



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

December 22, 2021

EA-21-171

Mr. Jim Bittner
Vice President and General Manager
BWXT
P.O. Box 785
Lynchburg, VA 24505-0785

SUBJECT: BWXT NUCLEAR OPERATIONS GROUP-LYNCHBURG – PHYSICAL
SECURITY CORE INSPECTION REPORT 07000027/2021407 AND
APPARENT VIOLATIONS

Dear Mr. Bittner:

On November 4, 2021, the U.S. Nuclear Regulatory Commission (NRC) completed an onsite inspection at BWXT Nuclear Operations Group-Lynchburg. This inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions in your license. Within these areas, the inspection consisted of an examination of selected procedures and representative records, observations of activities, and interviews with personnel. The NRC inspector discussed the preliminary results of this inspection with Mr. Steve Subosits and Mr. Jason Presley and other members of your staff. On November 30, 2021, the NRC completed an in-office review and held a subsequent telephone discussion regarding its results with Mr. R. J. Freudenberger and other members of your staff. The results of the onsite inspection and in-office review are documented in the enclosed report.

Based on the results of this inspection and review, two apparent violations (AVs) were identified, and are being considered for escalated enforcement action, in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The AVs are described in the Enclosure. The circumstances surrounding these AVs, the significance of the issues, and the need for lasting and effective corrective actions were discussed with members of your staff at the inspection exit meeting on November 30, 2021. As a result, it may not be necessary to conduct a Pre-decisional Enforcement Conference (PEC) to enable the NRC to make an enforcement decision.

In addition, since you identified the violations and your facility has not been the subject of escalated enforcement actions within the last 2 years, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy.

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The final decision will be based on you confirming on the license docket that the corrective actions previously described to the NRC staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) provide a written response to the AVs or (2) request a Pre-decisional Enforcement Conference (PEC). If a PEC is held, the NRC would issue a press release to announce the time and date of the conference; however, the PEC would be closed to public observation because Security-Related Information would be discussed. In addition, the PEC would be transcribed. If you decide to participate in a PEC, please contact Mrs. Jannette Worosilo, at 404-997-4485, within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violations in NRC Inspection Report No. 07000027/2021407; EA-21-171," and should include for each AV: (1) the reason for the AV or if contested, the basis for disputing the AV; (2) the corrective steps that have been taken, and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence if the correspondence adequately addresses the required response. Additionally, your response should be sent to the NRC's Document Control Center, with a copy mailed to Mr. Mark Franke, Division of Reactor Safety, Region II, 245 Peachtree Center Avenue, Suite 1200, Atlanta, Georgia 30303, within 30 days of the date of this letter. If an adequate response is not received within the time specified, or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters, and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the AVs. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public inspections, exemptions, requests for withholdings," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS); accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

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The material enclosed herein contains Security-Related Information in accordance with 10 CFR 2.390(d)(1), and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made 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>. If Classified Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 95.37. If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii) the NRC is waiving the affidavit requirements of your response.

If you have any questions, please contact me at 404-997-4600.

Sincerely,

/RA/

Mark Franke, Director
Division of Reactor Safety

Docket No. 07000027
License No. SNM-42

Enclosure:
As stated

cc w/o encl: Distribution via LISTSERV®

cc:

Christopher T. Terry, Manager
Licensing and Safety Analysis
BWXT Nuclear Operations Group, Inc.
Electronic Mail Distribution

Richard J. Freudenberger
Environmental, Safety, Health & Safeguards
Department Manager
BWXT Nuclear Operations Group, Inc.
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APPARENT VIOLATIONS – DATED December 22, 2021

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NAME	C. Rivera-Diaz	M. Franke				
DATE	12/21/2021	12/22/2021				

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