

D. Short-term Sales or Other Dispositions of Excess Federal Power To Purchasers Outside the Pacific Northwest:

1. **Primary Notice:** For proposed sales or other dispositions of excess federal power to purchasers outside the region for a period of less than one year, the annual notification in section III(C) above will be the primary notification.

2. **Additional Notice:** As determined by Bonneville and as warranted in Bonneville's opinion by system or market conditions, Bonneville will issue additional notices of available excess federal power which will contain the same type of information as in the annual notice. Regional customers interested in purchasing this power will have 5 days or less, depending upon the effective delivery date and the duration of the short-term sale or other disposition, within which to contact Bonneville may provide such notices in its daily prescheduling conferences with customers.

Policy on Sales of Excess Federal Power Outside the Pacific Northwest Region to Retail Customers

In marketing excess Federal power outside the Pacific Northwest, Bonneville does not intend to use its status as a Federal agency as a basis for seeking to shield retail sales to non-Federal entities from restrictions, terms and conditions of State law concerning access to retail markets. Moreover, Bonneville intends to defer to State policies concerning access to retail markets with respect to any dispositions of excess Federal power to Federal end users unless an exception is made by the Secretary of Energy in a specific circumstance. Consequently, Bonneville adopts the following policy:

A. Retail Sales to non-Federal Customers: Bonneville will not make direct retail sales of excess Federal power outside the Pacific Northwest to non-Federal customers unless the purchaser obtains any third-party transmission or distribution services needed to effect delivery of such power to the purchaser. As a matter of law, the purchaser's acquisition of such transmission or distribution services would be subject to any terms and conditions of service established under applicable State and Federal law (including rules and orders thereunder).

B. Dispositions to Federal End Users: The policy under subsection (a) will guide dispositions of excess Federal power to Federal end users outside the Pacific Northwest unless the Secretary of Energy determines on a case-by-case basis that the interests of the United States otherwise require.

Issued in Portland, OR on September 19, 1996.

Randall W. Hardy,
Administrator and Chief Executive Officer.
[FR Doc. 96-24807 Filed 9-26-96; 8:45 am]
BILLING CODE 6450-01-P

Office of Energy Efficiency and Renewable Energy

[Case No. F-086]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Bard Manufacturing Company

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-086) granting a Waiver to Bard Manufacturing Company (Bard) from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Bard's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its TU and TDU series furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9138

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(j), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Bard has been granted a Waiver for its TU and TDH series furnaces permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on September 19, 1996.

Christine A. Ervin,
Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

Background

The Energy Conservation Program for Consumer Products (other than

automobiles) was established pursuant to the Energy Policy and Conservation Act, Public Law 94-163, 89 Stat. 917, as amended (EPCA), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Bard filed a "Petition for Waiver," dated April 4, 1996, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the Federal Register on June 25, 1996, Bard's Petition and solicited comments, data and information respecting the Petition. 61 FR 32790, June 25, 1996. Bard also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on June 13, 1996. 61 FR 32790, June 25, 1996.

No comments were received concerning either the "Petition for Waiver" or the "Application for Interim Waiver." The Department consulted with The Federal Trade Commission (FTC) concerning the Bard Petition. The FTC did not have any objections to the issuance of the waiver to Bard.

Assertions and Determinations

Bard's Petition seeks a waiver from the DOE test provisions that require a

1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Bard requests the allowance to test using a 30-second blower time delay when testing its TU and TDH series furnaces. Bard states that since the 30-second delay is indicative of how these models actually operate, and since such a delay results in an improvement in AFUE of an average 0.4 to 0.6 percent, the Petition should be granted.

Under specific circumstances, the DOE test procedure contains exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Bard indicates that it is unable to take advantage of any of these exceptions for its TU and TDH series furnaces.

Since the blower controls incorporated on the Bard furnaces are designed to impose a 30-second blower delay in every instance of start up, and since the current test procedure provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Bard TU and TDH series furnaces. Accordingly, with regard to testing the TU and TDH series furnaces, today's Decision and Order exempts Bard from the existing test procedure provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by Bard Manufacturing Company (Case No. F-086) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Bard Manufacturing Company, shall be permitted to test its TU and TDH series furnaces on the basis of the test procedure specified in 10 CFR Part 430, with modifications set forth below:

(i) Section 3.0 of Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE Standard 103-82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE Standard 103-82. After equilibrium conditions are achieved following the cool-down test and the required

measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ± 0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Bard Manufacturing Company shall comply in all respects with the test procedures specified in Appendix N of 10 CFR Part 430, Subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the TU and TDH series furnaces manufactured by Bard Manufacturing Company.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

(5) Effective September 19, 1996, this Waiver supersedes the Interim Waiver granted Bard Manufacturing Company on June 13, 1996. 61 FR 32790, June 25, 1996 (Case No. F-086).

Issued In Washington, DC, on September 19, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 96-24809 Filed 9-26-96; 8:45 am]

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Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Rheem Manufacturing Company from the DOE Furnace Test Procedure. (Case No. F-087)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Today's notice grants an Interim Waiver to Rheem Manufacturing Company (Rheem) from the existing Department of Energy (DOE or Department) test procedure regarding blower time delay for the company's GLH downflow and GPH upflow/horizontal series furnaces.

Today's notice also publishes a "Petition for Waiver" from Rheem. Rheem's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Rheem seeks to test using a blower delay time of 12 seconds for its GLH downflow and GPH upflow/horizontal series furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than October 28, 1996.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Codes and Standards, Case No. F-087, Mail Stop EE-43, Room 1J-018, Forestall Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 586-7140.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forestall Building, 1000 Independence Avenue, SW., Washington, D.C. 20585-0121, (202) 586-9138.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forestall Building, 1000 Independence Avenue, SW., Washington, D.C. 20585-0103, (202) 586-9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, as amended (EPCA), which requires DOE to prescribe standardized test