

surface is needed to contain IFR operations at the airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

A minor change has been made to the legal description to more accurately state the distances. Other than this editorial change, this amendment is the same as that proposed in the notice. The coordinates for this airspace docket are based on North American Datum 83. Class E5 airspace designations are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which are incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document would be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class E5 airspace at St. James, MI, to provide controlled airspace to the surface for aircraft executing the NDB SIAP into the Beaver Island Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959—

1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AGL MI E5 St. James, MI [New]

Beaver Island Airport, MI
(lat. 45°41'35"N., long. 85°33'50"W.)

That airspace extending upward from 700 feet above the surface within a 6.2-mile radius of the Beaver Island Airport and within 2.5 miles each side of the 090° bearing of the Beaver Island Airport extending from the 6.2-mile radius to 7 miles east of the airport.

* * * * *

Issued in Des Plaines, Illinois on February 24, 1994.

John P. Cuprisin,
Manager, Air Traffic Division.

[FR Doc. 94-7296 Filed 3-28-94; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 175

[T.D. 94-5]

Country of Origin Marking for Packaged Frozen Produce; Suspension of Date for Compliance

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of suspension of compliance date.

SUMMARY: This document gives notice that Customs is suspending the compliance date for T.D. 94-5, which was published in the *Federal Register* (58 FR 68743) on December 29, 1993. T.D. 94-5 was a final interpretive rule concerning the country of origin marking requirements for retail packages containing imported frozen produce. As numerous companies and trade organizations have objected that the compliance date set forth in that document is impracticable, Customs is suspending the compliance date, pending a determination based on comments received in response to another document published in today's *Federal Register*.

EFFECTIVE DATE: This suspension of the May 8, 1994 compliance date for T.D. 94-5 is effective March 29, 1994.

FOR FURTHER INFORMATION CONTACT: Robert Cascardo, Value and Marking Branch, Office of Regulations and Rulings, U.S. Customs Service, (202) 482-7010.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1993, pursuant to section 516 of the Tariff Act of 1930, as amended, Customs issued T.D. 94-5, a Decision and Final Interpretive Rule concerning the country of origin marking requirements for retail packages containing imported frozen produce. 58 FR 68743 (December 29, 1993). In T.D. 94-5, Customs reversed a previous determination and ruled that country of origin marking must appear on the front panel of such packages in specified type face and size. The legally effective date of the determination was February 11, 1994. However, parties adversely affected by the final interpretive rule were allowed until May 8, 1994, to bring their imported frozen packaging into compliance.

Numerous individual companies and several trade organizations objected that even this extended date for compliance is impracticable, and have requested suspension of the May 8, 1994, compliance date.

In accordance with these requests, Customs is suspending the May 8, 1994, effective date for parties adversely affected by compliance obligations under T.D. 94-5. In a companion document to be published today in the *Federal Register*, Customs is giving public notice of its intention to adopt a new compliance date of January 1, 1995. Public comment is being requested on both the date for compliance with the requirement to place country of origin marking on the front panels of produce packaging, and on the specifications regarding type size and style set forth in T.D. 94-5.

Authority

This notice is published in accordance with 19 U.S.C. 1516 and parts 134 and 175, Customs Regulations (19 CFR part 134; 19 CFR part 175).

Drafting Information

The principal drafter of this document was Robert Cascardo, Value and Marking Branch, U.S. Customs Service.

Personnel from other Customs offices participated in its development.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: March 21, 1994.

John P. Simpson.

Deputy Assistant Secretary of the Treasury.

[FR Doc. 94-7396 Filed 3-24-94; 4:33 pm]

BILLING CODE 4820-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Office of the Commissioner

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the delegations of authority regulations that cover general redelegations of authority from the Commissioner of Food and Drugs to other officers of FDA. The amendment delegates the FDA Chief Mediator and Ombudsman authority to consider and decide requests under certain circumstances for waivers or reduction of user fees and the Deputy Commissioner for Operations is delegated authority to hear and decide appeals related to user fee waivers or reductions. This action sets forth the agency's procedures that govern requests for waivers or reductions as well as for reconsideration or appeals.

EFFECTIVE DATE: March 29, 1994.

