

Ave. NE, Seattle; and King County Library, 300 8th Ave. North, Seattle.

ADDRESSES: The Navy will conduct a public hearing on Monday December 2, 1996 at 7:00 PM in the auditorium at Eckstein Middle School, 3003 NE 75th Street, Seattle, Washington, to inform the public of the DEIS findings and to solicit comments. Federal, state and local agencies, and interested individuals are invited to be present or represented at the hearing. Oral comments will be heard and transcribed by a stenographer. To assure accuracy of the record, all comments should be submitted in writing. All comments, both oral and written, will become part of the public record in the study. In the interest of available time, each speaker will be asked to limit oral comments to three minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the hearing or mailed to the address listed below.

FOR FURTHER INFORMATION CONTACT: All written comments must be submitted no later than December 23, 1996, to Mr. Don Morris (Code 232DM), Engineering Field Activity Northwest, Naval Facilities Engineering Command, 19917 7th Ave. NE, Poulsbo, WA 98370-7570; telephone (360) 396-0920; FAX (360) 396-0854.

Dated: November 5, 1996.

D.E. Koenig,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96-28767 Filed 11-7-96; 8:45 am]

BILLING CODE 3810-FF-P

Board of Visitors to the United States Naval Academy; Partially Closed Meeting

SUMMARY: Pursuant to the provisions of the Federal Advisory Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on 18 November, 1996, at Alumni Hall, United States Naval Academy, Annapolis, MD at 8:30 a.m. The executive session of this meeting from approximately 8:30 a.m. to 10:30 a.m. will be closed to the public. Following executive session to the remainder of the meeting will be opened to the public.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. During executive session these inquiries will relate to the internal personnel rules and practices of the

Academy, may involve on-going criminal investigations, and include discussions of personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, the Secretary of the Navy has determined in writing that the executive session portion of the meeting shall be closed to the public because they will be concerned with matters as outlined in section 552(b) (2), (5), (6), and (7) of title 5, United States Code. Due to extraordinary administrative delays, this published notice may provide less than 15 days notice, per 41 CFR Section 101-6.1015(b)(2).

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Adam S. Levitt, U.S. Navy Secretary to the Board of Visitors, Office of the Superintendent, United States Naval Academy, Annapolis, MD 21402-5000, telephone number (410) 293-1503.

Dated: November 5, 1996.

D.E. Koenig,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96-28764 Filed 11-7-96; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF ENERGY

Public Meetings on Electricity Restructuring

AGENCY: Office of Policy, U.S. Department of Energy.

ACTION: Notice of public meetings.

SUMMARY: On September 27, 1996, the U.S. Department of Energy announced two public meetings to solicit input from affected constituencies before formulating the Department's recommendation respecting electric industry restructuring. (61 FR 50810) This is an announcement for two more public meetings in Chicago, Illinois and Atlanta, GA. The midwest regional meeting in Chicago, Illinois will focus on market structure and operational issues. The southeast regional meeting in Atlanta, Georgia will provide an opportunity to revisit issues already covered as well as new ones such as the Public Utility Regulatory Policies Act, tax issues, and research and development. Although each meeting will focus on specific issue areas, participants will be allowed to address other topics pertaining to electric industry restructuring.

DATES: November 15, 1996: Chicago, Illinois; December 12, 1996: Atlanta, GA.

ADDRESSES: The meetings will be held at the following Addresses:

Midwest Regional Meeting, Marriott - Chicago Downtown, 540 North Michigan Avenue, Chicago, Illinois
Southeast Regional Meeting, Site TBD, Atlanta, GA

Information Hotline: (423) 576-3610.

Issued in Washington, D.C. November 4, 1996.

Marc Chupka,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 96-28744 Filed 11-7-96; 8:45 am]

BILLING CODE 6450-01-P

Office of Energy Efficiency and Renewable Energy

[Case No. DH-006]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Vented Home Heating Equipment Test Procedure to Vermont Castings, Inc.

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. DH-006) granting a Waiver to Vermont Castings, Inc. (Vermont Castings) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting Vermont Castings' Petition for Waiver regarding pilot light energy consumption for manually controlled heaters in the calculation of Annual Fuel Utilization Efficiency (AFUE), and calculation procedure for weighted average steady state efficiency for manually controlled heaters with various input rates for its model DV40 manually controlled vented heater.

FOR FURTHER INFORMATION CONTACT:

William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-43

Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-9145

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 Title 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, Vermont Castings has been granted a Waiver for its model DV40 manually controlled vented heater, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on November 4, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the matter of: Vermont Castings, Inc. (Case No. DH-006).

