

assistance to eligible Indian tribes to establish or improve public library services. For FY 1997 the competition for new awards focuses on projects designed to meet the invitational priorities in the "Priorities" section of this notice.

Eligible Applicants: Indian Tribes and Alaska Native villages or regional or village corporations that have met eligibility requirements for the Library Services for Indian Tribes Program (Basic Grants (CFDA 84.163A)) and received a Basic Grant in the same fiscal year as the year of application.

Deadline for Transmittal of Applications: June 9, 1997.

Applications Available: April 24, 1997.

Estimated Available Funds: \$966,518.

All available funds for library services for Hawaiian natives are awarded through the Library Services for Indian Tribes and Hawaiian Natives Program (Basic Grants (CFDA 84.163A)).

Estimated Average Range of Awards: \$38,000–\$100,000.

Estimated Average Size of Awards: \$80,000.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Maximum Award: In no case does the Secretary make an award greater than \$100,000 for a single budget period of 12 months. The Secretary does not consider an application that proposes a budget exceeding this maximum amount.

Project Period: 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 80, 81, 82 and 85; and (b) The regulations in 34 CFR Part 700.

Selection Criteria: The Secretary selects from the criteria in 34 CFR 700.30(e) to evaluate applications for new grants under this competition. Under 34 CFR 700.30(a), the Secretary announces in the application package the evaluation criteria selected for this competition and the maximum weight assigned to each criterion.

Priorities: The Secretary is particularly interested in applications that meet one or more of the invitational priorities in the next four paragraphs. However, an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Invitational Priority 1—To assess and plan for tribal library needs.

Invitational Priority 2—To train or retrain Indians as library personnel.

Invitational Priority 3—To utilize new information technologies to expand services to Indians in geographically isolated areas.

Invitational Priority 4—To conduct special library programs for Indians such as summer reading programs for children, outreach programs for elders, literacy tutoring, and training in computer use.

FOR APPLICATIONS OR INFORMATION CONTACT: Kathy Price, U.S. Department of Education, 555 New Jersey Ave. N.W., Room 300, Washington, DC 20208–5571. Telephone: (202) 219–1670. E-mail: kathy_price@ed.gov

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; on the Internet Gopher Server (at gopher://gcs.ed.gov); or on the World Wide Web (at <http://gcs.ed.gov>). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Authority: 20 U.S.C. 351c(c) (2), 361(d), 364.

Dated: April 18, 1997.

Ramon C. Cortines,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 97–10528 Filed 4–22–97; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. DH–011]

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Fireplace Manufacturers Incorporated From the Department of Energy Vented Home Heating Equipment Test Procedure

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

ACTION: Notice.

SUMMARY: Today's notice grants an Interim Waiver to Fireplace Manufacturers Incorporated from the Department of Energy (Department) test procedure for vented home heating equipment. The Interim Waiver concerns pilot light energy consumption for Fireplace Manufacturers Incorporated's (Fireplace) models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P vented heaters.

Today's notice also publishes a "Petition for Waiver" from Fireplace. Fireplace's Petition for Waiver requests the Department to grant relief from the Department of Energy vented home heating equipment test procedure relating to the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE). Specifically, Fireplace seeks to delete the required pilot light measurement (Q_p) in the calculation of AFUE when the pilot is off. The Department solicits comments, data, and information respecting the Petition for Waiver.

DATES: The Department will accept comments, data, and information not later than May 23, 1997.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. DH–011, Mail Stop EE–43, Room 1J–018, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–7140, Fax: (202) 586–4617.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Stop EE–43, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585–0121. Telephone: (202) 586–9145, Fax: (202) 586–4617, E-Mail: WILLIAM.HUI@HQ.DOE.GOV or;

Mr. Eugene Margolis, U.S. Department of Energy, Office of General Counsel, Mail Stop GC–72, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585–0103. Telephone: (202) 586–9507, Fax: (202) 586–4116, E-Mail: EUGENE.MARGOLIS@HQ.DOE.GOV.

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 the Department 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 informed 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 test procedure rules to provide for a waiver process by adding § 430.27 to Title 10 CFR Part 430. 45 FR 64108, September 26, 1980. Subsequently, the Department 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 the Department for a waiver of such prescribed test procedures. Title 10 CFR Part 430, § 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, § 430.27(g). An Interim Waiver remains in effect for a period of 180 days, or until the Department issues a determination on the Petition for

Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On December 31, 1996, Fireplace filed an Application for Interim Waiver and a Petition for Waiver regarding pilot light energy consumption.

