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 November 29, 1995, this Waiver supersedes the Interim Waiver granted the

Carrier Corporation on August 14, 1995. 60 FR 43785, August 23, 1995 (Case No. F–079).

Issued In Washington, DC, on November 29, 1995.

Christine A. Ervin

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95–29715 Filed 12–06–95; 8:45 am] BILLING CODE 6450–01–P

[Case No. F-078]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to York International

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–078) granting a Waiver to York International (York) from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting York's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its P2UR and PBLU lines of condensing furnaces.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, York has been granted a Waiver for its P2UR and PBLU lines of condensing furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on November 29, 1995.

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: York International.

[Case No. F-078]

Background

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 (EPAct), Public Law 102–486, 106 Stat. 2776, 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 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 DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

York filed a "Petition for Waiver," dated June 26, 1995, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the Federal Register on August 28,1995, York's petition and solicited comments, data and information respecting the petition. 60 FR 44481, August 28, 1995. York also filed an "Application for Interim Waiver" under section 430.27(g) which DOE granted on August 20, 1995. 60 FR 44481, August 28, 1995.

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

Assertions and Determinations

York'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. York requests the allowance to test using a 30-second blower time delay when testing its P2UR, and PBLU lines of condensing furnaces. York states that since the 30second delay is indicative of how these models actually operate and since such a delay results in an overall furnace AFUE improvement of approximately 1.5 percent points, 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 1.5minute delay. York indicates that it is unable to take advantage of any of these exceptions for its P2UR and PBLU lines of condensing furnaces.

Since the blower controls incorporated on the York furnaces are designed to impose a 30-second blower