

less than \$1 million annually. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements requiring Office of Management and Budget clearance.

Regulatory Flexibility Act

We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because these rules affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

Dated: May 12, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: July 12, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

Subpart K of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

1. The authority citation of Subpart K of Part 416 reads as follows:

Authority: Secs. 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act, as amended; sec. 211 of Pub. L. 93-66; 49 Stat. 647, as amended, 86 Stat. 1468, 86 Stat. 1470, 86 Stat. 1471, 86 Stat. 1475, 87 Stat. 154 (42 U.S.C. 1302, 1382, 1382a, 1382b, 1382c, and 1383.)

2. Section 416.1103 is amended by adding paragraph (j) to read as follows:

§ 416.1103 What is not income.

Some things you receive are not income because you cannot use them as food, clothing, or shelter, or use them to obtain food, clothing, or shelter. In addition, what you receive from the sale or exchange of your own property is not income; it remains a resource. The following are some items that are not income:

* * * * *

(j) *Receipt of certain noncash items.* Any item you receive (except shelter as defined in § 416.1130, food, or clothing) which would be an excluded nonliquid

resource (as described in Subpart L of this Part) if you kept it, is not income.

Example 1: A community takes up a collection to buy you a specially equipped van which is your only vehicle. The value of this gift is not income because the van would be an excluded nonliquid resource under § 416.1218 in the month following the month of receipt.

Example 2: If you inherit a house which is your principal place of residence, the value of the house is income because this is an item which you are using as your shelter and to not consider this item income would cause us to duplicate the portion of your SSI benefit that is paid to provide for your shelter needs.

[FR Doc. 83-28564 Filed 10-19-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 490]

Clear Lake 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 southwest Lake County, California, to be known as "Clear Lake." This proposal is the result of a petition submitted by Mr. Paul Hessinger of the Mt. Konocti Winery, Mr. Jess S. Jackson of Chateau du Lac, Inc., and Ms. Signe Bengard.

The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help wineries better designate the specific grape-growing areas where their wines come from and will enable wine consumers to better identify the wine they purchase.

DATE: Written comments must be received by December 5, 1983.

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, Attn.: Notice No. 490.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ed Reisman, FAA, Wine and Beer

Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

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

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

Section 9.11, 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 characteristics (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. maps with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area surrounding the watershed of Clear Lake in southwestern Lake County, California, as a viticultural area. The proposed viticultural area is to be known as "Clear Lake." The petition was submitted by three of several grape-growers and winery owners located in the proposed viticultural area. The proposed viticultural area is located entirely within Lake County between the Mayacamas Mountains to the southwest and the Mendocino National Forest to the northeast. It extends to the southeast

to just north of the "Guenoc Valley" viticultural area which is also located in Lake County. The proposed "Clear Lake" viticultural area is located entirely within the boundaries of a larger viticultural area known as "North Coast."

The area encompassed by the proposed boundaries consists of 168,960 acres or 264 square miles of valley and upland terrain surrounding Clear Lake. Prominent among the growing areas contiguous to Clear Lake, and which fall within the proposed viticultural area designation, are Big Valley, Scotts Valley, Upper Lake, Clearlake Oaks, and Lower Lake.

Evidence provided by the petitioner states that there are over 3,000 acres planted to vines, and the proposed viticultural area now has three commercial wineries, two located in the Big Valley area, a third in Lower Lake, and others being planned.

The boundaries of the proposed viticultural area may be found on four (4) U.S.G.S. quadrangle (Topographic) maps, 15 minute series, scale 1:62,500—Lower Lake, Clearlake Oaks, Lakeport and Kelseyville. The specific boundaries proposed for the viticultural area are detailed in the regulation portion of this document at § 9.99(c).

