

Issued in Washington, D.C., this 18th day of August, 1995.

**Peter Brush,**

*Principal Deputy Assistant Secretary,  
Environment, Safety and Health.*

[FR Doc. 95-20878 Filed 8-22-95; 8:45 am]

BILLING CODE 6450-01-P

**Energy Efficiency and Renewable Energy**

**Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of the Department of Energy Furnace Test Procedures From Carrier Corporation (Case No. F-079)**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** Today's notice publishes a letter granting an Interim Waiver to Carrier Corporation (Carrier) from the existing Department of Energy (DOE or Department) furnace test procedure regarding blower time delay for the company's 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNV/334BAV lines of induced draft furnaces.

Today's notice also publishes a "Petition for Waiver" from Carrier. Carrier's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Carrier seeks to test using a blower delay time of 45 seconds for its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNV/334BAV lines of induced draft 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 September 22, 1995.

**ADDRESSES:** Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. F-079, Mail Stop EE-43, Room 1J-108, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7574.

**FOR FURTHER INFORMATION CONTACT:**

Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW.,

Washington, DC 20585, (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, DC 20585, (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 (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, and the Energy Policy Act of 1992 (EPAAct), Public Law 102-486, 106 Stat. 2776, which requires the Department 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 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter, the Department further amended the 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 the Department 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.

The Interim Waiver provisions added by the 1986 amendment allow the

Assistant Secretary to grant an Interim Waiver when 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. An Interim Waiver remains in effect for a period of 180 days, or until the Department issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On June 28, 1995, Carrier filed an Application for Interim Waiver regarding blower time delay. Carrier's Application seeks an Interim Waiver from the Department's test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Carrier requests the allowance to test using a 45-second blower time delay when testing its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, AND 58DNV/334BAV lines of induced draft furnaces. Carrier states that the 45-second delay is indicative of how these furnaces actually operate. Such a delay results in an overall furnace AFUE of approximately 0.6 percent point improvement. Since the Department's current test procedures do not address this variable blower time delay, Carrier 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 waivers for this type of time blower delay control have been granted by the Department of 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 55479, 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, and 58 FR 68138, December 23, 1993; 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 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; 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 and 59 FR 14394, March 28, 1994; 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 and 59 FR 12586, March 17, 1994; 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, 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., 57 903, January 9, 1992; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; 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, and 59 FR 30578 June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon the Department's 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, the Department is granting Carrier an Interim Waiver for its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNU/334BAV lines of induced draft furnaces. Pursuant to paragraph (e) of Section 430.27 of the Code of Federal Regulations Part 430, the following letter granting the Application for Interim Waiver to Carrier was issued.

Pursuant to paragraph (b) of 10 CFR Part 430.27, the Department 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 August 14, 1995.

**Christine A. Ervin,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

Mr. Daniel J. Dempsey, P.E.,

*Director, Heating Products Development, Residential Products Group, Carrier Corporation, 7310 West Morris Street, P.O. Box 70, Indianapolis, IN 46206-0070*

Dear Mr. Dempsey: This is in response to your June 28, 1995, Application for Interim Waiver and Petition for Waiver from the Department of Energy (the Department) test procedure, regarding blower time delay for Carrier Corporation (Carrier) 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNU/334BAV lines of induced draft furnaces.

Previous waivers for this type of timed blower delay control have been granted by the Department of 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, and 58 FR 68138, December 23, 1993; 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, and 56 FR 63945, December 6, 1991; 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 and 59 FR 14394, March 28, 1994; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3, 1992, and 48 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, and 59 FR 12586, March 17, 1994; 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; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; 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, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

Carrier's Application for Interim Waiver does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage Carrier will likely experience absent a favorable determination on its application.

However, 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, Carrier's Application for an Interim Waiver from the DOE test procedure for its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNU/334BAV lines of induced draft furnaces regarding blower time delay is granted.

Carrier shall be permitted to test its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNU/334BAV lines of induced draft furnaces on the basis of the test procedures specified in 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  $\pm 0.01$  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 Wavier 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 the

Department acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

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

June 28, 1995.

The Assistant Secretary for Conservation and Renewable Energy  
United States Department of Energy, 1000 Independence Avenue, S.W.,  
Washington, D.C. 20585

Subject: *Petition for Waiver and Application for Interim Waiver*

Gentlemen: This is a petition for Waiver and Application for Interim Waiver which are submitted pursuant to title 10 CFR 430.27 as amended November 14, 1986. Waiver is requested from Test Procedures for Measuring the Energy Consumption of Furnaces found in Appendix N to Subpart B of Part 430.

