



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

October 24, 2014

Docket No. 03037598  
EA-13-240

License No. 24-31101-02 (expired)

Robert Coleman  
Managing Member  
Wittnauer Worldwide, LP  
c/o Composite Holdings, LLC  
12033 Avery Lane  
Bridgeton, MO 63044

**SUBJECT: WITTNAUER WORLDWIDE, LP – NOTICE OF VIOLATION AND  
TERMINATION OF NRC LICENSE**

Dear Mr. Coleman:

This letter provides you the NRC enforcement decision for the apparent violation identified by the NRC during the inspection conducted between October 1, 2013, and June 23, 2014, at Wittnauer's waste storage location in San Juan, Puerto Rico. The violation involved Wittnauer's failure to complete decommissioning of the waste storage location within the timeframe required by NRC regulations. Specifically, Wittnauer's NRC license to possess and store its waste material (a drum of tritium-painted watch hands that remained from decommissioning of the company's previous manufacturing operation in Cayey, Puerto Rico) expired on February 28, 2010. The pertinent NRC decommissioning regulations (specified in Title 10 of the Code of Federal Regulations (CFR) Section 30.36) require a licensee to begin decommissioning its site within 60 days of a license expiring, and to complete decommissioning within the following 24 months.

The NRC documented the results of the inspection in a report enclosed in an NRC letter dated July 1, 2014 (ML14182A791),<sup>1</sup> which specified that Wittnauer had not decommissioned its waste storage location, and that this failure constituted an apparent violation of NRC requirements. In the July 1, 2014, letter, the NRC also informed you that the apparent violation was being considered for escalated enforcement in accordance with the NRC Enforcement Policy. In the letter, we also provided you an opportunity to address the apparent violation by either attending a pre-decisional enforcement conference (PEC) or by providing a written response before we made our final enforcement decision.

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

In a July 30, 2014, electronic mail message (ML14262A398), you described actions taken and planned to correct the apparent violation. These actions included obtaining the services of a contractor consultant to complete the required decommissioning actions and requesting a disposal cost estimate from a radioactive waste facility. In the July 30, 2014, message, you also requested a PEC with the NRC. In a subsequent telephone conversation on July 31, 2014, between yourself and Blake Welling and John Miller of my staff, you further described your planned actions, including obtaining an additional disposal cost estimate. During the July 31, 2014, conversation, you acknowledged the apparent violation and confirmed with NRC staff that a PEC may not be necessary depending on the timeframe within which disposal of the waste material could be accomplished. Mr. Welling informed you of the range of enforcement options available to the NRC for the apparent violation. He emphasized that promptly disposing of the radioactive material would influence the outcome of the NRC's subsequent enforcement action.

In a telephone conversation on August 13, 2014, Kelvin Massey, the Wittnauer Radiation Safety Officer, informed Mr. Welling that the waste material had been shipped from Wittnauer's storage location and was being transferred to RM Wester & Associates, which is authorized by NRC License No. 24-20091-01 to possess the material. On August 22, 2014, the NRC received confirmation from RM Wester that the shipment had been received. In correspondence dated September 2, 2014, (ML14260A303), you submitted an NRC Form 314, "Certificate of Disposition of Materials," on which you certified that the watch parts had been transferred, and also requested termination of Wittnauer's NRC license. With the NRC Form 314, you also provided the results of a radioactive contamination survey of the waste storage location performed by your contractor consultant. The survey indicated that no contamination had been identified. The NRC also notes that Wittnauer's San Juan location was only used for storage of the licensed material and that manufacturing activities did not occur there.

Based on the information developed during the inspection, as well as the information provided by Wittnauer in its submittals dated July 30, 2014, and September 2, 2014, the NRC has determined that a violation of NRC requirements occurred. As stated above, the violation involved Wittnauer's failure to complete decommissioning of its storage location within the timeframe required by NRC regulations. The violation is cited in the enclosed Notice of Violation (Notice). In evaluating the significance of the violation, the NRC considered that Wittnauer failed to comply with NRC decommissioning requirements for more than two years and that, during this time, Wittnauer did not request an alternate decommissioning schedule in accordance with 10 CFR 30.36(i). As a result, Wittnauer continued to possess licensed material without NRC authorization. Therefore, in accordance with the NRC Enforcement Policy, the NRC assessed the violation at Severity Level (SL) III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a SL III violation. Because your facility has not been the subject of escalated enforcement action within either the last two years or the two most recent inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. After much deliberation, the NRC has concluded that credit is warranted for Wittnauer's corrective actions. The violation at Wittnauer existed for an extended period, during which time NRC inspectors informed Wittnauer representatives that it needed to dispose of its waste material. The NRC's ultimate safety goal is to ensure that materials such as Wittnauer's tritiated watch parts are properly disposed. The NRC considered that Wittnauer did take prompt action in reply to the NRC letter dated July 1, 2014, that formally articulated the apparent violation and has also requested termination of its NRC license. Therefore, in recognition of the absence of previous

escalated enforcement action, and to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case.