FOR FURTHER INFORMATION CONTACT:

Ellen Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amending the delegations of authority under § 5.20 *General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration* (21 CFR 5.20) in order to redelegate under § 5.20(h) the Commissioner's authorities under the Prescription Drug User Fee Act of 1992, as amended hereafter, under section 736(d) (21 U.S.C. 379h(d)) dealing with authority to waive or reduce user fees. The Chief Mediator and Ombudsman will serve as User Fee Waiver Officer to consider and decide requests under certain circumstances for waivers or reductions in user fees. The User Fee

Waiver Officer's authority may be redelegated to the Deputy, Chief Mediator and Ombudsman, without further redelegation. The Deputy Commissioner for Operations will serve as the User Fee Appeals Officer to hear and decide appeals under certain circumstances of the User Fee Waiver Officer's decisions.

FDA has established procedures governing requests for waivers or reductions as well as for reconsideration or appeal within the agency of an adverse decision relating to a waiver or reduction request. If the User Fee Waiver Officer fully or partially denies a request for a fee waiver or reduction, the requestor may ask the User Fee Waiver Officer to reconsider the decision. As an additional safeguard, if the request is denied again on reconsideration, the requestor may appeal the denial to the User Fee Appeals Officer. The User Fee Appeals Officer's decision will constitute final agency action on that request.

Further redelegation of these authorities is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701-1706, 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300a-300u-5, 300aa-1, 300aa-25, 300aa-27, 300aa-28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99-660 (42 U.S.C. 300aa-1 note).

2. Section 5.20 is amended by redesignating paragraph (h) as

paragraph (i) and by adding a new paragraph (h) to read as follows:

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

(h) The Chief Mediator and Ombudsman is designated as User Fee Waiver Officer and is authorized to perform all of the functions of the Commissioner under the Prescription Drug User Fee Act of 1992 (21 U.S.C. 379h(d)), as amended hereafter, relating to waiver or reduction of user fees. The User Fee Waiver Officer's authority may be redelegated to the Deputy, Chief Mediator and Ombudsman, without further redelegation. The Deputy Commissioner for Operations is designated as User Fee Appeals Officer and authorized to hear and decide user fee waiver appeals. The decision of the User Fee Appeals Officer will constitute final agency action on such matters.

Dated: March 23, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94-7343 Filed 3-28-94; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Parts 172, 176, 177, 178, 179, and 184

[Docket No. 94F-0042]

Food Additives; Substances Generally Recognized as Safe; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive and generally recognized as safe (GRAS) regulations to correct certain typographical and other inadvertent errors. This action is being taken to improve the accuracy and clarity of the regulations.

EFFECTIVE DATE: March 29, 1994.

FOR FURTHER INFORMATION CONTACT:

Linda S. Kahl, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523.

SUPPLEMENTARY INFORMATION: FDA has discovered that certain errors have become incorporated into the agency's codified regulations on food additives and direct food substances affirmed as GRAS. FDA is correcting these errors. These corrections are nonsubstantive,

and therefore no new rulemaking is necessary. This final rule addresses the following errors in the regulations:

1. In 21 CFR 172.320(b)(1), in the list of amino acids, the entry "L-Methionine" appears twice. The correct list should include one entry for "DL-Methionine" and one entry for "L-Methionine." This error was inadvertently introduced in the 1985 edition of title 21 of the Code of Federal Regulations (title 21). FDA is correcting this error.

2. In the table in 21 CFR 176.170(a)(5), the entry "N,N-Bis(2-hydroxyethyl)alkyl (C₁₂-C₁₆)amide" is incorrect. The correct entry is "N,N-Bis(2-hydroxyethyl)alkyl (C₁₂-C₁₈)amide." This error was inadvertently introduced in the 1977 edition (and recodification) of title 21. FDA is correcting this error.

3. In 21 CFR 177.1610(a), the second sentence reads " * * * as determined by the method in contact with all types of food, except that when used in contact with fatty food of Types III, IV-A, V, VII-A, and IX described in Table 1 of § 176.170(c) of this chapter, chlorinated polyethylene is limited to use only as a modifier admixed at levels not exceeding 15 weight percent in plastic articles prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 177.1980." The second sentence in paragraph (a) should read: " * * * as determined by the method described in § 177.1520(d)(3)(ii)." In addition, this sentence should be followed by paragraph (b), which reads:

Chlorinated polyethylene may be used in contact with all types of food, except that when used in contact with fatty food of Types III, IV-A, V, VII-A, and IX described in Table 1 of § 176.170(c) of this chapter, chlorinated polyethylene is limited to use only as a modifier admixed at levels not exceeding 15 weight percent in plastic articles prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 177.1980.

