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, if admitted; (2) the corrective actions that have been taken and the results achieved; (3) the corrective actions that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an Order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Bert Davis
Regional Administrator

Dated at Glen Ellyn, Illinois
this 29th day of January, 1990