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Richmond, VA 23227
(804) 377-2300
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www.wilbursmith.com

December 7, 2005

Docket No. 03033904

License No. 45-25342-01

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

RE: Inspection 03033904/2005001, Wilbur Smith Associates
Richmond, Virginia Site and the West Point Bridges Field Office,
West Point, Virginia, and Notice of Violation

SUBJECT: Reply to a Notice of Violation

Dear Sir/Madam:

On November 28, 2005, we received the letter dated November 18, 2005, which was the results of the Safety Inspection conducted by Ms. Jenny Johansen on November 2, 2005, at the West Point Bridges Field Office, 17456 Eltham Road (Rte. 33), West Point, Virginia. During the inspection, two violations of NRC requirements were identified. Below the violations are noted followed by the response for each violation.

- A. 10CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.301 requires, in part, with exceptions not applicable here, that each package used in transport shall be marked with the proper identification number preceded by "UN" or "NA" as appropriate for the material as shown in 49 CFR 172.101.

Contrary to the above, from June 14, 2004 to November 2, 2005, a shipping case used to transport a Troxler Model 3440, Serial No. 31289 portable nuclear density gauge containing licensed material was not marked with the correct identification number. Specifically, the identification number was UN2974 rather than UN3332.

Albany NY, Anaheim CA, Atlanta GA, Austin TX, Baltimore MD, Bangkok Thailand, Baton Rouge LA, Binghamton NY, Burlington VT, Charleston SC, Charleston WV, Chicago IL, Cincinnati OH, Cleveland OH, Columbia SC, Columbus OH, Dallas TX, Dubai UAE, Falls Church VA, Greenville SC, Harrisburg PA, Hong Kong, Hot Springs AR, Houston TX, Iselin NJ, Jacksonville FL, Kansas City MO, Kenmore WA, Knoxville TN, Lansing MI, Lexington KY, Lisle IL, London UK, Milwaukee WI, Mumbai India, Myrtle Beach SC, Nashville TN, New Haven CT, Orlando FL, Philadelphia PA, Pittsburgh PA, Portland ME, Poughkeepsie NY, Raleigh NC, Richmond VA, Riyadh Saudi Arabia, Salt Lake City UT, San Diego CA, San Francisco CA, St. Paul MN, Savannah GA, Tallahassee FL, Tampa FL, Tempe AZ, Trenton NJ, Washington DC

Reply to Notice of Violation A above:

The Virginia Department of Transportation (VDOT) is supplying the Nuclear Density Gauges to Wilbur Smith Associates for use on the West Point Bridges project. After the Safety Inspection by Ms. Johansen, VDOT was contacted about the incorrect identification number on one of the shipping cases. On November 4, 2005, VDOT brought the correct identification number to the West Point Field Office and installed it on the shipping case. VDOT advised that the Fredericksburg Materials Section must have had an old case that they had not put the correct identification number on and that they are having all of the shipping cases rechecked to make sure that they have the correct identification number. Wilbur Smith Associates will ensure that any future changes of gauges or shipping cases are checked by its Radiation Safety Officer before it is hand received. A picture of the shipping case with correct identification number which was corrected on November 4, 2005, is attached.

- B. Condition 15.B of License No. 45-25342-01 requires that in the absence of a certificate from the transferor indicating that a leak test has been made within the intervals specified in the certification of registration issued by the U. S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to transfer, a sealed source received from another person shall not be put into use until tested and the test results received.

Contrary to the above, on June 14, 2004, two Troxler Model 3440 gauges, Serial Nos. 31068 and 31289 were put into use and a certificate from the transferor indicating that a leak test had been made within the intervals specified in the certification of registration issued by the U. S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer was absent.

Reply to Notice of Violation B above:

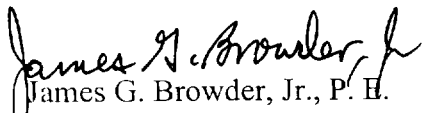
The Virginia Department of Transportation (VDOT), who is furnishing the nuclear density gauges to Wilbur Smith Associates for this project, has a regular leak test program for ensuring that all VDOT gauges are tested at the proper intervals before furnishing them to field forces for use on projects. The Leak Test Certificates are maintained in a central file by VDOT. Wilbur Smith Associates Radiation Safety Officer had previously requested copies of the Leak Test Certificates for the two gauges, but was told by the local VDOT representative that copies are just kept in VDOT's files. After the inspection on November 2, 2005, Wilbur Smith Associates contacted VDOT Central and was faxed a copy of the current Leak Test Certificates for both gauges for Wilbur Smith Associates' project files. VDOT also advised that copies of future Leak Test Certificates

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Document Control Desk
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will be furnished to Wilbur Smith Associates for its files. A copy of the current Leak Test Certificates for the two gauges is attached for ready reference.

If anything further is required, please advise.

