



March 3, 2011

**VIA OVERNIGHT MAIL**

Anne-Marie Erickson, Secretary of the Board  
National Energy Board  
444 Seventh Avenue SW  
Calgary, Alberta  
T2P 0X8

Re: *North American Electric Reliability Corporation*

Dear Ms. Erickson:

The North American Electric Reliability Corporation (“NERC”) hereby submits this Notice of Filing of implementation plans for Generator Owners and Generator Operators of nuclear power plants in the United States for Versions 2 and 3 of the Critical Infrastructure Protection Reliability Standards, designated as CIP-002-2 through CIP-009-2 and CIP-002-3 through CIP-009-3 respectively, (“Implementation Plans”), as set forth in **Exhibit A** to this Notice.

The Implementation Plans were filed with the Federal Energy Regulatory Commission on September 9, 2010 in compliance with FERC’s directive in paragraph 24 of FERC’s Order Addressing Compliance Filing and Approving Implementation Plan<sup>1</sup> directing NERC, “upon completion of the balloting process, to make a compliance filing submitting implementation plans for the implementation of Versions 2 and 3 of the CIP standards by owners and operators of the U.S. nuclear power plants on the same schedule as established for Version 1 under the Implementation Plan.”<sup>2</sup>

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<sup>1</sup> *Order Addressing Compliance Filing and Approving Implementation Plan*, 130 FERC ¶ 61,185 (2010).

<sup>2</sup> *Id.* at P 24.

The proposed Implementation Plans were approved by the NERC Board of Trustees on August 5, 2010.

This Notice consists of the following:

- this transmittal letter;
- a table of contents for the entire Notice;
- the Implementation Plans for CIP-002-2 through CIP-009-2 and CIP-002-3 through CIP-009-3 for Generator Owners and Generator Operators of U.S. Nuclear Power Plants (**Exhibit A**);
- the Record of Development of the Proposed Implementation Plans for CIP-002-2 through CIP-009-2 and CIP-002-3 through CIP-009-3 for Generator Owners and Generator Operators of U.S. Nuclear Power Plants (**Exhibit B**); and
- the Standard Drafting Team roster (**Exhibit C**).

Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/ Holly A. Hawkins

Holly A. Hawkins

*Assistant General Counsel for  
Standards and Critical  
Infrastructure Protection for North  
American Electric Reliability  
Corporation*



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plants on the same schedule established for Version 1 of the CIP Standards.<sup>5</sup> On January 19, 2010, in its compliance filing in response to the December 17 Order, NERC requested permission to submit an additional compliance filing requesting FERC approval of the Version 2 and Version 3 implementation plans for U.S. nuclear owners and operators after the plans were balloted by the industry and approved by the NERC Board of Trustees. In paragraph 24 of the March 18 Order, FERC approved NERC's request stating that:

NERC is directed, upon completion of its balloting process, to make a compliance filing submitting implementation plans for the implementation of Versions 2 and 3 of the CIP Standards by owners and operators of U.S. nuclear power plants on the same schedule established for Version 1 under the Implementation Plan.

On August 5, 2010, the NERC Board of Trustees approved the Implementation Plans for CIP-002-2 through CIP-009-2 and CIP-002-3 through CIP-009-3 Reliability Standards that will specifically apply to Generator Owners and Generator Operators of U.S. nuclear power plants.

**Exhibit A** to this filing sets forth the proposed Implementation Plans. **Exhibit B** contains the complete record of development for the proposed plans. **Exhibit C** includes the standard drafting team roster.

NERC is filing these Implementation Plans with the other applicable governmental authorities in Canada. No action is being requested of any Canadian jurisdiction.

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<sup>5</sup> At that time, NERC had not yet submitted Version 3 of the CIP-002 through CIP-009 standards for FERC approval. NERC filed Version 3 for approval on December 29, 2009.

