

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1****[LR-19-80]****Unisex Annuity Tables***Corrections*

In FR Doc. 86-6294, beginning on page 9978 in the issue of Monday, March 24, 1986, make the following corrections:

1. On page 9983, in the second column, in the fourteenth line of § 1.72-5(a)(2)(i), insert "be" after "to";

2. On page 9984, in the third column, the twenty-fifth line of § 1.72-5(b)(1) should read "post-June 1986 investment in the contract, the expected return is";

3. On the same page, same column and section, ten lines from the bottom, the first word should read "Expected";

4. On page 9985, in the first column, in the thirteenth line of § 1.72-5(b)(2), "through" should read "though";

5. On the same page and column, add "contract." to the eighth line of § 1.72-5(b)(2), Example (1);

6. On the same page, in the eleventh line of § 1.72-5(b)(2), Example (2), appearing in the second column, "600" should read "\$600", and ten lines below that, insert "of" before "each";

7. On the same page, in the third column, in the seventh line of § 1.72-5(b)(3), "1938" should read "1939";

8. On page 9986, in the eleventh line of § 1.72-5(b)(5), Example (1), appearing in the second column, "\$960" should read "\$9.60";

9. On the same page, in the third column, in § 1.72-5(b)(7), Example (1), in the eleventh line "\$715.40" should read "\$716.40", and in the second line from the bottom of the column, "white" should read "while";

10. On page 9989, in § 1.72-6(b), Example (1), second column, the dotted fifth line should be deleted and the first word in the next line should read "Plus"; and

11. On page 9990, in the first column, in the fourth line of § 1.72-6(d)(3)(ii), the second word should read "starting".

BILLING CODE 1505-01-M

Bureau of Alcohol, Tobacco and Firearms**27 CFR Part 9****[Notice No. 588]****Establishment of Arkansas Mountain Viticultural Area**

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of Arkansas to be known as "Arkansas Mountain." This proposal is the result of a petition submitted by Mr. Al Wiederkehr, a winery owner and grape grower in the proposed area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable winemakers to label wines more precisely and will help consumers to better identify the wines they purchase.

DATES: Written comments must be received by May 22, 1986.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 588).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4406, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC.

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

SUPPLEMENTARY INFORMATION:**Background**

ATF regulations in 27 CFR Part 4 provide 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.

Part 9 of 27 CFR provides 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 procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the

geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. Al Wiederkehr, Chairman of the Board and Chief Executive Officer of Wiederkehr Wine Cellars, Inc., proposing an area in northwestern Arkansas as a viticultural area to be known as "Arkansas Mountain." The proposed area contains about 4,500 square miles. Within the area, approximately 1,200 acres are currently planted to grapes. The area is located in the mountainous regions of Arkansas, both north and south of the Arkansas River. The petitioner states that approximately eight wineries are operating within the area.

Name of the Area

The petitioner claims that the proposed viticultural area is known by the name of "Arkansas Mountain." To support this, he submitted the following evidence:

(a) The name "Arkansas Mountain" has been used on wine labels by the petitioner to designate wines from this area since 1974.

(b) Published descriptions of the area have referred to it as the "Arkansas Mountains." For example, the "Holiday Inn Magazine for Travelers," in an October 1969 article entitled "Vineyard Village," stated: "Finding the grape-laden vineyards, a colorful chalet with gay window boxes, and huge wine cellars in the Arkansas mountains is an unexpected adventure to most tourists. Yet the colony has been there for more than 80 years." Further, the Rev. Placidus Oechsle, in his *Historical Sketch of the Congregation of Our Lady of Perpetual Help* (1930), wrote as follows: "The Baron . . . praised the thrifty and industrious settlers of Teutonic blood, who had made in a few years a garden spot of a wilderness. They had selected the Arkansas Mountains . . . to become their home."