This error was inadvertently introduced in the 1979 edition of title 21. FDA is correcting this error.

4. In the table in 21 CFR 178.3570(a)(3), the entry for "Phosphoric acid, mono- and diisooctyl esters, reacted with *tert*-alkyl and (C₁₁-C₁₄) primary amines" is incorrect. The correct entry is "Phosphoric acid, mono- and diisooctyl esters, reacted with *tert*-alkyl (C₁₂-C₁₄) primary amines." This error was inadvertently introduced when an amendment to 21 CFR 178.3570, which was published in the *Federal Register* of December 11, 1985 (50 FR 50611 at 50612), and added this entry, was incorporated into the 1986

edition of title 21. FDA is correcting this error.

5. In 21 CFR 179.45(b)(4)(i), (b)(6)(i), and (d)(2)(ii) through (d)(2)(iv), the cross-reference to "paragraph (c)(2)(i) of this section" is incorrect. The correct cross-reference is "paragraph (d)(2)(i) of this section." This error was inadvertently introduced when an amendment to 21 CFR 179.45, which was published in the *Federal Register* of February 21, 1989 (54 FR 7404 at 7405), and redesignated paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and added a new paragraph (c), was incorporated into the 1990 edition of title 21. FDA is correcting this error.

6. In 21 CFR 184.1139, in the second sentence in paragraph (c)(2), the word "good" was inadvertently added between "water" and "additive" when FDA amended the agency's GRAS regulations by adding a new § 184.1139, which was published in the *Federal Register* of November 18, 1983 (48 FR 52438 at 52440). FDA is correcting this error.

Publication of this document constitutes final action on these changes. FDA has determined that notice and public comment under section 409 of the Federal Food, Drug, and Cosmetic Act are unnecessary because these amendments to the agency's regulations simply correct various inadvertent errors introduced during the publication or republication process. By correcting these inadvertent errors, those who rely on these regulations (including the regulated industry) will be better able to understand and adhere to the requirements of the regulations. Accordingly, FDA concludes that good cause exists for proceeding directly to final rules here.

List of Subjects

21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

21 CFR Parts 176, 177, and 178

Food additives, Food packaging.

21 CFR Part 179

Food additives, Food labeling, Food packaging, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and

Applied Nutrition, 21 CFR parts 172, 176, 177, 178, 179, and 184 are amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e)

§ 172.320 [Amended]

2. Section 172.320 *Amino acids* is amended in paragraph (b)(1) by removing the first entry for "L-Methionine" and adding in its place "DL-Methionine".

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

3. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 379e).

§ 176.170 [Amended]

4. Section 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* is amended in the table in paragraph (a)(5), under the heading "List of Substances," in the entry for "N,N-Bis(2-hydroxyethyl)alkyl (C₁₂-C₁₆)amide" by removing the "C₁₆" and adding in its place "C₁₈".

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

5. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

§ 177.1610 [Amended]

6. Section 177.1610 *Polyethylene, chlorinated* is amended in paragraph (a), in the second sentence, by removing the phrase "as determined by the method in contact with all types of food, except that when used in contact with fatty food of Types III, IV-A, V, VII-A, and IX described in Table 1 of § 176.170(c) of this chapter, chlorinated polyethylene is limited to use only as a modifier admixed at levels not exceeding 15 weight percent in plastic articles prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 177.1980." and adding in its place the phrase "as determined by the method described in § 177.1520(d)(3)(ii)."; and

by adding new paragraph (b) to read as follows:

§ 177.1610 Polyethylene, chlorinated.

(b) Chlorinated polyethylene may be used in contact with all types of food, except that when used in contact with fatty food of Types III, IV-A, V, VII-A, and IX described in Table 1 of § 176.170(c) of this chapter, chlorinated polyethylene is limited to use only as a modifier admixed at levels not exceeding 15 weight percent in plastic articles prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 177.1980.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

7. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

§ 178.3570 [Amended]

8. Section 178.3570 *Lubricants with incidental food contact* is amended in the table in paragraph (a)(3), under the heading "Substances," in the entry for "Phosphoric acid, mono- and diisooctyl esters, reacted with *tert*-alkyl and (C₁₁-C₁₄) primary amines" by removing "and (C₁₁-C₁₄)" and adding in its place "(C₁₂-C₁₄)".