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 vented home heating equipment. 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 Title 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding Title 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.

Vermont Castings filed a "Petition for Waiver," dated July 12, 1996, in accordance with section 430.27 of Title 10 CFR Part 430. The Department

published in the Federal Register on September 10, 1996, Vermont Castings' Petition and solicited comments, data and information respecting the Petition. 61 FR 47741, September 10, 1996.

Vermont Castings also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on September 4, 1996. 61 FR 47741, September 10, 1996.

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

Assertions and Determinations

Vermont Castings' Petition seeks a waiver from the DOE test provisions regarding (a) pilot light energy consumption for manually controlled heaters in the calculation of AFUE and (b) calculation procedure for weighted average steady state efficiency for manually controlled heaters with various input rates. The DOE test provisions in section 3.5 of Title 10 CFR Part 430, Subpart B, Appendix O requires measurement of energy input rate to the pilot light (Q_p) with an error no greater than 3 percent for vented heaters, and use of this data in section 4.2.6 for the calculation of AFUE using the formula: $AFUE = [4400\eta_{ss}\eta_u Q_{in-max}] / [4400\eta_{ss} Q_{in-max} + 2.5(4600)\eta_u Q_p]$. Vermont Castings requests the allowance to delete the $[2.5(4600)\eta_u Q_p]$ term in the denominator in the calculation of AFUE when testing its model DV40 manually controlled vented heater. Vermont Castings states that its model DV40 manually controlled vented heaters are designed with a transient pilot which is to be turned off by the user when the heater is not in use.

The control knob on the combination gas control in these heaters has three positions: "OFF," "PILOT" and "ON." Gas flow to the pilot is obtained by rotating the control knob from "OFF" to "PILOT," depressing the knob, holding in, pressing the piezo igniter. When the pilot heats a thermocouple element, sufficient voltage is supplied to the combination gas control for the pilot to remain lit when the knob is released and turned to the "ON" position. The main burner can then be ignited by moving an ON/OFF switch to the "ON" position. Instructions to instruct users to turn the gas control knob to the "OFF" position when the heater is not in use, which automatically turns off the pilot, are provided in the User's Instruction Manual and on a label adjacent to the

gas control knob. If the manufacturer's instructions are observed by the user, the pilot light will not be left on. This will result in a lower energy consumption, and in turn a higher efficiency than calculated by the current DOE test procedure. Since the current DOE test procedure does not address this issue, Vermont Castings asks that the Waiver be granted.

Based on DOE's review of how Vermont Castings' model DV40 manually controlled vented heater operates and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants Vermont Castings a Petition for Waiver to exclude the assumed pilot light energy input term in the calculation of AFUE.

This decision is subject to the condition that the heaters shall have an easily read label near the gas control knob instructing the user to turn the valve to the off-position when the heaters are not in use be maintained.

Vermont Castings also seeks a Waiver from the DOE test provisions in section 3.1.1 of Title 10 CFR Part 430, Subpart B, Appendix O that requires steady state efficiency for manually controlled heaters with various flow rates to be determined at a fuel input rate that is within ± 5 percent of 50 percent of the maximum fuel input rate, and the use of this data in section 4.2.4 to determine the weighted average steady state efficiency in the calculation of AFUE.

Vermont Castings states that its manually controlled heaters utilize a gas control with a variable pressure regulator control that allows the user to select various fuel input rates by varying the range of pressures of the heaters, and requests that it be allowed to determine steady state efficiency and weighted average steady state efficiency in the calculation of AFUE at a minimum fuel input rate of no greater than two-thirds of the maximum fuel input rate instead of the specified ± 5 percent of 50 percent of the maximum fuel input rate. Also, previous Petitions for Waiver to exclude the pilot light energy input term in the calculation of AFUE for home heating equipment with a manual transient pilot control and allowance to determine steady state efficiency and weighted average steady state efficiency used in the calculation of AFUE at a minimum fuel input rate of no greater than two-thirds of the maximum fuel input rate have been granted by DOE to Appalachian Stove and Fabricators, Inc., 56 FR 51711, October 15, 1991; Valor Inc., 56 FR 51714, October 15, 1991; CFM International Inc., 61 FR 17287, April 19, 1996; Vermont Castings, Inc., 61 FR

17290, April 19, 1996; and Superior Fireplace Company, 61 FR 17885, April 23, 1996.

