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## Reply to a Notice of Violation

December 14, 2005

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

Docket No. 03035379  
License No. 45-25518-01

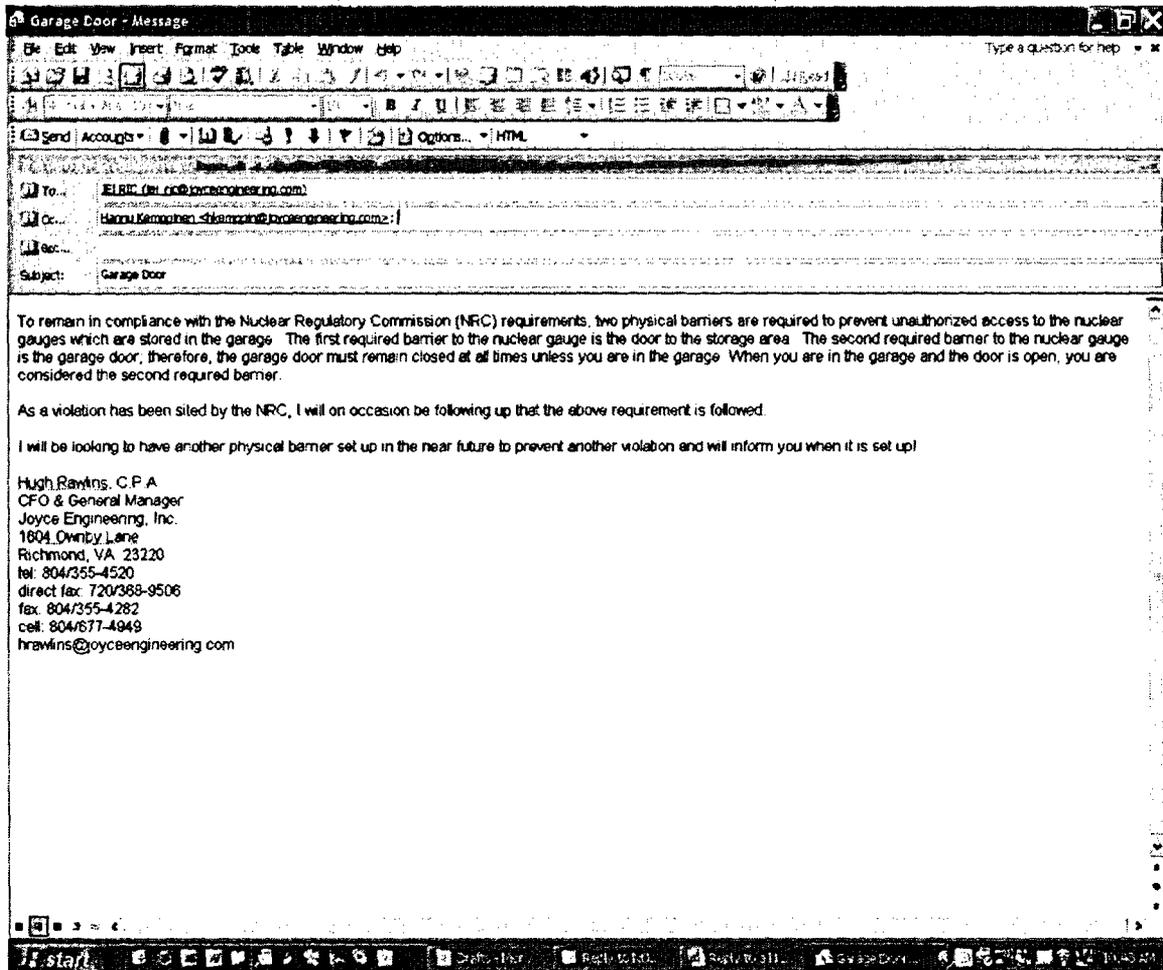
Dear Madam or Sir,

During an USNRC inspection at the Joyce Engineering, Inc. office on 11/1/2005, two deficiencies to the NRC requirements were identified by Ms. Jenny Johansen, which resulted in Notice of Violation. The violations were the following: a) 10 CFR 30.34 requires that each portable gauge shall use a minimum of two independent physical controls to prevent unauthorized removal, whenever the gauge is not under the control and constant surveillance of the licensee; b) 49 CFR 172.101 requires that a licensee transporting a gauge outside the confines of its facility comply with the applicable Department of Transportation regulations (49CFR Parts 170 through 189).

Our response to the NOV's are detailed herein. A) For the physical controls against unauthorized removal, the portable gauges are stored in a closet. The closet has steel doors and it remains locked at all times. Access from outside to the area of the closet housing the portable gauges is through metal garage door from the Joyce Engineering secured parking area surrounded with chain link fence that is closed and locked. The garage door and the gate are opened during business hours when employees leave and return, but as a rule, they remain closed. Most of the time, the gauges are stored behind three levels of security in addition to the locked transportation box and the lock fastened to the portable gauge handle.

As the result of this NOV, Joyce Engineering plans to install a second barrier independent of the garage door or any employee. We expect this barrier to be a locked bar across the doorway to the closet or a locked fence surrounding the closet. The closet door lock and the planned bar or fence will therefore provide two levels of security at the times when the garage door and the link fence gate are open. We believe that after the cross bar or fence is installed, the storage for the gauges meet current NRC regulations and the corrective steps will prevent from future violations. While we are in the process procuring the materials for the proposed re-enforcement of the gauge storage closet, the employees are instructed to pay attention that the gate and the garage door remain closed at all times when access to the loading ramp is not necessary. Following is the email sent out to all Richmond employees.

IEO7



We expect the additional barrier to be put in service in the next month.

B) The hazard class identification number in the Bill of Lading has been changed from the UN2974 to UN3332. We believe this change will satisfy the steps to avoid future violations.

We appreciate Ms. Johansen to pay a visit to our office in early November, and bringing to our attention the oversight of the items stated in the NOV. We understand the serious matter in possessing radioactive materials and want to comply with the regulations. Please provide your assistance in the future to help us manage the regulated materials.

Sincerely,  
Joyce Engineering, Inc.

*Hannu Kempinen*  
Hannu Kempinen, P.G.  
Radiation Safety Officer

c. Regional Administrator, Region I  
File

