

with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Energy Atlantic request to export to Canada should be clearly marked with Docket EA-193-A. Additional copies are to be filed directly with Michael E. Small, Wendy N. Reed, Wright & Talisman, P.C., 1200 G Street, NW., Suite 600, Washington, DC 20005 and Calvin D. Deschene, Director, Energy Atlantic, L.L.C., PO Box 1148, Presque Isle, Maine 04769.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA-193. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA-193 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity," from the Regulatory Info menu, and then "Pending Proceedings" from the options menus.

Issued in Washington, D.C., on November 14, 2000.

**Anthony Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

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## DEPARTMENT OF ENERGY

### Interstate Electric Transmission System; Electric Reliability Issues; Notice of Inquiry

**AGENCY:** Department of Energy.

**SUMMARY:** The Department of Energy (DOE) is seeking comments on whether to initiate, pursuant to section 403 of the DOE Organization Act (42 U.S.C. 7173), a rulemaking for final action to the Federal Energy Regulatory Commission (FERC) to impose mandatory electric reliability standards. This is the initial step in a process in which DOE intends to examine electric reliability issues and proposals, and the extent of Federal authority under existing law, given the transition to restructured, more competitive electricity markets. Based

on the results of that examination, DOE will consider the issuance of a proposed rulemaking. Any proposed rulemaking would seek to promote and ensure the long-term reliability of the interstate electric transmission system. DOE is seeking responses to particular questions posed below, and welcomes any other comments or proposals pertinent to an electric reliability rulemaking.

**DATES:** Written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time January 4, 2001. DOE is requesting a signed original, a computer diskette (WordPerfect or Microsoft Word) and 3 copies of the written comments. Comments can also be filed electronically by e-mail to: [policy.energy@hq.doe.gov](mailto:policy.energy@hq.doe.gov), noting "Electric Reliability Comments" in the subject line.

**ADDRESSES:** Written comments should be submitted to: Office of Policy, Office of Economic, Electricity and Natural Gas Analysis, PO-21, Attention: Electric Reliability Comments, U.S. Department of Energy, Forrestal Building, Room 7H-034, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Mr. John J. Conti, U.S. Department of Energy, Office of Policy, Office of Economic, Electricity and Natural Gas Analysis, Forrestal Building, PO-21, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-4767, e-mail: [john.conti@hq.doe.gov](mailto:john.conti@hq.doe.gov), or Lot Cooke, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, GC-76, 1000 Independence Ave., S.W., Washington, D.C. 20585, (202) 586-0503, e-mail: [lot.cooke@hq.doe.gov](mailto:lot.cooke@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The 1998 Final Report of the Secretary of Energy Advisory Board's Task Force on Electric System Reliability noted:

\* \* \* the electricity industry is in a transition from a highly regulated industry dominated by monopoly utilities to an industry that will rely, in large part, upon competitive commercial markets at both the wholesale and retail levels. The industry is unbundling, and the old institutions for reliability are no longer sufficient. We are already in the middle of our journey toward a restructured electricity industry. However, the new policies and institutions needed to assure electric reliability are not yet in place. Until such policies and institutions are in place, substantial parts of North America will be exposed to unacceptable risks.

The complete report is available at <http://www.hr.doe.gov/seab>.

The events of the last two summers have borne out the Task Force's warnings. During the Summer of 1999 a

number of regions of the country experienced blackouts and brownouts. Utilities located in other areas narrowly avoided major reliability-related problems. This past summer the California Independent System Operator declared a record number of "Stage 2" electricity emergencies and was often on the brink of having to implement rolling blackouts. Some businesses were forced to temporarily shut down operations and millions of people were left to wonder whether the lights would be on when they returned home from work in the evening.

The Report of the Secretary of Energy Advisory Board's Task Force, and a report prepared by the Department of Energy's Power Outage Study Team (available at <http://www.policy.energy.gov/>), offered recommendations on actions that could be taken to improve the reliability of the electric grid. Some of these recommendations focused on efforts to improve the adequacy of our electricity supply to ensure that it keeps pace with demand for power. Other recommendations attempted to address some potential problems associated with the security of the integrated bulk power grid. Both reports recommended that all users of the bulk power system be subject to mandatory reliability rules.

The electric utility industry, through a tradition of voluntary self-regulation and cooperation, has historically performed admirably in maintaining reliability. That self-regulation was accomplished under the auspices of the North American Electric Reliability Council (NERC). NERC was established in 1968 as a voluntary membership organization. NERC develops standards, guidelines, and criteria for ensuring and evaluating the electricity system's security and adequacy. NERC operates through ten regional councils and has been largely successful in maintaining a high degree of transmission grid reliability. The reliability councils have functioned without formal enforcement powers, relying on voluntary compliance.

However, in a highly competitive electricity market, voluntary self-regulation of reliability issues may not be sufficient. Utilities are under increasing pressures to cut costs and maximize the economic value of the electric transmission grid, to the possible detriment of electric reliability. In addition, in a competitive environment industry participants may use reliability concerns as a pretext for anti-competitive behavior.

