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W. W. Williams
123 Elm Road
Allentown, Pa 18104

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary, U. S. Nuclear Regulatory Commission
Attention: Rule Making and Adjudications Staff
Washington D. C. 20555-0001

**Adverse Comments on Electronic Maintenance and Submission of Information,
Direct Final Rule (RIN3150-AF61)**

This letter provides comments on the commission's amending of its rules relative to when and how licensees and other members of the public may use electronic means to communicate with the Commission.

General Comments

Contrary to the first paragraph under Section I of the Direct Rule Making, the aim of this rulemaking does not appear to be simply conformance to the Government Paperwork Elimination Act (GPEA). The actual reason for approaching the rulemaking in the form of this direct final rule approach appears to be trying to short-cut the debate about the agency's inability to properly deal internally with the necessary process changes required to operate with having documents submitted electronically in formats other than EIE.

Specifically, I am concerned with the requirement to provide a paper copy of material when the mode of submittal chosen is CD-ROM.

The GPEA requires, among other things, that by October 21, 2003, all Federal agencies provide persons with business before that agency the option of electronically maintaining, submitting, or disclosing information, where practicable. The Act's provisions seek mainly to take advantage of advances in modern technology in order to lessen the paperwork burden on those who deal with the Federal government.

I work for an energy producer who, based on previous Commission actions, has expended significant resources to take advantage of electronic submittal of licensing documents. Further, my employer has reduced staffing levels based upon the elimination of the requirement for submission of paper copies of documents and the use of electronic search capability. These reductions in staffing levels have affected many friends and coworkers. However, the affected individuals and I recognize the need for cost cutting in the electric utility industry. It is not clear to me that the Commission does!

The rule making cites a lack of technology that allows the Commission's staff to produce paper copies of CDs or view drawings on a large enough screen as a reason for not eliminating the need for a paper copy of submissions on CD-ROM. I do not believe there is a technological short fall. While I would agree that it is difficult to get personnel to

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adjust to using electronic media versus paper, the task is not insurmountable and the advantages are obvious once the process is accepted. The Commission's being more comfortable with using paper is not a good enough reason for burdening licensees and the general public with extra costs associated with producing paper. Further, I do not believe large screen technology is needed to view drawing. However, should the Commission desire that technology for certain applications, I know it is commercially available.

The Commission states in the rule making that it "believes that having the submitter supply a paper copy is cost effective because a paper copy can be generated at minimal expense when the document is created, but the paper copy can be generated only at considerable expense when it is produced from another medium through a conversion process." The rule making further states that this "slight increase in costs for the submitter is at least partially offset by avoiding the increase in the NRC's overhead costs, and thus in the fees charged to licensees and applicants, that would result if the NRC produced paper copies from CD-ROM."

My question is simple: What is the basis for assuming that costs are lower at the submitter level? Your requirement calls for a complete paper copy of the contents of the CD with every submittal. That would be expensive submittal for large document like the FSAR. Further, there is no reason to believe every submittal would require reproduction in a paper medium especially a complete copy of the submission. To require a submitter to produce paper that may or may not be used for reproduction is not "taking advantage of advances in modern technology in order to lessen the paperwork burden on those who deal with the Federal government" as provided for in the GPEA. The requirement of a paper copy assumes it is not reasonable for the Commission to use a submittal without first producing paper copies. I submit that the Commission's thinking in this case is badly flawed, unreasonable and burdensome to submitters. The definition of the term "practicable" offered by the Commission appears to be biased by its comfort with using paper. I agree that one of the aims of GPEA is to reduce the cost of government. I do not agree that having a submitter of material provide an unnecessary paper copy is a cost reduction and, therefore, is not a solution to the problem in general. Requiring paper only solves the Commission's immediate problem while allowing the Commission to avoid addressing necessary business decisions that would in the end benefit both the submitters and the Commission. Further, I am appalled that the Commission would even suggest that rather than address their problems they would pass extra and unnecessary cost onto the regulated submitters rather than seek a cost effective long term solution. I would like to remind you that I am part of a large body of rate payers who eventually pay the bills.

I understand the staff's reluctance to work in an electronic medium. I too faced similar feeling entering into the electronic world. However, I do not believe feelings associated with being outside of your comfort zone nearly outweigh the demand for progress. Like it or not, electronic media is here and it is here to stay.

Specific Technical Comments

1. Section III. Action

A. Electronic Submission on CD-ROM Requiring Multiple Copies of CD ROM and A Paper copy

The NRC should specify a standard format for submission of documents by CD-ROM that would allow for upload of the documents into NRC systems such as ADAMS. There should be no different requirements for files submitted in this standard format on CD-ROM than there are for files submitted to the NRC by EIE.

