

September 29, 2010
L-10-264

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

SUBJECT:
Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Notification Letter Designating Perry Nuclear Power Plant Balance of Plant Systems
within the Cyber Security Rule Scope

Reference: (1) Letter from Jim Hughes (NERC) to Henry Stevens, Jr., Perry Nuclear
Power Plant, "Request for Data or Information: Nuclear Power Plant
'Bright-Line' Survey," dated June 15, 2010

(2) Letter from Michael Moon (NERC) to Henry Stevens, Jr., "NERC's
Response to the Completed Bright-Line Survey," dated August 27, 2010

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 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, for the Perry Nuclear Power Plant (PNPP), that the FirstEnergy Nuclear Operating Company (FENOC) 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.

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

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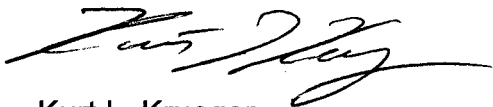
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In accordance with the requirements of 10 CFR 73.54(b)(1), a comprehensive identification of SSCs subject to the requirements of 10 CFR 73.54 will be developed during the implementation of the cyber security program. The program is implemented in accordance with the schedule submitted to the NRC by letter dated July 22, 2010 with the PNPP Cyber Security Plan. This identification of SSCs will be available for inspection upon completion and will contain 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 the Reference (2) letter, NERC is also requiring that each nuclear power plant submit a revised cyber security plan to the NRC for its review and approval. On or before November 30, 2010, FENOC will supplement the PNPP Cyber Security Plan 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.

The regulatory commitment contained in this letter is listed in the attachment. Should you have any questions concerning this letter, or require additional information, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 761-6071.

Sincerely,



Kurt L. Krueger
Director, Site Operations

Attachment:
Regulatory Commitment List

cc: NRC Region III Administrator
NRC Resident Inspector
NRR Project Manager
Mr. Michael Moon, Director of Compliance Operations, NERC
Mr. Jim Hughes, NERC
Mr. Jim T. Wiggins, Director, Office of Nuclear Security and Incident Response
Mr. Eric Leeds, Director, Office of Nuclear Reactor Regulation

Attachment
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Regulatory Commitment List
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The following list identifies those actions committed to by FirstEnergy Nuclear Operating Company (FENOC) for the Perry Nuclear Power Plant in this document. Any other actions discussed in the submittal represent intended or planned actions by FENOC. They are described only as information and are not Regulatory Commitments. Please notify Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 761-6071 of any questions regarding this document or associated Regulatory Commitments.

Regulatory Commitment

Due Date

1. FENOC will supplement the PNPP Cyber Security Plan 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.

On or before
November 30, 2010