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Issued at Washington, DC, on March 4, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97-5639 Filed 3-6-97; 8:45 am]

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Environmental Management Site-Specific Advisory Board, Idaho National Engineering Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Engineering and Environmental Laboratory (INEEL).

DATES: Tuesday, March 18, 1997 from 8:00 a.m. to 6:00 p.m. Mountain Standard Time (MST). Wednesday, March 19, 1997 from 8:00 a.m. to 5:00 p.m. MST. There will be a public comment availability session Tuesday, March 18, 1997 from 5:00 p.m. to 6:00 p.m. MST.

ADDRESSES: Holiday Inn Westbank (Bannock Room), 475 River Parkway, Idaho Falls, Idaho 83402, (208) 523-8000.

FOR FURTHER INFORMATION CONTACT: INEEL Information (1-800-708-2680) or Stephanie Meyers, Jason Associates Corporation Staff Support (1-208-522-1662).

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

The EM SSAB, INEEL will be developing a recommendation on the INEEL Waste Area Group 3 Remedial Investigation/Feasibility Study and beginning studies of the Plutonium Focus Area, the Mixed Waste Focus Area, and INEEL privatization activities. For a most current copy of the agenda, contact Woody Russell, DOE-Idaho, (208) 526-0561, or Stephanie Meyers, Jason Associates, (208) 522-1662. The final agenda will be available at the meeting.

Public Participation

The two-day meeting is open to the public, with a Public Comment Availability session scheduled for Tuesday, March 18, 1997 from 5:00 p.m. to 6:00 p.m. MST. The Board will be available during this time period to hear verbal public comments or to review any written public comments. If there are no members of the public wishing to comment or no written comments to review, the board will continue with its current discussion. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the INEEL Information line or Stephanie Meyers, Jason Associates, at the addresses or telephone numbers listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that needed to be resolved prior to publication.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays.

Issued at Washington, DC on March 4, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97-5640 Filed 3-6-97; 8:45 am]

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Office of Energy Efficiency and Renewable Energy

[Case No. DH-008]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Vented Home Heating Equipment Test Procedure to CFM Majestic 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-008) granting a Waiver to CFM Majestic Inc. (CFM Majestic) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting CFM Majestic's Petition for Waiver regarding the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE), and the input rate at which the weighted average steady state efficiency and AFUE for manually controlled heaters with various input rates are calculated for its models A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32.

FOR FURTHER INFORMATION CONTACT: Mr. 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; or Mr. Eugene Margolis, 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 Majestic has been granted a Waiver for its models A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32 manually controlled vented heaters, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on March 3, 1997.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order—Department of Energy, Office of Energy Efficiency and Renewable Energy

In the Matter of: CFM Majestic Inc. (Case No. DH-008).

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, 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 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 Majestic filed a "Petition for Waiver," dated October 31, 1996, in accordance with section 430.27 of Title 10 CFR Part 430. The Department published in the Federal Register on January 6, 1997, CFM Majestic's Petition and solicited comments, data and information respecting the Petition. 62 FR 742, January 6, 1997. CFM Majestic also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on December 27, 1996. 62 FR 742, January 6, 1997.

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

Assertions and Determinations

CFM Majestic's Petition seeks a waiver from the DOE test provisions regarding (a) the use of pilot light energy consumption in calculating the AFUE and (b) the input rate at which the weighted average steady state efficiency and AFUE for manually controlled heaters with various input rates are calculated. The DOE test provisions in section 3.5 of Title 10 CFR Part 430, Subpart B, Appendix O require 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 Majestic requests that, in essence, it be allowed to delete Q_p and, accordingly, the $[2.5(4600)\eta_u Q_p]$ term in the calculation of AFUE. CFM Majestic states that its models A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32 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. Since the current DOE test procedure does not address this issue, and others have received the same waiver under the same circumstances, CFM Majestic asks that the Waiver be granted. Previous Petitions for Waiver 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; Vermont Castings, Inc., 61 FR 57857, November 8, 1996; and Heat-N-Glo Fireplace Products, Inc., 61 FR 64519, December 5, 1996.

Based on DOE's review of how CFM Majestic's models A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32 manually controlled vented heaters operate and the fact that the user can turn off the pilot light when the heater is not in use, DOE grants CFM Majestic its Petition for Waiver to exclude the pilot light energy input 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.

CFM Majestic also seeks a Waiver from the DOE test provisions in section 3.1.1 of Title 10 CFR Part 430, Subpart B, Appendix O which require steady state efficiency of manually controlled heaters with various flow rates to be determined at a fuel input rate of 50 percent 5 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 needed in the calculation of AFUE.

CFM Majestic states that its manually controlled heaters utilize a gas control with a variable pressure regulator that allows the user to select various fuel input rates by varying the range of pressures of the heaters, and requests that it be allowed to determine 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 50 percent ± 5 percent of the maximum fuel input rate. Also, previous Petitions for Waiver under the same circumstances 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 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 for the determination of the 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 50 percent \pm 5 percent of the maximum fuel input rate for CFM Majestic models A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32 manually controlled vented heaters.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by CFM Majestic, Inc. (Case No. DH-008) 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 Majestic, Inc. shall be permitted to test its models A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32 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 50 percent \pm 5 percent of the maximum fuel input rate or,

(2) The minimum fuel input rate if the design of the heater is such that 50 percent \pm 5 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 (η_{ss-wt}) is:

(1) At 50 percent \pm 5 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 50 percent \pm 5 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 heaters 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 η_u is defined in section 4.2.5 of this appendix.

(v) With the exception of the modification set forth above, CFM Majestic, 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 A120, A125, A130, A132, A230, A232, AB132, D130, D132, D230, D232, D332, D334, D336, DR333, DR336, DR339, DT336, DT339, DT343, DVR33, DVR36, DVR39, DVRS3, DVT36, DVT39, DVT43, DVTS2, FS22, FS32, FSDV22, FSDV32, HE25, HE32, HEB32, and HEDV32 manually controlled vented heaters manufactured by CFM Majestic, 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 March 3, 1997, this Waiver supersedes the Interim Waiver granted CFM Majestic, Inc. on December 27, 1996. 62 FR 742, January 6, 1997. (Case No. DH-008).

Issued in Washington, DC, on March 3, 1997.

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

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Federal Energy Regulatory Commission

[Docket Nos. EC97-11-000 and ER97-1346-000]

American Ref-Fuel Company of Delaware County, L.P. and Delaware Resources Management, Inc., Notice of Filing

March 3, 1997.

Take notice that on February 27, 1997, American Ref-Fuel Company of Delaware County, L.P. (ARC) and Delaware Resource Management, Inc. (DRMI) (collectively "Applicants") submitted for filing with the Federal Energy Regulatory Commission ("Commission") pursuant to 18 CFR Part 33, a letter notifying the Commission of a change in fact related to the joint petition Applicants filed with the Commission for an order under Section 203 of the Federal Power Act approving the transfer of jurisdictional assets ("Joint Petition").

The Joint Petition stated that ARC is owned equally by Air Products and Chemicals, Inc. ("Air Products") and Browning-Ferris Industries, Inc. ("BFI"). The Joint Petition also stated that Air Products has announced that it is seeking purchasers for its share of ARC and certain affiliates of ARC. The letter notified the Commission that in the event that Air Products declines to continue as a 50% owner of ARC, BFI would assume 100% of the ownership of ARC (through subsidiaries). The letter stated that ARC would either be owed (1) wholly by BFI or (2) 50% by Air Products and 50% by BFI.

Applicants requested that the Commission issue an order approving the transfer as soon as possible but not later than March 11, 1997.

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 Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 10, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make