



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, ILLINOIS 60532-4352

July 11, 2022

EA-22-020  
EN 55577

Mr. William Witzig  
Radiation Safety Officer/Owner  
Alt & Witzig Engineering, Inc.  
4105 West 99th Street  
Carmel, IN 46032

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
\$8,000: NRC REACTIVE INSPECTION REPORT NO.  
03035111/2021002(DNMS) – ALT & WITZIG ENGINEERING, INC.

Dear Mr. Witzig:

This letter refers to the Nuclear Regulatory Commission (NRC) reactive inspection conducted on November 7-18, 2021, with continued in-office review through March 17, 2022. The purpose of the reactive inspection was to review the circumstances surrounding the loss of a nuclear moisture density gauge on November 13, 2021, when one of your gauge users failed to secure it as required by NRC requirements, before leaving a job site (Event Notification Number 55577). A final exit briefing was conducted telephonically with you on March 28, 2022, and the inspection report was issued on April 20, 2022 (Agencywide Document Access and Management System (ADAMS) Accession No. ML22089A124).

In the letter transmitting the inspection report, dated April 20, 2022, we informed you that we had identified two apparent violations and provided you with the opportunity to address them through a pre-decisional enforcement conference (PEC), a written response, or alternative dispute resolution, before we made our final enforcement decision. In a letter dated May 17, 2022, you provided a written response to the apparent violations (ML22178A192).

After considering the information developed during the inspection, the information you provided regarding the loss of the portable gauge in your December 9, 2021, 30-day report on the event (ML22062A144), and the additional information you provided in your May 17, 2022, letter, the NRC has determined that two escalated violations of NRC requirements occurred. The two violations are cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) and the circumstances surrounding them are described in detail in the inspection report previously sent to you. The first violation is related to the loss of a portable gauge containing radioactive materials and the second violation is related to the failure to lock the portable gauge or its container during transportation. The NRC considers the loss of NRC-regulated material a significant regulatory and security concern because a portable gauge poses an undue risk to the public. The regulated material is still missing, and because the source was not locked in a shielded position, a member of the public could receive a dose exceeding regulatory limits. Therefore, these two violations are categorized collectively, in accordance with the NRC

Enforcement Policy as a Severity Level III problem. The NRC Enforcement Policy may be found on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The NRC considers civil penalties for violations associated with the loss of regulated material. A base civil penalty amount of \$17,000 is identified for the loss of regulated material in this case, as provided in Section 8, Table A, Item f.2 of the Enforcement Policy. However, in accordance with Section 2.3.4 of the Enforcement Policy, and after considering the known actual disposal cost of the licensed material as well as the nominal base civil penalty amount that would otherwise be applicable to the licensee for the SL III problem, the NRC determined that a civil penalty in the amount of \$8,000 provides adequate deterrence consistent with the NRC's lost source policy.

Therefore, to emphasize the importance of maintaining security and control of regulated material and devices, I have been authorized, after consultation with the Director, Office of Enforcement to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$8,000 for the SL III problem. In addition, issuance of this Notice constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that the information regarding the reason for the violations, the corrective actions taken to correct the violations and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Reactive Inspection Report 03035111/2021002 (DNMS) and in your May 17, 2022, letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and 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 <https://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response 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, 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 information, 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.

You may choose to pay the proposed civil penalty by submitting your payment, with the invoice enclosed (Enclosure 2) to this letter, to the following address:

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

In addition, you may pay the proposed civil penalty in accordance with NUREG/BR-0254. When using NUREG/BR-0254 (Enclosure 3) to pay the civil penalty, the invoice number should be used as the "enforcement action identifier" when submitting your payment through one of the

approved methods listed in the brochure. The NRC may consider a request for additional time to pay the proposed civil penalty, including the option to enter into an installment agreement, if payment of the civil penalty as a lump sum in the required timeframe would pose a financial hardship. To request additional time to pay, you must submit a written request, with appropriate justification explaining your financial hardship, to [NRCCollections.Resource@nrc.gov](mailto:NRCCollections.Resource@nrc.gov). All requests should be submitted in sufficient time to allow the NRC the ability to review your request for additional time to pay before the 30-day payment period expires.

