



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

June 16, 2010

Mr. J. R. Morris  
Site Vice President  
Catawba Nuclear Station  
Duke Energy Carolinas, LLC  
4800 Concord Road  
York, SC 29745

Mr. Regis T. Repko  
Vice President  
McGuire Nuclear Station  
Duke Energy Carolinas, LLC  
12700 Hagers Ferry Road  
Huntersville, NC 28078

Mr. Dave Baxter  
Vice President  
Oconee Nuclear Station  
Duke Energy Carolinas, LLC  
7800 Rochester Highway  
Seneca, SC 29672

SUBJECT: CATAWBA NUCLEAR STATION, UNITS 1 AND 2, MCGUIRE NUCLEAR STATION, UNITS 1 AND 2, AND OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3, REGARDING AMENDMENT REQUEST FOR APPROVAL OF THE CYBER-SECURITY PLAN (TAC NOS. ME2889, ME2890, ME2891, ME2892, ME2893, ME2894, AND ME2895)

Dear Messrs. Morris, Repko, and Baxter:

By letter dated November 20, 2009, (Agencywide Documents Access and Management System (ADAMS), Accession No. ML093410250), Duke Energy Carolinas, LLC (Duke) submitted a license amendment request (LAR) for Catawba Nuclear Station, Units 1 and 2 (Catawba), McGuire Nuclear Station, Units 1 and 2 (McGuire), and Oconee Nuclear Station, Units 1, 2, and 3 (Oconee). The proposed LAR includes the Cyber-Security Plan, proposed changes to Section 2.E of the Renewed Facility Operating Licenses, and a proposed Cyber-Security Plan Implementation Schedule. The proposed Cyber-Security Plan has been submitted in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 73, Section 73.54. The purpose of this letter is to inform you that the U.S. Nuclear Regulatory Commission (NRC) staff has completed an initial review of this LAR. In accordance with the Office of Nuclear Reactor Regulation's Office Instruction LIC-109, "Acceptance Review Procedures," (ADAMS Accession No. ML091810088), Section 3.1.3, the NRC staff has decided to forgo the traditional acceptance review due to the complexity and "first-of-a-kind" nature of this application. While the NRC staff has docketed your application, we are not rendering a judgment as to the acceptability of the submittal within the context of an acceptance review.

The Cyber-Security Plan submittal prepared for Catawba, McGuire, and Oconee is based on an earlier version of Nuclear Energy Institute's (NEI's) guidance. The NRC staff had significant generic concerns with this guidance. As a result of NRC staff discussions with NEI and the Executive Task Force of the industry Nuclear Security Working Group (NSWG), NEI and NSWG committed to representing operating power reactor licensees in resolving these concerns.

Through numerous interactions, the NRC staff has communicated their generic concerns with the NEI guidance. The security-related nature of the information required these interactions to be conducted in closed meetings not open to the public. A publicly available list of the specific issues discussed with NEI and NSWG was communicated to the licensees via e-mail dated March 9, 2010 (ADAMS Accession No. ML100680284).

By letters dated April 28, 2010 (ADAMS Accession Nos. ML101180434 and ML101180437), NEI submitted Revision 6 to NEI 08-09 which contains changes that address the NRC staff's concerns associated with previous versions. Based on a technical review of the document, the Office of Nuclear Security and Incident Response in its letter dated May 5, 2010 (ADAMS Accession No. ML101190371) concluded that submission of a Cyber-Security Plan using the template provided in NEI 08-09, Revision 6, dated April 2010, would be acceptable for use by licensees to comply with the requirements of 10 CFR 73.54, with the exception of the definition of "cyber attack."

Therefore, to resolve the NRC staff's concerns with the requested LAR, Duke is requested to review the list of generic issues provided to the industry's cyber-security writing team and forwarded to all licensees via e-mail dated March 9, 2010, and provide a revised submittal. For those generic issues that will not be addressed in the revised submittal, please provide additional information or justification in the revised submittal.

For any changes to the Cyber-Security Plan proposed in the LAR, Duke is requested to indicate that the revised submittal supersedes, in its entirety, the previous submittal (or indicate what portions are superseded).

As an alternative to, and a potentially less resource-intensive method than, addressing the individual issues, Duke may submit a revised Cyber-Security Plan consistent with Regulatory Guide (RG) 5.71<sup>1</sup>, or submit a revised Cyber-Security Plan consistent with NEI 08-09, Revision 6. However, if this option is exercised, the NRC staff expects that the existing application will be withdrawn and the revised application resubmitted at the same time.

The NRC staff requests that Duke's response or revised application be submitted within 60 days of the date of this letter. Please contact me if circumstances result in the need to revise the requested response date.

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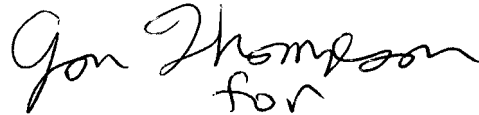
<sup>1</sup> In January, 2010, the NRC staff issued RG 5.71, "Cyber Security Programs for Nuclear Facilities" (ADAMS Accession No. ML090340159). This guidance provides an approach that the NRC staff deems acceptable for complying with the Commission's regulations regarding the protection of digital computers, communications systems, and networks from a cyber-security attack.

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Following receipt and review of your response, you will be advised by separate correspondence if any further information is needed to support the NRC staff's detailed technical review. If you have any questions, please call me at 301-415-1345.

Sincerely,

A handwritten signature in black ink that reads "John Stang" with "for" written below it.

John Stang, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-413, 50-414, 50-369, 50-370,  
50-269, 50-270, and 50-287

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Sincerely,

***/RA by JThompson for/***

John Stang, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-413, 50-414, 50-369, 50-370,  
50-269, 50-270, and 50-287

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**ADAMS Accession No. ML101670113**

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DATE	06/16/10	06/16/10	06/16/10	06/16/10	06/16/10

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