



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

August 5, 2019

EA-19-067

Lawrence W. Rine, President  
MSES Consultants, Inc.  
P.O. Drawer 190  
Clarksburg, WV 26302-0190

**SUBJECT: MSES CONSULTANTS, INC - NRC INSPECTION NO. 03032806/2018001  
AND NOTICE OF VIOLATION**

Dear Mr. Rine:

This letter refers to the inspection conducted from January 29, 2018, to June 14, 2019, at your Clarksburg, WV, and Fairmont, WV, facilities, and by telephone on multiple occasions. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm 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 procedures and representative records, observations of activities, and interviews with personnel. The inspection also included a review of your efforts to transfer your gauge for disposal in preparation for license termination.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred involving the failure to timely decommission, including transfer of the gauge. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC 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.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket. We noted that you transferred your gauge to a licensed entity (Instrotek, Inc.) on April 30, 2019, and by letter dated June 14, 2019, you requested license termination. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (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, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Randolph Ragland of my staff at (610) 337-5083 or via electronic mail at Randolph.Ragland@nrc.gov.

Thank you for your cooperation.

Sincerely,

*/RA/*

Anne E. DeFrancisco, Acting Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

License No. 47-24892-02  
Docket No. 030-32806

Enclosure:  
Notice of Violation

cc w/ encl: State of West Virginia

MSES CONSULTANTS, INC - NRC INSPECTION NO. 03032806/2018001 AND NOTICE OF VIOLATION DATED August 5, 2019

DISTRIBUTION:  
R1Enforcement

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DATE	08/01/2019	08/05/19	08/01/2019	

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## NOTICE OF VIOLATION

MSES Consultants, Inc.  
Fairmont, WV

Docket No. 030-32806  
License No. 47-24892-02  
EA-19-067

During an NRC inspection conducted from January 29, 2018, to June 14, 2019, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.36(h) requires that unless the Commission approves an alternate schedule for decommissioning of the site, the licensee must complete decommissioning of the site, or separate building, or outdoor area as soon as practicable but no later than 24 months following the initiation of decommissioning.

Contrary to the above, from the initiation of decommissioning on March 11, 2015, to June 14, 2019, MSES did not complete decommissioning within 24 months. Specifically, MSES did not dispose of a gauge until April 30, 2019, and did not request termination of their NRC license until June 14, 2019.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

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 publically 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 5<sup>th</sup> day of August 2019