

Individuals should provide their full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340-5100.

Individuals should provide their full name, current address and telephone number.

CONTESTING RECORD PROCEDURES:

DIAs rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001.

RECORD SOURCE CATEGORIES:

Individual, military service component, educational institutions, previous employees and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010-11035 Filed 5-10-10; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2010-OS-0064]

U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

ACTION: Notice of proposed change to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces the following proposed change to Rule 30A(a) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces.

DATES: Comments on the proposed change must be received within 30 days of the date of this notice.

ADDRESSES: You may submit comments, identified by docket number and title by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>.

- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these

submissions available for public viewing on the Internet at <http://regulations.gov> as they are received without change, including personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:
William A. DeCicco, Clerk of the Court, telephone (202) 761-1448.

Dated: May 5, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

Rule 30A(a)

Rule 30A(a) currently reads:

(a) General. The Court will normally not consider any facts outside of the record established at the trial and the Court of Criminal Appeals.

The proposed change to Rule 30A(a) would read:

(a) General. The Court will normally not consider any facts outside of the record established at the trial and the Court of Criminal Appeals. Requests to consider factual material that is not contained in the record shall be presented by a motion to supplement the record filed pursuant to Rule 30. The motion shall include statements explaining why the matter was not raised previously at trial or before the Court of Criminal Appeals and why it is appropriate to be considered for the first time in this Court. Motions filed pursuant to this Rule will be granted only for good cause shown.

Comment: The proposed change establishes a procedure for properly presenting a request to the Court to consider evidence that is not in the record. The rule requires a party to explain in a motion why the Court may consider the evidence although it was not considered previously and is not part of the record. The rule also contains a standard for granting motions under the rule.

[FR Doc. 2010-11036 Filed 5-10-10; 8:45 am]

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DEPARTMENT OF ENERGY

[OE Docket No. EA-367]

Application To Export Electric Energy; EDF Trading North America, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: EDF Trading North America, LLC (EDF) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or requests to intervene must be submitted on or before June 10, 2010.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-586-8008).

FOR FURTHER INFORMATION CONTACT:
Christopher Lawrence (Program Office) 202-586-5260 or Michael Skinker (Program Attorney) 202-586-2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On April 27, 2010, DOE received an application from EDF for authority to transmit electric energy from the United States to Canada as a power marketer using existing international transmission facilities for five years. EDF does not own any electric transmission facilities nor does it hold a franchised service area.

The electric energy that EDF proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies and other entities within the United States. The existing international transmission facilities to be utilized by EDF have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the EDF application to export electric energy to Canada should be clearly marked with Docket No. EA-367. Additional copies are to be filed directly with Eric Dennison, General Counsel, EDF Trading North America, LLC, 4700 W. Sam Houston Parkway, N., Suite 250, Houston, TX 77041 and David J. Levine, McDermott Will &

Emery LLP, 600 13th Street, NW., Washington, DC 20005. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at http://www.oe.energy.gov/permits_pending.htm, or by e-mailing Odessa Hopkins at Odessa.hopkins@hq.doe.gov.

Issued in Washington, DC, on May 5, 2010.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2010-11131 Filed 5-10-10; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Implementing the National Broadband Plan by Empowering Consumers and the Smart Grid: Data Access, Third Party Use, and Privacy

AGENCY: Department of Energy.

ACTION: Request for Information.

SUMMARY: The Department of Energy (DOE) is seeking comments and information from interested parties to assist DOE in understanding current and potential practices and policies for the states and other entities¹ to empower consumers (and perhaps others) through access to detailed energy information in electronic form—including real-time information from smart meters, historical consumption data, and pricing and billing information. This request for information (RFI) asks interested parties, including industry, consumer groups and State governments, to report on State efforts to enact Smart Grid privacy and data collection policies. This RFI also seeks input regarding individual utility practices and policies regarding data access and collection; third party access to detailed energy information; and the role of the consumer in balancing the benefits of access and privacy. Finally, this RFI seeks comment on what policies and practices should guide policymakers in determining who can

¹ e.g. municipalities, public power entities and electric cooperatives.

access consumers' energy information and under what conditions.

