energy savings associated with water heating." In addition, NORDYNE submitted tests and a rating procedure to determine the performance of the heat pump when it heats domestic water (whether or not space heating or cooling is also being provided).

NORDYNE also applied for an Interim Waiver, stating:

• The current test procedure does not account for the total energy savings of the Powermiser;

• Carrier Corporation has been granted a similar waiver for its Hydrotech product;

• For public policy reasons, the widespread use of this type of integrated appliance would be in direct support of the President's Climate Change Action Plan, which lists heating and cooling and home appliances as key targets for improvement; and

• Absent a favorable determination on the Application for Interim Waiver, NORDYNE would experience an economic hardship, as discussed in the confidential statement filed simultaneously.

The Department agrees that the current test procedure does not account for the total energy savings of the Powermiser. A previous waiver for this type of equipment was granted by the Department to Carrier Corporation for its HydroTech 2000, 55 FR 13607, April 11, 1990. Thus, it appears likely that the Petition for Waiver will be granted.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon the Department 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.

Further, NORDYNE has supplied evidence of economic hardship if the Interim Waiver is not granted. NORDYNE's confidential statement claims a substantial investment in the Powermiser for research and development, tooling, production, sales and marketing. The Powermiser investment represents a large fraction of NORDYNE's annual income. Until the Interim Waiver is granted, NORDYNE is not able to realize any return on its investment.

Based on the statements above, the Department is granting an Interim Waiver to NORDYNE for its Powermiser series integrated heat pumps. 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 NORDYNE was issued.

Pursuant to paragraph (b) of 10 CFR Part 430.27, the Department is hereby

publishing the "Petition for Waiver." The Petition contains confidential company information; thus, the confidential attachment submitted by NORDYNE is not being published. Due to its length (39 pages), NORDYNE's proposed alternate test procedure is not being published in the **Federal Register**. It is, however, available upon request at the address provided at the beginning of today's notice. NORDYNE has sent a copy of the Petition for Waiver and a copy of the Application for Interim Waiver to all known manufacturers of domestically marketed units of the same product type . A summary of the NORDYNE alternate test procedure is included in the letter to NORDYNE granting the Application for Interim Waiver, which is published with this Federal Register Notice.

The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, DC., July 10, 1995. Christine A. Ervin.

Assistant Secretary, Energy Efficiency and

Renewable Energy. July 10, 1995.

uly 10, 1995.

Mr. Wayne R. Reedy, Vice President— Engineering

NORDYNE, 1801 Park 270 Drive, P.O. Box 46911, St. Louis, MO 63146–6911.

Dear Mr. Reedy: This is in response to your letter of January 24, 1995, submitting an Application for Interim Waiver and Petition for Waiver from the Department of Energy's central air conditioner and central air conditioning heat pump test procedure for NORDYNE's Powermiser line of heat pumps, which include special design characteristics to incorporate domestic water heating.

The current test procedure does not account for the energy savings associated with integrated water heating. A previous waiver for this type of equipment has been granted to Carrier Corporation, 55 FR 13607, April 11, 1990. Thus, it appears likely that the Petition for Waiver will be granted.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon the Department 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.

Further, NORDYNE's Application for Interim Waiver provides sufficient information to determine that NORDYNE has and will continue to experience a severe negative economic impact absent a favorable determination on its Application. NORDYNE's confidential statement claims a substantial investment in the Powermiser for research and development, tooling, production, sales and marketing. The Powermiser investment represents a large fraction of NORDYNE's annual income, and NORDYNE is not able to realize any return on this investment until the Interim Waiver is granted. Therefore, based on the above, NORDYNE's Application for an Interim Waiver to modify the Department's test procedure for its Powermiser line of heat pumps with integrated domestic water heating is granted.

NORDYNE shall be required to test its Powermiser line of heat pumps on the basis of the test procedures specified in 10 CFR Part 430, Subpart B, Appendix M, as modified by additional tests and ratings described in its proposed alternate test procedure, to determine the performance of the heat pump when it operates for the heating of domestic water, either concurrently with or separate from the space heating and cooling modes.

The alternate test procedure is summarized in Attachment A, attached hereto.

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

Best regards,

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Attachment A

Type of Equipment To Be Covered

The test procedure described herein applies to electrically-driven, singlespeed compressor air-to-air heat pumps having a nominal cooling capacity of 65,000 BTU/Hr or less that include an integral heat exchanger and water pump for the heating of domestic water, either concurrent with or separate from the space heating and cooling modes.

Test Points and Procedures

Standard ratings shall be established in accordance with 10 CFR Part 430, Subpart B, Appendix M, "Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners." Procedures will also be compatible with "Methods of Testing for Efficiency of Space-Conditioning Water Heating Appliances that include a Desuperheater Water Heater" ASHRAE Standards Project Committee 137P (under development).

In addition to the standard ratings, tests and a rating procedure are described to determine the performance of the heat pump when it operates for the heating of domestic water, either concurrently with or separate from the space heating and cooling modes.

Table 1 specifies the operating conditions for all of the tests covered by