

§ 33.4 Designation as a contract market for the trading of commodity options.

The Commission may designate any board of trade located in the United States as a contract market for the trading of options on contracts of sale for future delivery on any commodity regulated under the Act, or for options on physicals in any commodity regulated under the Act other than those commodities which are specifically enumerated in Section 2(a)(1)(A) of the Act, when the applicant complies with and carries out the requirements of the Act (as provided in § 33.2), these regulations, and the following conditions and requirements with respect to the commodity option for which the designation is sought:

- (a) Such board of trade * * *
- (6) For commodities not specifically enumerated in Section 2(a)(1)(A) of the Act, is not designated as a contract market for more than one other commodity option on a commodity not enumerated in Section 2(a)(1)(A) of the Act; and for those commodities which are specifically enumerated in Section 2(a)(1)(A) of the Act, is not designated for more than one other commodity option in a commodity which is specifically enumerated in Section 2(a)(1)(A) of the Act.

Issued in Washington, D.C., by the Commission on January 17, 1984.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-1776 Filed 1-20-84; 8:45 am]

BILLING CODE 8351-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-164; Ref: Notice No. 399 and No. 434]

Monticello Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes a viticultural area in central Virginia to be known as "Monticello." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "Monticello" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to

better identify the wines they may purchase.

EFFECTIVE DATE: February 22, 1984.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:**Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4 allowing the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Six wine grape growers in the Charlottesville area of Virginia petitioned ATF to establish a viticultural area to be known as "Monticello." In response to the petition ATF published a notice of proposed rulemaking, Notice No. 399 (46 FR 59274), on December 4, 1981, to establish a viticultural area in the Charlottesville, Virginia, area to be known as "Monticello."

The Jefferson Wine Grape Growers Society petitioned for an enlargement of the Monticello viticultural area boundary. ATF published an amended notice of proposed rulemaking, Notice No. 434 (47 FR 52200), on November 19, 1982. Seven comments were received which all strongly favored the enlarged boundary for the Monticello viticultural area.

Historical and Current Evidence of the Name

The petitioner stated that the name "Monticello" is known nationally and locally as the home of Thomas Jefferson. Located on a high mountain outside the city of Charlottesville, Virginia, Monticello is easily seen for several miles in all directions. Today, Monticello is a major tourist attraction in the central Virginia area and signs on all major roads direct visitors to this historical landmark.

The petitioner submitted evidence to show that the name "Monticello" has also been historically linked to wine production in the area. There are

numerous references of Thomas Jefferson planting wine grapes at Monticello. There are also historical references of a Monticello Wine Company in Charlottesville winning medals in Europe between the years 1873 and 1920.

A survey of rainfall data was taken from owners of 15 vineyards throughout the Monticello area. The average annual rainfall reported was 42.4 inches with a range of 39.5 to 44.0 inches. The Shenandoah Valley viticultural area to the north has a broader range of 38.8 to 48.6 inches of rainfall and the North Fork of Roanoke viticultural area to the west annually averages 3 inches of rainfall less than the Monticello viticultural area.

Boundaries

In the amended notice of proposed rulemaking extending the boundaries of the Monticello viticultural area from approximately 475 square miles to 1,250 square miles, ATF asked for further evidence to support the larger viticultural area. The evidence submitted by commenters showed that there are approximately 300 acres of grapes on 26 vineyards scattered throughout the Monticello viticultural area with another 150 acres planned in the near future. Reducing the size would leave out vineyards which are within the historical and geographical confines of the Monticello viticultural area.

After carefully considering the evidence submitted ATF is adopting the Monticello viticultural area boundaries stated in the amended notice of proposed rulemaking and found at 27 CFR 9.48 in this final rule.

Miscellaneous

ATF does not wish to give the impression by approving Monticello as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Monticello wines.

Executive Order 12291

In compliance with Executive Order 12291 (46 FR 13193 (1981)), ATF has determined that this final rule is not a "major rule" since it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries,

Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Rm. 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Ave., NW., Washington, DC.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Amendment

PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended by revising the heading of § 9.48 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.48 Monticello.

Para. 2. Subpart C is amended by adding § 9.48 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.48 Monticello.

(a) *Name.* The name of the viticultural area described in this section is "Monticello."

(b) *Approved Maps.* Approved maps for the Monticello viticultural area are two 1971 U.S.G.S. maps titled: Charlottesville Quadrangle Virginia; 1:250,000 minute series; and Roanoke Quadrangle Virginia; 1:250,000 minute series.

