RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI

SUBJECT: COMWCO-10-0001 – REGULATION OF CYBER SECURITY AT NUCLEAR POWER PLANTS

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached XX None ___

Original voted on 09/15/10.

SIGNATURE

09/ 22 /10

DATE

Entered on "STARS" Yes XX No ___

Commissioner Svinicki's Comments on COMWCO-10-0001

I agree with Commissioner Ostendorff that the Commission has before it the relevant information to decide this matter and thank him for summarizing the component elements into his COM. I approve his proposal 1) that the Commission resolve the policy question of whether the structures, systems, and components in the balance of plant at NRC-licensed nuclear power plants should be considered "important to safety" for the purpose of being considered within the scope of 10 CFR 73.54; 2) that this question be resolved in the affirmative; and, 3) that the correspondence from the NRC Executive Director for Operations transmitting this policy decision in reply to the North American Electric Reliability Corporation's (NERC's) letter of August 9, 2010, be finalized with dispatch. I further approve the provision of an information paper to the Commission by the staff, outlining future implementation details, by October 30, 2010. The NRC staff has informed me that its counterparts at both NERC and the Federal Energy Regulatory Commission (FERC) have communicated their organization's conditional acceptance of this position, but await confirmation of the Commission's decision/action. Further, I understand that NERC is under obligation to make a mandatory filing before the FERC no later than October 15, 2010. Transmitting the Commission's affirmative policy decision to NERC in advance of this date would obviate the need for NERC to make a hollow, "placeholder" filing to the FERC, devoid of substantive information, which I understand to be NERC's current plan to comply with its mandatory filing date.

Kristine L. Svinicki 09/20/10