

complain that, nonetheless, Riverside is professing that these facilities will be used exclusively for NGPA Section 311 transportation and that the costs of these facilities will not be added to Riverside's jurisdictional rate base.

Indicated Land Owners state that although the Commission has conducted programmatic environmental assessments from time to time with respect to its automatic authorization of NGPA Section 311 transportation, those assessments were based on the assumption that the facilities involved would be relatively small and would not create major environmental impacts. Indicated Land Owners contend that such environmental assessments did not contemplate an interstate pipeline's attempting deliberately to evade jurisdiction by linking substantial segments held by intrastate pipeline affiliates with nominal segments held by an interstate pipeline at the state line. Nor did the assessments contemplate an interstate pipeline's attempting to evade environmental consideration of the "no action" alternative by using a two step process of first constructing a NGPA Section 311-only pipeline and then subsequently seeking to convert it to NGA Section 7(c) status after the facility becomes a fait accompli.

Indicated Land Owners complain that Riverside is attempting to circumvent the requirements of the National Environmental Policy Act (NEPA) by its jurisdictional maneuvers. They argue that if the Commission delays its environmental review until after Riverside seeks to convert the proposed KPOC 700 Line to a NGA Section 7(c) pipeline, important NEPA requirements, such as consideration of the "no action" alternative and possible alternative routing, will be evaded.

Indicated Land Owners complain that Riverside is seeking state condemnation of the proposed right-of-way for the KPOC 700 Line, and is erroneously asserting that because the *transportation* is authorized under NGPA Section 311, federal law preempts a state law inquiry into the public need for the facilities. Indicated Land Owners allege that, as a result, Riverside is attempting to create a jurisdictional gap where it will be able to secure condemnation under state law, without a prior determination of public necessity for the facilities under either state or federal law.

Indicated Land Owners ask the Commission to issue a show cause order as to why Riverside's proposed KPOC 700 Line should not be subject to NGA Section 7(c). Alternatively, Indicated Land Owners ask the Commission to conduct a full environmental assessment of the proposed expansion,

including a consideration of the "no action" alternative.

Comment date: December 27, 1996, in accordance with the first paragraph of Standard Paragraph F at the end of this notice. Answers to the complaint shall also be due on or before December 27, 1996.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., 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 385.211 and 385.214) 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 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 filing 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 the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the 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. 96-30922 Filed 12-4-96; 8:45 am]

BILLING CODE 6717-01-P

Office of Energy Efficiency and Renewable Energy

[Case No. DH-007]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver from the Vented Home Heating Equipment Test Procedure to HEAT-N-GLO Fireplace Products, 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-007) granting a Waiver to HEAT-N-GLO Fireplace Products, Inc. (HEAT-N-GLO) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting HEAT-N-GLO's Petition for Waiver regarding pilot light energy consumption in the calculation of Annual Fuel Utilization Efficiency (AFUE) for its models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS vented heaters.

FOR FURTHER INFORMATION CONTACT:

William W. 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, (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, HEAT-N-GLO has been granted a Waiver for its models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE,

R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS vented heaters, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on November 20, 1996.

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

Decision and Order

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.

HEAT-N-GLO filed a "Petition for Waiver," dated August 13, 1996, in accordance with section 430.27 of Title 10 CFR Part 430. The Department published in the Federal Register on October 11, 1996, HEAT-N-GLO's Petition and solicited comments, data

and information respecting the Petition. 61 FR 53366, October 11, 1996. HEAT-N-GLO also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on October 7, 1996. 61 FR 53366, October 11, 1996.

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 HEAT-N-GLO Petition. The FTC did not have any objections to the issuance of the waiver to HEAT-N-GLO.

