

July 15, 2010

Mr. George K. Mortensen
External Regulations Program Manager
Institute of Nuclear Power Operations
700 Galleria Parkway, SE, Suite 100
Atlanta, GA 30339-5943

SUBJECT: INSTITUTE OF NUCLEAR POWER OPERATIONS UPDATE OF ITS
AFFIDAVIT REGARDING WITHHOLDING OF INFORMATION FROM PUBLIC
DISCLOSURE

Dear Mr. Mortensen:

I am responding to your letter dated March 30, 2010, containing an affidavit executed by Mr. Ronn Smith, Director of Communications for the Institute of Nuclear Power Operations (INPO). In your letter you stated that this affidavit updates the one provided on November 10, 2009. Changes to this affidavit include additional emphasis on the term "proprietary" and reasons why INPO reports should be withheld from public disclosure. You also stated that the affidavit removes all references to INPO's previous request for the U.S. Nuclear Regulatory Commission (NRC) to withhold fitness-for-duty program performance reports from public disclosure.

The NRC has reviewed your March 30, 2010, affidavit and compared this affidavit to your November 10, 2009, affidavit, located in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML093580021. The NRC has verified that the March 30, 2010, affidavit accurately represents your revisions described above, that no substantive changes were made or proposed, and that INPO made no additional request for withholding. Therefore, the NRC concludes that the March 30, 2010, affidavit supersedes the November 10, 2009, affidavit in its entirety. Furthermore, the NRC finding described in our January 15, 2010, letter to you, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390, "Public inspections, exemptions, requests for withholding," stands and is applicable to your March 30, 2010, affidavit. The basis for this finding is detailed on our January 15, 2010, letter to you at ADAMS Accession No. ML093560623.

G. Mortensen

- 2 -

Thank you for providing an updated affidavit that clearly articulates your request for withholding of INPO Significant Operating Experience Reports, Significant Event Reports, Significant Event Notifications, Topical Reports, Equipment Performance and Information Exchange data reports, and NRC Performance Indicator data. If you have any questions regarding this matter, please contact me or Margie Kotzalas at (301) 415-1727.

Sincerely,

/RA/

Martin J. Virgilio
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations

Docket No. 99901386

cc: Jim Ellis, Institute of Nuclear Power Operations
Ronn Smith, Institute of Nuclear Power Operations

Thank you for providing an updated affidavit that clearly articulates your request for withholding of INPO Significant Operating Experience Reports, Significant Event Reports, Significant Event Notifications, Topical Reports, Equipment Performance and Information Exchange data reports, and NRC Performance Indicator data. If you have any questions regarding this matter, please contact me or Margie Kotzalas at (301) 415-1727.

Sincerely,

/RA/

Martin J. Virgilio
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations

Docket No. 99901386

cc: Jim Ellis, Institute of Nuclear Power Operations
Ronn Smith, Institute of Nuclear Power Operations

DISTRIBUTION: G20100189/EDATS : OEDO-2010-0264

EDO R/F
RidsEdoMailCenter Resource
RidsOgcMailCenter Resource
E. Thomas, NRR
C. Holzle, OGC

ADAMS ACCESSION NO.: ML101900565

OFFICE	OEDO	OEDO	OGC/GCLR	OEDO
NAME	MKotzalas	JAndersen	T.Rothschild (C.Holzle for)	MVirgilio
DATE	07/09/10	07/ 13/10	07/15/10	07/ 15 /10

OFFICIAL RECORD COPY