

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This notice withdraws the Notice of Proposed Rulemaking (NPRM), Airspace Docket No. 92-ASW-08, which was published in the Federal Register on August 25, 1992. That notice proposed to revise the transition area located at Lawton, OK. That proposal was necessitated due to the development of a new standard instrument approach procedure (SIAP) to the Henry Post Army Air Field (AAF), utilizing the Lawton very high frequency omnidirectional range/distance measuring equipment (VOR/DME). The intended effect of that proposal was to provide adequate controlled airspace for aircraft executing the new VOR/DME Runway (RWY) 17 SIAP to the Henry Post AAF.

Since the NPRM was published in the Federal Register on August 25, 1992, (57 FR 38456), the Terminal Airspace Reclassification Final Rule, published in the Federal Register August 27, 1992 (57 FR 38962), effected the necessary revision to the transition area, making this proposal unnecessary.

**EFFECTIVE DATE:** Immediately upon publication in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:**

Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5535.

**SUPPLEMENTARY INFORMATION:** On August 25, 1992, an NPRM was published in the Federal Register to revise the transition areas located at Lawton, OK. That proposal was necessitated due to the development of a new SIAP to the Henry Post AAF. The Terminal Airspace Reclassification Final Rule, published in the Federal Register August 27, 1992 (57 FR 38962), effected the necessary revisions to the transition areas, making this proposal unnecessary.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Incorporation by reference, Transition areas.

**The Withdrawal**

Accordingly, pursuant to the authority delegated to me, the NPRM, Airspace Docket No. 92-ASW-08, as published in the Federal Register on August 25, 1992 (57 FR 38456), is hereby withdrawn.

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 48 U.S.C. 106(g); 14 CFR 11.69.

Issued in Fort Worth, TX on January 29, 1993.

Richard J. Cibak,

Acting Manager, Air Traffic Division,  
Southwest Region.

[FR Doc. 93-3617 Filed 2-16-93; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 31**

[EE-12-92]

RIN 1545-AQ61

**Interest-Free Adjustments of Underpayments of Employment Taxes; Hearing Cancellation**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed amendments to the regulations on interest-free adjustments of underpayments of certain employment taxes.

**DATES:** The public hearing originally scheduled for Wednesday, February 24, 1993, beginning at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-622-7190 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed amendments to the Employment Tax Regulations (26 CFR part 31) under section 6205 of the Internal Revenue Code (Code). A notice of proposed rulemaking and public hearing appearing in the Federal Register for Thursday, December 10, 1992 (57 FR 58423), announced that the public hearing on proposed amendments under section 6205 of the Internal Revenue Code would be held on Wednesday, February 24, 1993, beginning at 10 a.m., in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC.

The public hearing scheduled for Wednesday, February 24, 1993, has been cancelled.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93-3556 Filed 2-16-93; 8:45 am]

BILLING CODE 4830-01-M

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 9**

[Notice No. 768; Re. Notice No. 741]

RIN 1512-AA07

**Spring Mountain Viticultural Area (91F-067P)**

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

**ACTION:** Amended notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** By Notice No. 741, published June 4, 1992, the Bureau of Alcohol, Tobacco and Firearms (ATF) requested comments on the proposed establishment of a viticultural area located in Napa County, California, to be known as "Spring Mountain." One commenter, representing Spring Mountain Vineyards, expressed concern that consumers would be confused by establishment of a viticultural area with the same name as its brand name, "Spring Mountain." The petitioners subsequently amended their petition to request the viticultural area name "Spring Mountain District." No other changes to the original petition as described in Notice No. 741 were requested. ATF is amending the proposed rule and reopening the comment period.

**DATES:** Written comments must be received by March 19, 1993.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221, Attn: Notice No. 768.

**FOR FURTHER INFORMATION CONTACT:** Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 4, 1992, ATF published Notice No. 741 (57 FR 23559) proposing establishment of a viticultural area in Napa County, California, to be known as "Spring Mountain." This proposal is the result of a petition submitted on behalf of Marston Vineyards and York Creek Vineyards. In the supplementary information for the notice, ATF reviewed the background of the viticultural area approval process and requirements and discussed the evidence submitted by the petitioner in

compliance with these requirements. ATF also asked for comments from all interested parties.

ATF received four comments during the 60-day comment period. Two commenters, Cain Cellars and Summit Ranch Vineyard, both of St. Helena, California, wrote in support of the proposed area. The third commenter representing Spring Mountain Vineyards, expressed concern that its brand name, "Spring Mountain", a trademark used since 1940, would be "rendered worthless" by establishment of a viticultural area with the same name and the subsequent use of that name on labels of other wine producers. The commenter suggested changing the viticultural area's name to "Spring Mountain District" to differentiate between the brand and the viticultural area, and prevent consumer confusion. The fourth comment, from the petitioner, responded to the arguments submitted on behalf of Spring Mountain Vineyard, but did not object to the suggested amendment of the name. On December 2, 1992, the petitioner wrote to ATF to amend its original petition by changing the proposed viticultural area name to "Spring Mountain District." As the petitioner has sought to amend its petition by requesting a new name for the proposed viticultural area, we are issuing an amended notice of proposed rulemaking and reopening the comment period. As the only change from Notice No. 741 is the name of the proposed area, only name evidence will be discussed in this notice. Interested parties should comment only on the appropriateness of the proposed, or any other name, and refer to Notice No. 741 for all other information about the proposed area.

