

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

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and Submission of Information

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
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PUBLIC MEETING ON ELECTRONIC MAINTENANCE AND  
SUBMISSION OF INFORMATION

+ + + + +  
THURSDAY,

OCTOBER 3, 2002

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ROCKVILLE, MARYLAND

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The public meeting was held at 8:30 a.m.  
in the auditorium of the Nuclear Regulatory Commission  
Headquarters, Two White Flint North, 11545 Rockville  
Pike, John A. Skoczlas, Jr., EIE Project Manager,  
presiding.

PRESENT:

JOHN A. SKOCZLAS, JR. EIE Project Manager,

Office of the CIO

STEVE CROCKETT Special Counsel, OGC

CHRIS DOUTHITT IMC

ARNOLD E. LEVIN, Director, Information Technology

Infrastructure Division, Office of the CIO

BRENDA SHELTON Chief, Records Management

Branch, Office of the CIO

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P-R-O-C-E-E-D-I-N-G-S

8:37 a.m.

MR. SKOCZLAS: Good morning. I'd like to get started. A couple of things I'd like to just say right at the beginning. There will probably be people filtering in over the next few minutes.

The one document that is the presentation will be posted on the website, on the EIE page. And the way that you get to that is you just go to nrc.gov, and click on e-submittals, and this will be there.

Also, we'll have a feedback form for you. It's being prepared now and we'll hand it out in a little while. We're doing this presentation on the screen in Word Perfect to match the handouts. So bear with us, it's not something we've done recently.

But what we wanted to do was to make sure that everybody has a clear copy of what we're being, what's being said and be able to see it on the screen exactly as you have it in your handout.

So what I'd like to do is to, on the behalf of the Nuclear Regulatory Commission, I'd like to welcome you to the public meeting on the final proposed rule on the electronic maintenance

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1 and submission of information and the guidelines for  
2 electronic submissions to the NRC.

3 The purpose of this public meeting is to  
4 provide information and solicit comments on the  
5 final and proposed rule as published in the Federal  
6 Register on Friday, September 6th, 2002. My name is  
7 John Skoczlas.

8 I'm the Electronic Information Exchange  
9 or, as we sometimes call it, EIE Project Manager. I  
10 am also one of the contacts listed on the Federal,  
11 in the Federal Register Notice as it was published.  
12 I'll act as the Moderator of this meeting, as well  
13 as presenting a brief description of the EIE  
14 project.

15 This meeting will provide the  
16 background, intention and rationale for certain  
17 information and requirements contained in the rule  
18 and guidance documents. It is not the intention to  
19 provide detailed technical information or to debate  
20 the merits or shortcomings of various requirements  
21 contained in the rule or guidance.

22 This meeting is being transcribed and  
23 all comments will be captured and addressed if  
24 practicable. During certain periods after  
25 presentations I will ask the audience if there are

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1 comments relative to that section.

2 Please come to the microphones, provide  
3 your name, affiliation and contact number or e-mail  
4 address before providing your comment. This  
5 information will be used to contact you if further  
6 information or clarification is needed on your  
7 comment.

8 As stated, we will not debate the merits  
9 of information provided or the comments themselves,  
10 but we will try to provide clarifying information as  
11 we can. Moving on, I would like to introduce the  
12 Presenters.

13 The first will be Steve Crockett,  
14 Special Counsel, Office of the General Counsel and  
15 the lead attorney for the rule itself. Steve will  
16 discuss the rule but will not address the technical  
17 guidance that was published with the rule.

18 Mo Levin is the Director of Information  
19 Technology Infrastructure in the Office of the Chief  
20 Information Officer, and was responsible for  
21 developing the technical infrastructure for the  
22 Electronic Information Exchange.

23 Brenda Shelton is the Chief of Records  
24 Management Branch, Division of Information Records  
25 and Document Management in the Office of the Chief

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1 Information Officer. Brenda is the other contact  
2 for the rule as it was printed in the Federal  
3 Register Notice.

4 Beside other duties, Brenda is  
5 responsible for the Agency's document processing  
6 activities and the Agency's record management  
7 activities, including developing the Agency policies  
8 and procedures, record scheduling and disposition,  
9 electronic filing and archival activities.

10 Steve will begin the meeting with an  
11 overview of the rule itself. I will solicit  
12 comments on the rule after Steve's presentation.  
13 Steve, would you like to begin please.

14 MR. CROCKETT: Thank you, John.  
15 Welcome. I hope this is helpful both to you and to  
16 us. I want to say something briefly this morning  
17 about why we're doing what we're doing. Exactly  
18 what we're doing and how we went about it.

19 Let me discuss first the principle legal  
20 motivation behind our rulemaking. The Government  
21 Paperwork Elimination Act of a few years ago  
22 requires that all federal agencies provide members  
23 of the public with the option of electronic  
24 maintenance and submission of information where  
25 practicable.

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1           And the word practicable is from the  
2 statute. All this is to be done by about this time  
3 next year, late October, 2003. The aim, of course,  
4 is to reduce the paperwork burdens of members of the  
5 public in dealing with the Agency and to reduce our  
6 paperwork burden too.

7           And to gain some of the other advantages  
8 of new information technologies. Now the word  
9 practicable, which I emphasized a little earlier,  
10 is, unfortunately, not defined in the statute.

11           And, as I'll discuss later, that's, the  
12 meaning of that word is rapidly becoming the focus  
13 of the discussion over our rulemaking. And I should  
14 say right at the beginning that although, and I'll  
15 explain myself a little bit later.

16           Although we published this as a  
17 so-called direct final rule, we also published this  
18 as a proposed rule at the same time. And I'm now  
19 announcing, on behalf of the Agency, that we're  
20 going to drop the direct final rule and proceed with  
21 the alternative route, the proposed rule.

22           I'll talk about that a little bit later.  
23 Let me now proceed to some of the pasts NRC actions  
24 that have brought us into at least partial  
25 compliance with the Government Paperwork Elimination

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1 Act.

2 First, there are our many record keeping  
3 regulations scattered throughout our part of the  
4 Code of Federal Regulations. Those already provide  
5 for the possibility of electronic maintenance of  
6 information and we are not changing any of those  
7 regulations. At least I don't recall that we are.

8 They seemed sufficient the way they  
9 stood. Although you, you may, in working with them,  
10 believe that there are some changes that should be  
11 made. And if so, please let us know. That would be  
12 valuable to us during the comment period.

13 The second NRC effort to come into  
14 compliance with the Act is the Electronic  
15 Information Exchange Pilot that John runs. And the  
16 follow up Regulatory Information Summary, 2001-05,  
17 that was issued, I believe, in January of 2001, and  
18 gave Part 50 Licensee new options.

19 Before that Regulatory Information  
20 Summary was published, Section 50.4(c) of our  
21 regulations required that Part 50 Licensees actually  
22 come to us for prior approval. That's the phrase in  
23 the regulation. Prior approval before they  
24 submitted something electronically.

25 The Regulatory Information Summary

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1 removes the need to come in for prior approval for  
2 an electronic submission. Also in early August of  
3 2001, we issued a letter to certain fuel cycle  
4 facilities allowing them the option of electronic  
5 submission in some situations.

6 But, at the end of all those efforts, we  
7 still had not generalized the permission. We still  
8 had not said anybody can use electronic submissions  
9 except in the following circumstances. And it's the  
10 point of the rulemaking to do precisely that. To  
11 enlarge the group of people who have the permission  
12 to file material with us without asking for prior  
13 approval.

14 That's the main aim of the current  
15 rulemaking. You can still submit in paper if you  
16 want, but we think that many of you would prefer  
17 electronic submissions and what I'm hearing from the  
18 technical staff is that they would too.

19 So we hope that this improves matters  
20 all around. I should say, fairly early in my  
21 presentation, that this new rulemaking does not  
22 apply to adjudication nor to the licensing support  
23 system for the high level waste repository.

24 The rules governing the so-called LSN,  
25 continue to be those in Subpart J of Part 2 of our

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1 regulations. And we will have a pilot program and a  
2 later rulemaking dealing with other adjudications.