In the body of the rulemaking and in the attached guidance, an EIE submitted file does not require multiple copies or submission of a paper copy, while the same file submitted on CD-ROM does. Providing it meets other file type, format and size requirements, there is no technical difference between a file submitted via CD-ROM and one submitted by EIE, relative to processing options once it is entered into an NRC computer system.

The thrust of this proposed requirement for CD-ROM submittals appears to be related to the characterization of "Large Documents" and there being submitted via CD-ROM. It is precisely for large documents, and the amount of paper that they require, that the GPEA is intended. When combined with the requirement, that page-replacement files cannot be submitted via CD-ROM (further discussed below), this set of requirements appears to intentionally increase the amount of paper submitted to the agency under the guidance of RIS-2001-05 instead of decreasing it.

If the technical problem is in handling 'large documents' submitted by CD-ROM, that problem should be addressed by specifying the allowable content, format and organization of the CD-ROM, not by requiring multiple copies of the CD-ROM and a paper copy. This requirement should certainly not be applied for submittals of 'small' documents on CD-ROM. These submittals should be treated similarly to an EIE submittal.

FileNet technology forms the basis for the NRC ADAMS system. FileNet's Panagon Capture software includes the capability to import collections of files (PDF and TIF) from external sources directly into FileNet with automatic indexing of the files. This is accomplished by providing a small file of specified format indexing information along with each file that is to be imported into the system.

For example, the NRC could specify that the CD-ROM include a standard-format (Excel spreadsheet or comma-separated value) file containing file names and indexing information in a specified order. Upon receipt of the CD-ROM, the NRC processing unit could read this file with a program that could add accession numbers and other NRC-required additional indexing data, and produce the required index information files. Copying the contents of the CD-ROM and the indexing files to the Panagon Capture import directory could be done in a short

time, and then the rest of the import process would be automated within the Panagon product.

Regarding statements made with respect to viewing "oversized documents" on "standard-sized monitors". There are no specifications given in the rule making for either of the terms 'oversized' or 'standard-sized'. There are also no citations or references to back up these statements. Based on actual industry experience with distributed document management, these have no basis.

The system used at Susquehanna LLC makes over 150,000 drawings, ranging in size from A-size to E-size, and they are available on over 800 desktops. The standard-sized monitor is a 17" viewing area CRT, with some document-intensive workstations having 21" monitors, and some older workstations having 15" monitors. The documents are displayed with a navigation screen that allows for movement of the display area to any part of the document, and a practically infinite range of magnification for the displayed area. There is no problem viewing any size document on any size monitor.

Since the NRC has access to FileNet software, the standard FileNet viewer provided with IDM Desktop provides all of these same features for viewing any size TIFF document. Adobe Acrobat Reader has the same features for PDF files of large documents. There is no technical problem here. There would, however, appear to be a problem in getting the required change in staff attitude to accept electronic display of documents in lieu of the paper they have been accustomed to dealing with. Transferring the onus of dealing with this internal problem to the licensees by requiring them to do extra and unnecessary work to send paper copies is not a proper response by a regulatory agency of the government, nor in the spirit of the GPEA.

B. Statements on Printing

In general, most of the statements on printing and printing technology made in this section are not true or supported with any factual statements.

Most of the problems identified for the NRC with printing could be eliminated by two simple actions:

1. Specifying a format for organizing CD submittals (see above) that includes identification and/or separation of files with larger than 8.5x11" pages
2. The NRC obtaining appropriate printers to meet the requirements for to-scale printing.

For example, the Xerox 8830 Engineering printer is capable of containing three different sizes of paper rolls, and producing A, C and E-size pages on one printer. There are other similar units on the market. If there were a true need to "produce paper copies of CDs on a single machine", there is technology that has existed for

years to do so. It is not something the NRC has to wait for. They simply have to procure it. The firm I work for has 7 or 8 of these printers scattered between 4 different buildings at two different physical locations, available to any PC on the network. In all likelihood, the printers the NRC already has could reproduce 95-99% or better of all the documents received in a standard electronic format of TIFF or PDF. All of the pages would print, just some of them would not print to scale, or not in color or not in 3-D. If there was some reason why viewing the larger drawings electronically was not sufficient, the fix is to have printers available that print to the scale, the volume or the format desired.

Statements on where the cost of printing is most 'cost effective' in this section are self-serving. Most efficient organizations are implementing electronic workflow for documents to minimize the interim and final generation of paper. The reason is that the cost of handling paper in a process is one of the largest cost generators in the process. Under these processes, documents can be created, reviewed, approved, archived and sent to the NRC without any paper copy ever being generated.

The FileNet system the NRC has is capable of establishing workflow queues that can route documents from workstation to workstation in this manner. It can even accept faxes directly into the system without printing any paper copies.