Geographical Features

The petitioner claims the proposed viticultural area is distinguished from the surrounding areas on the basis of elevation, soil, watershed and climate. The petitioner bases these claims on the following evidence:

(a) *Elevation and Soils* The Mendocino National Forest on the northeastern boundary and the Mayacamas Mountain Range on the southwestern boundary geographically isolate the Clear Lake area from surrounding areas. Both of these mountain areas have heavily forested rugged terrains. In addition, because it is Federally controlled land, the Mendocino National Forest is unavailable for cultivation. The proposed viticultural area is rimmed by steep surrounding mountains ranging in heights to over 4,000 feet. The prominent inactive volcanic mountain, Mt. Konocti (elevation 4,300 feet) rises from the western edge of Clear Lake and dominates the countryside. The soil around the vicinity of Mt. Konocti consists of hillsides of rich volcanic alluvial types that are well suited for grape-growing. The lake itself, which is centrally located within the proposed viticultural area is 1,300 feet above sea level and the largest natural body of fresh water in California (70.5 square miles). Because of its size and location,

Clear Lake has a demonstrable influence on the grape-growing areas immediately surrounding it. The 3,000 acres currently planted to vineyards around the lake are located at altitudes of 1,300 to 1,800 feet and are mostly flat or gently rolling benchlands of uniform deep sandy loam and clay loam soils. In comparison, the vineyard areas of Mendocino County located to the west of Clear Lake have average altitudes of less than 700 feet. The vineyard areas of Napa and Sonoma Counties located to the south of Clear Lake are less than 100 feet in altitude.

(b) *Climate and Watershed*. Clear Lake has a unique "Transitional" climate pattern, different than the other surrounding north coastal areas. The area is unique because it is close enough to the Pacific Ocean to be influenced by the maritime coastal air that flows through the gaps in the mountains located to the west. This coastal air flows gently across Clear Lake, cooling the area surrounding it in the summer. This coastal air does not penetrate the high mountains to the east of Clear Lake. On the east side of that mountain area the climate is much warmer, with little air flow.

The basic feature distinguishing Clear Lake from the surrounding areas is the unique geography of the Clear Lake watershed. Clear Lake serves to moderate the temperatures in the proposed viticultural area throughout the year by creating both a favorable warming temperature influence in the winter and a cooling influence in the summer.

The climate of the proposed Clear Lake viticultural area includes Region II and Region III as classified by the University of California at Davis' system of heat summation by degree days. A table of cumulative degree-days, published by the University of California Agricultural Extension Service Office in Lake, Mendocino and Sonoma Counties, shows the area around Upper Lake is relatively cool and consequently is classified as Region II. The area around Scotts Valley and Kelseyville is warmer and consequently is classified as Region III. These figures do not take into account Clear Lake's cold nights, uniformly cooler than anywhere else in the surrounding coastal counties which offsets the daytime heat and absence of adverse wind and fog conditions. In comparison, the climate in the Middletown area of Lake County located to the south of the proposed Clear Lake viticultural area is warmer and is classified as Region IV.

Mr. Charles Hemstreet, the Agricultural Advisor for Lake County (University of California-Cooperative

Extension) stated that although the surrounding counties of Napa, Sonoma and Mendocino also have areas that are classified as Region III, Clear Lake's Region III is as different as it is the same as those counties. The Clear Lake Region III seasonal summation curve is somewhat differently shaped than those other coastal county curves. He stated that Clear Lake is without fog during the growing season, yet it has cooler nights (and often days) than those other north coastal counties at the time when fruit ripening occurs.

According to Mr. Hemstreet the Clear Lake area has less humidity during the growing season than the other surrounding north coastal counties because there are less periods of morning fog. He emphasized that Clear Lake as a moderating influence on the contiguous vineyard areas is a central issue in distinguishing the proposed viticultural area of Clear Lake from other grape growing areas within Lake County and other north coastal counties nearby.

According to the publication entitled "Climatology of the United States No. 81-4, Decennial Census of U.S. Climate," the growing season in Clear Lake is 223 days which is shorter than the surrounding areas. The beginning of the growing season is cooler in Clear Lake than Sonoma County, with a more rapid drop (comparatively) to winter temperatures. The growing season in Sonoma and Mendocino Counties is 308 and 268 days, respectively.

