



Entergy

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CNRO-2002-00051

October 21, 2002

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemakings and Adjudications Staff

SUBJECT: Comments on the Electronic Submissions Rulemaking

REFERENCE: Federal Register Notice dated September 6, 2002, "Electronic Maintenance and Submission of Information"

Dear Sir or Madam:

Attached are comments from Entergy representing the results of the review of the subject rulemaking by all of our nuclear sites. The purpose of the revised rule is to allow the electronic submittal of documents to the NRC. The rule removes requirements from the various sections of the Code of Federal Regulations (CFR) that strictly prohibit electronic submittals. However, the rule continues to allow hard copy submittals as well. It also designates allowable electronic media and presents an appendix that provides specific submittal guidance.

Entergy generally agrees with the intent of the revised regulation. However, some of the limitations and requirements imposed on licensees by the guidance portion of the publication are severely burdensome (i.e., hardcopy requirement when submitting a CD-ROM and format limitations). These issues are in direct conflict with Regulatory Information Summary (RIS) 2001-05, which has been welcomed and implemented by the nuclear industry since its issuance in January 2001. These changes from the RIS impose burdens that Entergy does not feel have been conclusively justified. This has led to significant discussions amongst various industry stakeholders. Therefore, Entergy strongly encourages the NRC not to proceed with the direct final rule making and allow for discussion and resolution of the concerns identified in this correspondence and by other stakeholders.

Specific comments are listed in order of importance to Entergy. In summary, the requirements proposed through the revised rule and the guidance in Appendix A to the rulemaking package impose a burden that will be quite costly to implement. The development of these comments considered, in particular, the submittal of Licensing Basis Documents (LBDs), such as the Safety Analysis Report (SAR), which are viewed to involve the greatest impact of the rulemaking. Currently, several of our facilities provide SAR updates on CD-ROM by providing a complete copy of the revised document. Indeed, paper copies of many of these documents are no longer available; this rule making would re-establish this paperwork, contrary to the concept of paperwork reduction or elimination.

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OFFICE OF SECRETARY
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ADJUDICATIONS STAFF

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The changes proposed to the various affected sections of Title 10 of the CFR seem generally acceptable. The comments provided below deal with the guidance document that the NRC has appended to the rulemaking package:

1. Sections 2.12 and 4.3 - These sections stipulate that CD-ROM submissions must be accompanied by one paper copy. Entergy and many other utilities have pursued a policy of replacing its paperwork with a more efficient electronic system to the greatest extent possible. To this end, the hard copies of the LBDs have been replaced with an electronic version. This was supported with the issuance of RIS 2001-05, "Guidance for Submitting Documents to the NRC by Electronic Information Exchange or on CD-ROM," in January of 2001. The RIS specifically stated that electronic submittals need not be accompanied by a paper copy. As a result of this guidance, various LBDs have now been converted and submitted electronically. In many cases, hard copies do not exist. Site access to these LBDs is through an intranet, the internet, or a CD-ROM copy. A major benefit associated with going to electronic versions of large documents is not producing the first hard copy. The incremental cost of reproducing multiple hard copies, although costly, is small compared to the cost of creating the first copy. Licensees who have moved completely to electronic LBDs would, under the new rule, have to re-establish the administrative, production, and maintenance processes to print a complete copy of the LBDs (which may range in size from 40 to 4400+ pages of text and figures) each time a certified update is required to be submitted.

The hard copy requirement appears unreasonable and burdensome. It also seems to be counter to the stated objective of implementing the Government Paperwork Reduction Act (GPEA); it would actually re-impose a paperwork requirement.

2. Sections 2.1 and 2.5 - The ** note in Section 2.1 and note "a" in Section 2.5 indicate that the PDF (formerly known as PDF normal) is not acceptable for conversion of scanned images. It is understood that this requirement was added to ensure the maximum ability to search documents in the PDF format. However, there are some situations where PDF scanned images should be acceptable. For example, LBD figures may only exist as scanned images. In addition, there maybe historical reference material not available electronically, such as industry codes and standards or letters that contain a signature, that only exist in a scanned format.

The above are examples when the need to search is either not necessary, or, where the only available format is an image which has not been captured using an optical character recognition (OCR) process. These images do meet requirements for records retention and therefore should be acceptable in the PDF format. It is further recommended that the electronic format requirements should be no different for an Electronic Information Exchange (EIE) submittal or a submittal on CD-ROM.

3. Section 2.1 - This section specifies the acceptable versions of Adobe that are acceptable (4.05 or earlier). The latest version of Adobe Reader is available over the internet. It should not be necessary to impose this restriction; users can be advised that downloads of the latest version of the software is available.

This requirement is also burdensome in that it may require licensees who wish to submit to maintain archival versions of software applications simply to support NRC

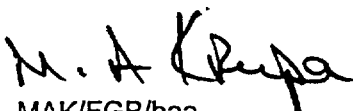
This requirement is also burdensome in that it may require licensees who wish to submit to maintain archival versions of software applications simply to support NRC submittals. Particularly with the developments in the computer arena today, many licensees are constantly considering hardware and software upgrades to obtain better speed, features, and efficiency. The guidance would negate this continuous improvement initiative.

4. Section 2.3 - The draft guidance states that the 20 MB file size limitation is to aid viewing and downloading. Breaking single files into two or more files would adversely impact the viewing, navigating, and searching capabilities. Although download time may be a bit longer for a single larger file, it would likely be off set by the increased capabilities. Entergy recommends the NRC consider allowing a larger file size, perhaps up to 50 MB.
5. Section 1.3.1, item 1 – Entergy understands that EIE was developed to eventually handle many of these types of documents. NRC development of the capability to be able to handle these types of documents is encouraged

In summary, Entergy believes the "requirements" imposed by the guidance provided in the rulemaking (and referenced by various affected sections of the CFR) impose a burden on those licensees who are moving to greater use of electronic documents in their workplace. Recent guidance and the EIE process have encouraged many licensees to move toward electronic documents and prompted many licensees to eliminate all hard copies of the LBDs. The conversion of LBDs to an electronic format involved a significant expenditure of resources; requirements imposed in the submittal guidance document adversely impact the progress that has been made. Entergy has discussed some of the reasoning behind the rulemaking with the NRC Staff; while many of these requirements were directed at reducing NRC costs, the requirements were established without due consideration of the potential impact on the licensees. While the changes to the various sections of the CFR seem to be valid and are needed to better effect the implementation of the GPEA, Entergy hopes the requirements included in the current version of the guidance document can be reconsidered prior to issuance.

Entergy appreciates the opportunity to participate in the rule making process and to provide comments on the revised rule. We believe the above comments should be considered prior to implementation of a final rule and encourage the NRC to not proceed with the direct rulemaking. If you have any questions or require additional information, please contact Jerry Burford at 601-368-5755.

Sincerely,


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