Unofficial Comment Form
Interpretation 2010-INT-05
CIP-002-1 Requirement R3 for Duke Energy

Please **DO NOT** use this form to submit comments. Please use the electronic comment form located at the link below to submit comments on Interpretation 2010-INT-05 CIP-002-1 Requirement R3 for Duke Energy. The electronic comment form must be completed by **March 23, 2012**.


If you have questions please contact Steven Noess at steven.noess@nerc.net or by telephone at (404 446-9691).

**Background Information**
A 30-day formal comment period for this interpretation closed on October 8, 2010. Since that date, a project team from the CIP Interpretation Drafting Team has reviewed and responded to the comments received from that posting and made revisions to the interpretation encompassing Duke Energy’s Request for Interpretation Questions 1 and 2. The project team revised the interpretation pursuant to the NERC Guidelines for Interpretation Drafting Teams. (Available at: [http://www.nerc.com/files/Guidelines_for_Interpretation_Drafting_Teams_Approved_April_2011.pdf](http://www.nerc.com/files/Guidelines_for_Interpretation_Drafting_Teams_Approved_April_2011.pdf))

Duke Energy asked two questions in their Request for Interpretation.

In response to Question 1, the Interpretation Drafting Team (“IDT”) agreed with commenters that the interpretation to Question 1 was good. The IDT increased clarity by adding words to create the phrase, “is illustrative, not prescriptive.” The examples given in Requirement 3 are illustrative and not prescriptive.

In response to Question 2, commenters strongly commented that the previously-posted interpretation was not satisfactory. With that result, the IDT researched the wording of the phrase and developed a new interpretation. “Essential” is not defined in the Glossary of Terms used in NERC Reliability Standards. However, the well-understood meaning and ordinary usage of the word “essential” implies “inherent to” or “necessary.” Either word may be used in place of “essential.”

The IDT notes that the first posted draft of Version 5 of CIP-002 is addressing many of the issues raised in this Request for Interpretation.
Additionally, the IDT offers the following supplemental observation regarding the above interpretations. The language within CIP-002-1 Requirement 3 works hand-in-hand with the Standard’s Purpose and Requirement 1. The Responsible Entity is responsible for using its judgment to identify Critical Cyber Assets that are essential, inherent, or necessary to the operation of the Critical Assets.”

**You do not have to answer all questions. Enter All Comments in Simple Text Format.**
Insert a “check” mark in the appropriate boxes by double-clicking the gray areas.

Please review the request for an interpretation, the associated standard, and the draft interpretation and then answer the following questions.

The NERC Board of Trustees indicated that the interpretation process *should not* be used to address requests for a decision on “how” a reliability standard applies to a registered entity’s particular facts and circumstances. Do you believe this request for an interpretation is asking for clarity on the meaning of a requirement or clarity on the application of a requirement?

**Question #1:**
- [x] The request in Question 1 of the Request for Interpretation is asking for clarity on the **meaning** of a requirement.
- [ ] The request in Question 1 of the Request for Interpretation is asking for clarity on the **application** of a requirement.

Comments:

**Question #2:**
- [x] The request in Question 2 of the Request for Interpretation is asking for clarity on the **meaning** of a requirement.
- [ ] The request in Question 2 of the Request for Interpretation is asking for clarity on the **application** of a requirement.

Comments:

The NERC Board of Trustees indicated that in deciding whether or not to approve a proposed interpretation, it will use a standard of strict construction and not seek to expand the reach of the standard to correct a perceived gap or deficiency in the standard. Do you believe this interpretation expands the reach of the standard?
**Question #3:**

☐ The interpretation for Question 1 of the Request for Interpretation *expands* the reach of the standard.

☒ The interpretation for Question 1 of the Request for Interpretation *does not expand* the reach of the standard.

Comments:

**Question #4:**

☐ The interpretation for Question 2 of the Request for Interpretation *expands* the reach of the standard.

☒ The interpretation for Question 2 of the Request for Interpretation *does not expand* the reach of the standard.

Comments:

**Question #5:**

Do you agree with the Interpretation Drafting Team’s response to **Question 1** of the Request for Interpretation? If not, please explain specifically what you disagree with.

☒ Yes

☐ No

Comments:

**Question #6:**

Do you agree with the Interpretation Drafting Team’s response to **Question 2** of the Request for Interpretation? If not, why not.

☒ Yes

☐ No

Comments: