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September 12, 1997

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Reply to a Notice of Violation

Violation 1. Condition 12 of License No. 48-26300-01

Reason:

The previous Radiation Safety Officer (RSO), Mr. Robert Boelkow (also the Safety Director), left J.T. Roofing's employ with short notice during a busy time of the year, and did not take the time, nor make the necessary effort, to see to a new RSO being properly trained and listed on the license via a License Amendment.

Corrective Action Taken:

Initially J.T. Roofing had hoped to have a new Safety Director assume the responsibilities of RSO. An individual was hired for this position, and was shortly thereafter sent to the portable nuclear gauge manufacturer's RSO training class. He took and passed the test, but within a relatively short period of time after that, proved to be incapable of handling either position competently. He then, of his own free will, left J.T. Roofing's employ on short notice, without seeing to an amendment to list himself as the new RSO subsequent to Mr. Boelkow's leaving, or seeing to the training and listing of a new RSO via a License Amendment. We then tried to have the Personnel Director, who was then taking over the duties of the Safety Director's position, take over the RSO's responsibilities as well. However, with all the added time constraints placed on this individual within a large roofing company, complying and dealing with increasing OSHA regulations, State safety regulations, workmen's comp issues and claims, etc., it became evident that they would not be able to dedicate the time required to this addition responsibility. Mr. Jerry Thull, company President, and the Personal/Safety Director, then began searching outside the company in order to hire an individual with prior experience in this Federally Regulated area, and who had experience within the roofing industry. Such an individual was identified and approached in late 1996, but did not accept the employment offer until the end of the first quarter of this year. Based on this individual's experience with portable nuclear gauges (he's worked with them and been an RSO in 2 company's from 1980 through 1989, has undergone 2 NRC and 1 State of Illinois inspections, and was an assistant RSO employed by the manufacturer of the portable gauge we own, from late 1989 through

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early 1997), the hiring of this individual is seen by us as the corrective step needed to remedy this situation.

Once the aforementioned individual was hired, he began sorting through files which the intended RSO had poorly managed. His first intent was to reorganize all the historical records since the last NRC inspection. This took a fair amount of time in locating and bringing together all these records. As your field inspector can attest to, he was able to finally bring together all pertinent required records, even to the point of determining that the portable gauge was, on a few occasions, logged out of the storage area after the previous leak test had expired, and before the subsequent test was made (Violation 2 from this inspection). In the course of locating and chronologically reassembling these records, he determined that there was, in addition to listing himself as the new RSO, other items would could and should be addressed in a License Amendment. He began composing the Amendment (which will be accompanying a copy of this "Reply to a Notice of Violation" to the Region III offices) but had not completed it at the time of this inspection. At that point he continued to complete the License Amendment, but felt it would be most logically sent along with this "Reply".

Corrective Steps Taken to Prevent Future Recurrence:

Our best thoughts on how to best prevent the departure of an RSO from our company without their having seen to the proper training of, and a License Amendment advising the NRC of, a new RSO, is to make the receipt of their last paycheck and any vacation time pay they are due, contingent upon both the training of, and the amending of our license for, the new RSO. This approach to resolving the problem was in fact suggested by our new RSO himself. We believe the monetary incentive will far outweigh anything else that we could possibly do to insure that the current RSO will properly see to these items before leaving our employ. A copy of this agreement, which will reside in the employee's file, is enclosed with this letter.

Date of Full Compliance: We will be in full compliance once the License Amendment Request, which is being sent along with the copy of this "Reply to Notice of Violation" to the Region III offices, is reviewed and acted upon.

Violation 2. Condition 13 of License No. 48-26300-01

Reason: Allowing the portable nuclear gauge's Leak Test coverage to lapse, and the gauge's removal from storage during these periods, occurred for 2 reasons. First, the previous RSO, Mr. Robert Boelkow, also served as a project manager during various larger projects. His background in safety matters, and his primary function as Safety Director, made him an ideal candidate for this type of service to the company. However, his involvement in a large project in the state of Georgia, commencing in early 1995, had him away from the office for a prolonged period of time. This involvement obviously also hampered his ability to stay current with his RSO responsibilities.

The second reason was that, while a copy of the most recent Leak Test Certificate is carried within a 3 ring binder along with proper shipping papers, emergency response information, etc., the other trained operators became complacent about double checking the status of said certificate. As the sign-out log clearly showed, they continued signing the gauge out during this period, but failed to verify the status of the certificate. They had come to rely on Mr. Boelkow's timely attention to this item.