(c) *Boundaries.* From Norwood, Virginia, following the Tye River west and northwest until it intersects with the eastern boundary of the George Washington National Forest; following this boundary northeast to Virginia Rt. 664, then west following Rt. 664 to its intersection with the Nelson County line; then northeast along the Nelson County line to its intersection with the Albemarle County line at Jarman Gap; from this point continuing northeast along the eastern boundary of the Shenandoah National Park to its intersection with the northern Albemarle County line; following the county line southeast to its intersection with the Orange County line; continuing north on the county line to its intersection with the Rapidan River, which continues as the Orange County line; following the river east and northeast to its confluence with the Mountain Run River; then following the Mountain Run River southwest to its intersection with Virginia Rt. 20; continuing southwest along Rt. 20 to the corporate limits of the town of Orange; following southwest the corporate limit line to its intersection with U.S. Rt. 15; continuing southwest on Rt. 15 to its intersection with Virginia Rt. 231 in the town of Gordonsville; then southwest along Rt. 231 to its intersection with the Albemarle County line; continuing southwest along the county line to its intersection with the James River; then following the James River to its confluence with the Tye River at Norwood, Virginia, the beginning point.

Signed: December 16, 1983.

Stephen E. Higgins,
Director.

Approved: January 12, 1984.

John M. Walker Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-1770 Filed 1-20-84; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-166; Ref: Notice No. 485]

Clarksburg Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in north central California, to be known as "Clarksburg." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: February 22, 1984.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person

may petition ATF to establish a grape-growing region as a viticultural area.

The Clarksburg Vintners and Growers Association petitioned ATF for the establishment of a viticultural area in north central California, to be known as "Clarksburg." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 485) in the *Federal Register* on September 16, 1983 (48 FR 41602), proposing the establishment of the Clarksburg viticultural area.

General Description

The Clarksburg viticultural area, located just southwest of Sacramento, is approximately sixteen miles long and eight miles wide, encompassing 101 square miles (64,640 acres). It includes two bonded wineries and 25 vineyards, with approximately 2,300 acres of *Vitis Vinifera* grapes. In addition, the Merritt Island viticultural area is located within the Clarksburg viticultural area.

Historical and current evidence regarding the name as well as the boundaries of the proposed area include:

(a) Excerpts from articles that appeared in *Vintage Magazine*, Robert Finigan's *Private Guide to Wines*, and *Bon Appetit* magazine, indicate that the viticultural area is locally and nationally known.

(b) A Clarksburg Chenin Blanc won a medal in four major competitions in 1981, including the Orange and Los Angeles County Fairs.

(c) The large number of settlers arriving after the discovery of gold in 1849 led to the founding of Clarksburg and many other towns in the Sacramento River Delta Region.

(d) The town of Clarksburg was named after Judge Robert C. Clark, who is credited with having the first peach orchard in Yolo County.

Geographical features of the Clarksburg viticultural area include the following:

(a) Average yearly precipitation within the viticultural area is 16 inches, unlike the surrounding areas which average more to the north and east, and less to the west and south.

(b) The viticultural area is dominated by poorly drained clay and clay loam soils. West of the viticultural area the soil classification and the annual flooding of the Yolo Bypass make grape-growing impossible. The lower terraces east of the viticultural area are subject to the 100 year flood and are considered a flood prone area. Land south of the viticultural area is dominated by poorly drained organic and mineral soils.

(c) The northern boundary separates the northern area where the natural

cooling fades out. Normally on a hot summer day Sacramento will be eight to ten degrees warmer than the Clarksburg area.

The boundaries of the Clarksburg viticultural area may be found on eight California U.S.G.S. maps (Sacramento West, Saxon, Clarksburg, Florin, Liberty Island, Courtland, Bruceville, and Isleton).

The boundaries, as proposed by the petitioner, are described in § 9.95.

Public Comment

In response to Notice No. 485, nine comments were received, all in support of the proposed viticultural area.

Miscellaneous

ATF does not wish to give the impression by approving Clarksburg as a viticultural area that it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Clarksburg wines.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that

this regulation is not a major rule since it will not result in:

(a) An annual effect on the economy of \$100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, D.C.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this document is James P. Ficaretta, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Amendment

PART 9—AMERICAN VITICULTURAL AREAS

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.95 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.95 Clarksburg.

Par. 2. Subpart C is amended by adding § 9.95 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.95 Clarksburg.

(a) *Name.* The name of the viticultural area described in this section is "Clarksburg."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Clarksburg viticultural area are eight U.S.G.S. topographic maps in the 7.5 minute series, as follows:

(1) Sacramento West, Calif., 1967 (photorevised 1980).