DATES: Comments must be postmarked by no later than July 12, 2010. Reply comments must be postmarked by no later than July 26, 2010.

ADDRESSES: You may submit comments, identified by "NBP RFI: Data Access," by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

E-mail: broadband@hq.doe.gov.

Include "NBP RFI: Data Access" in the subject line of the message.

Mail: U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue, SW., Room 6A245, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Maureen C. McLaughlin, Senior Legal Advisor to the General Counsel (202) 586-5281; broadband@hq.doe.gov.

For Media Inquiries you may contact Jen Stutsman at 202-586-4940.

SUPPLEMENTARY INFORMATION:

Introduction

The promise² of the Smart Grid is enormous and includes improved reliability, flexibility and power quality, reduction in peak demand, reduction in transmission congestion costs, environmental benefits gained by increased asset utilization, increased security, increased energy efficiency and increased durability and ease of repair in response to attacks or natural disasters. But the Smart Grid also presents new challenges. In particular, many of its benefits could be reduced or delayed and avoidable harms caused unless the Smart Grid adequately respects consumers' reasonable—and often widely differing—expectations of privacy, expectations that could be compromised if detailed household energy consumption data is made too readily available, too inaccessible, or incorrectly anonymized. The Smart Grid is also likely to create a far more interactive relationship between utilities and consumers that will raise new questions about how to ensure that detailed energy data is properly collected, reported, managed, shared and disclosed in ways that are both lawful and adequately transparent to consumers.³

² A smart meter is a good example of an enabling Smart Grid technology that can empower both utilities and consumers to extract value from two-way communications and real-time access to usage data. Smart meters play an important role in the success of the Smart Grid because they can generate an array of useful data including historical energy consumption data, real-time data, and price-and-demand-response data.

³ Dep't of Energy, *What the Smart Grid Means to Americans*, 2, 23 (Aug. 31, 2009), available at <http://www.oe.energy.gov/DocumentsandMedia/ConsumerAdvocates.pdf>.

This RFI seeks to collect information and open a dialogue about the challenges inherent in empowering consumers, utilities, and third parties to realize the many potential benefits of the Smart Grid, while protecting reasonable consumer expectations of privacy and security, and ease-of-access and providing the flexibility to manage both.

In the context of the Smart Grid, privacy and access are not so much conflicting goals as they are complementary goods: the value of the Smart Grid to consumers, utilities, and third parties depends upon its capacity to encourage and accommodate unpredicted innovations while making usage data reasonably available to those who should have it and respecting consumers' reasonable interests in choosing how to balance the benefits of access against the protection of personal privacy and security. Only solutions that accommodate all of these critical values will maximize the value of the Smart Grid to consumers, utilities, third-party service providers and innovators, and State and Federal governments.

Background

In early 2009, Congress directed the Federal Communications Commission ("FCC") to create the recently released National Broadband Plan ("NBP").⁴ As Congress instructed, the NBP makes recommendations to various government entities, including Executive Branch agencies like DOE. In particular, the NBP recommended that DOE should consider consumer data accessibility policies when evaluating Smart Grid grant applications, report on states' progress toward enacting consumer data accessibility policies, and develop best-practices guidance for the states.⁵ More generally, the NBP's recommendations seek to modernize the electric grid with broadband by increasing reliability and efficiency, to unleash energy innovation in homes and buildings by making energy-usage data readily accessible to consumers, and to improve the energy efficiency and environmental impact of the Information and Communication Technologies (ICT) sector by integrating broadband into the developing Smart Grid.

These new recommendations recognize and build upon DOE's years

⁴ Fed. Commc'n Comm'n, *Connecting America: The National Broadband Plan*, <http://www.broadband.gov/plan/> (last visited Apr. 26, 2010).

⁵ *Id.*