

(FTC) labeling requirements. The water heater test procedure final rule was published on May 11, 1998, at 63 FR 25996. Included in this final rule, was a revised first hour rating for storage-type water heaters, defined in the Code of Federal Regulations at 10 CFR, Part 430, Subpart B, Appendix E, § 1.12.

The following manufacturers have authorized GAMA to petition the Department under Section 323(c)(2) of EPCA, 42 U.S.C. 6293(c)(2). This petition was received at DOE on October 6, 1998. The manufacturers included in the petition are: Aero Environmental Limited, American Water Heater Company, Bock Water Heaters, Bradford-White Corporation, Controlled Energy Corporation (e.l.m. LeBlanc), DEC International, GSW Water Heating Company Ltd., Heat Transfer Products, Inc., Rheem Water Heater Division, A. O. Smith Water Products Company, State Industries, Inc., Therma-Stor Products Group, Vaughn Manufacturing Company, Vulcano Termo-Domesticos S.A., Water Heater Innovations, and Airexcel Inc., Crispaire Division.

Section 323(c)(2) of EPCA, 42 U.S.C. 6293(c)(2), allows manufacturers 180 days to test products according to a new or revised DOE test procedure in order to determine the energy use or energy efficiency for the purposes of making representations in writing, including on a label, or in a broadcast advertisement. On the petition of any manufacturer(s), the 180-day period may be extended by the Secretary up to a maximum of an additional 180 days if the Secretary determines that the initial 180 days would impose undue hardship on the manufacturer(s). The petition must be received by DOE no later than 60 days before the end of the 180-day period or no later than October 8, 1998 in this case.

In the petition, GAMA claims that there are over 500 models of residential water heaters. GAMA also claims that since two or more units for each water heater model must be tested and the revised first hour test procedure will take about five hours to conduct, the revised test procedure presents a very large test burden on the manufacturers.

Based on GAMA's survey of residential water heater manufacturers, each major manufacturer would have to test, on average, at least 190 water heaters at a total cost of about \$85,000. This estimate is based on testing at least two units each for each heater model, and each major manufacturer having about 95 water heater models to test. Since the manufacturers have only one or two test cells to dedicate to testing of the water heaters, GAMA claims that, on average, the testing will take about 230

days to complete which is greater than the 180 days required for compliance.

Additionally, GAMA claims that the revised test procedure creates a difficult situation with regard to the manufacturers' obligation to comply with the FTC's *EnergyGuide* labeling requirements for residential water heaters. Some information on the label is directly specified by the FTC while other information is determined by the manufacturer based on the results of the DOE energy efficiency test procedure. The end points of ranges of comparability for estimated annual energy usage for models with similar hot water delivery are directly specified by the FTC. The measure used to group the various water heater models according to similar hot water delivery capability is the first hour rating. Since the revised test procedure could result in a change to a water heater's first hour rating, the FTC appliance label will also have to change. If the extension is granted, GAMA claims that manufacturers could provide the FTC with information based on the revised test procedure in advance of the FTC's May 1st deadline for estimated annual energy usage for residential water heaters. GAMA claims this would minimize confusion for consumers.

After discussion with the staff at the FTC, we have determined that GAMA's claims regarding the FTC's procedures for establishing the end points of the ranges of comparability for estimated annual energy use are correct.

DOE staff also verified GAMA's time and cost estimates for testing water heaters for first hour rating. DOE contacted Intertek Testing Service (ITS), a commercial testing laboratory, to determine if GAMA's time estimate of five hours for measuring each water heater's first hour rating and GAMA's cost estimate of \$85,000 for performing tests on 190 water heaters for the revised first hour rating was reasonable. ITS advised us that the cost estimate of approximately \$450 per test unit (\$85,000/190 heaters) and five-hour time estimate for a first hour rating by itself with no other tests being conducted was reasonable. For each water heater tested, in addition to conducting the first hour rating test, the testing lab would have to unpack the water heater from the shipping container, setup (and later remove) the water heater from the test stand, and prepare a report with the test results. Therefore, DOE has concluded that GAMA's data is accurate and that the revised test for first hour rating does constitute an undue burden on the manufacturers.

Since it will take the manufacturers more than 180 days to complete testing

of all water heaters, the Department grants GAMA's petition on behalf of the following manufacturers: Aero Environmental Limited, American Water Heater Company, Bock Water Heaters, Bradford-White Corporation, Controlled Energy Corporation (e.l.m. LeBlanc), DEC International, GSW Water Heating Company Ltd., Heat Transfer Products, Inc., Rheem Water Heater Division, A. O. Smith Water Products Company, State Industries, Inc., Therma-Stor Products Group, Vaughn Manufacturing Company, Vulcano Termo-Domesticos S.A., Water Heater Innovations, and Airexcel, Inc., Crispaire Division. This will provide an additional 180 days so that manufacturers can complete the testing for first hour rating. The extension allows the manufacturers named above until June 5, 1999, to comply with representations under the revised test procedure for first hour rating.