The average rainfall per year for the Clear Lake area is about 37 inches. The average rainfall at the Middletown area of Lake County located to the south of the proposed viticultural area is about 62 inches per year. The surrounding counties of Sonoma and Mendocino have rainfalls averaging 32 and 39 inches per year, respectively.

To summarize, the petitioner states that the basic features distinguishing Clear Lake from adjacent areas are the unique geography of the Clear Lake watershed, the warm days and cool nights during the growing season, the absence of adverse wind and fog conditions and the uniform deep sandy loam and clay loam soils.

Evidence Relating to Name and Boundaries

The petitioner claims the proposed viticultural area is locally/nationally known by the name "Clear Lake" and the boundaries are as specified in the petition. The petitioner submitted historical and current evidence consisting of the following to support these claims:

(a) Clear Lake, the largest natural fresh water lake located entirely within the boundaries of California, identifies the principal inhabited region of Lake County. For over a hundred years the Clear Lake region has been a popular resort and agricultural center.

(b) Mr. Ernest P. Penninov the author of "A History of the Lake County Early Grape and Wine Industry," documented events about the people that first settled around the Clear Lake area and their relationship to the development of the local wine industry. He said, that in 1865 a group of San Francisco capitalists organized the Clear Lake Water Company with the purpose of impounding water from Clear Lake for use in San Francisco.

(c) Several wineries that have been selling wines on a local and national level have used the name Clear Lake on their bottle labels to further identify their products.

(d) Some localities within the proposed viticultural area that use the name Clear Lake in their heritage are Clearlake Oaks, Clearlake Park, Clearlake Highlands and Clear Lake State Park. United States Geographical Survey maps document this information.

General Information

The first man to plant vines and make wine near Clear Lake was David Voight, who in 1872 settled a mile east of Lower Lake. Although Lake County claimed 600 acres of grapes in 1884, his was as yet the only commercial winery in the county. However, soon after that many of the winegrowers became winemakers as well. By the turn of the century, newspaper stories of the period told of groups of people ferrying around Clear Lake stopping at various wineries for drinks. At the 1893 Worlds Columbian Exposition in Chicago, Lake County wines were recognized by receiving awards. At the height of this era, a total of 36 wineries flourished in Lake County. Later, Prohibition brought a halt to all of this activity. The past 15 years have seen a significant return of vineyard development in the area.

Discussion

ATF feels the evidence submitted by the petitioner indicates establishment of "Clear Lake" as a viticultural area may be warranted. Accordingly, the establishment of this grape-growing region as a viticultural area is proposed in this document.

The petitioner states, "The basic features distinguishing Clear Lake from adjacent areas are the unique geography of the Clear Lake watershed, the warm days and cool nights during the growing season, the absence of adverse wind

and fog conditions, and the uniform sandy loam and clay loam soils."

Public Participation—Comments

All interested persons are invited to participate in this proposed rulemaking by submitting written comments. Comments should be specific, pertain to the issues in this proposed rulemaking, and provide the factual basis supporting the data, views, or recommendations presented. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

We are particularly interested in receiving comments which provide historical or current evidence as to whether the proposed viticultural area boundaries are as specified in the petition. In addition, comments are invited on alternative boundaries. These comments should include data on the geographical and viticultural characteristics which distinguish the area encompassed from the surrounding areas.

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. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request in writing, to the Director, within the 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 should be held.

ATF reserves the option to determine on the basis of written comments, our own research, and in light of any other circumstances, whether this viticultural area should be established. In addition, ATF may modify, through the rulemaking process, the viticultural area which may be established as a result of this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

Paper 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial regulatory flexibility analysis (5 U.S.C. 603) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This rule, if adopted, will allow the petitioners and other persons to use an appellation of origin, "Clear Lake," on wine labels and in wine advertising. ATF has determined that this rule neither imposes new requirements on the public nor removes privileges available to the public. This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or 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 proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance with Executive Order 12291

In compliance with Executive Order 12291, ATF 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 of 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.

Drafting Information

The principal author of this document is Ed Reisman, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.99. As amended, the table of section reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.	*	*	*	*	*
9.99					Clear Lake.