3 The use of electronic media in  
4 adjudication is still very much in flux in the  
5 Agencies and in the Federal Courts. We think we  
6 still have much to learn there. And so for the time  
7 being, we're leaving it up to NRC Judges and the  
8 parties in particular proceedings to work out to  
9 what extent they want to use electronic media.

10 Let me say something next about the  
11 typical changes to the existing rules. The main  
12 change is to make explicit reference throughout the  
13 rules, where ever communications are discussed. To  
14 make explicit reference to the possibility of making  
15 electronic submissions and to point readers to the  
16 guidance which will take up the bulk of the  
17 discussion this morning.

18 So, for example, in places where it says  
19 you may deliver something to the Agency by hand  
20 delivery to this address, or by U.S. Mail, we will  
21 also explicitly add in, or by electronic submission,  
22 for instance, EIE or CD-ROM. Those lists are not  
23 meant to be exhaustive, necessarily.

24 Also, in places where some kind of  
25 notification is required from regulated parties,

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1 notification to the NRC, we have also provided the  
2 option of electronic submission for later  
3 notifications.

4 In cases where immediate notification is  
5 required, we still prefer the telephone. Because  
6 even though e-mail can be rapid, it can also be  
7 slow. In the last year I've seen some e-mails  
8 arrive 48 hours after they were sent.

9 And e-mail is not, even today, as  
10 interactive as the telephone. So we've left  
11 requirements on the books that immediate  
12 notification be by phone. There's often then a  
13 second stage of notification within four hours or  
14 eight hours, we also leave the current requirements  
15 in place for whatever medium is used for those  
16 notifications now.

17 But there's usually a follow up  
18 notification within 30 days. Those can be by  
19 electronic submission. So that's two forms of  
20 changes to the rules. There are 100, I counted  
21 them, there are 175 separate rule changes, 79  
22 separate rule changes. Most of them fall into the  
23 three categories that I'm discussing.

24 I've discussed two, so far. The third  
25 is wherever we've mentioned an NRC form that a

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1 regulated party has to use, we've also said where  
2 the party can find it electronically. And I believe  
3 in some cases you can also file electronically.

4 But I'm not sure that we're quite as  
5 good as the IRS about that yet. I should mention a  
6 fourth kind of change. It figures less prominently,  
7 but it is rapidly becoming the subject of some  
8 controversy in this rulemaking. Namely the number  
9 of paper copies that we require or the number of cd  
10 copies that we require.

11 Throughout the regulations we have  
12 reduced the number of paper copies and in some cases  
13 we have also said you no longer need to keep certain  
14 paper copies in reserve. You just need to have the  
15 capacity to produce those paper copies, if you  
16 choose to submit in paper.

17 But we also, in the, what used to be the  
18 direct, final rule, but is now the proposed rule, we  
19 also said that we wanted a certain number of cd  
20 copies. And many of the comments that we've  
21 received so far are directed particularly against  
22 that requirement, which we will be rethinking.

23 But except for things like that, number  
24 of cd copies or another item of controversy, whether  
25 regulated parties can file on a page replacement

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1 basis or whether they need to file the whole  
2 document all over again.

3 Except for those two items and whatever  
4 else you may bring to light in the remainder of the  
5 comment, the technical details of electronic  
6 submissions are all in the guidance. Which was also  
7 published for comment and will be discussed later  
8 this morning.

9 That way the rules, the 179 changes can  
10 remain on the books for a long time to come. And  
11 changes in technology, as they enable us to make  
12 changes in our processes, can be dealt with more  
13 easily by changes in guidance.

14 It would be much more difficult to  
15 incorporate the new technologies into the rules.  
16 The last thing I'd like to discuss is the direct,  
17 the so-called direct, final rule process. The  
18 process that we used in this rulemaking.

19 Because the 179 changes were basically  
20 the granting of permission, and because technical  
21 details were almost all in the guidance document, we  
22 thought that there would not be much controversy  
23 about this rule, and that we could use the process  
24 which is often used by Federal Agencies of  
25 publishing what is called a Direct Final Rule.

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1           Now a Direct Final Rule is, the phrase  
2 Direct Final Rule is a term of art. And I should  
3 say just a little bit about it. Here's how it  
4 works. It's not a final rule in the ordinary sense  
5 of that term. We actually published two rules.

6           We published a so-called direct final  
7 rule and we published a proposed rule. We were  
8 hoping that that way we would have to issue only one  
9 Federal Register Notice, just the direct final rule.  
10 The proposed rule was only a couple of pages, and  
11 for details it referred back to the full publication  
12 and the direct final rule.

13           But we provided a comment period at the  
14 same time on the direct final rule just as if it  
15 were a proposed rule, because we wanted to hear  
16 whether in fact, there would be controversy over any  
17 of the provisions in the direct final rule. And if  
18 there was going to be some controversy, that is, if  
19 there was going to be, in our magic phrase,  
20 significant adverse comment, then we would fall back  
21 on the proposed rule.

22           That seemed to us the best of all  
23 possible worlds. If there turned out to be  
24 controversy, then we would proceed in the usual two  
25 stage rulemaking. And if there turned out to be no

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1 significant controversy, we wouldn't go through the  
2 expense of a second large Federal Register  
3 publication.

4 I was the person probably the most  
5 hopeful that there would be no controversy, so you  
6 can blame me for the direct final rule process, if  
7 you want to. At any rate, I was also the first one  
8 to say, this isn't going to work. Because the early  
9 comments that we saw coming in raise at least two  
10 basic questions about some of those 179 changes, and  
11 I've mentioned them before.

12 The requirement for complete  
13 resubmission of documents lack FSAR when they're  
14 updated or the requirement for copies of CDs. And  
15 there may be others that you will raise either this  
16 morning or in written comments, before the end of  
17 the comment period.

18 So, even though this affects few of the  
19 roughly 180 rule changes, we think that nonetheless  
20 these are significant adverse comments. And  
21 therefore, we will soon be publishing a Federal  
22 Register Notice that says we're going to go with the  
23 proposed rule and this is no longer a direct final  
24 rule.

25 Unless you have questions about what

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1 I've said or things that I've not said, that's the  
2 end of my presentation. Thank you.

3 MR. SKOCZLAS: Are there any comments at  
4 this point? Good, let's move on then. I'd like to  
5 have Brenda Shelton, then, proceed with the next  
6 part. And we're going to be moving into, I believe,  
7 guidance document.

8 MS. SHELTON: Yes. We will give you a  
9 brief overview on the guidance document that will  
10 cover four basic areas. That will be the scope of  
11 the guidance, the impact on current guidance, the  
12 parameters for electronic submissions, and how to  
13 make an electronic submission via the four  
14 acceptable means, which are EIE, Electronic  
15 Information Exchange, CD-ROM, e-mail, and  
16 facsimile.

17 There will be three of us presenting,  
18 just as John has already indicated. Moe will deal  
19 with the parameters for electronic submissions.  
20 John will deal with the EIE portion, and I will  
21 cover the remainder.

22 The scope of the guidance, the guidance  
23 applies to electronic submissions to the NRC via  
24 EIE, CD-ROM, e-mail, and facsimile. And it also  
25 defines the document types that can be voluntarily

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1 submitted electronically for each medium.

2 Exceptions to the electronic submission.  
3 Steve has already indicated immediate or prompt  
4 notifications to the NRC. That was not changed in  
5 the regulation. And he has indicated the reasons  
6 why, because there is a need to ensure that there is  
7 a means for immediate interaction between the NRC  
8 and the Licensee or whomever it is that is providing  
9 the information.

10 Notice of filing bankruptcy petitions,  
11 financial assurance instruments, documents that are  
12 served on the NRC as a participant in federal court  
13 proceedings. Contractor proposals or invoices that  
14 are submitted in response to specific contractual  
15 requirements.

16 Guidance for electronic submissions in  
17 this area will be issued separately and at a later  
18 date. Hearing requests and documents pertaining to  
19 hearings, or associated appeals with the exception  
20 of rulemaking petitions. That means, you can send  
21 these electronically.

22 Comments filed in rulemaking proceedings  
23 under Part 2, Subpart H, request for enforcement  
24 actions under 10 CFR Part 2.206, and documents  
25 under Subpart B, procedures for imposing

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1 requirements by order or for modifications,  
2 suspension, or revocation of a license or for  
3 imposing civil penalties.