With respect to the original petition, evidence that the name "Spring Mountain" is locally and/or nationally known as referring to the area specified in the petition was set forth in Notice No. 741. In addition, the petitioner has provided the following items of evidence which support the use of the name "Spring Mountain District":

(a) An article in the local newspaper, the St. Helena Star, on December 7, 1877, made reference to "Spring Mountain District" and mentioned viticultural activities in the area.

(b) In the St. Helena Star for January 9, 1880, there was a "Spring Mountain Notes" column which included this item: "Fifty eight tons of grapes were sold from Spring Mountain district last Fall, and it is calculated that 100 acres of new vineyard will be put in this Spring."

(c) In Massee's Guide to Wines of America (1974) "Spring Mountain" is

described as being "well on its way to becoming a separate district in its own right, much like Carneros, \* \* \*"

(d) A label used by Ritchie Creek Vineyard of St. Helena, California, for its 1980 Ritchie Creek Vineyard Cabernet Sauvignon shows the name "Spring Mt. Dist."

ATF believes that the above-stated evidence is sufficient to warrant the desired name change. Nevertheless, in order to consider any comments that the public might have on this issue, we are rearing this notice.

#### Executive Order 12291

It has been determined that this proposed regulation is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required because 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 United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

#### Public Participation

ATF requests comments from all interested parties. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

#### Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

*Paragraph 1.* The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding § 9.145 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.145 Spring Mountain District

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Spring Mountain District viticultural area are four U.S.G.S. 7.5 minute series topographical maps of the 1:24000 scale. They are titled:

- (1) "Kenwood, Calif.," 1954 (photorevised 1980);
- (2) "Rutherford, Calif.," 1951 (photorevised 1968);
- (3) "St. Helena, Calif.," 1960 (photorevised 1980);
- (4) "Calistoga, Calif.," 1958 (photorevised 1980).

(c) *Boundary.* The Spring Mountain District viticultural area is located in Napa County, California, within the Napa Valley viticultural area. The boundary is as follows:

(1) Beginning on the Calistoga quadrangle map at the Napa-Sonoma county line at the boundary line between sections 18 and 19 in T8N/R6W;

(2) Then east along the boundary line between sections 18 and 19 for approximately  $\frac{3}{4}$  of a mile to its intersection with Ritchie Creek at the boundary line between sections 17 and 20 in T8N/R6W;

(3) Then northeast along Ritchie Creek approximately 2 miles, to the 400 foot contour line in the northeast corner in section 16 of T8N/R6W;

(4) Then along the 400 foot contour line in a northeast then generally southeast direction, through the St. Helena and Rutherford quadrangle maps, approximately 9 miles, past the town of St. Helena to the point where it intersects Sulphur Creek in Sulphur Canyon, in the northwest corner of section 2 in T7N/R6W;

(5) Then west along Sulfur Creek (onto the Kenwood quadrangle map) and south to the point where it first divides into two intermittent streams in section 3 in T7N/R6W;

(6) Then south along the intermittent stream approximately 1.5 miles to the point where it intersects the 2,360 foot contour line in section 10 in T7N/R6W;

(7) Then southwest in a straight line, approximately .10 mile, to the unnamed peak (elevation 2600 feet) at the boundary line between Napa and Sonoma Counties;

(8) Then in a generally northwest direction along the Napa-Sonoma county line, through sections 10, 9, 4, 5, 32, 33, 32, 29, 20, and 19, to the beginning point on the Calistoga quadrangle map at the boundary between sections 18 and 19 in T8N/R6W.

Approved: February 5, 1993.

Stephen E. Higgins,  
Director.

[FR Doc. 93-3612 Filed 2-16-93; 8:45 am]  
BILLING CODE 4810-31-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR PART 180

[OPP-300271; FRL-4178-9]

RIN 2070-AB78

### Ethoxylated Polyaryalkylphenols; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** This document proposes that an exemption from the requirement of a tolerance be established for residues of certain ethoxylated polyaryalkylphenols when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops only. This proposed regulation was requested by Rhone Poulenc, Inc.

**DATES:** Comments, identified by the document control number (OPP-300271), must be received on or before March 19, 1993.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 7111, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7252.

**SUPPLEMENTARY INFORMATION:** Rhone-Poulenc, Inc., CN 7500, Cranbury, NJ 08512-7500, has submitted pesticide petition (PP) 1E4003 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene); alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene), mixture of

monohydrogen and dihydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, potassium, sodium and zinc salts; alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene) sulfate, and the corresponding ammonium, calcium, magnesium, potassium, sodium, and zinc salts; and alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene) poly(oxypropylene) copolymer, when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

As part of the EPA policy statement on inert ingredients published in the *Federal Register* of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk.

The data submitted in the petition and other relevant material have been evaluated. A representative member of this class of chemicals was chosen to represent the entire group and was the test material for each of the studies described below. The toxicological data considered in support of this exemption from tolerance include:

1. A 90-day rat oral toxicity study with a no-observed-effect level (NOEL) of 30 milligrams (mg)/kilogram(kg)/day. The lowest effect level (LEL) was 100 mg/kg/day. This dose level appears to be at or near the level of statistical significance for renal tubular mineralization for male rats.

2. A rat developmental toxicity study with a maternal NOEL of 100 mg/kg/day (reduced body weight gain was experienced at higher doses), and a developmental NOEL of 100 mg/kg/day.