## II. NOTICES AND COMMUNICATIONS

Notices and communications with respect to this filing may be addressed to the following:

Gerald W. Cauley  
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## III. BACKGROUND

### a. Reliability Standards Development Procedure

NERC develops Reliability Standards in accordance with Section 300 (Reliability Standards Development) of its Rules of Procedure and the NERC *Reliability Standards Development Procedure*, which is incorporated into the Rules of Procedure as Appendix 3A. NERC's proposed rules provide for reasonable notice and opportunity for public comment, due process, openness, and a balance of interests in developing Reliability Standards and thus satisfies certain of the criteria for approving Reliability Standards. The development process is open to any person or entity with a legitimate interest in the reliability of the bulk power system. NERC considers the comments of all stakeholders, and a vote of stakeholders and the NERC Board of Trustees is required to approve a Reliability Standard for submission to FERC.

The proposed Implementation Plans included in **Exhibit A** have been developed and approved by industry stakeholders using NERC's *Reliability Standards Development Procedure*, and they were approved by the NERC Board of Trustees on August 5, 2010 for filing with FERC.

#### **IV. SUMMARY OF THE IMPLEMENTATION PLAN DEVELOPMENT PROCEEDINGS**

NERC, through the drafting team that developed the CIP Version 1 implementation plan for U.S. nuclear power plants, developed plans for implementing Versions 2 and 3 of the CIP standards (CIP-002 through CIP-009) using the same schedule as approved for Version 1. The FERC-approved Version 1 implementation plan, and now the proposed Version 2 and 3 plans, are the later of:

- i) the FERC-approved effective date of the Version 1 Implementation Plan plus 18 months;
- ii) the date the scope of systems determination is completed plus ten months; or,
- iii) if an outage is required for implementation, six months following the completion of the first refueling outage at least 18 months beyond the FERC effective date.

The Version 2 and 3 Implementation Plans were processed using the Reliability Standard Development Procedure that resulted in one public comment period, and balloting. NERC conducted the comment period from February 12, 2010, through March 15, 2010, which included the draft Standard Authorization Request (SAR) and the revised Implementation Plans. In response, NERC received 11 sets of comments from representatives from 20 stakeholder companies and 9 of 10 industry segments. While most stakeholders agreed with the proposed Implementation Plans, some stakeholders



proposed extending the timeframe for implementation, but did not specify any reasons for the extension.

NERC then processed the Versions 2 and 3 Implementation Plans through the pre-ballot review, the initial ballot, and recirculation ballot processes, which culminated on July 2, 2010, with the successful approval of the Implementation Plans by the registered ballot body. The Implementation Plans achieved an 87.24 percent weighted segment approval, with an 89.1 percent quorum of registered ballot pool participating. During the balloting process, two themes were evident from those who dissented. First, commenters were concerned that the impact of the standards could not be fully appreciated until the “bright-line” scope of systems determination for the balance of plant was finalized. Second, some commenters were interested in NERC waiving expectations to implement Versions 2 and 3, in lieu of proactively implementing Version 4 of the CIP Reliability Standards currently under development.

Regarding commenters first concern, the drafting team responded that NERC has aggressively worked with the nuclear community to finalize the scope of systems determination and has already provided significant guidance to that end. NERC anticipates preliminarily determining the scope of systems “bright-line” (*i.e.*, those systems, structures, and components subject to Nuclear Regulatory Commission (“NRC”) cyber security requirements and those subject to compliance with NERC CIP Reliability Standards) by October 15, 2010, and will make a filing at FERC reporting on the results of that determination. Upon final NRC verification of those systems, structures, and components subject to NRC cyber security requirements, NERC will formally notify the

nuclear power plants of their compliance obligations with applicable CIP Reliability Standard requirements.

Regarding the second concern, the team noted that it is premature to link implementation expectations to CIP standards that are still in development. The NERC Board of Trustees approved the Versions 2 and 3 implementation plans at its August 5, 2010 meeting. Implementation of the currently effective CIP Reliability Standards by nuclear power plants would ensure that there is no gap in reliability.

Respectfully submitted,

*/s/ Holly A. Hawkins*

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## **Exhibits A - C**

(Available on the NERC Website at

[http://www.nerc.com/fileUploads/File/Filings/Attachments\\_NUC\\_ImpPlan\\_V2\\_V3.pdf](http://www.nerc.com/fileUploads/File/Filings/Attachments_NUC_ImpPlan_V2_V3.pdf))