



J&L TESTING COMPANY, INC.

GEOTECHNICAL AND GEOSYNTHETICS MATERIALS TESTING AND RESEARCH

August 12, 1996

U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Attn: Mr. Francis M. Costello, Chief
Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety

RE: REQUEST FOR LICENSE REINSTATEMENT
J&L TESTING COMPANY, INC.
DOCKET No. 030-33725
LICENSE No. 37-28442-02

Dear Mr. Costello:

It has been almost a year since J&L Testing Company, Inc. (JLT) received notice from NRC suspending our license to operate Troxler Nuclear Gauges used for field moisture & density measurements. JLT is appealing to NRC to resolve this issue as quickly as possible because the longer the issue lingers the more it adversely affects the rest of our operations and the company's image in our community. The company has already suffered significant adverse local media publicity as a result of the suspension order which lead to loss of at least one major client

Prior to and since the suspension order:

1. JLT has organized its records and maintained compliance with regulatory criteria as specified by the NRC.
2. JLT has had all three (3) Troxler Nuclear gauges in secured storage and have complied with all requests from your agency.
3. In February and August 1996, the three (3) units were wipe tested and found to be in compliance with regulatory criteria. The results were sent to your office to the attention of Ms. Kathy Dolce.
4. Key employees have taken the Troxler course to become more familiar with the rules and I took the RSO course from Troxler in that I am willing to take full responsibility for the units.

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PDR ADOCK 03033725
C PDR

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5. The NRC conducted an unannounced inspection (Mr. R. H. Ladum) of our facility on 4-24-1996 and no violations were noted as described in Exhibit 1. This was quite a relief to us, indicating that we are finally implementing the rules as they are meant to be.

We pledge to immediately implement any further recommendations your agency may provide with regards to the safe handling of the gauges and any administrative requirements set forth by the NRC.

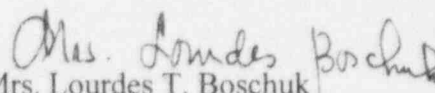
We recently received notice from the NRC to pay for license renewal (Exhibit 2). Upon inquiries to your office, we were told that our license is still under investigation, and that there are other investigations going on apart from those conducted by NRC. To our knowledge, we are not aware of any other investigations by any other agency. Our facilities are always open to regulatory inspection at any time. As your staff is aware, my son, Lou Boschuk, went to the press and accused JLT of violations which we believe resulted in the comment that our firm was under investigation. When we saw these allegations, we immediately issued a press release and sent out invitations to all appropriate regulatory agencies and to the press to visit our facilities. Copies of these invitations and the press release are included in Appendix A. Mr. Lou Boschuk also acknowledged to the press that his accusations were unfounded. None of the agencies visited our office and when the press visited our facility, they left indicating there was not a story to report and that the accusations by Mr. Lou Boschuk were unfounded and simply a family dispute.

The USEPA did visit our Wildlife Reserve and Conference Center and were given free access to the property for their inspection. In fact, we were not there during their visit and instructed them to feel free to inspect, sample and test anything they wanted. They left the facility after a two-hour inspection and we have not heard from them since.

We request that our license be restored. Upon restoration, we will reconcile our account with the NRC and designate an RSO to administer the records in accordance with the law. Your agency staff are always welcome to visit our facilities, inspect the equipment and review our records.

Sincerely,

J&L TESTING COMPANY, INC.


Mrs. Lourdes T. Boschuk
President



HEALTH PHYSICS inc.

NBC

Recent Leak Test

Blvd. -- Bethel Park, PA 15102 -- Phone 412 -- 835-9555 -- Fax No. 412 -- 835-9559

MARK V LEAK TEST CERTIFICATE

This specimen 03 was taken by LOURDES BOSCHUK on 8/8/96.