(2) Saxon, Calif., 1952 (photorevised 1968).

(3) Clarksburg, Calif., 1967 (photorevised 1980).

(4) Florin, Calif., 1968 (photorevised 1980).

(5) Liberty Island, Calif., 1978.

(6) Courtland, Calif., 1978.

(7) Bruceville, Calif., 1978 (photorevised 1980).

(8) Isleton, Calif., 1978.

(c) *Boundaries*. Beginning at a point (on the Sacramento West topographic map) in Yolo County in T8N/R4E, at the intersection of Jefferson Blvd. and Burrows Ave.,

(1) Then southwest in a straight line 1.2 miles along Jefferson Blvd. to the eastern bank of the Sacramento River Deep Water Ship Channel.

(2) Then southwest along the Sacramento River Deep Water Ship Channel, approximately 17 miles to T5N/R3E, to the Class 5 trail on the levee connecting the Sacramento River Deep Water Ship Channel and the dredger cut Miner Slough, approximately 2 miles from the Solano/Yolo County line.

(3) Then east along the trail to the Miner Slough.

(4) Then east along Miner Slough to the point where it joins Sutter Slough, then south along Sutter Slough around the tip of Sutter Island to the junction of Sutter Slough and Steamboat Slough; then north around Sutter Island along Steamboat Slough to Section 8 in T5N/R4E where Steamboat Slough joins the Sacramento River.

(5) The southeast following the Sacramento River to the point where the Sacramento River meets the Delta Cross Channel at the Southern Pacific Railroad in Section 35, T5N/R4E.

(6) Then northeast along the Southern Pacific Railroad for 2 miles, to a point 1/2 mile past the intersection of the Southern Pacific Railroad and the eastern branch of Snodgrass Slough.

(7) Then east approximately 2 1/2 miles along the levee to Interstate 5 (under construction).

(8) Then north approximately 8 1/2 miles along Interstate 5 (under construction, proposed, and completed) to Section 18 in T6N/R5E, at the intersection of Interstate 5 and Hood Franklin Road.

(9) Then southwest along Hood Franklin Road to the Southern Pacific Railroad Levee, .1 mile northeast of Hood Junction.

(10) Then north approximately 18 miles along the Southern Pacific Railroad Levee to Section 11 in T7N/R4E, at Freeport Blvd., and then across the Sacramento River at the line between Sections 11 and 14.

(11) Then northwest along the west bank of the Sacramento River to Burrows Ave.

(12) Then northwest along Burrows Ave. to the starting point at the intersection of Jefferson Blvd. and Burrows Ave.

Signed December 7, 1983.

Stephen E. Higgins,
Director.

Approved: January 12, 1984.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations)

[FR Doc. 84-1771 Filed 1-20-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 17

Notice of Exclusion of Labor Force Statistics Program From Coverage Under E.O. 12372—"Intergovernmental Review of Federal Programs"

AGENCY: Office of the Secretary, Department of Labor.

ACTION: Notice of exclusion.

SUMMARY: The Labor Force Statistics Program is excluded from coverage under E.O. 12372 on the basis that intergovernmental review under the Executive Order would substantially impede the achievement of Presidentially or Congressionally established goals as specified in 29 U.S.C. 491-1. This program was previously excluded for reasons specified in the final rule found at 48 FR 29250, June 24, 1983.

FOR FURTHER INFORMATION CONTACT: Annabelle Lockhart, (202) 523-8176.

Issued at Washington, D.C., this 13th day of January 1984.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 84-1698 Filed 1-20-84; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR 223

Sale and Disposal of National Forest System Timber

AGENCY: Forest Service, USDA.

ACTION: Final rule; redesignation.

SUMMARY: The Department of Agriculture hereby retitles and

redesignates its regulations at 36 CFR 223 governing Sale and Disposal of National Forest System Timber. This redesignation will make it easier for users to make reference to and locate pertinent rules in this Part and will facilitate any future amendments that may be necessary. This action is limited to redesignation of the regulations and makes neither technical nor substantive changes to the rules.

EFFECTIVE DATE: February 22, 1984.

FOR FURTHER INFORMATION CONTACT: Marian Connolly, Federal Register Liaison Officer, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, (202) 235-1488.