4 And, as indicated earlier, separate  
5 rules and guidance will be issued in the future for  
6 a public comment. And existing format requirements  
7 contained in 10 CFR Part 2, Subpart J, could be  
8 superseded by the format standards that are  
9 contained in the guidance document. So you must  
10 take that under consideration as you are considering  
11 any comments or concerns that you might have with  
12 the rulemaking.

13 And you also might wish to note that, a  
14 change that has occurred in the list of exceptions  
15 to electronic submissions is the fingerprint cards,  
16 FP-258. Those can now be submitted via the EIE.  
17 Communications that can be submitted to NRC  
18 electronically are acceptable EIE or CD-ROM  
19 submittals, primarily regulatory submissions that  
20 include documents or information submitted under  
21 oath or affirmation, documents where secure transfer  
22 is required or appropriate.

23 But you are to use CD-ROM only in those  
24 instances where you wish to submit classified  
25 information and sensitive unclassified information.

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1 And that includes sensitive Homeland Security  
2 information. Electronic files that are greater than  
3 25 megabytes, and documents with special attributes.  
4 They can only be submitted using CD-ROM.

5 Now, one of the most critical areas that  
6 we will be talking about today, I believe, is the  
7 impact on the current guidance. You've already  
8 heard that we issued the Regulatory Issue Summary  
9 2001-5, which was specific to the Part 50 Licensees.  
10 In that particular RIS, or Regulatory Issue Summary,  
11 the Licensees were permitted or given the option to  
12 make their submittal via EIE and that would satisfy  
13 the regulatory requirements.

14 They could submit one CD-ROM, that would  
15 satisfy the copy requirements. Or, if the Licensees  
16 were to choose to submit on paper, one copy would  
17 satisfy the regulatory copy requirements. However,  
18 since that time, the guidance document that has,  
19 that you have before you for review, and the  
20 regulation as Steve indicated, we made a change.

21 We now require that if you are to submit  
22 on CD-ROM, you are to submit the number of copies  
23 required by the regulation, plus one paper copy.  
24 And we have addressed our rationale for that. We  
25 talked about the expense associated with our trying

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1 to produce a paper copy from CD-ROM.

2 These costs were exorbitant and we  
3 thought that it would be more efficient for the  
4 document, the paper document to be generated from  
5 the source. And that's why we made that change. We  
6 also made the change from submitting one paper copy  
7 to the number of copies required by the regulation,  
8 if one were to choose to submit via paper.

9 Again, we were looking at what our  
10 purpose, what was the intent behind our trying to  
11 promote electronic submissions? Were we effective  
12 in that by saying submit just one paper copy? So,  
13 when we thought about that, it's like, if we say one  
14 paper copy, does that really promote electronic  
15 submissions?

16 And also, we also found that the staff  
17 had a need for paper copies, after going back  
18 examining what the true needs were. So we decided  
19 that we would change the requirement so that if one  
20 were to make a submittal on paper, they would make  
21 the number of copies that were required by the  
22 regulations.

23 However, as Steve has indicated, we have  
24 received adverse comments in this regard. One of  
25 the concerns was that we have a requirement that for

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1 documents that we consider living documents, such as  
2 the updated Final Safety Analysis Report, which now  
3 allows you, or requires you to make page change  
4 submissions in lieu of the entire document.

5 We are now saying submit on the CD-ROM,  
6 submit the entire document. So that what, implied  
7 that you're also to submit a complete replacement in  
8 paper, which would be a lot more burdensome. And  
9 those are the types of feedbacks that we are getting  
10 about these changes that we made between the  
11 issuance of the RIS and the rulemaking package that  
12 we are now discussing.

13 We are rethinking that position. We  
14 have heard you. We cannot say just what our  
15 decision will be because we are not here today to  
16 make decisions on what the outcome will be. We have  
17 other comments that we're sure are forthcoming,  
18 because the phones have been ringing off the hooks,  
19 the e-mails have been coming in.

20 So, we know that there are other  
21 comments that are coming in and we will take all of  
22 these comments under consideration before we decide  
23 what our position will be. But we do want you to  
24 know that we are rethinking our position in this  
25 regard. And I've already addressed where we are in

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1 this regard, and that also pertains to what happened  
2 with the August 10, 2001, letter that was issued to  
3 certain fuel cycle facilities that extended to them  
4 the option of electronic submittals.

5 This was a materials pilot program, and  
6 there were requests for exceptions that had to come  
7 in, and these would no longer be required under the  
8 current guidance and regulation. All Licensees who  
9 choose to make submissions electronically may do so,  
10 under the materials side of the House.

11 Now, that concludes the portion that I  
12 was to discuss before getting back to more specifics  
13 about the four means of making electronic  
14 submittals. At this time I will turn it over to Moe  
15 --

16 MR. SKOCZLAS: Yes, before we go on to  
17 the parameters, etc., if there's anyone that would  
18 like to comment on anything that Brenda has said at  
19 this point, you can step forward now, please.

20 MR. DACKO: I'm Bob Dacko with TXU  
21 Energy, Comanche Peak. Let me see, my telephone  
22 number is (254) 897-0122. When RIS 2001-5 was  
23 issued, that was a big benefit to Comanche Peak.  
24 We had been embarking on an electronic, updated FSAR  
25 for about six months prior to that time, and

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1 elimination of the paper copy was the big thing that  
2 we found with that RIS.

3 In fact, we eliminated all paper copies  
4 of the updated FSAR. With this new requirement, we  
5 would now have to generate a new paper copy. We  
6 have been able to survive for the last two years  
7 now, internally, without ever having to access a  
8 paper copy. And for those people who do need parts  
9 of it, it is not a difficult process to produce a  
10 printed copy.

11 So, I'd like you to bear that in mind  
12 when you try to make your decision in this regard.

13 MS. SHELTON: Thank you for your  
14 comment, and we will take that under consideration.

15 MS. HAYES: Good morning, my name is  
16 Lori Hayes with Progress Energy, Florida Power  
17 Corporation and Carolina Power and Light. I notice  
18 here on the communications that can be submitted to  
19 the NRC electronically, for CD-ROM use only, you  
20 have classified and sensitive unclassified,  
21 basically meaning Homeland Security information.

22 But you don't specifically call out,  
23 which I'm sure you mean, safeguards information, in  
24 here. So we've jumped from high to low and I'm  
25 wondering if you've encompassed that in the whole --

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1 MS. SHELTON: Safeguards information,  
2 that is included. Right, it's included in  
3 sensitive.

4 MS. HAYES: In sensitive unclassified?

5 MS. SHELTON: Yes, yes.

6 MS. HAYES: Thank you.

7 MR. MCINTIRE: Hi. John McIntire,  
8 Nuclear Energy Institute, jdm@nei.org. Brenda, you  
9 had mentioned that you're rethinking some of these  
10 things that you're receiving some push back on. I  
11 wanted to know when we could possibly be hearing  
12 what you're thinking about?

13 MS. SHELTON: As Steve indicated, we're  
14 in the proposed rule mode at this point. So, we  
15 will have to address the comments in the final rule.  
16 So, it will be tying with the final rule.

17 MR. MCINTIRE: Okay. Thank you.

18 MR. SKOCZLAS: Anyone else?

19 MR. CROCKETT: I don't know whether this  
20 will clarify it or just make it slightly more  
21 confusing. I think, had we gone the direct final  
22 route, this would have become effective, I believe  
23 in early December, was that it? Now that we're  
24 going the proposed rule route, that December date is  
25 not necessarily the date.

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1           We'd like to move as quickly as  
2 possible, of course. But it wouldn't necessarily be  
3 that December date, that the final rule came out. We  
4 will have to issue a Federal Register Notice of some  
5 kind to indicate that we're, that we're in it. I  
6 think the language is withdrawing the direct final  
7 rule and proceeding with the already published  
8 proposed rule.

9           That will have to come out. Otherwise,  
10 before that December date, otherwise, the direct  
11 final rule will become effective, and that's not  
12 going to happen. So, but we don't have a definite  
13 schedule in place, other than working as quickly as  
14 we can.

15           MS. HAYES: This question may be better  
16 directed at John. Based on the EIE finger print  
17 submittal that we're a pilot program on, and I  
18 notice that, you know, you're going to pull it out  
19 of the other rule, because it would have obviously  
20 had great implications on us.

