

DOCKET NUMBER  
PROPOSED RULE **PR 9**  
(69FR 22737)

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Serial: PE&RAS 04-079  
July 12, 2004

Secretary, United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

SUBJECT: Requested Comments on "Proposed Changes to 10 CFR Part 9, RIN 3150-AH12, Public Records," (69 FR 22737; April 27, 2004)

Dear Ladies and Gentlemen:

Progress Energy, Inc. (PGN) has the following comment on the proposed changes. Page 22741 describes a new section 9.28 "Predisclosure notification procedures for information containing trade secrets or confidential commercial or financial information." Paragraph (b) "Submitter objection to disclosure" states that when the NRC has made an initial determination that information should be disclosed in response to a Freedom of Information Act Request or Appeal that the submitter will be allowed 15 days from the date of the notice to object to disclosure. This should be changed to 30 calendar days for two reasons:

1. Section 9.28 (b) states "If a submitter has any objection to disclosure, the submitter must provide a detailed written statement. The statement must specify all grounds that support why the information is a trade secret or commercial or financial information that is privileged or confidential." The 15 days starts from the date the letter is signed by the NRC, not when it is received by the submitter. The detailed written statement required by the proposed change specifying all grounds that support the submitter's objection may take considerable time and resources to resolve.
2. The time frame of 30 calendar days would be consistent with length of time afforded to requesters to appeal a denial by the NRC as outlined in sections 9.29 and 9.43.

We would like to thank you for the opportunity to comment of the proposed changes.

Please contact me at (919) 546-4579 if you have any questions.

Sincerely,

Tony Groblewski  
Supervisor - Regulatory Affairs

TG/kmh

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