

April 15, 2005

Lawrence G. McDade, Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

E. Roy Hawken
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
ALL TECH CORPORATION
(Civil Monetary Penalty)
Docket No. 030-35321

Dear Administrative Judges:

Pursuant to a scheduling order issued on April 14, 2005, the Staff herein provides notice that a separate folder entitled "All Tech Hearing Files/2004-04-15 Hearing File" has been created in the Agency's ADAMS system and is available for viewing. This folder contains copies of the ADAMS files for all materials included in the hearing file pursuant to 10 C.F.R. § 2.336(b). A list containing the ADAMS accession number, date, and title of each item in the Hearing File is attached hereto. Also attached, as required by 10 C.F.R. § 2.336(c), is the Affidavit of Sally L. Merchant. In addition, as directed by the Board on April 8, 2005, the Staff will provide electronic versions of the hearing file documents to All Tech Corporation via electronic mail.

As required by 10 C.F.R. § 2.336(b)(5), the staff is also producing a privilege log at this time. In addition, the Staff shall preserve and maintain all privileged documents during the pendency of this proceeding.

Respectfully submitted,
/RA/

Tyson R. Smith
Counsel for NRC Staff

Enclosures: Hearing File Index
Privilege Logs
Affidavit of Sally L. Merchant

cc w/ encls: Richard Booth
Office of the Secretary
Office of the Commission Appellate Adjudication

April 15, 2005

Hearing File - All Tech Corp.
Docket No. 030-35321

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML051030391	Sanborn G, NRC/RGN-IV	01/10/2005 E-mail from Gary Sanborn re: conference call with Booth & Associates regarding imposing order involving All Tech.	01/10/2005	E-Mail, Note	Sanborn G, NRC/RGN-IV	E-mail Envelope Properties not available.	1
ML041610480	Booth R E, All Tech Corp	06/02/04-Answer to a Notice of Violation & Propose Imposition of Civil Penalty \$6,000 (NRC Office of Investigation Report 4-2002-120).	06/02/2004	Letter, Licensee Response to Notice of Violation	Congel F J, NRC/OE	C-S. Figueroa	4
ML051030407	, NRC/RGN-IV	Conference with Richard E. Booth and Billy Berry on 09/15/03 in Pocatello, Idaho regarding All Tech Corporation.	09/15/2003	Enforcement /Regulatory Conference Transcript, Legal-Exhibit	,		75

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML051030373	Thompson J, NRC	E-mail from James Thompson to Elmo Collins and Mark Shaffer re: Telephone Conversation with B. Park of Qal-Tek.	11/12/2003	E-Mail	Collins E, Shaffer M R, NRC	E-mail Envelope Properties not available.	1
ML051030371	Thompson J, NRC	E-mail from James Thompson to Elmo Collins re Telephone Conversation with Nuclear Testing Services.	12/04/2003	E-Mail	Collins E, NRC	E-mail Envelope Properties not available.	1
ML051030394	Shaffer M R, NRC	E-mail from Mark Shaffer to Elmo Collins, Gary Sanborn, James Thompson and Micheal Vasquez re: Telephone Conversation with Qal-Tek Associates.	10/23/2003	E-Mail	Collins E, Sanborn G, Thompson J, Vasquez M, NRC	E-mail Envelope Properties not available.	1
ML051030393	Vasquez M, NRC	E-mail from Michael Vasquez to Elmo Collins, Jeffrey Cruz and Gray Sanborn re: All Tech Case - Telecon with Booth.	03/30/2004	E-Mail	Collins E, Cruz J, Sanborn G, NRC	E-mail Envelope Properties not available.	1