Based on DOE having granted similar waivers in the past to heaters utilizing a variable pressure regulator control that allows a user to set various fuel input rates, DOE agrees that a waiver should be granted to allow the determination of steady state efficiency and weighted average steady state efficiency used in the calculation of AFUE at a minimum fuel input rate of no greater than two-thirds of the maximum fuel input rate instead of the specified ± 5 percent of 50 percent of the maximum fuel input rate for Vermont Castings model DV40 manually controlled vented heater.

It is therefore, ordered that:

(1) The "Petition for Waiver" filed by Vermont Castings, Inc. (Case No. DH-006) 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 O of Title 10 CFR Part 430, Subpart B, Vermont Castings, Inc. shall be permitted to test its model DV40 manually controlled vented heaters on the basis of the test procedure specified in Title 10 CFR Part 430, with modifications set forth below:

(i) Delete paragraph 3.5 of Appendix O.

(ii) The last paragraph of 3.1.1 of Appendix O is revised to read as follows:

3.1.1 (a) For manually controlled gas fueled vented heaters, with various input rates determine the steady-state efficiency at:

(1) A fuel input rate within ± 5 percent of 50 percent of the maximum fuel input rate or,

(2) The minimum fuel input rate if the design of the heater is such that ± 5 percent of 50 percent of the maximum fuel input rate can not be set, provided this minimum input rate is no greater than two-thirds of the maximum input rate of the heater.

(b) If the heater is designed to use a control that precludes operation at other than maximum output (single firing rate) determine the steady state efficiency at the maximum input rate only.

(iii) Delete paragraph 4.2.4 of Appendix O and replace with the following paragraph:

4.2.4 Weighted Average Steady-State Efficiency. (a) For manually controlled heaters with various input rates, the weighted average steady-state efficiency (η_{ss-wt}) is:

(1) At ± 5 percent of 50 percent of the maximum fuel input rate as measured in either section 3.1.1 to this appendix for

manually controlled gas vented heaters or section 3.1.2 to this appendix for manually controlled oil vented heaters, or

(2) At the minimum fuel input rate as measured in either section 3.1.1 to this appendix for manually controlled gas vented heaters or section 3.1.2 to this appendix for manually controlled oil vented heaters if the design of the heater is such that ± 5 percent of 50 percent of the maximum fuel input rate cannot be set, provided the tested input rate is no greater than two-thirds of maximum input rate of the heater.

(b) For manually controlled heater with one single firing rate, the weighted average steady-state efficiency is the steady-state efficiency measured at the single firing rate.

(iv) Delete paragraph 4.2.6 of Appendix O and replace with the following paragraph:

4.2.6 Annual Fuel Utilization Efficiency. For manually controlled vented heaters, calculate the Annual Fuel Utilization Efficiency (AFUE) as a percent and defined as:

$$AFUE = \eta_u$$

where:

η_u = as defined in section 4.2.5 of this appendix.

(v) With the exception of the modification set forth above, Vermont Castings, Inc. shall comply in all respects with the test procedures specified in Appendix O of Title 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 model DV40 manually controlled vented heater manufactured by Vermont Castings, Inc.

(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 a factual basis underlying the Petition is incorrect.

(5) Effective November 4, 1996, this Waiver supersedes the Interim Waiver granted Vermont Castings, Inc. on September 4, 1996. 61 FR 47741, September 10, 1996. (Case No. DH-006).

Issued in Washington, DC, on November 4, 1996.

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

[FR Doc. 96-28745 Filed 11-7-96; 8:45 am]

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Federal Energy Regulatory Commission

[Docket No. ER97-178-000]

Boston Edison Company; Notice of Filing

November 4, 1996.

Take notice that on October 11, 1996, Boston Edison Company tendered for filing its compliance refund report pursuant to the Commission's September 16, 1996 letter order in Docket Nos. ER93-150-009, EL93-10-006 and EL94-73-001.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 15, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-28707 Filed 11-7-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-371-001 & Docket No. ER95-1295-001 (Not Consolidated)]

Cleveland Electric Illuminating Company and Market Responsive Energy, Inc.; Notice of Filing

November 4, 1996.

Take notice that on October 11, 1996, Cleveland Electric Illuminating Company tendered for filing revised Market Based Tariff, FERC No. 4 in compliance with the Commission's order issued on September 27, 1996 in Docket No. ER96-376-000. Also in compliance with that order, Market Responsive Energy, Inc. tendered for filing revised Market Based Rate Schedule, FERC No. 1, and Code of Conduct, Supplement No. 1 to Rate Schedule FERC No. 1.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of