

[Based on North American Datum of 1983]

Point	2500 square nautical miles	
	Latitude	Longitude
18	48 30'10.2"	124 47'17.9"
19	48 29'36.4"	124 43'38.1"
20	48 28'08"	124 38'13"
21	48 23'17"	124 38'13"

Dated: February 6, 1995.

**Frank W. Maloney,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 95-4015 Filed 2-16-95; 8:45 am]

BILLING CODE 3510-08-M

**FEDERAL TRADE COMMISSION**

**16 CFR Part 305**

**Appliance Labeling Rule**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule revision.

**SUMMARY:** The Federal Trade Commission's Appliance Labeling Rule requires that Table 1, in § 305.9, which sets forth the representative average unit energy costs for five residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This document revises the table to incorporate the latest figures for average unit energy costs as published by DOE in the **Federal Register** on January 5, 1995.<sup>1</sup>

**DATES:** The revisions to § 305.9(a) and Table 1 are effective February 17, 1995. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the Supplementary Information Section, below.

**FOR FURTHER INFORMATION CONTACT:** James Mills, Attorney, 202-326-3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201.<sup>2</sup> The rule requires the disclosure of energy

efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in § 305.9(a) of the rule sets forth the representative average unit energy costs to be used for all cost-related requirements of the rule. As stated in § 305.9(b), the Table is intended to be revised periodically on the basis of updated information provided by DOE.

On January 5, 1995, DOE published the most recent figures for representative average unit energy costs. Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

The dates when use of the figures in revised Table 1 becomes mandatory in calculating cost disclosures for use in labeling and catalog sales of products covered by the Commission's rule and/or EPCA are as follows:

**For 1995 Submissions of Data Under Section 305.8 of the Commission's Rule**

Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of section 305.8 of the rule. Pursuant to recent amendments to the rule, which were published on July 1, 1994<sup>3</sup> (with extended compliance dates published on December 8, 1994),<sup>4</sup> the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilowatt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil). Thus, the 1995 (and all subsequent) data submissions under

section 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, for the determination of which the DOE cost figures are unnecessary. The 1995 (and all subsequent) submissions also must be made in terms of the new product sub-categories created by the above-mentioned amendments. The energy efficiency energy usage descriptors for the other products covered by the rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency (although submissions for room air conditioners, furnaces, and boilers must be made in terms of the new product sub-categories created by the amendments). For convenience, the annual dates for data submissions are repeated here:

Fluorescent lamp ballasts	Mar. 1.
Clothes washers	Mar. 1.
Water heaters	May 1.
Furnaces	May 1.
Room air conditioners	May 1.
Pool Heaters	May 1.
Dishwashers	June 1.
Central air conditioners	July 1.
Heat pumps	July 1.
Refrigerators	Aug. 1.
Refrigerator-freezers	Aug. 1.
Freezers	Aug. 1.

**For Labeling and Catalog Sales of Products Covered by the Commission's Rule**

The July 1, 1994, amendments will require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). These secondary

<sup>1</sup> 60 FR 1773.

<sup>2</sup> 44 FR 66466. Since its promulgation, the rule has been amended four times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), and certain lamp products (59 FR 25176, May 13, 1994). Obligations under the rule concerning fluorescent lamp ballasts, lighting products, and plumbing products are not affected by the cost figures in this notice.

<sup>3</sup> 59 FR 34014.

<sup>4</sup> 59 FR 63688.

estimated annual operating cost disclosures must be based on the 1995 DOE cost figures published in this notice. The labels must also disclose, under the secondary estimated annual operating cost disclosure, the fact that the estimated annual operating cost is based on the appropriate 1995 DOE energy cost figure. Manufacturers of the above-mentioned products must make these disclosures on the labels required by the amendments and in catalogs beginning ninety days after the Commission publishes new energy consumption ranges of comparability based on the 1995 submissions required by § 305.8. They must continue to use the 1995 DOE cost figures in the manner just described until the Commission publishes new ranges of comparability based on future annual submissions of estimated annual energy consumption data. At that time, these manufacturers

must use the then-current DOE energy cost figures when they prepare new labels in response to the new energy consumption ranges of comparability. When such new ranges are published, the effective date for labeling new products will be ninety days after publication of the ranges in the **Federal Register**. As in the past, products that have been properly labeled prior to the effective date of any range modification need not be relabeled.

