

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

North American Electric Reliability)
Corporation)

Docket No. _____

**MOTION TO DISCONTINUE COMPLIANCE OBLIGATION OF THE
NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION
IN RESPONSE TO PARAGRAPH 629 OF ORDER NO. 693**

In its March 16, 2007 Order,¹ the Federal Energy Regulatory Commission (“FERC” or the “Commission”) directed the North American Electric Reliability Corporation (“NERC” or “ERO”) to provide a quarterly informational filing regarding the timeframe to restore power to the auxiliary power systems of U.S. nuclear power plants following a blackout as determined during simulations and drills of system restoration plans. Pursuant to Rule 212 of the Commission’s Rules of Practice and Procedure, 18 C.F. R. § 385.212 (2012), NERC hereby submits this motion requesting that the Commission discontinue NERC’s obligations to (i) collect data and (ii) provide quarterly informational filings pursuant to the Commission’s directive in Paragraph 629 of Order No. 693.

The purpose of conducting the data collection has been superseded by the development of Reliability Standard NUC-001-2 (Nuclear Plant Interface Coordination) and Reliability Standard EOP-005-2 (System Restoration from Blackstart Resources),

¹ *Mandatory Reliability Standards for the Bulk-Power System*, 118 FERC ¶ 61,218, FERC Stats. & Regs. ¶ 31,242, P 629 (Order No. 693), *Order on reh’g, Mandatory Reliability Standards for the Bulk-Power System*, 120 FERC ¶ 61,053 (Order No. 693-A) (2007).

which were approved by the Commission on January 21, 2010² and March 17, 2011³, respectively. Further, after twenty-five quarters of data collection and reporting, NERC and the Commission now have a set of data points for each U.S. nuclear power plant.⁴

Finally, because the development of quarterly reports requires the outlay of substantial resources by Transmission Operators who collect and forward the information to the Regional Entity, by the Regional Entity which accumulates and assembles the data, and by NERC which combines the information into the filings and generate reports, NERC is seeking to redirect these industry, regional, and NERC resources to other reliability-related activities that impact the Bulk-Power System.

I. NOTICES AND COMMUNICATIONS

Notices and communications with respect to this filing may be addressed to the following:⁵

² *North American Electric Reliability Corporation*, 130 FERC ¶ 61,051 (2010).

³ *System Restoration Reliability Standards*, Order No. 749, 134 FERC ¶ 61,215 (2011).

⁴ Upon Board of Trustees approval, NERC began to collect nuclear data from U.S. Transmission Operators during the fourth quarter of 2007 and has continued to collect and report the data to the Commission on a quarterly basis.

⁵ Persons to be included on the Commission's service list are indicated with an asterisk. NERC requests waiver of 18 C.F.R. § 385.203(b) to permit the inclusion of more than two people on the service list.

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II. **BACKGROUND**

In Order No. 693, in response to comments offered by the U.S. Nuclear Regulatory Commission (“NRC”) during the Notice of Proposed Rulemaking process, the Commission expressed its concern regarding the role and priority that nuclear power plants should have in Bulk-Power System restoration plans.⁶ The NRC comments suggested that Reliability Standard EOP-005-1 include: (1) a requirement to record the amount of time required to restore power to the auxiliary power systems of nuclear power plants; (2) a provision requiring the affected transmission operators give high priority to restoration of off-site power to nuclear power plants even if a nuclear power plant is being powered from the nuclear power plant’s onsite power supply, and (3) a provision stating that restoration shall not violate nuclear power plant minimum voltage and frequency requirements.⁷ The Commission addressed the concern in its discussion of

⁶ Order No. 693 at P 629.

⁷ See NRC Dec. 28, 2006 Comments, Docket No. RM06-16-000 at 3-4.

Reliability Standard EOP-005-1 (System Restoration Plans). In Paragraph 629 of Order No. 693, the Commission issued the following directive:

[t]he Commission directs the ERO to gather data, pursuant to § 39.5(f) of the Commission's regulations, from simulations and drills of system restoration on the time it takes to restore power to the auxiliary power systems of nuclear power plants under its data gathering authority and report that information to the Commission on a quarterly basis.

