

Agreement). Water Power explains that the Release Agreement calls for the release of 630,000 therms per day of firm deliverability and 22,680,000 therms per day of seasonal capacity to B.C. Gas Inc. Water Power states that the Release Agreement provided for an initial term expiring on April 30, 1996. The Release Agreement superseded an earlier agreement dated November 4, 1982, between Water Power and B.C. Gas Inc.'s predecessor-in-interest, British Columbia Hydro & Power Authority.

Water Power proposes to continue the release of Jackson Prairie deliverability and capacity to BC Gas Utility Ltd. through April 30, 2000, and year-to-year thereafter. Water Power states that the release would be on the same terms and conditions as previously approved by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Water Power to appear or be represented at the hearing.

Lois D. Cashell,  
*Secretary.*

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#### [Projects Nos. 2404 & 2419-Michigan]

#### Thunder Bay Power Company; Notice of 10 (j) Meeting

April 15, 1996.

a. Date and Time of Meeting: May 14, 1996 at 9:00 to 4:30.

b. Place: U.S. Fish and Wildlife Service's offices at 2651 Coolidge Road East Lansing, Michigan (USFWS contacts: Burr Fisher at (517) 351-8273 or John Cooper at (517) 351-8286).

c. FERC Contact: Patrick Murphy (202) 219-2659; Ed Lee (202) 219-2809.

d. Purpose of the Meeting: The Federal Energy Regulatory Commission, the Michigan Department of Natural Resources, and the Department of the Interior, Fish and Wildlife Service, intend to have a Section 10 (j) discussion and negotiation for the Thunder Bay River Hydro Projects, FERC Nos. 2404 and 2419.

e. Proposed Agenda:

A. Introduction

Recognition of meeting participants  
Teleconference procedures

B. Section 10(j) issues discussions

C. Section 10(j) negotiations

D. Issues outside of 10(j) discussion

E. Follow up actions

f. All local, state and Federal agencies, Indian Tribes, and interested parties, are hereby invited to attend this meeting as participants. If you want to participate by teleconference, please contact Pat Murphy and Ed Lee at the numbers listed above no later than May 10, 1996.

Lois D. Cashell,

*Secretary.*

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#### Office of Energy Efficiency and Renewable Energy

[Case No. DH-004]

#### Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Vented Home Heating Equipment Test Procedure to CFM International 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-004)

granting a Waiver to CFM International Inc. (CFM) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting CFM's 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 models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 manually controlled vented heaters.

#### FOR FURTHER INFORMATION CONTACT:

William W. Hui, 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) 586-9145

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, CFM has been granted a Waiver for its models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 manually controlled vented heaters, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, D.C., on April 4, 1996.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

#### Decision and Order

In the Matter of: CFM International Inc. (Case No. DH-004).

#### 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.

CFM filed a "Petition for Waiver," dated October 2, 1995, and subsequently, a second letter, dated October 30, 1995, which amended the original list of models, in accordance with section 430.27 of Title 10 CFR Part 430. The Department published in the Federal Register on December 28, 1995, CFM's Petition and solicited comments, data and information respecting the Petition. 60 FR 67127, December 28, 1995. CFM also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on December 21, 1995. 60 FR 67127, December 28, 1995.

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 CFM Petition. The FTC did not have any objections to the issuance of the waiver to CFM.

#### Assertions and Determination:

CFM's 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:  $AFUE = [4400\eta_{ss}\eta_u Q_{in-max}] / [4400\eta_{ss}Q_{in-max} + 2.5(4600)\eta_u Q_P]$ . CFM 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 models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 manually controlled vented heaters. CFM states that its models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 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, CFM asks that the Waiver be granted.

Based on DOE's review of how CFM's models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 manually controlled vented heaters operate and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants CFM 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.

CFM 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 require steady state efficiency for manually controlled heaters with various flow rates to be determined at a fuel input rate that is within  $\pm 5$  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.

CFM 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 request 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  $\pm 5$  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 65.3 percent of the maximum fuel input rate have been granted by DOE to Appalachian Stove and Fabricators, Inc., 56 FR 51711, October 15, 1991, and Valor Inc., 56 FR 51714, October 15, 1991.

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  $\pm 5$  percent of 50 percent of the maximum fuel input rate for CFM models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 manually controlled vented heaters.

It is therefore, ordered that:

(1) The "Petition for Waiver" filed by CFM International Inc. (Case No. DH-

004) 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, CFM International Inc. shall be permitted to test its models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 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  $\pm 5$  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  $\pm 5$  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 ( $\eta_{ss-wr}$ ) is:

(1) At  $\pm 5$  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  $\pm 5$  percent of 50 percent of the maximum fuel input rate can not 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:

$\eta_u$  = as defined in section 4.2.5 of this appendix.

(v) With the exception of the modification set forth above, CFM International 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 models DV32, DV34, DV36, DV40, DVS2, DVS3, HEDV30, HEDV30-1, FSDV30, FS30, FA20, HE30, HEB30, FADV20, and HE40 manually controlled vented heaters manufactured by CFM International 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 April 4, 1996, this Waiver supersedes the Interim Waiver granted CFM International Inc. on December 21, 1995. 60 FR 67127, December 28, 1995. (Case No. DH-004).

Issued in Washington, D.C., on April 4, 1996.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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#### [Case No. F-084]

#### **Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Goodman 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-084) granting a Waiver to Goodman Manufacturing Company (Goodman)

from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Goodman's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its GSU series central furnaces.

#### **FOR FURTHER INFORMATION CONTACT:**

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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, Goodman has been granted a Waiver for its GSU series central furnaces permitting the company to use an alternate test method in determining AFUE.

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

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

#### **Decision and Order**

In the Matter of: Goodman Manufacturing Company (Case No. F-084).

#### **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