NERC and other interested parties have stated that the establishment and enforcement of mandatory reliability

standards will be necessary to protect the reliability of the bulk power system in a restructured electricity industry. The Administration's proposed comprehensive electricity restructuring legislation—the Comprehensive Electricity Competition Act (CECA) (H.R.1828 and S.1047 in the U.S. House of Representatives and the U.S. Senate respectively)—includes a provision that would amend the Federal Power Act (FPA) (16 U.S.C. 791a, *et seq.*) to require FERC to approve the formation of and oversee a self-regulating reliability organization that prescribes and enforces mandatory reliability standards. Several other bills introduced in the 106th Congress included similar proposals. Although the Senate approved S. 2071, which authorizes mandatory reliability standards, on June 30, 2000, the Committee on Commerce of the House of Representatives failed to act on this or any other electric reliability-related legislation.

Because the 106th Congress is likely to adjourn without enacting legislation to improve the reliability of the electric grid, DOE is considering using its authority under section 403 of the DOE Organization Act to initiate an electric reliability rulemaking at FERC. To assist DOE in its consideration of this issue, we are requesting comments on the following questions:

1. Is the existing arrangement of voluntary compliance with industry reliability rules sufficient to ensure reliability of the bulk power transmission system? If not, why not, and has reliability been jeopardized by violations of the existing bulk power reliability standards?
2. What can FERC do under existing authorities to address reliability concerns?
3. If FERC has the authority to establish and enforce reliability standards, may FERC delegate such authority to a self-regulating reliability organization? Should it do so?
4. Are there elements in CECA, or other electric reliability legislative language, which can, with or without modification, be used in a rulemaking?
5. What should the relationship be between Regional Transmission Organizations, as advanced in FERC

Order No. 2000, 65 FR 809 (January 6, 2000), FERC Stats. & Regs. ¶ 31, 089 (2000), and an Electric Reliability Organization as proposed in CECA?

6. How should the responsibilities and roles of FERC and the States be addressed in a rulemaking?
7. Recognizing the international nature of the interconnected transmission grid, how could implementation of mandatory reliability standards be coordinated with Canada and Mexico?

In addition to the above, commenters are encouraged to discuss, comment on, and make suggestions on other electric reliability issues that may be relevant to DOE's consideration of a rulemaking. Comments submitted pursuant to the Notice of Inquiry will be deemed public and will not be treated as confidential.

Issued in Washington, D.C. on November 15, 2000.  
**Bill Richardson,**  
*Secretary of Energy.*  
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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01-512-000]

Notice of Proposed Information Collection and Request for Comments

November 14, 2000.  
**AGENCY:** Federal Energy Regulatory Commission, DOE.  
**ACTION:** Notice of proposed information collection and request for comments.

**SUMMARY:** In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

**DATES:** Consideration will be given to comments submitted on or before January 19, 2001.

**ADDRESSES:** Written comments on the proposed collection of information may

be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI-1, 888 First Street NE., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Michael Miller may be reached by telephone at (202) 208-1415, by fax at (202) 208-2425 and by E-mail at [mike.miller@ferc.fed.us](mailto:mike.miller@ferc.fed.us).

SUPPLEMENTARY INFORMATION:

*Abstract:* The FERC-512, "Application for Preliminary Permit" (OMB No. 1902-0073) is used by the Commission to implement the statutory provisions of Sections 4(f), 5 and 7 of the Federal Power Act (FPA), 16 U.S.C. Sections 791a *et seq.* & 3301-3432. The purpose of obtaining a preliminary permit is to maintain priority of the application for a license for a hydroelectric power facility while examining and surveying to prepare maps, plans, specifications and estimates; conducting engineering, economic and environmental feasibility studies; and making financial arrangements. The conditions under which the priority will be maintained are set forth in each permit. During the term of the permit, no other application for a preliminary permit or application for a license submitted by another party can be accepted. The term of a permit is three years. The information collected under the designation FERC-512 is in the form of a written application for a preliminary permit which is used by Commission staff to determine the qualifications of the applicant to hold a preliminary permit, review the proposed hydro development for feasibility and to issue a notice of the application to solicit public and agency comments. The Commission implements these mandatory filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 4.31-.33, 4.81-82.

*Action:* The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

*Burden Statement:* Public reporting burden for this collection is estimated as:

| Number of respondents<br>(1) | Annual responses per respondent<br>(2) | Average burden hours per response<br>(3) | Total annual burden hours<br>(1)×(2)×(3) |
|------------------------------|----------------------------------------|------------------------------------------|------------------------------------------|
| 45 .....                     | 1                                      | 73                                       | 3,285                                    |

Estimated cost burden to respondents is \$182,186; (*i.e.*, 3,285 hours divided by

2,080 hours per full time employee per year multiplied by \$115,357 per year

equals \$182,186). The cost per respondent is \$4,049.