

National Infrastructure Protection Plan Comment Form

Individual Commenter Information

Review Status

Last Name	Church Ciocci	First Name	Linda	Did Not Review	<input type="checkbox"/>
Telephone #	202.682.1700 x.22	Email	linda@hydro.org	Reviewed, No Comment	<input type="checkbox"/>
				Reviewed, See Comments Below	<input checked="" type="checkbox"/>

Security Partner Affiliation	Please check one	Relevant Critical Infrastructure/Key Resource Sector (as defined by HSPD-7)	Please check one
Federal Government	<input type="checkbox"/>	Food and Agriculture	<input type="checkbox"/>
State Government	<input type="checkbox"/>	Energy	<input type="checkbox"/>
Territorial Government	<input type="checkbox"/>	Transportation	<input type="checkbox"/>
Tribal Government	<input type="checkbox"/>	Defense Industrial Base	<input type="checkbox"/>
Local Government	<input type="checkbox"/>	Dams	<input checked="" type="checkbox"/>
Regional CI/KR Initiative	<input type="checkbox"/>	Water	<input type="checkbox"/>
Private Sector		Commercial Facilities	<input type="checkbox"/>
Owner/Operator	<input type="checkbox"/>	Government Facilities	<input type="checkbox"/>
Association	<input checked="" type="checkbox"/>	National Monuments and Icons	<input type="checkbox"/>
Academia/ Research Center/ Think Tank	<input type="checkbox"/>	Public Health and Healthcare	<input type="checkbox"/>
Other (specify)	<input checked="" type="checkbox"/> Dam Sector Coordinating Council Member	Postal and Shipping	<input type="checkbox"/>
		Chemicals	<input type="checkbox"/>
		Commercial Nuclear Reactors, Facilities and Waste	<input type="checkbox"/>
		Emergency Services	<input type="checkbox"/>
		Telecommunications	<input type="checkbox"/>
		Information Technology	<input type="checkbox"/>
		Banking and Finance	<input type="checkbox"/>
		Cross-Sector	<input type="checkbox"/>
		Other (specify)	<input type="checkbox"/>

Comments

Page #s	Line #s	Comment Type	Comment (Required for Critical Comments)	Recommended Change
0	0	Critical	<p>In the NIPP, in particular in Appendix C, the Department of Homeland Security states that it is currently developing the Risk Analysis and Management for Critical Asset Protection (RAMCAP) methodology for use in evaluating and comparing risk across sectors. Appendix C also states that standards are being established and owners and operators will be expected to use RAMCAP to assess their assets once the methodology is finalized.</p> <p>NHA and its member companies understand the need for the Department to develop a framework to compare risks cross-sector. However, we have several concerns with the RAMCAP methodology.</p> <p>1) RAMCAP is Untested in the Hydropower Industry</p> <p>The RAMCAP methodology has only been used in a limited number of industries. The hydropower industry has never evaluated or implemented RAMCAP. It is unclear that this methodology can be feasibly implemented by hydropower asset owners at their facilities.</p> <p>2) RAMCAP Duplicates Work Already Performed By Asset Owners and May be Overly Burdensome</p> <p>Currently, hydropower owners and operators conduct vulnerability and risk assessments as part of the regulatory framework of the Federal Energy Regulatory Commission's Division of Dam Safety and Inspections. FERC has clear statutory authority for regulatory oversight of the hydropower industry. Requiring asset owners to conduct further assessments to meet the needs of an additional unproven methodology creates an undue burden, both in terms of time and cost.</p> <p>NHA appreciates the statements in the Appendix that the Department will rely on the results of other outside assessments in its cross-sector comparison work. However, we are still concerned that hydropower asset owners will be subject to additional requirements in order to meet the characteristics of the RAMCAP methodology, which was not developed with input from the hydropower industry and has never been tested by hydropower asset owners.</p> <p>3) RAMCAP Does Not Address the Full Range of Threats</p> <p>From statements in the Appendix, it appears that the RAMCAP methodology focuses exclusively on terrorist attack threats. NHA and its</p>	<p>Amend the Appendix to allow asset owners to continue to use their own risk assessment methodology.</p>

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			<p>members clearly recognize and agree with the Department that terrorist threats to hydropower facilities are a critical component of any analysis. However, in order to perform a comprehensive vulnerability and risk assessment, the threat analysis must include more than the the terrorist threat. The insider threat and criminal threat analyses must also be included. In some cases, these threats may be greater than the terrorist threat.</p>	
0	0	Critical	<p>Throughout the NIPP, the document states that the Department will develop industry standards and progammatic requirements. These include protective programs, emergency programs, RAMCAP, etc.</p> <p>Again, the hydropower industry currently complies with the regulatory regime at the Federal Energy Regulatory Commission. NHA and its member companies are concerned that additional regulations, requirements, or standards will conflict with this regime and cause unnecessary confusion for asset owners, regulators and the public. In addition, we are also concerned that they will result in substantial additional costs to asset owners in terms of both money and time, without providing a measurable increase in protection and security.</p>	Amend the mandatory language in the document and replace with discretionary/advisory language (i.e. guidance, guidelines, etc. instead of standards, requirements, regulations).
0	0	Critical	<p>Throughout the NIPP, the Department states that it will seek information on critical infrastructures and key resources. The Department asserts that any collected information will remain protected under the Critical Infrastructure Information Act (CIIA).</p> <p>NHA and its member companies are not certain that the CIIA provides the necessary level of protection for the sensitive information that will be requested of hydropower asset owners. NHA members report that some state DHS regional offices have not shown a thorough knowledge of the necessary procedures required under the Act. Also, the Act allows for states to be certified to protect critical infrastructure information (CII). The industry is not aware of the exact number of states that have been certified and how to determine if a particular state is certified. Thus there is no way for asset owners to be certain that information requested from a particular state will be adequately protected. In addition, state FOIA and sunshine laws require them to publicly release information under certain circumstances. The industry needs to be assured that state laws such as these will not impinge upon the ability of the state to protect CII.</p>	The NIPP should better articulate how CII will be protected at all levels, federal and state and address concerns with the CIIA.
0	0	Critical	<p>The NIPP provides schedules and timetables throughout the document, in particular at the end of each chapter.</p> <p>NHA members report that as currently written these schedules seem confusing, are ambitious, and may not be attainable.</p>	Review timetables and schedules and make adjustments to clarify and to eliminate unrealistic deadlines.

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