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML041180408	Mallett B S, NRC/RGN-IV/ORA	EA-03-128 All Tech Corporation, Mr. Richard E. Booth III, President, NOTICE OF VIOLATION & PROPOSED IMPOSITION OF CIVIL PENALTY - \$6,000 (NRC OFFICE OF INVESTIGATIONS REPORT 4-2003-012).	04/27/2004	Letter, Notice of Violation with Proposed Imposition of Civil Penalty	Booth R E, All Tech Corp		10
ML043450052	Nolan C, NRC/OE	EN-04-026B, All Tech Corporation.	12/10/2004	Enforcement Notification	,		2
ML051030403	, NRC/RGN-IV	Exhibit 1 - Investigation Status Record - Deliberate Failure to Provide Accurate and Complete Information on the Possession of Radioactive Materials.	03/18/2003	Status Report	,	Document submitted for scanning contained poor quality page(s) and/or page(s) which appeared to be missing. Document is complete per submitter.	85

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML032340090	Collins E E, NRC/RGN-IV/DNMS	IA Ltr to Mr. Billy H. Berry from Elmo Collins, Director, DNMS, Predecisional Enforcement Conference (NRC Investigation Report No. 4-2003-012), Dkt. 030-35321, Lic. 11-27657-01, 08/21/2003.	08/21/2003	Inspection Report, Letter	Berry B H, - No Known Affiliation		5
ML041180417	Mallett B S, NRC/RGN-IV/ORA	IA-03-026 Mr. Billy H. Berry, NOTICE OF VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT 4-2003-012).	04/27/2004	Letter, Notice of Violation	Berry B H, - No Known Affiliation		8
ML043500213	Congel F J, NRC/OE	IA-03-026, Berry, Notice of Violation.	12/10/2004	Individual Action (Enforcement), Letter, Notice of Violation	Berry B H, - No Known Affiliation		4
ML020700280	Fuller M L, Shaffer M R, NRC/RGN-IV/DNMS/NMIB	IR 03035321/2002-001 All Tech Corporation (Field Notes), 03/08/2002.	03/08/2002	Inspection Report	Berry B H, All Tech Corp		9

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML051030396	Williamson E L, NRC/RGN-IV	Memo from Williamson to Merschoff re: All Tech Corporation : Deliberate Failure to Provide Accurate and Complete Information on the Possession of Radioactive Materials.	05/22/2003	Memoranda, OI Investigation Report	Merschoff E W, NRC/RGN-IV		22
ML051030369	Vasquez M, NRC	Note from Michael Vasquez re: Telecon with Richard Booth on 08/05/03.	08/05/2003	Note	, NRC		2
ML051030370	Vasquez M, NRC	Note from Michael Vasquez re: Telecon with Richard Booth on 08/11/03.	08/12/2003	Note	, NRC		2
ML032330498	Collins E E, NRC/RGN-IV/DNMS	NRC Office of Investigations Report 4-2003-012; All Tech Corporation.	08/21/2003	Letter, OI Investigation Report	Booth R E, All Tech Corp		5

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML023090481	Katanic J F, Whitten J E, NRC/RGN-IV	PNO-IV-02-066: All Tech Corporation, Missing Portable Gauges Recovered.	11/05/2002	NRC Preliminary Notification of Event/Occurrence	,	sisp20050415rbs	1

April 15, 2005

PRIVILEGE LOG
PREDECISIONAL/DELIBERATIVE PROCESS

The following documents are being withheld by the NRC Staff as "PREDECISIONAL/DELIBERATIVE PROCESS" pursuant to 10 C.F.R. § 2.336(b)(5).