SUPPLEMENTARY INFORMATION: The Forest Service has concluded that the present organization and coding of its rules governing sale and disposal of timber make it difficult to readily locate relevant provisions. This difficulty can be remedied by assigning section numbers and headings to those paragraphs presently coded by alphabetic enumeration and by establishing subparts which more readily identify major subject areas treated within Part 223.

The redesignation will have no effect on timber sale contract forms or other Forest Service forms and reports.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National forests, Reporting and recordkeeping requirements, Timber.

PART 223—SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER

For the reasons set forth above, Part 223 of Title 36 of the Code of Federal Regulations is amended as follows:

1. Title 36 of the Code of Federal Regulations is amended by revising the part heading for Part 223 as set out above and by redesignating the sections in the part as shown below. The left-hand column contains the former section designations. The right-hand column contains the new section designations.

Former part 223 section designation	New part 223 section designation
223.1(a)	223.1.
223.1(b)	223.2.
223.1(c)	223.3.
223.1(d)	223.4.
223.1(e)(1)(2)	223.5(a)(b).
223.1(e)(3), first 3 sentences	223.6.
223.1(e)(3), rest of paragraph	223.7.
223.1(e)(4)(5)	223.8(a)(b).
223.1(e)(6)	223.9.
223.1(f)	223.10.
223.1(g)(1)(2)	223.11(a)(b).
223.1(h)(1)-(3)	223.12(a)-(c).
223.1(i)	223.13.
223.2(a)-(f)	223.14(a)-(f).
223.3(a)(1)-(8)	223.30(a)-(h).
223.3(b)	223.31.

Former part 223 section designation	New part 223 section designation
223.3(c)	223.32
223.3(d)	223.33
223.3(e)	223.34
223.3(f)	223.35
223.3(g)(1)(2)	223.36(a)(b)
223.3(h)	223.37
223.3(i)	223.38
223.3(j)	223.39
223.3(k)	223.40
223.3(l)	223.41
223.3(m)(1), 1st three sentences	223.42
223.3(m)(1), 4th sentence	223.43(a)(1)-(3)
223.3(m)(1), remainder	223.43(b)
223.3(m)(2)	223.44
223.3(m)(3)	223.45
223.3(n)	223.46
223.3(o), first sentence	223.47(a)
223.3(o), second sentence	223.47(b)
223.3(o), third sentence	223.47(c)
223.3(o), fourth sentence	223.47(d)
223.3(o), fifth and sixth sentences	223.47(e)
223.3(o), seventh sentence	223.47(f)
223.3(p)(1)-(3)	223.48(a)-(c)
223.4(a)	223.60
223.4(b)	223.61
223.4(c)	223.62
223.4(d)	223.63
223.4(e)(1)-(4)	223.64(a)-(d)
223.4(f)	223.65
223.4(g)	223.66
223.5(a)	223.80
223.5(b)	223.81
223.5(c)	223.82
223.5(d)(1)-(8)	223.83(a)-(h)
223.5(e)(1)-(7)	223.84(a)-(g)
223.5(f)(1)-(3)	223.85(a)-(c)
223.5(g)	223.86
223.5(h)(1)(i)-(iii)	223.87(a)(1)(2)
223.5(h)(2)(i)-(iii)	223.87(b)(1)-(3)
223.5(h)(3)	223.87(c)
223.5(h)(4)(i)(ii)	223.87(d)(1)(2)
223.5(i)(1)-(4)	223.88(a)-(d)
223.6(a)-(f)	223.89(a)-(f)
223.7(b)	223.90
223.7(a)(1)-(5)	223.100(a)-(e)
223.7(c)	223.101
223.7(d)	223.102
223.7(e)	223.103
223.8(a)	223.110
223.8(b)(1)-(4)	223.111(a)-(d)
223.8(c)	223.112
223.8(d)	223.113
223.8(e)	223.114
223.8(f)(1)(2)	223.115(a)(b)
223.9(a)-(c)	223.116(a)-(c)
223.10(a)(1)-(10)	223.160(a)-(j)
223.10(b)	223.162
223.10(c)	223.161
223.10(d)(1)-(3)	223.163(a)-(c)
223.10(e)	223.164
223.11(a)-(e)	223.117(a)-(e)
223.12(a)	223.130
223.12(b)	223.131
223.12(c)	223.132
223.12(d)	223.133
223.12(e)	223.134
223.12(f)	223.135
223.12(g)	223.136
223.12(h)	223.137
223.12(i)	223.138
223.12(j)	223.139
223.12(k)	223.140
223.12(l)	223.141
223.12(m)	223.142
223.12(n)	223.143
223.12(o)	223.144
223.12(p)	223.145

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- 223.5 Scope of free use granted to individuals.
- 223.6 Cutting and removal of timber in free-use areas.
- 223.7 Permission for free use of timber outside free-use areas.
- 223.8 Delegations of authority to approve free use by individuals.
- 223.9 Free use to owners of certain mining claims.
- 223.10 Free use to Alaskan settlers, miners, residents, and prospectors.
- 223.11 Free use to other Federal agencies.
- 223.12 Permission to cut, damage, or destroy trees without advertisement.
- 223.13 Compliance.
- 223.14 Where timber may be cut.

