

merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, 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 that region.

Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have significant secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this executive order.

Drafting Information

The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be 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.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9. to read as follows:

* * * * *

§ 9 Redwood Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Redwood Valley viticultural area are four Quadrangle 7.5 minute series 1:24,000 scale U.S.G.S. topographical maps. They are titled:

(1) "Redwood Valley, Calif." 1960, photorevised 1975.

(2) "Ukiah, Calif." 1958, photorevised 1975.

(3) "Laughlin Range, Calif." 1991.

(4) "Orr Springs, California, provisional edition" 1991.

(c) *Boundary.* The Redwood Valley viticultural area is located in the east central interior portion of Mendocino County, California. The boundaries of the Redwood Valley viticultural area, using landmarks and points of reference found on appropriate U.S.G.S. maps, follow.

(1) The beginning point is the intersection of State Highway 20 with the eastern boundary of Section 13, T16N/R12W located in the extreme northeast portion of the U.S.G.S. map, "Ukiah, Calif.;"

(2) Then north along the east boundary line of Sections 12 and 1 to the northeast corner of Section 1, T16N/R12W on the U.S.G.S. map, "Redwood Valley, Calif.;"

(3) Then west along the northern boundary line of Section 1 to the northwest corner of Section 1, T16N/R12W;

(4) Then north along the east boundary line of sections 35, 26, 23, 14, 11, and 2 to the northeast corner of Section 2, T17N/R12W;

(5) Then west along the northern boundary of Sections 2, 3, 4, 5, and 6 to the northwest corner of Section 6, T17N/R12W;

(6) Then 10 degrees southwest cutting diagonally across Sections 1, 12, 13, 24, 25, and 36 to a point at the northwest corner of Section 1, T16N/R13W on the U.S.G.S. map, "Laughlin, Range, Calif.;"

(7) Then south along the western boundary line of Sections 1 and 12 to the southwest corner of Section 12, T16N/R13W;

(8) Then 13 degrees southeast across Sections 13, 18, and 17 to the intersection of State Highway 20 and U.S. Highway 101, T16N/R12W on the U.S.G.S. map, Ukiah, Calif.;"

(9) Then easterly along a line following State Highway 20 back to the beginning point at the eastern boundary of Section 13, T16N/R12W located in the extreme northeast portion of the U.S.G.S. map "Ukiah, Calif."

Dated: August 23, 1996.

John W. Magaw,

Director.

[FR Doc. 96-22346 Filed 8-30-96; 8:45 am]

BILLING CODE 4810-31-P

PANAMA CANAL COMMISSION

35 CFR Parts 133 and 135

RIN 3207-AA38

Tolls for Use of Canal; Rules for Measurement of Vessels

AGENCY: Panama Canal Commission.

ACTION: Notice of proposed rulemaking; request for comments; notice of hearing.

SUMMARY: The Panama Canal Commission (PCC) proposes increasing the general toll rates for the Canal and applying certain rules of measurement for on-deck container capacity.

Current toll rates will not produce revenues sufficient to cover costs of operations and maintenance and PCC's capital program for plant replacement, expansion and modernization. For FYs 1996-1998 alone, the toll deficiencies projected are \$2.2, \$34.5 and \$69.7 million, respectively. To address this, the PCC here proposes a two-phase toll-rate increase—8.2 percent in FY 1997 and 7.5 percent in FY 1998—coupled with an amendment to apply rules of measurement to on-deck container capacity as well as the volume of the vessel itself. If for any reason rules of measurement are not applied as proposed here, the general toll-rate increase will be adjusted to 8.7 and 7.9 percent, respectively.

The proposed increases comply with the statutory requirement that tolls be set at rates that produce revenues sufficient to cover Canal costs of operation and maintenance, including capital for plant replacement, expansion and improvements, and working capital.

PCC anticipates that, in FYs 1996-1998 alone, it will experience, in the aggregate, a significant deficit resulting from increased traffic demands on capacity and the resultant capital program. To meet this challenge, PCC's Board of Directors approved management's recommendation to increase and accelerate the capital program to ensure a Canal operating capacity that meets future traffic demands and an acceptable long-term quality of transit service. More specifically, the PCC's capital program for FYs 1996-1998 totals \$248 million; an additional \$228 million is programmed for FYs 1999-2000. This capital program will augment and advance the implementation of many modernization and improvement programs in response to projected customer requirements.