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML051030355	Vasquez M, NRC	All Tech Corporation - Strategy Form.	07/30/2003	E-Mail	Bhalla N, Broaddus D A, NRC	E-mail envelope properties not available	1
ML051030352	, NRC	Comparison of Statements Made at Enforcement Conference To Statements Made During OI Interview with All Tech Corporation.	04/13/2005	- No Document Type Applies	,	Strategy Sheet	3
ML051030344	Williamson L, NRC	E-mail from Len Williamson regarding All Tech Corporation--(OI #4-2003-012).	04/17/2003	E-Mail	Collins E E, Fuller M, Sanborn G F, Shaffer M, Smith K, Vasquez M, NRC	E-mail envelope properties not available	1

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML051030357	Vasquez M, NRC	E-mail from Michael Vasquez regarding All Tech Corporation EA-03-128.	10/22/2003	E-Mail	Bhalla N, Burgess M L, Psyk L M, Smith K, Torres R J, Zobler M L, NRC	E-mail envelope properties not available	1
ML031830063	Luehman J G, NRC/OE	EA-03-128-1, All Tech Corporation	07/01/2003	Enforcement Strategy	,		1
ML032270126	Luehman J G, NRC/OE	EA-03-128-2, All Tech Corporation.	08/12/2003	Enforcement Strategy	,		1
ML033460148	Luehman J G, NRC/OE	EA-03-128-3, All Tech Corporation.	12/04/2003	Enforcement Strategy	,		1
ML040090115	Luehman J G, NRC/OE	EA-03-128-4, All Tech Corporation.	12/18/2003	Enforcement Strategy	,		2
ML041240061	Nolan M C, NRC/OE	EA-03-128-5, All Tech Corporation.	04/30/2004	Enforcement Strategy	,		1
ML042180081	Nolan C, NRC/OE	EA-03-128-6, All Tech Corp.	08/04/2004	Enforcement Strategy	,		1
ML031830070	Luehman J G, NRC/OE	EA-03-129-1, GM and RSO, All Tech Corporation.	07/01/2003	Enforcement Strategy	,		1

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML040090407	Luehman J G, NRC/OE	EA-03-129-2, GM and RSO.	12/18/2003	Enforcement Strategy	,		2
ML042300043	Nolan C, NRC/OE	EA-03-129-3, Individual, All Tech Corporation.	06/24/2004	Enforcement Strategy	,		2
ML032020351	Vasquez G M, NRC/OE	EAW-03-128, All Tech Corporation.	06/26/2003	Enforcement Action Worksheet	,	cjg	4
ML041130140	Nolan M C, NRC/OE	EN-04-026, All Tech Corporation	04/22/2004	Enforcement Notification	,		2
ML051030340	, NRC	Evaluation of Responses from All Tech Corporation and Billy Berry.	04/13/2005	- No Document Type Applies	,	Profile's Document Date is not origin date of document. This is a strategy document in the file.	2

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML051030347	Vasquez M, NRC	OI 4-2003-012, All Tech Corporation, Issued 5/22/03 (RIV Allegation No. 2003-0024).	04/08/2005	Letter	Chamberlain D D, Collins E E, Fuller M, Gwynn P, Sanborn G F, Shaffer M, Smith K, Whitten J E, NRC	E-mail envelope properties not available	1

April 15, 2005

PRIVILEGE LOG
PRIVACY ACT

The following documents are being withheld by the NRC Staff as "PRIVACY ACT" pursuant to 10 C.F.R. § 2.336(b)(5).

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML032960152	, NRC/RGN-IV	Alltech Corporation EA-03-128 Predecisional Enforcement Conference on September 15, 2003.	09/15/2003	Meeting Transcript	,	This is the unredacted transcript. The redacted version is publicly available.	75

Privacy Act

April 15, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ALL TECH CORPORATION)	Docket No. 30-35321-CivP
)	
Pocatello, Idaho)	ASLBP No. 05-836-02-CivP
(Civil Monetary Penalty))	

AFFIDAVIT OF SALLY L. MERCHANT CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(d)

I, Sally L. Merchant, being first duly sworn, do hereby state as follows:

1. I am employed as an Enforcement Specialist in the Nuclear Regulatory Commission's ("NRC") Office of Enforcement. I serve as project manager for the NRC's enforcement action against All Tech Corp. at issue in this proceeding.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (d) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.
3. I hereby certify that the foregoing is true and complete to the best of my knowledge, information and belief.

/RA/

Sally L. Merchant