

**DATES:** Written objections must be filed not later June 3, 1997.

**ADDRESSES:** U.S. Army Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180-6199.  
ATTN: CEWES-OC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Stewart (601) 634-4113, e-mail [stewartp@exl.wes.army.mil](mailto:stewartp@exl.wes.army.mil)

**SUPPLEMENTARY INFORMATION:** The Concrete Armor Unit was invented by Jeffrey A. Melby and George F. Turk. Rights to the patent applications identified above have been assigned to the United States of America as represented by the Secretary of the Army. The United States of America as represented by the Secretary of the Army intends to grant an exclusive license for all fields of use, in the manufacture, use, and sale in the territories and possessions, including territorial waters of each of the listed countries to SOGELREG-SOGREAH, 8P 172, 38042, Grenoble Cedex 9, France.

Pursuant to 37 CFR 404.7(b)(1)(i), any interested party may file a written objection to this prospective exclusive license agreement.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97-8603 Filed 4-3-97; 8:45 am]

BILLING CODE 3710-92-M

## DEPARTMENT OF ENERGY

### Office of Arms Control and Nonproliferation; Proposed Subsequent Arrangements

**AGENCY:** Department of Energy.

**ACTION:** Subsequent arrangements.

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of the Federative Republic of Brazil concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval of the following retransfer: RTD/BR(EU)-10, for the transfer from the Republic of Germany to Brazil of 54,658 pieces of zircaloy-4 cladding tubes, weighing 42,852 kilograms, to be incorporated into uranium fuel assemblies, with an enrichment level between 1.9% and 3.2% of uranium-235, for ultimate use in the Angra-2 reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these

subsequent arrangements will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, D.C. on March 31, 1997.

**Cherie P. Fitzgerald,**

*Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.*

[FR Doc. 97-8638 Filed 4-3-97; 8:45 am]

BILLING CODE 6450-01-P

### Atomic Energy Agreements

**AGENCY:** Department of Energy.

**ACTION:** Subsequent arrangement.

**SUMMARY:** Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States of America and the European Atomic Energy Community (EURATOM) and the Agreement for Cooperation between the Government of the United States of America and the Government of Canada concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/EU(CA)-13, for the transfer of 127.8 kilograms of unirradiated low enriched uranium fuel fabrication scrap, containing 25.241 kilograms of the isotope uranium-235 (19.75% enrichment), from AECL in Chalk River, Canada, to UKAEA in Dounreay, United Kingdom, for the purpose of recovering the uranium for return to Canada in the form of uranium metal pieces.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 31, 1997.

For the Department of Energy.

**Cherie Fitzgerald,**

*Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.*

[FR Doc. 97-8639 Filed 4-3-97; 8:45 am]

BILLING CODE 6450-01-P

[Docket No. ETEC-028]

### Certification of the Radiological Condition of Building 028 at the Energy Technology Engineering Center Near Chatsworth, California

**AGENCY:** U.S. Department of Energy, Office of Environmental Restoration.

**ACTION:** Notice of certification.

**SUMMARY:** The Department of Energy (DOE) has completed radiological surveys and taken remedial action to decontaminate Building 028 located at the Energy Technology Engineering Center (ETEC) near Chatsworth, California. This property previously was found to contain radioactive materials from activities carried out for the Atomic Energy Commission and the Energy Research and Development Administration (AEC/ERDA), predecessor agencies to DOE. Although DOE owns the majority of the buildings and equipment, a subsidiary of Rockwell International, Rocketdyne, owned the land. Rocketdyne has recently been sold to Boeing North American Incorporated.

**FOR FURTHER INFORMATION CONTACT:** Don Williams, Program Manager, Office of Northwestern Area Programs, Office of Environmental Restoration (EM-44), U.S. Department of Energy, Washington, D.C. 20585.

**SUPPLEMENTARY INFORMATION:** DOE has implemented environmental restoration projects at ETEC (Ventura County, Map Book 3, Page 7, Miscellaneous Records) as part of DOE's Environmental Restoration Program. One objective of the program is to identify and clean up or otherwise control facilities where residual radioactive contamination remains from activities carried out under contract to AEC/ERDA during the early years of the Nation's atomic energy program.

