

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

PECO and Mobil a NGA Section 7(c) initial rate, as a separately stated market area lateral charge consisting of an incremental reservation charge under Texas Eastern's Rate Schedule FT-1. It is stated that the Settlement Rate will be reservation charge of \$1.651 per Dth per month, \$0.0543 on a 100 percent load factor basis. It is stated that the Settlement Rate is designed on an incremental basis, using Texas Eastern's cost-of-service factors approved in Docket Nos. RP90-119, *et al.*, and does not include the incremental Non-Spot Fuel component, as approved in Texas Eastern's Global Settlement in Docket Nos. RP85-177, *et al.*, and the incremental PCB component as approved in Texas Eastern's settlement in Docket Nos. RP88-67, *et al.* (Phase II/PCBs) as the lateral capacity to be made available under this Settlement will be utilized for delivery services only, as opposed to providing mainline transportation service.

Pursuant to the settlement, Texas Eastern states that it would construct its facilities in 1997 and commence firm service November 1, 1997.

Texas Eastern states that PECO and Mobil require the services provided for in this settlement. Accordingly, the parties request that the Commission expeditiously review and approve the Settlement and issue an order approving the Settlement without modification, including final environmental approval of the Settlement facilities, by June 1, 1997.

Any person desiring to be heard or to make any protest with reference to said Settlement and related application should on or before May 8, 1997, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the National 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 with further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, or if the Commission on its own review of the matter finds that permission and approval for the proposed certificate are 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 Texas Eastern to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 97-10456 Filed 4-22-97; 8:45 am]

BILLING CODE 6217-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER96-2973-000, ER96-2974-000, and ER97-295-000]

Soyland Power Cooperative, Inc.; Notice of Filing

April 17, 1997.

Take notice that on March 13, 1997, Soyland Power Cooperative, Inc. tendered for filing a Notice of Cancellation of service to Southwestern Electric Cooperative, Inc.

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 April 28, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to proceedings. 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. 97-10457 Filed 4-22-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-2347-000]

Wisconsin Electric Power Company; Notice of Filing

April 17, 1997.

Take notice that Wisconsin Electric Power company (Wisconsin Electric) on March 31, 1997, tendered for filing a Transmission Service Agreement between itself and CMS Marketing, Services and Trading Company (CMS MST). The Transmission Service Agreement allows CMS MST to receive transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 7, accepted for filing under Docket No. OA96-196.

Wisconsin Electric requests an effective date coincident with filing and waiver of the Commission's notice requirements to allow for economic transactions as they appear. Copies of the filing have been served on CMS MST, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

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 April 28, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any 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. 97-10458 Filed 4-22-97; 8:45 am]

BILLING CODE 6717-01-M