
FEDERAL ENERGY REGULATORY COMMISSION



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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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PL02-1-000

COMMISSION TO ENSURE PROTECTION OF CRITICAL ENERGY INFRASTRUCTURE INFORMATION

The Federal Energy Regulatory Commission today finalized a plan to protect the American public by safeguarding certain information about the nation's energy infrastructure. Within a month of the terrorist attacks of September 11, 2001, the Commission began a public proceeding to examine its critical energy infrastructure information (CEII) policies.

Today's final rule for the most part generally follows the outline of a Notice of Proposed Rulemaking (NOPR) issued last September and continues current practice. It defines CEII and establishes a timely procedure for the public to request and obtain such information, which encompasses only a very small portion of information available from the Commission.

To qualify as CEII, information must relate to critical infrastructure, be potentially useful to terrorists, and be exempt from disclosure under the Freedom of Information Act (FOIA). Information that identifies the location of infrastructure is not considered to be CEII.

A new position of Critical Energy Infrastructure Coordinator will be created to efficiently process non-FOIA requests for CEII.

In today's rule, the Commission said it would release project location information needed by parties participating in the National Environmental Policy Act (NEPA) process, while protecting more detailed information not typically needed by those

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participating in the NEPA process. The rule gives specific examples of protected and unprotected information.

The final rule defines critical infrastructure as "existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters." It includes proposed and existing systems.

Prior to today's action, the Commission issued a policy statement on CEII 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 intended to treat previously public documents, and asked the public to comment on specific questions related to the removal of such documents. On September 5, 2002, the Commission issued the NOPR which took into account the comments from the NOI and revised the policy statement to include as CEII information on proposed facilities and exclude information regarding location of facilities.

Today's final rule becomes effective 30 days after publication in the *Federal Register*.

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