If you disagree with this enforcement sanction, you may deny the violation, as described in the Notice, or you may request alternative dispute resolution (ADR) mediation with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Diana Betancourt-Roldan, Enforcement/Investigations Officer at (630) 810-4373 within 10 days of the date of this letter. You may also contact both ICR and Ms. Betancourt-Roldan for additional information. Your submitted signed agreement to mediate using the NRC ADR program will stay the 30-day time period for payment of the civil penalty and the required written response, as identified in the enclosed notice, until the ADR process is completed.

If you have any questions concerning this matter, please contact Diana Betancourt-Roldan Enforcement/Investigations Officer of my staff at [Diana.Betancourt-Roldan@nrc.gov](mailto:Diana.Betancourt-Roldan@nrc.gov) or (630) 810-4373.

Sincerely,



Signed by Shuaibi, Mohammed  
on 07/11/22

Mohammed A. Shuaibi  
Deputy Regional Administrator

Docket No. 030-35111  
License No. 13-18685-02

Enclosures: 1. Notice of Violation and Proposed  
Imposition of Civil Penalty  
2. Civil Penalty Invoice No. EA-22-020  
3. Payment Methods – NUREG/  
BR-0254

cc w/encls: Mark Herber, Assistant Radiation Safety Officer  
State of Indiana

Letter to W. Witzig from M. Shuaibi dated July 11, 2022.

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
 \$8,000; NRC REACTIVE INSPECTION REPORT  
 NO. 03035111/2021002(DNMS) – ALT & WITZIG ENGINEERING, INC.

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NAME	TSteinfeldt		LSreenivas		RSun		DBetancourt-Roldan	
DATE	7/1/22		6/30/22		6/29/22		7/7/22	
OFFICE	RIII							
NAME	MShuaibi							
DATE	7/11/22							

**OFFICIAL RECORD COPY**

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Alt & Witzig Engineering, Inc.  
Carmel, Indiana

Docket No. 030-35111  
License No. 13-18685-02  
EA-22-020

During an NRC inspection conducted on November 17-18, 2021, with continued in-office review through March 17, 2022, an NRC inspector identified violations of NRC requirements. In accordance with the NRC Enforcement Policy, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The violations and associated civil penalty are set forth below:

- A. Title 10 of the Code of Federal Regulations (10 CFR) 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on November 13, 2021, Alt and Witzig Engineering, Inc. (licensee) did not maintain control and constant surveillance of or use two independent physical controls that form tangible barriers to secure from unauthorized removal licensed material in a portable gauge. Specifically, the licensee's authorized gauge user removed a Troxler Model 3430 gauge containing an 8-millicurie cesium-137 source and a 40-millicurie americium-241 source from its case and unlocked the source rod at a job site in Moral Township, Indiana, which was an unrestricted area. The gauge user failed to return the gauge to its transportation case when the job was cancelled, left the gauge on the tailgate of the truck, and drove away. As a result, the gauge fell off the truck in the public domain and the gauge user did not realize the gauge was missing until November 15, 2021. The gauge was lost and has not been recovered.

- B. License Condition 17 of License 13-18685-02 requires that, each portable gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed sources from its shielded position. The gauge or the container must be locked when in transport or storage or not under the direct surveillance of an authorized user.

Contrary to the above, on November 13, 2021, the licensee's authorized user failed to lock a portable gauge or its container when in transport and not under direct surveillance of an authorized user. Specifically, the licensee's employee unlocked the source from its shielded position in preparation for using the gauge and the source was left in the unlocked position when he drove away and lost the gauge.

This is a Severity Level (SL) III problem (Section 6.3.c.3 of the Enforcement Policy).  
Civil Penalty - \$8,000 (EA-22-020)

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Reactive Inspection Report 03035111/2021002(DNMS) and in your May 17, 2022, letter. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-22-020" and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region III, 2443 Warrenton Road, Lisle, IL 60532-4352 within 30 days of the date of the letter transmitting this Notice of Violation and Proposed Imposition of Civil Penalty (Notice).

The Licensee may pay the civil penalty proposed above, through one of the following two methods:

1. Submit the payment with the enclosed invoice for Civil Penalty EA-22-020, issued to Alt & Witzig Engineering, Inc., to the following address:

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

OR

2. Submit the payment in accordance with NUREG/BR-0254.

The Licensee may protest the imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. Should the licensee fail to pay the civil penalty within 30 days of the date of this Notice, the NRC will issue an Order imposing the civil penalty. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation-EA-22-020" and may: (1) deny the violations listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the response should address the factors addressed in Section 2.3.4 of the Enforcement Policy. Any written answer addressing these factors pursuant to 10 CFR 2.205 should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201, but it may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses noted above (i.e., Reply to Notice of Violation, Statement as to payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Mark Lombard, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III and the Document Control Center, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in 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> . To the extent possible, the response should not include any personal privacy, proprietary, classified 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 the response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If the Licensee requests that such material is withheld from public disclosure, it must specifically identify the portions of the response sought to be withheld and provide in detail the bases for the claim (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).

