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ADJUDICATIONS STAFF

Secretary, U. S. Nuclear Regulatory Commission
Attention: Rulemakings and Adjudications Staff
Washington, D.C. 20555-001

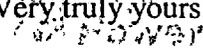
Subject: Duke Comments on Proposed Rulemaking on Electronic Maintenance and Submission of Information - 67FR57084 Dated September 9, 2002

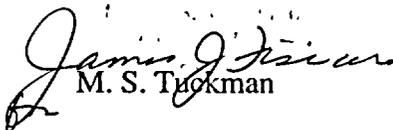
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Duke Energy offers the attached comments relative to the solicitation for public comment regarding proposed rulemaking on electronic maintenance and submission of information. While Duke generally agrees with the intent of this proposed rulemaking, the appended guidance document imposes an unnecessary burden on licensees and appears to retract the flexibility offered and extensively adopted per Regulatory Issue Summary RIS 2001-05, "Guidance on Submitting Documents to the NRC by Electronic Information Exchange or CD ROM".

The attached comments also address instances where excessive or redundant detail and lack of clarity may lead to confusion and uncertainty when implementing the guidance document. In addition, Duke believes that the use of a guidance document included as an appendix to a modified rule would result in unnecessary burden.

Please address any questions to Laura Burba at 704-382-3171.

Thank you for the opportunity to provide these comments.

Very truly yours,



M. S. Tuckman

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SECY-02

DUKE COMMENTS ON PROPOSED RULE ELECTRONIC SUBMISSION OF FORMATION

The Proposed Rule making – General Comments

Duke commends the NRC’s decision to eliminate the Direct Rule.

The Proposed Appendix – Guidance Document – General Comments

The requirement for paper copies has a weak basis and does not reflect the underlying intent of the GPEA. Internal constraints that limit the acquisition of printers that can render engineering graphics onto paper or current software in order to properly display documents, should not be passed on to the licensees. Licensees have focused their investment in technology to more efficiently use large licensing documents in internal processes that assure that the licensing basis is preserved. The technological investment should not be adjusted or focused on reporting requirements. In this regard, the Commission should revisit all of the requirements contained in 10 CFR 50.71(e). The regulatory status of a guidance documents as an appendix to the rule is burdensome.

1.0 Introduction

1.2 Scope

“Data files, computer models and videos” are not included in the scope. However, they appear to be allowed per Section 2.0 (last paragraph) even without having to conform to established document formats. This appears contradictory.

1.3 Applicable Transactions

There is no mention of facsimile as an electronic means of submittal.

1.3.1 Exceptions to Electronic Submission

It is not clear from the title or the first line that what “internet” includes. Only EIE and E-Mail, or just EIE?

2.0 Parameters for Electronic Files Submitted to the NRC

Introductory

Last paragraph addresses non-document material (data files, computer models, videos, etc.) as acceptable for electronic submittals but doesn’t specify which “mode” of transmittal.

2.1 File Formats

- 1) The first table should include a column that depicts the different resulting views of each format. Also, the means of listing the three Adobe formats is confusing. The PDF Image Only format is Adobe as well. The reference to “text-oriented documents converted from scanned documents” is not clear. What are some examples ?
- 2) Adobe 5.0.5 is currently in use in the industry. Use of an earlier version would be impractical.
- 3) The industry may have integrity/control issues with submittal of native file formats for spreadsheets that are converted by the NRC.
- 4) The version of the formats for spreadsheets is antiquated and does not include 2000 or 2002 versions of Excel which are standard in the industry.

2.2 Naming Conventions

No. 3 is too prescriptive. Arrangement or display of files in logical order or as a Table of Contents should be sufficient.

2.3 File Size Limitations

Putting a 20 MB limit on each file on a CD Rom is not realistic even with files broken down into the level two sub headings and especially in the case of graphics.

2.5 Resolution

- 1) What is the purpose of a discussion of resolution here?
- 2) Wording in Footnote a is confusing and is out of place in this section.
- 3) The term “down sampling” and its use should be defined.

2.7 Files with Special Attributes

“Special Attributes” is inadequately defined. Last sentence, the use of the word “electronically” and the phrase “if the person chooses” is confusing. The footnote about EIE is confusing. It should be clearly stated that only CD Rom submittals may contain “special attributes”. The last sentence is unnecessary, as Section 2.12 requires all CD ROM submittals to be accompanied by one paper copy regardless of whether or not they contain special attributes.

2.9 Viruses

It would be better to state that the file would be rejected and sender notified.

2.10 Macros

It would be better to state that the file would be rejected and sender notified.

2.11 Copyrighted Information

This discussion lacks clarity. Some examples would help.

2.12 Copies

The requirement for paper copies has a very weak basis and does not reflect the underlying intent of the GPEA. Internal constraints that limit the acquisition of printers that can render engineering graphics onto paper, should not be passed on to licensees.

4.0 Guidance for CD-ROM Submissions

4.2 What Can be Submitted

- 1) Exceptions to CD ROM submittals are not mentioned in Section 1.3.1.
- 2) There is no mention in Section 1 of file size limitations.
- 3) The last paragraph is repetitious of the Section 1.3.1.1 and reference to EIE and E-mail is unnecessary and confusing in a discussion about CD ROM.

4.3 How To Submit CD-ROMs to the NRC

Identifying individual files on a CD ROM for large document such as the UFSAR is unrealistic and impracticable. However, identifying documents on a CD ROM regarded as enclosures to a licensing submittal may be a better requirement.

4.3.1 Sensitive or Non-Public Documents

This section is confusing. The statement that NRC regulations will prescribed the number of copies is insufficient and lacks clarity. This guidance document also prescribes numbers of copies required.

4.3.3 Living Documents

- 1) Does the guidance document exempt the licensee from 10 CFR 50.71(e) 1, which requires a list of effective page? All pages are effective with a replacement in entirety. Current electronic publishing convention does not anchor content to page numbers, but rather, re-paginates as material is either inserted or deleted. Therefore, requiring a List of Effective Pages is impracticable and unnecessary.
- 2) In light of current automated re-pagination practices, “a list of sections, tables and figures that have been revised” would seem more effective.
- 3) Due to number 1) and 2) above, revisions to 50.71(e) need to be considered in the rule making if the requirement to submit paper printed from electronic format is retained.

4.3.4 CD-ROM File Format

A simple referral to Section 2.1 should suffice for the first paragraph.

4.3.5 Packaging/Labeling

There is no provision for mailing packages that contain “home land security” information.

4.3.6 Rejection of Submissions

Second Bullet – “File formats other than those listed in Section 2.1” conflicts with Section 2.1 last paragraph that states .xls, etc. as acceptable formats.

5.0 E-mail Submission

5.4 How to Send E-mail

The file extension makes the format apparent .

6.0 Facsimile (Fax) Submissions

6.2 What Can Be Submitted

Next to last bullet “Responses to NRC licensing-related questions”, the regulatory/docketing status of facsimiles is not clear. Is it presumed that submitting a facsimile containing the required signature circumvents the need to submit the paper copy from which the facsimile was sent?

6.4 Where To Submit Facsimiles (Faxes)

See Response to Section 4.1.