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*Comment Date:* 5 p.m. Eastern Time on December 28, 2007.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E7-23631 Filed 12-5-07; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 8412-003]

#### Ronald W. and Kathryn C. Denney; Notice of Availability of Environmental Assessment

November 28, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects' staff has prepared an Environmental Assessment (EA) for a surrender of exemption from licensing for the Coiner Mill Project. The project is located on the South River in Augusta County, Virginia.

The EA contains the staff's analysis of the potential environmental impacts of the proposal and concludes that the surrender of the project's exemption from licensing would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the e-library link. Enter the docket number (prefaced by P-) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E7-23623 Filed 12-5-07; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 4362]

#### Inman Mills, SC; Notice of Existing Licensee's Failure To File Notice of Intent to File a Subsequent License Application

November 29, 2007.

By August 31, 2007, Inman Mills, the existing licensee for the Riverdale Hydroelectric Project No. 4362,<sup>1</sup> was required to file a notice of intent stating whether it intended to file an application for a subsequent minor license. The existing license for Project No. 4362 expires on August 31, 2012.

The 1,240-kilowatt project is located on the Enoree River, near Enoree, in Spartanburg County, South Carolina. No federal lands are affected.

The principal project works consist of: (1) A 425-foot-long, 12-foot-high gravity reinforced concrete dam topped with 2-foot flashboards; (2) a 110-foot-long, 9-foot-diameter penstock; (3) a powerhouse separate from the dam containing a 1,240 kW capacity generating unit; (4) a reservoir with a surface area of nine acres at normal pool elevation of 512 feet mean sea level and a gross storage capacity of 22 acre-feet; and (5) appurtenant facilities. The average annual generation at the project is 5.4 million kWh.

Pursuant to section 16.19(b) of the Commission's regulations, 18 CFR 16.9(b) (2007), an existing licensee with a minor license must notify the Commission whether or not the licensee intends to file an application for a subsequent new license.

Inman Mills has not filed a notice of intent to file an application for a subsequent license for this project.

Pursuant to section 16.23(b) of the Commission's regulations, an existing licensee that fails to file a notice of intent pursuant to section 16.6(b) shall be deemed to have filed a notice of intent indicating that it does not intend to file an application for subsequent license.

Pursuant to section 16.20 of the Commission's regulations, applications for subsequent license (except from the existing licensee which is prohibited

<sup>1</sup> In April 2006, Commission staff approved a transfer of the license from Inman Mills to Riverdale Development Venture LLC, effective upon the transferee, within 60 days of the transfer order, signing and returning an acceptance sheet and submitting certified copies of the instruments of conveyance (115 FERC ¶62,076). Transferee did not file the required documents, and Inman Mills therefore remains the licensee.

from filing) must be filed with the Commission at least 24 months prior to the expiration of the existing license. Applications for license for this project must be filed by August 31, 2010. Questions concerning this notice should be directed to Sergiu Serban at (202) 502-6211 or [sergiu.serban@ferc.gov](mailto:sergiu.serban@ferc.gov).

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E7-23625 Filed 12-5-07; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PL08-1-000; 121 FERC ¶ 61,221]

#### Policy Statement on Conditioned Licenses for Hydrokinetic Projects

November 30, 2007.

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

**ACTION:** Policy Statement.

**SUMMARY:** The Federal Energy Regulatory Commission is giving notice of a new policy with respect to the issuance of licenses for hydrokinetic projects. In the Policy Statement, the Commission concludes that, in appropriate cases, where the Commission has completed its processing of license applications for hydrokinetic projects, but where other authorizations required under federal law have not yet been received, it will issue conditioned licenses for hydrokinetic projects, predicated on the licensee being precluded from commencing construction until the necessary authorizations are received.

**DATES:** *Effective Dates:* This Policy Statement is effective November 30, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Ann Miles, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6769;

John Katz, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8082.

**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Joseph T.

Kelliher, Chairman; Suedeen G.

Kelly, Marc Spitzer, Philip D.

Moeller, and Jon Wellinghoff.

1. The Commission is issuing this Policy Statement as part of its ongoing effort to establish a regulatory climate that supports the development of

innovative hydropower projects that use the forces of currents, waves, and tides (generally referred to herein as "hydrokinetic projects") to generate clean, renewable electric energy. In the Policy Statement, the Commission sets forth a new policy, applicable only to hydrokinetic projects, pursuant to which the Commission will, in appropriate cases, issue licenses pending actions by other entities under federal law. The goal of this action is to shorten the regulatory process and speed the development of meritorious hydrokinetic projects.

### I. Background

2. In recent years, the Commission has become aware of efforts by the hydrokinetic industry to test and develop projects that harness the nation's water resources to produce new supplies of much-needed electric power. Estimates suggest that new hydrokinetic technologies, if fully developed, could double the amount of hydropower production in the United States, bringing it from just under 10 percent to close to 20 percent of the national electric energy supply. Given the potential benefits of this new, clean power source, the Commission has taken steps to lower regulatory barriers to its development.

3. On December 6, 2006, the Commission held a technical conference on Hydroelectric Generation from Ocean Waves, Tides, and Currents and from Free-Flowing Rivers.<sup>1</sup> At the conference, the Commission heard from state and federal regulators, developers, and other stakeholders interested in hydrokinetic projects. Following the conference, the Commission received public comments. A number of the comments focused on issues relating to the issuance of preliminary permits for hydrokinetic projects,<sup>2</sup> while other comments discussed the licensing process for such projects.

4. On February 15, 2007, the Commission issued a notice of inquiry and interim statement of policy with respect to preliminary permits for hydrokinetic projects.<sup>3</sup> The Commission explained that there had been a surge in applications for preliminary permits to study potential hydrokinetic projects,

and noted the potential for new energy production from those projects. In consequence, the Commission proposed to implement a "strict scrutiny" approach to reviewing preliminary permit applications, in order to respond to issues that had been raised at the technical conference, and to encourage thoughtful permit applications and promote competition.<sup>4</sup> The Commission also sought comment on this proposal, and the great majority of the commenters supported the Commission's approach.

5. On October 2, 2007, the Commission held a Commissioner-led technical conference, in Portland, Oregon, to discuss a Commission staff proposal for a pilot licensing process regarding hydrokinetic projects. The staff proposal called for an expedited licensing process, to be completed in as few as six months. Staff suggested that pilot project licenses would be available only for proposed projects that are small (five megawatts or less), are removable or able to be shut down quickly, are not located in sensitive areas, and are for the purpose of testing new technologies or locating appropriate sites.<sup>5</sup> Staff proposed that pilot project licenses (1) have a short term (five years), (2) include a standard condition requiring project alteration or shutdown in the event that there was an unacceptable level of environmental effect, (3) provide the option of applying for a standard 30–50 year license, and (4) require decommissioning and site restoration at license expiration, if a standard license is not sought. The comments filed regarding the pilot project license proposal were largely supportive of a more expedited, less burdensome process, and included a number of specific suggestions as to how the process could be implemented.

### II. Discussion

6. Based on the Commission's experience, it has often been the case that Commission staff has completed its processing of a hydropower license application, including preparation of an environmental document, but that authorizations required from other entities under federal laws including the Clean Water Act, the Coastal Zone Management Act, and the Endangered Species Act, have not yet been received. Typically, the Commission has not acted in such instances, sometimes resulting in substantial delays in developers' abilities to undertake non-

construction activities. This has a concomitant adverse impact on developers' abilities to move quickly with project construction once the pending authorizations are filed with the Commission.

7. The Commission has taken a different approach with respect to authorizations issued under the Natural Gas Act. In those cases, the Commission has issued pipeline certificates and authorizations to construct liquefied natural gas facilities while action by other entities is still pending, and included in the Commission order provisos that construction may not commence until the necessary authorizations have been received.<sup>6</sup>

8. In light of the nation's interest in the development of its water power resources to meet the growing need for clean, renewable energy, the Commission has decided to adopt the natural gas procedural model with respect to new, hydrokinetic projects. Thus, for new hydrokinetic projects only, we will, in appropriate cases, issue project licenses where the Commission has completed processing an application but other authorizations remain outstanding. In such cases, the license will include conditions precluding the licensee from commencing construction until it has obtained all necessary authorizations.

9. There are a number of policy reasons to consider adopting the gas pipeline practice rather than the conventional hydropower practice with respect to conditioned licensing of hydrokinetic technologies. First, issuing licenses as described will have no environmental impacts. By the terms of the licenses, licensees will not be permitted to commence construction until they have obtained all authorizations required by federal law. When the authorizations are obtained, licensees will be required to file them with the Commission, and the Commission then will review them and incorporate their terms in the licenses, as appropriate.

10. Second, issuing an appropriately conditioned license would in no way diminish the authority of the states or other federal agencies. Construction of a hydrokinetic project could not start without any necessary state and federal authorizations under a conditioned license. For that reason, states and federal agencies will fully retain their authority to take action under relevant federal law.

<sup>6</sup> See, e.g., *Crown Landing LLC*, 117 FERC ¶ 61,209 at P 21 and n. 19 and n. 36 (2006); *Georgia Strait Crossing Pipeline LP*, 108 FERC ¶ 61,053 at P 13–16 (2004); *Millennium Pipeline Company, L.P.*, 100 FERC ¶ 61,277 at P 225–231 (2002).

<sup>1</sup> Docket AD06–13–000.

<sup>2</sup> Preliminary permits, issued for a term of up to three years pursuant to section 4(f) of the Federal Power Act, 18 U.S.C. 797(f) (2000), allow a potential applicant to develop sufficient information to prepare a license application and give the permit holder a priority with respect to filing a license application, but confer no property rights in the project site and no authority to conduct construction or other land-disturbing activity.

<sup>3</sup> The notice of inquiry and interim statement of policy is published at FERC Stats. & Regs. ¶ 35,555.

<sup>4</sup> *Id.* at ¶ 14, 16.

<sup>5</sup> See Notice of Technical Conference and Soliciting Comments, Docket No. AD07–14–000 (issued July 19 2007).

11. Third, the new procedure is suitable for demonstration projects. The Commission can issue licenses quickly, leaving state and federal agencies that have not yet completed their actions the opportunity to do so, ideally quickly, on their own timetable. While it is not clear whether state and federal resource agencies will complete their actions on hydrokinetic projects in a shortened timeframe, as suggested in the pilot project license proposal drafted by Commission staff, issuance of conditioned licenses would likely give the Commission a greater ability to respond quickly to innovative project proposals. Also, early issuance of a Commission license will improve the ability of project developers to secure financing of demonstration projects.

12. Issuance of a conditioned license will be a final Commission action, as is the case with other licenses that contain reservations of authority. Thus, these licenses will be subject to rehearing, and, once accepted, their terms will be binding on licensees. Licensees will be able, and required, to comply with all license terms that do not involve construction, such as those which may require the development of plans and consultation with stakeholders.

### III. Comments

13. Interested persons may submit comments on this Policy Statement. Comments are due on or before December 14, 2007. Comments must refer to Docket No. PL08-1-000, and must include the commenter's name, the organization they represent, if applicable, and their address.

14. Commenters are requested to use appropriate headings and to double space their comments.

15. Comments may be filed on paper or electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

16. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters are not required to serve copies of their comments on other commenters.

### IV. Document Availability

17. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington DC 20426.

18. From the Commission's Home Page on the Internet, this information is available in the Commission's document management system, eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number (excluding the last three digits of the docket number), in the docket number field. User assistance is available for eLibrary and the Commission's Web site during normal business hours. For assistance, please contact FERC Online Support at (202) 502-6652 (toll-free at 1-866-208-3676) or e-mail at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

By the Commission.

**Kimberly D. Bose,**  
Secretary.

[FER Doc. E7-23615 Filed 12-5-07; 8:45 am]  
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### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2007-0529; FRL-8502-8]

#### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; ENERGY STAR® Product Labeling (Renewal); EPA ICR No. 2078.02, OMB Control No. 2060-0528

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the

nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before January 7, 2008.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2007-0529, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Rachel Schmeltz, Climate Protection Partnerships Division, Office of Air and Radiation, Mailcode 6202J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-343-9124; fax number: 202-343-2200; e-mail address: [schmeltz.rachel@epa.gov](mailto:schmeltz.rachel@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 13, 2007 (72 FR 38573), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2007-0529 which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public