ETEC is comprised of a number of facilities and structures located within Administrative Area IV of the Santa Susana Field Laboratory. The work performed for DOE at ETEC consisted primarily of testing of equipment, materials, and components for nuclear and energy related programs. These nuclear energy research and development programs, conducted by Atomics International under contract to AEC/ERDA, began in 1946. Several buildings and land areas became radiologically contaminated as a result of facility operations and site activities. Building 028 is one ETEC area that has been designated for cleanup under the DOE Environmental Restoration Program. Other areas undergoing decontamination will be released as

they are completed and are verified to meet established cleanup criteria and standards for release without radiological restrictions as established in DOE Order 5400.5.

Building 028 is located in the north-central section of ETEC. The above-grade concrete slab is approximately 300 m<sup>2</sup> in area. The below-grade vault measures approximately 60 m<sup>2</sup> with 6 m (20 ft.) ceilings. Construction consists of a concrete slab floor with concrete walls and ceilings.

Building 028 was originally constructed to perform tests of space reactor shields using a fission plate driven by neutrons from the thermal column of a 50-kW swimming pool-type reactor. This reactor was designated the Shield Test Reactor and operated from 1961 to 1964, when it was replaced with another reactor design to operate at 1 MW. This latter configuration was named the Shield Test and Irradiation Reactor (STIR) and operated through 1972.

Following shutdown of the test program and removal of the reactor, the facility was decommissioned and made available for alternate use in March 1976.

In 1977, operations were started to investigate the behavior of molten uranium-oxide relative to simulated reactor accidents, in particular, its reaction with floor and structural materials. These experiments resulted in some recontamination of various parts of the building that were used for preparation and melting of the uranium-oxide. Tests continued intermittently into 1981. Some facility modifications were made, and a decision to terminate operations was made later in 1981. The building remained inactive, under periodic surveillance, until decontamination began in 1988.

To allow the release of Building 028 for use without radiological restriction, all detectable radioactive material/contamination was removed from the facility. This decontamination and decommissioning was performed in two phases, starting in 1975 (STIR facility) with the removal of the core tank, the activated concrete structures surrounding the core tank, thermal column, reactor shield, test vault carriage, water cooling systems, water shield door, and the partially dismantled exhaust system.

The second and final stage of decontamination of Building 028 began in 1988 and required slightly less than five months to complete.

Briefly, the decontamination steps involved in the second stage: (1) Removal of surplus normal and depleted uranium oxide; (2)

decontamination and removal of equipment and electrical components, including the furnace system used for the uranium-oxide experiments; (3) removal of the radiologically contaminated ducting system; (4) building surfaces decontamination, including scabbling of the concrete floor in Room 101A; (5) final miscellaneous cleanup operations; and (6) final radiological survey of the building (above-grade and basement).

Rockwell/Rocketdyne performed a radiological survey in 1991. The Environmental Survey and Site Assessment Program of the Oak Ridge Institute for Science and Education performed independent verification of the decontamination project in 1993. Post-decontamination surveys have demonstrated that Building 028 is in compliance with DOE decontamination criteria and standards for release without radiological restrictions. The State of California Department of Health Services has concurred that the proposed release guidelines provide adequate assurance for release without further radiological restrictions. In the event of property transfer, DOE intends to comply with applicable Federal, State, and local requirements.

The external radiation exposure of the nine people directly associated with the STIR project, particularly the dismantling operations, during the period of September 23, 1975, through January 31, 1976, averaged 193 mrem, with a maximum individual exposure of 420 mrem. The entire operation was performed with a total radiation exposure of 1.7 man-rem.

None of the engineering or radiation and nuclear safety personnel assigned to the Building 028 decommissioning project received any measurable exposure to ionizing radiation.

Final costs for the decontamination of the STIR project were \$134,922.

Final costs for the decontamination of Building 028 were \$239,970.

The certification docket will be available for review between 9:00 a.m. and 4:00 p.m., Monday through Friday (except Federal holidays), in the U.S. DOE Public Reading Room located in Room 1E-190 of the Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. Copies of the certification docket will also be available at the following locations: DOE Public Document Room, U.S. DOE, Oakland Operations Office, the Federal Building, 1301 Clay Street, Oakland, California; California State University, Northridge, Urban Archives Center, Oviatt Library, Room 4, 18111 Nordhoff, Northridge, California; Simi Valley Library, 2629 Tapo Canyon Road, Simi

Valley, California; and the Platt Branch, Los Angeles Public Library, 23600 Victory Boulevard, Woodland Hills, California.