Fireplace seeks an Interim Waiver from the Department test provisions in section 3.5 of Title 10 CFR Part 430, Subpart B, Appendix O, which requires measurement of energy input rate of the pilot light (Q_p), and in section 4.2.6, which requires the use of this data for the calculation of AFUE, where:

$$AFUE = \frac{[4400\eta_{ss}\eta_u Q_{in-max}]}{[4400\eta_{ss}Q_{in-max} + 2.5(4600)\eta_u Q_p]}$$

Instead, 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 instructions to turn off the transient pilot by the user when the heater is not in use are in the User Instruction Manual and on a label adjacent to the gas control valve. Since the current Department of Energy test procedure does not address pilot light energy savings, and since others have received the same waiver under the same circumstances, Fireplace asks that the Interim Waiver be granted.

Previous Petitions for Waiver to exclude the pilot light energy input term in the calculation of AFUE for vented heaters with a manual transient pilot control have been granted by the Department to Appalachian Stove and Fabricators, Inc., 56 FR 51711, October 15, 1991; Valor Incorporated, 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.

Thus, it appears likely that Fireplace's Petition for Waiver concerning pilot light energy consumption for vented heaters will be granted. In those instances where the likely success of the Petition for Waiver has been demonstrated based upon the Department having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, the Department is granting Fireplace an Interim Waiver for its models DVF30, DVF36, DVF42, DVF36PNL, GW30, and GW30P vented heaters. Fireplace shall be permitted to test these models of its vented heaters on the basis of the test procedures specified in Title 10 CFR Part 430, Subpart B, Appendix O, with the following modifications:

- (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 η_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 procedures specified in Appendix O of Title 10 CFR Part 430, Subpart B.

This Interim Waiver is based upon the presumed validity of all statements and allegations submitted by the company. This Interim Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Application is incorrect.

This Interim Waiver is effective on the date of issuance by the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy. The Interim Waiver shall remain in effect for a period of 180 days or until the Department acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Fireplace's Petition for Waiver requests the Department to grant relief from the portion of the Department of Energy test procedure for vented home heating equipment that relates to measurement of energy consumption by the pilot light. Specifically, Fireplace seeks to exclude the pilot light energy consumption from the calculation of AFUE. Pursuant to paragraph (b) of Title 10 CFR Part 430.27, the Department is hereby publishing the "Petition for Waiver." in its entirety. The petition contains no confidential information. The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, DC, on April 17, 1997.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Fireplace Manufacturers Incorporated

2701 South Harbor Blvd., Santa Ana, California 92704, (714) 549-7782, Fax No. (714) 549-4723

December 31, 1996.

The Honorable Christine Ervin,
Assistant Secretary for Conservation and Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585

Subject: Petition for Waiver to Title 10 Code of Federal Regulations § 430.27

Dear Secretary Ervin: This Petition for Waiver from test procedures appearing in 10 CFR § 430.27 subpart B, Appendix O—Uniform Test Method for Measuring the Energy Consumption of Vented Home Heating Equipment. The sections for which this waiver is requested are detailed in section 3.5—Pilot Light Measurement; and section 4.2.6—Annual Fuel Utilization Efficiency (AFUE). The sections require the measurement of energy input to the pilot light and the inclusion of this data in the calculation of the AFUE for the appliance even when the pilot light is turned off and not consuming any energy.

We are requesting this Waiver for our appliance models: DVF30, DVF36, DVF42; DVF36PNL; GW30 and GW30P room heater models respectively, using a millivolt controlled ignition system.

The above mentioned room heaters, are certified to use either natural, or liquefied propane gases, respectively.

The combination of gas control valves used on these appliances can be manually turned off when the heater is not in use. In the "OFF" position, both the main burner and the pilot burner are extinguished. When the gas control knob is set to the "ON" position, the main burner and the pilot light are operating. The Instruction Manual and a label adjacent to the gas control valve will require the user to turn the gas control valve to the "OFF" position when the heater is not in use.

Requiring the inclusion of pilot energy input in the AFUE calculations does not allow for the additional energy savings realized when the pilot light is turned off. We request that the requirement of including the term involving the pilot energy consumption be waived from the AFUE calculations for our heaters noted above. These models meet the conditions described in the previous paragraph.

Waivers for deleting pilot energy consumption in AFUE calculations have previously been granted by U.S.D.O.E. to other manufacturers. We are petitioning the U.S.D.O.E. to grant Fireplace Manufacturers, Incorporated, this same waiver.

