



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

January 9, 2007

EA-06-285

All Tech Corporation
ATTN: Richard E. Booth, III
President
P.O. Box 2046
Pocatello, Idaho 83206

**SUBJECT: NRC INSPECTION REPORT 030-35321/06-001 AND NOTICE OF VIOLATION;
TERMINATION OF NRC BYPRODUCT MATERIALS LICENSE**

Dear Mr. Booth:

This refers to a reactive inspection conducted on May 17, 2006, at your facility in Pocatello, Idaho. This inspection was an examination of activities conducted under your license as they relate to radiation safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, independent measurements, and interviews with personnel. Preliminary findings were discussed with your Radiation Safety Officer (RSO), Mr. James Sample, at the end of the on site inspection.

On June 6, 2006, regional management discussed the inspection findings with you telephonically. During that discussion you informed us of your decision to terminate your license and that you had begun efforts to sell your gauges (to a company authorized to possess them). Since that time, we have monitored your efforts to sell your gauges. On November 16, 2006, you provided NRC the specific documentation required to terminate your license. A telephonic exit briefing was conducted with you on December 11, 2006.

The NRC staff has reviewed your sealed source leak test results and documents confirming the transfer of all licensed material to an NRC licensee, Qal-Tek Associates. The staff has confirmed that all licensable radioactive material has been removed from your facility and that residual radioactive material attributable to licensed activities does not exceed current NRC criteria. Based on these assessments, your facility is suitable for unrestricted use and NRC License Number 11-27657-01 for your locations of use (2925 Garrett Way, Pocatello, Idaho, and Unit 87, 1100 South Main, Pocatello, Idaho) is hereby terminated.

In previous discussions, you had requested relief from the remaining balance of \$622.02 from the civil penalty you agreed to pay from an enforcement action in 2004 (EA-03-128). All Tech also owed the NRC its Fiscal Year 2006 annual fee of \$2564.31. After consultation with the NRC's Office of the Chief Financial Officer, Office of Enforcement, Office of Federal and State Materials and Environmental Management Programs, and the Region IV Regional Administrator, the NRC has determined it is not in the best interest of the federal government to continue actions to collect these debts from you based on your request to terminate your license.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**.

The violations are cited in the enclosed Notice of Violation because they were identified by the NRC during the inspection. However, in light of your license termination and because the information regarding the reason for the violations, and the corrective actions taken are already adequately addressed on the docket, you are not required to respond to this letter or the enclosed Notice of Violation. We consider the matter closed.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>. To the extent possible, all correspondence should not include any personal privacy, proprietary, or safeguards information so that it may be made available to the public without redaction.

Should you have any questions concerning this inspection or the enclosed report, please contact Ms. Vivian Campbell at (817) 860-8287 or Mr. Larry Donovan at (817) 860-8140.

Sincerely,

/RA/

Leonard D. Wert, Jr., Director
Division of Nuclear Materials Safety

Docket No. 030-35321
License: 11-27657-01

Enclosures:
As stated

cc w/enclosure:
Idaho Radiation Control Program Director

bcc w/enclosures (via e-mail distrib):

- BSMallet
- TPGwynn
- LWert
- CLCain
- VCampbell
- JEWhitten
- MVasquez
- KDFuller
- WAMaier
- LDonovan
- SLMerchant, OE
- GLMorell, FSME
- JRSchlueter, FSME
- TEHarris, FSME
- MBurgess, FSME
- LTremper
- RITS Coordinator
- OEMail
- NMIB
- RIV Materials Docket File (5th Floor)

SUNSI Review Completed: ADAMS: Yes No Initials: ld

Publicly Available Non- Sensitive

DOCUMENT NAME: s:\dnms!\nmib\donovan\63532101.wpd final r:_dnms

RIV:DNMS:NMIB	C:NMIB:	C:NMLB
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12/14/06	12/14/06	12/14/06