Additionally, the NRC staff concluded that Wittnauer has met the decommissioning requirements of 10 CFR 30.36. In light of the fact that Wittnauer appropriately disposed of its licensed material to an authorized recipient (as verified by the NRC) and completed all other decommissioning requirements, the NRC has terminated Wittnauer's NRC License No. 24-31101-02. A copy of the terminated license is included as Enclosure 2 to this letter. Wittnauer's waste storage facility (the only location that had, under this license, been used for licensed activities) may be released for unrestricted use.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the actions planned or already taken to correct the violation and prevent recurrence; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03037598/2013001, the Wittnauer submittals dated July 30, 2014, and September 2, 2014, and in this 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 that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures 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 Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, 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).

The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Lew', written in a cursive style.

David C. Lew  
Acting Regional Administrator

Docket No. 03037598  
License No. 24-31101-02 (terminated)

Enclosures:

1. Notice of Violation
2. Amendment 1, Terminating NRC License No. 24-31101-02

cc w/encl:  
Commonwealth of Puerto Rico

The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

/RA/

David C. Lew  
Acting Regional Administrator

Docket No. 03037598  
License No. 24-31101-02 (terminated)

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2. Amendment 1, Terminating NRC License No. 24-31101-02

cc w/encl:  
Commonwealth of Puerto Rico

**Distribution: see next page**

**ML14297A387**

DOCUMENT NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\Wittnauer NOV-III and License Term EA-13-240.docx

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OFFICE	RI/ORA	RI/DNMS	RI/DNMS	RI/ORA	RI/ORA
NAME	M McLaughlin/ MMM*	K Modes / KDM*	D Collins/ DSC*	B Klukan/ BMK*	B Bickett/ BAB*
DATE	9/29/14	9/29/14	10/09/14	10/09/14	10/10/14
OFFICE	OE	NMSS	RA		
NAME	L Sreenivas via email	M Burgess via email	DLew		
DATE	10/22/14	10/22/14	10/22/2014		

OFFICIAL RECORD COPY

\* see previous concurrence page

ENCLOSURE 1  
NOTICE OF VIOLATION

Wittnauer Worldwide, LP  
Bridgeton, Missouri

Docket No. 03037598  
EA-13-240

During an NRC inspection conducted between October 1, 2013, and June 23, 2014, which included an on-site inspection as well as an in-office review, for which an exit meeting was conducted on June 23, 2014, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.36(d)(1) requires, in part, that, within 60 days of a license expiring, the licensee must begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with NRC requirements.

10 CFR 30.36(h) requires that unless the Commission approves an alternate schedule for decommissioning of the site, the licensee must complete decommissioning of the site, or separate building, or outdoor area as soon as practicable but no later than 24 months following the initiation of decommissioning.

Contrary to the above, from April 30, 2012, to August 13, 2014, Wittnauer Worldwide LP did not complete decommissioning of its site, so that the site was suitable for release in accordance with NRC requirements, within 24 months following the initiation of decommissioning, and the Commission had not approved an alternate schedule for decommissioning of the site. Specifically, Wittnauer's license, which authorized possession only of waste material at a storage location in San Juan, Puerto Rico, expired on February 28, 2010, but Wittnauer did not complete decommissioning of the site until August 13, 2014, a period greater than 24 months.

This is a Severity Level III violation (Enforcement Policy Example Section 6.3).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the actions planned or already taken to correct the violation and prevent recurrence; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03037598/2013001, the Wittnauer submittals dated July 30, 2014, and September 2, 2014, and in the letter transmitting this Notice. Therefore, you are not required to respond to this Notice. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation EA-13-240," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response 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 <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to

the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 24th day of October, 2014

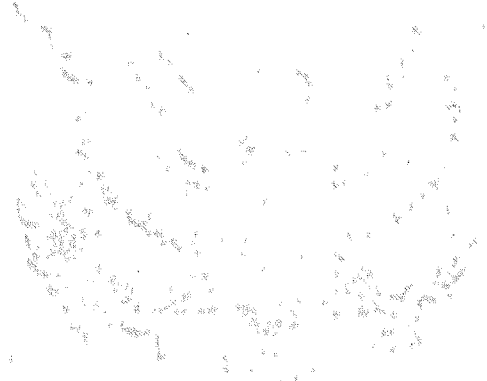
ENCLOSURE 2  
AMENDMENT 1, TERMINATING NRC LICENSE NO 24-31101-02



**MATERIALS LICENSE**

Licensee	
1. Wittnauer Worldwide, LP c/o Composite Holdings LLC	3. License number 24-31101-02 (expired)
2. 12033 Avery Lane Bridgeton, Missouri 63044	4. Expiration date Not Applicable
	5. Docket No. 03037598 Reference No.

In accordance with letter dated September 2, 2014 with enclosed NRC Form 314 dated September 2, 2014, this license is hereby terminated.



For the U.S. Nuclear Regulatory Commission

Date September 29, 2014 By \_\_\_\_\_

*John Miller*  
\_\_\_\_\_  
John Miller

Commercial, Industrial, R&D and Academic Branch  
Division of Nuclear Materials Safety  
Region I  
King of Prussia, Pennsylvania 19406

Monday, September 29, 2014 14:24:37