

Miller, John

From: Robert Coleman <Robert@compositemgmt.com>
Sent: Wednesday, July 30, 2014 5:09 PM
To: Miller, John
Cc: kelvina@managedsolutionsllc.net; cdavidwatkins1@aol.com
Subject: NRC Response

July 30, 2014

Mr. Blake D. Welling, Chief
Commercial, Industrial, R&D, and Academic Branch
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United States Nuclear Regulatory Commission, Region 1
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John J. Miller, Health Physicist
Commercial, Industrial, R&D, and Academic Branch
Division of Nuclear Materials Safety
United States Nuclear Regulatory Commission, Region 1
2100 Renaissance Blvd., Suite 100
King of Prussia, PA 19406-2713
Re: Wittnauer Worldwide, LP
License No. 24-31101-02 (expired)
Docket No. 303-37598
EA-13-240

Dear Sirs:

Please accept this transmittal as written response to your correspondence dated July 1, 2014 and the telephonic exit meeting on June 23, 2014 regarding consideration for escalated enforcement action in the above referenced matter. In addition to the above, please accept this as our written election regarding the enforcement decision and communication of measures taken for remedy and correction of the apparent violation and plan of action going forward.

Measures taken for remedy and correction

As indicated from our telephone conversation on July 17th and follow-up email transmitted July 20th, we have been in contact with Charles "Russ" Meyers, CHP with CRCPD regarding assistance and advisement in transporting and disposal of the stored material. Although they are in the process of initiating collection efforts in Puerto Rico, he advised they are some time away from having it operable. Because their SCATR program conducts large scale collections of LLRW for disposal rather than working with individual facilities, he was unable to assist at this time. However, he referred me to Mr. David Rhoe as a local contact here in San Juan.

After discussing the quantity, description, and history of the materials, Mr. Rhoe verbally committed to work with us in the disposal process. More specifically, Mr. Rhoe indicated he can conduct the site survey and if no evidence of leakage or ancillary exposure detected, have the container prepared for transportation and picked up within 24 hours. Additionally, he will prepare and complete all necessary documents required by the NRC for compliance.

Although Mr. Rhoe has provided a quotation from R.M. Webster & Associates as the stateside disposal source; however, there is some confusion as to whether their firm can actually complete the disposal.

According to the list of **Radioactive Waste Broker & Decontamination Services** provided by CRCPD, R.M. Webster, although listed for qualifying services, is not identified as having the ability to store for decay. A conversation with Ms. Lisa Berta, Technical Services Project Manager and Transportation Coordinator with Waste Control Specialists, LLC indicated the Webster firm was not currently on their approved transporters list and raised questions as to whether they would be holding the materials in storage or actually taking possession for disposal.

In the abundance of caution we have communicated with Mr. Rueben Provencio with Qal-Tek Associates – who are identified as having the ability to actually dispose of the materials – over the past few days. After being provided requested information, Mr. Provencio responded via email on today’s date with assurance of a quote on tomorrow.

As you are also aware, in addition to Qal-Tek we have received a written proposal from Chase Environmental, valid through August 31, for turnkey services with this matter. We are seeking additional proposals, however, because Chase’s quote includes travel & lodging costs associated with their requirement for its representative to travel to and from Tennessee to Puerto Rico to supervise the operation through delivery. Obviously, if we can contract directly with the Consultant in Puerto Rico and a cooperating disposal firm stateside we may be able to reduce the total costs.

Plan of action

Upon receipt of the price quotation from Qal-Tek we shall be in the position to compare the costs and the make a decision on the most efficient way to remove the contents from Puerto Rico. Our obvious priority is to coordinate the radiation audit, shipping and delivery between contractors to reduce costs. However, if we are not workable, we shall formally engage Chase Environmental for shipping and disposal on or before August 20, 2014.

Election regarding enforcement decision

As provided in your abovementioned correspondence, Wittnauer has the option to (1) request a pre-decisional enforcement conference (PEC); (2) respond to the apparent violation in writing; or, (3) accept the violation as characterized.

Although the letter indicates notice for requesting the PEC should be delivered within 10 days of the date of the letter, Wittnauer requests a waiver and enlargement of the 10 day requisite and formally requests the said PEC at your offices in King of Prussia, PA on or before August 20, 2014. The basis for the waiver and extension of time is based on the fact that we have maintained continued contact and communication with your offices during the period after receipt of the letter and have displayed a good faith effort to correct and remedy the problem.

In the event of denial of the above request for the PEC, in the alternative, Wittnauer offers this correspondence as its formal response to the apparent violation and petitions the NRC to provide additional time in order for compliance as set out above.

In no event, shall this correspondence be deemed as an acceptance of the violation as characterized. Wittnauer invokes all applicable appeals available and as provided in accordance with the rules and regulations of the NRC.

God bless,

Bob Coleman & Kelvin A. Massey

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