

These goals are, in paraphrase, to (1) identify environmental concerns associated with the GIWW in the Laguna Madre, (2) develop scopes of work needed to address environmental concerns, (3) ensure effective team work among state and federal agencies, and (4) contribute to and expedite completion of the dredged material management plan and environmental study for the GIWW.

#### Study Status

To address these goals, the ICT has identified a problem list of concerns in the Laguna Madre associated with dredging and dredged material placement. Some of these concerns include:

- Impacts on the benthic community
- Effects of turbidity
- Impacts on seagrass populations
- Effects on circulation and hydrodynamics
- Effects on fishery productivity
- Contaminant concerns
- Viability of alternate placement areas
- Potential for beneficial uses of dredged material

The ICT has developed and approved several scopes of work to perform the necessary scientific studies to address these concerns. A variety of expertise is being utilized. The approved studies, the contractors, date of study initiation, and the estimated costs are shown below.

- Environmental Monitoring of Dredging and Processes in the Lower Laguna Madre. Texas A&M University, Conrad Blucher Institute—August 1994—\$300,000
- Environmental Monitoring of Dredging and Processes in the Vicinity of Baffin Bay. Texas A&M University, Conrad Blucher Institute—October 1994—\$328,769
- Hydrographic Characterization and Bottom Characterization, Laguna Madre, Texas. U.S. Army Waterways Experiment Station—February 1995—\$586,550
- Temporal and Spatial Effects of Open Water Dredge Material Disposal on Habitat Utilization by Fishery Species in Laguna Madre, Texas. National Marine Fisheries Service—July 1995—\$581,800
- Review of Available Water and Sediment Quality Data in the Laguna Madre. Espy, Huston, and Associates—July 1995—\$22,722

Several other studies are currently under consideration by the ICT. The anticipated contractor and estimated costs include:

- Extension of the Monitoring in the Lower Laguna Madre.

Texas A&M University, Conrad Blucher Institute—\$190,000

- Extension of the Monitoring in the Upper Laguna Madre. Texas A&M University, Conrad Blucher Institute—\$140,000
- Sediment Characteristics, History, and Recent Transport, Laguna Madre, Texas. University of Texas, Bureau of Economic Geology—\$310,000
- Laguna Madre Fluid Mud Survey. U.S. Army Waterways Experiment Station—\$125,000
- Laguna Madre Open Water Dredged Material Disposal Study. U.S. Army Waterways Experiment Station—\$165,000
- Predictive Model of Seagrass Impact. Texas A&M University, University of Texas Marine Science Institute, and Texas Parks and Wildlife Department—\$400,000
- Hydrodynamic Circulation of the Upper and Lower Laguna Madre. Contractor and cost are as yet undetermined

The total cost of both approved and proposed studies is approximately \$3,150,000, not including the Hydrodynamic Model.

#### Schedule

The efforts to date are considered to be the first year of a four-year effort. The ICT has tentatively established this time frame to complete the studies, develop the long-term management plan, and prepare a supplemental Environmental Impact Statement. Should the study results indicate, and the ICT agree, that the National Environmental Policy Act (NEPA) process as described above should be modified, a separate notice will be published describing how the Corps will achieve NEPA compliance. In the interim, maintenance dredging of the GIWW will continue only when necessary, although changes to the placement plan will be made as study results warrant.

#### Public Participation

The ICT is soliciting public input as to the problems that need to be addressed and other study efforts that may be needed. Every effort will be made to address concerns identified. Additionally, a series of public workshops to solicit input and concerns on this study are planned within the next several months.

Dated: February 6, 1996.

Robert B. Gatlin,  
Colonel, Corps of Engineers District Engineer.  
[FR Doc. 96-3276 Filed 2-13-96; 8:45 am]

BILLING CODE 3710-92-M

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. DH-005]

#### Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Superior Fireplace Company From the DOE Vented Home Heating Equipment Test Procedure

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

**ACTION:** Notice.

**SUMMARY:** Today's notice grants an Interim Waiver to Superior Fireplace Company (Superior) from the existing Department of Energy (DOE or Department) test procedure regarding pilot light energy consumption and weighted average steady-state efficiency for its manually controlled vented heaters, models GI-3821, DSH-36T, DVH-33R, DVH-33T, DVA-33R, and DVA-33T.

