

**From:** Deborah Piskura

**Sent:** Friday, November 8, 2024 1:52 PM

**To:** Corky Stack <corkystack@gmail.com>; cstack@sdcgrouppmo.com

**Cc:** Rhex Edwards <Rhex.Edwards@nrc.gov>

**Subject:** Acknowledgement of your written response to NRC Notice of Violation dated March 27, 2024

Dear Corky,

Thank you for your written response dated August 9, 2024, to our letter dated March 27, 2024, transmitting a Notice of Violation. You described your corrective actions to the violation we cited against 10 CFR 30.36(d) involving the failure to notify the NRC, in writing, within 60 days of occurrence, that no principal activities under the license had been conducted for a period of 24 months. Your corrective actions were to resume principal activities by performing testing of materials at least once per year. In your response, you asked a question on the meaning of "principal activities" and if performing sealed source leak tests on your portable gauge was considered as principal activities. I can provide you additional information to address your question.

The NRC defines the term "principal activities," In 10 CFR 30.4, Definitions, *Principal activities*, as used in this part, means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

Your NRC license was issued to your company with the specific authorization listed in Item 9, to use your portable gauging device for measuring physical properties of materials. Therefore, the specific purpose of your NRC license is for the use of your portable gauge for performing testing and measurements. In your case, the principal activities would include the use of your portable gauge for performing measuring physical properties of materials. You provided in your letter, that while the gauge was not specifically used for measurements at a contracted construction project, you performed leak tests and instrument calibrations on the gauge. Condition 13 of your NRC license requires you to perform leak tests of the sealed sources in your possession at a specified frequency. The purpose of performing a leak test is to verify the integrity of the sealed sources within the portable gauge. While the performance of leak tests on sealed sources is required by your license as a radiation safety task, it is not considered a principal activity, since the purpose of license issuance is to permit the use of the portable gauges for the performance testing/measuring the physical properties of materials. Sources/devices in storage are not required to be leak tested. According to your records, your gauge was last leak tested in October 2019 and had remained in storage and unused since 2019 (a period greater than 24 months from the date of our inspection in June 2023).

Please contact me if you have any questions or need further clarification on these requirements.

We have reviewed your corrective actions, which appear adequate, and have no further questions at this time. Your corrective actions will be examined during a future inspection.

In accordance with Title 10 of the Code of Federal Regulations 2.390 of the NRC's "Rules of Practice," a copy of this email will be 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>.

Best Regards,

Debbie

Deborah A. Piskura  
Senior Health Physicist  
Materials Inspection Branch  
US Nuclear Regulatory Commission  
Region III  
[Deborah.piskura@nrc.gov](mailto:Deborah.piskura@nrc.gov)