



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 28, 2003

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-03-0130

TITLE: FINAL RULE ON ELECTRONIC MAINTENANCE
AND SUBMISSION OF INFORMATION

The Commission (with all Commissioners agreeing) approved the final rule as noted in an Affirmation Session and recorded in the Staff Requirements Memorandum (SRM) of August 28, 2003.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

VOTING SUMMARY - SECY-03-0130

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X					8/14/03
COMR. McGAFFIGAN	X				X	8/8/03
COMR. MERRIFIELD	X					8/13/03

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and Commissioner McGaffigan provided some additional comments. Subsequently, the Commission approved the final rule in an Affirmation Session as reflected in the SRM issued on August 28, 2003.

AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: **SECY-03-0130 - FINAL RULE ON ELECTRONIC
MAINTENANCE AND SUBMISSION OF INFORMATION**

Approved xx *(w)* Disapproved _____ Abstain _____
Not Participating _____

COMMENTS:

Bill Diaz

SIGNATURE
Aug 14, 2003

DATE

Entered on "STARS" Yes ___ No ___

AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner McGaffigan
SUBJECT: **SECY-03-0130 - FINAL RULE ON ELECTRONIC
MAINTENANCE AND SUBMISSION OF INFORMATION**

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: *See attached edits*

Edward M. McGaffigan Jr.

SIGNATURE
August 8, 2008

DATE

Entered on "STARS" Yes No _____

take advantage of advances in modern technology to lessen the paperwork burden on those who deal with the Federal government.

Well before the passage of the GPEA, the NRC had taken major steps to increase the use of electronic communication. For example, many of the agency's regulations on recordkeeping have long permitted storage in electronic format. After the GPEA became law, the NRC moved quickly to meet the Act's requirements. In June 1999, the agency began testing a system that permitted holders of operating licenses for nuclear power reactors, and the vendors that supplied them, to make electronic submissions to the agency in a secure manner. On several occasions, the NRC held public meetings with licensees, vendors, and others to describe and demonstrate its Electronic Information Exchange (EIE) capability.

As a result of this pilot program, on January 26, 2001, the NRC issued Regulatory Issue Summary (RIS) 2001-05, "Guidance on Submitting Documents to the NRC by Electronic Information Exchange or on CD-ROM," which informs all Part 50 applicants and licensees that they have the option of submitting documents to the NRC over the Internet by the EIE process or on CD-ROM under procedures spelled out in the RIS. The RIS does not cover electronic submissions under regulations other than those in Part 50. However, on August 10, 2001, the agency issued a letter to certain fuel cycle facilities giving them the option of electronic submissions in many circumstances.¹ Nonetheless, these two documents do not cover other materials licensees or members of the general public.

II. The Final Rule

This rulemaking expands participation in electronic submissions by affording all licensees, vendors, applicants, and members of the public the option, where practicable, of

¹The NRC has also issued guidance on managing quality assurance records in electronic media. See RIS 2000-18, October 23, 2000, available at the NRC's Web site.

Therefore, the NRC must require submitters to provide electronic information in one of the NARA-approved formats.

NARA further restricts formats by only accepting documents converted using the current version or the two previous versions of the software. The NRC is adopting the same approach for submissions to the agency.

The NRC has decided that only documents in one of the NARA approved PDF formats (see Section 2.1 of the guidance document) or in one of the formats listed for transfer of spreadsheets that are intended for further calculations by the NRC staff are acceptable for electronic submission to the NRC.

Comment 5: Some comments stated that the use of a three-digit numeric prefix in file names is too prescriptive, complicates production of documents, and is unnecessary.

