

February 1, 2010

MEMORANDUM TO: Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

FROM: James T. Wiggins, Director */RA/*
Office of Nuclear Security and Incident Response

SUBJECT: SITE-SPECIFIC 10 CFR 73.54 CYBER SECURITY PLAN
ACCEPTANCE REVIEWS

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.54, operating reactor licensees submitted their cyber security plans and proposed implementation schedules on November 23, 2009. Since that date, my staff has been working toward making a determination as to whether these plans are acceptable for detailed licensing review.

The overall objective of 10 CFR 73.54 is to ensure that effective cyber security programs are established and implemented at each power reactor facility. Staff review of the licensee-submitted plans is an essential element of achieving this objective. As you are aware, operating power reactor licensees' cyber security plan submittals are based on a Nuclear Energy Institute (NEI) guidance document and template, (NEI-08-09, Revision 3) which was not endorsed by the NRC. On numerous occasions, my staff communicated to industry (via letters and public and closed meetings) their concerns with the NEI document. As a consequence, my staff has many questions on each of the site-specific cyber security plans that will need to be resolved in order to conclude that they meet the requirements of 10 CFR 73.54 (i.e., in order to support a staff finding of high assurance of adequate protection against cyber attacks). The comprehensive knowledge the staff has about the content of the cyber security plans based on its substantial interactions with the industry on NEI 08-09 has created a unique situation relative to conducting a typical acceptance review. In essence, the staff has sufficient knowledge of the submittals such that it is already aware of areas that need further clarification.

Over the past month, both of our respective management teams have discussed this topic with senior power reactor industry representatives in various forums. In each of these interactions, industry committed to work collaboratively with the NRC staff to resolve the staff questions and comments with NEI-08-09, Revision 3. As we discussed during our meeting on January 13, 2010, we provided the draft generic Requests for Additional Information (RAIs) on January 26, 2010, to NEI with a copy to each individual licensee. Within 5 working days of the delivery of this document, my staff will contact both an industry designated working group and the Executive Task Force of the Nuclear Security Working Group to obtain their reaction

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to the RAIs and ascertain the likelihood of success on receiving adequate responses and meaningful reactions, in a timely and efficient manner. We will use the results of these interactions to inform our determination whether these plans are acceptable for review. My staff will continue to closely work with your project management staff in pursuing completion of this substantial task.

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