

December 12 , 2011

Dakota Panel

1651 Culvert Street

Rapid City, SD 57701

Mr. Roy J. Caniano, Director Division of Nuclear Materials Safety

Cc: Mr. Michael Vasquez

United States Nuclear Regulatory Commission

Region IV

612 East Lamar Blvd, Suite 400

Arlington, Texas 76011-4125

Subject: Response to An Apparent Violation in Inspection Report No. 030-20262/11 EA-11-233

Dear Mr. Caniano,

I am responding to the letter of November 14, 2011 regarding the failure to have a qualified Radiation Safety Officer for the period of time from January 2010 until September 2011. I am following the format that was outlined in the letter. I wish to again thank your agency for guiding us as to how to come back into compliance with the NRC regulations.

- 1) Reason for the apparent violation---As I have responded via phone conversations with Mr. Vasquez, the status of the Dakota Panel Particleboard Plant was in somewhat of a perilous situation in terms of its future viability since it was sold by Masco Corporation in September of 2009 until the business has gotten more settled in recent months. Masco announced closure of the plant in March of 2009. Finally, at the last moment, September 2009, the plant was purchased by the new owners, Counter Tops Inc. There was an immediate and massive reduction in workforce followed by further later**

reductions and resignations due to poor market conditions and other factors. This had an impact on the RSO status at the plant. In November of 2009, Roger Bourne who had been the Radiation Safety Officer for 20 plus years left the facility without notice. Roger was the only person who knew the regulations that apply to the two weigh scale devices that are regulated by the NRC. The unexpected loss of Roger Bourne was the main contributor to the plant not understanding the issues related to the Nuclear Gauges and the requirements of the Radiation Safety Officer. There were competent, personnel remaining at the plant who knew of the basics of how to perform the testing on the scales, and who knew the general procedures that applied to the scale units. No one knew that the devices required the constant presence of a highly trained RSO; and during this timeframe, the work that was underway to revamp major portions of the plant in order to make it viable for future operation was the main focus of all employees at the plant. Jobs were still being consolidated and people were leaving and changing roles for many months .

In Roger Bourne's absence, no one knew of any timeframe or specific regulations that applied. Nonetheless, attempts were made at least three times to try to get a person trained to fulfill Roger Bourne's role, knowing that at some point that the plant should have a "trained" person. It was thought that the training could possibly be accomplished online or somehow other than attending an offsite training course. The new owner chose a person in early 2010 by the name of Jonathan Hoyt who he wanted to become the new Radiation Safety Officer as a replacement for Roger Bourne. The training schedule for RSO training was not offered often throughout the year, and before Jonathan Hoyt could arrange attendance, he quit working at the plant by the end of March 2010. Michele Kurtenbach, who had experience with the NRC testing and procedures, was considered for RSO in 2010, and also declined and finally left the plant in early 2011 in favor of another job. The owner next chose Scott Lezotte to train. Scott Lezotte decided that he did not desire to become the RSO and declined to attend training. Scott Diegel, electrical supervisor, who had been with the plant for 27 years was the next candidate who in early 2011 agreed to attend the training and sought a schedule for the training. The classes for the training for Scott was discussed and tentatively planned for the summer of 2011. Ultimately, Scott was considering another job opportunity, and in September 2011, Scott Diegel left the plant for the other job as well. During the timeframes above, Michelle Kurtenbach (until her departure) and Scott Lezotte, (Scott, who is still employed at the plant) kept doing the tests and reports that had been done in the past so there was a trained person involved with the scale units throughout the duration until the plant was visited on August 29, 2011 by the NRC inspector Jason Razo. The nature and depth of the situation was explained to me, upon my return to the plant, which I then relayed

to our owner who reacted immediately to send a person to be trained to fill the RSO gap.

