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OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Comment on proposed rule change to 10 CFR 2.790(b)(1)(i)(B):

The proposed requirement to indicate, *adjacent to each item requested to be withheld from public disclosure* [emphasis added], the basis for proposing the information be withheld from public disclosure is unnecessarily burdensome. The intent of the rule is adequately implemented with the existing affidavit requirements and new proposed rule 10 CFR 2.790(b)(1)(i)(A).

As a Part 71 and 72 Certificate of Compliance holder, most, if not all of the confidential information we submit and request to be withheld from public disclosure is the same type of confidential information (i.e., trade secrets). For cases where the basis for requesting information contained in a document to be withheld from public disclosure is the same for all confidential information in the document, it is sufficient to provide a global basis for the request to withhold disclosure in the associated affidavit submitted with the confidential information pursuant to 10 CFR 2.790(b)(1)(ii). Provided the confidential information is appropriately identified in the document (pursuant to proposed 10 CFR 2.790(b)(1)(i)(A)), no value is added by repeating the same basis for requesting withholding over and over again in the document itself.

The burden arises because not all documents containing confidential information that we produce are submitted to the NRC. Therefore, the confidential information in the documents is not always uniquely identified nor is the basis for requesting withholding of public disclosure noted adjacent to the confidential information. These bases notations would have to be added manually prior to submitting the document to the NRC, adding over 100 man-hours of time to the production of NRC submittals over a year's time with no added benefit. For those documents containing confidential information that are submitted to the NRC, an affidavit declaring the basis for requesting withholding of information is already required to be included in the affidavit required by 10 CFR 2.790(b)(1)(ii). Adding the same basis adjacent to each particular item of confidential information is duplicative, and therefore, unnecessary.

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