The maximum general toll rate increases that could result from this proposal are 8.7 percent, effective January 1, 1997, and 7.9 percent,

effective January 1, 1998. However, if Canal measurement rules are adopted so as to apply to on-deck container capacity, the general toll rate increases will be 8.2 percent and 7.5 percent, respectively.

In 1994, PCC completely revised the Rules for Measurement of Vessels for the Canal in 35 CFR Part 135. This change simplified PCC's measurement procedures and brought measurement rules at the Canal in line with the worldwide standard of tonnage measurement. These new rules are referred to collectively as PC/UMS.

This proposal will allow PCC to charge its customers more equitably for revenue producing capacity. Specifically, the adjustments proposed here include in the PC/UMS Net Tonnage a portion of the volume of the maximum capacity of containers carried on or above the upper deck (VMC). The proposed rule authorizes PCC to determine which ships qualify for the assessment and to calculate their VMC. The VMC multiplied by an appropriate factor, described below, produces the portion to be included in the PC/UMS Net Tonnage.

This notice also announces the availability from PCC of an analysis showing the basis and justification for the proposed changes, solicits written data, views, or arguments from interested parties, and sets the time and place for two public hearings, one in the United States and one in Panama.

DATES: Written comments and requests to present oral testimony must be received on or before September 25, 1996; public hearings will be held on October 8, 1996, in Washington, DC; and in Panama, Republic of Panama on October 10, 1996.

ADDRESSES: Comments and requests to testify at the hearings in Panama City, Panama and in Washington, DC may be mailed to: John A. Mills, Secretary, Panama Canal Commission, 1825 I Street NW., Suite 1050, Washington, DC 20006-5402, Telephone: (202) 634-6441, Fax: (202) 634-6439, Internet E-Mail: PanCanalWO@AOL.COM; or the Office of Financial Management, Panama Canal Commission, Balboa Heights, Republic of Panama (Telephone: 011-507-272-3194, Fax: 011-507-272-3040).

For the first time, the PCC will be holding two hearings on the same toll-rate/measurement-rule proposal. Those hearings will be held at the ANA HOTEL, Ballroom I, 2401 M Street, NW, Washington, DC, at 8:00 a.m.; and at MIRAFLORES VISITOR'S PAVILION THEATER, Building 6-A, Miraflores Locks, Republic of Panama (accessible

from Gaillard Highway), at 9:00 a.m. Oral presentations should be limited to 20 minutes. Regulations governing the content of the notice of appearance or intention to present supplementary data at the hearing appear at 35 CFR 70.8 and 70.10.

FOR FURTHER INFORMATION CONTACT: John A. Mills at the above address, (telephone: (202) 634-6441). Copies of PCC's analysis showing the detailed basis and justification for the proposed changes are available from PCC (at the above addresses).

SUPPLEMENTARY INFORMATION: Section 1602(b) of the Panama Canal Act of 1979, as amended, 22 U.S.C. 3792(b), requires that Canal tolls be prescribed at rates calculated to produce revenues to cover as nearly as practicable all costs of maintaining and operating the Panama Canal and the facilities and appurtenances related thereto, as well as to provide capital for plant replacement, expansion and improvements, and working capital.

Toll rates were last increased on October 1, 1992. The 1992 rate increase was adequate to recover operating costs and capital expenditures through FY 1995. However, record-breaking traffic levels are rapidly approaching the Canal's existing operating capacity, and have caused the PCC to re-evaluate its financial requirements to meet its longstanding commitment to quality customer service which includes an average 24-hour Canal Waters Time (CWT). Average CWT in FY 1995 rose to 28.2 hours and has increased further during the first ten months of FY 1996 to 32.6 hours. Unless major improvements to increase Canal capacity are completed, CWT cannot be meaningfully improved as Canal traffic continues to grow and strain the existing operating capacity.

