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March 29, 2005

Magalie Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

**Re: Comments of the National Hydropower Association (NHA) on the Critical Energy Infrastructure Information (CEII) Rules in Response to the March 3, 2005 Solicitation; Docket Nos. RM02-4-003, PL02-1-003**

Ms. Salas:

Once again, NHA appreciates the opportunity to provide comments regarding the Commission's regulations protecting CEII. The safety of the nation's hydropower infrastructure is a top priority of the Association. As such, NHA actively participated in the development of the Commission's regulations, providing comments throughout the rulemaking process that led to the final rules, and stays engaged on a variety of security issues.

NHA continues to applaud FERC for its forward thinking and for the leadership role it has taken on this issue. We fully support the Commission in its mission to better protect CEII. The Association believes the regulations are an important step to providing the necessary protection of this information critical to our nation's energy system, information which in the wrong hands could jeopardize lives and property.

NHA provides these comments on the following questions posed in the Commission's notice.

1. Is the CEII designation being misused or claimed for information that does not meet the definition?

NHA does not believe that the CEII designation is being misused or abused. With any system, some mistakes may be made in the classification process, but NHA members and Commission staff work diligently to correct any identified problems.

In addition, NHA appreciates the CEII guidance document developed by FERC to assist the hydro industry when filing CEII, particularly with dam safety documents. NHA believes this guidance document will help to reduce unintentional classification mistakes that could occur under the regulations.

2. 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?

NHA members believe that the NIP classification plays a useful role in protecting sensitive documents. While FERC has determined that some location maps do not fall under the category of CEII, information contained on these maps is still security related. The industry believes that as such, the information deserves some level of protection. The NIP classification provides that needed protection.

While a determined terrorist may ultimately uncover information classified as NIP, there is no need for FERC to hand-deliver it to him over the Internet. As such, NHA fully supports FERC's decision to create this category and recommends the Commission keep the protection available for the documents that qualify.

3. Does it make sense for the Commission to protect (either as CEII or NIP) information that is readily publicly available, for instance in USGS maps?

Yes. NHA and our member companies believe it is not only appropriate for FERC to protect this information, but necessary. A document that falls under the CEII or NIP classification is, by definition, integral to the safe operation of the facility.

The Association believes the Commission has taken the correct action in this regard. Rather than lowering its standards, NHA would urge other agencies that handle CEII and NIP documents to raise the bar and come up to the level of protection rightly provided by FERC.

As always, NHA staff is prepared and willing to work with the Commission to address any of the comments raised in this filing. For additional information, please feel free to contact NHA's Linda Church Ciocci or Jeffrey A. Leahey, Esq. at 202.682.1700.

Sincerely,



Linda Church Ciocci  
Executive Director