Once an electronic document is final, and in a standard format such as TIFF or PDF, there are no readily apparent cost savings in printing at the point of origin versus at the NRC. The real problem appears to be that the NRC does not have the internal processes to handle getting the documents into their systems nor appropriate printers to print the documents if they were in the system.

Again, if the problem of getting a standard format for submittal of documents on CD-ROM that could be quickly processed into NRC internal systems were resolved, most of the so-called 'printing problems' involved with what is identified as the 'conversion process' could be eliminated from consideration.

C. "Special Attributes" and EIE

Basically, 'special attributes' appears to be a euphemism for any document for which the NRC does not have an adequate printer on-hand.

There is no rational explanation of why a document with no 'special attributes' can be submitted by EIE in the form of one electronic copy, but if the same document is submitted on CD-ROM, multiple copies of the CD-ROM and a paper copy are being required.

It is apparent from the discussion of CD-ROM submittals being accompanied by paper, in the context of the GPEA and what is 'practicable', that the actual

problem is that the NRC is not prepared to deal with files not directly piped to their systems by the already-developed EIE mechanism. This appears to be a failing in the IT infrastructure of the NRC.

This failure is unduly burdening every licensee with onerous reproduction requirements that are not justified by any problem that could not be solved by appropriate internal action by the NRC.

The NRC should specify a standard format for CD-ROM submittals that is an analogue of the EIE process, develop internal programming and processes to accept these standard submittals, and provide adequate training and equipment to its staff to do the work.

The low acceptance rate of the EIE process by licensees should also be a matter of concern to the NRC. If the EIE process were easy to use, able to deal with large documents and efficient for the licensees, it might be used more than the CD-ROM process.

D. Page Replacement Files

According to this rulemaking and guidance, I can submit a stack of replacement pages, together with a 'roadmap' to replacing the pages in the original paper document. I am not allowed to scan the same pages on to a CD-ROM and send that. I have to create a CD-ROM of the entire revised document, put that on CD-ROM, and then send along with it a paper copy of the entire document, along with as many copies of the CD as I would have had sets of paper.

Using the FSAR as an example. Under the proposed direct rule making if I make a 5 page change to the FSAR, instead of expecting the NRC to be able to print five changed pages from a CD, I have to send in 10 copies of the CD and 18 volumes of paper literally thousands of times greater in size than the actual change.

There is something very wrong with the picture this example portrays! I have to believe the Commission's real intent is to preclude the submission of documents on CD-ROM. That is unacceptable to me and is not in keeping with GPEA.

2. Appendix A

- A. Section 2.0: The version of Adobe product is not synonymous with the version type of the PDF file format. The specification should more clearly identify the PDF version, if that is what the actual problem is. If the compact searchable image is the problem, that should be specified simply as a prohibited format.
- B. Section 2.2(3): Specifying filenames with numeric prefixes may make it easier for the NRC to determine the 'correct order' on a single CD-ROM manually or

visually. However, this action generally complicate production of documents for licensees because systems used in production do not accommodate file naming conventions of this type without major software or process changes. A spreadsheet or data file with correlation between file names and order is more effective for process automation. Process automation is what is required to reduce overheads; not fixes designed to deal with manual processes.

- C. Section 2.5: There is no frame of reference for notes a and b under the resolution table. Some of the wording appears to contradict the acceptable format table under Section 2.0. The context of these notes needs to be clarified.
- D. The terms "special attributes" and "special equipment" are not used consistent with industry-standard understanding. Just because a drawing is large does not mean it has any 'special attributes', such as might be expected in a CAD system drawing file. It is just a larger file requiring larger paper to display to scale. Similarly, although the term 'plotter' is still used to describe some larger scale printers, because of historical precedence, they are simply large-format printers, and are not 'special equipment', just equipment the NRC has not yet purchased.
- E. Sections 2.12 and 4.3: There is no justification for shifting the burden caused by the NRC not having an adequate internal process for dealing with CD-ROM submittals to submitters. The NRC could have the capability to reproduce paper copies of submissions if it had the will to do so and allocated adequate resources to make it happen.
- F. Section 4.3.3: The combination of this requirement together with the requirements for CD-ROM submittal with paper copies, and the file limitations on EIE transmittals make efficient and paperless submittals of FSAR updates practically impossible.

Conclusion

Based upon the above comments, it is my desire that the subject direct final rule making be withdrawn. Further, should the direct final rule be withdrawn, I do not support the Commission's contingency position to address all public comments received under the direct final rule action in a proposed rule action and then make the proposed rule final without a second comment period. The contingent proposed rule making has the same failing as the direct rule making. Precluding a second comment period under the proposed rule action again short-cuts debate about the agency's inability to properly deal internally with the necessary process changes required to operate with having documents submitted electronically in formats other than EIE.



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