PCC will increase Canal capacity by implementing a number of modernization and improvement projects, including the acceleration of the Gaillard Cut widening project, augmentation of the tugboat fleet, design and procurement of additional locomotives, modernization of the vessel traffic management system, hydraulic conversion of miter gates and rising stem valves moving machinery, and automation of locks machinery controls. As a result, at present toll rates, total operating expenses and capital expenditure requirements are estimated to exceed revenues by \$2.2 million in FY 1996, \$34.5 million in FY 1997, and \$69.7 million in FY 1998. This necessitates an increase in the general toll rate. As noted above, a detailed written analysis is available

further explaining the basis and justification for the changes.

The 1994 revision of the Rules for Measurement of Vessels was designed to simplify the measurement procedures in effect at the Canal and to bring those rules in line with the worldwide standard of tonnage measurement contained in the 1969 International Convention of Tonnage Measurement of Ships. Those rules, which are currently in effect and which are referred to collectively as the Panama Canal/Universal Measurement System (or PC/UMS), presently do not include in the calculation of a ship's earning capacity any open spaces available for the carriage of containers on or above the main deck.

The evolution of container ships has resulted in improved design and increased capacity to permit far greater use of on-deck space. Today, 40 to 60 percent of useable capacity of modern container ships is on or above the main deck. Thus, these ships have increased their earning capacity in terms of volume, whereas their PC/UMS Net Tonnage calculation under current rules does not include this revenue-producing space. The same is true with respect to a significant number of other ships which, in addition to the bulk and other cargoes they carry below deck, also have the capacity to carry containers on and above the main deck. In other words, PCC is not currently charging equitably for full revenue producing space.

The costs of PCC's expanded capital program have prompted PCC to focus on this practice and conclude that it is inconsistent with the basic principle governing all Canal toll assessments, i.e., that tolls are to be based on net vessel tons of earning capacity. Containers carried on or above the main deck expand the earning capacity. That added capacity should therefore be taken into account in setting Canal tolls.

This proposal includes in PC/UMS Net Tonnage a portion of the volume of the capacity of containers carried on or above the main deck. The rules would authorize the PCC to determine which ships qualify for the assessment and to calculate the volume of their on-deck container capacity (VMC). The VMC would then be multiplied against an appropriate factor (designated in the amendments as "CF₁") to produce the portion to be included in PC/UMS Net Tonnage.

Section 1604 of the Panama Canal Act of 1979, as amended, 22 U.S.C. 3794, establishes procedures for proposing toll rate increases and changes in the rules for measurement of vessels. Those procedures have been supplemented by regulations in 35 CFR Part 70, which

also provide interested parties with instructions for participating in the process governing changes in toll rates and measurement rules.

PCC will consider and strongly encourages all interested parties to present in writing or orally at the hearings, pertinent data, views or arguments, along with other relevant information, before PCC publishes its final rules in the Federal Register. The final rules, as approved and published by the PCC, will be effective no earlier than 30 days from the date of their publication in the Federal Register.

PCC is exempt from Executive Order 12866. Accordingly, provisions of that directive do not apply to this rule. Even if the Order were applicable, the change would not constitute a "rule" as that term is defined in the Regulatory Flexibility Act [5 U.S.C. 601(2)] because it concerns "rates" and "practices relating" thereto.

Further, PCC has determined that implementation of this rule will have no adverse effect 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.

The Secretary of the PCC certifies that these proposed regulatory changes meet the applicable standards in sections 3(a) and 3(b)(2) of Executive Order No. 12988 of February 7, 1996.

List of Subjects in 35 CFR Part 133 and 135

Measurement, Navigation, Panama Canal, Vessels.

Accordingly, it is proposed that 35 CFR parts 133 and 135 be amended as follows:

PART 133—TOLLS FOR USE OF CANAL

1. The authority citation for part 133 is revised to read as follows:

Authority: 22 U.S.C. 3791.

2. Section 133.1 is revised to read as follows (Note: Alternative versions of toll rates are shown in this proposed rule):

§ 133.1 Rates of Toll.

