



*Institute of  
Nuclear Power  
Operations*

Suite 100  
700 Galleria Parkway, SE  
Atlanta, GA 30339-5943  
770-644-8000  
FAX 770-644-8549

November 10, 2009

Mr. Williams T. Orders  
Office of the EDO  
U.S. Nuclear Regulatory Commission  
Mail Stop O 16E 15  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Dear Mr. Orders:

Enclosed you will find one original and two copies of the newly signed Affidavit of the Institute of Nuclear Power Operations pursuant to 10 C.F.R. 2.390. This affidavit updates the previous one provided to the NRC in 2005. Major changes to this affidavit include the following:

- Replacement of previous with current INPO director of communications, Mr. Ronn Smith.
- Additional emphasis on the term "proprietary" throughout the document.
- Addition of new paragraph 6, which now delineates guidance for reports (verbal and written) related to INPO's fitness-for-duty program.
- Addition of paragraph 8, which provides the reasons why INPO's reports are to be kept from public disclosure.

Please forward this new document to appropriate NRC offices and personnel that may come into contact with INPO proprietary materials.

Sincerely,

George K. Mortensen  
External Relations Program Manager

GKM:skb  
Enclosure: (As stated above)



BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION

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AFFIDAVIT OF THE INSTITUTE OF NUCLEAR POWER OPERATIONS  
PURSUANT TO 10 C.F.R. § 2.390

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PERSONALLY APPEARED BEFORE ME, the undersigned officer duly authorized by law to administer oaths, RONN SMITH, who after being sworn stated of his personal knowledge as follows:

1. I am the Director of Communications for the Institute of Nuclear Power Operations ("INPO") in Atlanta, Georgia. I have held this position continuously since July 2007 and previous to that, I was a section manager in Communications and was the Manager of Corporate Communications at Wolf Creek from February 1986 through October 1994. In all, I have over twenty years of personal experience in the commercial nuclear power industry.
2. As Director of Communications for INPO, I have been specifically delegated by the Chief Executive Officer of INPO the function of protecting INPO proprietary information and reports from public disclosure. I have similarly been specifically delegated the responsibility of designing and implementing procedures for ensuring that INPO proprietary information and reports are held in confidence by INPO. Finally, I am authorized by INPO to apply on its behalf for confidential treatment of its proprietary information and reports under 10 C.F.R. § 2.390.
3. The information and reports that INPO voluntarily submits to the U.S. Nuclear Regulatory Commission (the "NRC") include events analysis reports, including Significant Operating Experience Reports ("SOERs"), Significant Event Reports ("SERs"), Significant Event Notifications ("SENs") and Topical Reports ("TRs"), and the Equipment Performance and Information Exchange ("EPIX") database. This information and these reports are all confidential commercial

information that INPO does not customarily release to the public. On behalf of INPO, I request that the NRC not release these proprietary reports and information to the public.

4. SOERs, SERs, SENs, TRs and the EPIX database are held in confidence by INPO, are submitted voluntarily by INPO to the NRC, and are not available to the public.

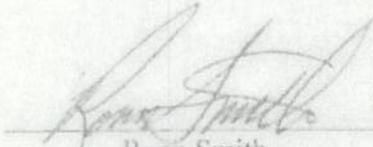
5. SOERs, SERs, SENs, and TRs are all marked "Restricted Distribution" or "Limited Distribution" to designate such reports and information as proprietary to INPO. The EPIX database is marked "Proprietary Commercial Information," or "EPIX Proprietary Information."

6. Additionally, INPO maintains a fitness-for-duty program (FFD) in accordance with NRC regulations. As such, INPO is required to report and provide information (verbal and written) that is specific to the performance of this program. Because of its confidential nature, INPO would not customarily release or disclose this information. Therefore, it is understood that verbal information and written documentation related to INPO's FFD Program is regarded in the same fashion as proprietary information. As with other confidential information shared with the NRC, this information when written will be marked "FFD Proprietary Information" and when disclosed verbally will be designated as proprietary at the time of disclosure. On behalf of INPO, I request that the NRC not release associated FFD reports and information to the public or the industry.

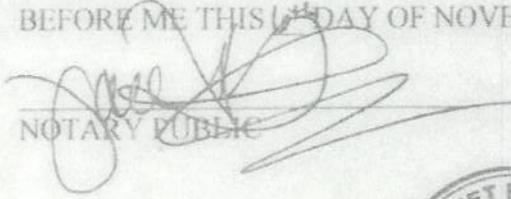
7. INPO also voluntarily submits to the NRC Performance Indicator data, including certain data that are confidential commercial information that INPO does not customarily release to the public. The file name of each file in the Performance Indicator data that is confidential and should not be released to the public contains the word "proprietary." On behalf of INPO, I request that the NRC not release to the public any information in the Performance Indicator data that is contained in a file with the word "proprietary" in the file name. The data in the files marked "proprietary" in the Performance Indicator data are held in

confidence by INPO, are submitted voluntarily by INPO to the NRC, and are not available to the public.

8. The public disclosure of any of the information, reports and data described above would be likely to cause substantial harm to the competitive position of INPO taking into account the amount of effort and resources expended by INPO in developing such materials.

  
Ronn Smith

SUBSCRIBED & SWORN TO  
BEFORE ME THIS 14 DAY OF NOVEMBER 2009

  
NOTARY PUBLIC

