

NERC Proposes Timeline for Implementing Reliability Standards at Nuclear Power Plants

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The North American Electric Reliability Corporation (NERC) has issued for comment a draft timeline for the implementation of mandatory Critical Infrastructure Protection (CIP) Reliability Standards at nuclear power plants. Previously, in Order No. 706-B, the Federal Energy Regulatory Commission (FERC) clarified that balance of plant systems, structures, and components (SSCs) within a nuclear power plant are subject to the eight CIP Reliability Standards approved by FERC in Order No. 706. NERC is now seeking stakeholder input regarding the appropriate schedule for bringing nuclear power plants into compliance with the CIP Reliability Standards.

Under NERC's proposed implementation plan, the deadline for compliance with the individual CIP Reliability Standard requirements turns on three dates:

- Approval of the implementation plan by FERC
- The scope of systems determination (a determination of the SSCs that are subject to FERC jurisdiction, which requires the development of a Memorandum of Understanding between NERC and the Nuclear Regulatory Commission, and an exemption process for excluding certain SSCs from compliance with the CIP Reliability Standards)
- The date when the nuclear generation unit in question next goes offline for a refueling outage (if the implementation of the appropriate plans, processes, and protocols necessitates a refueling outage)

The earliest deadlines apply to CIP-002-1 R1, which requires entities to develop a risk-based methodology for identifying Critical Assets, and CIP-002-R2, which requires entities to develop a list of Critical Assets through the application of the risk-based methodology. The identification of these Critical Assets will be used to determine whether there are any Critical Cyber Assets that must be protected in accordance with the remaining CIP Reliability Standard requirements.

Under the proposal, nuclear plants must be in compliance with these requirements within 12 months following approval of the implementation plan by FERC. Nuclear power plants must be in compliance with the remaining CIP Reliability Standard requirements within the later of 18 months following FERC approval of the implementation plan or 10 months following the scope of systems determination. Some of these deadlines, however, could be later if compliance necessitates a refueling outage, in which case compliance would be required six months following the refueling outage, if this would be later than the other applicable deadlines.

Comments on the proposed implementation plan must be submitted by August 14, 2009. Any NERC Registered Ballot Body members may, during that time, offer comments and join the ballot pool that will, following the comment period, vote on the implementation plan. Under the terms of Order No. 706-B, this implementation plan must be filed with FERC by September 15, 2009. The implementation plan will not take effect until it is approved by FERC.

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