Today's notice also publishes a "Petition for Waiver" from Superior. Superior's Petition for Waiver requests DOE to grant relief from the DOE vented home heating equipment test procedure relating to the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE) and the calculation of weighted average steady state efficiency of its models GI-3821, DSH-36T, DVH-33R, DVH-33T, DVA-33R, and DVA-33T vented heaters. Superior seeks to delete the required pilot light measurement ( $Q_p$ ) in the calculation of AFUE when the pilot is off, and to test at a minimum fuel input rate of two-thirds instead of the specified  $\pm 5$  percent of 50 percent of the maximum fuel input rate in the calculation of AFUE. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

**DATES:** DOE will accept comments, data, and information not later than March 15, 1996.

**ADDRESSES:** Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. DH-005, Mail Stop EE-43, Room 1J-018, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585-0121, (202) 586-7140.

**FOR FURTHER INFORMATION CONTACT:** William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431,

Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 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, D.C. 20585-0103, (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, 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 informed purchasing decisions. These test procedures appear at Title 10 CFR Part 430, Subpart B.

The Department amended the test procedure rules to provide for a waiver process by adding § 430.27 to Title 10 CFR Part 430, 45 FR 64108, September 26, 1980. Subsequently, DOE amended the 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. Title 10 CFR Part 430, § 430.27(a)(2).

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.

An Interim Waiver will be granted if 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. Title 10 CFR Part 430,

§ 430.27(g). An Interim Waiver remains in effect for a period of 180 days, or until DOE issues a determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On August 30, 1995, Superior filed an Application for Interim Waiver and a Petition for Waiver regarding (a) pilot light energy consumption and (b) weighted average steady state efficiency. On November 30, 1995, Superior submitted a letter to DOE requesting a modification to the minimum fuel input rate of the vented heaters submitted for consideration in the August 30, 1995 Waiver requests. On January 12, 1996, Superior Fireplace Company submitted a letter providing a list of companies that make similar products, confidential product performance data, and amending the list of models submitted for consideration in the August 30, 1995, Waiver requests.

Superior seeks an Interim Waiver from the DOE test provisions in section 3.5 of Title 10 CFR Part 430, Subpart B, Appendix O, that require measurement of energy input rate of the pilot light ( $Q_p$ ), and the use of this data in section 4.2.6 for the calculation of AFUE, where:

$$AFUE = \frac{(4400\eta_{ss}\eta_u Q_{in-max})}{(4400\eta_{ss}Q_{in-max} + 2.5(4600)\eta_u Q_p)}$$

Instead, Superior requests that it be allowed to delete  $Q_p$  and accordingly, the  $(2.5(4600)\eta_u Q_p)$  term in the calculation of AFUE. Superior states that instructions to turn off the transient pilot by the user when the heater is not in use are in the User Instruction Manual and on a label adjacent to the gas control valve. Therefore, the additional energy savings that result when the pilot is turned off ( $Q_p = 0$ ) should be credited. Since the current DOE test procedure does not address pilot light energy savings, Superior asks that the Interim Waiver be granted.

Superior also seeks an Interim 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 vented heaters with various input rates to be determined at a fuel input rate that is within  $\pm 5$  percent of 50 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. Instead, Superior requests that it be allowed to determine steady state efficiency, weighted average steady state efficiency, and AFUE at a minimum fuel input rate of two-thirds of the maximum fuel input rate for its manually controlled vented heaters which do not

adjust to an input rate as low as 50 percent. Since the current DOE test procedure does not address steady state testing for manually controlled vented heaters with various input rates at fuel input rates other than within  $\pm 5$  percent of 50 percent of the maximum fuel input rate, Superior 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 and allowance to determine weighted average steady state efficiency used in the calculation of AFUE at a minimum fuel input rate of 65.3 percent of the maximum fuel input rate instead of the specified  $\pm 5$  percent of 50 percent of the maximum fuel input rate have been granted by DOE to Appalachian Stove and Fabricators, Inc., 56 FR 51711, October 15, 1991, and Valor Incorporated, 56 FR 51714, October 15, 1991.

The Department published a Notice of Proposed Rulemaking on August 23, 1993, to amend the vented home heating equipment test procedure, which would allow the above issues. 58 FR 44583.

