

Office of Energy Efficiency and Renewable Energy**[Case No. F-088]****Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Nordyne 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 Nordyne from the existing Department of Energy (DOE or Department) test procedure regarding blower time delay for the company's G5RD and G5RL series furnaces.

Today's notice also publishes a "Petition for Waiver" from Nordyne. Nordyne's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Nordyne seeks to test using a blower delay time of 30 seconds for its G5RD and G5RL series 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 November 21, 1996.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Codes and Standards, Case No. F-088, 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:

Cyrus H. Nasseri, 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.

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 September 6, 1996, Nordyne filed an Application for Interim Waiver and a Petition for Waiver regarding blower time delay. Nordyne'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, Nordyne requests the allowance to test using a 30-second

blower time delay when testing its G5RD and G5RL series furnaces. Nordyne states that the 30-second delay is indicative of how these furnaces actually operate. Such a delay results in an approximately 2.0 percent increase in AFUE. Since current DOE test procedures do not address this variable blower time delay, Nordyne 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, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992, 59 FR 12586, March 17, 1994 and 61 FR 17289, April 19, 1996; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992, and 61 FR

17887, April 23, 1996; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992, and 61 FR 4262, February 5, 1996; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, 59 FR 30578, June 14, 1994, and 61 FR 50812, September 27, 1996; and York International Corporation, 59 FR 46969, September 13, 1994, 60 FR 100, January 3, 1995, 60 FR 62834, December 7, 1995, and 60 FR 62837, December 7, 1995.

Thus, it appears likely that this Petition for Waiver for blower time delay will be granted. In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE 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, DOE is granting Nordyne an Interim Waiver for its G5RD and G5RL series furnaces. Nordyne shall be permitted to test its G5RD and G5RL series furnaces on the basis of the test procedures specified in Title 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below:

(I) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE 103-82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-) unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan

control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay (t-) using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ± 0.01 inch of water column of the manufacturer's recommended on-period draft.

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

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Nordyne's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Nordyne seeks to test using a blower delay time of 30 seconds for its G5RD and G5RL series furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. Pursuant to paragraph (b) of Title 10 CFR Part 430.27, DOE 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, October 15, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

NORDYNE

September 6, 1996.

Ms. Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585.

Subject: Petition for Waiver and Application for Interim Waiver.

Dear Assistant Secretary Ervin: This is to submit a Petition for Waiver and an Application for Interim Waiver from requirements of the Department of Energy test procedure, prescribed in 10 CFR Part 430, Subpart B, Appendix N for home heating furnaces. The waiver concerns operation of the circulating blower in gas-fired furnaces manufactured by NORDYNE.

Waiver is requested for NORDYNE model G5RD and G5RL furnaces, which incorporate a control with a fixed circulating blower-on delay of 30 seconds. The DOE procedure requires that in testing these furnaces, the circulating blower be started 1½ minutes after burner ignition, ignoring the benefit of

this control. Operation with the 1½ minute delay decreases the Annual Fuel Utilization Efficiency of these furnaces by approximately two percentage points. NORDYNE has data supporting this fact and will forward it if required.

Since the requested waiver is essentially identical to those granted to many other manufacturers, NORDYNE believes that DOE is fully aware of the competitive disadvantage NORDYNE will experience if the waiver is not granted. In view of the waivers already granted, NORDYNE is also confident that DOE will grant its petition. In anticipation of that action, NORDYNE requests an interim waiver until DOE acts on the Petition for Waiver.

Manufacturers who sell furnaces similar to those for which the waiver is requested are being sent a copy of this Petition for Waiver and Application for Interim Waiver. A list of these manufacturers is attached.

Your early action on this request would be appreciated. Production of these furnaces is scheduled for the very near future.

Sincerely,

Bradley J. Campbell,

Vice President, Engineering.

List of Manufacturers

Mr. Marty Schonberger, The Adams Manufacturing Co., 9790 Midwest Avenue, Cleveland, OH 44125-2425.
Mr. Stan McGill, Amana Refrigeration, Inc., 1810 Wilson Parkway, Fayetteville, TN 37334-3547.
Mr. Ed French, Armstrong Air Conditioning Inc., 421 Monroe Street, Bellevue, OH 44811-1730.
Mr. David Swanson, Atwood Mobile Products, 4750 Hiawatha Drive, Rockford, IL 61103-1232.
Mr. Richard O. Bard, Bard Manufacturing Co., P.O. Box 607, 1914 Randolph Drive, Bryan, Ohio 43506-0607.
Mr. John J. Meade, Jr., Boyertown Furnace Company, 156 Holly Road, Boyertown, PA 19512.
Mr. Matthew J. Chadderdon, Carrier Corporation, Carrier Parkway, P.O. Box 4808, Syracuse, New York 13221-4808.
Mr. Richard Hutchinson, Jr., Consolidated Ind. Corp., P.O. Box 7800, Lafayette, IN 47903-7800.
Mr. Jerry Ward, DMD Industries, 41 Fisher Avenue, Bradford, PA 16701-1649.
Mr. Johnny Johnson, Duncan Heating Division, Suite 200, Dutch Plaza, 800 Dutch Square Blvd., Columbia, SC 29210-7317.
Mr. Alan Zimmerman, Evcon Industries, Inc., 3110 N. Mead, P.O. Box 19014, Wichita, KS 67219-4057.
Mr. Alberto da Rosa, Goettl Air Conditioning Inc., 3830 E. Wier Avenue, Phoenix, AZ 85040-2936.
Mr. Peter H. Alexander, Goodman Manufacturing Corp., 1501 Seamist, Houston, TX 77008-5031.

