

Consideration of Comments on Initial Ballot — Order 706-B Nuclear Implementation Plan

Summary Consideration:

The initial ballot received nine comments from representatives in four of ten segments. The drafting team did not make any modifications to the Order 706B Implementation Plan based on ballot comments. The commenters expressed concerns in the following areas:

- The timeframe for scope of systems determination in the plan (denoted by “S”) should include time to request and receive a response to an exemption request. The drafting team addressed this item in the previous comment period and concluded the invocation of the process is not included in this timeframe.
- The timeframe for requirements related to a refueling outage is insufficient and needs to be modified to be 6 months following the first outage that is at least 18 months following the FERC effective date. The team had previously made this change prior to initiating the ballot.
- CIP-006 and CIP-007 requirements need to be identified as possibly needing a refueling outage to implement. The team had previously made this change prior to initiating the ballot.

If you feel that the drafting team overlooked your comments, please let us know immediately. Our goal is to give every comment serious consideration in this process. If you feel there has been an error or omission, you can contact the Vice President and Director of Standards, Gerry Adamski, at 609-452-8060 or at gerry.adamski@nerc.net. In addition, there is a NERC Reliability Standards Appeals Process.¹

Voter	Entity	Segment	Vote	Comment
Silvia P Mitchell	Florida Power & Light Co.	6	Negative	Although partial clarification was provided to S (Scope of System Determination) and to implementation timeframes, additional consideration should be given to nuclear power plants for the development and implementation of a cyber security program that is fully compliant to the NERC CIP Reliability Standards. This additional consideration would involve a more thorough vetting of the exemption process and of the implementation timeframes that support design changes and nuclear refueling outage planning windows. The implementation timeframe is crucial for allowing adequate time to develop/implement design changes, develop/implement procedural instructions, and develop/implement proper training elements for the nuclear operators who already maintain a rigorous training schedule.

¹ The appeals process is in the Reliability Standards Development Procedure: http://www.nerc.com/files/RSDP_V6_1_12Mar07.pdf.

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<p>Response: Thank you for your comments. The reference to the scope of system determination, identified by "S" in the "Timeframe to Compliance" column, includes the time necessary to complete (1) the NERC-NRC Memorandum of Understanding; and, (2) the development of the exemption process that would permit entities to request exclusion of certain systems, structures, and components from the scope of NERC's CIP standards. The Memorandum of Understanding, to be completed in the next few months, is expected to contain a clear delineation of the systems, structures, and components under NRC and NERC jurisdiction. The exemption process will contain the procedural details and a reasonable timeline to dispose of the requests as NERC understands the need to process exemption requests efficiently to ensure entities are clear on expectations and to maximize the time to become compliant. However, the actual invocation of the exemption process is not included in this timeframe.</p> <p>Overall, the drafting team feels the proposed implementation plan respects the time needed by the nuclear power plant owners and operators to properly implement the NERC CIP standards, including specific accommodations for activities dependent on outages to implement.</p>				
George R. Bartlett	Entergy Corporation	1	Affirmative	<ol style="list-style-type: none"> For CIP-002-1, CIP-003-1, CIP-004-1, CIP-006-1 and CIP-009-1, the Scope of Systems Determination (S) timeframe needs to allow additional up-front time for requesting an exemption and getting a decision on the request prior to the "S + 10 months" implementation period taking effect. If this were factored into the S timeframe, the structure of the timeframe for compliance would represent a reasonable approach that would acknowledge the critical path items which could impact implementation of the CIP requirements. There is insufficient time allotted after the FERC effective date to get outage required activities fully scoped and planned. The existing definition of RO (Next Refueling Outage beyond 12 months of FERC Effective Date) should be changed to equal the next refueling outage beyond 18 months after the FERC effective date. For CIP-006-1 under Requirements 4, 5 and 6, the Outage Dependent column needs to be changed from "No" to "Possible" with a RO+6 months (if applicable) timeframe. For CIP-007-1 under Requirements 4 and 6, the Outage Dependent column needs to be changed from "No" to "Possible" with a RO+6 months (if applicable) timeframe.
Matt Wolf	Entergy Services, Inc.	3		
Terri F Benoit		6		
Stanley M Jaskot	Entergy Corporation	5		
<p>Response:</p> <ol style="list-style-type: none"> Thank you for your comments. The reference to the scope of system determination, identified by "S" in the "Timeframe to Compliance" column, includes the time necessary to complete (1) the NERC-NRC Memorandum of Understanding; and, (2) the development of the exemption process that would permit entities to request exclusion of certain systems, structures, and components from the scope of NERC's CIP standards. The Memorandum of Understanding, to be completed in the next few months, is expected to contain a clear delineation of the systems, structures, and components under NRC and NERC jurisdiction. The exemption process will contain the procedural details and a reasonable timeline to dispose of the requests as NERC understands the need to process exemption requests efficiently to ensure entities are clear on expectations 				

