

Secrets Act, 18 U.S.C. 1905 or other confidentiality statutes, must satisfy the requirements for disclosure set forth in those statutes before the records may be provided or testimony given. The General Counsel, or the Solicitor, or appropriate agency counsel should first determine if there is a legal basis to provide the testimony or records sought under applicable confidentiality statutes before applying §§ 15a.1 through 15a.8. Where an applicable confidentiality statute mandates disclosure, §§ 15a.1 through 15a.8 will not apply.

§ 15a.8 Testimony of Department employees in proceedings involving the United States.

The following applies in legal proceedings in which the United States is a party:

(a) A Department employee may not testify as an expert or opinion witness for any other party other than the United States.

(b) Whenever, in any legal proceeding involving the United States, a request is made by an attorney representing or acting under the authority of the United States, the General Counsel, or the Solicitor, or appropriate agency counsel will make all necessary arrangements for the Department employee to give testimony on behalf of the United States. Where appropriate, the General Counsel, or the Solicitor, or appropriate agency counsel may require reimbursement to the Department of the expenses associated with a Department employee giving testimony on behalf of the United States.

Alden F. Abbott,

Assistant General Counsel for Finance and Litigation.

[FR Doc. 95-3998 Filed 2-16-95; 8:45 am]

BILLING CODE 3510-BW-P

National Oceanic and Atmospheric Administration

15 CFR Part 925

RIN 0648-AC63

Olympic Coast National Marine Sanctuary Regulations

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to Appendix A to the final regulations for the Olympic Coast National Marine Sanctuary which were published on Wednesday, May 11, 1994 (59 FR 24586).

EFFECTIVE DATE: February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Todd Jacobs, Sanctuary Manager, at (206) 457-6622 or Elizabeth Moore at (301) 713-3141.

SUPPLEMENTARY INFORMATION: The National Oceanic and Atmospheric Administration (NOAA), by the designation document published in the 59 FR 24586, May 11, 1994, designated approximately 2,500 square nautical miles of coastal and ocean waters, and the submerged lands thereunder, off the Olympic Peninsula of Washington State, including the waters of the Strait of Juan de Fuca eastward to Koitlah Point, as the Olympic Coast National Marine Sanctuary (Sanctuary). This notice corrects a discrepancy between the Sanctuary boundary as described in 15 CFR 925.2(b) and the coordinates for that boundary listed in Appendix A. Section 925.2(b) describes the Sanctuary boundary as extending from Koitlah

Point due north to the U.S./Canada international boundary seaward to the 100 fathom isobath. The seaward boundary of the Sanctuary approximates the 100 fathom isobath in a southerly direction from the U.S./Canada international boundary to a point due west of the mouth of the Copalis River cutting across the heads of Nitnat, Juan de Fuca and Quinault Canyons. Appendix A has been corrected to more accurately represent the U.S./international boundary, which delineates the northern boundary of the Sanctuary. The remaining coordinates have not been changed.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.)

List of Subjects in 15 CFR Part 925

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Accordingly, 15 CFR part 925 is corrected by making the following correcting amendment:

PART 925—OLYMPIC COAST NATIONAL MARINE SANCTUARY

1. The authority citation for part 925 continues to read as follows:

Authority: Sections 302, 303, 304, 305, 306, 307, 310, and 312 of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (16 U.S.C. 1431 *et seq.*).

2. Appendix A to part 925 is revised to read as follows:

Appendix A To Part 925—Olympic Coast National Marine Sanctuary Boundary Coordinates

Point	2500 square nautical miles	
	Latitude	Longitude
1	47 07'45"	124 11'02"
2	47 07'45"	124 58'12"
3	47 35'05"	124 00'00"
4	47 40'05"	124 04'44"
5	47 50'01"	124 05'42"
6	47 57'13"	124 29'13"
7	48 07'33"	125 38'20"
8	48 15'00"	125 40'54"
9	48 18'21.2"	125 30'02.9"
10	48 20'15.2"	125 22'52.9"
11	48 26'46.2"	125 09'16.9"
12	48 27'09.2"	125 08'29.9"
13	48 28'08.2"	125 05'51.9"
14	48 29'43.2"	125 00'10.9"
15	48 29'56.2"	124 59'19.9"
16	48 30'13.2"	124 54'56.9"
17	48 30'21.2"	124 50'25.9"

[Based on North American Datum of 1983]

[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, 1995.¹

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. 6201.² 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, 1994³ (with extended compliance dates published on December 8, 1994),⁴ 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

¹ 60 FR 1773.

² 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.

³ 59 FR 34014.

⁴ 59 FR 63688.