



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

May 19, 2020

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

**SUBJECT: RESPONSE TO 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 MARCH 2020**

Dear Mr. Gross:

In your letter dated April 8, 2020, you requested the U.S. Nuclear Regulatory Commission (NRC) staff to review and endorse 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 March 2020, located in the NRC Agencywide Documents Access and Management System (ADAMS) Accession Number ML20126G492 to ensure the proposed changes meet the requirements of 10 CFR 73.54, "Protection of Digital Computer and Communication Systems, and Networks" (known as the NRC Cybersecurity Rule).

Prior to the formal submittal of your request, the NRC held a public meeting with Nuclear Energy Institute (NEI) representatives, the public, and other stakeholders on November 7, 2019 to discuss the changes proposed in the NEI's White Paper. Thereafter, the NRC clarified the feedback from the meeting with NEI and industry representatives. Details of the public meeting are documented in the associated meeting summary (ADAMS Accession Number ML19331A409).

After conducting a review of the NEI White Paper, the regulations, NRC approved guidance, and the statements of consideration for the NRC Cybersecurity Rule, the NRC has concluded that the proposed changes in NEI's White Paper, "Changes to NEI 10-04 and NEI 13-10 Guidance for Identifying and Protecting Digital Assets Associated with Emergency Preparedness Functions," Dated March 2020, are consistent with NRC approved implementation strategies or approaches described in NRC Regulatory Guide (RG) 5.71, "Cyber Security Program for Nuclear Facilities," (ADAMS Accession Number ML090340159) and in NEI 08-09 Rev. 6, "Cyber Security Plan for Nuclear Reactors," (ADAMS Accession Number ML101180437) to meet the requirements of 10 CFR 73.54.

If licensees elect to implement the changes proposed in the NEI White Paper, licensees are responsible to ensure that the implementation of changes to their cyber security programs do not decrease the effectiveness of their cyber security plans in accordance with the

10 CFR 50.54 review process. For additional information, licensees may refer to NEI 11-08, "Guidance on Submitting Security Plan Changes," Rev 0, dated August 2012, reviewed and approved for use by the NRC (ADAMS Accession Number ML12216A194).

This letter is not an endorsement of the NEI White Paper, "Changes to NEI 10-04 and NEI 13-10 Guidance for Identifying and Protecting Digital Assets Associated with Emergency Preparedness Functions." The NRC expects the changes proposed in the white paper to be incorporated in future revisions of NEI 10-04 and NEI 13-10.

Should you or your staff have any questions, please contact Mr. Mario Fernandez at (301) 287-3687.

Sincerely,

Russell N. Felts, Director (Acting)
Division of Physical and Cyber Security Policy
Office of Nuclear Security and Incident
Response

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