Under the existing Test Procedure, a 1.5 minute time delay between burner and blower startup is required. Carrier requests a waiver from the specified 1.5 minute delay. In its place, we request the use of a 45-second delay on Carrier's line of 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, and 58DNU/334BAV induced draft furnaces.

The time delay in all lines of equipment is fixed within the furnace control, and cannot be adjusted by the installer or servicer.

The current test producers do not credit Carrier for the energy savings associated with the shorter blower time delays. Test data on our mid-efficiency furnaces show a decrease in the heat-up cycle energy losses when using the 45-second delay, resulting in an increase in AFUE of approximately 0.6 AFUE points. Confidential supporting test data is available upon request.

Carrier is confident that a waiver will be granted for public reasons in the light of previous rulings in which DOE granted waivers of this type to Carrier, Lennox Industries, Inter-City Products, Amana, Rheem Manufacturing, and the Trane Company

Respectfully,

Daniel J. Dempsey, P.E.,  
Director, Heating Products Development,  
Residential Products Group, Carrier Corporation.

[FR Doc. 95-20879 Filed 8-22-95; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. ER94-1188-006, et al.]

### LG&E Power Marketing Inc., et al.; Electric Rate and Corporate Regulation Filings

August 15, 1995.

Take notice that the following filings have been made with the Commission:

#### 1. LG&E Power Marketing Inc.

[Docket No. ER94-1188-006]

Take notice that on August 1, 1995, LG&E Power Marketing, Inc. tendered for filing certain information as required by the Commission's letter order dated August 19, 1995. Copies of the informational filing are on file with the Commission and are available for public inspection.

#### 2. Louisville Gas & Electric Company

[Docket No. ER95-928-000]

Take notice that on August 7, 1995, Louisville Gas & Electric Company tendered for filing a Notice of Withdrawal in the above-referenced docket.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 3. The Washington Water Power Company

[Docket No. ER95-1135-000]

Take notice that on July 24, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission an amendment in the above-referenced docket.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 4. Washington Water Power Company

[Docket No. ER95-1446-000]

Take notice that on July 28, 1995, The Washington Water Power Company (WWP), tendered for filing a signed service agreement under FERC Electric Tariff Volume No. 4 with Englehard Power Marketing, Inc. along with a Certificate of Concurrence with respect to exchanges. WWP requests waiver of the prior notice requirement and requests an effective date of September 1, 1995.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Atlantic City Electric Company

[Docket No. ER95-1476-000]

Take notice that on August 3, 1995, Atlantic City Electric Company (ACE), tendered for filing an Agreement for Short-Term Energy Transactions between ACE and Heartland Energy Services. ACE requests that the Agreement be accepted to become effective August 4, 1995.

Copies of the filing were served on the New Jersey Board of Regulatory Commissioners.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Florida Power & Light Company

[Docket No. ER95-1477-000]

Take notice that on August 3, 1995, Florida Power & Light Company (FPL), tendered for filing proposed Service Agreements with City of Lakeland for transmission service under FPL's Transmission Tariff Nos. 2 and 3.

FPL requests that the proposed Service Agreements be permitted to become effective on August 5, 1995, or as soon thereafter as practicable.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Kentucky Utilities Company

[Docket No. ER95-1478-000]

Take notice that on August 3, 1995, Kentucky Utilities Company (Company), tendered for filing two Supplements to the Interconnection Agreement between Company and the Tennessee Valley Authority (TVA), which provides for a backup feed between the two parties' systems and for TVA to pay KU a monthly charge for transmission service. An Agreement between the parties dated March 22, 1951, which is on file with this Commission, Company Rate Schedule FERC No. 93, provides for additional delivery points to be established as needs arise and for the parties to provide transmission service to specified transmission dependent loads.

The Company requests the effective date of April 1, 1995 for the transmission service charge. A backup feed to Warren Rural Electric Cooperative Corporation (WRECC) will be established from KU's system in the Leitchfield, Kentucky area.

Company states that copies of the filing have been sent to TVA, WRECC, and the Public Service Commission of Kentucky and the Virginia State Corporation Commission.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Bangor Hydro-Electric Company

[Docket No. ER95-1479-000]

Take notice that on August 3, 1995, Bangor Hydro-Electric Company (Bangor), tendered for filing Rate Schedule FERC No. 7 (Fifteenth Revision) for partial requirements service to Eastern Maine Electric Cooperative, Inc.

*Comment date:* August 29, 1995, in accordance with Standard Paragraph E at the end of this notice.