

August 21, 2001

Mary J. Hutzler
Acting Administrator
Energy Information Administration
EI80, FORS 2F-081
Forrestal Building
1000 Independence Ave., S.W.
Washington, DC 20585

Dear Ms. Hutzler:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we are writing to you regarding the Department of Energy, Energy Information Administration's (EIA) proposals regarding "Agency Information Collection Activities," which were published in the *Federal Register* on March 13, 2001 (66 FR 14562 and 66 FR 14564). We previously provided more detailed comments to your agency on May 14, 2001 (copy attached), which we wish to reemphasize as you move through the final stages of considering this rule.

STAPPA and ALAPCO are the national associations representing air quality officials in 53 states and territories and over 165 major metropolitan areas throughout the country. The members of STAPPA and ALAPCO have primary responsibility under the Clean Air Act for implementing our nation's air pollution control laws and regulations. This includes addressing the emissions of air pollution from power generation, which is a dominant source of air pollution from stationary sources. Accordingly, we are very concerned about the provisions in your proposals, and in subsequent alternatives that have come to our attention, that could adversely affect our ability to obtain useful and timely information that is helpful in addressing power generation facilities.

State and local air agencies rely on and routinely use the fuel use and power plant output data EIA collects for a variety of purposes. This information is used to, among other things, develop, evaluate and implement regulatory policies that ensure environmental protection. As EIA is a public agency charged with collecting, analyzing and publishing electric power data, we believe your proposed changes to the confidentiality provisions are inappropriate. More specifically, we rely on detailed and timely data, especially addressing useful thermal output, monthly and seasonal emissions and generation and plant-level operation, and do not support any changes that would restrict the availability of this data to us.

Most of the data at issue are currently being reported in various formats by some of the generators to at least one other regulatory agency (federal or state) for regulatory development and compliance purposes. That, in effect, does not support a finding of confidentiality for those data. EIA's disclosure of the data after at least a 30-day time lag would have no competitive impact, since the same or similar information is available from other sources and the current market would not have use for the dated information. Also, while state or local agencies are authorized to collect these data, some may not have adequate levels of staff or resources to do so. Thus, the Energy Information Administration is currently providing a valuable service in maintaining a consistent, centralized, and readily accessible database for collecting the power plant operating information necessary to help state and local agencies protect air quality. STAPPA and ALAPCO request that you continue your current policy and practice.

The state and local air agencies' need for the data EIA currently collects are great and will only increase if Congress adopts multi-pollutant control strategies for power plants. Accordingly, we urge you not to treat as confidential the additional data identified in your proposals.

Thank you for considering our views. If we can provide you with additional information, please do not hesitate to contact us.

Sincerely,

Ronald C. Methier
Chair
STAPPA Energy Committee

Ellen Garvey
Chair
ALAPCO Energy Committee

cc: Robert M. Schnapp, EIA