

*Ernest J. Kapopoulos, Jr.
526 South Church Street
Charlotte, NC 28202*

*Mailing Address:
Mail Code EC07H / P.O. Box 1006
Charlotte, NC 28201-1006*

*704-382-8162
704-382-6056 fax*

Serial: RA-14-0035
December 8, 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.

Duke Energy 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.

Duke Energy recognizes the cyber threat, and has a long history of addressing cyber security concerns. Duke Energy broadly implements cyber security measures consistent with prudent business practices for digital systems and equipment. Additionally, Duke Energy 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. Duke Energy 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.

Duke Energy has spent five years implementing the Commission's cyber security requirements 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. Duke Energy continues to implement the balance of the program, and is concerned with the ongoing and unnecessary burden associated with maintaining thousands of critical digital assets (CDAs) within the scope of the cyber security program. A significant number of the identified CDAs have no nexus to protecting the health and safety of the public. Examples of these include: non-safety related digital indicators, recorders, smoke detectors, cameras, transmitters, and media converters. While these devices are important to the efficient operation of the plant, they are adequately protected by the existing plant controls such as physical protection, network isolation, configuration management, maintenance and testing.

Duke Energy believes the changes proposed in the petition would facilitate an immediate reduction in unnecessary burden while accomplishing the objective of 10 CFR 73.54 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;
- 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.

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If there are any questions, or if additional information is required, please contact Michael Bailey at (864) 873-4339 or email at Michael.Bailey@duke-energy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernest J. Kapopoulos, Jr.", with a stylized flourish at the end.

Ernest J. Kapopoulos, Jr.
Vice President Nuclear
Corporate Governance and Operations Support

cc:

The Honorable Allison M. Macfarlane, Chairman, NRC
The Honorable Kristine L. Svinicki, Commissioner, NRC
The Honorable William C. Ostendorff, Commissioner, NRC
The Honorable Jeff 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