Source Description:

<u>Radioisotope</u>	<u>Activity (mCi)</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacturer</u>
			507256/4713195	

Device: Gauge

Location:

<u>Make:</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacturer</u>
	3411B	17759	TROXLER

Notification

In the event this specimen indicates leakage and/or contamination in excess of 0.005 microcuries, Applied Health Physics, Inc. will notify you promptly by telephone or FAX. you will then need to take the appropriate action required by the governing regulatory agency. Applied Health Physics, Inc. is required by our license to report leakage and/or contamination in excess of 0.005 microcuries.

J&L TESTING CO.
938 S CENTRAL AVE

Contact: LORDES BOSCHUK
Phone: (412) 746-4441

CANNONSBURG PA 15317.

Analysis of leak test specimen no. 03 indicated < .005 microcuries of activity.

Analysis indicated less than 0.005 microcuries of radioactivity on the leak test specimen.

The sealed source may be used as authorized. The source must be leak tested again, on or before the date below or within any such time period required by the regulatory agency.

THIS CERTIFICATE IS AN ESSENTIAL RECORD AND SHOULD BE MAINTAINED FOR INSPECTION BY THE REGULATORY AGENCY.

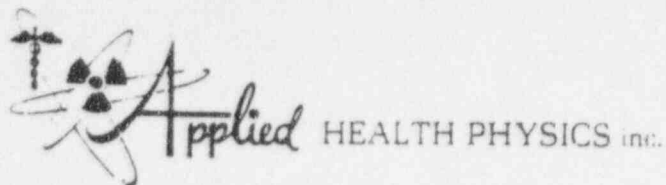
Certificate #: 889603

Technician: T. Rush

Date Analyzed: 8/8/96

Next LT Due: 2/8/97

CONSULTATION • SERVICES • PRODUCTS • RADIATION APPLICATIONS



2986 Industrial Blvd. -- Bethel Park, PA 15102 -- Phone 412 -- 835-9555 -- Fax No. 412 -- 835-9559

MARK V LEAK TEST CERTIFICATE

This specimen 02 was taken by LOURDES BOSCHUK on 8/8/96

Source Description:

<u>Radioisotope</u>	<u>Activity (mCi)</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacturer</u>
			47-15515/75-1265	

Device: Gauge

Location:

<u>Make:</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacturer</u>
	3430A	20031	TROXLER

Notification

In the event this specimen indicates leakage and/or contamination in excess of 0.005 microcuries, Applied Health Physics, Inc. will notify you promptly by telephone or FAX. you will then need to take the appropriate action required by the governing regulatory agency. Applied Health Physics, Inc. is required by our license to report leakage and/or contamination in excess of 0.005 microcuries.

J&L TESTING INC.
938 SOUTH CENTRAL AVE.

Contact: LOURDES BOSCHUK
Phone: (412) 746-4441

CANNONSBURG PA 15317

Analysis of leak test specimen no. 02 indicated < .005 microcuries of activity.

Analysis indicated less than 0.005 microcuries of radioactivity on the leak test specimen.

The sealed source may be used as authorized. The source must be leak tested again, on or before the date below or within any such time period required by the regulatory agency.

THIS CERTIFICATE IS AN ESSENTIAL RECORD AND SHOULD BE MAINTAINED FOR INSPECTION BY THE REGULATORY AGENCY.

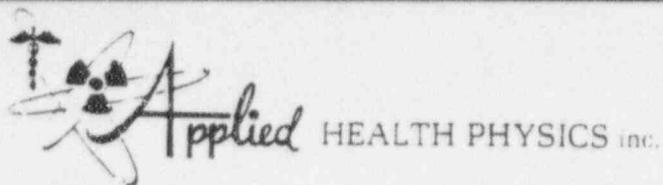
Certificate #: 889602

Technician: T. Rush

Date Analyzed: 8/8/96

Next LT Due: 2/8/97

CONSULTATION • SERVICES • PRODUCTS • RADIATION APPLICATIONS



2986 Industrial Blvd. -- Bethel Park, PA 15102 -- Phone 412 -- 835-9555 -- Fax No. 412 -- 835-9559

MARK V LEAK TEST CERTIFICATE

This specimen 01 was taken by LOURDES BOSCHUK on 8/8/96.