Issued in Washington, DC, on December 21, 1998.

**Dan W. Reicher,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP98-40-001]

#### East Tennessee Natural Gas Company; Notice of Petition to Amend

December 22, 1998.

Take notice that on November 18, 1998, East Tennessee Natural Gas Company (East Tennessee), 1001 Louisiana, Houston, Texas 77002, filed in Docket No. CP98-40-001 an application, pursuant to Sections 7(b) and 7(C) of the Natural Gas Act and Part 157 of the Commission's Regulations seeking to amend the certificate of public convenience and necessity issued on April 1, 1998, in Docket No. CP98-40-000, all as more fully described in the application which is on file with the Commission and open for public inspection.

Among other things, the certificate issued to East Tennessee on April 1, 1998 in Docket No. CP98-40-000 authorized East Tennessee to increase the maximum allowable operating pressure (MAOP) of the 3100 Line. East Tennessee states that after receiving the certificate, its engineering staff determined that certain pipeline segments of the 3100 Line need to be

replaced in order to meet the Department of Transportation's (DOT) strength and safety specifications for the higher MAOP. Accordingly, East Tennessee now seeks authorization to replace certain pipeline segments on the 3100 Line, abandon in place certain of the facilities being replaced, and acquire additional temporary and permanent rights-of-way to effect the replacement.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before January 12, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered in determining the appropriate action to be taken put will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by other intervenors. An intervenor can file for rehearing of any Commission order and can petition for a court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, Commenters will not receive copies of all documents filed by other parties or issued by the

Commission and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court. The Commission will consider all comments and concerns equally, whether filed by Commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for East Tennessee to appear or be represented at the hearing.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project 11597-000, AK]

#### **Ketchikan Public Utilities; Notice Granting Additional Time to File Comments on Ketchikan Public Utilities Proposal to Use the Alternative Procedures to File an Application for the Whitman Lake Hydroelectric Project**

December 22, 1998.

Ketchikan Public Utilities (KPU) has asked to use an alternative procedure in filing an application for original license for the proposed Whitman Lake Hydroelectric Project No. 11597.<sup>1</sup>

The Commission issued a notice on December 4, 1998, inviting comments on KPU's request to use the alternative procedure. The notice requested that comments be filed on or before January 4, 1999. However, KPU has scheduled the initial consultation meeting for

<sup>1</sup> The 4,500-kilowatt project would be located on Whitman Creek, in Ketchikan Gateway Borough Alaska, partially within the Tongass National Forest.

January 7, 1999. Therefore, the Commission is granting an additional 30 days for interested parties to file with the Commission, any comments on KPU's proposal to use the alternative procedures to file an application for the Whitman Lake Hydroelectric Project.

The comments must be filed by providing an original and 8 copies as required by the Commission's regulation to: Federal Energy Regulatory Commission, Office of the Secretary, Docket—Room 1A, 888 First Street, NE, Washington, DC 20426.

All comment filings must bear the heading "Comments on the Alternative Procedure," and include the project name and number (Whitman Lake Hydroelectric Project, No. 11597).

For further information, call Gaylord Hoisington of the Federal Energy Regulatory Commission at (202) 219-2756, or E-mail Gaylord.Hoisington@FERC.FED.US. Information is also available on the web at [www.ferc.fed.us](http://www.ferc.fed.us). Call (202) 208-2222 for assistance.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project 11599-000, AK]

#### **Ketchikan Public Utilities; Notice Granting Additional Time to File Comments on Ketchikan Public Utilities Proposal to Use the Alternative Procedures to File an Application for the Connell Lake Hydroelectric Project**

December 22, 1998.

Ketchikan Public Utilities (KPU) has asked to use an alternative procedure in filing an application for original license for the proposed Connell Lake Hydroelectric Project No. 11599.<sup>1</sup>

The Commission issued a notice on December 4, 1998, inviting comments on KPU's request to use the alternative procedure. The notice requested that comments be filed on or before January 4, 1999. However, KPU has scheduled the initial consultation meeting for January 7, 1999. Therefore, the Commission is granting an additional 30 days for interested parties to file with the Commission, any comments on

<sup>1</sup> The 1,700-kilowatt project would be located on Connell Lake, owned by the Ketchikan Pulp Company, on Ward Creek, near the City of Ketchikan within the Tongass National Forest.