

NERC Compliance Process Bulletin #2010-001 Update to Interim TFE Program

Version 1.0

January 27, 2010 | Public Process Announcement

PURPOSE

This Bulletin updates the interim program for Technical Feasibility Exceptions (“TFEs”) under the NERC Critical Infrastructure Protection (“CIP”) Reliability Standards, CIP-002 through CIP-009, Versions 1 and 2.¹ The Interim TFE Program was previously announced in NERC Compliance Process Bulletin #2009-007,² and this Bulletin is being issued in response to the order of the Federal Energy Regulatory Commission (“FERC” or the “Commission”) approving the proposed revisions to the NERC Rules of Procedure to establish a permanent TFE program, subject to revisions to be submitted in a compliance filing.³

BACKGROUND

The Interim TFE Program established a provisional process by which NERC and the Regional Entities would receive, process and approve submissions for TFEs pending approval by FERC of proposed revisions to the Rules of Procedure filed with FERC on October 29, 2009. Those revisions would establish the new Section 412 and Appendix 4D to the NERC Rules of Procedure. The Interim TFE Program included an initial submission window so responsible entities would have a date certain (*i.e.*, by January 31, 2010) by which to file their initial TFE submissions.⁴

¹ Version 3 of the CIP standards was filed with FERC on December 29, 2009 and, if approved, would also be subject to the TFE process outlined herein.

² See [Public Notice - NERC Compliance Process #2009-007 v1.2](#) (issued November 9, 2009); [Public Notice - NERC Compliance Process #2009-007 v1.1](#) (issued October 13, 2009); [Public Notice - NERC Compliance Process #2009-007 v1.0](#) (issued October 12, 2009) (hereinafter collectively “Interim TFE Program”).

³ *North American Electric Reliability Corporation*, Order Approving Technical Feasibility Exception Procedures and Ordering Compliance Filing, 130 FERC ¶ 61,050 (January 21, 2010) (“TFE Approval Order”)

⁴ Under Section 4.5 of Appendix 4D, a responsible entity submitting a TFE within this initial submission window would be deemed to have a “Compliant date” that is the date of the TFE submission and would not be subject to the general requirement that the TFEs should occur 60 days prior to the “Compliant date”.

In its TFE Approval Order, FERC approved the proposed revisions to Section 412 and Appendix 4D, establishing a permanent TFE Program. In so doing however, FERC ordered that NERC incorporate several revisions to the Program and submit a compliance filing by April 21, 2010. Chief among these ordered revisions is the inclusion of two new requirements (CIP-006-1 R.1.1 and CIP-007-1 R3) within the scope of the requirements for which responsible entities may assert TFEs.

UPDATED INTERIM TFE PROGRAM

Responsible entities are advised that NERC and the Regional Entities will process TFE submissions under Rule 412 and Appendix 4D as originally submitted to FERC on October 29, 2009, until NERC submits its compliance filing in response to the TFE Approval Order and issues another public bulletin announcing further program updates. With the closing of the initial submission window under the Interim TFE Program approaching, NERC continues to expect responsible entities to continue to submit their initial TFEs for the 12 requirements within the original scope of the program by January 31, 2010.⁵ Rather than require responsible entities to make their initial submissions by January 31, 2010, TFEs for CIP-006-1 R1.1 and CIP-007-1 R3, NERC is establishing a separate initial submission window in order to provide adequate time for responsible entities to submit TFE requests on these two requirements.

In order to accommodate responsible entities that may seek to submit TFEs under CIP-006-1 R1.1 and CIP-007-1 R3 (or CIP-006-2 R1.1 and CIP-007-2 R3, after April 1, 2010), NERC establishes a specific initial submission window for these new requirements to commence on February 17, 2010 and to close on April 30, 2010. This initial submission window should allow sufficient time for Regional Entities to update their submission portals to allow them to receive TFEs for these two new requirements. Responsible entities are advised to contact their Regional Entities to find out when and how they can commence initial submission of TFEs for these new requirements.

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Process disclaimer: All processes must be adhered to for violation submittals. Submittals that do not strictly follow these processes risk being remanded back to the region by NERC and not being reflected in the NERC database. NERC reserves the right to issue new process bulletins or modify existing process bulletins when necessary and at its discretion.

⁵ Currently, TFEs are available for the following requirements: CIP-005-1: R2.4, R2.6, R3.1, and R3.2, and CIP 007-1: R2.3, R4, R5.3, R5.3.1, R5.3.2, R5.3.3, R6, and R6.3.

Revision History

Version	Date	Reviewers	Revision Description
1.0	January 27, 2010	NERC Staff and Regional Entity Staff	Version 1.0