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING AND HANDLING OF FOOD

9. The authority citation for 21 CFR part 179 continues to read as follows:

Authority: Secs. 201, 402, 403, 409, 703, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 343, 348, 373, 374).

§ 179.45 [Amended]

10. Section 179.45 *Packaging materials for use during the irradiation of prepackaged foods* is amended in paragraphs (b)(4)(i), (b)(6)(i), and (d)(2)(ii) through (d)(2)(iv) by removing "(c)(2)(i)" and adding in its place "(d)(2)(i)" wherever it appears.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

11. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§ 184.1139 [Amended]

12. Section 184.1139 *Ammonium hydroxide* is amended in paragraph (c)(2), in the second sentence, by removing the word "good" the first time it appears.

Dated: March 22, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94-7248 Filed 3-28-94; 8:45 am]

BILLING CODE 4180-01-F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 9

[T.D. ATF-355; Re: Notice No. 742 & 745]

RIN 1512-AA31

Wine Labeling Amendments (88F-221P)

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

ACTION: Treasury decision, final rule.

SUMMARY: This final rule amends the wine labeling regulations to allow the use of multicounty or multistate appellations of origin for other than grape wine; allow the use of the designation "other than standard" on a wine label; allow the use of a vineyard, orchard, farm or ranch name on a wine label; allow more than three grape varieties on a wine label; and revise the mailing address for obtaining U.S.G.S. maps.

EFFECTIVE DATE: April 28, 1994.

FOR FURTHER INFORMATION CONTACT:

James A. Hunt, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), vests broad authority in the Director of ATF, as a delegate of the Secretary of the Treasury, to prescribe regulations intended to prevent deception of the consumer, and to provide the consumer with adequate information as to the identity and quality of the product. Regulations which implement the provisions of section 105(e), as they relate to wine, are set forth in title 27, Code of Federal Regulations (CFR), parts 4 and 9. The last multiple issue revision of the wine

labeling regulations was Treasury Decision ATF-53, 43 FR 37672 (August 23, 1978), which was effective September 22, 1978.

On June 19, 1992, ATF published Notice No. 742 (57 FR 27401) proposing wine labeling issues which were brought to our attention over a period of several years by industry members or other groups. The original 30 day comment period was extended an additional 30 days by the publication of Notice No. 745 (57 FR 33139).

Wine Labeling Amendments Proposed in Notice 742

1. Broadened Use of the "Estate Bottled" Designation

The proposed revision of 27 CFR 4.26 would (1) allow a bonded wine premises proprietor located outside of a viticultural area to use the "Estate bottled" designation for wine derived from primary winemaking material produced on land owned or controlled by the proprietor which is located contiguous to the proprietor's bonded wine premises, (2) allow proprietors producing wine from fruit and agricultural products other than grapes to use the "Estate bottled" designation on their wines, and (3) allow proprietors who have more than one bonded wine premises in the same viticultural area to use the "Estate bottled" designation for wine which prior to bottling was transferred in bond between their bonded wine premises located in the same viticultural area.

2. Harvest Year Designations for Fruit, Berry and Agricultural Wines

The proposed addition of 27 CFR 4.28 would allow a harvest year designation for citrus fruit wines, other fruit and berry wines, and agricultural wines made in accordance with the standards prescribed in classes 4, 5 and 6 of 27 CFR 4.21.

3. Expanded Use of a Viticultural Area Designation

The proposed amendment of section 4.25a(e)(3)(iv) would allow wine fully finished outside a viticultural area from where the grapes were grown to be labeled with a viticultural area designation as long as such wine was finished within the United States.

4. Multicounty or Multistate Appellations of Origin for Other Than Grape Wine

The proposed revision of 27 CFR 4.25a(c) and (d) would allow proprietors to use multicounty and multistate appellations on fruit or other agricultural product wine labels instead of just being allowed for grape wines

5. Designation "Other Than Standard Wine" on a Wine Label

The proposed amendment of 27 CFR 4.21 would allow either the label designation "Other than Standard" or "Substandard" on a wine label for wines with the current standard of identity for "substandard" wine.

6. Use of a Vineyard, Orchard, Farm or Ranch Name on a Wine Label

The proposed amendment to 27 CFR 4.39 would allow the use of a vineyard, orchard, farm or ranch name on a wine label if 95 percent of the primary winemaking material used to produce the wine came from such named place.