Subpart B—Timber sale contracts.**Contract conditions and provisions**

- 223.30 Consistency with plans, environmental standards, and other management requirements.
- 223.31 Duration of contracts.
- 223.32 Timber sale operating plan.
- 223.33 Redetermination of stumpage rates and deposits.
- 223.34 Advance payment.
- 223.35 Performance bond.
- 223.36 Volume determination.
- 223.37 Revegetation of temporary roads.
- 223.38 Standards for road design and construction.
- 223.39 Revision of contract conditions.
- 223.40 Cancellation for environmental protection or inconsistency with plans.
- 223.41 Payment when purchaser elects government road construction.
- 223.42 Transfer of effective purchaser credits.
- 223.43 Limitation on amounts of transferred purchaser credit.
- 223.44 Collection rights on contracts involved in transfer of purchaser credit.
- 223.45 Definitions applicable to transfer of purchaser credit.
- 223.46 Adjustment of contract termination date.
- 223.47 Date of completion of permanent road construction.
- 223.48 Reports on export or substitution of unprocessed timber.

Appraisal and Pricing

- 223.60 Determining fair market value.
- 223.61 Establishing minimum stumpage rates.
- 223.62 Timber purchaser road construction credit.
- 223.63 Advertised rates.
- 223.64 Appraisal on a lump-sum value or rate per unit of measure basis.
- 223.65 Appraising value of exchange timber.
- 223.66 Appraising value of timber for right-of-way or other authorized use.

Advertisement and Bids

- 223.80 When advertisement is required.
- 223.81 Shorter advertising periods in emergencies.
- 223.82 Advertising small business set-aside sales.
- 223.83 Contents of advertisement.
- 223.84 Contents of advertisement of sales with purchaser road construction credit provision.

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- 223.85 Small business bid form provisions on sales with purchaser road construction credits.
- 223.86 Noncompetitive sale of timber.
- 223.87 Bid restriction on resale of uncompleted contract.
- 223.88 Requirements of bidders concerning exports.
- 223.89 Bidding methods.
- 223.90 Relation to other bidders.
- Award of Contracts**
- 223.100 Award to highest bidder.
- 223.101 Procedures when sale is not awarded to highest bidder.
- 223.102 Award of small business set-aside sales.
- 223.103 Proof of bidder's financial ability.

Contract Administration

- 223.110 Delegation to regional forester.
- 223.111 Administration of contracts in designated disaster areas.
- 223.112 Modification of contracts.
- 223.113 Modification to prevent environmental damage or to conform to forest plans.
- 223.114 Acquisition by third party.
- 223.115 Contract extensions.
- 223.116 Cancellation.
- 223.117 Administration of cooperative or Federal sustained yield units.

Subpart C—Suspension and Debarment of Timber Purchasers

- 223.130 Scope.
- 223.131 Policy.
- 223.132 Definitions.
- 223.133 List of debarred and suspended purchasers.
- 223.134 Treatment to be accorded listed purchasers.
- 223.135 Restrictions on subcontracting.
- 223.136 Debarment.
- 223.137 Causes for debarment.
- 223.138 Procedures for debarment.
- 223.139 Period of debarment.
- 223.140 Inputed conduct for debarment.
- 223.141 Suspension.
- 223.142 Causes for suspension.
- 223.143 Procedures for suspension.
- 223.144 Period of suspension.
- 223.145 Scope of suspension.

Subpart D—Timber Export and Substitution Restrictions

- 223.160 Definitions.
- 223.161 Limitations on timber harvested in Alaska.
- 223.162 Limitations on timber harvested from all other states.
- 223.163 Determination that unprocessed timber is surplus to domestic needs.
- 223.164 Penalty for falsification

Authority: Sec. 14, Pub. L. 94-588, 90 Stat. 2958, 16 U.S.C. 472a, unless otherwise noted.

Dated: January 13, 1984.