- 2) Corrective steps that have been taken and the results achieved-- Allan Tait who is the Particleboard Line Production Manager was asked to immediately attend the RSO training to bring the plant into compliance. Fortunately the training was offered soon after the inspection. Allan Tait attended training and within 3 weeks of the inspection, and became certified as the plant's RSO on September 23, 2011. Allan Tait also has past experience in the mining industry with uranium mining which is helpful.
- 3) Corrective Steps that have been taken to avoid further violations, --Allan Tait has instructed me and several other key personnel at the plant the basics of the RSO and Nuclear matters as they relate to our plant so we have are much more educated about the Nuclear scales than we were in the past. We have put a policy and procedure in place that identifies the necessary actions to take in the event that Allan Tait is no longer involved with the RSO position at the plant. I had asked for input on that policy from the NRC and incorporated these recommendations into the policy, a copy of which is attached to this letter.
- 4) The date when full compliance was achieved was after Allan Tait's successful completion of the RSO training course when I requested that our license be changed on September 26, 2011 to reflect the change from Roger Bourne to Allan Tait as the plant's RSO.

In closing, Mr. Caniano, I again would like to thank you and your agency for alerting us to, and assisting us in correcting this compliance shortcoming. Mr. Vasquez has been very helpful in guiding us through the process and explaining the issues. I want to reiterate that the plant was in survival peril, and involved in major transition during most of 2009, 2010 and a good part of 2011,-- and had trained, knowledgeable, and seasoned personnel working on the nuclear gauges during the entire duration that the RSO was not at the plant, ---and that attempts were made to gain more training however the process dragged out for a period of time due to several unfortunate departures of personnel.

I would sincerely ask now that the plant not be faced with further peril with regard to this matter by enforcement actions from your agency. The plant has had a long history of compliance, however due to massive economic downturns across the wood and other manufacturing industries in this country, forces beyond the plant's control resulted in both lack of knowledge and inability to completely comply with NRC rules. We have now learned

of the shortcomings that occurred and have reacted to correct them with immediate actions. We plan to keep NRC compliance a high priority in the future.

Thank you again for your assistance in this matter.

If I have not completely answered the required questions related to this matter, please advise me and I will do so.

Sincerely,

Wayne Bunge


Plant Manager

Dakota Panel

715-225-2635 cell

wbunge@dakotapanel.com

attachments X2:

October 5, 2011

PROCEDURE FOR RADIATION SAFETY OFFICER SUCCESSION PLANNING

From: Wayne Bunge

To : Owners, Managers and File at Dakota Panel

RE: US Nuclear Regulatory Commission Radiation Safety Officer

Procedure for Radiation Safety Officer certification relating to Ohmart Scales.

It is required that we have a qualified Radiation Safety Officer available at the plant due to the presence of the two Ohmart Nuclear Scales located in the Blending area of the Boardline.

At the present time, Al Tait is the RSO. In the event that Al is no longer working at the plant or is not capable of fulfilling his role as RSO, it necessary to put into place a plan to get another person trained as RSO and to notify the Nuclear Regulatory Agency of the lack and/or changes at that time.

It is not acceptable to be without an RSO at the plant and this plan must be communicated to any ownership or management change that may occur in the future.

The contact number to report a change in RSO or other status at the plant to the Nuclear Regulatory Commission :

Chief of the Nuclear Material Safety Branch A—Current Chief Jack Whitten

Division of Nuclear Material Safety

US NRC Region IV

Office: 817-860-8100

If you have any questions, please contact me.

Certificate of Completion


Allan T. Tait


Dakota Panel Rapid City, SD
has successfully completed

Radiation Safety Officer Training

Conducted by VEGA Americas, Inc.
September 19, 2011 - September 23, 2011

- Subject matter covered based on NUREG 1556:
- Duties of the RSO
 - Basic atomic theory
 - Measurement and monitoring techniques
 - Exposure calculations
 - Biological effects of radiation
 - Rules and regulations
 - Leak test, shutter check
 - Installation, relocation, and removal procedures
 - Hands-on lab work
 - Proper disposal practices
 - Filter canister procedures
 - UVI striping


Maurits Harboj
Radiation Safety Officer


Candy Brook
Training Manager