7. Brand Names With a Varietal (Grape Type) Name

The proposed revision of 27 CFR 4.23a. would allow a proprietor to use a grape variety name in a brand name if such wine meets the varietal (grape type) labeling requirements.

8. More Than Three Grape Varieties on a Wine Label

The proposed revision of 27 CFR 4.23(a) would allow for more than three grape variety names on a wine label.

9. Geographic Brand Names of Viticultural Area Significance

The proposed revision of 27 CFR 4.39 would provide that a brand name of viticultural area significance, which cannot meet the appellation of origin requirements for the geographic area named, may continue to be used if the brand name was approved by a certificate of label approval prior to the regulatory establishment of the viticultural area bearing that name.

10. Changing the Address of Where To Obtain U.S.G.S. Maps for Viticultural Areas

U.S.G.S. maps for describing the boundaries of viticultural areas are now obtained only from the Denver, Colorado office of the U.S. Geological Survey. Sections in 27 CFR parts 4 and 9 would be amended to reflect the change in where U.S.G.S. maps may be obtained.

Comments on Notice No. 742

ATF received 42 written comments on Notice No 742. Three of the comments were from wine industry trade associations; Wine Institute writing on behalf of 475 California winery members, Association of American Vintners writing on behalf of approximately 300 wineries located in 33 States, and Federation des Exportateurs de Vins et Spiritueux de France (FEVS), a French national trade

association representing exporters of wine and spirits.

Estate Bottled Designation, Harvest Dates, Varietal Brand Names, Viticultural Area Designations, and Geographical Brand Names

The Wine Institute and FEVS, and a few other commenters, strongly opposed the five wine labeling amendments proposed in Notice No. 742 which would: (1) Broaden use of the "Estate bottled" designation, (2) allow the use of a harvest year designation for fruit, berry and agricultural wines, (3) allow the use of a brand name with a varietal (grape type) name, (4) expand the use of a viticultural area designation, and (5) address the use of a geographic brand name which has a viticultural area significance. The primary reason for the Wine Institute's opposition was the lack of information available for their members to fully consider the impact of these major proposals. They concluded that after more information on the complex proposals is obtained additional time and public hearings will be necessary to allow all interested parties to participate in the rulemaking process. The Wine Institute requested a public hearing on the proposed amendment on geographic brand names as well as ATF's procedures to revoke certificates of label approval. The question of ATF's procedures on revoking label approvals is the subject of a separate rulemaking project. The FEVS opposition centered on the impact the proposals might have on the European Community wine negotiations with the United States. Other than the Association of American Vintners general support, there were only a few favorable comments for the five major proposals.

While the comments indicate both pro and con views, ATF agrees that more information on the five wine labeling issues should be obtained and presented for comment before making any final decisions. Therefore, we have decided to include these issues along with the comments received concerning these issues and other issues raised in the comments in a forthcoming major project to review and revise all of the FAA Act labeling and advertising regulations.

Designation "Other Than Standard Wine" on a Wine Label

There were 30 comments received in favor of allowing the use of the designation "other than standard" as an alternative to the designation "substandard" on a wine label. There was one comment from a wine industry member opposed to the proposal. This

proposal was in response to a petition from a winemaker in Michigan who produces quality wines from high acid fruit. Currently, the designation "other than standard wine" may be used on wine labels where such wine is sold intrastate only. Due to a very high acid level in the winemaking material used to produce some wines, ameliorating material in excess of limitations allowed for standard wine is sometimes necessary. Such wines are permitted in the Internal Revenue Code to be produced as other than standard wine, but these wines are required to be labeled as substandard wine under 27 CFR part 4. The commenter opposed to the proposal believed that the term "other than standard" would not convey to the consumer that the wine is below the quality level of a standard wine. The petitioner and others in favor of the proposal wanted the revision because "substandard" was too derogatory a designation for quality wines produced from high acid fruit. Additionally, the commenters in favor wanted the designation "substandard" to apply to wines that have a volatile acidity in excess of the maximum prescribed by regulation. ATF is not adopting this suggestion because we have not experienced any interest by the wine industry in producing a wine with an excess volatile acidity. ATF is adopting the use of "other than standard wine" on a wine label as proposed because we do not believe such a change will result in a jeopardy to the revenue or cause consumer deception or consumer confusion.

