

January 17, 2011

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

Dear Mr. Mortensen:

I am responding to your letter dated October 5, 2010, containing an affidavit executed by Mr. Ronn Smith, Director of Communications for the Institute of Nuclear Power Operations (INPO) (ADAMS Accession No. ML103070408) and an updated Memorandum of Agreement (MOA) between INPO and the U.S. Nuclear Regulatory Commission (NRC) (ADAMS Accession No. ML103550544). In your letter you state that this affidavit updates the one provided March 30, 2010 (ADAMS Accession No. ML100960506). Changes to this affidavit reflect changes to the MOA. These changes are identified below.

- Change of the SEE-IN program name to INPO Operating Experience program
- Change in titles for SEE-IN (now INPO Operating Experience) documents

The MOA was signed by INPO and the NRC on December 6, 2010.

The NRC has reviewed your October 5, 2010, affidavit and compared it to your March 30, 2010, affidavit. The NRC has verified that the October 5, 2010, affidavit accurately represents the changes described above, that no substantive changes were made, and that INPO made no additional request for withholding. Therefore, the NRC concludes that the October 5, 2010, affidavit supersedes the March 30, 2010, 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 October 5, 2010, affidavit. The basis for this finding is detailed in our January 15, 2010, letter to you at ADAMS Accession No. ML093560623.

G. Mortensen

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Thank you for providing an updated affidavit that clearly articulates your request for withholding of INPO Event Reports – Importance Level 1-4, Equipment Performance and Information Exchange database 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, INPO
Ronn Smith, INPO

G. Mortensen

-2-

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