Source Description:

<u>Radioisotope</u>	<u>Activity (mCi)</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacturer</u>
			50-746Z/47-13629	

Device: Gauge

Location:

<u>Make:</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacturer</u>
TROXLER	3411B	18180	TROXLER

Notification

In the event this specimen indicates leakage and/or contamination in excess of 0.005 microcuries, Applied Health Physics, Inc. will notify you promptly by telephone or FAX. you will then need to take the appropriate action required by the governing regulatory agency. Applied Health Physics, Inc. is required by our license to report leakage and/or contamination in excess of 0.005 microcuries.

J&L TESTING CO.
938 S CENTRAL AVE

Contact: LOURDES BOSCHUK
Phone: (412) 746-4441

CANNONBURG PA 15317

Analysis of leak test specimen no. 01 indicated < .005 microcuries of activity.

Analysis indicated less than 0.005 microcuries of radioactivity on the leak test specimen.

The sealed source may be used as authorized. The source must be leak tested again, on or before the date below or within any such time period required by the regulatory agency.

THIS CERTIFICATE IS AN ESSENTIAL RECORD AND SHOULD BE MAINTAINED FOR INSPECTION BY THE REGULATORY AGENCY.

Certificate #: 889601

Technician: T. Rush

Date Analyzed: 8/8/96

Next LT Due: 2/8/97

CONSULTATION • SERVICES • PRODUCTS • RADIATION APPLICATIONS

U. S. NUCLEAR REGULATORY COMMISSION

SECOND NOTICE
BILL DATE: 07/12/96

NFW OR CORRECTED ADDRESS:

- * ENCLOSE A COPY OF THIS BILL WITH YOUR CHECK OR MONEY ORDER MADE PAYABLE TO:
U.S. NUCLEAR REGULATORY COMMISSION
LICENSE FEE & ACCOUNTS RECEIVABLE
ST. LOUIS, MO 63195-4514

TO:
J&L TESTING COMPANY, INC.
938 S. CENTRAL AVENUE

- * DO NOT SEND CASH
- * ALLOW 5 DAYS FOR PROCESSING
- * ON YOUR CHECK OR MONEY ORDER,
PLEASE INCLUDE YOUR INVOICE NUMBER:
LD AM2005-96

CANONSBURG

PA 15317

TOTAL AMOUNT DUE: 1,616.89
ENTER AMOUNT ENCLOSED: _____

BILLING DOC ID	PRINCIPAL DUE	PENALTY AMOUNT
	ADMINISTRATIVE CHGS	INTEREST AMOUNT
LD AM2005-96		TOTAL
	1,600.00	0.00
	10.00	6.89
		1,616.89

PRESS RELEASE

January 18, 1996

TO: CHANNEL 11 NEWS - DEIDRA DUKES (Fax: 237-4900)
PITTSBURGH POST GAZETTE - A. FITCH (Fax: 746-8699)
OBSERVER REPORTER - M. SCARVAL (Fax: 225-2077)

FROM: J&L ENGINEERING, INC.
J&L TESTING COMPANY, INC.

RE: FOR IMMEDIATE PRESS RELEASE
RESPONSE TO ALLEGATIONS OF LOUEM BOSCHUK
NORTH STRABANE SUPERVISOR'S MEETING, JANUARY 16, 1996

The allegations as reported in the News by Mr. Louem Boschuk accompanied by his common law wife, Michelle Higgins at the North Strabane Supervisor's meeting are incorrect.

The premises house two (2) firms, J&L Engineering, Inc. (JLE), owned by Mr. John Boschuk and J&L Testing Company, Inc. (JLT), owned by Mrs. Lourdes Boschuk. JLE provides consulting services in the area of geotechnical, geosynthetics and environmental engineering. The product of this work involves the preparation of engineering reports, assistance in the preparation of permits, construction specifications, quality control documents and other civil/environmental engineering aspects of projects. Mr. Boschuk also teaches, publishes papers in the area of landfill design and performance and performs forensic investigations for problem projects.