21           If we're going to implement that pilot  
22 program prior to, well, we're already implementing  
23 the pilot program. If we're going to go final and  
24 do that based on the access authorization orders  
25 that are coming out, how will that affect us if the

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1 rule is not into effect and will we be circumventing  
2 some other rules or be outside of the scope of other  
3 rules?

4 MR. SKOCZLAS: No. Actually, the  
5 program has been implemented, and we do have people  
6 submitting. That was done with the permission of  
7 the Division of Security and NRR. So, they can go  
8 ahead and set the regulations as they choose for  
9 those particular types of submittals. And they've  
10 done that.

11 I believe that the people have received  
12 a memo or a note stating as to how to file and what  
13 the rules are and everything.

14 MS. HAYES: That's correct, and we are  
15 filing that way. And I just wanted to know if we're  
16 rolling out of the pilot program into actually  
17 implementing it?

18 MR. SKOCZLAS: Yes, yes we have.

19 MS. HAYES: Is that going to be  
20 effective? Because we are doing that.

21 MR. SKOCZLAS: Yes, we have. We have.  
22 Actually, what the memo stated, I believe, was that  
23 once you've successfully submitted a CD-ROM, then  
24 you can go ahead and start submitting all the finger  
25 print files in the electronic format.

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1           That was noted in here because this was  
2 published well before that program, or it was  
3 printed, you know, proposed, well before that  
4 program came into effect. So, we just deleted it  
5 from here.

6           MS. HAYES: Thank you.

7           MR. SKOCZLAS: You're welcome. If there  
8 are no other comments or questions, what I'd like  
9 to do now is turn it over to Moe Levin, who is going  
10 to discuss the parameters for electronic  
11 submissions.

12           MR. LEVIN: Good morning. What I'd like  
13 to do is just briefly go over some of the reasoning  
14 behind how we set the parameters for electronic  
15 submissions, and then obviously ask for your  
16 comments.

17           As you know, the electronic submission  
18 is voluntary. So in the guidelines we tried to  
19 strike a balance between what is cost effective to  
20 implement and what is comfortable for most people  
21 who need to communicate with NRC.

22           And the parameters we've broken up into  
23 four main areas, file formats, naming conventions,  
24 file size limitations and image scan resolution.  
25 First I'll talk about file formats and I don't know

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1 if you can see it up there and it didn't come  
2 through very well on the copies, but there are some  
3 areas that are highlighted, they are in red. Really  
4 it's --

5 MR. SKOCZLAS: Moe, Moe, excuse me for  
6 one second. If there are people who need copies of  
7 what's being shown up on the, we do have it here.  
8 It's a little easier to read than on the screen. I  
9 guess everyone has one? Okay. I'm sorry, Moe.

10 MR. LEVIN: And really, the changes are  
11 only in one area. And if you look at the column  
12 that says version, for all the different PDF, that's  
13 where the changes were. And the changes originally  
14 we said, I think, that we required PDF with a  
15 certain version, I think it was 1.3.

16 And we weren't, that really, we didn't  
17 feel that would be clear enough for most people. So  
18 we've changed that to say what we required for PDF  
19 is, PDF that can be read by Adobe Acrobat Reader  
20 4.0. We thought that was a little clearer.

21 And that it had to be obviously produced  
22 by an Adobe compatible product, or a PDF compatible  
23 product. And that was, that was the highlighted  
24 changes on here, which you may not be able to see.

25 PDF is our preferred format. Portable

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1 document format, that's what PDF is. And some of  
2 the reasoning behind that is PDF is the industry  
3 defacto standard for file printing and reproduction  
4 that maintains fidelity across all computer  
5 platforms and printers.

6 There's a, PDF files are easily viewed  
7 and accessed by just about anybody who has a  
8 computer, because the reader for PDF is free and  
9 available to everybody. The PDF output driver is  
10 either packaged or available for almost all current  
11 document creating software.

12 So PDF is relatively easy to create.  
13 You just print the PDF. PDF files are not easily  
14 altered. Once they are created, it's difficult to  
15 change them without it being obvious that they were  
16 altered. And also, something for the future,  
17 positions us to be able to do a little, maybe  
18 easier, job of digital signatures.

19 When we started EIE and implemented  
20 digital signatures, PDF or the PDF format did not  
21 support digital signatures. It does now. So in the  
22 future we may be able just to digitally sign the PDF  
23 document itself and it will make the whole process a  
24 lot easier.

25 So PDF is our preferred format for text

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1 and image based information. We still accept TIFF.  
2 We do that for historical reasons, because for a  
3 long time now we've allowed, under certain  
4 circumstances, organizations to send information in  
5 TIFF and we felt that it's been established and we  
6 needed to continue to support that.

7 But again, PDF is our preferred format.  
8 Next slide. We also accept several spread sheet  
9 formats. And these are not for, these are for what  
10 we would call maybe non-textual-oriented  
11 information. In other words, when there's a need to  
12 transmit data to us that is meant to be manipulated,  
13 we find out that that is a current practice. That  
14 is a current need.

15 So we decided to accept, make an  
16 exception to the PDF and the TIFF and accept the  
17 three spread sheet formats that are listed here.  
18 These are the major players in the spread sheet  
19 arena, obviously. And you'll notice that the  
20 version of the spread sheet files we accept are  
21 somewhat outdated, older ones.

22 That's because not everybody in NRC has  
23 access to current software that handles the current  
24 versions. And until we upgrade, this was like the  
25 least common denominator. So I thought, I wanted to

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1 point that out. Next slide.

2 And then there's file size limitations.  
3 And there's limitations for EIEs, CD-ROM and e-mail.  
4 The limitation for EIE is the entire EIE package,  
5 which includes the form you fill out and all the  
6 attachments.

7 We limit that right now to 25 megabytes  
8 or less. The reason for that is we found, through  
9 experience with the different means of access that  
10 people have to the internet and the speeds of  
11 transmission, anything larger becomes problematical  
12 for them.

13 They get time outs. There's errors in  
14 the transmission. And also it's a size that we know  
15 that we can deal with once the EIE transmission gets  
16 to our server. Now this started out a lot lower. I  
17 think it started out five or ten megabytes when we  
18 first started EIE.

19 And as bandwidth has increased,  
20 capabilities increased, our capacity to process  
21 these things has increased, we have gradually raised  
22 our limits. So we would expect over time to  
23 throttle that up. But we just want to make sure we  
24 do it carefully so that we don't get a flood that we  
25 can't handle.

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1           So that's the reason behind that limit.  
2           CD-ROM, you can fill up an entire CD-ROM. But what  
3           we request is that any given file on the CD does  
4           not, is not larger than 20 megabytes. This is for  
5           the ability of people to process and use and  
6           manipulate and view the files in a reasonable time  
7           at their desktop PC.

8           Again, that limit we'll probably raise  
9           as PCs get faster and capabilities get stronger.  
10          E-mail, we have a hard limit. It's got to be less  
11          than or equal to ten megabytes. If it's greater  
12          than ten megabytes it will not get into our system.

13  
14          The reason for that is we want to  
15          prevent a lot of larger files, or actually,  
16          conceivably, a relatively small number of large  
17          files flooding our e-mail system. E-mail was not  
18          designed to handle these large of attachments in any  
19          kind of a volume, so we had to limit that.

20          And I think that's about all the  
21          comments I had on that. Next slide. Resolution,  
22          these are for scan, these are for image files, for  
23          scanned documents. TIFF files, tagged image file  
24          format, files and portable document files, PDF  
25          files, must be created using the following minimum

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1 resolution.

2           You could use higher resolution. We  
3 don't recommend that, either. It makes for larger  
4 files. It's an efficiency thing. But we had to set  
5 a minimal resolution. The main reason we did that  
6 was for viewing clarity. For if we ever did want to  
7 OCR.

8           And also, we've been told by Adobe that  
9 to maintain ability to migrate to newer versions of  
10 the PDF format, that this was the minimum acceptable  
11 that they would guarantee that they support this for  
12 the foreseeable future.