The following rates of toll shall be paid by vessels using the Panama Canal to become effective January 1, 1997 and January 1, 1998:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, per PC/UMS Net Ton that is, the Net Tonnage determined in accordance with part 135 of this chapter:

Effective date	With amendment		Without Amendment	
	Per-cent	Toll rate	Per-cent	Toll rate
1/1/97	8.2	\$2.39	8.7	\$2.40
1/1/98	7.5	2.57	7.9	\$2.59

(b) On vessels in ballast without passengers or cargo, per PC/UMS Net Ton.

Effective date	With amendment		Without amendment	
	Per-cent	Toll rate	Per-cent	Toll rate
1/1/97	8.2	\$1.90	8.7	\$1.91
1/1/98	7.5	2.04	7.9	2.06

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, per ton of displacement:

Effective date	With amendment		Without amendment	
	Per-cent	Toll rate	Per-cent	Toll rate
1/1/97	8.2	\$1.33	8.7	\$1.34
1/1/98	7.5	1.43	7.9	1.45

PART 135—RULES FOR MEASUREMENT OF VESSELS

1. The authority citation for part 135 is revised to read as follows:

Authority: 22 U.S.C. 3791.

2. Section 135.2 is amended by adding at the end thereof a new sentence to read as follows:

§ 135.2 Vessels generally to present tonnage certificate or be measured.

* * * In addition, these same vessels shall provide documentation, such as plans and classification certificates, with sufficient information to determine the volume of the maximum capacity of containers that may be carried on or above the upper deck, or VMC as defined in § 135.13 (a)(11).

3. In § 135.3 the heading and paragraph (a) are revised to read as follows:

§ 135.3 Determination of total volume and VMC.

(a) Determination of total volume and VMC used to calculate PC/UMS Net Tonnage shall be carried out by the Panama Canal Commission. In so doing, however, the Commission may rely upon total volume and VMC information provided by such officials as are authorized by national governments to undertake surveys and issue national tonnage certificates. Total

volume and VMC information presented to the Commission shall be subject to verification, and if necessary, correction as necessary to ensure accuracy to a degree acceptable to the Commission.

* * * * *

4. Section 135.13 is amended by revising the formula for determining PC/UMS Net Tonnage in paragraph (a), by adding new paragraphs (a)(10) and (a)(11), and by revising paragraph (b) to read as follows:

§ 135.13 Determination of PC/UMS Net Tonnage.

* * * * *

(a) * * *

PC/UMS Net Tonnage =

$$K_4(V) + K_5(V) + CF_1(VMC)$$

* * * * *

(10) "CF₁" = .031 for ships which the Commission determines are designed to carry containers on or above the upper deck; otherwise "CF₁" = 0. In making the foregoing determination, the Commission may consider documentation provided by such officials as are authorized by national governments to undertake surveys and issue national tonnage certificates.

(11) "VMC" = the volume (in cubic meters) of maximum capacity of the containers that can be carried on or above the upper deck. This volume may be calculated by multiplying the maximum number of containers by 29.2 m³, or by other generally accepted methods that meet the Commission's accuracy standards. VMC will not include any container capacity that is included in "V".

(b) For vessels subject to transitional relief measures, the existing Panama Canal Net Tonnage as specified on the certificate issued by the Commission plus CF₁ (VMC) shall be the PC/UMS Net Tonnage. In such case, the formula for determining PC/UMS Net Tonnage is: PC/UMS Net Tonnage = Panama Canal Net Tonnage + CF₁ (VMC).

5. Section 135.14, is amended by adding a new paragraph (d) to read as follows:

§ 135.14 Change of PC/UMS Net Tonnage.

* * * * *

(d) If the VMC of a vessel is changed due to any physical modification after the vessel's PC/UMS Net Tonnage has been determined at the Canal, the PC/UMS Net Tonnage may be revised by the Commission.

6. Section 135.15 is amended by adding new paragraphs (d) and (e), to read as follows:

§ 135.15 Calculation of volumes.

* * * * *

(d) VMC may be calculated by multiplying the maximum number of containers by 29.2 m³, or by other generally accepted methods that meet the Commission's accuracy standards.

