

**ADDRESSES:** The Defense Intelligence Agency, Bolling AFB, Washington, D.C. 20340-5100.

**FOR FURTHER INFORMATION CONTACT:** Maj Michael W. Lamb, USAF, Executive Secretary, DIA Scientific Advisory Board, Washington, D.C. 20340-1328 (202) 231-4930.

**SUPPLEMENTARY INFORMATION:** The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: June 20, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 97-16743 Filed 6-25-97; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Intelligence Agency, Scientific Advisory Board Closed Meeting

**AGENCY:** Department of Defense, Defense Intelligence Agency.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows:

**DATES:** July 8-9, 1997 (800am to 500pm).

**ADDRESSES:** The Defense Intelligence Agency, Bolling AFB, Washington, D.C. 20340-5100.

**FOR FURTHER INFORMATION CONTACT:** Maj Michael W. Lamb, USAF, Executive Secretary, DIA Scientific Advisory Board, Washington, D.C. 20340-1328 (202) 231-4930.

**SUPPLEMENTARY INFORMATION:** The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings

on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: June 20, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

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BILLING CODE 5000-04-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Policy Board Advisory Committee

**AGENCY:** Department of Defense.

**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** The Defense Policy Board Advisory Committee will meet in closed session from 8 am until 3 pm, June 27, 1997 in the Pentagon, Washington, DC. This notice is less than fifteen days prior to the meeting due to difficulties in coordinating the schedules of the members and obtaining administrative clearance of the agenda.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: June 23, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 97-16741 Filed 6-25-97; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. DH-011]

#### Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Vented Home Heating Equipment Test Procedure to Fireplace Manufacturers Incorporated

**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-011) granting a Waiver to Fireplace Manufacturers Incorporated (Fireplace) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting Fireplace's Petition for Waiver regarding the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE) for its models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P vented heaters.

**FOR FURTHER INFORMATION CONTACT:** Bill 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, Telephone: (202) 586-9145, Facsimile: (202) 586-4617, E-Mail: william.hui@hq.doe.gov; or 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, Telephone: (202) 586-9507, Facsimile: (202) 586-4116, E-Mail: eugene.margolis@hq.doe.gov.

**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, Fireplace has been granted a Waiver for its models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P vented heaters, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on June 20, 1997.

**Joseph J. Romm,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

### Decision and Order

*In the Matter of: Fireplace Manufacturers Incorporated (Case No. DH-011)*

### 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, and will determine whether a product complies with the applicable energy conservation standard. 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.

Fireplace Manufacturers Incorporated (Fireplace) filed a "Petition for Waiver," dated December 31, 1996, in accordance with section 430.27 of Title 10 CFR part 430. The Department published in the **Federal Register** on April 23, 1997,

Fireplace's Petition and solicited comments, data and information respecting the Petition, 62 FR 19742 (April 23, 1997). Fireplace also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on April 17, 1997, 62 FR 19742 (April 23, 1997).

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

The Department on February 28, 1997, issued the final rule on test procedures for furnaces/boilers, vented home heating equipment, and pool heaters. 62 FR 26140 (May 12, 1997). This final rule incorporates test procedure waivers granted to different manufacturers regarding the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE). This Waiver granted to Fireplace expires on November 10, 1997, the date when the final test procedure rule becomes effective, resolving the issue necessitating this Waiver.

### Assertions and Determinations

Fireplace's Petition seeks a waiver from the DOE test provisions regarding the use of pilot light energy consumption in calculating the AFUE. The DOE test provisions in section 3.5 of Title 10 CFR part 430, subpart B, Appendix O, require 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:  $AFUE = [4400\eta_{ss}\eta_u Q_{in-max}] / [4400\eta_{ss}Q_{in-max} + 2.5(4600)\eta_u Q_p]$ . Fireplace requests that it be allowed to delete  $Q_p$  and accordingly, the  $[2.5(4600)\eta_u Q_p]$  term in the calculation of AFUE. Fireplace states that its models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P 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 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 valve. If the manufacturer's instructions are observed by the user, the pilot light will not be left on. Since the current DOE test procedure does not address this issue, and since others have received the same waiver under the same circumstances, Fireplace asks that the Waiver be granted.

