

**WILLIAM R. GROSS**  
*Director, Incident Preparedness*

1201 F Street, NW, Suite 1100  
Washington, DC 20004  
P: 202.739.8123  
wrg@nei.org  
nei.org



November 10, 2021

Ms. Cherish K. Johnson  
Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Fee Exemption Request for NEI documents NEI 10-04, "Identifying Systems and Assets Subject to the Cyber Security Rule," Revision 3, dated October 2021; and to NEI 13-10, "Cyber Security Control Assessments," Revision 7, dated October 2021

**Project Number: 689**

Dear Ms. Johnson:

The Nuclear Energy Institute (NEI)<sup>1</sup>, on behalf of its members, has submitted for the Nuclear Regulatory Commission's (NRC) review and endorsement a submittal containing 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.

By letter dated January 16, 2020<sup>2</sup>, the NRC approved our fee exemption request and subsequently, the NRC staff reviewed and approved white papers for the identification and protection of digital assets associated with Emergency Preparedness (EP)<sup>3</sup>, Balance of Plant (BOP)<sup>4</sup>, Safety-Related and Important-to-Safety<sup>5</sup>, and Security Critical Digital Assets (CDAs)<sup>6</sup>. Each white paper provided modifications to NEI 10-04 and NEI 13-10. The approved fee exemption request did not specifically address a final administrative update to NEI 10-04 and NEI 13-10 to integrate all approved changes, an activity that will enhance clarity and efficiency for both the industry and the NRC. NEI has completed the administrative updates to NEI 10-04 and NEI 13-10 and provided the documents to the NRC for review. This effort is aligned with the original objective that was the basis for the NRC's 2020 fee exemption request approval.

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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.

<sup>2</sup> ADAMS Accession No. ML19347A420

<sup>3</sup> ADAMS Accession No. ML20129J981

<sup>4</sup> ADAMS Accession No. ML20209A442

<sup>5</sup> ADAMS Accession No. ML20223A256

<sup>6</sup> ADAMS Accession No. ML21140A140

NEI requests that the NRC's review of both documents be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The documents meet the exemption requirement in 10 CFR 170.11(a)(1)(ii), which states that no fees shall be required for special projects that are requests or reports submitted to the NRC "[w]hen 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)."

In this case, NRC review and endorsement of the publicly available NEI 10-04, "Identifying Systems and Assets Subject to the Cyber Security Rule," Revision 3, dated October 2021; and of NEI 13-10, "Cyber Security Control Assessments," Revision 7, dated October 2021, by December 2021, will improve the effectiveness and efficiency of licensee and applicant cyber security programs and the NRC oversight and licensing functions.

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", is positioned above the printed name.

William R. Gross

c: Mr. James D. Beardsley  
Mrs. Sabrina Attack  
NRC Document Control Desk