13           So that's why we set those minimums.  
14 There is one other thing that I'd like to point out  
15 here. And that is we will not, we really can't  
16 process documents that contain integrated images of  
17 text. And what we mean by that is you could have a,  
18 what looks like an image file where you have scanned  
19 a document and just taken the image and pasted it  
20 into another document or another scanned file.

21           That will look to us like an image, we  
22 will not attempt to do OCR, it won't be indexed for  
23 searching or anything. It won't be converted to  
24 text for use. So, if it's really supposed to be  
25 text, we don't want it as an image.

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1           And we don't, I mean, it's conceivable  
2           that, and I think we've seen situations where  
3           somebody has a Word or WordPerfect document and  
4           they've cut and pasted from another document, rather  
5           than retyping a section of text, only they, what  
6           they did is they scanned it, and then cut and paste  
7           it and just put the scanned information in there.

8           So, that just looks like an image to us  
9           in the flow of text, and we don't recognize it as  
10          text. Okay? Next slide, file naming conventions.  
11          The file name must be limited to 116 characters and  
12          that includes the period and the three-character  
13          filename extension.

14          The reason for this is some of our  
15          document processing software only handles filenames  
16          up to 116 characters, although Microsoft  
17          specifications go up to 255 characters.

18          We have some software that will not  
19          handle that, so we have to limit it.

20          The filenames have to conform to  
21          Microsoft file naming conventions. They can't  
22          include any of the special characters that are  
23          listed here.

24          Also, we're making another restriction,  
25          and that is filenames cannot contain more than one

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1 period. The Microsoft file naming convention would  
2 allow you to go something dot something dot  
3 something such. We want the one period, one dot and  
4 then the filename extension, so it's just reserved  
5 to delineate the file type.

6 The other thing is, we request that  
7 nobody uses white-spacers or spaces in filenames.  
8 Although that is perfectly legal, we have had  
9 instances where some software doesn't seem to handle  
10 that properly. That's not a hard and fast rule,  
11 it's just kind of like a preference to us.

12 Also, we have to stress that to maintain  
13 the three-character file extension that's associated  
14 with the file format for portable document format is  
15 not PDF or tagged image format file, it's .tif.  
16 Also, we request that when you have multiple files  
17 in a submission, that they include a numeric prefix.

18  
19 The reason for that is so that we can  
20 make sure we preserve the order and structure of  
21 multi-part documents, in a sense, as we process them  
22 and move them through the system. And that was all  
23 I had planned to cover. Are there any comments,  
24 questions?

25 MR. DACKO: Bob Dacko, TXU Energy. On

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1 your Page 9, file formats, you have a  
2 double-asterisked note that says not acceptable for  
3 conversion of scanned documents. And basically you  
4 are saying that you should not use PDF normal for  
5 scanned documents, is that correct?

6 MR. LEVIN: No, what we're saying is  
7 that, if it's a --

8 MR. SKOCZLAS: Excuse me, I'm going to  
9 introduce Chris Douthitt. He's with the  
10 organization IMC, and is one of the contractors that  
11 is consulting with us on technical issues.

12 MR. DOUTHITT: What it's saying there is  
13 the PDF version, it was known as PDF normal, which  
14 now has a new name for it, formatted text and  
15 graphics. That goes back to what Moe explained  
16 before. If you take an image of text and convert it  
17 to a PDF, it does not perform the OCR.

18 In that case, you need to run OCR, which  
19 gives you the PDF original image with hidden text,  
20 so that you convert the text. It's what we were  
21 trying to explain before. We don't want an image of  
22 a document that's not searchable.

23 MR. DACKO: Unfortunately, there's, like  
24 our FSAR contains about 2000 figures which are  
25 scanned, no electronic form is available other than

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1 scanning. And that's converted with using PDF  
2 normal.

3 MR. DOUTHITT: Once they're captured in,  
4 essentially in Adobe, if you have them in PDF  
5 format, you can run Paper Capture, which is a  
6 plug-in, a pre-plug-in from Adobe. And it would  
7 perform the OCR and then create the hidden text  
8 behind it.

9 MR. DACKO: These are figures.  
10 Typically they only have a figure title and so  
11 forth.

12 MR. LEVIN: Let me try and explain.  
13 That's okay. I mean, you can scan a drawing, a  
14 blueprint, a diagram, that has text in it. But  
15 really, the essence of that, it's an image. The  
16 text is kind of just to clarify the image. The main  
17 purpose is an image.

18 That can be scanned and stored as a PDF  
19 file, and that's perfectly acceptable. What we're  
20 talking about is really a text based document,  
21 should be in PDF normal.

22 MR. DACKO: Yeah, and we have several of  
23 those. We have an attachment to FSAR which is  
24 several hundred pages long, which does not exist  
25 electronically. It was some kind of industry

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1 guidance that was put out. And we just made it  
2 part of our FSAR, basically copied it in there. Now  
3 we scan it in there, but we can't search it  
4 ourselves, and we don't intend to search it.

5 MR. LEVIN: Okay. So let me see if I  
6 understand. You have got text based documents from  
7 elsewhere that you don't have the electronic version  
8 of, and then you've scanned them and attached them.

9 MR. DACKO: It was one of the  
10 requirements when we put it in there. They wanted  
11 it in the FSAR, so that's what we did.

12 MR. LEVIN: Okay, we will look into  
13 that.

14 MR. SKOCZLAS: Thank you for your  
15 comment.

16 MR. LEVIN: Thank you, that's very  
17 helpful.

18 MR. MCINTIRE: John McIntire from NEI.  
19 One more question about Adobe. The version that you  
20 have listed there, 4.0 or 4.05, that's, the document  
21 needs to be readable by that version, not  
22 necessarily created in that version?

23 MR. LEVIN: Correct.

24 MR. MCINTIRE: And that also goes for  
25 your other office files?

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1                   MR. LEVIN: Correct. They could be  
2                   created, they could be created with a current  
3                   version of Word or WordPerfect and saved as the  
4                   older, I mean the, I'm sorry, not the Word, but  
5                   they spreadsheets Lotus or QuattroPro or whatever,  
6                   with the current version, and then do a save as '97  
7                   or whatever. And that's perfectly acceptable.

8                   MR. MCINTIRE: Okay. And earlier when  
9                   you all were talking about the size limitations  
10                  coming in over EIE versus CD-ROM, one of the reasons  
11                  that you all were mentioning for the 25 megabyte  
12                  limit was bandwidth issues coming into NRC.  
13                  However, on the CD-ROM, you state there's a maximum  
14                  of 20 megabytes per file. Can you clarify that?

15                 MR. LEVIN: That's a, the EIE could  
16                 contain multiple files, okay? Plus, they contain  
17                 the digital signature information, the envelope that  
18                 goes around, so it would be a little larger than  
19                 the, what we would require for a single file on a  
20                 CD-ROM. We had to allow a little bit larger for all  
21                 the extra.

22                 Here again, the, and we'll look at that.  
23                 I think that's a good point that why are they  
24                 different, maybe they should be the same, because  
25                 once they get in here internally, or even are

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1 transmitted, it's the same issue of manipulating  
2 them internally. We'll look to see if we can, if we  
3 shouldn't bring those closer into alignment.

4 MR. MCINTIRE: Right.

5 MR. SKOCZLAS: Yeah, we'll look at it as  
6 a comment. But the 25, the five meg differential  
7 was to compensate for the lost, what would be lost  
8 in the form size. The form itself takes up a  
9 certain amount of space.

10 MR. MCINTIRE: Okay, I was also  
11 interested in why you are limiting it to 20 megs, if  
12 bandwidth is no longer an issue once it comes in on  
13 CD-ROM?

14 MR. LEVIN: That was an issue of  
15 manipulating the document and viewing it at our  
16 desktops, and the time it would take to down, to  
17 bring up and view and traverse any given section of  
18 the document. Like I said, as we get more  
19 experience with these things, and our desktop PCs  
20 get faster, our network gets faster, we're in the  
21 process of upgrading our network right now. We  
22 anticipate making that larger.

23 MR. MCINTIRE: All right. And one of  
24 the other comments you made is that periodically you  
25 adjust the amount that's allowed through EIE. Do

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1 you have a upcoming adjustment?

