



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

April 27, 2018

EA-18-041

Mr. Travis Snowder
President/Chief Executive Officer
Qal-Tek Associates, LLC
3998 Commerce Circle
Idaho Falls, ID 83401

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-34866/2017-002 AND
WITHDRAWAL OF NOTICE OF VIOLATION

Dear Mr. Snowder:

On February 2, 2018, the U.S. Nuclear Regulatory Commission (NRC) issued NRC Inspection Report 030-34866/2017-002 to Qal-Tek Associates, LLC, (Qal-Tek) involving violations of the NRC's public health and safety, and security requirements. Enclosure 1, of the subject report, contained violations related to the NRC's public health and safety requirements, and Enclosure 2 contained violations related to the NRC's security requirements. The inspection report and Enclosure 1 are publicly available (Agencywide Documents Access and Management System (ADAMS) Accession ML18037A595). On March 22, 2018, during a telephone conversation with the Region IV, the region granted a violation response extension until April 5, 2018. On March 30, 2018, Qal-Tek responded with two letters that were received by our office on April 10, 2018. The response letters separately addressed Qal-Tek's corrective actions for Enclosures 1 and 2. The response letters contained security-related information and are not publicly available.

In a response letter, Qal-Tek questioned the validity of Violation A of Enclosure 1. Specifically, Qal-Tek documented that Title 10 of the *Code of Federal Regulations* (10 CFR) Part 36 did not apply to the irradiator in question because it did not meet the purpose and scope of 10 CFR Part 36.

The NRC reviewed the information Qal-Tek provided regarding the activity of cesium-137 contained in the irradiator and has reviewed 10 CFR 36.1, "Purpose and scope." Title 10 CFR 36.1(b) states, in part, that the regulations in 10 CFR Part 36 apply to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources and to underwater irradiators in which both the source and the product being irradiated are under water. Irradiators whose dose rates exceed 5 grays (500 rads) per hour at 1 meter from the radioactive sealed sources in air or water, as applicable for the irradiator type, are covered by 10 CFR Part 36. Title 10 CFR 36.2 defines a *panoramic irradiator* as an irradiator in which the irradiations occur in areas potentially accessible to personnel and includes beam-type irradiators.

Based on a review of the information obtained during the inspection, and the information provided in your response to Enclosure 1, the NRC concluded that the subject irradiator is a

beam-type irradiator that meets the definition of a *panoramic irradiator* in 10 CFR Part 36. However, the activity contained in the irradiator, at the time of the inspection, was less than 5 grays (500 rads) per hour at 1 meter. Accordingly, the irradiator did not fall under 10 CFR 36.1(b) requirements at the time of the inspection, and Violation A of Enclosure 1 is being withdrawn.

We have also reviewed your responses to Violation B of Enclosure 1 and the security-related violations of Enclosure 2. After reviewing the information provided in your responses to these violations, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliances. 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 "Rules of Practice and Procedure," 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 Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

Docket No.: 030-34866
License No.: 11-27610-01

cc:
State of Idaho Radiation Control Program Director

RESPONSE TO NRC INSPECTION REPORT 030-34866/2017-002 AND WITHDRAWAL OF NOTICE OF VIOLATION DATED APRIL 27, 2018.

DISTRIBUTION:

S. Morris, DRA
M. Shaffer, D/DNMS
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SUNSI Review, By: JFK		ADAMS X Yes	X Publicly Available	X Non-Sensitive	Keyword: EA-18-041
OFFICE	RIV: MLIB	C: MLIB	SES: ACES	D:DNMS	
NAME	JFKatanic	MCHay	JGKramer	MShaffer	
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DATE	4/19/18	4/19/18	4/19/18	4/27/18	

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