

December 8, 2005

Mr. Gordon M. Vytacil  
Licensing Manager  
Westinghouse Electric Company, LLC  
3300 State Road P  
Festus, MO 63028

SUBJECT: REQUESTED GUIDANCE ON US NUCLEAR REGULATORY APPROVAL OF  
LICENSEE SUBMISSIONS

Dear Mr. Vytacil:

I am responding to your November 15, 2005, letter (ML053220210) asking for specific guidance on how to submit license documents electronically. Specifically, you stated that you wanted guidance regarding the requirements for pen-to-paper approvals vs. electronic approvals and additional information on submittals (paper, electronic, or CD-ROM). Guidance on license submissions to the U.S. Nuclear Regulatory Commission (NRC) is provided in the enclosure.

Regarding Section 2.7 of Materials License Number SNM-00033, Amendment 47, dated September 7, 2004, the license did not approve Westinghouse's electronic submittal of project documents to NRC. Section 2.7 states that "project documents may be submitted by pen or ink or through the Westinghouse Electronic Document Management System as part of the Westinghouse established records management program." The Westinghouse Electronic Document Management System can be used by Westinghouse, internally, for records management of quality documents. It cannot be used to transmit documents electronically to NRC through the use of electronic signature.

Currently, there are no other provisions for electronic signature and electronic submittals to the NRC except NRC's Electronic Information Exchange (EIE) system. Although other methods are available to electronically sign documents, using word processing and other software, for example, these are not currently acceptable for use in signing documents for submission to the NRC because they do not provide the level of authentication, certification, and non-repudiation that are present in the EIE process. As a result, Chapter 2.7 of Materials License Number SNM-00033 will be modified in the next license amendment to reflect that NRC's guidance for electronic submissions to the Commission is applicable to all electronic submissions to NRC.

G. Vytlačil

- 2 -

You and the NRC staff have experienced delays in submitting, processing and approving information important to achieve timely completion of licensing actions associated with decommissioning at your site. To ensure that the NRC receives your submissions in a timely manner, we request that you review and follow this enclosed guidance. If you have any questions about the attached guidance, please contact me or, Amy Snyder, of my staff, at (301) 415-8580.

Sincerely,

**/RA/**

Daniel M. Gillen, Deputy Director  
Decommissioning Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-36

License No.: SNM-00033

Enclosure: Guidance on License Submissions to NRC

cc:

G. M. Vytlačil, Manager, Licensing and Quality Assurance

A. J. Nardi, Chairman, Project Oversight

R. A. Kucera, Deputy Department Director for Policy Missouri Department of Natural Resources

B. Moore, Project Manager, Missouri Department of Natural Resources

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| OFFICE | DWMEP:PM  | DWMEP:LA    | DWMEP    | OGC          | IRSD    | DWMEP:DD  |
| NAME   | ASnyder   | CBurkhalter | KGruss   | STreby (NLO) | WDavis  | DGillen   |
| DATE   | 11 /28/05 | 11/28/05    | 11/29/05 | 12/6/05      | 12/7/05 | 12/08 /05 |

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## **GUIDANCE ON LICENSE SUBMISSIONS TO NRC**

### Electronic Submissions to NRC

Government Paperwork Elimination Act (GPEA) requires that by October 21, 2003, all Federal agencies provide for the option of electronic maintenance, submission, or disclosure of information, when practicable, as a substitute for paper; and for the use and acceptance of electronic signatures, when practicable. While the Commission encourages the submission of electronic documents, submission of paper documents remains acceptable. NRC's Final Rule on Electronic Maintenance and Submission of Information, which became effective January 1, 2004, and associated documents are available on the NRC's interactive rulemaking Web site at <http://ruleforum.llnl.gov>.

NRC issued final guidance on acceptable procedures for electronic submissions. This guidance can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/eie.html>, by calling (301) 415-6030, by e-mail to [EIE@nrc.gov](mailto:EIE@nrc.gov), or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. This guidance document is the controlling source of information on electronic submittals to NRC and supersedes earlier guidance on electronic submissions. This guidance document includes the required procedures for corresponding electronically with the NRC via Internet using Electronic Information Exchange (EIE), by CD-ROM, or by e-mail. It also includes procedures for corresponding by facsimile. It does not address outgoing NRC communications.

If a licensee wants to submit documents to the NRC electronically via the Internet, it must apply for an EIE account and follow all associated requirements. To obtain a Digital Identification (ID), authorized participants must first complete and submit an enrollment form. VeriSign Inc. acts as the NRC's Certification Authority (CA) and provides the NRC with Digital Certification at no cost to participants. The steps for obtaining a Digital Certificate are provided in EIE home page <http://www.nrc.gov/site-help/eie.html>. Currently, provisions for electronic signature applies only to EIE submissions to NRC.

Specific guidance on how to submit CD-ROMs is found in Section 4.0 of NRC's guidance for Electronic Submissions to the Commission at <http://www.nrc.gov/site-help/eie/guid-elec-submission.pdf>. Please note that when submitting CD-ROMs to the NRC a licensee is required to submit a cover letter with pen-and-ink signature and the CD-ROM must meet certain electronic media requirements.

The aim of the GPEA is to increase the efficiency of government. When the use of electronic media for submission decreases efficiency, the use of electronic media is, at least for the time being, not "practicable." Practicable is not defined in the Act, but is defined in the NRC Final Rule on Electronic Maintenance and Submission of Information, which became effective on January 1, 2004. At the very least, it is not "practicable" for the agency to receive electronic submissions unless they are made in a manner that enables the agency to receive, read, authenticate, distribute, process, and retrieve a page at a time, and archive the submissions.

### Coverletter Submittals to NRC

NRC regulations require that some documents be filed under oath or affirmation. Generally, oath or affirmation documents apply to applications for a license, amendments to a license, some licensee responses to Notices of Violation (NOV), and certain letters of transmittal. Any communication or report concerning the regulations in Part 70 and any application filed under Part 70 regulations may be submitted to the Commission in accordance with 10 CFR Part 70.5 (a) and 10 CFR Part 70.5(b). Per 10 CFR Part 70.5, if Westinghouse sends licensing documents in the mail, it is required to address it to the attention of the Document Control Desk and sign the cover letter (pen-and-ink signature). If Westinghouse does not have an EIE account, Westinghouse can not use electronic signature because Westinghouse would not have a Digital Certificate that is recognized by NRC.