

September 27, 2010

NG-10-0473

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Duane Arnold Energy Center
Docket No. 50-331
License No. DPR-49

Notification Letter Designating Duane Arnold Energy Center's Balance of Plant Systems within the Cyber Security Rule Scope

- Reference:
- (1) Letter from Jim Hughes (NERC) to NextEra Energy Duane Arnold, "Request for Data or Information: Nuclear Power Plant "Bright-Line" Survey," dated June 15, 2010
 - (2) Letter from Michael Moon (NERC) to NextEra Energy Duane Arnold, "NERC's Response to the Completed Bright-Line Survey," dated August 27, 2010
 - (3) Letter from Christopher Costanzo (NextEra Energy Duane Arnold) to NRC, "License Amendment Request (TSCR-121A): Request for approval of the Duane Arnold Energy Center/NextEra Energy Duane Arnold, LLC Cyber Security Plan," dated July 14, 2010 (ML101960125)

By Order dated March 19, 2009¹, the Federal Energy Regulatory Commission (FERC) clarified that the "balance of plant" equipment within a nuclear power plant is subject to compliance with the FERC approved Critical Infrastructure Protection (CIP) Reliability Standards. Paragraph 50 of the Order provides for an exception from the CIP Reliability Standards for equipment in the balance of plant that is subject to the NRC cyber security regulations. Pursuant to paragraph 50 of the Order, the North American Electric Reliability Corporation (NERC) has been engaging in a "Bright-Line" determination process (Reference 1) to clarify the systems that would be subject to the

¹ Mandatory Reliability Standards for Critical Infrastructure Protection, order on clarification, Order No. 706-B, 126 FERC ¶ 61,229 (2009).

NRC cyber security rule (10 CFR 73.54), and those that would be subject to the CIP Reliability Standards.

In the Reference (2) letter, NERC is requiring that NextEra Energy Duane Arnold provide the NRC with a letter identifying all balance of plant Systems, Structures, and Components (SSCs) considered important to safety with respect to the NRC's cyber security regulation. As documented in our response to the "Bright-Line" Survey, the balance of plant SSCs in Attachment 1 of the Survey are important to safety, and thus, are within the scope of 10 CFR 73.54.

In accordance with the requirements of 10 CFR 73.54(b)(1), a comprehensive identification of SSCs subject to the requirements of 10 CFR 73.54 will be developed during the implementation of the cyber security program. The program will be implemented in accordance with the schedule submitted to the NRC by letter (Reference 3) dated July 14, 2010 with the NextEra Energy Duane Arnold Cyber Security Plan. This identification of SSCs will be available for inspection upon completion and will include those SSCs as identified in Attachment 1 of the "Bright-Line" Survey. Providing the requested information in this alternate manner satisfies the intent of the NERC letter.

In Reference (2), NERC is also requiring that each nuclear power plant submit a revised cyber security plan to the NRC for its review and approval. Therefore, the following new commitment is being made in this submittal: On or before November 30, 2010, NextEra Energy Duane Arnold will supplement our Cyber Security Plan submittal to clarify the scope of systems described in Section 2.1, "Scope and Purpose." Section 2.1, will be amended to clarify the balance of plant SSCs that will be included in the scope of the cyber security program.

Should you have any questions concerning this letter, or require additional information, please contact Steve Catron at (319) 851-7234.

A handwritten signature in cursive script, reading "Christopher R. Costanzo".

Christopher R. Costanzo
Vice President, Duane Arnold Energy Center
NextEra Energy Duane Arnold, LLC

Document Control Desk
NG-10-0473
Page 3 of 3

CC: Michael Moon
Director of Compliance Operations
North American Electric Reliability Corporation
116-390 Village Boulevard
Princeton, NJ 08540

Jim Hughes
North American Electric Reliability Corporation
116-390 Village Boulevard
Princeton, NJ 08540