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Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudication Staff.

Subject: Electronic Maintenance and Submission of Information

I am writing to you to submit comments from the constituency that comprises the Nuclear Information and Records Management Association (NIRMA), a not-for-profit industry organization that has, as its members, those professionals involved in information management, document control, and records management at the various nuclear facilities in the United States. We have reviewed the following:

- Proposed Rule, Electronic Maintenance and Submission of Information, as posted in the Federal Register: September 6, 2002 (Volume 67, Number 173), Page 57120
- Direct Final Rule, Electronic Maintenance and Submission of Information, as posted in the Federal Register: September 6, 2002 (Volume 67, Number 173), Page 57083-57119

We understand that the Nuclear Regulatory Commission (NRC) proposes to amend its rules to clarify when and how licensees and other members of the public may use electronic means such as CD-ROM and e-mail to communicate with the agency. We further understand that these amendments are necessary to implement the Government Paperwork Elimination Act (GPEA).

We take exception to both of these rules. The following is a summary of our comments:

The proposed guidance states that the number of copies of CD-ROMS for submittal must be the same number of copies as required by the applicable regulation. The Part 72 regulations currently do not specify the numbers of required copies of submittals. The number of copies requested by the NRC has been inconsistent. Specifying the numbers of required copies in the regulations would aid licensees and certificate holders in planning and budgeting for submittals.

The rule stipulates that CD-ROM submissions must be accompanied by one paper copy. Many utilities have pursued a policy of replacing its paperwork with more efficient electronic systems to the greatest extent possible. To this end, the hard copies of the Licensing Basis Documents (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. RIS 2001-05 specifically stated, "Electronic submittals need not be accompanied by a paper copy." As a result of this guidance, many utilities submitted all electronic Updated Final Safety Analysis Reports (UFSAR). Subsequently, other LBDs (Technical Specifications and Bases, Technical Requirements Manual and Bases, Emergency Plan, Fire Protection Report, In-service Test Program, Offsite Dose Calculation Manual, COLR and PTLR) have also been converted and submitted electronically. In some cases, a hard copy of the UFSAR does not exist.

Template = SECY-067

SECY-02

Site access to the UFSAR (and the other LBDs) is through an intranet, the Internet, or a CD-ROM copy. A major benefit associated with electronic versions of large documents, such as the UFSAR, 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. The new draft guidance therefore negates this significant benefit afforded by RIS 2001-05. For licensees who have gone to pure electronic LBDs, to comply with this new guidance would require a complete reprint of the UFSAR (a range of 1000 to 8000 pages of text and figures) each time a certified update is required to be submitted. The hard copy requirement for this type of document (UFSAR) appears unreasonable and burdensome.

The revised rule does allow for page revision submittals if the submittal is by hard copy (section 4.3.3). This allowance is not available when electronically submitted by CD-ROM. However, if allowed, would create a disparity between the forms of the document submitted and the NRC's official record. Does this guidance document exempt the licensee from 10 CFR 50.71(e) 1, which requires a list of effective pages? In reality, 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. In light of current automated re-pagination practices, we recommend that "a list of pages on which changes have occurred" or better yet, "a list of sections, tables and figures that have been revised" be what is provided. Revisions to 50.71(e) need to be included in the rule making if the requirement to submit paper printed from electronic format persists.

The rule indicates that object linking is not acceptable. The industry trend has been to enhance electronic LBD search and use capabilities by incorporating large amount of links, both within the same file and to other files. The availability of these navigation links makes the electronic UFSAR, and other documents used at a facility, particularly useful and user friendly.

You will find attached specific comments to each of the sections of the proposed/direct final rules. We ask that you consider these comments, as well, when you undergo your comment evaluation and resolution period. NIRMA also recognizes comments provided under separate letter by the Nuclear Energy Institute.

Respectfully yours,



Frank J. Kocsis III
President
Nuclear Information and
Records Management Association

