

with either of the two following methods, except that only method (a) may be used, if available:

(a) Representation of non-tested combinations according to an alternative rating method approved by DOE; or

(b) Representation of non-tested combinations at the same energy efficiency level as the tested combination with the same outdoor unit.

(4) This waiver shall remain in effect from the date of issuance of this Order until the effective date of a DOE final rule prescribing amended test procedures appropriate to the model series manufactured by Daikin listed above.

(5) This waiver is conditioned upon the presumed validity of statements, representations, and documentary materials provided by the petitioner. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition for Waiver is incorrect, or DOE determines that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

Issued in Washington, DC, on March 30, 2009.

**Steven G. Chalk,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. IC09-500-000 and IC09-505-000]

#### Commission Information Collection Activities (FERC-500 and FERC-505); Comment Request; Extensions

April 6, 2009.

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

**ACTION:** Notice of proposed information collections and request for comments.

**SUMMARY:** In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the specific aspects of the information collections described below.

**DATES:** Comments in consideration of the collections of information are due June 9, 2009.

**ADDRESSES:** Examples of these collections of information may be obtained from the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Comments may be filed either electronically or in paper format, and should refer to Docket Nos. IC09-500-000 and IC09-505-000. Documents must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission submission guidelines at <http://www.ferc.gov/help/submission-guide.asp>.

Comments may be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. First time users will have to establish a user name and password (<http://www.ferc.gov/docs-filing/eregistration.asp>) before eFiling. The Commission will send an automatic acknowledgment to the sender's e-mail address upon receipt of comments through eFiling.

Commenters filing electronically should not make a paper filing. Commenters that are not able to file electronically must send the original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Users interested in receiving automatic notification of activity in this docket may do so through eSubscription at <http://www.ferc.gov/docs-filing/esubscription.asp>. In addition, all comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's Web site using the "eLibrary" link and searching on Docket Numbers IC09-500 and IC09-505. For user assistance, contact FERC Online Support at: [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

#### FOR FURTHER INFORMATION CONTACT:

Ellen Brown may be reached by telephone at (202) 502-8663, by fax at (202) 273-0873, or by e-mail at [ellen.brown@ferc.gov](mailto:ellen.brown@ferc.gov).

**SUPPLEMENTARY INFORMATION:** For the purpose of publishing this notice and seeking public comment, FERC requests comments on both FERC-500 (Application for License/Relicense for Water Projects with Capacity Greater than 5 MW; OMB Control No. 1902-0058), and FERC-505 (Application for License/Relicense for Water Projects with Capacity 5 MW or Less; OMB Control No. 1902-0115). The associated regulations, reporting requirements, burdens, and OMB clearance numbers will continue to remain separate and distinct for FERC-500 and FERC-505.

**FERC-500:** The information collected under the requirements of FERC-500 is used by the Commission to determine the broad impact of a hydropower project (including hydrokinetic projects) license application. In deciding whether to issue a license, the Commission gives equal consideration to a full range of licensing purposes related to the potential value of a stream, river, or other navigable waterway including the oceans. Among these purposes are: Hydroelectric or hydrokinetic development; energy conservation; fish and wildlife resources (including their spawning grounds and habitat); visual resources; cultural resources; recreational opportunities; other aspects of environmental quality; irrigation; flood control and water supply. Submittal of the information is necessary to fulfill the requirements of the Federal Power Act in order for the Commission to determine whether the proposal is best adapted to a comprehensive plan for improving or developing a waterway(s).

Under Part I of the Federal Power Act (FPA; 16 U.S.C. 791a *et seq.*), the Commission has the authority to issue licenses for hydroelectric projects on the waters over which Congress has jurisdiction. The Electric Consumers Protection Act (ECPA; Pub. L. 99-495, 100 Stat. 1243) provides the Commission with the responsibility of issuing licenses for nonfederal hydroelectric plants. ECPA also amended the language of the FPA concerning environmental issues to ensure environmental quality. In Order No. 2002 (68 FR 51070, August 25, 2003), the Commission revised its regulations to create a new licensing process<sup>1</sup> in which a potential license applicant's pre-filing consultation and the Commission's scoping process pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321) are conducted concurrently rather than sequentially.

The information collected is needed: (1) To evaluate license applications pursuant to the comprehensive development standard of FPA sections 4(e) and 10(a)(1), (2) to consider the

<sup>1</sup> Applicants have benefited from: (a) Increased public participation in pre-filing consultation; (b) increased assistance from Commission staff to the potential applicant and stakeholders during the development of a license application; (c) development by the potential applicant of a Commission-approved study plan; (d) elimination of the need for post-application study requests; (e) issuance of public schedules and enforcement of deadlines; (f) better coordination between the Commission's processes, including the NEPA document preparation, and those of Federal and state agencies and Indian Tribes with authority to require conditions for Commission-issued licenses.

comprehensive development analysis of certain factors with respect to the new license set forth in section 15, and (3) to comply with NEPA, Endangered Species Act (16 U.S.C. 1531 *et seq.*) and the National Historic Preservation Act (16 U.S.C. 470 *et seq.*). Commission staff conducts a systematic review of the application, with supplemental documentation provided through the solicitation of comments from other agencies and the public.

Submittal of the FERC-500 information is necessary for the Commission to carry out its Statutory responsibilities as defined in the filing requirements in 18 CFR 4.32, 4.38, 4.40–.41, 4.50–.51, 4.61, 4.71, 4.93, 4.107–.108, 4.201–.202, Part 5, 16.1, 16.10, 16.20, 292.203 and 292.208.

