



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 28, 2019

CHIEF FINANCIAL
OFFICER

Mr. William R. Gross
Director, Incident Preparedness
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Mr. Gross:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated December 14, 2018, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(iii)(A) for NRC review of Addendum 7 to Nuclear Energy Institute (NEI) 08-09, "Cyber Security Plan for Nuclear Power Reactors," Revision 6, dated April 2010.

Initially, I note that the exemption provisions under 10 CFR 170.11 were revised by the Fiscal Year 2016 Fee Rule.¹ Specifically, the NRC removed paragraph (a)(1)(iii), which is the regulation you cite as the basis for requesting a fee waiver. This change was effective August 23, 2016. Therefore, the NRC staff has reviewed your request based on the following regulations—10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(a)(13):

10 CFR 170.11(a) No application fees, license fees, renewal fees, inspection fees, or special project fees shall be required for: (1) A special project that is a request/report submitted to the NRC— . . . (ii) When the NRC, at the time the request/report is submitted, plans to use the information in response to an NRC request from the Office Director level or above to resolve an identified safety, safeguards, or environmental issue, or to assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins).

10 CFR 170.11(a)(13) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 170.5,² and the Chief Financial Officer will grant or deny such requests in writing.

Addendum 7 is intended to provide guidance that may be used to evaluate and document the use of alternative cyber security controls/countermeasures to meet the requirements of the licensee's Cyber Security Program Appendix A, Section 3.1.6.2. This guidance may be used by licensees who have used Regulatory Guide (RG) 5.71, "Cyber Security Programs for Nuclear

¹ Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016 (81 Fed. Reg. 41,171, 41,186 (June 24, 2016)).

² 10 CFR 170.5 provides that "All communications concerning the regulations in this part should be addressed to the NRC's Chief Financial Officer, either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM."

Facilities” or NEI 08-09, Revision 6, as a basis for their Cyber Security Plans. NEI 08-09, Revision 6, Appendix A, Section 3.1.6 corresponds to NRC RG 5.71, Section C.3.3 and Appendix A, Section A.3.1.6. The addendum is meant to enhance clarity and consistency in nuclear licensee implementation of alternative control/countermeasure activities and support NRC oversight activities. If accepted for use by the NRC, NEI 08-09 Addendum 7 may be used by nuclear power plants in the implementation of their cyber security plan.

The NRC staff concludes that NEI’s request for NRC review of Addendum 7 to NEI 08-09, “Cyber Security Plan for Nuclear Power Reactors,” Revision 6, meets the criteria under 10 CFR 170.11(a)(1)(ii) because the guidance will assist the NRC in generic regulatory improvements or efforts; therefore, the fee waiver request is approved. Consistent with your December 14, 2018 letter, the NRC will make Addendum 7 guidance available to all applicable licensees if accepted for use.

If you have any technical questions regarding this matter, please contact Mr. James Beardsley at 301-298-0908. Please contact Mr. Billy Blaney, of my staff, at 301-415-5092 for any fee-related questions.

Sincerely,

/RA/

Maureen E. Wylie
Chief Financial Officer

SUBJECT: LETTER TO WILLIAM GROSS RESPONSE TO FEE WAIVER NEI 08-09,
DATED: January 28, 2019

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