



FOIA/PA REQUEST  
Case No.: 2010-0285  
Date Rec'd: 7-26-10  
Specialist: Christian  
Related Case: \_\_\_\_\_

Douglas J. Walters  
VICE PRESIDENT  
REGULATORY AFFAIRS  
NUCLEAR GENERATION DIVISION

July 26, 2010

Ms. Donna L. Sealing  
Freedom of Information Act and Privacy Act Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Freedom of Information Act Request – Cyber Security

**Project Number: 689**

Dear Ms. Sealing:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Nuclear Energy Institute (NEI)<sup>1</sup> is requesting copies of all analyses generated over the past three (3) years that the U.S. Nuclear Regulatory Commission (NRC) has relied upon to reach conclusions regarding the applicability of 10 C.F.R. § 73.54 (Protection of digital computer and communication systems and networks) to power continuity systems. Specifically, our request covers all records including, but not limited to, e-mails, notes, phone call summaries, and any other written material that the NRC may have relied upon to develop a position that the cyber security regulations contained in 10 C.F.R. § 73.54 do not apply to power continuity systems. We are specifically interested in any records from the NRC's Office of General Counsel dealing with this issue.

The NRC appears to have relied on the requested analyses to make policy decisions regarding the regulation of digital computer and communications systems at nuclear power plants. These decisions directly affect the development and implementation of cyber security programs at such plants. Thus, NEI believes that the requested analyses should be made public to the maximum extent possible so that the basis for the NRC's interpretation of § 73.54 is fully transparent and can be more readily understood by the regulated community.

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<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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Please feel free to contact me if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink that reads "Douglas J. Walters". The signature is written in a cursive style with a large initial 'D' and 'W'.

Douglas J. Walters