



Exelon Generation®

RS-14-342

December 5, 2014

Ms. Annette L. Vietti-Cook
Secretary
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Petition to Amend Cyber Security Requirements: Request for Comments
(*Federal Register Vol. 79, 56525, dated September 22, 2014 - Docket ID NRC-2014-0165*)

Dear Ms. Vietti-Cook:

The September 22, 2014, Federal Register Notice (FRN) (*79 Fed. Reg. 56525*) docketed (Docket ID NRC-2014-0165) a petition for rulemaking (PRM-73-18) to amend the Nuclear Regulatory Commission's (NRC's) cyber security requirements in 10 CFR 73.54, "Protection of Digital Computer and Communication Systems and Networks," and requested comments by December 8, 2014.

Exelon Generation Company, LLC (Exelon) endorses the petition and recommends the NRC promptly initiate rulemaking to implement the changes proposed. The ongoing cyber security event notification rulemaking could provide a ready vehicle.

Exelon recognizes the cyber threat, and has a long history of addressing cyber security concerns. Exelon broadly implements cyber security measures consistent with prudent business practices for digital systems and equipment. Additionally, Exelon was directed by the Interim Compensatory Measures (ICM) Order (EA-02-026) to consider and address cyber safety and security vulnerabilities. In April 2003, the Orders (EA-03-086) and (EA-03-087) supplemented the Design Basis Threat and also contained language concerning the cyber threat. Exelon was subsequently provided with a cyber-security self-assessment methodology, the results of pilot studies, and a guidance document issued by the NEI to facilitate development of site cyber security programs.

Exelon has spent five years implementing the Commission's cyber security requirements at each of our 13 Nuclear Power Plants and, as discussed in the Petition, has implemented key protective measures with a specific emphasis on the protection of the most risk significant digital assets. Specifically, Exelon implemented the following seven milestones at each of our Nuclear Power Plants prior to December 31, 2012, providing a substantial level of protection to the installed critical digital assets:

1. Established a Cyber Security Assessment Team
2. Identified the Critical Systems and the Critical Digital Assets (CDAs)
3. Installed a deterministic one-way device between level 2 and level 3
4. Implemented the security control "Access Control for Portable and Mobile Devices"

5. Implemented observation and identification of obvious cyber related tampering to existing insider mitigation rounds
6. Identified, documented, and implemented NEI 08-09, Rev 6, Appendix D, technical cyber security controls for CDAs that could adversely impact the design function of physical security target set equipment
7. Commenced monitoring and assessment activities for those target set CDAs whose security controls have been implemented.

Exelon continues to implement the balance of the program and is concerned with the ongoing and unnecessary burden associated with maintaining nearly 25,000 digital assets within the scope of the Rule – of which approximately 22,000 have no nexus to protecting the health and safety of the public. The population of 22,000 digital assets has little or no correlation with a radiological release, significant core damage, spent fuel sabotage or reliability of the bulk electric power system and would be excluded from the program scope with the proposed change to the Rule. Examples of these digital assets include: Paperless Recorders, Data Historians, Conventional Information Technology (IT) infrastructure installed in the wider business computer network, IT infrastructure used to support Emergency Preparedness (EP) systems, assets associated with Security Program administrative functions, Digital Indicators, and isolated and stand-alone measurement and test equipment.

While the population of 22,000 digital assets is important to the efficient operation of the plant, they are adequately protected by existing plant protective measures such as physical protection, access authorization, behavioral observation program, network isolation, and configuration management, as well as maintenance and testing. Likewise, EP functionality assets such as communication systems are typically protected through the use of redundancy and/or diversity.

Exelon estimates that actual implementation costs will be a significant multiple of what was indicated by the NRC in the Regulatory Analysis for the Rule. The high cost of implementation and ongoing compliance has implications that are not strictly financial. The cost of implementing and maintaining the requirements of the rule directly competes with facility modifications that improve equipment reliability and reduce the likelihood of an initiating event.

Exelon believes the changes proposed in the petition would facilitate an immediate reduction in unnecessary burden while accomplishing the objective of 10CFR73.54 to provide high assurance of adequate protection from a cyber-attack. Specifically, the changes proposed in the petition would:

- Prevent radiological sabotage, consistent with the NRC's original intent, and long-standing physical protection program requirements;
- Continue to provide defense-in-depth protection for digital assets that have a nexus to radiological safety and security;
- Afford protection to systems that could adversely impact the integrity of the bulk power system,
- Eliminate the unnecessary diversion of attention and resources from the protection of those assets that do have a nexus to radiological safety and security; and

- Enhance regulatory clarity and implementation efficiency.

If there are any questions, or if additional information is required, please contact David Neff at (610) 765-5631.

Sincerely,

A handwritten signature in black ink, reading "Glen T. Kaegi", is written over a solid horizontal line.

Glen T. Kaegi
Director - Licensing & Regulatory Affairs
Exelon Generation Company, LLC

cc: The Honorable Allison M. Macfarlane, Chairman, NRC
The Honorable Kristine L. Svinicki, Commissioner, NRC
The Honorable William C. Ostendorff, Commissioner, NRC
The Honorable Jeffery M. Baran Commissioner, NRC
The Honorable Stephen G. Burns Commissioner, NRC
Mr. Mark A. Satorius, EDO, NRC
Mr. James T. Wiggins, NSIR, NRC
Mr. Barry C. Westreich, NSIR/CSD, NRC