

Suite 600, Washington, DC 20005 and Mr. Richard J. Smith, Assistant Secretary, Emera Energy U.S. Subsidiary No. 1, Inc., c/o Emera Incorporated, 1894 Barrington Street, 18th Floor, Barrington Tower, P.O. Box 910, Halifax, Nova Scotia, CANADA B3J 2W5.

A final decision will be made on this application after the environmental impact has been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on March 4, 2004.

**Ellen Russell,**

*Acting Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 04-5360 Filed 3-9-04; 8:45 am]

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**DEPARTMENT OF ENERGY**

[FE Docket Nos. 04-09-NG, 04-06-NG, 04-04-LNG, 04-08-NG, 04-10-NG, 04-11-NG, 04-08-NG, 04-14-NG, 04-05-NG, 04-12-NG, 04-16-NG, 04-15-LNG, 04-18-NG, 04-13-NG, 04-19-NG, and 04-17-NG.]

**Office of Fossil Energy; EPCOR Merchant and Capital (US) Inc., Chevron U.S.A. Inc., Excelerate Energy L.P., Oneok Energy Marketing and Trading Company, PPM Energy, Inc., Burlington Resources Canada Marketing Ltd., Oneok Energy Marketing and Trading Company, Oneok Energy Services Canada, Ltd., Petrocom Energy Group, Ltd., Devon Canada Marketing Corporation, Michigan Consolidated Gas Company, BG LNG Services, LLC, Entergy-Koch Trading Canada, ULC, Entergy-Koch Trading L.P., Coral Canada US Inc., and Sequent Energy Management, L.P.; Orders Granting and Vacating Authority To Import and Export Natural Gas, Including Liquefied Natural Gas**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of orders.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2004, it issued Orders granting and vacating authority to import and export natural gas, including liquefied natural gas.

These Orders are summarized in the attached appendix and may be found on the FE Web site at <http://www.fe.doe.gov> (select gas regulation). They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E-033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 3, 2004.

**Sally Kornfeld,**

*Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.*

**APPENDIX—ORDERS GRANTING AND VACATING IMPORT/EXPORT AUTHORIZATIONS**  
[DOE/FE Authority]

Order No.	Date issued	Importer/Exporter FE Docket No.	Import volume	Export volume	Comments
1937	2-6-04	EPCOR Merchant and Capital (US) Inc. 04-09-NG	22 Bcf	33 Bcf	Import and export natural gas from and to Canada, beginning on January 25, 2004, and extending through January 24, 2006.
1938	2-6-04	Chevron U.S.A. Inc. 04-06-NG	55 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on February 6, 2004, and extending through February 5, 2006.
1939	2-6-04	Excelerate Energy L.P. 04-04-LNG	400 Bcf		Import liquefied natural gas from various international sources beginning on December 1, 2004, and extending through November 30, 2006.
1940	2-9-04	ONEOK Energy Marketing and Trading Company. 04-08-NG	150 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on February 9, 2004, and extending through February 8, 2006.
1941	2-9-04	PPM Energy, Inc. 04-10-NG	150 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on July 1, 2003, and extending through June 30, 2005.

APPENDIX—ORDERS GRANTING AND VACATING IMPORT/EXPORT AUTHORIZATIONS—Continued  
[DOE/FE Authority]

Order No.	Date issued	Importer/Exporter FE Docket No.	Import volume	Export volume	Comments
1942 .....	2-10-04	Burlington Resources Canada Marketing Ltd. 04-11-NG .....	250 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on March 31, 2004, and extending through March 30, 2006.
1940-A .....	2-12-04	ONEOK Energy Marketing and Trading Company. 04-08-NG .....			Vacate import and export blanket authority.
1943 .....	2-12-04	ONEOK Energy Services Canada, LTD.. 04-14-NG .....	150 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on February 12, 2004, and extending through February 11, 2006.
1944 .....	2-13-04	Petrocom Energy Group, Ltd. .... 04-05-NG .....	73 Bcf	73 Bcf	Import and export natural gas from and to Canada and Mexico, beginning on February 14, 2004, and extending through February 13, 2006.
1945 .....	2-18-04	Devon Canada Marketing Corporation. 04-12-NG .....	50 Bcf	.....	Import natural gas from Canada, beginning on February 1, 2004, and extending through January 31, 2006.
1946 .....	2-18-04	Michigan Consolidated Gas Company. 04-16-NG .....	.....	30 Bcf	Export natural gas to Canada, beginning on May 1, 2004, and extending through April 30, 2006.
1947 .....	2-18-04	BG LNG Services, LLC .....	1,500 Bcf	.....	Import liquefied natural gas from various international sources beginning on March 22, 2004, and extending through March 21, 2006.
1948 .....	2-23-04	Entergy-Koch Trading Canada, ULC 04-18-NG .....	100 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on February 23, 2004, and extending through February 22, 2006.
1949 .....	2-23-04	Entergy-Koch Trading L.P. .... 04-13-NG .....	800 Bcf		Import and export a combined total of natural gas from and to Canada, beginning on May 1, 2004, and extending through April 30, 2006.
1950 .....	2-26-04	Coral Canada US Inc. .... 04-19-NG .....	350 Bcf	350 Bcf	Import and export natural gas from and to Canada, beginning on August 1, 2003, and extending through July 31, 2005.
1951 .....	2-27-04	Sequent Energy Management, L.P. 04-17-NG .....	500 Bcf		Import and export a combined total of natural gas from and to Canada and Mexico, beginning on April 1, 2004, and extending through March 31, 2006.

