



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

March 31, 2023

EA-22-051

Joshua Swindell, Radiation Safety Officer  
Radiation Safety Services, LLC  
1741 Triangle Park Drive  
Maryville, TN 37801

SUBJECT: RADIATION SAFETY SERVICES, LLC - NOTICE OF VIOLATION, NRC  
INSPECTION REPORT 150-00041/2021-001 AND INVESTIGATION  
REPORT 4-2021-010

Dear Joshua Swindell:

This letter refers to the investigation completed on May 27, 2022, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations at your facility in Knoxville, Tennessee. The investigation was conducted to determine whether employees of Radiation Safety Services, LLC, while working under reciprocity in NRC jurisdiction, willfully transferred byproduct material to an NRC licensee without verifying that it was authorized to receive and possess the material. The NRC's investigation results were discussed with you during a telephonic exit on January 20, 2023. The results of the investigation and one apparent violation were provided to you in the subject inspection report, dated February 2, 2023, Agencywide Documents Access and Management System (ADAMS) Accession No. ML23024A136.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation by either attending a predecisional enforcement conference, requesting alternative dispute resolution mediation, or by providing a written response before we made our final enforcement decision. In a letter dated February 10, 2023 (ML23069A106), you provided a written response to the apparent violation.

Based on the information developed during the inspection and the information you provided in your February 10, 2023, written response to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violation are described in detail in the subject inspection report. The violation involved the transfer of byproduct material to a company that was not specifically licensed by the NRC to receive the material, contrary to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 150.20(b)(3).

The NRC considers this to be a significant violation because the transfer of licensed radioactive material to an unauthorized entity provides greater opportunities for misuse or mishandling of the radioactive material. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$8,750 is considered for a Severity Level III violation.

Because your facility has not been the subject of an escalated enforcement action within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Corrective Action* credit is warranted based on the prompt and comprehensive corrective actions you implemented. Your corrective actions to address the violation are documented in NRC Inspection Report 150-00041/2021-001 and in your letter dated February 10, 2023.

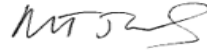
Therefore, to encourage prompt and comprehensive correction of violations and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

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 in NRC Inspection Report 150-00041/2021-001 and in your letter dated February 10, 2023. Therefore, you are not required to respond to this letter unless the description therein 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 "Agency Rules of Practice and Procedure," a copy of this letter, the enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's ADAMS, accessible from the NRC website 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. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Dr. Lizette Roldán-Otero of my staff, at 817-200-1455.

Sincerely,



Signed by Lewis, Robert  
on 03/31/23

Robert J. Lewis  
Regional Administrator (Acting)  
Region IV

Docket No. 150-00041  
License No. General License  
pursuant to 10 CFR 150.20

Enclosure:  
Notice of Violation

cc w/enclosure:  
Debra Shults, Director  
Division of Radiological Health  
TN Dept of Environment and Conservation

RADIATION SAFETY SERVICES, LLC - NOTICE OF VIOLATION, NRC INSPECTION REPORT 150-00041/2021-001 AND INVESTIGATION REPORT 4-2021-010 - DATED MARCH 31, 2023

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ADAMS: **ML23075A359**

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OFFICE	ES:ACES	C:MIB	TL:ACES	RC	OE	D:DRSS
NAME	ARoberts	LRoldan-Otero	RKumana	DCylkowski	CRiveraDiaz	GMiller
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## NOTICE OF VIOLATION

Radiation Safety Services, LLC  
Knoxville, Tennessee

Docket No. 150-00041  
General License  
EA-22-051

During an NRC investigation completed on May 27, 2022, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 150.20(a)(1) states, in part, that provided that the provisions of 10 CFR 150.20(b) have been met, any person who holds a specific license from an Agreement State is granted a general license to conduct the same activity in non-Agreement States.

10 CFR 150.20(b)(3) requires, in part, that any person engaging in activities in non-Agreement States under a general license shall not transfer or dispose of radioactive material possessed or used under the general license, except by transfer to a person who is specifically licensed by the Commission to receive this material.

10 CFR 30.41(c) requires, in part, that before transferring byproduct material to a specific licensee of the Commission, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred.

Contrary to the above, on May 20, 2020, Radiation Safety Services, LLC, a general licensee under 10 CFR 150.20, transferred radioactive material to a person who was not specifically licensed by the Commission to receive the material. Specifically, while engaging in activities under a general license in Gillette, Wyoming, Radiation Safety Services transferred byproduct material, two cesium-137 sealed sources, and failed to adequately verify that the transferee's license authorized the receipt of byproduct material transferred.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.12.c.12).

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 in NRC Inspection Report 150-00041/2021-001 and in your letter dated February 10, 2023.

However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-22-051," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and email it to [R4Enforcement@nrc.gov](mailto:R4Enforcement@nrc.gov).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 31st day of March 2023