Vineyard, Orchard, Farm or Ranch Names

Section 4.39(m) proposed that the name of a vineyard, orchard, farm or ranch may be used on a wine label if at least 95 percent of the wine in the container was produced from primary winemaking material grown on the named vineyard, orchard, farm or ranch. While the Wine Institute commented in favor of this proposal, they were concerned about adequate safeguards to protect trademark rights to such brand names. They questioned the proposals effect on the requirements and conditions for the use of a brand name that contains a named vineyard, orchard, farm or ranch, particularly when the brand name has no known or approved geographical or viticultural area significance. They also asked about instances when a brand name that may start out with no "viticultural significance" may later acquire "viticultural significance" long after it has been a recognized brand name and trademark. Section 4.39(i)(3) provides

that a name has viticultural significance if the Director so finds. Thus a brand name containing the name of a vineyard, orchard, farm or ranch is subject to scrutiny under § 4.39(i)(1) only in cases where the Director determines that the particular name of the vineyard, orchard, farm or ranch has viticultural significance.

A clarifying phrase was added to the proposed § 4.39(m) to state that brand name requirements of sections §§ 4.33(b) and 4.39(i) apply if the name of a vineyard, orchard, farm or ranch is used in the brand name and not when such name is used as additional information.

Other Proposals

There were few comments concerning the other proposals, allowing the use of multicounty or multistate appellations of origin for other than grape wine, revising the mailing address for obtaining U.S.G.S. maps, and allowing more than three grape varieties on a wine label. ATF is adopting these 3 changes in 27 CFR Part 4 as proposed because we do not believe that the changes result in a jeopardy to the revenue or cause consumer deception or consumer confusion.

Executive Order 12866

It has been determined that this document is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this Treasury decision is not subject to the analysis required by this Executive Order.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and 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. This final rule will not impose, or otherwise cause, a significant increase in 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. Any benefit derived by a small winemaker using the new options provided by this rule will be the result of the winemaker's own promotional efforts and consumer acceptance of the specific product. 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 collection of information contained in this final rule was submitted to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3504(h)).

The estimated average burden associated with this collection of information is 0 hours per respondent or recordkeeper because this requirement is usual and customary for wine producers.

Drafting Information

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

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, and Wine.

27 CFR Part 9

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

Authority and Issuance

Part 4—Labeling and Advertising of Wine and Part 9—American Viticultural Areas are amended as follows:

PART 4—[AMENDED]

Paragraph 1. The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The heading of § 4.21(h) is revised to read as set forth below and paragraph (h)(2) of the section is amended by adding the phrase "or 'Other than standard wine'" immediately after the phrase "'Substandard wine'":

§ 4.21 The standards of identity.

* * * * *

(h) *Class 8; imitation and substandard or other than standard wine.*

* * * * *

Par. 3. In the heading and the first sentence of § 4.23a(d) introductory text remove the word "three" and add, in its place, the word "more."

Par. 4. Section 4.25a is amended by revising paragraphs (c), (d)(1) and (e)(2)(v) as follows:

§ 4.25a Appellations of origin.

* * * * *

(c) *Multicounty appellations.* An appellation of origin comprising two or

no more than three counties in the same State may be used if all of the fruit or other agricultural products were grown in the counties indicated, and the percentage of the wine derived from fruit or other agricultural products grown in each county is shown on the label with a tolerance of plus or minus two percent.

(d) *Multistate appellations.* * * *

(1) All of the fruit or other agricultural products were grown in the States indicated, and the percentage of the wine derived from fruit or other agricultural products grown in each State is shown on the label with a tolerance of plus or minus two percent;

* * * * *

(e) *Viticultural area.* * * *

(2) *Establishment of American viticultural areas.* * * * (v) a copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. (For U.S.G.S. maps, write the U.S. Geological Survey, Branch of Distribution, Box 25286, Federal Center, Denver, Colorado 80225. If the map name is not known, request a map index by State.)

* * * * *

Par. 5. Section 4.39 is amended by adding a new paragraph (m) to read as follows:

§ 4.39 Prohibited practices.

* * * * *

(m) *Use of a vineyard, orchard, farm or ranch name.* When used in a brand name, a vineyard, orchard, farm or ranch name having geographical or viticultural significance is subject to the requirements of §§ 4.33(b) and 4.39(i) of this part. Additionally, the name of a vineyard, orchard, farm or ranch shall not be used on a wine label, unless 95 percent of the wine in the container was produced from primary winemaking material grown on the named vineyard, orchard, farm or ranch.