[FR Doc. 04-5358 Filed 3-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Energy Conservation Program for Certain Industrial Equipment: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of American Water Heater Company From the DOE Uniform Federal Test Procedure for Measuring Efficiency of Commercial Water Heaters (Case No. WH-016)

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

**ACTION:** Notice of Petition for Waiver and solicitation of comments; Grant of Interim Waiver.

**SUMMARY:** Today's notice grants an Interim Waiver to American Water Heater Company (AWH) and publishes AWH's Petition for Waiver from the existing Department of Energy (the Department or DOE) test procedure for commercial water heaters. AWH claims that it cannot demonstrate compliance with the new energy efficiency requirements for commercial water heating products that became effective October 29, 2003, for some of its water heater models, using the current test procedure. The test procedure for measuring compliance with the new standards was published as a proposed rule on August 9, 2000, and has not yet been finalized. As part of today's action, the Department is also soliciting comments, data, and information with respect to the Petition for Waiver.

**DATES:** The Department will accept comments, data, and information with respect to this Petition for Waiver on or before April 9, 2004.

**ADDRESSES:** Please submit comments, data, and information electronically if possible. Comments should be sent to the following Internet address: [commercialwaterheaterwaiver@ee.doe.gov](mailto:commercialwaterheaterwaiver@ee.doe.gov).

Electronic comments must be submitted in a WordPerfect, Microsoft Word, or PDF format, and avoid the use of special characters or any form of encryption. Comments in electronic format should be identified by the case number WH-016, and wherever possible carry the electronic signature of the author. Absent an electronic signature, comments submitted electronically must be followed and authenticated by submitting the signed

original paper document. No telefacsimiles (faxes) will be accepted.

Written (paper) comments may be submitted to: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2], Case Number WH-016, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-2945. Please submit one signed copy, no faxes.

Copies of the public comments received will be available in the resource room of the appliance office of the Building Technologies Program, room 1J-018 of the Forrestal Building at the U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the resource room.

**FOR FURTHER INFORMATION CONTACT:** Mohammed Khan, U.S. Department of Energy, Building Technologies Program, Mail Stop EE-2], Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-7892; e-mail: [Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov); or Francine Pinto, Esq., or Thomas DePriest, Esq., U.S. Department of Energy, Office of General Counsel, Mail Stop GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507; e-mail: [Francine.Pinto@hq.doe.gov](mailto:Francine.Pinto@hq.doe.gov), or [Thomas.DePriest@hq.doe.gov](mailto:Thomas.DePriest@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

Title III of the Energy Policy and Conservation Act (EPCA) sets forth a variety of provisions concerning energy efficiency. Part B of Title III (42 U.S.C. 6291-6309) provides for the "Energy Conservation Program for Consumer Products Other than Automobiles." Part C of Title III (42 U.S.C. 6311-6317) provides for a program entitled, "Certain Industrial Equipment," which is similar to the program in Part B, and which includes commercial air conditioning equipment, packaged boilers, water heaters, and other types of commercial equipment.

Today's notice involves commercial equipment under Part C, which specifically provides for definitions, test procedures, labeling requirements, energy conservation standards, and information and reports from manufacturers. With respect to test procedures, Part C generally authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed

to produce results that reflect energy efficiency, energy use and estimated annual operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6314)

For commercial water heaters, EPCA provides that DOE's test procedure shall be that generally accepted industry test procedure developed or recognized by the Air-Conditioning and Refrigeration Institute (ARI) or by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), as referenced in ASHRAE/Illuminating Engineers Society (IES) Standard 90.1 and in effect on June 30, 1992. (42 U.S.C. 6314(a)(4)(A)) This statute also provides that if this industry test procedure is amended, the Secretary of Energy shall amend DOE's test procedure to be consistent with the amended industry test procedure, unless the Secretary determines that such a modified test procedure does not meet the statutory criteria. (42 U.S.C. 6314(a)(4)(B))

The current DOE test procedure that is applicable to this equipment is the one referenced in the version of ASHRAE/IES 90.1 in effect in 1992, the American National Standards Institute (ANSI)/Canadian Standards Association (CSA) Standard Z21.10.3-1990. In response to ASHRAE's amendment to this standard, the Department issued a Notice of Proposed Rulemaking to adopt an updated test procedure for commercial water heaters, ANSI/CSA Standard Z21.10.3-1998, which is referenced in ASHRAE/IES Standard 90.1-1999. (65 FR 48852, August 9, 2000) The Department however, has not taken final action with respect to the proposed rule. Thus, the Standard Z21.10.3-1990 remains the applicable test procedure.

In January 2001, the Department adopted the ASHRAE 90.1-1999 energy efficiency standards for commercial gas-fired and oil-fired water heaters as new Federal efficiency standards effective October 29, 2003. (66 FR 3335, January 12, 2001) Because the Department has not yet issued a final rule on its proposal for an updated test procedure for commercial water heaters, commercial water heater manufacturers must demonstrate compliance with the new energy efficiency standards using the existing DOE test procedure.

The Department is required to make adjustments to its regulations, as necessary, to prevent special hardship, inequity or unfair distribution of burdens. (42 U.S.C. 7194) Currently, the Department has regulatory provisions in 10 CFR 430.27 and 10 CFR 431.29 allowing a waiver from test procedure requirements for covered consumer