Assertions and Determinations

HEAT-N-GLO's Petition seeks a waiver from the DOE test provisions regarding pilot light energy consumption for vented heaters in the calculation of AFUE. 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: $AFUE = [4400\eta_{SS}\eta_u Q_{in-max}] / [4400\eta_{SS}Q_{in-max} + 2.5(4600)\eta_u Q_p]$. HEAT-N-GLO 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 AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS vented heaters. HEAT-N-GLO states that its models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS 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 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, HEAT-N-GLO asks that the Waiver be granted.

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 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; and Vermont Castings, Inc., 61 FR 57857, November 8, 1996.

Based on DOE having granted similar waivers in the past to vented heaters utilizing a manual transient pilot control, its review of how HEAT-N-GLO's models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS vented heaters operate and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants HEAT-N-GLO 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.

It is therefore, ordered that:

(1) The "Petition for Waiver" filed by HEAT-N-GLO Fireplace Products, Inc. (Case No. DH-007) 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, HEAT-N-GLO Fireplace Products, Inc. shall be permitted to test its models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS 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:

η_u = as defined in section 4.2.5 of this appendix.

(iii) With the exception of the modification set forth above, HEAT-N-GLO Fireplace Products, 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 AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS vented heaters manufactured by HEAT-N-GLO Fireplace Products, 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 20, 1996, this Waiver supersedes the Interim Waiver granted HEAT-N-GLO Fireplace Products, Inc. on October 7, 1996, 61 FR 53366, October 11, 1996. (Case No. DH-007).

Issued in Washington, DC, on November 20, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 96-30940 Filed 12-4-96; 8:45 am]

BILLING CODE 6450-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting Notices

DATE AND TIME: Tuesday, December 10, 1996, at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, December 12, 1996, at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Election of Chairman and Vice Chairman for 1997.
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Ron Harris, Press Officer,
Telephone: (202) 219-4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 96-31133 Filed 12-3-96; 2:48 pm]

BILLING CODE 6715-01-M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notices

“FEDERAL REGISTER” CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 60285, November 27, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 8:30 a.m. Wednesday, December 4, 1996.

CANCELLATION OF THE MEETING: Notice is hereby given of the cancellation of the Federal Housing Finance Board meeting scheduled for December 4, 1996.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408-2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96-31115 Filed 12-3-96; 2:45 pm]

BILLING CODE 6725-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting Notice

TIME AND DATE: 10:00 a.m. (EST), December 16, 1996.

PLACE: 4th Floor, Conference Room, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the November 18, 1996, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of KPMG Peat Marwick audit reports:

(a) “Pension and Welfare Benefits Administration Review of Thrift Savings Plan Withdrawal and Inactive Accounts Operations at the United States Department of Agriculture, National Finance Center.”

(b) “Pension and Welfare Benefits Administration Review of Access Controls

and Security Over the Thrift Savings Plan Computerized Resources at the United States Department of Agriculture, National Finance Center.”

(c) “Pension and Welfare Benefits Administration Review of Thrift Savings Plan Account Maintenance Subsystem and Participant Support Process at the United States Department of Agriculture, National Finance Center.”

(d) “Pension and Welfare Benefits Administration Review of U.S. Treasury Operations relating to the Thrift Savings Plan Investments in the Government Securities Fund.”

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942-1640.

Dated: December 3, 1996.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 96-31117 Filed 12-3-96; 2:46 pm]

BILLING CODE 6760-01-M

FEDERAL TRADE COMMISSION

[File No. 942-3218]

California SunCare, Inc.; Donald J. Christal; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, the Los Angeles, California-based company, and its president, to make certain disclosures in future ads and labeling, cautioning consumers that tanning, even without burning, can cause skin cancer and premature skin aging. The agreement settles allegations that California SunCare made false and unsubstantiated claims that moderate exposure to the ultraviolet radiation of the sun and in indoor tanning salons, such as those marketed by the company, is not harmful, and that such exposure actually provides many health benefits.

DATES: Comments must be received on or before February 3, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Joel Winston, Federal Trade Commission, S-4002, 6th and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326-3153. Toby Milgrom Levin, Federal Trade Commission, S-4002, 6th and