



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD, SUITE 102
KING OF PRUSSIA, PA 19406-1415

November 30, 2022

Michael R. Nestor, P.E., Managing Member
Ascent Consulting & Engineering
2361 Davisson Run Road
Clarksburg, WV 26301

**SUBJECT: ASCENT CONSULTING & ENGINEERING - NRC INSPECTION NO.
030-39146/2022-001 AND NOTICE OF VIOLATION**

Dear Mr. Nestor:

This letter refers to the inspection remotely conducted from October 27, 2022, through November 30, 2022. This inspection examined your request to amend your NRC license, which involved, in part, a change to the authorized location of use, and the associated compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of representative records and interviews with personnel. A final exit call was performed on November 30, 2022, with your newly appointed Radiation Safety Officer, Mr. Jonathan Decker, to provide you the results of this review.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Jason vonEhr of my staff at (610) 337-5256 or via electronic mail at Jason.vonEhr@nrc.gov.

Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

Docket No. 030-39146
License No. 47-35519-01

Enclosure:
Notice of Violation

Cc: Jonathan Decker, Radiation Safety Officer

ASCENT CONSULTING & ENGINEERING - NRC INSPECTION NO. 03039146/2022-001 AND
NOTICE OF VIOLATION DATED NOVEMBER 30,2022

DISTRIBUTION:

N/A

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OFFICE	RI:DRSS	RI:DRSS			
NAME	Jason vonEhr	Chris Cahill			
DATE	11/30/2022	11/30/2022			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Ascent Consulting & Engineering
Bridgeport, WV

Docket No. 030-39146
License No. 47-35519-01

During a review of your NRC license amendment application received September 22, 2022, the NRC identified a violation of NRC requirements. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(c) requires, in part, that each person licensed by the Commission pursuant to the regulations in this part shall confine their possession of the byproduct material to the locations authorized in the license.

Contrary to the above, from October 7, 2018, through November 16, 2022, the licensee, who is licensed under 10 CFR Part 30, failed to confine its possession and use of the byproduct material to the locations authorized in the license. Specifically, the licensee stored and dispatched NRC-licensed radioactive materials employees' residential addresses in West Virginia, locations that were not authorized on the NRC license. The licensee communicated the termination of this practice with a letter transmitted on November 16, 2022, following a phone call with the NRC after initial identification.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.9).

Pursuant to the provisions of 10 CFR 2.201, Ascent Consulting & Engineering is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt. Dated This 30th day of November 2022