**For Energy Cost Representations Respecting Products Covered by EPCA but Not by the Commission's Rule**

Manufacturers of products covered by section 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 1995 representative average unit

costs for energy in all operating cost representations beginning May 18, 1995.

**List of Subjects in 16 CFR Part 305**

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

**PART 305—[AMENDED]**

Accordingly, 16 CFR Part 305 is amended as follows:

1. The authority citation for part 305 continues to read as follows:

**Authority:** 42 U.S.C. 6294.

2. Section 305.9(a) is revised to read as follows:

**§ 305.9 Representative average unit energy costs.**

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1995)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu <sup>1</sup>
Electricity .....	8.67¢/kWh <sup>2,3</sup> .....	\$0.0867/kWh .....	\$25.41
Natural Gas .....	63.0¢/therm <sup>4</sup> or \$6.49/ MCF <sup>5,6</sup> .....	0.00000630/Btu .....	6.30
No. 2 heating oil .....	1.008/gallon <sup>7</sup> .....	0.00000727/Btu .....	7.27
Propane .....	0.985/gallon <sup>8</sup> .....	0.00001079/Btu .....	10.79
Kerosene .....	1.094/gallon <sup>9</sup> .....	0.00000810/Btu .....	8.10

<sup>1</sup> Btu stands for British thermal unit.  
<sup>2</sup> kWh stands for kilowatt hour.  
<sup>3</sup> 1 kWh=3,412 Btu.  
<sup>4</sup> 1 therm=100,000 Btu. Natural gas prices include taxes.  
<sup>5</sup> MCF stands for 1,000 cubic feet.  
<sup>6</sup> For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,030 Btu.  
<sup>7</sup> For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.  
<sup>8</sup> For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.  
<sup>9</sup> For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

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**Donald S. Clark,**  
*Secretary.*  
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**Food and Drug Administration**  
**21 CFR Part 14**  
**Advisory Committees; Amendments**  
**AGENCY:** Food and Drug Administration, HHS.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the standing advisory committees' regulations to change the function of the Anti-Infective Drugs Advisory Committee and to change the name and

the function of the Dermatologic Drugs Advisory Committee. This action is being taken due to an administrative transfer of functions for the committees in the review of human drug products for use in the treatment of ophthalmic disorders.  
**EFFECTIVE DATE:** February 17, 1995.  
**FOR FURTHER INFORMATION CONTACT:** Donna M. Combs, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.  
**SUPPLEMENTARY INFORMATION:** FDA is revising § 14.100(c)(2) (21 CFR 14.100(c)(2)) to remove the review of human drug products for use in the treatment of ophthalmic disorders from the function of the Anti-Infective Drugs Advisory Committee. The review of human drug products for use in the treatment of ophthalmic disorders has been transferred to the Dermatologic

and Ophthalmic Drugs Advisory Committee (formerly the Dermatologic Drugs Advisory Committee). The function of the Anti-Infective Drugs Advisory Committee was revised in the charter renewal dated October 3, 1994. In this document, FDA is formally changing the function of the committee. FDA is also revising § 14.100(c)(6) to change the name and the function of the Dermatologic Drugs Advisory Committee. The function of the committee has been amended to include the review of human drug products for use in the treatment of ophthalmic disorders. The name was changed to reflect the committee's revised function. In the **Federal Register** of December 6, 1994 (59 FR 62734), FDA published a notice of charter renewals dated October 3, 1994, for the Anti-Infective Drugs Advisory Committee and the Dermatologic and Ophthalmic Drugs Advisory Committee. In that notice, the