

monitoring and consulting activities would be adequate treatment.

An Endangered Species Act (ESA) (16 U.S.C. 1536) Section 7 consultation was completed by BLM during the DOE FEIS NEPA process. The Service has issued four Biological Opinions for the proposed project: (1) May 1993; (2) March 1994, which included an analysis of potential effects to the desert tortoise and its designated critical habitat; (3) December 2007, which incorporated project realignments and the use of H-frames with perching deterrents within desert tortoise critical habitat; and (4) June and July 2010, which respectively amended the 2007 Biological Opinion to incorporate an additional tower design (tubular guyed-V tower) with perching deterrents, and modifications to include additional disturbance of desert tortoise habitat due to a minor calculation error.

### Mitigation

DOE will require Great Basin to employ all practicable means to avoid or minimize environmental harm as a result of the proposed action. The loan guarantee agreement between DOE and Great Basin would require that Great Basin implement all project-specific environmental protection measures specified in the "Construction, Operation, and Maintenance Plan for the Southwest Intertie Project 500-kV Transmission Line; SWIP—Southern Portion; SWIP Central Portion (COM Plan)," and in the BLM Notice to Proceed, issued in August 2010. After the DOE loan guarantee is retired, enforcement of environmental protection will continue through the BLM ROW grant provisions for the life of the project.

The NEPA analysis completed in the DOE FEIS indicates that SWIP South would result in low environmental impacts after mitigation measures required for BLM's ROW are implemented. The mitigation measures are a condition of BLM issuance of the ROW that provides Great Basin access to construct, operate, and maintain SWIP South on BLM land. The BLM documents the conditions under which Great Basin must operate in the COM Plan approved by BLM in 2010. The COM Plan incorporates the mitigation measures required by the DOE FEIS, the 2010 Historic Properties Treatment Plan, and the 2010 Biological Opinion.

### Decision

DOE has decided to offer Great Basin a conditional commitment for a Federal loan guarantee for partial financing of SWIP South. This decision is contingent on Great Basin satisfying all precedent funding obligations, and all other

contractual, statutory, regulatory, environmental compliance, and other requirements specified by DOE.

In reaching this decision, DOE reviewed the SWIP NEPA documentation and considered the potential impacts of the selected alternative with implementation of the stipulated mitigation measures.

DOE has prepared this ROD in accordance with the Council on Environmental Quality regulations (40 CFR Parts 1500–1508) for implementing NEPA and DOE's NEPA Implementing Procedures (10 CFR Part 1021).

### Basis for Decision

DOE has determined that the potential environmental impacts analyzed in the DOE FEIS will be minor after implementation of the mitigation provisions for the SWIP South BLM ROW. The mitigation measures will be reflected in the DOE Loan Guarantee Common Agreement, and will remain in the BLM COM Plan for the duration of the granted ROW.

DOE has also determined that potential environmental impacts associated with the Falcon Substation Upgrades and the Backup Communications System would not be adverse or can be characterized as minor. DOE has determined that no further analysis is required, and incorporates by reference the environmental analyses conducted on these project elements. Further, DOE has also considered the Congressional direction specified in Section 2003 of H.R. 4899, the 2010 Supplemental Appropriations Act, Public Law 111–212, effective on July 29, 2010 (the 2010 Supplemental Appropriations Act) in its decision to issue this ROD. The 2010 Supplemental Appropriations Act allows DOE to provide or facilitate Federal financing for SWIP under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5; 123 Stat. 115), or the Energy Policy Act of 2005 (42 U.S.C. 15801 *et seq.*), based on the comprehensive reviews and consultations performed by BLM under the Secretary of the Interior.

Issued in Washington, DC, on October 18, 2010.

**Jonathan M. Silver,**

*Executive Director, Loan Programs Office.*

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**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC11–725B–000]

### Commission Information Collection Activities (FERC–725B); Comment Request; Extension

October 19, 2010.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**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, 44 U.S.C. 3506(c)(2)(A) (2006), (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the proposed information collection described below.

**DATES:** Comments in consideration of the collection of information are due December 27, 2010.

**ADDRESSES:** Commenters must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426. Comments may be filed either on paper or on CD/DVD, and should refer to Docket No. IC11–725B–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at <http://www.ferc.gov/help/submission-guide.asp>. eFiling and eSubscription are not available for Docket No. IC11–725B–000, due to a system issue.

All comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at <http://www.ferc.gov/docs-filing/elibrary.asp>, by searching on Docket No. IC11–725B. For user assistance, contact FERC Online Support by e-mail at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

### FOR FURTHER INFORMATION CONTACT:

Ellen Brown may be reached by e-mail at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), telephone at (202) 502–8663, and fax at (202) 273–0873.

