

17290, April 19, 1996; and Superior Fireplace Company, 61 FR 17885, April 23, 1996.

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 Vermont Castings model DV40 manually controlled vented heater.

It is therefore, ordered that:

(1) The "Petition for Waiver" filed by Vermont Castings, Inc. (Case No. DH-006) 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, Vermont Castings, Inc. shall be permitted to test its model DV40 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 ( $\eta_{ss-wt}$ ) 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 cannot 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, Vermont Castings, 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 model DV40 manually controlled vented heater manufactured by Vermont Castings, 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 November 4, 1996, this Waiver supersedes the Interim Waiver granted Vermont Castings, Inc. on September 4, 1996. 61 FR 47741, September 10, 1996. (Case No. DH-006).

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

Christine A. Ervin,  
*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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## Federal Energy Regulatory Commission

[Docket No. ER97-178-000]

### Boston Edison Company; Notice of Filing

November 4, 1996.

Take notice that on October 11, 1996, Boston Edison Company tendered for filing its compliance refund report pursuant to the Commission's September 16, 1996 letter order in Docket Nos. ER93-150-009, EL93-10-006 and EL94-73-001.

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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 15, 1996. 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.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-28707 Filed 11-7-96; 8:45 am]

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[Docket No. ER96-371-001 & Docket No. ER95-1295-001 (Not Consolidated)]

### Cleveland Electric Illuminating Company and Market Responsive Energy, Inc.; Notice of Filing

November 4, 1996.

Take notice that on October 11, 1996, Cleveland Electric Illuminating Company tendered for filing revised Market Based Tariff, FERC No. 4 in compliance with the Commission's order issued on September 27, 1996 in Docket No. ER96-376-000. Also in compliance with that order, Market Responsive Energy, Inc. tendered for filing revised Market Based Rate Schedule, FERC No. 1, and Code of Conduct, Supplement No. 1 to Rate Schedule FERC No. 1.

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 and 214 of the Commission's Rules of