2 MR. LEVIN: There are none planned. We  
3 plan to wait and see what happens when the rule,  
4 when the EIE transmissions pick up when the rule is  
5 published and we get more in as we, and like I said,  
6 also, we are in the process here of upgrading our  
7 bandwidth to the internet, and our internal network.

8  
9 So as those upgrades are put in place,  
10 and as the EIE traffic picks up we will get more  
11 experience. And as we get more comfortable, we  
12 will, we will look to increase it. But there are no  
13 plans right now.

14 MR. SKOCZLAS: We're currently in the  
15 process of testing larger documents. We just  
16 haven't completed that.

17 MR. LEVIN: So, I mean, there are no  
18 definite plans.

19 MR. MCINTIRE: All right, thank you.

20 MR. SKOCZLAS: Are there any other  
21 comments or questions? Yes, Lori?

22 MS. HAYES: Lori Hayes. This is just a  
23 general comment. When you make changes to the  
24 appendix in the future, will you have to go through  
25 the rulemaking process again?

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1 MR. CROCKETT: No. It probably should  
2 not have been called an appendix. I'm not quite  
3 sure how that happened. But we did say in a couple  
4 of places in the Federal Register Notice, that  
5 that's not going to be published in the Code of  
6 Federal Regulations. It won't show up in your  
7 green, purple, gray, yellow, red, blue book, every  
8 January.

9 It's going to be guidance available the  
10 way guidance is usually available, and changed the  
11 way guidance is usually changed. Now, we often do  
12 comment periods on guidance, but it's almost never  
13 as involved as ordinary rulemaking.

14 And then that's the reason why we, we've  
15 got most of the technical detail in the guidance  
16 document and not in the rule. So that we, even  
17 though we make disciplined and orderly changes, they  
18 won't be as procedurally involved as the typical  
19 rulemaking.

20 MS. HAYES: So would it be in a vehicle  
21 of like a RIS, or what is the, what is the Agency's  
22 vehicle for transmitting that?

23 MR. CROCKETT: I'm not sure exactly what  
24 it's going to be called. We'll have to talk to the  
25 people who are experienced with generic

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1 communications and make sure we get the right label  
2 on this.

3 MS. HAYES: Thank you.

4 MR. SKOCZLAS: If there's no other  
5 comments and questions at this time, what I'd like  
6 to do is take about a five minute break. We're  
7 about halfway through the program, and just, well,  
8 why don't we get back at about 20 of, okay?

9 (Whereupon, the foregoing matter went  
10 off the record at 9:29 a.m. and went back on the  
11 record at 9:44 a.m.)

12 MR. SKOCZLAS: Okay, can we get started  
13 again, please? A couple of points before we  
14 continue, we do have the feedback forms. They're on  
15 the back table if you want to grab one on the way  
16 out, or at some other point. You can either turn  
17 them in now, by leaving it on the table, or it can  
18 be mailed back to the Agency.

19 There's also a sign up sheet if you want  
20 to get paper copy of the transcript. The transcript  
21 at this point, we plan on putting it also on the  
22 website, under the EIE submittals, and there will a  
23 notification on that. So either way, if you want a  
24 paper copy, you can go ahead and sign up.

25 We've decided that since we're running

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1 ahead of schedule, quite a bit, at the end of the  
2 presentations, the formal presentations, we would  
3 like to open up a discussion about some of the  
4 controversial areas that have been identified.

5 So, once we do the formalized meeting  
6 process, and the topics that we're going to be  
7 discussing and presenting and soliciting comments, I  
8 think we'd like to have just an open discussion  
9 since there are people here who do have some  
10 viewpoints. And just to be able to get some free  
11 flow of information back and forth.

12 Okay. I'm next. John Skoczlas again,  
13 I'm the EIE Project Officer, Manager, sorry. I'd  
14 like to explain quickly why EIE came about. The  
15 Electronic Information Exchange is a term, to the  
16 best of my knowledge, although it's widely used  
17 today, was actually developed by NIRMA back in the  
18 early 1990's in conjunction with NRC.

19 And I believe it was at a meeting at  
20 Calvert Cliffs. And we didn't have any term to talk  
21 about what it is that we were talking or trying to  
22 decide how we were going to get documents sent  
23 electronically to the NRC, or back and forth. And  
24 at that point, we were talking about modems and all  
25 neat kinds of things.

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1           So, lots of suggestions, people who are  
2 pushing, you know, SGML as a solution and PDF.  
3 Everybody tried to get there own little point in,  
4 but we decided on a generic EIE, Electronic  
5 Information Exchange. And, from what I understand,  
6 other people picked it up pretty well, which is  
7 good.

8           EIE actually was developed as a  
9 formalized process for making regulatory submittals  
10 via the internet. There's a couple of key words  
11 there. That's formalized, regulatory and internet.  
12 And just think about that for a second because every  
13 other process will eliminate one of those words.

14           Also, it was developed mainly to provide  
15 for that process, and to provide digital signatures  
16 if necessary. When we first started designing the  
17 program back in the mid 90s, there was a big concern  
18 about how documents were going to be signed.

19           And we realized that what we wanted to  
20 have, again, was a formalized process for signing  
21 documents and digital signatures was our solution at  
22 that time. EIE, as opposed to some of the other  
23 processes here, it provides secure document  
24 transmission. It provides certification and  
25 authentication. So those again are key words.

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1           One of the nice things about the system  
2           and something that was required early on, was that  
3           the system itself notifies people when the document  
4           has been received into the Agency. In the past,  
5           unless you sent something certified mail, with  
6           receipt requested, you didn't have that. Now you  
7           do.

8           Okay, who can participate in EIE? Well,  
9           basically, everyone now once this rule gets forth.  
10          We're talking Applicants, Licensees, external  
11          entities, including the federal, state, local  
12          governments, vendors, and anyone else who wants to  
13          submit, in a formalized process, to the NRC.

14  
15          You can submit all your regulatory  
16          submissions. They can be documents that are  
17          submitted under oath and affirmation because we can  
18          digitally sign those documents and there's guidance  
19          that's available for that. You would want to use it  
20          whenever the documents, when you are concerned about  
21          the security of documents being sent over the  
22          internet.

23          And again, documents under 25 meg, and  
24          that has been addressed, but understand that we  
25          realize that that's a limit. And we're looking at

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1 that limit constantly. NGIT, who is our contractor  
2 in charge of the EIE process, is currently testing  
3 and we're trying to get some real figures.

4 How long does it take to send a  
5 document? How long does it take to receive? You  
6 know, what's the appropriateness of how big a  
7 document, whether it be 50, 100 or larger? How to  
8 submit.

9 It looks like we don't know that, but we  
10 do. What you want to do is just go to the NRC home  
11 page and on the left side there's a little site map  
12 and it says e-submittals, and that will take you to  
13 the EIE home page. There's more information there  
14 than you would ever need, but it walks you through  
15 the process.

16 It tells you how to get a certificate,  
17 because it's a PKI system and it's certificate  
18 based. And it tells you the process of getting that  
19 certificate and using it to submit documents. And  
20 all the information that you would need plus some  
21 legal basis, etc., and some other things.  
22 And that's also where we put all notifications of  
23 changes to the program, under what's new.

24 When we instituted the criminal history  
25 file submittals, including finger print cards,. we

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1 notified the people that it was now available to go  
2 ahead and submit that way. And we try to keep it  
3 up-to-date as much as possible.

4 And where to submit? Well, this is an  
5 easy one. All the documents that are regulatory  
6 documents that are submitted on a generic form  
7 through EIE, automatically go to the DPC, which is  
8 where they're supposed to go. If you're submitting  
9 criminal history files, you use a different form.

10 And that automatically goes to the  
11 Division of Security. If you're submitting for, as  
12 a participant in the adjudicatory pilot, which I  
13 don't think I see anyone here from that, it also  
14 goes to the DPC, but with the designation that it  
15 belongs in the electronic hearing docket.

16 Now, on the generic form, we are making  
17 some changes to make sure that documents that don't  
18 go to the DPC, but are sent via the generic form,  
19 will go to the proper entity, such as the Regions or  
20 Operator Licensing Branch, those things that don't  
21 get processed into ADAMS, will still get the proper  
22 distribution.