Douglas W. MacCleery,
Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 84-1779, Filed 1-20-84; 8:45 am]

BILLING CODE 3410-11-M

2. The Table of Contents for the newly redesignated Part 223 reads as follows:

Subpart A—General Provisions

- Sec.
- 223.1 Authority to sell timber.
- 223.2 Disposal of timber for administrative use.
- 223.3 Sale of seized material.
- 223.4 Exchange of trees or portions of trees.

36 CFR Part 254

Conveyance of Small Tracts

Correction

In FR Doc. 84-535 beginning on page 1184 in the issue of Tuesday, January 10, 1984, make the following correction:

§ 254.35 [Corrected]

On page 1186, column two, § 254.35 (d), line one, "loans" should read "lands".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-9-FRL 2508-3]

Delegation of New Source Performance Standards (NSPS); State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS authority to the Arizona Department of Health Services (ADHS). This action is necessary to bring the NSPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to State and local governments.

EFFECTIVE DATE: September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8236, FTS 454-8236.

SUPPLEMENTARY INFORMATION: The ADHS has requested authority for delegation of certain NSPS categories. Delegation of authority was granted by a letter dated September 9, 1983 and is reproduced in its entirety as follows:

Mr. Arthur A. Aymar, P.E.,
Chief, Bureau of Air Quality Control, Arizona
Department of Health Services, State
Health Building, 1740 West Adams
Street, Phoenix, AZ

Dear Mr. Aymar: EPA is delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS). We understand that you have a lengthy adoption process, and that you intend to request delegation as soon as the regulations are

certified by the Secretary of State. To speed up the process, this delegation will be effective on the date the Secretary of State certifies the regulations. However, if for some reason, the regulations are not certified, this delegation will be void. The delegation includes authority for the following sources categories:

NSPS	40 CFR part 60
Lead-Acid Battery Manufacturing Plants.....	KK
Phosphate Rock Plants.....	NN
Asphalt Processing & Asphalt Roofing Manuf- acture.	UU

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA's test methods and procedures. The delegation is effective upon the date the regulations are certified by the Secretary of State. Please let us know as soon as possible what date the certification takes place. A notice of this delegated authority will be published in the *Federal Register* after we receive notification that the regulations have been certified.

If you have any questions, please call Julie A. Rose of my staff.

Sincerely,
Judith E. Ayres,
Regional Administrator.

The Secretary of State for Arizona certified the regulations on September 22, 1983, therefore, the delegation was effective as of that date.

With respect to the areas under the jurisdiction of the ADHS, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the ADHS at the address shown in the letter of delegation in this notice.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

Dated: December 22, 1983.
John Wise,
Acting Regional Administrator.

[FR Doc. 84-1447 Filed 1-20-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 747

[OPTS-61008; TSH FRL 2501-6]

Prohibition of Nitrites in Metalworking Fluids

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediately Effective Proposed Rule.

SUMMARY: EPA is proposing a rule under section 6(a) of the Toxic Substances Control Act (TSCA), which is effective immediately under section 5(f)(2) of TSCA. The proposed rule will remain in effect until EPA promulgates a final rule. The rule applies to two new chemical substances which were the subject of premanufacture notices (PMN's) submitted under section 5(a) of TSCA. The rule prohibits the addition of nitrosating agents such as nitrites, to the chemical substance known generically as the triethanolamine salt of tricarboxylic acid (subject of PMN P-83-1005) when it is or could be used as or in metalworking fluids. The rule also requires distributors of the substance to notify customers of the restrictions of the rule through letters sent prior to shipment of the substance and to notify machine shop workers of the health hazard through labels on metalworking fluids containing the substance. In addition, the rule requires distributors of tricarboxylic acid (subject of PMN P-83-1062), which, when combined with water and triethanolamine, produces the triethanolamine salt of tricarboxylic acid, to notify customers of the restrictions of the rule through letters sent prior to shipment of the substance. EPA believes that the unrestricted distribution in commerce of both substances and the unrestricted processing and use of the triethanolamine salt of tricarboxylic acid in combination with nitrosating agents, such as nitrites, will present an unreasonable risk of injury to human health before a final rule can be promulgated under section 6 of TSCA to protect against this risk.

The Agency is also initiating a regulatory investigation into the potential human health risk posed by exposure to nitrosamines in metalworking fluids generally. EPA is soliciting data and information through this notice on several matters pertinent to this regulatory investigation.

DATES: This rule is effective January 23, 1984. Written comments and requests for a public hearing must be submitted by March 23, 1984. A public hearing will be held, only if requested, beginning on April 6, 1984.