Please contact Fireplace Manufacturers, Incorporated, with any questions, comments, and or requirements for additional information we can provide. Thank you for your help in this matter.

Sincerely,
Garrick D. Augustus,
Manufacturing Engineer.

[FR Doc. 97-10494 Filed 4-22-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP96-265-000, et al., and CP97-276-000]

PECO Energy Company v. Texas Eastern Transmission Corporation, and Texas Eastern Transmission Corporation; Notice Joint Stipulation and Agreement

April 17, 1997.

Take notice that on March 4, 1997, as supplemented on April 2 and 15, 1997, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056-5310, PECO Energy Company (PECO) and Mobil Oil Corporation (Mobil), collectively referred to as (Parties), filed a Joint Stipulation and Agreement (Settlement) in the captioned proceedings, all as more fully set forth in the Settlement, which is on file with the Commission and open to public inspection.

The Parties states that the Settlement resolves all issues related to PECO's complaint proceeding filed against Texas Eastern in Docket No. CP96-265-000, wherein PECO requested that the Commission require Texas Eastern to provide certain additional lateral capacity to PECO on Texas Eastern's Line No. 1-A. The parties state that they have reached a mutually beneficial, negotiated agreement which will satisfy PECO's needs for additional firm delivery service in a timely manner and will satisfy Mobil's 1996 Flex-X request for firm service.

Texas Eastern requests authorization to perform pipe replacements, as required, on Line No. 1-A, and perform a hydrostatic test of Line 1-A between Eagle and the proposed Brookhaven M&R, located between approximate mile posts 0.00 and 22.7 in Chester and Delaware Counties, Pennsylvania. After such replacements, Texas Eastern proposes to install regulation facilities at Eagle, new launcher facilities at Eagle, if necessary, and receiver facilities at the Brookhaven M&R, install three mainline valves on Line No. 1-A between Eagle and Brookhaven, and reactivate and operate Line No. 1-A at a MAOP of 400 psig.

Texas Eastern requests authorization to construct, own, operate and maintain

Texas Eastern's Brookhaven M&R; the pipeline taps for the Hershey Mills M&R; the pipeline taps for the Hershey Mills M&R and associated appurtenant facilities; the pipeline tap and associated piping for tapping the existing Planebrook M&R in the line No. 1-A; and two additional pipeline taps to be reserved for PECO's future use. It is stated that PECO will directly reimburse Texas Eastern for 100 percent of the costs and expenses Texas Eastern will incur to install such taps. In addition, Texas Eastern states that it will tap Line No. 1-H, which is parallel to and on common rights-of way with Line No. 1-A., at the proposed Hershey Mills M&R, and tap Line No. 1-A at the existing Planebrook M&R.

Pursuant to the Settlement, PECO will construct and maintain the measurement and regulation facilities, EGM, and connecting pipe at the Hershey Mills M&R.

Commission authorization is requested for PECO to shift 15,000 Dth/d of its firm entitlements on Texas Eastern from M&R 70035 to the Hershey Mills M&R and/or Brookhaven M&R.

Pursuant to the construction of facilities and the terms of the Settlement, Texas Eastern would deliver on a firm basis up to 120,000 Dth/d for PECO and 8,000 Dth/d for Mobil. Texas Eastern states that it will deliver PECO's gas quantities from the interconnection of Texas Eastern's mainline system with Line No. 1-A at Eagle to PECO at the proposed Brookhaven M&R and/or Hershey Mills M&R, and/or Texas Eastern's existing Planebrook M&R. Texas Eastern states that it will transport and deliver Mobil's gas quantities from the interconnection of Texas Eastern's mainline with the Philadelphia lateral at Eagle to a point of interconnection with Mobil's pipeline facilities. Service will be rendered under Texas Eastern's open-access Rate Schedule FT-1, included as part of Texas Eastern's FERC Gas Tariff, Sixth Revised Volume No. 1, subject to the Settlement Rate. With respect to any temporarily available capacity from November 1, 1997 through October 31, 2001, Texas Eastern states that it will utilize such available capacity to provide limited-term transportation service, at the incremental Settlement Rate, to interested customers under the terms and conditions of Texas Eastern's blanket transportation certificate and its FERC Gas Tariff.

Texas Eastern estimates the cost of the proposed facilities in 1996 dollars at \$12,800,000. To recover the incremental cost-of-service associated with Texas Eastern's Settlement Facilities, Texas Eastern requests authorization to charge