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<p>and to maximize the time to become compliant. However, the actual invocation of the exemption process is not included in this timeframe.</p> <p>2. In response to comments received during the industry posting of the implementation plan prior to the balloting phase, the drafting team changed the timeframe associated with a refueling outage to that suggested – RO+6 months where RO is the first refueling outage at least 18 months following the FERC effective date. Therefore, the plan balloted already reflects this change.</p> <p>3. The suggested change was made in response to comments received during the industry comment period that preceded the ballot. Therefore, the plan balloted already reflects this change.</p> <p>4. The suggested change was made in response to comments received during the industry comment period that preceded the ballot. Therefore, the plan balloted already reflects this change.</p>				
Jeffrey Mueller	Public Service Electric and Gas Co.	3	Affirmative	1. PSEG believes that the structure of the timeframe is reasonable, and in the interests of moving forward is voting in favor. However, PSEG requests that the “S” timeframe be clarified to state that it is intended to allow sufficient time for the entity to review the requirements, file for an exemption and receive a response on the outcome of the exemption before the “S” time clock starts.
Thomas Piascik	PSEG Power LLC	5		2. Also, PSEG does not believe that as presently written in some cases the timeframe allowed for outage activities will provide sufficient time to identify, plan and implement the CIP requirements including required design changes. Thus the definition of “RO” should be specified as the first refueling outage commencing 18 months after the FERC effective date.
James D. Hebson	PSEG Energy Resources & Trade LLC	6		
<p>Response:</p> <p>1. Thank you for your comments. The reference to the scope of system determination, identified by “S” in the “Timeframe to Compliance” column, includes the time necessary to complete (1) the NERC-NRC Memorandum of Understanding; and, (2) the development of the exemption process that would permit entities to request exclusion of certain systems, structures, and components from the scope of NERC’s CIP standards. The Memorandum of Understanding, to be completed in the next few months, is expected to contain a clear delineation of the systems, structures, and components under NRC and NERC jurisdiction. The exemption process will contain the procedural details and a reasonable timeline to dispose of the requests as NERC understands the need to process exemption requests efficiently to ensure entities are clear on expectations and to maximize the time to become compliant. However, the actual invocation of the exemption process is not included in this timeframe.</p>				

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<p>2. In response to comments received during the industry posting of the implementation plan prior to the balloting phase, the drafting team changed the timeframe associated with a refueling outage to that suggested – RO+6 months where RO is the first refueling outage at least 18 months following the FERC effective date. Therefore, the plan balloted already reflects this change.</p>				
Nickesha P Carrol	Consolidated Edison Co. of New York	6	Affirmative	Regarding the CIP-005 question which is on R4.2.2: we would prefer clarification to the last sentence "Devices controlling access into the Electronic Security Perimeter are not exempt." Suggest removing or replacing with "Devices controlling access into the Electronic Security Perimeter must comply with the Standards, as described in CIP-005 R1.5."
<p>Response: Thank you for your comment. The issue raised relates to a change in the language of the standard itself and is outside the scope of this team's activities that is solely focused on the implementation plan.</p>				