

The two related U.S. patent applications concern this and other uses of this invention and some improvements thereto.

The right to these United States Patents and related Patent Applications are owned by the United States of America, as represented by the Secretary of the Army. Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99-502) and section 207 of title 35 United States Code, the Department of the Army, as represented by the U.S. Army Research Laboratory, intends to grant a limited term exclusive license of the above mentioned patent and applications to Personal Electronic Devices, Inc., Natick, Ma, for sports and fitness purposes.

**FOR FURTHER INFORMATION CONTACT:** Ms. Norma Vaught, Technology Transfer Office, AMSRL-CS-TT, U.S. Army Research Laboratory, Adelphi, MD 20783-1197; tel: (301) 394-2952; fax: (301) 394-5815; e-mail: nvaught@arl.mil.

**SUPPLEMENTARY INFORMATION:** Pursuant to 37 CFR 404.7(a)(1)(i), any interested party may file written objections to this prospective exclusive license arrangement. Written objections should be directed to the above address on or before 60 days from the publication of this notice.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97-16481 Filed 6-23-97; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF EDUCATION

### Privacy Act of 1974; Computer Matching Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice—Computer matching between the Department of Education and the Department of Justice.

**SUMMARY:** Section 5301(a)(1) of the Anti-Drug Abuse Act of 1988 (now designated as section 421(a)(1) of the Controlled Substances Act (21 U.S.C. 862(a)(1))) includes provisions regarding the judicial denial of Federal benefits. Section 5301 authorizes Federal and State judges to deny certain Federal benefits (including student financial assistance under Title IV of the Higher Education Act of 1965, as amended) to individuals convicted of drug trafficking or possession.

In order to ensure that Title IV student financial assistance is not awarded to individuals subject to denial of benefits under court orders issued pursuant to section 5301, the

Department of Justice and the Department of Education implemented a computer matching program. The current computer matching agreement expires on July 1, 1997. The Department of Education must continue to obtain from the Department of Justice identifying information regarding individuals who are the subject of section 5301 denial of benefits court orders. The purpose of this notice is to announce the continued operation of the computer matching program and to provide certain required information concerning the computer matching program.

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (see 54 FR 25818, June 19, 1989), and OMB Bulletin 89-22, the following information is provided:

#### 1. Names of Participating Agencies

The Department of Education (ED) and the Department of Justice (DOJ).

#### 2. Purpose of the Match

This matching program is designed to assist ED in enforcing the sanctions imposed under section 5301 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690).

#### 3. Authority for Conducting the Matching Program

Under section 5301 of the Anti-Drug Abuse Act of 1988, as amended (21 U.S.C. 862), ED must deny Federal benefits to any individual upon whom a Federal or State court order has imposed a penalty denying eligibility for those benefits. Student financial assistance under Title IV of the Higher Education Act of 1965, as amended (HEA) is a Federal benefit under section 5301 and ED must, in order to meet its obligations under the HEA, have access to information about individuals who have been declared ineligible under section 5301.

#### *The President's Denial of Federal Benefits*

Section 5301 and the Procedures for Implementation of section 5301 (Pub. L. 100-690), transmitted to the Congress on August 30, 1989, direct DOJ to act as an information clearinghouse for Federal agencies. While DOJ provides information about section 5301 individuals who are ineligible for Federal benefits to the General Services Administration (GSA) for inclusion in GSA's List of Parties Excluded from Federal Procurement and

Nonprocurement Programs, DOJ and ED have determined that matching against the DOJ data base is more efficient and effective than access to the GSA List. The DOJ data base has specific information about the Title IV, HEA programs for which individuals are ineligible and has more complete identifying information about those individuals than does the GSA List. Both of these elements are essential for a successful match.

#### 4. Categories of Records and Individuals Covered

##### A. Department of Education Records

Federal Student Aid Application File (18-40-0014): Composed of records of students applying for Federal student financial assistance under Title IV of the HEA. The social security number and the first two letters of an applicant's last name will be used by ED for the match.

##### B. Department of Justice Records

Denial of Federal Benefits Clearinghouse System (DEBAR) (OJP-0013): Contains the names, social security numbers, dates of birth, and other identifying information regarding individuals convicted of Federal or State offenses involving drug trafficking or possession of a controlled substance who have been denied Federal benefits by Federal or State courts. This system of records also contains information concerning the specific program or programs for which benefits have been denied. DOJ will make available for the matching program the records of only those individuals who have been denied Federal benefits under one or more of the Title IV, HEA programs.

#### 5. Effective Dates of the Matching Program

The matching program will become effective 40 days after a copy of the computer matching agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and OMB or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in 5 U.S.C. 522a(o)(2)(D) have been met.

#### 6. Address for Receipt of Public Comments or Inquiries

Ms. Edith Bell, Program Specialist, Policy Development Division, U.S. Department of Education, 600 Independence Avenue SW, (Room 3053, ROB-3), Washington, DC 20202.

Telephone: (202) 708-8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: June 6, 1997.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 97-16472 Filed 6-23-97; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Rheem (Case No. F-089)]

#### Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Rheem Manufacturing Company

**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-089) granting a Waiver to Rheem Manufacturing Company (Rheem) from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Rheem's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its GFD upflow residential, modulating type, gas-fired furnaces.

**FOR FURTHER INFORMATION CONTACT:** Mr. Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-9138, or Mr. Eugene Margolis, Esq., 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 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, Rheem has been granted a Waiver for its GFD upflow residential, modulating type, gas-fired furnaces permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on June 13, 1997.

**Joseph J. Romm,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

### Decision and Order

Rheem (Case No. F-089).

### 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 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.

Rheem filed a "Petition for Waiver," dated January 29, 1997, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the **Federal Register** on April 4, 1997, Rheem's Petition and solicited comments, data, and information respecting the Petition. 62 FR 16146, April 4, 1997. Rheem also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted

on March 31, 1997. 62 FR 16146, April 4, 1997.

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

The Department on February 28, 1997, issued the Final Rule on test procedures for furnaces/boilers, vented home heating equipment, and pool heaters. 62 FR 26140, May 12, 1997. This Final Rule incorporates test procedure Waivers granted to different manufacturers for air circulation blower delay time at start-up for furnaces with unvarying control on blower delay time. This Waiver granted to Rheem expires on November 10, 1997, the date when the final test procedure rule becomes effective, resolving the issue necessitating this Waiver.

### Assertions and Determinations

Rheem'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. Rheem requests the allowance to test using a 20-second blower time delay when testing its GFD upflow residential, modulating type, gas-fired furnaces. Rheem states that since the 20-second delay is indicative of how these models actually operate, and since such a delay results in an average of approximately 2.0 percent increase in AFUE, 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. Rheem indicates that it is unable to take advantage of any of these exceptions for its GFD upflow residential, modulating type, gas-fired furnaces.

Since the blower controls incorporated on the Rheem furnaces are designed to impose a 20-second blower delay in every instance of start up, and since the current test procedure provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 20-second blower time delay when testing the Rheem GFD upflow residential, modulating type, gas-fired furnaces. Accordingly, with regard to testing the GFD upflow residential, modulating type, gas-fired furnaces, today's Decision and Order exempts Rheem from the existing test procedure provisions regarding blower controls