
FEDERAL ENERGY REGULATORY COMMISSION

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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Docket Nos. RM02-4-000 and
PL02-1-000

COMMISSION PROPOSES PLAN TO PROTECT CRITICAL ENERGY INFRASTRUCTURE INFORMATION

The Federal Energy Regulatory Commission today proposed to establish regulations to safeguard information vital to the protection of the nation's energy infrastructure. The agency began reviewing its critical energy infrastructure information (CEII) policies in the aftermath of the September 11, 2001 terrorist attacks.

In a Notice of Proposed Rulemaking (NOPR), the Commission clarifies the types of information that may be protected, the procedures for submitting and requesting confidential treatment of CEII, and a method for handling challenges to CEII status. The Commission's objective is to protect CEII while still permitting those with a need for the information the opportunity to obtain it in an efficient manner.

The NOPR outlines a long term and more efficient process for handling requests for previously public documents, noting that the Freedom of Information Act (FOIA) is not well suited for such requests. A Critical Energy Infrastructure Coordinator position would be created to process non-FOIA requests for CEII.

Prior to the issuance of today's NOPR, the Commission issued a policy statement on October 11, 2001, which addressed the issue of removing certain documents from the public domain. On January 16, 2002, the Commission issued a Notice of Inquiry (NOI) setting forth the Commission's views on how it intends to treat previously public documents, and asked the public to comment on specific questions related to the removal of such documents. This NOPR reflects many of those comments.

In its proposal, the Commission expands its original definition of CEII to include

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proposed projects as well as certificated, licensed, or existing projects and notes that this approach should be used while it considers the comments filed on the NOPR. On the other hand, the Commission proposes to narrow its original concept of CEII by eliminating location information from the CEII definition.

Specifically, CEII is defined as information about proposed or existing critical infrastructure that:

- relates to the production, generation, transportation, transmission, or distribution of energy,
- could be useful to a person in planning an attack on critical infrastructure,
- is exempt from mandatory disclosure under the Freedom of Information Act, and
- gives strategic information beyond the location of the critical infrastructure.

The NOPR allows location information or information that is otherwise readily ascertainable to remain in the public domain. The Commission concluded that there is little to be gained by protecting information submitted to FERC that can be gleaned from a visual inspection of the facility, or that can be easily attainable from other sources such as the United States Geological Survey or commercial map vendors.

Interested parties have 30 days from publication of the NOPR in the Federal Register to file comments on the proposal. Comments must refer to Docket Nos. RM02-4 and PL02-1, and may be filed either in electronic or paper format.

R-02-36

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