Corrective Action Taken:

First, we have now assigned RSO responsibilities to an individual who is involved with commercial roofing repairs. These projects are almost always shorter lived than new construction or re-roofing projects. Therefore, they will not be required to be out of town for anything more than a few days at a time at most. Also, we have developed and posted a replaceable sign on the access door to the gauge's storage box which notifies the trained individuals wishing to utilize the meter, when the current Leak Test Certificate expires. It also notifies them that if the date on the day on which they wish to utilize the gauge is beyond the date on said sign, that they are not to remove the gauge, and are to immediately notify the RSO of this situation. A copy of this sign, along with a Polaroid photo showing its location on the locked storage box, are enclosed with this "Reply to the Notice of Violation". As each new Leak Test Certificate is received, the aforementioned posting will be updated by the RSO with the new applicable date.

Corrective Steps Taken to Prevent Future Recurrence:

We believe the preceding paragraph/action will also abate any future removal of the portable nuclear gauge from storage if the most recent Leak Test Certificate has expired.

Date of Full Compliance: The aforementioned action/policy and the posting of said sign was initiated this past Monday, September 8, 1997.

PERSONNEL ACTION REPORT



J T ROOFING, INC.

350 TOWER DR. SAUKVILLE, WI 53080

Fill out this Report in triplicate. Send white and canary copy to Personnel - keep pink copy for your files.

NAME

first Robin

mi. L

last Stielow

ADDRESS

no. [redacted] street

city [redacted]

state [redacted]

zip [redacted]

DIVISION

Saukville

DEPT. NO.

SOCIAL SECURITY NO.

PHONE NUMBER

JOB TITLE

Radiation Safety Officer

☐ PT

☒ FT

☐ TEMP

PAY RATE

FROM

TO

CHECK AS MANY ITEMS AS APPLY

NEW HIRE

REINSTATE

HOURLY

PIECE RATE

COMMISSION

SALARIED NON-EXEMPT

SALARIED EXEMPT

WARNING

PROBATION

STATUS CHANGE

TRANSFER

ADDRESS CHANGE

COMPLETE IN DETAIL REASONS FOR STATUS CHANGES
WARNINGS, AND TERMINATIONS

EFFECTIVE DATE

9 / 15 / 97
MO / DAY / YEAR

It is to be noted that in order to stay within the guidelines of the Nuclear Regulatory Commission Mr. Stielow who served as J.T. Roofing, Inc. Radiation Safety Officer is required (by a mutual agreement) that at any time a separation of employment occurs between Mr. Stielow and J.T. Roofing, Inc. all monies owed to Mr. Stielow will be held until a new Radiation Safety Officer has been fully trained in responsibilities and duties of that held position and an amendment of that change has been issued and received by the Nuclear Regulatory Commission.

INSURANCE

REQUEST MEDICAL card attached

REQUEST DENTAL card attached

INSURANCE DECLINED

walver attached

TERMINATION

COBRA FORM ATTACHED

KEYS COLLECTED

SUFFICIENT NOTICE GIVEN

YES ☐

NO ☐

WOULD YOU REHIRE

YES ☐

NO ☐

SIGNATURE OF EMPLOYEE: I HAVE READ AND UNDERSTAND
THE INFORMATION ABOVE.

Robert L. Stielow

WITNESS

TODAY'S DATE

9-8-97

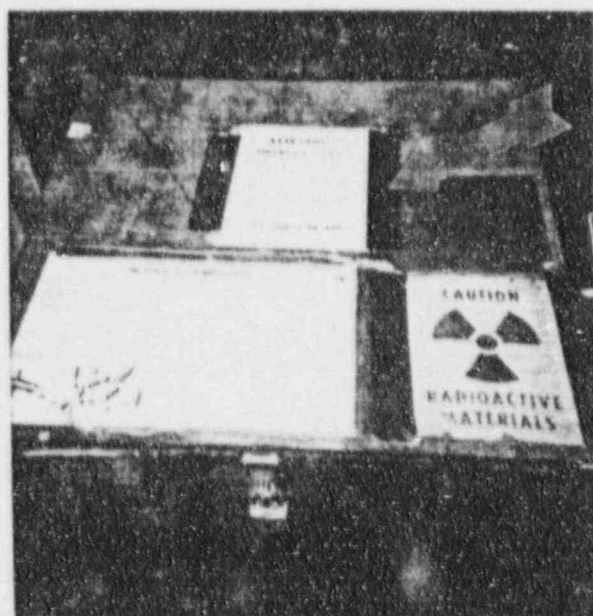
APPROVED BY

PERSONNEL

AUTHORIZATION

[Signature]

9-08-97



ATTENTION !!!

IMPORTANT NOTICE:

To all trained operators intending to use our Portable Nuclear Roof Moisture Meter.

If today's date is after the date listed below, DO NOT sign out or remove the gauge from storage!

Immediately notify our Radiation Safety Officer, Robin Stielow, of this situation, and do not utilize the gauge until you observe a date on this notice which precedes today's date.

November 30, 1997