

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, Superior Fireplace Company 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 GI-3821, DSH-36T, DVH-33R, DVH-33T, DVA-33R, and DVA-33T manually controlled vented heaters manufactured by Superior Fireplace Company.

(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 April 14, 1996, this Waiver supersedes the Interim Waiver granted Superior Fireplace Company on February 1, 1996. 61 FR 5755, February 14, 1996. (Case No. DH-005).

Issued in Washington, D.C., on April 4, 1996.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** In accordance with 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, Thermo has been granted a Waiver for its CHA-upflow and CGA-downflow series of condensing gas furnaces permitting the company to use an alternate test method in determining AFUE.

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

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: Thermo Products Inc. (Case No. F-083).

**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 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 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 test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Thermo filed a "Petition for Waiver," dated November 29, 1995, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the Federal Register on January 30, 1996. Thermo's Petition and solicited comments, data and information respecting the Petition. 61 FR 3023, January 30, 1996. Thermo also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on January 24, 1996. 61 FR 3023, January 30, 1996.

No Comments were received concerning either the "Petition for Waiver" or the "Application for Interim Waiver." The Department consulted with The Federal Trade Commission (FTC) concerning the Thermo Petition. The FTC did not have any objections to the issuance of the waiver to Thermo.

**Assertions and Determinations**

Thermo's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Thermo requests the allowance to test using a 45-second blower time delay when testing its CHA-upflow and CGA-downflow series of condensing gas furnaces. Thermo states that since the 45-second delay is indicative of how these models actually operate, and since such a delay results in an increase in AFUE improvement of up to 2.0 percent, the Petition should be granted.

Under specific circumstances, the DOE test procedure contains exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Thermo indicates that it is unable to take advantage of any of these exceptions for its CHA-upflow and CGA-downflow series of condensing gas furnaces.

Since the blower controls incorporated on the Thermo furnaces are designed to impose a 45-second blower delay in every instance of start up, and since the current test procedure

**[Case No. F-083]**

**Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Thermo 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. F-083) granting a Waiver to Thermo Products Inc. (Thermo) from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Thermo's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its CHA-upflow and CGA-downflow series of condensing gas furnaces.

provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 45-second blower time delay when testing the Thermo CHA-upflow and CGA-downflow series of condensing gas furnaces. Accordingly, with regard to testing the CHA-upflow and CGA-downflow series of condensing gas furnaces, today's Decision and Order exempts Thermo from the existing test procedure provisions regarding blower control and allows testing with the 45-second delay.

*It is, therefore, ordered that:*

(1) The "Petition for Waiver" filed by Thermo Products Inc. (Case No. F-083) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraph (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Thermo Products Inc., shall be permitted to test its CHA-upflow and CGA-downflow series of condensing gas furnaces on the basis of the test procedure specified in 10 CFR Part 430, with modifications set forth below.

(I) Section 3.0 of 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 Standard 103-82 with the exception of section 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 to Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1. of ANSI/ASHRAE Standard 103-82. 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 circulating 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 stopwatch. 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.

(iii) With the exception of the modifications set forth above, Thermo Products Inc. shall comply in all respects with the test procedures specified in Appendix N of 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 the CHA-upflow and CGA-downflow series of condensing gas furnaces manufactured by Thermo 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 the factual basis underlying the Petition is incorrect.

(5) Effective April 14, 1996, this Waiver supersedes the Interim Waiver granted Thermo Products Inc. on January 24, 1996. 61 FR 3023, January 30, 1996 (Case No. F-083).

Issued In Washington, DC, on April 4, 1996.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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### Energy-Efficiency and Renewable Energy Office

#### Energy-Efficient Product Commercialization Study

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

**ACTION:** Notice.

**SUMMARY:** The Department of Energy (DOE) is investigating the potential use of the purchasing power of the Federal government to promote the commercialization of energy-efficient products that incorporate new, value-added technologies for federal buyers. The Energy Policy Act directs the Secretary of Energy to conduct a study to identify energy-efficient, renewable energy, and water conserving products for which there is a high potential for federal purchasing power to substantially promote their

development and commercialization, and to identify barriers to federal procurement of such products. The principal product focus of the study is on those which are beyond the prototype stage, but are not commercially available or in widespread use. These products must also be potentially cost-effective to federal and non-federal buyers, with increased production and sales volume. DOE is soliciting information from interested parties concerning products which offer this potential, recommendations on how federal procurement actions could facilitate product commercialization, and existing barriers to such procurement actions.

**DATES:** Written information on products which meet the criteria listed below, barriers to federal procurement of such products, and recommended federal procurement actions and programs to promote commercialization of such products (1 copy) must be received on or before May 13, 1996, to be included for consideration in this study. A public meeting will be held on June 5, 1996; requests to present information at this public meeting on recommended federal actions and programs must be received by May 13, 1996.

**ADDRESSES:** All written comments (1 copy), as well as requests to speak at the public meeting, are to be submitted to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-90, Energy-Efficient Product Commercialization Study, 1000 Independence Avenue SW., Washington, DC 20585-0121, 202-586-8287. FAXed comments may be sent to 202-586-3000. The public meeting will be held at the U.S. Department of Energy, Main Auditorium, 1000 Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Rick Klimkos, EE-90, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0121, 202-586-8287.

**SUPPLEMENTARY INFORMATION:** The Federal government is the largest customer in the world for many energy-related products. The Department of Energy (DOE) is investigating the potential use of the purchasing power of the Federal government to promote the development and commercialization of energy-efficient products that incorporate new, value-added technologies for federal buyers. The objective of this study is to identify energy-efficient, renewable energy, and water conserving products for which there is a high potential for federal purchasing power to substantially