



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

January 31, 2017

Mr. Justin Paul Bastian, P.E.  
Principle and Radiation Safety Officer  
Xcell Engineering, LLC  
260 Laurel Lane  
Chubbuck, ID 83202

**SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-38919/2016-001 AND  
NOTICE OF VIOLATION**

Dear Mr. Bastian:

On December 5, 2016, the U.S. Nuclear Regulatory Commission (NRC) cited Xcell Engineering, LLC, for five violations involving failures to: (1) secure a portable gauge with two tangible barriers when not under direct control and surveillance; (2) maintain portable gauge utilization logs in accordance with your license commitments; (3) provide U.S. Department of Transportation hazmat refresher training every three years; (4) prepare shipping papers prior to transporting Class 7 (radioactive) materials; and (5) limit possession of byproduct material to the locations authorized on your license. Inspection Report 030-38919/2016-001 with enclosed Notice of Violation required you to respond in writing in 30 days (ML16337A096). Following the NRC's inspection, you provided a description of some preliminary corrective actions in email dated November 21, 2016 (ML17025A146). You also responded by letter dated December 20, 2016, which included a license amendment request to add a portable gauge storage location to your license (ML17005A317 AND ML17005A471). You provided supplemental information on your corrective actions in email dated January 26, 2017 (ML17030A270).

After reviewing the information provided in your responses to the Notice of Violation, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliances described in the Notice of Violation. 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 Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

**/RA/**

Ray L. Kellar, P.E., Chief  
Nuclear Materials Safety Branch A  
Division of Nuclear Materials Safety

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

cc: State of Idaho, Radiation Program Director

RESPONSE TO NRC INSPECTION REPORT 030-38919/2016-001 AND NOTICE OF VIOLATION DATED January 31, 2017

**DISTRIBUTION:**

M. Shaffer, D:DNMS  
L. Howell, DD:DNMS

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ADAMS ACCESSION NUMBER: ML17030A420

<b>X</b> SUNSI Review By: <b>JFK</b>		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>X</b> Publicly Available <input type="checkbox"/> Non-Publicly Available		<b>X</b> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword: N/A
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