



~~OFFICIAL USE ONLY~~

~~BWXT Company Confidential & Proprietary~~
~~Withhold from Public Disclosure under 10 CFR 2.390~~

October 5, 2022
22-061

U.S. Nuclear Regulatory Commission, Region II
Attn: Laura A Dudes Regional Administrator
Marquis One Tower
245 Peachtree Center Ave. NE, Suite 1200
Atlanta, GA 30303-1257

- Reference: (1) License SNM-42, Docket 70-27
- (2) Letter dated June 6, 2022, NRC (Dudes) to BWXT (Bittner), BWXT Nuclear Operations Group, INC. – Lynchburg - NRC Inspection Report No.07000027/2021006 and Apparent Violations
- (3) Letter dated September 1, 2022, BWXT (Bittner) to NRC (Dudes), Request Regarding Predecisional Enforcement Conference for Apparent Violations in NRC Inspection Report No. 07000027/2021006
- (4) Letter dated September 12, 2022, NRC (Dudes) to BWXT (Bittner), Response to Request Regarding Predecisional Enforcement Conference for Apparent Violations in NRC Inspection Report No. 07000027/2021006

Subject: Information to be Withheld from the PEC, Submitted under 10 CFR 2.390(b)(1)

Dear Ms. Dudes:

BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT), in connection with the Apparent Violations (AVs) identified in Inspection Report No. 07000027/2021006 (Reference 2) and the response to our request, dated September 12, 2022 (Reference 4), respectfully requests that the information transcribed during the closed portion of the Predecisional Enforcement Conference (PEC), conducted on September 22, 2022, be withheld from public disclosure. This correspondence contains the required information to be submitted under 10 CFR 2.390(b)(1).

Official Use Only	
May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552)	
Exemption number	4 Commercial
Name and organization of person making determination	Mr. CMPAgen / BWXT NOG-1
Date of determination	10/5/2022

~~BWXT Company Confidential & Proprietary~~

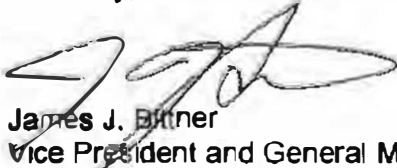
~~OFFICIAL USE ONLY~~

~~OFFICIAL USE ONLY~~

~~BWXT Company Confidential & Proprietary~~
~~Withhold from Public Disclosure under 10 CFR 2.390~~

If you have questions or require additional information, please contact Rich Freudenberger, Manager, Environment, Safety, Health & Safeguards, at rjfreudenberger@bwxt.com or 434-522-5175.

Sincerely,



James J. Bitner
Vice President and General Manager
BWXT Nuclear Operations Group, Inc. - Lynchburg

w/Enclosure

cc: NRC, Resident Inspector
NRC, Eric Michel
NRC, James Downs

~~BWXT Company Confidential & Proprietary~~

~~OFFICIAL USE ONLY~~

~~OFFICIAL USE ONLY~~
~~BWXT Company Confidential & Proprietary~~
~~Withhold from Public Disclosure under 10 CFR 2.390~~

Enclosure (Pages - 2)

Official Use Only
May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552)
Exemption number <u>4 Commercial</u>
<u>Jim C. P. A. / BWXT NOG-L</u>
Name and organization of person making determination
Date of determination

~~BWXT Company Confidential & Proprietary~~


~~OFFICIAL USE ONLY~~

~~OFFICIAL USE ONLY~~
~~BWXT Company Confidential & Proprietary~~
~~Withhold from Public Disclosure under 10 CFR 2.390~~

Affidavit In Support of Withholding Information
From Public Disclosure Under 10 CFR2.390

The Commonwealth of Virginia
County of Campbell

I, James J. Bittner, being first duly sworn, do hereby depose and say:

- I. 
- II. I am presently employed by BWXT Nuclear Operations Group, Inc. in Lynchburg, Virginia, as the Vice President and General Manager of BWXT Nuclear Operations Group, Inc. - Lynchburg. I have held this position since March 1, 2021. I have knowledge of the facts set forth in this affidavit.
- III. BWXT Nuclear Operations Group, Inc. requests that the information transcribed during the closed portion of the Predecisional Enforcement Conference (PEC) be withheld from public disclosure. As discussed in our letter dated September 1, 2022, the information presented during the closed portion of the PEC was specific to potential human performance failures predicated on personnel (employee) files. The dissemination of such information would be an invasion of the personal privacy of our deceased employee and should be exempt from disclosure based on 10 CFR 2.390(a)(6) – *“Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”*
- IV. Furthermore, the information presented during the closed portion of the PEC relates to issues that are the subject of separate non-public legal proceedings. As a result, disclosure of this information would not only be an invasion of the personal privacy of our deceased employee, it could also interfere with these separate proceedings, as well as prejudice BWXT in connection with these proceedings. As such, the transcript

~~BWXT Company Confidential & Proprietary~~

~~OFFICIAL USE ONLY~~


~~OFFICIAL USE ONLY~~

~~BWXT Company Confidential & Proprietary~~
~~Withhold from Public Disclosure under 10 CFR 2.390~~

of the closed portion of the PEC should also be exempt from disclosure based on 10 CFR 2.390(a)(7) – “Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:


(i) – Could reasonably be expected to interfere with enforcement proceedings; (ii) – Would deprive a person of a right to a fair trial or an impartial adjudication; (iii) – Could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

I declare, verify, and affirm under penalty of perjury that the foregoing is true and correct.


Signature

JAMES J. BITTNER VP & GM BWXT NOG-2
Print Name & Title

On this 5th of October, 2022, personally appeared the above-named James J. Bittner and acknowledged the foregoing to be his free act and deed before me.


Signature

My Commission Expires: 01-31-2024

Notary Public

Christopher Todd Terry
Print Name

(Seal)



~~BWXT Company Confidential & Proprietary~~

~~OFFICIAL USE ONLY~~