J&L Testing Company (JLT) services the testing needs of engineers, manufacturers and construction contractors throughout the country. The firm is divided into four (4) basic laboratories as follows:

Geotechnical Laboratory - This laboratory performs testing of soils and aggregates used for construction using nationally recognized procedures such as those published by the American Society for Testing and Materials (ASTM). These tests include the determination of the physical and engineering properties of the material. The soil or aggregate are typically obtained from commercial stone quarries, borrow areas (soils) or from the site, where the material has been proposed for use in construction. Since they are used for construction, these materials are not toxic or hazardous and must be approved for use by the appropriate regulatory body governing the work.

Geosynthetics Laboratory - This laboratory performs physical and engineering property tests on plastics typically manufactured from resins such as polyethylene, polyester, polypropylene and PVC. These are essentially the same plastics used for textiles, plastic tarps, trash bags, toys, swimming pool liners and thousands of other products used throughout the world. These products are shipped to the laboratory either from the project site or from the manufacturer. JLT tests the material to determine if they meet the engineer's

design or specification requirements for the project. The laboratory uses industry test methods such as those published by ASTM, GRI and FTMS.

Materials Stabilization Laboratory - This laboratory prepares design mixes to improve the performance of materials. The work involves adding small quantities of clay, soil, cement or agricultural lime to the materials to improve their strength or hydraulic conductivity characteristics of the material. In other words, JLT works with design engineers to develop procedures for improving the performance of these materials for use in construction.

Research and Development Laboratory - This is a specialized laboratory of JLT which assists manufacturers in the area of product development, improvement or the evaluation of new products for civil/environmental projects. Materials tested are plastics similar to those tested in the Geosynthetics laboratory.

The major fluids used by JLT in the performance of these tests include tap water, distilled water and compressed air.

JLT's services to the civil and environmental industry is to help preserve and protect the environment through testing using nationally recognized procedures to develop the engineering properties upon which its recommendations are predicated. JLE provides the technical assistance and consulting to firms both in the United States and abroad in the area of environmental protection. As such the allegations made by Mr. Louem Boschuk are totally untrue, shallow and ridiculous.

JLT does not perform analytical testing such as those tests to determine contaminants in or toxicity of soils. JLT does not receive or test radioactive wastes or toxic chemicals and has not done these types of tests, does not currently perform these types of tests nor is it part of the company's philosophy to ever perform these types of tests.

As part of two (2) USEPA tests performed in the laboratory - namely EPA 9090 & EPA 9100 test methods, samples of leachate collected for the sole purpose of these tests are used as a test liquid. Such samples are not regulated under RCRA 40 C.F.R. /261.4 (d). Leachate is the liquid which accumulates at the base of the landfill as rain water passes through waste similar to the types of liquid one would find in the bottom of the plastic trash bags in the kitchen or emanating from a backyard compost pile. This plastic trash bag is manufactured from the same type of plastic used in the civil/environmental industry. However, such samples remain the property of the generator (client) and upon completion of these tests, the liquids are temporarily stored in drums and subsequently returned to the landfill from which it came. JLT does not handle hazardous or toxic wastes as defined by federal or state regulations.

JLT currently houses three Troxler Nuclear Density gages in secured storage. These are commercially manufactured units to determine the density of soil in the field. These units are not used in the laboratory for any test. They are quite common and thousands of these units are used

daily on construction projects. Under current NRC criteria, JLT lacked detailed documents of their use and the license was temporarily suspended until the issues are resolved. JLT has submitted this documentation to the NRC and is awaiting their response.