23 And there'll be a pull down list for  
24 distributions, if you know where the document  
25 belongs. If not, the DPC will route it. Basically,

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1 that's about it for EIE. And the reason I'm not  
2 going into too much detail, it's been around for a  
3 couple three years now, and I think we've answered  
4 an awful lot of questions about it. The website is  
5 there.

6 If there's anything, you can contact me,  
7 directly, or you can contact Patty Nibert, who's  
8 sitting here, she's the local registration authority  
9 for the certificates and sort of our troubleshooter.  
10 So, if anything comes up.

11 Are there any comments or questions  
12 about that specific part of this package? Oh,  
13 that's wonderful. Thank you. CD-ROM submissions?  
14 Would that be Brenda? Brenda will be doing that  
15 section at this point.

16 MS. SHELTON: We will cover the same  
17 basic areas that John covered on EIE. Who can  
18 participate? That's primarily anyone who makes a  
19 submittal of documents to the NRC can submit the  
20 documents on CD-ROM. That includes our Licensees,  
21 Applicants, state, federal, and local governments,  
22 and any member of the public.

23 What can be submitted on CD-ROM? We've  
24 already indicated that the documents that are in  
25 excess of the 25 megabytes, which was the cap on the

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1 EIE submittals, documents that contain classified  
2 information and sensitive unclassified information,  
3 including our sensitive Homeland Security  
4 information.

5 And that is because there are  
6 requirements for marking and packaging and labeling  
7 this material that will provide the necessary  
8 security for such documents. And documents that  
9 contain special attributes. Also, living documents,  
10 which are large documents that historically have  
11 been maintained using page replacements and pen and  
12 ink changes.

13 And also, because as you're aware, we  
14 are not able handle or process our living documents  
15 into ADAMS, so the CD-ROM was a substitute for being  
16 able to make those documents available  
17 electronically without placing them in ADAMS.

18 How to submit. Each CD-ROM submittal  
19 must be submitted by a signed letter in paper format  
20 and it must include certain information to ensure  
21 that we can manage the whereabouts of the CD-ROM and  
22 have a record that we will place in ADAMS to  
23 identify the location.

24 So there's the regulatory citation that  
25 requires the submission must be noted in the subject

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1 line or in the first paragraph of the transmittal  
2 letter. The sensitivity level of the submission  
3 must be noted to ensure that it is properly handled.  
4

5 A description and identity of the  
6 documents that are contained on the CD, particularly  
7 when there are multiple documents that are  
8 transmitted in a single submission. The name, phone  
9 number, mailing address, and e-mail address of the  
10 person who's knowledgeable of the submission in the  
11 event that they are questions that we might have  
12 about the content.

13 Any special instructions regarding the  
14 use of the CD-ROM. For example, how to open the  
15 files, how to access the publication. We would  
16 require oath and signature of the person swearing to  
17 the accuracy of the submission that must be made  
18 under oath or affirmation.

19 If the CD-ROM contains non-public  
20 information, then we ask that you submit the CD-ROM  
21 material, public and non-public, and the number of  
22 copies that's required by the regulation. And make  
23 that as one submittal with both.

24 And if there is public information that  
25 is also included, we would like you to submit one

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1 CD-ROM that contains only the public information.  
2 And that information must be packaged and labeled in  
3 accordance with 2.790 and in accordance with Part  
4 95.39. And where to submit your CDs?

5           You send the CDs with the transmittal  
6 letter to the mailing address that's specified in  
7 the regulations. The order or other documents that  
8 are governing that submission, or that particular  
9 application report or correspondence, whatever you  
10 know the case might be. You follow those  
11 instructions with regard to where it should be  
12 submitted.

13           Then we have e-mail and facsimile  
14 correspondence that can also be communicated to the  
15 NRC. And again, they are the same participants of  
16 what can be submitted. These are primarily  
17 documents with the exception of collaborative  
18 communications with states and other federal  
19 agencies that can be submitted by e-mail, including  
20 the text of the e-mail or fax.

21           It should contain only that information  
22 that could be made publicly available and may be  
23 used for rulemaking petitions and comments in the  
24 rulemaking proceeding. Requests for enforcement  
25 actions under 10 CFR 2.206, which may be sent, so we

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1 can tell you where you can, what the e-mail address  
2 is for that, 2206petitions@nrc.gov.

3 Freedom of Information Act requests and  
4 appeals, unless there's Privacy Act information  
5 that's being sought. Responses to Federal Register  
6 Notices or other Agency communications where NRC has  
7 provided a specific e-mail address. Responses to  
8 NRC licensing related questions. Now this is for  
9 faxes only.

10 There are occasions in which,  
11 particularly in the Regions, we've found that  
12 they're communicating the questions that might be on  
13 applications and they will fax the information and  
14 permit the Licensees to fax answers to questions  
15 that they might have.

16 And information from export and import  
17 License Applicants and Licensees, and that's fax  
18 only. That is not to be submitted via e-mail. But  
19 primarily you will find that it's information that  
20 can be made available to the public that can be  
21 transmitted via e-mail and fax.

22 How to make your e-mail submissions?  
23 You're to identify and describe each attachment in  
24 the e-mail message itself, including the format that  
25 you have used to generate the attached files.

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1 Submit the files as attachments to the e-mail  
2 message to retain the original format of the  
3 documents.

4 Include in the e-mail message the  
5 identifying information so that we will be able to  
6 get in contact with the person who is knowledgeable  
7 about the submission. And where to send e-mail  
8 submissions? There are specific individuals that  
9 might be listed as the contact in the regulations or  
10 communications.

11 There are offices that might be  
12 specified in the regulations or communications that  
13 will have an e-mail address provided. And there are  
14 addresses also included on the NRC website that  
15 provides for individual program offices, specific  
16 agency functions or services, or you can always  
17 submit to the Office of Public Affairs.

18 And that e-mail address is provided,  
19 opa@nrc.gov. How to submit facsimiles. You are to  
20 submit a fax cover sheet that includes information  
21 that is necessary for us to identify the submitter.  
22 And where to submit? We have a matrix there that  
23 provides the phone, the fax phone numbers,  
24 verification information, and the location of those  
25 fax sites.

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1           And what we have provided, finally, is a  
2 summary e-mail submission matrix that just shows you  
3 in a nutshell how to submit, who can submit, what to  
4 submit, the number of copies to submit and where to  
5 submit. Do you have any questions on this aspect  
6 of the presentation?

7           MR. SKOCZLAS: Any comments on this  
8 area? Okay. I'd like to remind people that the  
9 comment period ends 10/21, and to please have your  
10 comments in, in whatever form you are going to be  
11 sending them, before that or on that date.

12  
13           If, for some reason, it comes in after  
14 that, if it's a substantial comment, of course we  
15 will consider it, but we would prefer to have the  
16 time to be able to answer all the comments and  
17 address them all so that we don't rush at the last  
18 minute.

19           Okay, now what we'd like to do is to go  
20 ahead and open this up to a discussion, if people  
21 would like to. We basically have three areas that  
22 seem to be the ones that people are concerned about.  
23 One is the new requirement for multiple copies of  
24 either CD-ROM or copies of paper, and CD-ROM with  
25 paper.

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1           Also, the FSAR, should it be, if it's  
2 submitted on CD-ROM, should it be the entire  
3 document updated or page inserts or whatever. And  
4 the last thing that we think we need to discuss is,  
5 if this CD-ROM with paper copy is such a  
6 controversial issue, would it be helpful if it would  
7 be the number of CD-ROMS necessary without the paper  
8 copy.

9           We do have to make a distribution. I  
10 mean that's reality. So, if anyone would like to  
11 discuss any of these things, we'll be happy to get  
12 into a dialogue with you. Please, just come up.

13           MR. WILLIAMS: Bill Williams, PPNL,  
14 Susquehanna. My telephone number is (610)  
15 774-7742. Basically, we don't care how many copies  
16 of the Cd we have to send. We've adjusted our staff  
17 levels so that we don't have to produce paper  
18 anymore.

19           In fact, in our company we don't produce  
20 any paper anymore. So we would prefer not to send  
21 you paper. If we do send you paper, then we'd like  
22 that it would only be copies of the changes  
23 themselves and not the entire document, because that  
24 would be quite a burden on us.

