

**Office of Energy Efficiency and Renewable Energy**

[Case No. DH-009]

**Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Vented Home Heating Equipment Test Procedure to Hunter Energy and Technology 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. DH-009) granting a Waiver to Hunter Energy and Technology Inc. (Hunter) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting Hunter's Petition for Waiver regarding the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE) for its models FI25H, HDS2000, HDV30E, HDV2500, PW20, PW35, PW50, HFI30, HFS40, HWF15, and HWF30 manually controlled vented heaters.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585-0121, (202) 586-9145; or

Mr. Eugene Margolis, U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507.

**SUPPLEMENTARY INFORMATION:** In accordance with Title 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, Hunter has been granted a Waiver for its models FI25H, HDS2000, HDV30E, HDV2500, PW20, PW35, PW50, HFI30, HFS40, HWF15, and HWF30 manually controlled vented heaters, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on March 19, 1997.

**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: Hunter Energy and Technology Inc. (Case No. DH-009).

**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 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 purchasing decisions, and will determine whether a product complies with the applicable energy conservation standard. These test procedures appear at Title 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding Title 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.

Hunter filed a "Petition for Waiver," dated October 22, 1996, in accordance with section 430.27 of Title 10 CFR Part

430. The Department published in the **Federal Register** on January 29, 1997, Hunter's Petition and solicited comments, data and information respecting the Petition, 62 FR 4274 (January 29, 1997). Hunter also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on January 22, 1997, 62 FR 4274 (January 29, 1997).

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 Hunter Petition. The FTC does not have any objections to the issuance of the waiver to Hunter.

**Assertions and Determinations**

Hunter's Petition seeks a waiver from the DOE test provisions regarding the use of pilot light energy consumption in calculating the AFUE. The DOE test provisions in section 3.5 of Title 10 CFR Part 430, Subpart B, Appendix O require measurement of energy input rate to the pilot light ( $Q_p$ ) with an error no greater than 3 percent for vented heaters, and use of this data in section 4.2.6 for the calculation of AFUE using the formula:

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

Hunter requests that, in essence, it be allowed to delete  $Q_p$  and, accordingly, the  $[2.5(4600)\eta_u Q_p]$  term in the calculation of AFUE. Hunter states that its models FI25H, HDS2000, HDV30E, HDV2500, PW20, PW35, PW50, HFI30, HFS40, HWF15, and HWF30 manually controlled vented heaters are designed with a transient pilot which is to be turned off by the user when the heater is not in use.

The control knob on the combination gas control in these heaters has three positions: "OFF," "PILOT," and "ON." Gas flow to the pilot is obtained by rotating the control knob from "OFF" to "PILOT," depressing the knob, holding in, pressing the piezo igniter. When the pilot heats a thermocouple element, sufficient voltage is supplied to the combination gas control for the pilot to remain lit when the knob is released and turned to the "ON" position. The main burner can then be ignited by moving an ON/OFF switch to the "ON" position. Instructions to users to turn the gas control knob to the "OFF" position when the heater is not in use, which automatically turns off the pilot, are provided in the User's Instruction Manual and on a label affixed to the appliance. If the manufacturer's instructions are observed by the user, the pilot light will not be left on. Since the current DOE test procedure does not

address this issue, and since others have received the same waiver under the same circumstances, Hunter asks that the Waiver be granted. Previous Petitions for Waiver under the same circumstances have been granted by DOE to Appalachian Stove and Fabricators, Inc., 56 FR 51711 (October 15, 1991); Valor Inc., 56 FR 51714 (October 15, 1991); CFM International Inc., 61 FR 17287 (April 19, 1996); Vermont Castings, Inc., 61 FR 17290 (April 19, 1996); Superior Fireplace Company, 61 FR 17885 (April 23, 1996); Vermont Castings, Inc., 61 FR 57857 (November 8, 1996); and Heat-N-Glo, 61 FR 64519 (December 5, 1996).

Based on DOE's review of how Hunter's models FI25H, HDS2000, HDV30E, HDV2500, PW20, PW35, PW50, HFI30, HFS40, HWF15, and HWF30 manually controlled vented heaters operate and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants Hunter its Petition for Waiver to exclude the pilot light energy input in the calculation of AFUE.

This decision is subject to the condition that the heaters shall have an easily read label near the gas control knob instructing the user to turn the valve to the off-position when the heaters are not in use.

*It is, therefore, ordered That:*

(1) The "Petition for Waiver" filed by Hunter Energy and Technology Inc. (Case No. DH-009) 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 O of Title 10 CFR Part 430, Subpart B, Hunter Energy and Technology Inc. shall be permitted to test its models FI25H, HDS2000, HDV30E, HDV2500, PW20, PW35, PW50, HFI30, HFS40, HWF15, and HWF30 manually controlled vented heaters on the basis of the test procedure specified in Title 10 CFR Part 430, with modifications set forth below:

(i) Delete paragraph 3.5 of Appendix O.

(ii) 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  $\eta_u$  is defined in section 4.2.5 of this appendix.

(iii) With the exception of the modification set forth above, Hunter Energy and Technology Inc. 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 FI25H, HDS2000, HDV30E, HDV2500, PW20, PW35, PW50, HFI30, HFS40, HWF15, and HWF30 manually controlled vented heaters manufactured by Hunter Energy and Technology, 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 a factual basis underlying the Petition is incorrect.

(5) Effective March 19, 1997, this Waiver supersedes the Interim Waiver granted Hunter Energy and Technology, Inc. on January 22, 1997, 62 FR 4274 (January 29, 1997). (Case No. DH-009).

Issued in Washington, DC, on March 19, 1997.

**Christine A. Ervin,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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[Case No. DH-010]

**Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Vented Home Heating Equipment Test Procedure to Wolf Steel Ltd.**

**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. DH-010) granting a Waiver to Wolf Steel Ltd. (Wolf Steel) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting Wolf Steel's Petition for Waiver regarding the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE) for its models GD22, GD27, GD3200, GD3200B, GD40, GI3014B, GI3014, GI3600, GS3500, GDS3700, GDS50, GS50, GDI50, and GD45 manually controlled vented heaters.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station

EE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9145; or

Mr. Eugene Margolis, U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507.

**SUPPLEMENTARY INFORMATION:** In accordance with Title 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, Wolf Steel has been granted a Waiver for its models GD22, GD27, GD3200, GD3200B, GD40, GI3014B, GI3014, GI3600, GS3500, GDS3700, GDS50, GS50, GDI50, and GD45 manually controlled vented heaters, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on March 19, 1997.

**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: Wolf Steel Ltd. (Case No. DH-010)

**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 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 purchasing decisions, and will determine whether a product complies with the applicable energy conservation standard. These test procedures appear at Title 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding Title 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