(e) For purposes of this part, the outside dimension of a container is 8 ft. × 8 ft. × 20 ft, or 36.25 m³. These parameters will be used for determining the maximum above-deck container capacity.

7. Section 135.31 is amended by adding at the end thereof a new sentence to read as follows:

§ 135.31 Transitional relief measures.

* * * Vessels subject to relief measures shall provide Canal authorities with sufficient documentation, such as plans and classification certificates, for the Commission to determine the VMC.

8. Section 135.41 is amended by revising the first sentence to read as follows:

§ 135.41 Measurement of vessels when volume information is not available.

When an ITC 69 or suitable substitute and documentation for the calculation of the VMC are not presented, or when the certificate, substitute or VMC documentation presented does not meet accuracy standards acceptable to the Commission, vessels will be measured in a manner that will include the entire cubical contents of V and VMC as defined in this part. * * *

9. Section 135.42 is amended by adding a new paragraph (c) to read as follows:

§ 135.42 Measurement of vessels when tonnage cannot be otherwise ascertained.

* * * * *

(c) VMC may be determined by any accepted method or combination of methods, including but not limited to, simple geometric formulas, multiplication of a container by 29.2 m³, or other standard mathematical formula. The on-deck container capacity of a vessel for VMC purposes will be determined by the Commission.

Dated: August 28, 1996.

John A. Mills,

Secretary, Panama Canal Commission.

[FR Doc. 96-22398 Filed 8-30-96; 8:45 am]

BILLING CODE 3640-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 59

[AD-FRL-5604-1]

National Volatile Organic Compound Emission Standards for Architectural Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The EPA is publishing the proposed regulatory text and extending the public comment period for the proposed National Volatile Organic Compound Emission Standards for Architectural Coatings. As initially published in the Federal Register on June 25, 1996 (61 FR 32729), written comments on the proposed rule were to be submitted to the EPA on or before August 30, 1996 (a 60-day public comment period). The public comment period is being extended and will end on September 30, 1996.

Two errors in the proposed rule are being corrected in this notice, and the text of the corrected proposed rule is printed herein for the convenience of interested parties.

In addition, this document discusses the definition of "small entity" used to evaluate impacts under the Regulatory Flexibility Act since it is different than the definition used by the Small Business Administration (SBA). The EPA requests comments on this alternative definition.

DATES: Written comments must be submitted by September 30, 1996.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-92-18, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-92-18. No Confidential Business Information (CBI) should be submitted through e-mail.

Docket. The proposed regulatory text and other materials related to this

rulemaking, excepting any information claimed as CBI, are available for public review. This public record has been established for the rulemaking under Docket No. A-92-18 and contains supporting information used in developing the proposed rule. The docket, including paper versions of electronic comments, is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday, at the U.S. Environmental Protection Agency Air and Radiation Docket and Information Center (6102), Waterside Mall, Room M1500, 401 M Street, SW, Washington, DC 20460; telephone number (202) 260-7548, FAX (202) 260-4400. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Ducey, Coatings and Consumer Products Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5408.

SUPPLEMENTARY INFORMATION: On June 25, 1996, at 61 FR 32729, the EPA published the proposed National Volatile Organic Compound Emission Standards for Architectural Coatings and provided a 60-day public comment period. Requests have been received to extend the public comment period beyond the 60 days originally provided. In consideration of these requests, some of which were from small businesses that will be affected by the rule, the EPA is extending the comment period by 30 days (until September 30, 1996), in order to give all interested persons the opportunity to comment fully.

The proposed rule text is included in this notice to enhance its availability to commenters. Corrections of two errors in the previous version of the rule text are highlighted below.

The first correction is in the definition of volatile organic compound (VOC) content in Section 59.401. Both Equation 1 and Equation 2 define the term W_s . This term is used to represent "the weight of *volatiles*, in grams." In the previous version of the proposed rule, it was incorrectly defined as "the weight of VOC, in grams." The EPA's Method 24—Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings details the standard methods used to determine the VOC content of a coating, including the volatile content of coatings.

The second correction is in Section 59.403 which details container labeling requirements. The error in the rule text