

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections - Washington Office
888 First Street, NE
Washington, DC 20426

February 16, 2011

Mr. Lee W. Mueller
Co-Member Manager
Boyce Hydro Power, LLC
6000 S. M-30 (P.O. Box 15)
Edenville, MI 48620

Subject: Notification before release of material marked as CEII; Sanford Hydroelectric Project, P-2785, Plan & Schedule for Phase Two Embankment Toe Drain Construction

Dear Mr. Mueller,

The Commission has determined that your letter of 11 February 2011 submitted to Commission's Secretary regarding the Sanford Hydroelectric Project, P-2785; Plan & Schedule for Phase Two Embankment Toe Drain Construction incorrectly classifies this document as critical energy infrastructure information (CEII) and improperly restricts public access to this document because it is now bears a CEII classification.

18 C.F.R. § 388.133(c) defines CEII as follows:

- (1) Critical energy infrastructure information means specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:
- (i) Relates details about the production, generation, transportation, transmission, or distribution of energy;
 - (ii) Could be useful to a person in planning an attack on critical infrastructure;
 - (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
 - (iv) Does not simply give the general location of the critical infrastructure.

The Commission further clarifies that narratives such as the descriptions of facilities and processes are generally not CEII unless they describe specific engineering and design details of critical infrastructure.

The subject letter of 11 February 2011 provides a brief description of seven (7) scheduled work items and proposed dates of completion. Consequently, the Commission has determined that this letter does not contain any specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure as defined in § 388.113.

Because the Commission finds that the information contained within the 11 February 2011 letter does not meet the definitional criteria to sustain a CEII designation, the Commission now proposes to re-classify this submittal as a public document. Pursuant to 18 C.F.R. § 388.112(e), the proposed re-classification will take place no sooner than five (5) business days from the date of issuance of this letter.

If you have any questions, please feel free to contact Mr. Frank Calcagno at 202-502-6026.

Sincerely,



Daniel J. Mahoney, Director
Division of Dam Safety and Inspections

cc: eLibrary, D2SI, D2SI-CRO, Leech, Snyder, 2/16/2011, P-2785.doc