

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 284**

[RM96-1-026]

Standards for Business Practices of Interstate Natural Gas Pipelines**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Final rule; correction.

SUMMARY: The Federal Energy Regulatory Commission published in the **Federal Register** of May 17, 2005, a document concerning regulations governing standards for conducting business practices with interstate natural gas pipelines. This final rule was incorrectly designated "Order No. 654". This correction document changes that to read "Order No. 587-S".

DATES: Effective on June 28, 2005.**FOR FURTHER INFORMATION CONTACT:** Jamie Chabinsky, 202-502-6040.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission published a document in the **Federal Register** of May 17, 2005 (70 FR 28204). This correction changes the order number of the final rule.

In rule FR Doc. 05-9803 published on May 17, 2005 (70 FR 28204), make the following correction. On page 28205, in the first column, change "Order No. 654" to "Order No. 587-S".

Dated: June 22, 2005.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 388**

[Docket Nos. RM02-4-003, PL02-1-003; Order No. 662]

Critical Energy Infrastructure Information

Issued June 21, 2005.

AGENCY: Federal Energy Regulatory Commission.**ACTION:** Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing this final rule amending its regulations for gaining access to critical energy infrastructure information (CEII).

These changes are being made based on comments filed in response to the March 3, 2005, notice seeking public comment on the effectiveness of the Commission's CEII rules. The final rule removes federal agency requesters from the scope of the rule, modifies the application of non-Internet public (NIP) treatment, and clarifies obligations of requesters. It also discusses changes that will be made to non-disclosure agreements.

DATES: *Effective Date:* The rule will become effective June 28, 2005.**FOR FURTHER INFORMATION CONTACT:** Carol C. Johnson, Office of the General Counsel, GC-13, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 202-502-8521.**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suedeen G. Kelly.

Final Rule

1. On March 3, 2005, the Commission issued a "Notice Soliciting Public Comment" (the notice) on its procedures for dealing with critical energy infrastructure information (CEII). 70 FR 12867 (Mar. 16, 2005). The Commission's CEII procedures were established by Order Nos. 630 and 630-A. *See* Critical Energy Infrastructure Information, Order No. 630, 68 FR 9857 (Mar. 3, 2003), FERC Stats. & Regs. ¶ 31,140 (2003); *order on reh'g*, Order No. 630-A, 68 FR 46456 (Aug. 6, 2003), FERC Stats. & Regs. ¶ 31,147 (2003). After soliciting public comment on the effectiveness of the rules in February 2004, the Commission amended 18 CFR 388.113 and clarified some other issues regarding CEII in Order No. 649.¹ After receiving comments in response to its most recent notice, the Commission further amends and clarifies 18 CFR 388.113 and its CEII process.

Background

2. Shortly after the attacks on September 11, 2001, the Commission began its efforts with respect to CEII. *See* Statement of Policy on Treatment of Previously Public Documents, 66 FR 52917 (Oct. 18, 2001), 97 FERC ¶ 61,130 (2001). As a preliminary step, the Commission removed documents such as oversized maps that were likely to contain detailed specifications of facilities from its public files and Internet page, and directed the public to use the Freedom of Information Act (FOIA) request process in order to

¹ Critical Energy Infrastructure Information, Order No. 649, 69 FR 48386 (Aug. 10, 2004).

request such information.² After receiving responses to a notice of inquiry (NOI) it issued on January 16, 2002, 67 FR 3129 (Jan. 23, 2002), FERC Stats. & Regs. ¶ 35,542 (2002), the Commission issued a notice of proposed rulemaking (NOPR) regarding CEII, which proposed expanding the definition of CEII to include detailed information about proposed facilities as well as those already licensed or certificated by the Commission. Notice of Rulemaking and Revised Statement of Policy, 67 FR 57994 (Sept. 13, 2002); FERC Stats. & Regs. ¶ 32,564 (2002). The Commission issued Order No. 630 on February 21, 2003, defining CEII to include information about proposed facilities, and to exclude information that simply identified the location of the infrastructure. Order No. 630, 68 FR 9857, FERC Stats. & Regs. ¶ 31,140. After receiving a request for rehearing on Order No. 630, the Commission issued Order No. 630-A on July 23, 2003, denying the request for rehearing, but amending the rule in several respects. Order No. 630-A, 68 FR 46456, FERC Stats. & Regs. ¶ 31,147. Specifically, the order on rehearing made several minor procedural changes and clarifications, added a reference in the regulation regarding the filing of non-Internet public (NIP) information, a term first described in Order No. 630, and added the aforementioned commitment to review the effectiveness of the new process after six months. The February 13, 2004, notice facilitated the review contemplated in Order No. 630-A. This order continues the Commission's ongoing commitment to evaluate the effectiveness of the CEII regulations by addressing the comments received in response to its March 3, 2005, notice.

Summary and Discussion of Comments Received**A. Introduction**

3. In its March 3, 2005, notice, the Commission specifically invited comments on the following issues: (i) Is the CEII designation being misused or claimed for information that does not meet the definition? (ii) Is there a need for the non-Internet public designation? Is it currently too broad? Are there location maps that should be available on the Internet? (iii) Does it make sense for the Commission to protect (either as CEII or NIP) information that is readily publicly available, for instance in the USGS maps? (iv) Are there classes of information that are not appropriate for

² The FOIA process is specified in 5 U.S.C. 552 and the Commission's regulations at 18 CFR 388.108.