Attachment

Cc: NIRMA Administrator

EY:fjk

Comments on Guidance Document for Proposed e-Rule

SECTION	COMMENTS	Comment Made By
The Proposed Rule making - General Comments		
The Proposed Appendix -Guidance Document- General Comments		
1.0 Introduction		
1.1 Background	No Comment	Duke Engineering
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.	Duke Engineering
1.3 Applicable Transactions	There is no mention of Facsimile as an electronic means of submittal.	Duke Engineering
1.3.1 Exceptions to Electronic Submission	It is not clear from the title or the first line what "internet" includes. only EIE and E-Mail, or just EIE ?	Duke Engineering
1.3.2 Electronic Forms and Payments	No Comment	Duke Engineering
1.3.3 Submissions Requiring Oath or Affirmation	No Comment	Duke Engineering
1.3.4 10 CFR Part 2 Submissions	No Comment	Duke Engineering
1.3.5 Freedom of Information Act and Privacy Act Requests	No Comment	Duke Engineering
2.0 Parameters for Electronic Files Submitted to the NRC		
2.0 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.	Duke Engineering
2.1 File Formats	1)The first table should include a column that depicts the different resulting views of each format. Also, the three Adobe formats are confusing as listed. The PDF Image Only format is Adobe as well. "Conversion of scanned documents" is not clear. Which scanned documents ? 2) Adobe 5.0.5 is currently in use in the industry. 3) the industry may have integrity/control issues with submittal of native file formats for spreadsheets. 4) the version of the formats for spreadsheets is antiquated and does not include 2000 or 2002 versions of Excel.	Duke Engineering

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2.1 File Formats	This section specifies the Adobe version that is acceptable (4.05 or earlier). The version of Adobe that is used to create the document should be dictated by the ability to read the files with available reader software available on the Internet for free. By specifying the version of the Adobe creation software, the NRC is forcing restrictions on licensee operating systems. For example if a licensee upgrades the LBD authoring software to Word XP due to an upgrade to Window XP, Adobe Acrobat 4.05 will no longer work and it is necessary to upgrade to Adobe Acrobat 5.0. Regardless of which version of Adobe used however, PDF formatted documents can be read by any of the versions of Acrobat Reader software. Therefore, Adobe version should not be dictated. In addition, many CD-ROMs used to transmit the PDF formatted documents, also contain a copy of the appropriate reader software.	STARS
2.1 File Formats	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, UFSAR figures (which may contain some text information) may only exist as scanned images. In addition, there may be 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 a non-OCR image, and thus should be acceptable. These images however are required to meet requirements for records retention and are, therefore, legible in the PDF format.	STARS
2.2 Naming Conventions	No. 3 is too prescriptive. Arrangement or display of files in logical order should be sufficient.	Duke Engineering
2.3 File Size Limitations	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 reduce the viewing, navigating and searching capabilities. Therefore, although download time may be a bit longer for a larger, single PDF file, it would be offset by the increased capabilities. Therefore, STARS recommends increasing the allowed file size to file size limit of 100 MB.	STARS
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.	Duke Engineering
2.4 Security/Access Settings	No Comment	Duke Engineering
2.5 Resolution	1) Lack of understanding 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 "downsampling " and its use should be defined.	Duke Engineering
2.6 Use of Color	No Comment	Duke Engineering

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2.7 Files with Special Attributes	"Special Attributes" are inadequately defined. Last sentence, the use of the word "electronically" as well "if the person chooses" as well as the footnote about EIE are confusing. It could be stated right up front that only CD Rom submittal may contain "special attributes". Also, 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.	Duke Engineering
2.8 File Linkages	This section indicates that object linking is not acceptable. The industry trend has been to enhance electronic LBD search and use capabilities by incorporating large amount of links; both within the same file and to other files. The availability of these navigation links makes the electronic UFSAR particularly useful and user friendly. An example of links to other files is UFSAR figure links. UFSAR figure files may be located in a directory separate from the directory containing the UFSAR text and tables. Figures may also be contained within the chapter file itself. However, the existing file structure for the figures is usually laid out in a very understandable format (i.e., by chapter). It would be impractical to revise the file structure to incorporate those figure files into the chapter file for the text/tables or delete the links within the files themselves. In addition licensees would then be faced with maintaining two separate documents; one with links and one without.	STARS
2.8 File Linkages	No Comment	Duke Engineering
2.9 Viruses	Better wording would be that <i>the file would be rejected and sender notified.</i>	Duke Engineering
2.10 Macros	Better wording would be that <i>the file would be rejected and sender notified.</i>	Duke Engineering
2.11 Copyrighted Information	This discussion lacks clarity. Some examples would help.	Duke Engineering
2.12 and 10 CFR 72.4	The proposed guidance states that the number of copies of CD-ROMS for submittal must be the same number of copies as required by the applicable regulation. The Part 72 regulations currently do not specify the numbers of required copies of submittals. The number of copies requested by the NRC has been inconsistent. Specifying the numbers of required copies in the regulations would aid licensees and certificate holders in planning and budgeting for submittals.	STARS
2.12 Copies	The requirement for paper copies has a very weak bases and does not reflect the true spirit of the GPEA. If there are internal constraints that limit the acquisition of printers that can render engineering graphics onto paper, they should not be passed on to the licensees.	Duke Engineering

