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October 10, 2019

Ms. Maureen E. Wylie  
Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Fee Exemption Request for NEI White Paper, "Changes to NEI 10-04 and NEI 13-10 Guidance for Identifying and Protecting Digital Assets Associated with Emergency Preparedness Functions," Dated October 2019

**Project Number: 689**

Dear Ms. Wylie:

The Nuclear Energy Institute (NEI)<sup>1</sup>, on behalf of its members, will be submitting for the Nuclear Regulatory Commission's (NRC) review and endorsement a White Paper revising two currently endorsed NEI technical reports. The submittal will contain proposed changes to NEI 10-04, "Identifying Systems and Assets Subject to the Cyber Security Rule," Revision 2, dated July 2012; and to NEI 13-10, "Cyber Security Control Assessments," Revision 6, dated August 2017. This submittal revises guidance for identifying and protecting Emergency Preparedness (EP) Critical Digital Assets (CDAs). Lessons learned through the implementation of cyber security programs indicate that the specified clarifications are necessary to enhance clarity, support efficient and consistent implementation, and to support NRC oversight activities. The changes are intended to improve the effectiveness and efficiency of licensee cyber security programs while maintaining adequate protection against the radiological sabotage cyber attack.

NEI requests that the NRC's review of the document and any future submissions of the guidance documents be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The document meets the exemption requirement in 10 CFR 170.11(a)(1)(ii) in that it will "assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins)." In this case, NRC review and endorsement of NEI White Paper, "Changes to NEI 10-04 and NEI 13-10 Guidance for Identifying and Protecting Digital Assets Associated with Emergency Preparedness Functions," dated

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<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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October 2019, by December 20, 2019, will improve the effectiveness and efficiency of licensee cyber security programs and the NRC oversight function. In addition, the NRC staff can use the information as it develops and implements its Cyber Security Action Plan as described in its Power Reactor Cyber Security Program Assessment (ADAMS ML19175A210), dated July 12, 2019.

If you have any questions or require additional information, please contact Richard Mogavero, at (202) 739-8174 or [rm@nei.org](mailto:rm@nei.org), or me.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Gross", written over a horizontal line.

William R. Gross

c: Mr. James D. Beardsley, NSIR/CSD, NRC  
Mr. Doug Huyck, NSIR/DSO, NRC  
NRC Document Control Desk