



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

December 19, 2019

EA-19-049

Mr. Justin P. Bastian, Principal
Xcell Engineering, LLC
260 Laurel Lane
Chubbuck, ID 83202

SUBJECT: RESPONSE TO NRC INSPECTION 030-38919/2019-001, NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Mr. Bastian:

On November 15, 2019, the U.S. Nuclear Regulatory Commission (NRC) cited Xcell Engineering, LLC, for four violations that involved the failures to: (1) use two independent physical controls that form tangible barriers to secure a portable nuclear gauge from unauthorized removal when the nuclear gauge was not under the control and constant surveillance of the Xcell Engineering, LLC employees; (2) provide U.S. Department of Transportation hazmat training to applicable personnel at least every 3 years; (3) provide a correct United Nations Identification Number on the U.S. Department of Transportation Bill of Lading; and (4) conduct annual reviews of the radiation protection program.

The NRC Inspection Report 030-38919/2019-001 with enclosed Notice of Violation (Notice) required you to respond in writing in 30 days (NRC Agencywide Documents Access and Management System (ADAMS) Accession ML19319C134). In a letter and email dated December 5, 2019, you provided your response to the Notice of Violation (ML19347A380).

After reviewing the information provided in your response to the Notice, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliance described in the Notice. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedures," a copy of this letter 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>.

Sincerely,

/RA/

Patricia A. Silva, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-38919
License: 11-29226-02

cc:
Mark Dietrich
State of Idaho Radiation Control Program

RESPONSE TO NRC INSPECTION 030-38919/2019-001, NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION - DATED DECEMBER 19, 2019

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cc:

Mark Dietrich
Technical Services Division Administrator
DEQ State Office
Technical Services Division
1410 N. Hilton
Boise, ID 83706

ADAMS ACCESSION NUMBER: ML19357A021

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
By: JEV Yes No Publicly Available Sensitive NRC-002

OFFICE	HP:MIB	C:MIB	
NAME	JEvonEhr	PASilva	
SIGNATURE	/RA/	/RA/	
DATE	12/16/2019	12/19/2019	

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