DOE has issued the following statement of certification:

Statement of Certification: Energy Technology Engineering Center, Building 028

The U.S. Department of Energy, Oakland Operations Office, Environmental Restoration Division, has reviewed and analyzed the radiological data obtained following decontamination of Building 028 at the Energy Technology Engineering Center. Based on analysis of all data collected and the results of independent verification, DOE certifies that the following property is in compliance with DOE radiological decontamination criteria and standards as established in DOE Order 5400.5. This certification of compliance provides assurance that future use of the property will result in no radiological exposure above applicable guidelines established to protect members of the general public or site occupants. Accordingly, the property specified below is released from DOE's Environmental Restoration Program.

Property owned by Boeing North American Incorporated:

Building 028, at the Energy Technology Engineering Center (situated within Area IV of the Santa Susana Field Laboratory), located in a portion of Tract "A" of Rancho Simi, in the County of Ventura, State of California, as per map recorded in Book 3, Page 7 of Miscellaneous Records of Ventura County.

Issued in Washington, DC, on March 27, 1997.

**James J. Fiore,**

*Acting Deputy Assistant Secretary for Environmental Restoration.*

Statement of Certification: Energy Technology Engineering Center, Building 028

The U.S. Department of Energy, Oakland Operations Office, Environmental Restoration Division, has reviewed and analyzed the radiological data obtained following decontamination of the Energy Technology Engineering Center Building 028. Based on this analysis of all data collected, the Department of Energy (DOE) certifies that the following property is in compliance with DOE decontamination criteria and standards. This certification of compliance provides assurance that future use of the property will result in no radiological exposure above applicable guidelines established to protect members of the general public or site occupants. Accordingly, the property specified below is released from DOE's Environmental Restoration Program.

Property owned by Rockwell International Corporation:

Building 028, at the Energy Technology Engineering Center, located in a portion of Tract "A" of Rancho Simi, in the County of Ventura, State of California, as per map recorded in Book 3, Page 7 of Miscellaneous Records of Ventura County.

Certification:

Dated: January 23, 1997.

**Roger Liddle,**

*Director, ERD.*

[FR Doc. 97-8640 Filed 4-3-97; 8:45 am]

BILLING CODE 6450-01-P

## Office of Energy Efficiency and Renewable Energy

[Case No. F-089]

### 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

**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 GFD upflow residential, modulating type, gas-fired 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 20 seconds for its GFD upflow residential, modulating type, gas-fired 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 May 5, 1997.

**ADDRESSES:** Written comments and statements shall be sent to: Department of Energy, Office of Codes and Standards, Case No. F-089, Mail Stop EE-43, Room 1J-018, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585-0121, (202) 586-7140.

**FOR FURTHER INFORMATION CONTACT:** Mr. Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and

Renewable Energy, Mail Station EE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585-0121, (202) 586-9138, or Mr. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal 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 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 Title 10 CFR Part 430, Subpart B.

The Department amended the test procedure rules to provide for a waiver process by adding Section 430.27 to Title 10 CFR Part 430. 45 FR 64108, September 26, 1980. Subsequently, DOE amended the 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. Title 10 CFR Part 430, Section 430.27(a)(2).

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.

An Interim Waiver will be granted if it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. Title 10 CFR Part 430,

Section 430.27 (g). An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On January 29, 1997, Rheem filed an Application for Interim Waiver and a Petition for Waiver regarding blower time delay. Rheem's Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Rheem requests the allowance to test using a 20-second blower time delay when testing its GFD upflow residential, modulating type, gas-fired furnaces. Rheem states that the 20-second delay is indicative of how these furnaces actually operate. Such a delay results in an average of approximately 2.0 percent increase in AFUE. Since current DOE test procedures do not address this variable blower time delay, Rheem asks that the Interim Waiver be granted.

The Department has published a Notice of Proposed Rulemaking on August 23, 1993, (58 FR 44583) to amend the furnace test procedure, which addresses the above issue.

Previous Petitions for Waiver for this type of time blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992; 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, 58 FR 68138, December 23, 1993, and 60 FR 62835, December 7, 1995; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, 56 FR 63945, December 6, 1991 and 61 FR 27057, May 30, 1996; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993, 59 FR 14394, March 28, 1994, and 60 FR 62832, December 7, 1995; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3,