



MRO Stakeholder Comments

Proposed Procedure for Requesting and Receiving Technical Feasibility Exceptions to NERC Critical Infrastructure Protection Standards and related amendments to the NERC Rules of Procedure

The Midwest Reliability Organization (MRO) has developed a process that clearly defines the various roles of those involved in developing comments. The MRO Standards Committee has established a subcommittee, the North American Electric Reliability Corporation (NERC) Standards Review Subcommittee (MRO NSRS), and charged it with the role of carrying out this process for all NERC Standard Authorization Requests, Standards, and related policies that are posted for public comment.

The MRO NSRS members:

Joe DePoorter, Madison Gas and Electric, Chair
Neal Balu, Wisconsin Public Service Corporation
Terry Bilke, Midwest ISO
Ken Goldsmith, Alliant Energy
Jodi Jenson, Western Area Power Administration
Terry Harbour, MidAmerican Energy Company
Joseph Knight, Great River Energy
Scott Nickels, Rochester Public Utilities
Dave Rudolph, Basin Electric Power Cooperative
Eric Ruskamp, Lincoln Electric Services
Carol Gerou, MRO Staff, Secretary
Alice Murdock, Xcel Energy

The MRO NSRS non-member:

Ray Sefchik, MRO Staff, MRO CIP Auditor

MRO NSRS respectfully submits the following comments on the “Proposed Procedure for Requesting and Receiving Technical Feasibility Exceptions to NERC Critical Infrastructure Protection Standards and related amendments to the NERC Rules of Procedure”:

-
- 1.) Page 1, paragraph 1; *As a result, the Commission proposed to allow, in the near term, exceptions from compliance based on the concept of “technical feasibility” (referred to as Technical Feasibility Exceptions, or TFEs) in a limited set of circumstances.*





Comment – Can there be a clarification of the statement “**in the near term.**” As the Regional Entities begin to receive, catalog and review TFE requests from Registered Entities, a more clear definition is needed. Mitigation plans will be submitted with details including timeframes for corrective actions. What will be an acceptable timeframe for the lifespan of a TFE (3 months, 6 months, 2 years, etc.)? Or, will the TFE and its detailed timeframes be accepted “in the near term” based solely on the professional judgment of the Regional Entity CIP staff reviewing the justification criteria described in the TFE?

2.) Page 3, paragraph 3; *Requests for a TFE may be made for the following CIP Reliability Standards that specifically provide exceptions in those cases for which the required compliance directive is “technically infeasible”:*

- *CIP-005-1: Requirements R2.4, R2.6, R3.1, and 3.2*
- *CIP-006-1: Requirement R1.1*
- *CIP-007-1: Requirements R 2.3, R3.2, R4, R4.1, R5.3, R5.3.1, R5.3.2, R5.3.3, R6, and R6.3.*

Comment – CIP-007-1 R3.2 had not previously been included in the applicability for TFE status nor does it include any language for technical infeasibility. This requirement should be removed from the list of TFE applicable standards and requirements as it:

- May produce perpetual submittals of TFE requests per patch cycle (including out-of-band security patches) per vendor. This could become unduly burdensome to the Regional Entity Compliance staff
- Is unclear what is meant by “not installed”
 - Time frame – security patch is “not installed” even if it is scheduled to be installed at some time in the future
 - Security patch installed but backed out
- Is unclear what the benefit is as the entity must already document compensating measures for “not installing” security patches
- By adding TFE applicability to this requirement the standard is being modified without following the standards development process

