

Meeting Notes

Project 2010-INT-05

CIP-002-1 Requirement R3 for Duke Energy

October 7, 2011 | 2:00–3:30 p.m. ET
Teleconference and Webinar

Administrative

1. **Participants were read the NERC Compliance Guidelines; there were no questions**
2. **Attendance**
 - a. Members: Scott Miller (Chair), MEAG; David Dockery, AECl; Mark Engels, Dominion; Summer Esquerre, NextEra Energy; Jeffrey Fuller, Dayton Power and Light; Michael Mertz, PNM Resources; Hong Tang, Centerpoint Energy; Steven Noess, NERC Staff; Scott Mix, NERC Staff
 - b. Observers: Tim Conway, NIPSCO; Matt Dale, FERC; Trevor MacCrae, Southern Company Transmission; Josh Sandler, Duke Energy; Laurent Weber, WAPA

Summary

1. **Review of Project 2010-INT-05 (Interpretation for Duke Energy)**
 - a. The team discussed the overview of the project, to include the latest status (posted for formal comment, ending October 8, 2010).
 - b. The team reviewed the previously-proposed interpretation and discussed general themes of comments received during the last formal comment period. The interpretation for question one of the request for interpretation was not contentious during the first posting. The interpretation for question two generated the majority of the negative or issue-identifying comments, and the team focused their discussion on that question.
2. **Issues and Discussion**
 - a. The team discussed the concerns noted by commenters regarding question two. Among the responses were concerns or suggestions that the response to question two expanded the requirement, was tautological, and that “essential to the operation” means simply and fundamentally that the Critical Asset *cannot function or is not operational*, at all, without the Cyber Asset.
 - b. An observer from FERC, upon reminding the team that he does not speak for the Commission, gave his opinion that FERC staff was amenable to the approach of the interpretation posted for formal comment from October 2010.

- c. The team discussed possible limitations to providing an interpretation in this case within the “Guidelines for Interpretation Drafting Teams” approved by the Standards Committee. While the word “essential,” as Duke notes in its request for interpretation, is not a term defined in the *Glossary of Terms used in NERC Reliability Standards*, the team agreed that the meaning is not ambiguous when considering the word’s ordinary and customary usage: that “essential” is akin to “inherent to” or “necessary,” etc.
- d. Upon further conversation, the team determined that “essential” on its own is not at issue in the request for interpretation. Rather, the issue turns on whether the total phrase “essential to the operation” means: i). inherent to or necessary for any given moment or a particular state of operation (e.g., when certain maintenance requires a laptop that is not otherwise used in normal operation; though the Critical Asset can literally operate without that maintenance laptop, at the particular time that it needs maintenance for which the laptop is required to interface with the Critical Asset, do those facts make the laptop “essential to the operation” for purposes of the requirement?); or ii). does “essential to the operation” mean only those Cyber Assets inherent to or necessary for the operation of the Critical Asset, at all and fundamentally, without which the Critical Asset cannot operate (e.g., the same maintenance laptop described above would not be “essential to the operation” for purposes of the requirement because, except for particular and limited maintenance purposes, the Critical Asset can operate without it)? In both of those scenarios, “essential” is not ambiguous and has the same meaning; it is the timeframe, applicability, and scope of “to the operation of” that requires analysis.
- e. The team discussed that the risk-based categorization under the CIP Cyber Security Standards themselves may provide guidance. That is, how an entity uses a Cyber Asset and how and whether it categorizes something as a Critical Cyber Asset, is in large part dependent upon whether it is “essential” according to the specific Responsible Entity’s risk-based assessment and categorization. They further discussed that even without an evaluation or determination under this interpretation, it would seem that a Responsible Entity would be expected to have an approach or method to be responsive to the requirement.
- f. The team agreed for question two that more discussion is necessary to determine whether an answer is possible or if they can provide the interpretation within their guidelines.

3. Action Items

Scott Miller to work with Steven Noess to provide strawman options of possible team approaches for the next meeting.

4. Future Meetings

Monday, October 17, 2011, 12:00-1:30 p. m. ET.