

**From:** [Ruiz, Robert](#)  
**To:** [Nieves Folch, Luis](#)  
**Subject:** FW: Response to Apparent Violations in NRC Special Inspection Report No. 03035111/2019001(DNMS)  
**Date:** Wednesday, April 15, 2020 2:46:45 PM

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FYI

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**From:** Ruiz, Robert  
**Sent:** Wednesday, April 15, 2020 2:13 PM  
**To:** mherber@altwitzig.com  
**Subject:** RE: Response to Apparent Violations in NRC Special Inspection Report No. 03035111/2019001(DNMS)

Mr. Herber,

Thank you. Your letter has been received. And thank you for providing it via email. In these times of mandatory telework for my Agency and many others in the country, receiving letters electronically is greatly appreciated, and helps us take timely action.

Per our process, the NRC will review your case at one final panel (likely next week), and over the following couple weeks, we will most likely reach out to you over the phone to inform you of our final determination. We will also, most likely, email you our final letter with a backup hardcopy sent to your facility via USPS.

So, thanks again, and we will be in touch.

Robert Ruiz  
Acting Chief  
Materials Inspection Branch  
U.S. NRC Region III  
Division of Nuclear Materials Safety  
(630) 829-9732  
[Robert.Ruiz@nrc.gov](mailto:Robert.Ruiz@nrc.gov)

**From:** [mherber@altwitzig.com](mailto:mherber@altwitzig.com) <[mherber@altwitzig.com](mailto:mherber@altwitzig.com)>  
**Sent:** Tuesday, April 14, 2020 8:46 AM  
**To:** Ruiz, Robert <[Robert.Ruiz@nrc.gov](mailto:Robert.Ruiz@nrc.gov)>  
**Subject:** [External\_Sender] Response to Apparent Violations in NRC Special Inspection Report No. 03035111/2019001(DNMS)

Robert  
Attached is our written response to apparent violations in NRC Special Inspection Report No. 03035111/2019001(DNMS). If you need me to send this to additional people or to send a paper copy, please let me know.  
Thank you

Mark Herber  
Senior Project Engineer  
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Carmel, IN 46032  
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[mherber@altwitzig.com](mailto:mherber@altwitzig.com)

United States Nuclear Regulatory Commission  
Region III

801 Warrenville Road  
Lisle, Illinois 60532-4351

Attn: Response to Apparent Violations in NRC Special Inspection Report No. 03035111/2019001(DNMS)

April 6, 2020

License No.: 13-18685-01

Docket No. 030-35111

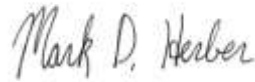
Mr. Robert Ruiz:

Enclosed is our response to the Apparent Violations in NRC Special Inspection Report No. 03035111/2019001(DNMS)

If you have any questions regarding the attached response, please contact us at your convenience.

Very Truly Yours

Alt & Witzig Engineering, Inc.

A handwritten signature in dark ink, reading "Mark D. Herber". The signature is written in a cursive, slightly slanted style.

Mark D. Herber, Assistant R.S.O.

William E. Witzig, R.S.O.

1. Apparent Violation: 10 CFR 20.1801 –The licensee failed to secure the gauge from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas and 10 CFR 30.34(i) which 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.

Reason for Violation: Individual human error was the cause for the violation. The user had been properly trained on the transportation and safety of nuclear gauges prior to the incident. Vehicles used for the transportation of nuclear gauges are outfitted with an overpack steel box bolted to the bed of a vehicle. The overpacks have two functioning keyed locks. All users are instructed to secure the gauge and activate the locks whenever the nuclear gauge is not in use. On this day, the user forgot to lock the overpack prior to leaving the jobsite.

Corrective Steps that have been taken: The user was suspended from operating a nuclear density gauge for a minimum of sixty days. The user was also required to retake the nuclear gauge operator training and testing prior to operating a gauge.

Corrective steps to avoid future incidents: Corrective actions implemented since the gauge theft include refresher training for all current nuclear gauge users with an emphasis on locking the transportation box at all times. This refresher training is in addition to our annual refresher training. Stickers with the company's address and number have been added to nuclear gauges and cases. Additionally, conversations have been had with current nuclear gauge users reinforcing the essential responsibilities that are associated with storing and operating a nuclear density gauge. Refresher emails are also being sent to all gauge users to continuously reinforce the user requirements of the transportation and safety of our nuclear density gauges.

Date of Full Compliance: We are presently in compliance by storing our nuclear gauges secured in our building or in a transportation box bolted to the bed of a truck with two locks. We will continue to communicate the mandatory responsibilities of the safe and secure transportation of our nuclear density gauges.

2. Apparent Violation: 10 CFR 20.2201(a)(1)(i) The licensee failed to notify the NRC immediately after occurrence becomes known to the licensee of a stolen quantity of licensed material above 1,000 times the Appendix C quantities under such circumstances that it appears to the licensee that an exposure could result to a person in unrestricted areas.

Reason for Violation: At the time of the theft, we mistakenly believed the urgency of the immediate notice. The supervisor was on a remote jobsite and travelled back to the office to review the incident. The immediate efforts were put into retrieving the gauge and notifying the authorities of the theft. We used the time after learning of the incident to locate the gauge information, report the theft to police, and to retrieve the recovered gauge prior to reporting the incident to the NRC operations center.

Corrective Steps that have been taken: After a review of 10 CFR 20.2201 our understanding is clear of the notification requirements.

Corrective steps to avoid future incidents: Since 10 CFR 20.2201 has been reviewed, an immediate notification will be made to the NRC operations center in the event of a future incident.

Date of Full Compliance: We feel that we are in compliance after reviewing the document.