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**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

April 19, 2016

EA-16-071

Mr. Joel Burch, General Manager
Vice President and General Manager
BWXT Nuclear Operations Group, Inc.
P.O. Box 785
Lynchburg, VA 24505-0785

SUBJECT: RE-CHARACTERIZATION OF DISPUTED NOTICE OF VIOLATION (EA-16-071)

Dear Mr. Burch:

Thank you for your response dated March 7, 2016, to the Notice of Violation (NOV) issued on February 8, 2016. The NOV was in regards to inspections conducted December 14-17, 2015, at the BWXT Nuclear Operations Group (BWXT-NOG), Inc., facility in Lynchburg, VA. The results of the inspection were documented in Nuclear Regulatory Commission (NRC) Inspection Report No. 70-27/2015404.

In your response to the NOV, you disputed that the violation (70-27/2015-404-01) occurred as stated. We have evaluated your response, and have concluded for the reasons presented in the enclosed evaluation that the violation should be re-characterized. Additionally, the NRC has concluded that the non-cited violation (NCV) criteria of Section 2.3.2 of the NRC Enforcement Policy has been satisfied. As such, the NRC will adjust our administrative records accordingly.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public inspections, exemptions, requests for withholding," 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).

This letter and the enclosure contain sensitive unclassified security-related information, and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, in accordance with 10 CFR 2.390(d)(1), this letter and enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

The enclosure contains Sensitive Unclassified Non Safeguards Information (Security-Related Information). Upon separation, this cover letter is DECONTROLLED.

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2

If you choose to provide a response and Security-Related Information is necessary to provide an acceptable response, please mark your entire response "Security-Related Information - Withhold from public disclosure under 10 CFR 2.390," 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 for your response.

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

Sincerely,

/RA/

Anthony T. Gody, Director
Division of Reactor Safety

Docket No. 70-27
License No. SNM-42

~~Enclosure: NRC Evaluation and Conclusion~~

cc:
Chris T. Terry, Manager
Licensing and Safety Analysis
BWXT Nuclear Operations Group, Inc.
P.O. Box 785
Lynchburg, VA 24505-0785

Steve Harrison, Director
Division of Radiological Health
Department of Health
109 Governor Street, Room 730
Richmond, VA 23219

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Anthony T. Gody, Director
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Steve Harrison, Director
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Department of Health
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Richmond, VA 23219

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NAME	AGody						
DATE	4/19/2016	4/ /2016	4/ /2016	4/ /2016	4/ /2016	4/ /2016	4/ /2016
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Letter to Mr. Joel Burch from Anthony T. Gody dated April 19, 2016

SUBJECT: RE-CHARACTERIZATION OF DISPUTED NOTICE OF VIOLATION (EA-16-071)

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