Mr. W. Michael Clevy, Inter City Products Corp., 1136 Heil Quaker Blvd., P.O. Box 3005, LaVergne, TN 37086.

Mr. David Lewis, Lennox Industries Inc., P.O. Box 799900, Dallas, TX 75379.

Mr. Tom Koepke, Metzher Machine Corp., 8155 No. 76th Street, Milwaukee, WI 53223-3203.

Mr. Dick R. McCulloch, Reznor, A Thomas and Betts Co., 150 McKinley Avenue, Mercer, PA 16137-1326.

Mr. Ross W. Willis, Rheem Air Conditioning Division, 5600 Old Greenwood Road, P.O. Box 17010, Fort Smith, AR 72903-6586.

Mr. Walter J. Markowski, Sterling Gas Products, Division of Mestek, Inc., 260 North Elm Street, Westfield, MA, 01085-1614.

Mr. Bobby Vincent, Suburban Mfg. Co., 676 Broadway Street, P.O. Box 399, Dayton, TN 37321-1120.

Mr. Everett James, Thermo-Products Inc., 5235 West Street Road 10, P.O. Box 217, No. Judson, IN 46366-8851.

Mr. James T. VerShaw, The Trane Company, 6200 Troup Highway, Tyler, TX 75711.

Mr. Theron C. Stroke, Victa Hytemp Industrial Inc., 5540 Route 362, Bliss, NY, 14024-9775.

Mr. Gerald W. Sank, Welbilt Corp., 225 High Ridge Road, Stamford, CT 06905-3000.

Mr. Dennis Aughenbaugh, York International Corp., P.O. Box 1592, York, PA 17405-1592.

[FR Doc. 96-27029 Filed 10-21-96; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket No. CP97-24-000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

October 16, 1996.

Take notice that on October 10, 1996, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP97-24-000 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 install and operate a new delivery point to accommodate deliveries of gas to El Paso Fuel Development Company (EPFD), in Mojave County, Arizona, under El Paso's blanket certificate issued in Docket No. CP82-435-000, 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.

El Paso proposes to construct and operate the new delivery point, to be known as the Needle Mountain LNG Meter Station, in order to deliver up to 12,000 Mcf natural gas on a peak day to EPFD, which is a subsidiary of El Paso, on a peak day and up to 4,380,000 Mcf on an annual basis. It is stated that EPFD has requested the delivery point in order to be able to receive gas for conversion to LNG at a liquefaction plant being constructed near Topock, Arizona. It is stated that the facilities would consist of a 4-inch tap and valve assembly, a 3-inch meter run and appurtenant facilities, as well as approximately 400 feet of 4-inch pipeline connecting the meter station to the LNG plant.

El Paso proposes to make the deliveries by transporting the gas on an interruptible basis under a transportation service agreement with El Paso Gas Marketing Company, also a subsidiary of El Paso. The cost of the facilities is estimated at \$89,800, and it is stated that El Paso will be reimbursed by EPFD for such costs. It is asserted that the total volumes to be delivered to EPFD after the addition of the requested delivery point would not exceed those presently authorized. It is further asserted that El Paso has sufficient capacity to accomplish the deliveries without detriment or disadvantage to its other customers. It is further explained that El Paso's tariff does not prohibit the addition of delivery points.

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 therefore, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96-26979 Filed 10-21-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-221-069]

Frontier Gas Storage Company; Notice of Sale Pursuant to Settlement Agreement

October 16, 1996.

Take notice that on October 10, 1996, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Ave., N.W., Suite 800, Washington, D.C. 20004, in compliance with provisions of the Commission's February 13, 1985, Order in Docket No. CP82-487-000, *et al.*, submitted an executed Service Agreement under Rate Schedule LVS-1 providing for the possible sale of up to a daily quantity of 50,000 MMBtu, not to exceed 5 Bcf of Frontier's gas storage inventory on an "as metered" basis to Prairielands Energy Marketing, Inc., for term ending October 31, 1997.

Under Subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985, Order, Frontier is "authorized to commence the sale of its inventory under such an executed service agreement fourteen days after filing the agreement with the Commission, and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

Any person desiring to be heard or to make a protest with reference to said filing should, within 10 days of the publication of such notice in the Federal Register, file with the Federal Energy Regulatory Commission (888 1st Street, N.E., Washington, D.C. 20426) a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 or 385.211. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-26977 Filed 10-21-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-386-001]

Honeoye Storage Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 16, 1996.

Take notice that on October 10, 1996 Honeoye Storage Corporation (Honeoye)