ACES	D:ACES/RC:	D:DNMS	RA
MVasquez	KDFuller	LDWert	BSMallett
<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>
12/29/06	01/03/07	01/09/07	01/07/07

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NOTICE OF VIOLATION

All Tech Corporation
Pocatello, Idaho

Docket No. 030-35321
License No. 11-27657-01
EA-06-285

During an NRC inspection conducted on May 17, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1801 requires, in part, that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled areas. As defined in 10 CFR 20.1003, *controlled area* means an area, outside a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

Contrary to the above, the licensee failed to secure from unauthorized removal or access licensed materials that are stored in controlled areas. Specifically, from April 3, 2006 to May 17, 2006, the licensee lost control of licensed material when his landlord took control of his authorized storage facility located at 2925 Garrett Way, Pocatello Idaho, containing six Troxler Model 3400 and 2400 series, and one Campbell Pacific, portable gauges containing licensed material.

This is a Severity Level IV violation (Supplement IV).

- B. 10 CFR 30.34 (c) requires, in part, that each licensee confine his possession and use of byproduct materials to the locations and purposes authorized by the license.

Condition 10.A. of License No. 11-27657-01 requires that licensed material be used or stored only at 2925 Garrett Way.

Contrary to the above, the licensee did not confine his possession of byproduct materials to the location authorized by the license. Specifically, from May 11, 2006, to May 17, 2006, the licensee possessed a Troxler Model 3400 series portable gauge containing licensed material at storage unit #87 of the H&H mini-storage facility at 1100 South Main Street, Pocatello, Idaho, a location not authorized by the license.

This is a Severity level IV violation (Supplement VI).

No response to this Notice of Violation is required. If you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region IV, at 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Because your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards 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 withholding of such material, you 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)

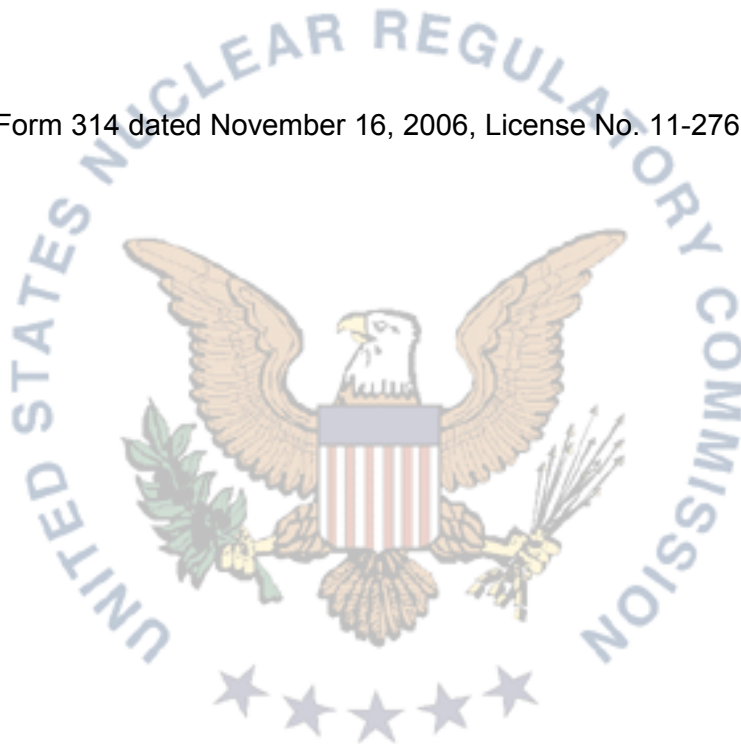
Dated this 9th day of January 2007.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
11-27657-01Docket or Reference Number
030-35321

Amendment No. 5

All Tech Corporation
ATTN: Richard E. Booth, III
President
P.O. Box 2046
Pocatello, Idaho 83206

In accordance with NRC Form 314 dated November 16, 2006, License No. 11-27657-01 is hereby terminated.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: December 11, 2006

By: /RA/
Roberto J. Torres, Senior Health Physicist
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011