**SUPPLEMENTARY INFORMATION:** The information collected by the FERC–725B, Reliability Standards for Critical Infrastructure Protection (OMB Control No. 1902–0248), is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII, Subtitle A,

of the Energy Policy Act of 2005 (EPA 2005), was enacted into law.<sup>1</sup> EPA 2005 added a new section 215 to the FPA, requiring a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced in the United States by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.<sup>2</sup>

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA. Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO. The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System, as set forth in each Reliability Standard.

On January 18, 2008, the Commission issued order 706, approving eight Critical Infrastructure Protection (CIP) Reliability Standards submitted by the NERC for Commission approval.<sup>3</sup> The CIP Reliability Standards require certain users, owners, and operators of the Bulk-Power System to comply with specific requirements to safeguard critical cyber assets.<sup>4</sup> These standards help protect the nation's Bulk-Power System against potential disruptions from cyber attacks.<sup>5</sup>

The eight CIP Reliability Standards address the following topics:

- Critical Cyber Asset Identification.
- Security Management Controls.
- Personnel and Training.
- Electronic Security Perimeters.
- Physical Security of Critical Cyber Assets.
- Systems Security Management.
- Incident Reporting and Response Planning.
- Recovery Plans for Critical Cyber Assets.

The CIP Reliability Standards include one actual reporting requirement and several recordkeeping requirements. Specifically, CIP-008-1 requires responsible entities to report cyber security incidents to the Electricity Sector-Information Sharing and Analysis Center (ES-ISAC). In addition, the eight CIP Reliability Standards require responsible entities to develop various policies, plans, programs, and procedures. For example, each responsible entity must develop and document a risk-based assessment methodology to identify critical assets, which is then used to develop a list of critical cyber assets (CIP-002-1). A responsible entity that identifies any critical cyber assets must also document: A cyber security policy (CIP-003-1); a security awareness program (CIP-004-1, Requirement R1); a personnel risk assessment program (CIP-004-1, Requirement R3); an electronic security perimeter and processes for control of electronic access to all electronic access points to the perimeter (CIP-005-1, Requirements R1 and R2); a physical security plan (CIP-006-1); procedures for securing certain

cyber assets (CIP-007-1); and recovery plans for critical cyber assets (CIP-008-1). To demonstrate compliance with the CIP Reliability Standards, responsible entities are required to maintain various lists and access logs. All responsible entities are required to be auditably compliant with the CIP Reliability Standards by the end of 2010, including all required documentation.

The CIP Reliability Standards do not require a responsible entity to report to the Commission, ERO or Regional Entities, the various policies, plans, programs and procedures. However, a showing of the documented policies, plans, programs and procedures is required to demonstrate compliance with the CIP Reliability Standards.

**Action:** The Commission is requesting a three-year extension of the FERC-725B reporting requirements, with no changes.

**Burden Statement:** The extent of the reporting burden is influenced by the number of identified critical assets and related critical cyber assets pursuant to CIP-002. An entity identifying one or more critical cyber assets, including assets located at remote locations, will likely require more resources to demonstrate compliance with the CIP Reliability Standards compared to an entity that identifies no critical assets. The Commission has developed estimates using data from NERC's compliance registry as well as a 2009 survey that was conducted by NERC to assess the number of entities reporting Critical Cyber Assets.

Data collection	No. of respondents <sup>6</sup>	Average No. of responses per respondent	Average No. of Burden hours per response <sup>7</sup>	Total annual hours
	(1)	(2)	(3)	(1)×(2)×(3)
FERC-725B.				
Estimate of U.S. Entities that have identified Critical Cyber Assets .....	345	1	320	110,400
Estimate of U.S. Entities that have not identified Critical Cyber Assets .....	1,156	1	8	9,248
Totals .....	1,501	.....	.....	119,648

<sup>6</sup>The NERC Compliance Registry as of 9/28/2010 indicated that 2,079 entities were registered for NERC's compliance program. Of these, 2,057 were identified as being U.S. entities. Staff concluded that of the 2,057 U.S. entities, only 1,501 were registered for at least one CIP related function. According to an April 7, 2009 memo to industry, NERC's VP and Chief Security officer noted that only 31% of entities responded to an earlier survey and reported that they had at least one Critical Asset, and only 23% reported having a Critical Cyber Asset. Staff applied the 23% reporting to the 1,501 figure to obtain an estimate.