With regard to the alleged dumping at the owners lake property, the Boschuk's purchased approximately fifty (50) acres of land in Bulger, PA which contains a twelve (12) acre lake. Since 1989, the family has spent thousands of dollars to clean this once polluted lake and now maintains it as a wildlife reserve. Their plan is to retire there and work with the Fish and Game Commission to improve the wildlife in Western Pennsylvania. The facility is also occasionally used by an approved EPA Training firm to train and certify people under OSHA 29CFR1910.120. As part of this 40-hour training program, empty drums are used as part of the training tools used by that firm. No hazardous/toxic materials are used in this training program.

JLE's offices and JLT's laboratories are always available for inspection by regulators. Representatives of the USEPA and PADEP (formerly PADER) have visited our facilities on several occasions for the purpose of seeing how the tests are performed to satisfy regulatory requirements.

Attachment



J&L CONFERENCE CENTER



EMERALD LAKE

Historical Background

Constructed in the mid-1850's as a public water supply and ice source for the town of McDonald, the lake operated for over 70 years to service the surrounding community. As surface coal operations developed without environmental regulations, the lake was eventually abandoned as a water supply reservoir. Evolving through several owners, the lake and surrounding areas became the Bavington Boy Scout Reservoir and Camp. Due to pollution problems and safety concerns, the lake was abandoned again and served as a local swimming hole and party area in the 1970's through the early 1980's.

Eventually the lake was drained and dredged, leaving no life in the lake and tons of debris and trash in the woods. In 1989, Mr. and Mrs. John Boschuk, Jr. purchased the lake and 100 acres of woodland surrounding the property. The woods were cleaned, the lake was restored, the dam was repaired and the area fenced to secure a reserve for the re-establishment of wildlife.

In 1989 a small house was constructed on the lake to serve as a weekend retreat and a staging area for the wildlife reserve. In that same year, the area was renamed the "Emerald Lake Wildlife Reserve"; 17,000 fish were placed in the lake; and, several domestic geese and ducks were added to attract native habitat. A waterfall was constructed in 1990 to enhance the oxygen supply of the water. A technical conference center was built to service clients of J&L Engineering, Inc. and J&L Testing Company, Inc. in 1991.

In this short period of time, Canadian geese have found a home for raising families; ducks nest at the shallow end of the lake; beavers have established a home on the bank; and, Blue Herons, raccoons, red tailed hawks, rabbits, deer and a wide assortment of birds have made Emerald Lake their new home. The Pennsylvania Game Commission has donated nesting boxes and a pheasant "Raise and Release Program" has been established in 1992.

J&L regularly holds meetings at this facility with their clients to explore and evaluate solutions to complex environmental engineering problems. Recently, firms from Australia and Germany have met here to explore solutions to waste management problems in their countries. The Pennsylvania Department of Environmental Resources have also used this facility with professors from several U.S. universities and J&L Engineering, Inc.'s and J&L Testing Co., Inc.'s staff to explore better ways of designing landfill containment systems.

We are proud of this facility, the technical work performed here to protect our environment and the re-establishment of a small piece of property in Western Pennsylvania as a reserve to protect our native habitat for the Commonwealth.

MEMORANDUM

January 22, 1996

TO: FRANK SIFFRINN, North Strabane Twp. Manager
BETSY MALLISON, PADEP, Pittsburgh, PA
PAT GAUGHN, EPA, Wheeling, W. VA.

FROM: J&L ENGINEERING, INC.
J&L TESTING COMPANY, INC.

RE: ALLEGATIONS OF LOUEM BOSCHUK

Attached is a copy of the Press Release issued last week to the news media as well as to regulatory agencies. In that news release, JLE/JLT invites appropriate regulatory agencies to visit our facilities at any time to witness the work performed. The news release also describes the work performed by JLE and the tests performed by JLT. JLE and JLT have always maintained an open-door policy for regulators and our clients and continues to do so.

This press release (attached)
was also forward to the following:

Anthony L. Colaizzo - State Representative
Victor Dricks - NRC

MEMORANDUM

January 22, 1996

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BETSY MALLISON, PADEP, Pittsburgh, PA
PAT GAUGHN, EPA, Wheeling, W. VA.

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