In accordance with 10 CFR 19.11, the Licensee may be required to post this Notice within two working days of receipt.

Dated this 11<sup>th</sup> day of July 2022



Alt & Witzig Engineering, Inc.  
4105 W. 99TH STREET  
CARMEL, IN 46032





07/11/2022

**Address/Customer Information**

Alt & Witzig Engineering, Inc.  
4105 W. 99TH STREET  
CARMEL, IN 46032

**Customer Codes**

Account Code: L00002331/1

**Bill Information**

Bill Number: EA-22-020  
Amount Due: \$8,000.00  
Due Date: 08/10/2022

**Contact Us**

Phone Number: 301-415-7554  
Fax Number: 301-415-4135  
Email Address: Fees.Resource@nrc.gov

**Remit to Address**

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

**Bill Summary**

Initial Charges	\$8,000.00
Discount	0.00
Surcharge	0.00
Interest Charges	0.00
Penalty Charges	0.00
Admin Charges	0.00
Bill Amount	\$8,000.00
Collected	0.00
Applied Credit	0.00
Adjustments	0.00
Amount Due	\$8,000.00

**Credit Summary**

Applied Credit	\$0.00
Unapplied Credit	0.00
Credit Total	\$0.00

**Comments:**

For questions, contact (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105, AND 10 CFR 15.

Invoice is for Civil Penalty EA-20-020, issued to Alt & Witzig Engineering, Inc.

For questions, contact the NRC Financial Services and Operations Branch at (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105 and 10 CFR 15. If this invoice is related to an Order Imposing a Civil Penalty, Alt & Witzig Engineering, Inc. is required to pay the Civil Penalty within 30 days of the Order date. If payment is in response to a Notice of Violation and Proposed Imposition of a Civil Penalty, please follow the instructions in the Notice. The NRC may consider a request for additional time to pay the Civil Penalty, including the option to enter into an installment agreement, if appropriate. All requests for additional time to pay an invoice must be submitted in writing, with appropriate justification, to NRCCollections.Resource@nrc.gov, and should be submitted sufficiently ahead of time to allow the NRC time to review the request for additional time to pay within the 30-day payment period. This Invoice is related to the Civil Penalty proposed or imposed under EA-22-020, issued to Alt & Witzig Engineering, Inc. Please include this reference number on your payment method (see attached Payments Methods Brochure).

**Customer Information**

L00002331/1  
Alt & Witzig Engineering, Inc.  
4105 W. 99TH STREET  
CARMEL, IN 46032

**Change of Address:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Remittance Information**

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

**This Payment References the following Bill:**

EA-22-020

**Outstanding Amount Due:** \$8,000.00

**Amount Enclosed:** \_\_\_\_\_

## QUESTIONS?

If you have questions, please visit <https://www.nrc.gov> and search for "License Fees."

Questions may also be directed to the NRC Accounts Receivable Help Desk by e-mail at [nrc@fiscal.treasury.gov](mailto:nrc@fiscal.treasury.gov), by phone at (301) 415-7554, or by writing to the address below:

U.S. NUCLEAR REGULATORY COMMISSION  
OCFO/DOC/ARB  
Mail Stop T9-E10  
Washington, DC 20555-0001



# Payment Methods

U.S. NUCLEAR REGULATORY COMMISSION  
OCFO/DOC/ARB  
Mail Stop T-9-E10  
Washington, DC 20555-0001  
PH (301) 415-7554



NUREG/BR-0254, Rev. 9  
June 2019



@NRCgov

Estimated burden per response to comply with this voluntary collection request: 10 minutes. This brochure provides information about available payment methods. Forward comments about to burden estimate to the Records Management Branch (T6-F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0190), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

NRC accepts the methods described below.