NERC, in its role as the ERO and in accordance with 18 C.F.R. § 39.2(d) (2012), is required to provide information as necessary to the Commission in order to implement section 215 of the Federal Power Act. That same regulation obligates users, owners, and operators of the Bulk-Power System to provide the ERO with information in support of this same objective. As noted above, NERC began collecting data in the fourth quarter of 2007 pursuant to the directive in Order No. 693 and has done so for twenty-five consecutive quarters.

III. MOTION TO DISCONTINUE PARAGRAPH 629 COMPLIANCE OBLIGATION

NERC respectfully requests the discontinuance of the compliance obligation under Paragraph 629 for three reasons, each of which is addressed below. First, since the issuance of Order No. 693 in March 2007, NERC has addressed the issues raised by the NRC in Order No. 693 through the development and approval of Reliability Standards NUC-001-2 and EOP-005-2. These Reliability Standards create a broader approach, and specifically address the off-site power capability concerns of the NRC. Second, the Commission and NERC have collected extensive sets of data on each of the nuclear plants in response to the directive in Paragraph 629. Lastly, because the purpose behind the data collection is now being accomplished by the much broader Reliability Standards

mentioned above, NERC can more efficiently utilize the time and resources of NERC, Regional Entities, and Transmission Operators to accomplish other reliability efforts.

A. Development of Two Reliability Standards with Broader Approach

1. Reliability Standard NUC-001-2

Since the issuance of Order No. 693 in March 2007, Reliability Standard NUC-001-2.1 (Nuclear Plant Interface Coordination) has been approved by the Commission, and contains explicit Requirements that address the off-site power concerns expressed by the NRC. Specifically, Reliability Standard NUC-001-2 requires a Nuclear Plant Generator Operator to coordinate operations and planning with Transmission Entities providing services relating to nuclear plant operating and off-site power delivery requirements. Reliability Standard NUC-001-2 also requires Nuclear Plant Generator Operators and Transmission Entities to implement interface agreements setting forth expectations and procedures for coordinating operations to meet the nuclear plant licensing requirements and System Operating Limits affecting nuclear plant operations.

As an example of how Reliability Standard NUC-001-2.1 provides a broader approach to the Commission directive in Order No. 693, currently-effective Requirement R9.2.2 of Reliability Standard NUC-001-2 requires Nuclear Plant Generator Operators to identify facilities, components, and configuration restrictions that are essential for meeting the Nuclear Interface Plant Requirements (“NPIRs”). Requirement R9.3.4 includes provisions to address mitigating actions needed to avoid violating NPIRs and to address periods when responsible Transmission Entities lose the ability to assess the capability of the electric system to meet the NPIRs. These provisions also include the obligation to notify the Nuclear Plant Generator Operator of this information within a specified time frame.

Additionally, Requirement R9.3.5 of Reliability Standard NUC-001-2 includes provisions for considering, during the restoration process, the requirements and urgency of a nuclear plant that has lost all off-site and on-site AC power. Requirement R4 provides that the applicable Transmission Entities shall incorporate the NPIRs into their operating analyses of the Bulk-Electric System, operate the Bulk-Electric System to meet the NPIRs, and inform the Nuclear Plant Generator Operator when the ability to assess the operation of the Bulk-Electric System is lost.

2. Reliability Standard EOP-005-2

In addition to the approval of Reliability Standard NUC-001-2, the Commission stated in its approval of Reliability Standard EOP-005-2 in Order No. 749 that Reliability Standard EOP-005-2 effectively addresses the Commission's directive in Order No. 693 to develop timeframes for training and review of restoration plan requirements to simulate contingencies and prepare operators for anticipated and unforeseen events.⁸ The purpose of Reliability Standard EOP-005-2 is to ensure plans, facilities, and personnel are prepared to enable system restoration from Blackstart Resources, and to ensure that reliability is maintained during restoration and priority is placed on restoring the Interconnection. Requirement R1.2 of Reliability Standard EOP-005-2 provides that the Transmission Operator shall have a Reliability Coordinator-approved restoration plan that includes “[a] description of how all Agreements or mutually agreed upon procedures or protocols for off-site power requirements of nuclear power plants, including priority of restoration, will be fulfilled during System restoration.”

