



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

PREDECISIONAL ENFORCEMENT CONFERENCE SUMMARY

Licensee: BWXT Nuclear Operations Group, Inc.
Facility: BWXT Nuclear Operations Group, Inc. - Lynchburg
License No.: SNM-42
Docket No.: 07000027
EA Case No.: EA-21-035

On September 22, 2022, a predecisional enforcement conference was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of BWXT Nuclear Operations Group, Inc. at the NRC's Headquarters office located in Rockville, MD. The purpose of the meeting was to discuss the apparent violations identified in NRC Inspection Report No. 07000027/2021006; (NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML22123A050). The conference was held at the request of the NRC and was conducted in-person with some participants attending virtually via Microsoft Teams. The NRC accepted the licensee's request to include a closed portion of the meeting to discuss specific personnel issues following the public meeting.

During the NRC's presentation, staff discussed the five (5) apparent violations that were described in the subject inspection report and provided an overview of the NRC Enforcement Program. The licensee presented their perspective on the apparent violations and identified concerns, including the significance and their corrective actions. While the licensee accepted apparent violations (a), (b), and (c) associated with the implementation of fire protection program controls, it stated that it was their view that the violations were similar and closely aligned with enforcement action taken by the Occupational Safety and Health Administration (OSHA) for which they have received citations and civil penalties. Therefore, the licensee requested that the NRC consider the application of discretion to both the significance and monetary penalties associated with these violations. Additionally, the licensee noted that apparent violations (a), (b), and (c) were closely related and requested that the NRC consider grouping them as a single problem. The licensee disagreed with apparent violation (d) associated with the failure to maintain process safety information in the integrated safety analysis (ISA) that was complete and accurate. The licensee stated that it was their view that the ISA did not need to specifically discuss the fire hazard associated with the compaction of solvent rag drums because, according to their ISA methodology, the consequences of such a fire accident were bounded by another fire scenario that was both analyzed and discussed in the ISA. Lastly, the licensee accepted apparent violation (e) associated with the failure of configuration control. The licensee acknowledged that the review and approval of the 2012 change request to resume compaction of solvent rag drums was a missed opportunity. However, the licensee stated that because the change did not result in an increase in radiological risk that the violation should not be considered for escalated enforcement.

The open portion of the meeting was adjourned at approximately 10:15 a.m. Eastern Time (ET). The closed portion of the meeting began at approximately 10:25 a.m. ET and adjourned at 11:15 a.m. ET. During the closed portion of the meeting, BWXT presented information involving personnel failures, which could reveal the identity and personal information of individual that were associated with this enforcement case.

The NRC asked questions during both open and closed portions of the meeting; however, no regulatory decisions were made by the staff during the meeting. The NRC staff will review and consider the information provided by the licensee during the meeting before making any final regulatory decisions on this enforcement case. The attendance list, and both licensee and NRC presentation slides are provided as enclosures to this summary.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and enclosures will 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/readingrm/adams.html>.

Enclosures:

1. Attendance List
2. NRC's Presentation Slides
3. Licensee (BWXT) Presentation Slides

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE BWXT NUCLEAR OPERATIONS GROUP, INC. - LYNCHBURG

DISTRIBUTION

L. Dudes, RII
D. Pelton, RII
S. Price, RII
A. Masters, RII
M. Kowal, RII
E. Michel, RII
N. Pitoniak, RII
M. Doyle, RII
N. Peterka, RII
M. Toth, RII
S. Sparks, RII
M. Lombard, OE
T. Martinez-Navedo, OE
J. Peralta, OE
J. Lubinski, NMSS
S. Helton, NMSS
J. Zimmerman, NMSS
M. Zobler, OGC
L. Baer, OGC
B. Ammon, OGC
D. Screnci, OPA
D. Gasperson, OPA-RII
PUBLIC

ADAMS ACCESSION NUMBER: **ML22278A198**

OFFICE	RII/DFFI	RII/DRP	RII/EICS	RII/DFFI
NAME	E. Michel	A. Alen	M Toth	A. Masters
DATE	10/04/22	10/4/2022	10/4/2022	10/4/22