



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

February 19, 2021

EA-20-154

Nancy E. Alderton
Radiation Safety Officer
REV Energy Services, LLC
511 16th Street, Suite 500
Denver, CO 80202

SUBJECT: NRC INSPECTION REPORT 030-39186/2020-001 AND NOTICE OF VIOLATION

Dear Ms. Alderton:

This letter refers to the remote inspection conducted from September 22 - October 8, 2020, for activities conducted out of your facility in Gillette, Wyoming. The purpose of the inspection was to examine the activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures, representative records, and interviews. The inspection findings were discussed with you during an exit meeting on February 8, 2021.

Based on the information developed during the inspection, the NRC has determined that a violation occurred. The violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection. The violation was evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved possession of radioactive material without authorization by general or specific license.

Possession of materials without a license creates the potential of unsafe consequences for members of the public and the environment. In this case, REV Energy Services, LLC (REV) received radioactive materials from a distributor who incorrectly represented the materials as generally licensed, when they actually required a specific license for possession. The general license for these materials, if it had been applicable, would have authorized REV to possess them without prior application and a specific license from the NRC, similar to two other generally licensed devices that REV possessed. In this case, the only difference between the specifically licensed and generally licensed devices containing the radioactive materials was a generally licensed device label. REV maintained the unlicensed devices in the same manner as the two other generally licensed devices. Therefore possession without a license posed less potential of unsafe consequences. This violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level IV.

The NRC has concluded that information regarding: (1) the reason for the violations; (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 REV's NRC Materials License 05-35559-01 and license conditions, Agencywide Documents Access and

Management System (ADAMS) Accession No. ML19280D343. 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 "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, 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's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy or proprietary, information so that it can be made available to the public without redaction.

Sincerely,

Dan S. Bradley, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-39186
License: 05-35559-01

Enclosure:
Notice of Violation

cc:
Mr. Ryan Schierman
Department of Environmental Quality
Land Quality Division
200 W. 17th Street, 2nd Floor
Cheyenne, WY 82001

NOTICE OF VIOLATION

REV Energy Services, LLC
Denver, Colorado

Docket No. 030-39186
License No. 05-35559-01
EA-20-154

During an NRC inspection conducted from September 22, 2020 - October 8, 2020, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.3(a) requires, in part, that no person shall receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in Title 10 of the Code of Federal Regulations, Chapter I.

Contrary to the above, from September 26, 2018 - September 24, 2019, REV Energy Services, LLC received, acquired, owned, possessed, and used byproduct material without authorization in a specific or general license issued in accordance with the regulations in Title 10 of the Code of Federal Regulations, Chapter I. Specifically, REV Energy Services received two gauges containing 60 millicuries of cesium-137 each that had been incorrectly distributed as generally licensed devices but actually required a specific license for possession and use.

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

The NRC has concluded that information regarding: (1) the reason for the violations; (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 REV's NRC Materials License 05-35559-01 and license conditions, Agencywide Documents Access and Management System (ADAMS) Accession No. ML19280D343.

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, EA-20-154," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, and emailed to R4Enforcement@nrc.gov 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, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, Director, Office of Enforcement, Washington, DC 20555-0001.

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 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, 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 withholding of such information, you

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must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (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 19th day of February 2021