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2.12 Copies	<p>Section 2.12 and 4.3; These sections stipulate that CD-ROM submissions must be accompanied by one paper copy. Many 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. RIS 2001-05 specifically stated, "Electronic submittals need not be accompanied by a paper copy." As a result of this guidance, many utilities submitted all electronic Updated Final Safety Analysis Reports (UFSAR). Subsequently, other LBDs (Technical Specifications and Bases, Technical Requirements Manual and Bases, Emergency Plan, Fire Protection Report, In-service Test Program, Offsite Dose Calculation Manual, COLR and PTLR) have also been converted and submitted electronically. In some cases, a hard copy of the UFSAR does not exist. (Continued next cell)</p>	STARS
	<p>Site access to the UFSAR (and the other LBDs) is through an intranet, the Internet, or a CD-ROM copy. A major benefit associated with electronic versions of large documents, such as the UFSAR, 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. The new draft guidance therefore negates this significant benefit afforded by RIS 2001-05. For licensees who have gone to pure electronic LBDs, to comply with this new guidance would require a complete reprint of the UFSAR (a range of 1000 to 8000 pages of text and figures) each time a certified update is required to be submitted. The hard copy requirement for this type of document (UFSAR) appears unreasonable and burdensome. The revised rule does allow for page revision submittals if the submittal is by hard copy (section 4.3.3). This allowance is not available when electronically submitted by CD-ROM. However, if allowed, would create a disparity between the forms of the document submitted and the NRC's official record.</p>	
3.0 Guidance for EIE Submissions		
3.1 Who Can Participate	No Comment	Duke Engineering
3.2 How To Register	No Comment	Duke Engineering
3.3 What Is Needed To Participate	No Comment	Duke Engineering
3.4 How to Obtain a Digital Signature Certificate	No Comment	Duke Engineering
3.5 How To Obtain Software Plug-Ins	No Comment	Duke Engineering
3.6 How to Submit Documents	No Comment	Duke Engineering
3.7 Where to Submit Documents	No Comment	Duke Engineering
3.8 Additional User Assistance (References and Contact Information)	No Comment	Duke Engineering
4.0 Guidance for CD-ROM Submissions		
4.1 Who Can Participate	No Comment	Duke Engineering

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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 that in Section 1.3.1.1 and reference to EIE and E-mail is unnecessary and confusing in a discussion of CD Rom.	Duke Engineering
4.3 How To Submit CD-ROMs to the NRC	See STARS comments under 2.12	STARS
4.3 How To Submit CD-ROMs to the NRC	Identifying individual files on a CD ROM for large documents 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.	Duke Engineering
4.3.1 Sensitive or Non-Public Documents	This section is poorly written and confusing. The statement that NRC regulations will prescribe the number of copies is not accurate. This guidance document also prescribes numbers of copies required.	Duke Engineering
4.3.2 Oath or Affirmation	No Comment	Duke Engineering
4.3.3 Living Documents	1)Does this guidance document exempt the licensee from 10 CFR 50.71(e) 1, which requires a list of effective pages ? In reality, 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. 2) In light of current automated re-pagination practices, wouldn't "a list of pages on which changes have occurred" or better yet, "a list of sections, tables and figures that have been revised".3) Revisions to 50.71(e) need to be included in the rule making if the requirement to submit paper printed from electronic format persists.	Duke Engineering
4.3.4 CD-ROM File Format	A simple referral to Section 2.1 should suffice for the first paragraph.	Duke Engineering
4.3.5 Packaging/Labeling	There is no provision for mailing packages that contain "Homeland Security" information.	Duke Engineering
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.	Duke Engineering
4.4 Where To Submit the CD-ROMs	No Comment	Duke Engineering
4.5 Additional User Assistance (References and Contact Information)	No Comment	Duke Engineering
5.0 E-mail Submission		
5.1 Who Can Participate	No Comment	Duke Engineering
5.2 What Can Be Submitted	10 MB limit ?	Duke Engineering
5.3 Rejection of Submissions	No Comment	Duke Engineering
5.4 How To Send E-mail	Why list the format , if the file extension is apparent ?	Duke Engineering
5.5 Where To Submit E-mail	No Comment	Duke Engineering
6.0 Facsimile (Fax) Submissions		
6.1 Who Can Participate	No Comment	Duke Engineering