## PAYMENT BY AUTOMATED CLEARINGHOUSE

To pay by Automated Clearinghouse/Electronic Data Interchange (ACH/EDI), provide a copy of NRC Form 628 to your financial institution. You may obtain a copy of NRC Form 628 from the NRC Web site at <http://www.nrc.gov> by searching for "NRC Form 628." You can also obtain a form by calling the NRC Accounts Receivable Help Desk at (301) 415-7554.

## PAYMENT BY CREDIT CARD

The NRC is currently accepts credit card payments of up to \$24,999.99. For payment by credit card, go to Pay.gov, search for "U.S. Nuclear Regulatory Commission Fees" and enter the required information.

You may also mail or fax NRC Form 629 following the directions on the form. To obtain a copy of NRC Form 629 go to <http://www.nrc.gov> and search for "NRC Form 629" or call the NRC Accounts Receivable Help Desk at (301) 415-7554.



## PAYMENT BY FEDWIRE DEPOSIT SYSTEM

The NRC can receive funds through the U.S. Department of the Treasury (Treasury) Fedwire Deposit System. The basic wire message format below complies with the Federal Reserve Board's standard structured third-party format for all electronic funds transfer (EFT) messages.

See the sample EFT message to Treasury below. Each numbered field is described below.

**1 RECEIVER-DFI#** – Treasury's ABA number for deposit messages is 021030004.

**2 TYPE-SUBTYPE-CD** – The sending bank will provide the type and subtype code.

**3 SENDER-DFI#** – The sending bank will provide this number.

**4 SENDER-REF#** – The sending bank will insert this 16-character reference number at its discretion.

**5 AMOUNT** – The transfer amount must be punctuated with commas and decimal point; use of the "\$" is optional. The depositor will provide this item.

**6 SENDER-DFI-NAME** – The Federal Reserve Bank will automatically insert this information.

**7 RECEIVER-DFI-NAME** – Treasury's name for deposit messages is "TREAS NYC". The sending bank will enter this name.

**8 PRODUCT CODE** – A product code of "CTR" for customer transfer should be the first item in the receiver text field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.

**9 AGENCY LOCATION CODE (ALC)** – THIS ITEM IS OF CRITICAL IMPORTANCE. IT MUST APPEAR ON THE FUNDS TRANSFER DEPOSIT MESSAGE IN THE PRECISE MANNER AS STATED TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE TO THE AGENCY LOCATION CODE OF THE APPROPRIATE AGENCY. The ALC identification sequence can, if necessary, begin on one line and end on the next line; however, the field tag "BNF=" must be on one line and cannot contain any spaces. The NRC's 8-digit ALC is: BNF=/AC-31000001

**10 THIRD-PARTY INFORMATION** – The Originator to Beneficiary Information (OBI) field tag "OBI=" signifies the beginning of the free-form third-party text. All other identifying information intended to enable the NRC to identify the deposit—for example, NRC annual fee invoice number, description of fee, 10 CFR 171 annual fee, and licensee name—should be placed in this field.

The optimum format for fields 7, 8, 9, and 10 using an 8-digit ALC is as follows:

TREAS NYC/CTR/BNF=/AC-31000001 OBI=

The optimum format, shown above, will allow 219 character positions of information following the "OBI=" indicator.

If the licensee's bank is not a member of the Federal Reserve System, the nonmember bank must transfer the necessary information and funds to a member bank, which then must transfer the information and funds to the local Federal Reserve Bank.

For a transfer of funds from local Federal Reserve Banks to be recorded on the same day, the transfer must be received at the New York Federal Reserve Bank by 4 p.m., EST. Otherwise, the deposit will be recorded on the next workday.

## PAYMENT BY CHECK

Checks should be made payable to the U.S. Nuclear Regulatory Commission with the invoice number, Enforcement Action number, or other information that identifies the payment, written on the check. Mail the check to the following address:

U.S. Nuclear Regulatory Commission  
U.S. Bank  
P.O. Box 979051  
St. Louis, MO 63197-9000

FedEx or overnight mailings must be delivered to the following address:

U.S. Nuclear Regulatory Commission  
U.S. Bank Government Lockbox  
SL-MO-C2GL  
1005 Convention Plaza  
St. Louis, MO 63101

## TAXPAYER IDENTIFICATION NUMBER

You must file your Taxpayer Identification Number (TIN) with the NRC. Use NRC Form 531 to provide your TIN. You may obtain NRC Form 531 from the NRC Web site at <http://www.nrc.gov> by searching for "NRC Form 531" or by calling the NRC Accounts Receivable Help Desk at (301) 415-7554.