



CHIEF FINANCIAL
OFFICER

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

January 17, 2023

Richard Mogavero
Senior Project Manager
Nuclear Security & Incident Preparedness
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Richard Mogavero:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 16, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22348A112), requesting a fee exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) for NRC review and endorsement of Nuclear Energy Institute (NEI) 08-09, "Cyber Security Plan for Nuclear Power Reactors," Revision 7.

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11 "Exemptions." An interested person may apply for an exemption under 10 CFR 170.11 in accordance with 10 CFR 170.5, "Communications."¹ The NRC staff reviewed your request based on the regulations in 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(d). Section 170.11(a)(1)(ii) states:

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 to assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins).

Section 170.11(d) states:

All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 170.5, and the Chief Financial Officer will grant or deny such requests in writing.

On March 7, 2017, NEI submitted NEI 08-09, Revision 6, Addendum 1, "Cyber Security Plan for Nuclear Power Reactors," for NRC review and endorsement (ML17079A379). On April 25, 2017, the NRC approved for use NEI 08-09, Revision 6, Addendum 1 (ML17086407). NEI plans to submit NEI 08-09, Revision 7, for review and approval. NEI intends for the revision to align

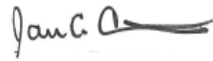
¹ 10 CFR 170.5 provides that "All communications concerning the regulations in this part should be addressed to the NRC's Chief Financial Officer, either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville,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

NEI 08-09 with other guidance approved for use by the NRC, including NEI 10-04, Revision 3, "Identifying Systems and Assets Subject to the Cyber Security Rule," (ML21342A168) and NEI 13-10, Revision 7, "Cyber Security Control Assessments (ML21342A203). In its fee exemption request, NEI also indicated that the revision will also include updates to guidance in areas of interest to the NRC staff, such as threat and vulnerability management and implementing alternative security control methodologies.

For the reasons cited above, I conclude that NEI's request for NRC review and endorsement of NEI 08-09, Revision 7, 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 exemption request is approved. The NRC staff will make NEI 08-09, Revision 7, available to all licensees if approved for use.

If you have any technical questions regarding this matter, please contact Mr. Alex Prada at 301-415-0875. Please contact Mr. Billy Blaney, of my staff, at 301-415-5092 for any fee-related questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "James C. Corbett", with a stylized flourish at the end.

Signed by Corbett, James
on 01/17/23

James C. Corbett
Acting Chief Financial Officer

SUBJECT: LETTER TO RICHARD MOGAVERO RESPONSE TO FEE EXEMPTION
NEI 08-09, REVISION 7, DATED: JANUARY 17, 2023

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ADAMS Accession Number: ML22348A110 Package; ML22348112 Memo

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