25           Our FSAR, for example, is 19 volumes.

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1 That's going to be expensive, and it's labor  
2 intensive to send it.

3 MR. SKOCZLAS: In paper?

4 MR. WILLIAMS: Yes.

5 MS. BURBA: Laura Burba, Duke Energy.

6 Phone number?

7 MR. SKOCZLAS: Oh, we know where you  
8 are.

9 MS. BURBA: Okay. My question is with  
10 the one paper copy and I'm thinking of the UFSAR, if  
11 we have to produce a version with the homeland  
12 security information eliminated, and I'm assuming  
13 that we would have to have then two paper copies  
14 provided, one for public and one for internal use.  
15 Is that not true?

16 MS. SHELTON: Now we have not really  
17 gotten into the details about how we're going to  
18 handle the homeland security information. As I'm  
19 sure you know, we haven't really gotten a definition  
20 of what that entails yet.

21 We just simply have some basic guidance  
22 that was issued, and the COMSECY at the website,  
23 which provides some general guidelines, but we have  
24 not gotten a definition on that yet. So I'm sure,  
25 once we get all of this map together, some specific

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1 guidance we'll be provided in that regard.

2 MS. BURBA: I'm thinking down the road  
3 that if we are eventually going to be providing one  
4 paper copy, that we'll probably have to provide also  
5 another paper copy for public consumption.

6 MS. SHELTON: And you're probably right.  
7 But I cannot, you know, say at this point. But I  
8 would just make a note of that to make sure that we  
9 think about it.

10 MR. DACKO: Bob Dacko, TXU Energy. One  
11 more elaboration on paper copies. One of the  
12 beauties of going to an electronic version that's on  
13 a CD-ROM was that every time we updated we could  
14 repaginate without concern. That makes it difficult  
15 to put page replacements if we have to issue another  
16 paper copy.

17 In essence, for us, we would have to  
18 issue an entire new FSAR for every update. That  
19 makes it even more costly. So the paper replacement  
20 option only works if you don't repaginate.

21 Because otherwise you're -- the second  
22 thing, since you're now going into the proposed  
23 rulemaking phase, is there intention to get some  
24 kind of an industry-NRC group together which could  
25 look at both your problems and our problems and come

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1 up with a resolution that might meet both of our  
2 concerns?

3 MS. SHELTON: We'll take that suggestion  
4 under consideration. That's why we have this open,  
5 we're trying to get ideas for how we can come up  
6 with a resolution. So we'll just put that down as  
7 something that we should consider.

8 MR. SKOCZLAS: Would anybody else like  
9 to discuss any of the issues that have been raised?

10 MR. DACKO: You have actually resolved a  
11 number of our concerns in this meeting and we have  
12 not yet submitted our comments. I'm also a member  
13 of the STARS group and they're putting together a  
14 STARS letter for the same thing.

15 Do you want to go ahead and comment on  
16 those things that you have already resolved here  
17 that, for example, going to a direct versus a  
18 proposed rule is one of our comments, but since  
19 you've already suggested that's not going to happen,  
20 I'm not sure we need to come back.

21 Or, the only thing that we have to  
22 comment on is the actual rule, so there's a lot of  
23 things that you've changed. The format in 405, for  
24 example, is no longer a comment. Some of the other  
25 ones I've already made here, we will also make

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1 again.

2 But I guess it's just a matter of, do  
3 you want us to make all the comments we were  
4 originally going to make or eliminate those that no  
5 longer apply because of this meeting?

6 MR. CROCKETT: We've had enough comments  
7 on the direct final rule process, I don't need more.  
8 I lost. I was told I would lose, but I was  
9 stubborn. We would at this, or I, as one of the  
10 people drafting the rule, would especially  
11 appreciate comments on inconsistencies among the  
12 changes.

13 I've gotten some comments this morning  
14 that have indicated that. Sections that we've  
15 missed. We found 179 sections to change, but maybe  
16 there's 179 more. We've spent a lot of time looking  
17 through the regulations, so if we've missed some,  
18 let us know. Those kinds of things especially would  
19 be appreciated.

20 MS. BURBA: Laura Burba, Duke Energy.  
21 In your, looking back through the code, was it  
22 considered to take a look at 50.71(e), as far as the  
23 UFSAR is concerned, those requirements for lists of  
24 effective pages, pages changed, a lot of that  
25 rulemaking took place in the paper paradigm.

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1 Current publishing convention kind of flies in the  
2 face of its older requirements.

3 For example, pagination is applied at  
4 the end of the revision process with electronic  
5 publishing tools, current state. So that the pages  
6 on which changes have occurred doesn't really make  
7 much sense. It would be, if you want to know what  
8 we changed since the last time, maybe the list of  
9 sections on which content changed or text.

10 MR. CROCKETT: Right, not necessarily  
11 pages, right.

12 MS. BURBA: So we're asking, probably,  
13 that you go back and take a look at 50.71(e).

14 MR. CROCKETT: Right. That's especially  
15 helpful, comments like that.

16 MS. HAYES: Lori Hayes, Progress Energy.  
17 How do we know what sections of the code are  
18 affected so we can look back and make sure. I mean,  
19 is there a list that we know 179 are affected and  
20 therefore if it's not in that 179, it's not  
21 affected?

22 MR. CROCKETT: That's right. Now,  
23 somebody raised, while this rulemaking was going on,  
24 at least two other rulemakings were going on, Part  
25 63 and Part 35. We thought we were keeping track of

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1 it and after all, it's only 3,000 people at the NRC,  
2 we can keep track of what each other do.

3 Well, we didn't, it didn't quite happen.  
4 We kept track of Part 63, although there may be some  
5 inconsistencies in what we did there, but we missed  
6 35. And 35 was still in the works when we went up  
7 to the Commission with our direct final rule.

8 But 35 got out before this rule did.  
9 And so I'm, at this point, I know at least that Page  
10 35 may be affected in ways which are not clear in  
11 the Federal Register Notice. Because the Federal  
12 Register Notice changes to Part 35 was directed at  
13 the old 35 that went out of existence, I believe in  
14 April of this year.

15 So we need to go back and I have been  
16 looking, but I'm not through looking, at the new  
17 Part 35, which is substantially different. But I  
18 think, though, that the communications questions are  
19 going to be roughly the same.

20 That the old 35 and the new 35 will have  
21 said pretty much the same thing when it comes to  
22 choice of medium for communicating with the Agency.  
23 So I don't expect anything radical to happen, but  
24 whatever we said in the Federal Register about 35,  
25 maybe irrelevant and wrong.

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1                   But otherwise, I think -- we've not  
2 discovered any other case in which we just missed  
3 the boat because of lack of complete coordination.  
4 Notice I didn't say complete lack of coordination,  
5 just a lack of complete coordination. We tried.

6                   So that if it's not discussed in the  
7 Federal Register Notice, it is not changed.

8                   MS. HAYES: Okay, thank you, that  
9 answers the question.

10                  MR. CROCKETT: Except for 35.

11                  MS. SHELTON: Steve, we have had a  
12 couple questions from Commentors recently, because I  
13 think we did not include Parts 52 and 54. Those  
14 particular parts I think we were --

15                  MR. CROCKETT: Right, right.

16                  MS. SHELTON: -- my thinking was that  
17 it's tied back to Part 50. So I guess we might want  
18 to relook at that.

19                  MR. CROCKETT: I'll certainly look  
20 again, but it's not only you who asked about 52 and  
21 54, I think the CIO's Office asked, asked me at  
22 least two or three times about 52 and 54. But, we  
23 went through 52 and 54 a couple of times, and I  
24 think I'm remembering this correctly.

25                  It's been months since I've looked at it

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1 again, but either by cross-reference to parts of  
2 Part 50 or some other way, there didn't seem to be  
3 anything in Parts 52 or 54 that either explicitly or  
4 implicitly said you do not have an electronic  
5 option. But we'll look at that again.

6 MR. SKOCZLAS: Anyone else from the NRC  
7 that may have a comment or question? Anyone else  
8 from the public? Well, at this point I'd like to  
9 thank everyone for coming. Please feel free to  
10 contact us as necessary. Other than that, thank you  
11 for coming.

12 (Whereupon, the foregoing matter was  
13 concluded at 10:13 a.m.)

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