⁸ See *System Restoration Reliability Standards*, Order No. 749, 134 FERC ¶ 61,215 at P 17. See also *System Restoration Reliability Standards*, Notice of Proposed Rulemaking, 133 FERC ¶ 61,161 at P 19 (2010).

Requirements R3 and R4 set forth time frames for review of restoration plans. Frequency of testing Blackstart Resources is addressed in Requirement R9, and Requirement R6 requires each transmission operator to verify every five years through analysis of actual events, testing, or steady state and dynamic simulations that the restoration plan accomplishes its intended function. Requirements R10, R11 and R17 address training requirements.

B. Existing Nuclear Data Points

NERC has collected data from U.S. Transmission Operators pursuant to its obligation under Paragraph 629 of Order No. 693 since the fourth quarter of 2007. This information, which is collected by U.S. Transmission Operators, submitted to Regional Entities, then delivered to NERC for submission the Commission, includes a comprehensive collection of nuclear data including the following: identification of the reporting entity; name of the exercise, drill or simulation; date of the exercise, drill or simulation; name of the nuclear plant; unit designation; identification of the off-site power source; time duration measured from the time off-site power sources are lost to the time of restoration of the first off-site power source; and discussion of scenario assumptions or constraints impacting the restoration of the first off-site power source to the nuclear power plant. Because the information collected by NERC and reported to the Commission over the previous twenty-five quarters has been thorough and complete, NERC and the Commission have an extensive collection of accurate data points with regard to nuclear plants in the Commission's jurisdiction.

C. Unnecessary Utilization of Resources

The quarterly reports submitted to the Commission require a substantial expenditure of time, effort, and other valuable resources by Transmission Operators,

Regional Entities, NERC, and the industry as a whole. These are resources that could be utilized to accomplish more important reliability-related activities designed to improve the resiliency of the Bulk Power System. As described above, Transmission Operators, Regional Entities, and NERC have independent responsibilities related to the reporting requirements prescribed by Order No. 693. For example, Transmission Operators conduct a series of drills and exercises to collect information regarding the service restoration times for auxiliary power systems of nuclear power plants, and forward that information to their respective Regional Entities. Upon receipt of this information, the Regional Entities coordinate the collection of the requested data from its members and prepare a composite presentation. This is data which must then be validated by the Transmission Operators prior to submittal to NERC. Once NERC has received these data sets, NERC officials combine the information into cognizable filings and generate reports for final submission to the Commission.

As explained above, these filings and reports submitted to the Commission by NERC contain redundant and, in many cases, less robust, data than is provided to the Commission through Reliability Standards NUC-001-2.1 and EOP-005-2. Because the information provided to NERC and the Commission by these Reliability Standards is more than enough to satisfy the Commission's directive in Paragraph 629 of Order No. 693 and because NERC and the Commission already have extensive data related to U.S. nuclear power plants, NERC requests the ability to utilize these valuable resources in a more effective manner.

IV. CONCLUSION

In summary, on the basis that the more explicit Requirements contained in Reliability Standards NUC-001-2 and EOP-005-2 specifically address the off-site power

capability concerns of the NRC and establish timeframes for training and review of restoration plan requirements, and because NERC and the Commission have collected a series of data points regarding existing nuclear plants over the course of the last twenty-five quarters, NERC requests that the Commission discontinue NERC's obligation to collect and report this data, a Commission directive contained in Paragraph 629 of Order No. 693, and allow NERC to redirect the resources required by these obligations to other reliability-related matters.

Respectfully submitted,

/s/ Brady A. Walker

Brady A. Walker

*Counsel for North American Electric
Reliability Corporation*

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, District of Columbia this 30th day of May, 2014.

/s/ Brady A. Walker

Brady A. Walker

*Counsel for North American Electric
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