Previous Petitions for Waiver under the same circumstances 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); Superior Fireplace Company, 61 FR 17885 (April 23, 1996); Vermont Castings, Inc., 61 FR 57857 (November 8, 1996); Heat-N-Glo Fireplace Products, Inc., 61 FR 64519 (December 5, 1996); CFM Majestic Inc., 62 FR 10547, (March 7, 1997); Hunter Energy and Technology Inc., 62 FR 14408, (March 26, 1997); and Wolf Steel Ltd., 62 FR 14409, (March 26, 1997).

Based on DOE's review of how Fireplace's models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P vented heaters operate and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants Fireplace its Petition for Waiver to exclude the pilot light energy input 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.

*It is, therefore, Ordered that:*

(1) The "Petition for Waiver" filed by Fireplace Manufacturers Incorporated (Case No. DH-011) 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, Fireplace Manufacturers Incorporated shall be permitted to test its models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P 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) 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  $\eta_u$  is defined in section 4.2.5 of this appendix.

(iii) With the exception of the modification set forth above, Fireplace Manufacturers Incorporated 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 November 10, 1997, the date when the Department's final test procedure appropriate to models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P vented heaters manufactured by Fireplace Manufacturers Incorporated becomes effective.

(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 June 20, 1997, this Waiver supersedes the Interim Waiver granted Fireplace Manufacturers Incorporated on April 17, 1997, 62 FR 19742 (April 23, 1997). (Case No. DH-011).

Issued in Washington, DC, on June 20, 1997.

**Joseph J. Romm,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 97-16747 Filed 6-25-97; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP97-579-000]

#### Florida Gas Transmission Company; Notice of Request Under Blanket Authorization

June 20, 1997.

Take notice that on June 13, 1997, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP97-579-000, a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act

(18 CFR 157.205, 157.212) for authorization to operate the existing Gulf States Utilities (GSU) Calcasieu Meter Station and related facilities located in Calcasieu Parish, Louisiana, under FGT's blanket certificate issued in Docket No. CP82-553-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT requests authorization to operate the GSU Calcasieu Meter Station and appurtenant facilities, including the original 12-inch tap valve and related piping, which were constructed under Section 311 of the Natural Gas Policy Act (311 Facilities). FGT states that the 311 Facilities are currently being utilized pursuant to Section 284.11 of the Commission's regulations with deliveries of natural gas to Enron Industrial Natural Gas Company (Enron Industrial) for GSU.

FGT states that it would like to remove the restrictions applicable to Section 311 and utilize the facilities for the transportation of natural gas under Part 284, Subpart G to allow all shippers on its system access to the GSU delivery point. FGT states that upon receipt of the proposed authorization, FGT will serve GSU and other markets under open-access transportation agreements, instead of separate transportation contracts.

FGT states that with the certification of the 311 Facilities, the administrative burden and rate stacking associated with transporting through facilities owned by both FGT and Enron Industrial will be removed. FGT also states that the volumes to be transported on an interruptible basis through the delivery point are estimated to be 10,000 MMBtu per day or 3,650,000 MMBtu annually.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97-16704 Filed 6-25-97; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. MG97-15-000]

#### Kern River Gas Transmission; Notice of Filing

June 20, 1997.

Take notice that on June 17, 1997, Kern River Gas Transmission Company (Kern River) filed updated standards of conduct under Section 161.3(i) of the Commission's regulations, 18 CFR 161.3(i).

Kern River states that it served a copy of the filing on its customers and interested state regulatory commissions.

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 or 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. All such motions to intervene or protest should be filed on or before July 7, 1997. 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97-16709 Filed 6-25-97; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP97-588-000]

#### NorAm Gas Transmission Company; Notice of Request Under Blanket Authorization

June 20, 1997.

Take notice that on June 17, 1997, NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP97-