Response: The NRC has several years of experience reviewing and attempting to capture documents submitted to the agency in electronic form. NRC has learned that, in many instances, it is almost impossible to decipher the correct order in which to capture the files to duplicate the document on the transfer medium. Each document submitted to the NRC is created differently, according to the business needs of the creating entity and the level of expertise in the use of the capture software by the individual who creates the document. In many instances the file structure, use of folders, other formatting conventions used, and the relationships between files cannot be determined. Microsoft Explorer and other file management tools further complicate the situation by reordering the file structure. Thus, the file structure of the document cannot be duplicated in the NRC's systems. As a result, the NRC is unable to capture these submissions in its electronic document/records management system. These submissions are currently managed outside of NRC's electronic document management systems as individual objects, maintained on the transfer medium provided. This creates migration and transfer issues that have to be managed on an individual basis. The use of the

is adopting these standards in Section 2.5 of the guidance so that the agency can comply with the NARA transfer requirements. The NARA guidance specifies ~~significantly~~ higher resolution levels than proposed originally by the NRC ~~for some image forms~~. The NRC's original proposed standard was 300 dots per inch (dpi) for Bi-tonal (Black and White) and 200 dpi for Color and Grayscale. The revised standard is 300 pixels per inch for all three. ~~NOTE: If pixels per inch and dots per inch (dpi) are the same thing, use consistent terminology. If they are different provide some definition to put the statements in context.~~

Comment 8: Several comments stated that the NRC should specify a standard format for submission of documents on CD-ROM that would allow for the upload of the documents into NRC systems.

Response: The NRC agrees. A new section has been added to the guidance (Section 2.14) to cover requirements for segmenting large documents, and another (Section 4.3) has been revised to cover requirements for the accompanying transmittal letter to facilitate the capture of CD-ROM submissions in ADAMS and other NRC systems.

IV. Section-by-Section Analysis

Well over 100 of our regulations are being amended by this final rule. However, we are making only a very few kinds of changes, and so an analysis of each and every amended section would be highly repetitious and, more important, would obscure the aims and forms of the amendments. Therefore, rather than describe each amended section, we will describe only the typical changes we are making and why we are making them.

Many of the kinds of changes are adequately represented by the proposed changes to sections of Part 30.

(1) The changes to § 30.6, "Communications," are examples of the most important kind of amendment in this rule. Section 30.6 and its analogues in other parts of the NRC's

4.3.7 Rejection of Submissions

It is not practicable for the NRC to accept:

- Any submission that contains a virus.
- Files submitted that are compressed.
- ~~File formats other than those listed in Section 2.1. Note: except that~~ ~~Submittals~~ may also contain other forms of electronic information including data files, computer models, and video or audio clips, ~~that are not considered documents. These files are not required to conform to the file format specifications established for documents.~~
- CD-ROMs that contain both publicly and non-publicly available files on a single CD, unless a second CD with only publicly available information is also provided.
- CD-ROMs containing OLE (Object Linking and Embedding), DDE (Dynamic Data Exchange), or any other object linking.
- Any inconsistencies, including omissions, between the transmittal letter and the files or physical objects received.

4.4 Where to Submit the CD-ROMs

Send CD-ROMs with transmittal letter to the mailing address specified in the regulation, order, or other document governing the submission of that particular application, report or correspondence. CD-ROMs containing Classified Information (i.e., National Security Information and Restricted Data) must be marked in accordance with 10 CFR 95.37 and mailed to the appropriate NRC Classified mailing address (See 10 CFR Part 73, Appendix A for a listing of addresses.)

4.5 Additional User Assistance (references and contact information)

Information can be found by visiting the NRC's Web site at <http://www.nrc.gov/site-help/eie.html>. Under the heading "Related Information," find the section "CD-ROM Submittal Procedures."

For assistance or to discuss problems with making CD-ROM submissions of electronic filings, contact the Document Processing Services Section at 301-415-2488 during the NRC's normal business hours (7:30 a.m. to 4:15 p.m. eastern time) or e-mail EIE@nrc.gov.

AFFIRMATION ITEM

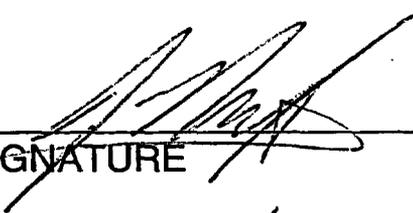
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Merrifield
SUBJECT: **SECY-03-0130 - FINAL RULE ON ELECTRONIC
MAINTENANCE AND SUBMISSION OF INFORMATION**

Approved Disapproved Abstain
Not Participating

COMMENTS:

No additional comments.



SIGNATURE
8/12/03

DATE

Entered on "STARS" Yes No