*FERC-505*: Submission of the information is necessary for the Commission to carry out its responsibilities in implementing the statutory provisions of Part I of the FPA (16 U.S.C. 791a *et seq.* & 3301–3432, as amended by the ECPA (Pub. L. 99–495, 100 Stat. 1234 (1986))). The FPA as amended by ECPA provides the Commission with the responsibility of issuing licenses for nonfederal hydroelectric power plants, plus requiring the Commission in its licensing activities to give equal consideration to preserving environmental quality. ECPA also

amended sections 10(a) and 10(j) of the FPA to specify the conditions on which hydropower licenses are issued, to direct that the project be adopted in accordance with a comprehensive plan that improves waterways for interstate/foreign commerce and for the protection, enhancement and mitigation of damages to fish and wildlife.

Submittal of the information is necessary to fulfill the requirements of sections 9 and 10(a) of the Act in order for the Commission to make the required finding that the proposal is technically and environmentally sound, and is best adapted to a comprehensive plan for the development of the water resources of the region. Under section 405(c) of the Public Utility Regulatory Policies Act of 1978 (PURPA), the Commission may in its discretion (by rule or order) grant an exemption in whole or in part from the requirements of Part I of the FPA to small hydroelectric power projects having a proposed installed capacity of 5,000 kilowatts or less (5-MW exemption). The filing requirements to prepare an application for a 5-MW exemption in lieu of a licensing application are also included in this analysis. The information collected under FERC-505 is used by Commission staff to determine the broad impact of a license (including licenses for hydrokinetic projects) or exemption application. The

information collected for license applications is needed to evaluate the hydroelectric project pursuant to the comprehensive development standard of FPA sections 4(e) and 10(a)(1), to consider in the comprehensive development analysis certain factors with respect to the new license as set forth in section 15, and to comply with NEPA, the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and the National Historic Preservation Act (16 U.S.C. 470 *et seq.*). The information collected for 5-MW exemption applications is needed to evaluate the hydroelectric project for compliance with NEPA, the Endangered Species Act (16 U.S.C. 1531 *et seq.*), and the National Historic Preservation Act (16 U.S.C. 470 *et seq.*). Commission staff conducts a systematic review of the prepared application with supplemental documentation provided by the solicitation of comments from other agencies and the public.

The filing requirements are contained in 18 CFR 4.61, 4.71, 4.93, 4.107, 4.108, 4.201, 4.202, Part 5, 292.203, and 292.208.

*Action*: The Commission is requesting three-year extensions of the current expiration dates for the FERC-500 and FERC-505, with no change to the reporting requirements.

*Burden Statement*: The estimated annual public reporting burdens and the associated public costs follow.<sup>2</sup>

Data collection <sup>3</sup> and process used <sup>4</sup>	Projected number of respondents	Number of responses per respondent	Projected average burden hours per response	Total annual burden hours
<b>FERC-500</b>				
Traditional .....	3.0	1	105,715	317,144
Alternative .....	1.0	1	107,964	107,964
Integrated .....	2.0	1	104,965	209,930
Total Annual Burden Hours for FERC-500 .....				635,037
<b>FERC-505</b>				
Traditional .....	13.0	1	3,691	47,988
Alternative .....	1.0	1	3,598	3,598
Integrated .....	2.0	1	3,598	7,196
Total Annual Burden Hours for FERC-505 .....				58,782

Using actual cost figures provided by filers,<sup>3</sup> the average annual cost per respondent is estimated as follows.

<sup>2</sup> These figures may not be exact, due to rounding.

<sup>3</sup> Per sections 4.41(e)(9), 4.51(e)(7) and 4.61(c)(3) applicants are now required to submit their total cost of collection; these figures were used in determining the average burden hours. The

information presented here is based on actual FY 2007 and FY 2008 filings.

<sup>4</sup> The Commission has three licensing processes; each process has its own requirements and schedules. More details are available at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/licen-pro.asp>.

[www.ferc.gov/industries/hydropower/gen-info/licensing/licen-pro.asp](http://www.ferc.gov/industries/hydropower/gen-info/licensing/licen-pro.asp).

Data collection	Number of filers providing actual cost figures	Total annual cost of collection (\$) <sup>3</sup>	Projected average annual cost per respondent (\$)
	(1)	(2)	(2)/(1)
FERC-500 .....	17	\$109,331,372	\$6,431,257
FERC-505 .....	14	3,123,000	223,071

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 collections of information are 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 estimates of the burden of the proposed collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collections 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.

[FR Doc. E9-8235 Filed 4-9-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13377-000]

#### Sonoma County Water Agency; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

April 3, 2009.

On February 23, 2009, Sonoma County Water Agency filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Sonoma Coast Hydrokinetic Energy Project Fort Ross (South) to be located on the Pacific Ocean off the coast of Sonoma County, California. The project uses no dam or impoundment. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) Approximately 5 to 10 oscillating water column devices and/or buoy-type wave energy conversion devices with an estimated total power output of 2 to 5 megawatts (MW); (2) a potential expansion of the proposed project or additional projects up to 40 to 200 MW; (3) one or more proposed submersible armored submarine cables, including a 12-kilovolt transmission line approximately 5 miles in length; (4) a potential sub-station and 1-mile-long transmission line, if the proposed project is expanded; and (5) appurtenant facilities. The project is estimated to have an annual generation of 20 gigawatt-hours, which would be sold to a local utility or used by the Sonoma County Water Agency to offset its own load.

*Applicant Contact:* Sonoma County Water Agency, Mr. Randy D. Poole, General Manager/Chief Engineer, 404 Aviation Boulevard, Santa Rosa,

California 95403, phone: (707) 547-1900.

*FERC Contact:* Aaron Liberty, (202) 502-6862.

*Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:* 60 days from the issuance of this notice.

Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings, please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13377) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13376-000]

#### Sonoma County Water Agency; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

April 3, 2009.

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