(c) The origin of the term "Arkansas Mountain," is described by the petitioner in his petition as follows: "Dr. John L. Ferguson states the following information in reference to the Arkansas

Mountains. The name Arkansas came before Ozark or 'Aux Arcs' which means of the Arkansas or from among the Arkansas. The name Arkansas comes from the Arkansas Indians who lived in the area. The Arkansas River was given its name to indicate that it was the river of the Arkansas (Indians); therefore the Arkansas River. The mountains in the vicinity of the Arkansas River were also given that name to mean also the mountains of the Arkansas (Indians); therefore the Arkansas Mountains."

Geography of the Area

The petitioner declares that the proposed viticultural area is distinguished geographically from the surrounding areas as follows:

(a) To the north and west, the area is distinguished from neighboring areas on the basis of mean winter minimum temperature. The petitioner submitted data collected over 50 years from 42 locations (7 inside the area and 35 outside of it). These data showed that locations to the north and west of the proposed area regularly experience significantly colder mean winter minimum temperatures. According to Professor Justin R. Morris of the University of Arkansas Division of Agriculture, this distinction "is due to the effects of the mountains." The protective effects of the Arkansas mountains were described by the petitioner, quoting at length from *Natural Resources of the State of Arkansas* (1869) by James M. Lewis. In that book, Mr. Lewis claimed that protection from cold northern weather is due to the fact that the Ozark and Ouachita Mountains range east and west, rather than north and south (as with the Appalachians, for example). Consequently, Mr. Lewis said, the mountains provide shelter from violent winds and sudden changes in temperature coming from the north.

(b) To the east, the data is ambiguous as to the existence of a temperature difference as described above; but the eastern boundary does correspond approximately to a topographical change, where the Boston and Ouachita Mountains begin their descent to the alluvial plain of the Mississippi River. This topographical change is reflected in a change in the character of the soil; for instance, the Leadville-Taft soils begin to occur much more frequently; and, within the Linker and Mountainburg soils, there is an increasing predominance of the Linker variety and a corresponding drop-off in the Mountainburg.

(c) To the south, the boundary of the proposed area delineates the extent of

"soil types suitable for grape production" (according to Professor Morris). Additionally, Professor Morris states, "All areas south of the Arkansas Mountain area would be considered in the Pierce's disease region and in these areas, the *Vitis rotundifolia* are best adapted since they are resistant or tolerant to Pierce's disease." Pierce's disease is a vine-destroying disease, associated with warm climates, which attacks vines of the *Vitis vinifera* species (the species from which most of the world's wines are produced). *Vitis vinifera* is grown in the proposed Arkansas Mountain area, but has not been grown successfully in the region to the south of it.

Boundaries of the Area

The boundaries of the proposed viticultural area may be found on two U.S.G.S maps in the scale of 1:250,000, titled Russellville, Arkansas, and Fort Smith, Arkansas-Oklahoma. The boundaries would be as described in the proposed § 9.112.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, 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. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens 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 notice of proposed rulemaking, if promulgated as a 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 of February 17, 1981, the Bureau has determined that this proposal 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 geographical 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.

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 notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Arkansas Mountain viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as suggestions for possible future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the 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.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Issuance

Accordingly, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph A. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. B. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.112, to read as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

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9.112 Arkansas Mountain.

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Par. C. Subpart C of 27 CFR Part 9 is amended by adding § 9.112, which reads as follows:

§ 9.112 Arkansas Mountain.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of Arkansas Mountain viticultural area are two U.S.G.S. maps. They are titled:

(1) Russellville, Arkansas, 1:250,000 series, compiled in 1954.

(2) Fort Smith, Arkansas-Oklahoma, 1:250,000 series, 1978.

(c) *Boundary*—(1) *General.* The Arkansas Mountain viticultural area is located in Arkansas. The starting point of the following boundary description is the point where Frog Bayou converges with the Arkansas River, near Yoestown, Arkansas, on the Fort Smith map.

(2) *Boundary Description*—(i) From the starting point southwestward along the Arkansas River to Vache Grasse Creek.

(ii) Then southeastward and southwestward following Vache Grasse Creek to the place where it is crossed by Arkansas Highway 10, near Greenwood, Arkansas.