PART 9—[AMENDED]

Par. 6. The authority citation for 27 CFR part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 7. Section 9.3(b)(5) is revised to read as follows:

§ 9.3 Relation to Parts 4 and 71 of this chapter.

* * * * *

(b) * * *

* * * * *

(5) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. (For U.S.G.S. maps, write the U.S. Geological Survey, Branch of Distribution, Box 25286, Federal Center, Denver, Colorado 80225. If the map

name is not known, request a map index by State.)

Signed: February 24, 1994.

Daniel R. Black,
Acting Director.

Approved: March 15, 1994.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 94-7275 Filed 3-28-94; 8:45 am]

BILLING CODE 4810-31-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Virginia Council on Human Rights

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges within their jurisdictions. Publication of this amendment effectuates the designation of the Virginia Council on Human Rights as a 706 Agency.

EFFECTIVE DATE: March 29, 1994.

FOR FURTHER INFORMATION CONTACT: Boyce Nolan, Equal Employment Opportunity Commission, Office of Program Operations, Charge Resolution Review Program, 1801 L Street NW., Washington, DC 20507, Telephone (202) 663-4856.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

Accordingly, title 29, chapter XIV, part 1601 of the Code of Federal Regulations is amended as follows:

PART 1601—PROCEDURAL REGULATIONS

1. The authority citation for part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000e to 2000e-17; 42 U.S.C. 12111 to 12117.

2. Section 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.
(a) * * *

Virginia Council on Human Rights

* * * * *

Signed at Washington, DC this 21st day of March 1994.

For the Commission.

James H. Troy,

Director, Office of Program Operations.

[FR Doc. 94-7359 Filed 3-28-94; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of State Plan Supplements

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule; Approval of State plan supplements.

SUMMARY: Section 18 of the Occupational Safety and Health Act of 1970 (the Act) requires States operating approved State occupational safety health programs to remain at least as effective as the Federal Occupational Safety and Health Administration's (OSHA) program. The Omnibus Budget Reconciliation Act of 1990, which was enacted on November 5, 1990, amended section 17 of the Act to provide for increased penalty levels for violations of the Act. (The revised penalty levels were implemented on March 1, 1991.) As a result of this amendment to the Act, 29 CFR 1953.23 requires State plan States to effect the necessary statutory changes to their own occupational safety and health legislation to adopt new State penalty authority equivalent to the Federal seven-fold penalty increase. This document approves the adoption by 23 State plans of their own statutory authority equivalent to Federal OSHA's seven-fold penalty increase.

EFFECTIVE DATE: March 29, 1994.

FOR FURTHER INFORMATION CONTACT:

James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N-3637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219-8184.

SUPPLEMENTARY INFORMATION:

A. Background

Part 1953 of this chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary).

An amendment to section 17 of the Occupational Safety and Health Act providing for increased penalty levels for violations of the Act, was signed into law on November 5, 1990. Omnibus Budget Reconciliation Act of 1990, Public Law 101-552 section 3101 (1190). (The revised levels were implemented Federally on March 1, 1991.) As a result of this amendment to the Act, 29 CFR 1953.23 and OSHA Instruction STP 2-1.163, dated May 13, 1991, Revised Federal Penalty Levels, State plan States were required to effect the necessary statutory changes to their occupational safety and health legislation to reflect the new Federal penalty maximums of \$7,000 for serious, other-than-serious, failure to abate, and posting violations, and \$70,000 for willful and repeat violations; as well as the \$5,000 floor for willful violations.

Twenty-three State plan States have revised their legislation to substantially reflect OSHA's new penalty system. Oregon's revised legislation includes all provisions, except, through a legislative drafting error, revision of the penalty for posting violations. Legislation to correct this omission will be introduced during the State's 1995 legislative session.

Therefore, this approval action does not extend to Oregon's posting violation penalty authority. The twenty-three States are:

State	Statutory citation No.	Effective date	Implementation date
Alaska	AS Section 18.60.095	09/20/92	09/20/92
Arizona	Labor Code Sec. R-13-602	09/28/92	09/29/92
California	Title 8, LC Sec. 6317-6434	10/05/91	06/01/92
Hawaii	HRS 396-10	06/01/92	06/01/92
Indiana	INOSHAct25.IC22-8-1.1-27.1	10/01/91	10/01/91
Iowa	IOSHAct CH88.14	04/17/92	04/17/92
Kentucky	Labor Laws 338.991	07/15/92	07/15/92