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Secretary, U. S. Nuclear Regulatory Commission  
Attention: Rule Making and Adjudications Staff  
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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

This letter provides my adverse comments on the commission's rule for the Electronic Submission of information.

Specifically, I am concerned with the requirement to provide one signed 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 electric utility. My company has expended significant resources to take advantage of the electronic submittal of licensing documents. 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. I do not think the commission appreciates this need.

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. While I would agree that it is difficult to get personnel to adjust to using electronic media versus paper, the task is not insurmountable (we have done this in our company) 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, I know it is commercially available.

The Commission states in the rule making that it "believes that having the submitter

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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 for a 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 basically 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 Commissions immediate problem while allowing the Commission to avoid addressing necessary business decisions that would in the end benefit both the submitters and the Commission.

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 out weighs the demand for progress. Like it or not, electronic media is here to stay.

Based upon the above comments, it is my desire that the subject direct final rule making be withdrawn.

Mark R. Breiner