Thus, it appears likely that Superior's Petition for Waiver for pilot light and weighted average steady state efficiency for home heating equipment will be granted. 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, based on the above, DOE is granting Superior an Interim Waiver for its models GI-3821, DSH-36T, DVH-33R, DVH-33T, DVA-33R, and DVA-33T vented heaters. Superior shall be permitted to test its models GI-3821, DSH-36T, DVH-33R, DVH-33T, DVA-33R, and DVA-33T vented heaters on the basis of the test procedures specified in Title 10 CFR Part 430, Subpart B, Appendix O, with the modifications set forth below:

(i) Delete paragraph 3.5 of Appendix O.

(ii) 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 ( $\eta_{ss-wt}$ ) is:

(1) At  $\pm 5$  percent of 50 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  $\pm 5$  percent of 50 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 heater with one single firing rate, the weighted average steady-state efficiency is the steady-state efficiency measured at the single firing rate.

(iii) 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:

$\eta_u$  = as defined in section 4.2.5 of this appendix.

(iv) With the exception of the modification set forth above, Superior shall comply in all respects with the procedures specified in Appendix O of Title 10 CFR Part 430, Subpart B.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver 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 DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Superior's Petition for Waiver requests DOE to grant relief from the DOE vented home heating equipment relating to the pilot light and weighted average steady state efficiency. Superior seeks (a) to exclude the pilot light energy consumption in the calculation of AFUE, and (b) to determine the weighted average steady state efficiency used in the calculation of AFUE at a minimum fuel input rate of two-thirds of the maximum fuel input rate instead of the specified  $\pm 5$  percent of 50 percent of the maximum fuel input rate.

Pursuant to paragraph (b) of Title 10 CFR Part 430.27, the Department is hereby publishing the "Petition for Waiver."

The Petition contains confidential company information; thus, the confidential product performance data provided in Superior's January 12, 1996 submission is not being published. The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, DC.

February 1, 1996.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

August 30, 1995

The Honorable Christine Ervin,

*Assistant Secretary for Energy Efficiency & Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585*

RE: Petition for Waiver and Application for Interim Waiver

Dear Secretary Ervin: Superior Fireplace Company is requesting you to accept two waivers as listed below, concerning Title 10 Code of Federal Regulations 430.27, as amended 14 November 1986.

These waivers are requested for model GI-3821, DSH-36T.

1. This waiver request refers to section 3.1.1.—Gas fueled vented home heating equipment and section 4.2.4—Weighted-average steady-state efficiency which states that for manually controlled heaters with various input rates the weighted-average steady-state efficiency is measured at a fuel input rate of  $\pm 5$  percent of 50 percent of the maximum fuel input rate. In fact the above appliances have a gas control that comes with a variable pressure regulator control knob which can be adjusted from the maximum input rate to the minimum input rate. Specifically, Natural gas control knob has adjustment of manifold pressure from 3.5" W.C. to 2.5" W.C. and for Propane from 10.0" W.C. to 6.4" W.C. These pressure ranges allow the users to vary the fuel input rate as shown below in the table. It is impossible to achieve the fuel input rate of 50% according to the manufacturer's installation instructions. Because the above models cannot be operated at 50% of the maximum fuel input and usually operated at maximum fuel input rate we request that this requirement be modified to 80% of the difference between the maximum fuel input rate and the minimum fuel input rate.

	Maximum rate BTUH	Minimum rate BTUH	Percentage maximum rate	Manifold pressure
GI-3821-N .....	38000	30000	79	3.5-2.2 W.C.
GI-3821-P .....	34000	26000	76	10-6.4 W.C.
DSH-36T-N .....	27000	21000	77	3.5-2.2 W.C.
DSH-36T-P .....	25000	20000	80	10-6.4 W.C.

2. Second waiver refers to section 3.5—Pilot Light Measurement and section 4.26—Annual Fuel Utilization Efficiency. This section requires the calculation of the pilot light energy to be figured in for calculation of AFUE if the pilot is in operation all the time. The gas control knob on these appliances have three settings—"OFF," "ON" and "PILOT". The pilot can be lighted with the piezo igniter when the gas control knob is turned and depressed at the "PILOT" position. Once the pilot is lighted, it will heat the thermopile which generates enough voltage to the gas control valve to have the pilot remain lit. The gas control knob can then be turned to the "ON" position for the main burner to turn on. Instructions and labels next to the control will require users

to turn the gas control knob to the "OFF" position during the off cycle will be provided. Therefore, additional energy will be conserved. Since the current test procedure does not allow any credit given in the calculations for AFUE for saving energy from the pilot during the off cycle, we request that the requirement to include energy input to the pilot light in the AFUE calculation be waived for these appliances. Copies of confidential test data confirming the energy savings will be forwarded to you upon request.

Superior Fireplace Company is confident that both waivers will be granted since similar waivers have been granted in the past to Appalachian Stove and Fabricators, Inc. and Valor Incorporated.

A copy of this petition for waiver and Application for Interim Waiver is being sent to the manufacturers that produce similar products in the U.S.A.

Sincerely,

Hardial Gore,

*Sr. Project Engineer.*

Nov. 30, 1995

The Honorable Christine Ervin,

*Assistant Secretary for Energy Efficiency & Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585*

RE: Amendment to Petition for Waiver and Application for Interim Waiver

Dear Secretary Ervin: In order to expedite the approval to petition for waiver and application for interim waiver requested in my letter dated Aug. 30th 1995, Superior Fireplaces Company is ready to accept the changes to the first waiver as follows:

Superior Fireplaces Company will adopt the test procedure proposed by DOE on 23 August, 1993.58 FR 44538. Accordingly, we request to calculate the weighted average steady state efficiency using the minimum obtainable fuel input rate provided this rate is no greater than  $\frac{2}{3}$  the maximum input rate of the fireplace. Specifically, the models included in this request will be tested at  $\frac{2}{3}$  of the maximum fuel input rate.

The second waiver requested in my first letter will remain unchanged.

We are very confident that both of these waivers will be granted since similar waivers have been granted to the other manufacturers.

Sincerely,

Hardial Gore,

*Sr. Project Engineer.*

January 12, 1996

The Honorable Christine Ervin, *Assistant Secretary for Energy, Efficiency & Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585*

RE: Additional information to Petition for Waiver and Application for Interim Waiver

Dear Secretary Ervin: Recent conversations with William Hui prompted me to send you the following information requested by the committee.

Per your first request following is a list of companies that Superior knows make similar products namely Heat and Glow, Majestic, Heatilator, CFM, Vermont Castings, Appalachian Stove and Fabricators, Inc. and Valor Incorporated.

Per your second request below is a table that shows a general trend of increase in efficiency as the input is increased. This information is confidential; please do not publish. This data was gathered from a DVH-33R model.

**CONFIDENTIAL**

As discussed with Mr. Hui we would like to add additional models DVH-33R, DVH-33T, DVA-33R, DVA-33T to the list for approval besides the GI 3821 and DSH-36T.

If you have any questions please feel free to contact me.

Sincerely,

Hardial Gore,

*Sr. Project Engineer, Gas Products.*

[FR Doc. 96-3056 Filed 2-13-96; 8:45 am]

BILLING CODE 6450-01-M

**Federal Energy Regulatory Commission**

[Docket No. RP95-408-000 and RP95-408-001]

**Columbia Gas Transmission Corp.; Notice of Rescheduled Settlement Conference**

February 8, 1996.

Take notice that the informal settlement conference scheduled for Wednesday, February 14, 1996, in this proceeding has been rescheduled to Thursday, February 22, 1996, at 10:00 a.m. The settlement conference will be convened at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's Regulations (18 CFR 385.214).

For additional information, contact Thomas J. Burgess at 208-2058 or David R. Cain at 208-0917.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-3229 Filed 2-13-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-404-000]

**Questar Energy Trading Company; Notice of Issuance of Order**

February 9, 1996.

On November 20, 1995, as amended December 22, 1995, Questar Energy Trading Company (Questar) submitted for filing a rate schedule under which Questar will engage in wholesale electric power and energy transactions as a marketer. Questar also requested waiver of various Commission regulations. In particular, Questar requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Questar.

On January 29, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Questar should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Questar is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Questar's issuance of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is February 28, 1996. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street NE., Washington, DC 20426.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-3312 Filed 2-13-96; 8:45 am]

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[Docket No. ER95-1787-000]

**Texaco Natural Gas Inc.; Notice of Issuance of Order**

February 9, 1996.

On September 18, 1995, as amended November 1, 1995 and November 29, 1995, Texaco Natural Gas Inc. (Texaco) submitted for filing a rate schedule under which Texaco will engage in wholesale electric power and energy transactions as a marketer. Texaco also requested waiver of various Commission regulations. In particular, Texaco requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Texaco.

On January 25, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Texaco should file a motion