(iii) From there westward along Highway 10 to U.S. Highway 71. (Note: Highway 10 is the primary highway leading from Greenwood to Hackett, Arkansas.)

(iv) Then southward and eastward along Highway 71 until it crosses Rock Creek.

(v) Then northeastward along Rock Creek to Petit Jean Creek.

(vi) Then generally northeastward and eastward along Petit Jean Creek until it becomes the Petit Jean River (on the Russellville map).

(vii) Then generally eastward along the Petit Jean River, flowing through Blue Mountain Lake, until the Petit Jean River joins the Arkansas River.

(viii) Then generally eastward along the Arkansas River to Cadron Creek.

(ix) Then generally northward and northeastward along Cadron Creek to the place where it is crossed by U.S. Highway 65.

(x) From there northward along Highway 65 to its intersection with Arkansas Highway 16 near Clinton, Arkansas.

(xi) From there following Highway 16 generally westward to its intersection with Arkansas Highway 23 in Brashears, Arkansas.

(xii) From there southward along Highway 23 to the Madison County-Franklin County line.

(xiii) Then westward and southward along that county line to the Madison County-Crawford County line.

(xiv) Then westward along that county line to the Washington County-Crawford County line.

(xv) Then westward along that county line to Jones Fork (on the Fort Smith map).

(xvi) Then southward along Jones Fork until it joins Frog Bayou near Winfrey, Arkansas.

(xvii) Then generally southward along Frog Bayou, flowing through Lake Shepherd Springs and Lake Fort Smith, to the beginning point.

Approved: March 27, 1986.

Stephen E. Higgins,

Director.

[FR Doc. 86-7567 Filed 4-4-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 166**

[CGD 84-010]

Port Access Study, Gulf of Mexico

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of study results.

SUMMARY: On March 11, 1985 (50 FR 9682), the Coast Guard published a notice of study results for the Gulf of Mexico. In the study results, doubt was raised as to whether the anchor clearance regulations contained in 33 CFR 166.200(b)(2) provide sufficient depth of water over temporary anchor chain and attendant cables in the Louisiana Offshore Oil Port (LOOP) approach. The notice of study results stated that the issue would be addressed in a future rulemaking document. The purpose of this notice is

to remove from formal consideration changes to the anchor clearance regulations.

FOR FURTHER INFORMATION CONTACT: LTJG D. Reese, Project Manager, Office of Navigation (G-NSR-3), room 1418, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington DC 20593, telephone (202) 245-0108.

SUPPLEMENTARY INFORMATION: The Coast Guard's anchor clearance regulations now contained in 33 CFR 166.200(b)(2) allow temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs, (outside of a fairway boundary), to be placed within a fairway providing that the minimum depth of water over an anchor line within a fairway is 125 feet. The Army Corps of Engineers (COE) regulations contained in 33 CFR 209.135 set out the procedures for the temporary placement of anchors for semisubmersible drilling rigs. The COE regulations require notice to and Coast Guard review of permits for drilling rigs. The COE regulations also require that semisubmersible drilling rigs be at least 500 feet away from any fairway boundary or whatever distance is necessary to ensure that minimum clearance over an anchor line within a fairway will be 125 feet (33 CFR 209.135(b)(2)).

During the study, it was suggested that the minimum depth of water over a semisubmersible drilling rig's temporary anchor line be increased to 150 feet since LOOP has handled vessels of 78 feet in draft and can handle vessels with drafts of up to 96 feet. Information on anchor clearance regulations was provided by the Eighth Coast Guard District regarding existing vessel traffic, weather conditions, and the effect that an increase in anchor clearance regulations would have on offshore developers. The information was not sufficient enough to indicate a clear and present need for rulemaking at this time. The Coast Guard has the ability to comment on permits and take action in critical situations when the sufficiency of anchor clearance regulations might create a problem. Therefore, changes to the anchor clearance regulations are removed from formal consideration.

Dated: April 1, 1986.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 86-7626 Filed 4-4-86; 8:45 am]

BILLING CODE 4910-14-M