Comment Form
Project 2009-01 Disturbance and Sabotage Reporting

Please DO NOT use this form for submitting comments. Please use the electronic form to submit comments on the draft standard EOP-004-2. Comments must be submitted by May 24, 2012. If you have questions please contact Stephen Crutchfield by email or by telephone at (609) 651-9455.

You do not have to answer all questions.

1. The DSR SDT has revised EOP-004-2 by removing Requirement 1, Part 1.4 and separating Parts 1.3 and 1.5 into new Requirements R3 and R4. Requirement R3 calls for an annual test of the communications portion of the Operating Plan and Requirement R4 requires an annual review of the Operating Plan. Do you agree with this revision? If not, please explain in the comment area below.

☐ Yes
☒ No

Comments: Regarding Requirement R3, add the following wording from Measure M3 to the end of R3 after the wording “in Part 1.2.”:

The annual test requirement is considered to be met if the responsible entity implements the communications process in Part 1.2 for an actual event.

This language must be in the Requirement to be considered during an audit. Measures are not auditable.

Regarding Requirement R4, replace the words “an annual review” with the words “a periodic review.” Add the following to R4:

The frequency of such periodic reviews shall be specified in the Operating Plan and the time between periodic reviews shall not exceed five (5) years.

This does not preclude an annual review in an Entity’s operating plan. The Entity will then be audited to its plan. If the industry approves a five (5) year periodic review ‘cap’, and FERC disagrees, then FERC will have to issue a directive, state it reasons and provide justification for an annual review that is not arbitrary or capricious. Adding the one year “test” requirement adds to the administrative tracking burden and adds no reliability value.
2. The DSR SDT made clarifying revisions to Attachment 1 based on stakeholder feedback. Do you agree with these revisions? If not, please explain in the comment area below.

☐ Yes
☑ No

Comments:

Regarding Attachment 1, language identical to event descriptions in the NERC Event Analysis Process and FERC OE-417 should be used. Creating a third set of event descriptions is not helpful to system operators. Recommend aligning the Attachment 1 wording with that contained in Attachment 2, DOE Form OE-417 and the EAP whenever possible.

The following pertains to Attachment 1:

Replace the Attachment 1 “NOTE” with the following clarifying wording:

NOTE: The Electric Reliability Organization and the Responsible Entity’s Reliability Coordinator will accept the DOE OE-417 form in lieu of Attachment 2 if the entity is required to submit an OE-417 report. Submit reports to the ERO via one of the following: e-mail: esisac@nerc.com, Facsimile: 609-452-9550, Voice: 609-452-1422. Initial submittal by Voice within the reporting time frame is acceptable for all events when followed by a hardcopy submittal by Facsimile or e-mail as and if required.

The proposed “events” are subjective and will lead to confusion and questions as to what has to be reported.

Event: A reportable Cyber Security Incident.

All reportable Cyber Security Incidents may not require “One Hour Reporting.” A “one-size fits all” approach may not be appropriate for the reporting of all Cyber Security Incidents. The NERC “Security Guideline for the Electricity Sector: Threat and Incident Reporting” document provides time-frames for Cyber Security Incident Reporting. For example, a Cyber Security Compromise is recommended to be reported within one hour of detection, however, Information Theft or Loss is recommended to be reported within 48 hours.

Recommend listing the Event as “A confirmed reportable Cyber Security Incident. The existing NERC “Security Guideline for the Electricity Sector: Threat and Incident Reporting” document uses reporting time-frames based on “detection” and “discovery.” Recommend using the word confirmed because of the investigation time that may be required from the point of initial “detection” or “discovery” to the point of confirmation, when the compliance “time-clock” would start for the reporting requirement in EOP-004-2.
Event: Damage or destruction of a Facility
Threshold for Reporting: revise language on third item to read:
Results from actual or suspected intentional human action, excluding unintentional human errors.

Event: Any physical threat that could impact the operability of a Facility
This Event category should be deleted. The word “could” is hypothetical and therefore unverifiable and un-auditable. The word “impact” is undefined. Please delete this reporting requirement, or provide a list of hypothetical “could impact” events, as well as a specific definition and method for determining a specific physical impact threshold for “could impact” events other than “any.”

Event: BES Emergency requiring public appeal for load reduction.
Replace wording in the Event column with language from #8 on the OE-417 Reporting Form to eliminate reporting confusion. Following this sentence add, “This shall exclude other public appeals, e.g., made for weather, air quality and power market-related conditions, which are not made in response to a specific BES event.”

Event: Complete or partial loss of monitoring capability
Event wording: Delete the words “or partial” to conform the wording to the NERC Event Analysis Process.

Event: Transmission Loss
Revise to BES Transmission Loss

Event: Generation Loss
Revise to BES Generation Loss

3. The DSR SDT has proposed a new Section 812 to be incorporated into the NERC Rules of Procedure. Do you agree with the proposed addition? If not, please explain in the comment area below.

☐ Yes
☒ No
Comments: The proposed new section does not contain specifics of the proposed system nor the interfacing outside of the system to support the report collecting.

4. **Do you have any other comment, not expressed in the questions above, for the DSR SDT?**

   Comments:

   The proposed standard is not consistent with NERC’s new Risk Based Compliance Monitoring.
   a. The performance based action to “implement its event reporting Operating Plan” on defined events, as required in R2, could be considered a valid requirement. However, the concern is that this requirement could be superseded by the NERC Events Analysis Process and existing OE-417 Reporting.

   b. The requirements laid out in R1, R3 and R4 are specific controls to ensure that the proposed requirement to report (R2) is carried out. However, controls should not be part of a compliance requirement. The only requirement proposed in this standard that is not a control is R2.

   NERC does not need to duplicate the enforcement of reporting already imposed by the DOE. DOE-417 is a well established process that has regulatory obligations. NERC enforcement of reporting is redundant. NERC has the ability to request copies of these reports without making them part of the Reliability Rules.

   Form EOP-004, Attachment 2: Event Reporting Form:
   Delete from the Task column the words “or partial”.
   Delete from the Task column the words “physical threat that could impact the operability of a Facility”.

   VSL’s may have to be revised to reflect revised wording.