

DEPARTMENT OF ENERGY**Energy Information Administration****Agency Information Collection Activities: Proposed Change of Disclosure Information From Protected to Public**

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Proposed Public Release of Past Responses; Comment Request.

SUMMARY: The EIA proposes to change the data confidentiality protection provisions for data collected from the "Annual Nonutility Power Producer Report" Form EIA-867.

DATES: Comments must be filed by September 27, 2010. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Christopher Cassar. To ensure receipt of the comments by the due date, submission by FAX (202-287-1938) or e-mail (EIA-867@eia.doe.gov) is recommended. The mailing address is Christopher Cassar, EI-53, Forrestal Building, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585. Alternatively, Christopher Cassar may be contacted by telephone at 202-586-5448.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Christopher Cassar at the address listed above.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Current Actions
- III. Request for Comments

I. Background

The Form EIA-867, "Annual Nonutility Power Producer Report" was used to collect data from the nonutility electricity generator sector from 1989 through 1997. The data collected on the survey form included plant-level electric power production and consumption data. The survey also collected ownership statistics such as, company name, number of electric generating facilities owned, and contact person name, title, and telephone number. From 1989 through 1997, EIA collected some information as public and non-confidential and other data such as fuels consumed, generation, purchases of electricity, sales, electricity used at the facility, number and type of customers, maximum contract amount by customer, deliveries by customer, environmental information, and electric

generator information as confidential. EIA stated in its survey instructions that it would protect the information to the extent that it satisfied the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Department of Energy (DOE) regulations, 10 CFR 1004.11 implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. 1905.

After 1997, the industry became deregulated and many plants previously categorized as "utility plants" were divested by utilities, and moved into the "nonutility" sector as independent power producers. Those facilities were accustomed to EIA's publicly disclosing information that was collected on Form EIA-867. On January 13, 1998, EIA published a **Federal Register** Notice (Volume 63, Number 8) to solicit comments on what electric power data should be treated as non-confidential and be available for dissemination in company-specific form and what electric power data should be treated as confidential by EIA and not disclosed in identifiable form. Based on the comments received from the electric power producers and data users, EIA made the decision to treat the information collected on Form EIA-867 as public information and began releasing plant-level electric power production and consumption data from its Web site beginning with data collected from January 1, 1998.

II. Current Actions

The Form EIA-867 survey was discontinued December 31, 1998, and the data elements were merged into Form EIA-860. Beginning with the collection of 1998 data on January 1, 1999, these data elements are treated as public information. EIA now proposes to treat all data submitted on Form EIA-867 from 1989 through 1997 data as public information and release it on EIA's Web site.

III. Request for Comments

Past respondents to Form EIA-867 and other interested parties should comment on the actions discussed in item II. Comments submitted in response to this notice will be considered before EIA changes the disclosure status.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Public Law 93-275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, July 21, 2010.

Stephanie Brown,

Director, Statistics and Methods Group, Energy Information Administration.

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 13806-000]

5440 Hydro Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

July 19, 2010.

On July 9, 2010, 5440 Hydro Inc. filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Brooklyn Dam Hydroelectric Project (Brooklyn Dam), to be located on the Ammonoosuc River near the Town of Groveton, Coos County, New Hampshire.

The proposed project would consist of: (1) An existing approximately 15-foot-high, 90-foot-long crib dam with a 30-foot-long spillway; (2) an existing 18-acre reservoir; (3) an existing 50-foot × 50-foot concrete powerhouse and outlet structure; (4) two new turbine generator units with a total installed capacity of 600 kilowatts (kW); (5) a 50-foot-long transmission line connecting to an existing Public Service of New Hampshire distribution line located adjacent to the powerhouse; and (6) appurtenant facilities. The project would produce an estimated average annual generation of about 3,000 megawatt-hours, which would be sold directly to a local utility.

Applicant Contact: Mr. Luz Loegters, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111, (416) 643-6610.

FERC Contact: John Ramer, (202) 502-8969.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please

contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13806) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13635-000]

City of Gloversville; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

July 20, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 13635-000.

c. *Date filed:* November 30, 2009 and supplemented March 18 and July 6, 2010.

d. *Applicant:* City of Gloversville.

e. *Name of Project:* Rice Reservoir Project.

f. *Location:* The project is located near the town of Gloversville in Fulton County, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Mr. Steven Doret, Mill Road Engineering, 23 Mill Road, Westborough, MA 01581-2901, (508) 366-5833.

i. *FERC Contact:* Anthony DeLuca, (202) 502-663262, Anthony.deluca@ferc.gov.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and

the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* Due to the small size and location of the proposed project in a closed system, as well as the resource agency consultation letters filed with the application, the 60-day timeframe specified in 18 CFR 4.43(b) for filing all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions is shortened to 30 days from the issuance date of this notice. All reply comments filed in response to comments submitted by any resource agency, Indian tribe, or person, must be filed with the Commission within 45 days from the issuance date of this notice.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The City of Gloversville (Gloversville) requests Commission approval for exemption for small conduit hydroelectric facility. This proposal consists of adding a Turgo style 25 kilowatt hydraulic turbine/generator at the discharge end of the Rice Reservoir discharge block. The primary purpose of the conduit is supply of processed water to the Gloversville Potable Water Treatment Plant. The hydraulic capacity of the generator will be 2.79 cubic feet per second and the generator will have an estimated average annual generation of 192,000 kWh.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, here P-13635, in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail

FERCOnlineSupport@ferc.gov. For TTY,

call (202) 502-8659. A copy is also available for review and reproduction at the address in item h. above.

n. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a competing development application. A notice of intent must be served on the applicant(s) named in this public notice.

p. *Protests or Motions To Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

q. All filings must: (1) Bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and eight copies to: The Secretary,