Sincerely,


James G. Browder, Jr., P. E.
Vice President

Cc: Regional Administrator
Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

Terry Oliver, Radiation Safety Officer

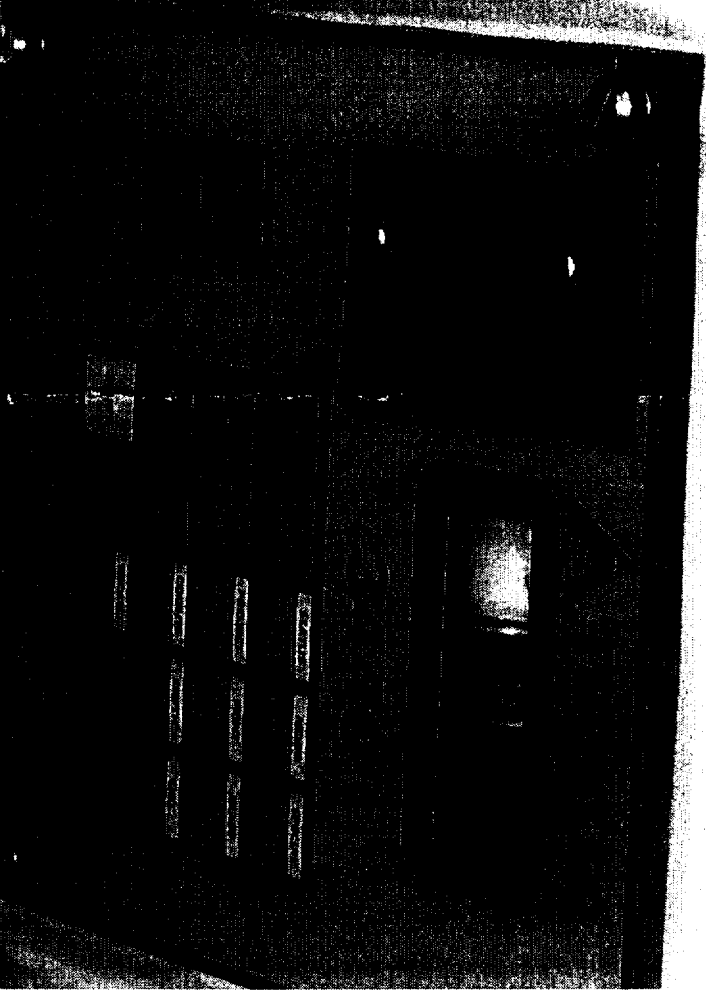
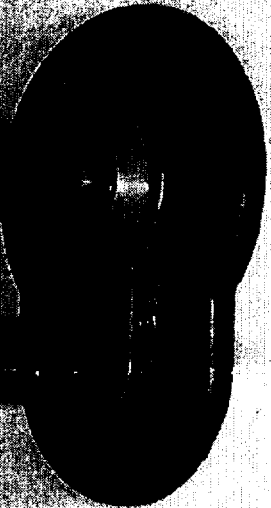
05

1/20/05

Serial: 10000000000000000000

Calib. Dum. 30.06.00

By: [Signature]



InstroTek, Inc.
5908 Triangle Dr
Raleigh, NC 27617
(919) 875-8371 Fax (919) 875-8328

Date: 5/26/2005

Test Number: 3

PAUL M. BALDWIN
VIRGINIA DOT MATERIALS DIVISION
1401 EAST BROAD STREET
RICHMOND, VA 23219

Phone: (804) 328 - 3142

FAX: (804) 328 - 3136

LEAK TEST CERTIFICATE

NC Materials License #

This certifies that leak test analysis was conducted on the sample with the following information.
The results shown below accurately represent the level of removable contamination.

Gauge model: 3440

Gauge S/N: 31289

Leak Test Date: 4/11/2005

<u>Source</u>	<u>Reading in microCuries</u>
47-3696	0.000000
750-5971	0.000243

Note: 0.005 microCuries (185 Bq) or greater is considered a leaking source. The source(s) tested above may remain in use.

Reviewed by: H. Y. Date: 5/26/05



InstroTek, Inc.
5908 Triangle Dr
Raleigh, NC 27617
(919) 875-8371 Fax (919) 875-8328

Date: 5/24/2005

Test Number: 3

PAUL M. BALDWIN
VIRGINIA DOT MATERIALS DIVISION
1401 EAST BROAD STREET
RICHMOND, VA 23219

Phone: (804) 328 - 3142

FAX: (804) 328 - 3136

LEAK TEST CERTIFICATE

NC Materials License #

This certifies that leak test analysis was conducted on the sample with the following information.
The results shown below accurately represent the level of removable contamination.

Gauge model: 3440

Gauge S/N: 31068

Leak Test Date: 4/12/2005

<u>Source</u>	<u>Reading in microCuries</u>
47-4352	0.000000
750-5687	0.000188

Note: 0.005 microCuries (185 Bq) or greater is considered a leaking source. The source(s) tested above may remain in use.

Reviewed by: H.Y. Date: 5/24/05 