<sup>7</sup>This figure relates to NERC's audit schedule which requires NERC to engage in a compliance Audit once every 3 to 5 years. For simplicity, staff has divided the total number of hours by 3 to reflect the amount of time annually spent preparing documents. Staff assumed that each CIP audit or spot check would require four individuals 6 weeks to prepare and demonstrate compliance with CIP standards for entities that have identified Critical Cyber Assets. Staff estimated that entities that do not have Critical Cyber Assets would still be required to demonstrate compliance with CIP-002, which would require one individual approximately three days to execute.

<sup>1</sup> Energy Policy Act of 2005, Public Law No. 109-58, Title XII, Subtitle A, 119 Stat. 594, 941 (2005), 16 U.S.C. 824o.

<sup>2</sup> 16 U.S.C. 824o(e)(3).

<sup>3</sup> CIP-002-1, CIP-003-1, CIP-004-1, CIP-005-1, CIP-006-1, CIP-007-1, CIP-008-1, and CIP-009-1.

<sup>4</sup>In addition, in accordance with section 215(d)(5) of the FPA, the Commission proposed to direct NERC to develop modifications to the CIP Reliability Standards to address specific concerns identified by the Commission.

<sup>5</sup> For a description of the CIP Reliability Standards, see the Critical Infrastructure Protection Section at NERC's Web site at <http://www.nerc.com/page.php?cid=2/20>.

The total estimated annual cost burden to respondents is:

- Entities that have identified Critical Assets = 110,400 hours@96 = \$10,598,400.
- Entities that have not identified Critical Assets = 9,248 hours@96 = \$887,808.

The hourly rate of \$96 is the average cost of legal services (\$230 per hour), technical employees (\$40 per hour) and administrative support (\$18 per hour), based on hourly rates from the Bureau of Labor Statistics (BLS) and the 2009 Billing Rates and Practices Survey Report.<sup>8</sup>

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3)

<sup>8</sup> Bureau of Labor Statistics figures were obtained from [http://www.bls.gov/oes/current/naics2\\_22.htm](http://www.bls.gov/oes/current/naics2_22.htm), and 2009 Billing Rates figure were obtained from [http://www.marylandlawyerblog.com/2009/07/average\\_hourly\\_rate\\_for\\_lawyer.html](http://www.marylandlawyerblog.com/2009/07/average_hourly_rate_for_lawyer.html). Legal services were based on the national average billing rate (contracting out) from the above report and BLS hourly earnings (in-house personnel). It is assumed that 25% of respondents have in-house legal personnel.

ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology e.g. permitting electronic submission of responses.

**Kimberly D. Bose,**  
Secretary.

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. P-12783-003]

#### Inglis Hydropower, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

October 19, 2010.

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

a. *Type of Application:* Original Major License.

b. *Project No.:* P-12783-003.

c. *Date filed:* July 22, 2009.

d. *Applicant:* Inglis Hydropower, LLC.

e. *Name of Project:* Inglis Hydropower Project.

f. *Location:* The project would be located at the existing Inglis bypass channel and spillway on the Withlacoochee River, west of Lake Rousseau and Inglis Dam, within the town of Inglis and Levy, Citrus, and Marion counties, Florida. No federal lands would be occupied by the proposed project.

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

h. *Applicant Contact:* Mr. Dean Edwards, P.O. Box 1565, Dover, FL 33527; Mr. Kevin Edwards, P.O. Box 143, Mayodan, NC 27027.

i. *FERC Contact:* Jennifer Adams at (202) 502-8087, or [jennifer.adams@ferc.gov](mailto:jennifer.adams@ferc.gov).

j. The deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice and reply comments are due 105 days from the issuance date of this notice.

All documents 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/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on 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.

k. This application has been accepted and is ready for environmental analysis at this time.

l. The proposed 2.0-megawatt Inglis Hydropower Project would operate using flows released by the Southwest Water Management District from Lake Rousseau which is typically operated to maintain the water surface elevation of Lake Rousseau at 27.5 feet mean sea level. The proposed project would consist of: (1) A 45-foot-long, 100-foot-wide intake conveying water from the bypass channel located downstream of Lake Rousseau; (2) a 130-foot-long penstock consisting of two 14-foot by 14-foot reinforced concrete conduits; (3) a 60-foot-long, 80-foot-wide, 30-foot-high concrete powerhouse containing three vertical shaft turbines, two 0.8 megawatt (MW) turbines and one 0.4 MW turbine for a total installed capacity of 2.0 MW; (4) a 100-foot-long concrete discharge channel; (5) a new substation adjacent to the powerhouse; (6) a 120-foot-long, 24.5-kilovolt transmission line connecting the project substation to the local utility; and (7) appurtenant facilities. The Inglis Project would annually generate approximately 12,300 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary