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.

Trane filed a ''Petition for Waiver,'' dated August 11, 1995, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the Federal Register on October 13,1995, Trane's Petition and solicited comments, data and information respecting the Petition. 60 FR 53354, October 13, 1995. Trane also filed an ''Application for Interim Waiver'' under section 430.27(g), which DOE granted on September 28, 1995. 60 FR 53354, October 13, 1995.

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 Trane Petition. The FTC did not have any objections to the issuance of the waiver to Trane.

*Assertions and Determinations*

Trane'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. Trane requests the allowance to test using a 45-second blower time delay when testing its Models TUD-C/AUD-C, TDD-C/ADD-C, TUD-R/AUD-R, TDD-R/ADD-R, TUD-R-V/AUD-R-V, TDD-R-V/ADD-R-V, TUY-R-V/AUY-R-V, and TDY-R-V/ADY-R-V central furnaces. Trane states that since the 45-second delay is indicative of how these models actually operate and since such a delay results in an overall furnace AFUE improvement of approximately 1.0 percentage point, 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. Trane indicates that it is unable to take advantage of any of these exceptions for its Models TUD-C/AUD-C, TDD-C/ADD-C, TUD-R/AUD-R, TDD-R/ADD-R, TUD-R-V/AUD-R-V, TDD-R-V/ADD-R-V, TUY-R-V/AUY-R-V, and TDY-R-V/ADY-R-V central furnaces.

Since the blower controls incorporated on the Trane furnaces are designed to impose a 45-second blower delay in every instance of start up, and since the current 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 Trane Models TUD-C/AUD-C, TDD-C/ADD-C, TUD-R/AUD-R, TDD-R/ADD-R, TUD-R-V/AUD-R-V, TDD-R-V/ADD-R-V, TUY-R-V/AUY-R-V, and TDY-R-V/ADY-R-V central furnaces. Accordingly, with regard to testing the Trane Models TUD-C/AUD-C, TDD-C/ADD-C, TUD-R/AUD-R, TDD-R/ADD-R, TUD-R-V/AUD-R-V, TDD-R-V/ADD-R-V, TUY-R-V/AUY-R-V, and TDY-R-V/ADY-R-V central furnaces, today's Decision and Order exempts Trane from the existing provisions regarding blower controls and allows testing with the 45-second delay.

*It is, therefore, ordered* That:

(1) The ''Petition for Waiver'' filed by Trane Company. (Case No. F–080) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Trane Company, shall be permitted to test its Models TUD-C/AUD-C, TDD-C/ADD-C, TUD-R/AUD-R, TDD-R/ADD-R, TUD-R-V/AUD-R-V, TDD-R-V/ADD-R-V, TUY-R-V/AUY-R-V, and TDY-R-V/ADY-R-V central 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 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 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 ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Trane Company 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 Models TUD-C/AUD-C, TDD-C/ADD-C, TUD-R/AUD-R, TDD-R/ADD-R, TUD-R-V/AUD-R-V, TDD-R-V/ADD-R-V, TUY-R-V/AUY-R-V, and TDY-R-V/ADY-R-V