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6.2 What Can Be Submitted	Next to last bullet" Responses to NRC licensing-related questions ? "It is not clear what the regulatory/docketing status of such facsimiles are, or if it is assumed that what is transmitted by facsimile has met the signatory requirements10 CFR 50.30(b), 72.16(b) or 76.33(b). If so, is there still a need to send the paper copy from which the facsimile was sent ?	Duke Engineering
6.3 How To Send Facsimiles (Faxes)	No Comment	Duke Engineering
6.4 Where To Submit Facsimiles (Faxes)	See Response to Section 6.2	Duke Engineering
6.5 Facsimile Locations and User Assistar	No Comment	Duke Engineering
7.0 Additional		
7.1 User Assistance	No Comment	Duke Engineering
7.2 References	No Comment	Duke Engineering
General Comments		
General	My company has expended significant resources to take advantage of electronic submittal of licensing documents We have reduced staffing levels based upon the elimination for the requirement of submission of paper copies and use of electronic search capability. We recognize the need for company cost cutting in the electric utility industry but do not feel the Commission appreciates this need.	Mark Breiner, Bethlehem, PA.
General	The rule making cites a lack of technology that allows the Commission's staff to produce paper copies of CDs or view drawings on a large enough screen as a reason for not eliminating the need for a paper copy of submissions on CD-ROM. While I would agree that it is difficult to get personnel to adjust to using electronic media versus paper, the task is not insurmountable and the advantages are obvious. The Commission's being more comfortable with using paper is not a good enough reason for burdening licensees and the general public with extra costs associated with producing paper. Further I do not believe large screen technology is needed to view drawings. However, should the Commission desire that technology, I know it is commercially available.	Mark Breiner, Bethlehem, PA
General	The Commission states in the rule making that it "believes that having the submitter supply a paper copy is cost effective because paper can be generated at minimal expense when the document is created, but the paper copy can be generated only at considerable expense when it is produced from another medium through a conversion process". The rule making further states that this "slight increase in cost's for the submitter is at least partially offset by avoiding the increase in the NRC's overhead costs, and thus in the fees charged to licensees and applicants, that would result if the NRC produced paper copies from CD-ROM."	Mark Breiner, Bethlehem, PA

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<p>General</p>	<p>What is the basis for assuming that costs are lower at the submitter level? Your requirement calls for a complete paper copy of the contents of the CD with every submittal. This would be expensive for a large document like the FSAR. There is no reason to believe every submittal would require reproduction in paper medium. Especially a complete copy of the submission. To require a submitter to produce paper that may or may not be used for reproduction is not "taking advantage of advances in modern technology in order to lessen the paperwork burden on those who deal with the Federal government" as provided for in the GPEA. The requirement of a paper copy basically assumes it is not reasonable for the Commission to use a submittal without first producing paper copies. I submit that the Commission's thinking in this case is badly flawed, unreasonable and burdensome to submitters. The definition of the term "practicable" offered by the Commission appears to be biased by its comfort with using paper.</p>	<p>Mark Breiner, Bethlehem, PA</p>
<p>General</p>	<p>I agree that one of the aims of GPEA is to reduce the cost of government. I do not agree that having a submitter of material provide an unnecessary paper copy is a cost reduction and, therefore, is not a solution to the problem in general. Requiring paper only solves the Commission's immediate problem while allowing the Commission to avoid addressing necessary business decisions that would in the end benefit both the submitters and the Commission.</p>	<p>Mark Breiner, Bethlehem, PA</p>
<p>General</p>	<p>I understand the staff's reluctance to work in an electronic medium. I too faced similar feeling entering into the electronic world. However, I do not believe feelings associated with being outside of your comfort zone nearly outweighs the demand for progress. Like it or not, electronic media is here to stay.</p>	<p>Mark Breiner, Bethlehem, PA</p>
<p>General</p>	<p>Based upon the above comments, it is my desire that the subject direct final rule making be withdrawn.</p>	<p>Mark Breiner, Bethlehem, PA</p>
<p>General</p>	<p>Currently, the Perry Plant does not submit our UFSAR and other licensing material via electronic means. Perry recognizes this to be an expense to the utilities in the industry, as well as a "step backward" for the electronic advancement of the industry. However, at this time, this proposed rule would be a reduction of hard copy expenses for the Perry Plant as we are currently sending the 11 copies originally required. Perry, overall, finds the proposal acceptable, but recognizes that eventually, we would like to see all hard copy submittal requirements eliminated.</p>	<p>FirstEnergy, Perry Nuclear Power Plant</p>
<p></p>	<p></p>	<p></p>