

FOUNDATION ENGINEERING SCIENCE, INC.

- Soil Borings - Drilling Services [Residential, Commercial, Public & Environmental]
- Geotechnical Engineering [Residential, Commercial & Public]
- Environmental Audits [Phase I & II] & Wetland Delineation
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October 29, 2007

ATTN:

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

Re: **Reply to a Notice of Violation 10 CFR 20.1101 (c) A and B dated October 5, 2007**
Foundation Engineering Science, Inc.
Newport News, Virginia

To Whom It May Concern:

The purpose of this letter is to respond to NRC Inspection conducted on June 21 and 22, 2007 and August 20, 2007. The response will contain the violation, verbatim, and the required responses.

- A. 10 CFR 20.1101 (c) requires that the licensee shall periodically (at least annually) review the radiation safety program content and implementation.

NRC Inspection report: Contrary to the above, as of June 21, 2007 the licensee failed to review the radiation safety program content and implementation at least annually. Specifically, the licensee performed the last periodic review of the radiation safety program on May 6, 2006.

This is a Severity Level IV violation (Supplement IV)

FES, Inc. Response:

Reason of violation: After resignation of the staff (Frya Barzangi), who was responsible for nuclear gage maintenance and its paper work, Company appointed Vimal Jha (an authorized user), a new staff to look over operation, maintenance and safety for all the Company owned and documented Nuclear gauges in their main office in Newport News, Virginia during April-May of 2007. **RSO** was gradually in process to train the new staff about the safety documentation and other **NRC** Enforcement Policies. During this period **FES** staff overlooked and missed the annual Audit a part of (annual radiation safety program).

TEO

Corrective steps and result achieved: However, by the end of August, 2007 the new staff was very much aware of the documentation and reviewed the radiation safety program on July 17, 2007.

To Avoid further violations: FES assures that all the required duties will be as per the requirements in the radiation annual safety program and documentation process of nuclear gauges during the new staff appointment in future.

Date Full Compliance achieved:

- B. Condition 15 of your license No. 45-25374-01 requires that the licensee conduct a physical inventory every six months to account for all sources and/or devices received and possessed under this license.

NRC inspection report: Contrary to the above, as of June 21, 2007, the licensee failed to conduct a physical inventory which accounted for all sources and/or devices possessed under the license. Specifically, the licensee conducted a physical inventory on February 27, 2007, which did not include the two Troxler portable gauges located at the licensee's Fredericksburg, Virginia facility.

This is a Severity Level IV violation (Supplement VI)

FES, Inc. Response:

FES, Inc. was in process to close operation of its Fredericksburg facility and transport the above mentioned two Troxler portable gauges to their main office in Newport News, Virginia facility.

FES, Inc. Fredericksburg, Virginia facility was closed during August 2007 and above mentioned two Troxler portable gauges were safely transported, inspected and documented in our main facility in Newport News, Virginia facility during August, 2007.

FES assures that from now onwards there will be no mistakes or delay in physical inventory and its paper work for any of the licensee owned nuclear gauges stored in its facility.

Response to Docket No. 03034284

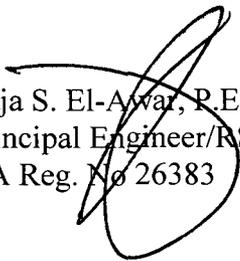
Notice of Violation

Inspection 03034284/2007001

FES hopes that this response provides sufficient evidence to ensure to the U. S. Nuclear Regulatory Commission that it is in compliance with regulatory requirements. **FES** appreciates U.S. Nuclear Regulatory Commission and their staff for periodic advices and enforcing other regulations to make our environment safe. **FES** looks forward to your quick response.

Respectfully Submitted,

FOUNDATION ENGINEERING SCIENCE, INC.



Raja S. El-Awar, P.E.
Principal Engineer/RSO
VA Reg. No 26383

CC: Regional Administrator, Region I

CC: Security and Industrial Branch, Ms. Marie Miller, Chief, U. S. Nuclear Regulatory Commission, Region I

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