Par. 2. Subpart C is amended by adding § 9.99 as follows:

Subpart C—Approved American Viticultural Areas

*	*	*	*	*	*
§ 9.99					Clear Lake.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Clear Lake viticultural area are four U.S.G.S. maps. The maps are titled as follows:

- (1) "Lower Lake Quadrangle, California," 15 minute series, 1958;
- (2) "Clearlake Oaks Quadrangle, California," 15 minute series, 1960;
- (3) "Lakeport Quadrangle, California," 15 minute series, 1958;
- (4) "Kelseyville Quadrangle, California," 15 minute series, 1959.

(c) *Boundaries.* The Clear Lake viticultural area is located in southwestern Lake County, California.

The descriptive boundaries of the proposed viticultural area, using landmarks and points of reference on the applicable U.S.G.S. maps, are as follows:

Lower Lake Quadrangle Map (15 minute series) From the beginning point on Mt. Hannah in Section 18, Township 12 North (T12N), Range 8 West (R8W), identified as having an elevation of 3,978 feet, the boundary runs—

(1) East-southeasterly in a straight line to the point on Seigler Mountain in Section 23, T12N/R8W, identified as having an elevation of 3,692 feet;

(2) Then east-southeasterly in a straight line to the point on Childers Peak in Section 34, T12N/R7W, identified as having an elevation of 2,188 feet;

(3) Then east-northeasterly in a straight line to the point on the southeast corner of Section 25, T12N/R7W;

(4) Then northeasterly in a straight line to the point in Section 18, T12N/R8W, identified as being the "Baker Mine";

(5) Then northwesterly in a straight line to the point at the southeast corner of Section 23, T13N/R7W;

(6) Then northerly along the east line of Sections 23, 14, 11, and 2, to the point at the northeast corner of Section 2, T13N/R7W, on the Clearlake Oaks Quadrangle map;

Clearlake Oaks Quadrangle Map (15 minute series) Continuing from the northeast corner of Section 2, T13N/R7W, the boundary runs—

(7) Then northwesterly in a straight line to the point in Section 21, T14N/R7W, called Round Mountain at an elevation of 2,400 feet;

(8) Then northwesterly in a straight line to the southeast corner of Section 4, T14N/R8W;

Lakeport Quadrangle Map (15 minute series) Continuing from the southeast corner of Section 4, T14N/R8W, on the Clearlake Oaks Quadrangle map—

(9) Then northwesterly on the Lakeport Quadrangle in a straight line to a point on Charlie Alley Peak in Section 28, T16N/R9W, identified as having an elevation of 3,482 feet;

(10) Then westerly in a straight line to a point on Hells Peak in Section 29, T16N/R10W, identified as having an elevation of 2,325 feet;

(11) Then southeasterly in a straight line to a point on Griner Peak in Section 23, T15N/R10W, identified as having an elevation of 2,132 feet;

(12) Then southwesterly in a straight line to a point on Scotts Mountain in Section 8, T14N/R10W, identified as having an elevation of 2,380 feet;

(13) Then southeasterly in a straight line to a point on Lakeport Peak in Section 35, T14N/R10W, identified as having an elevation of 2,180 feet;

Kelseyville Quadrangle Map (15 minute series) Continuing from Lakeport Peak in Section 35, T14N/R10W, on the Lakeport Quadrangle Map—

(14) Then southeasterly in a straight line to a point at the southwest corner of Section 1, T13N/R10W;

(15) Then south by southeast in a straight line to the point at the southeast corner of Section 36, T13N/R10W;

(16) Then south by southeasterly in a straight line to the point at the southwest corner of Section 18, T12N/R8W;

(17) Then east by northeast in a straight line to the beginning point at Mount Hannah, Section 16, T12N/R8W, on the Lower Lake Quadrangle Map.

Signed: October 4, 1983.

W. T. Drake,

Acting Director.

[FR Doc. 83-28556 Filed 10-19-83; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service**31 CFR Part 390****Administrative Offset of Claims**

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth procedures for the collection of claims due the United States arising from transactions in Treasury securities, as administered by the Bureau of the Public Debt. The rule is needed to implement the administrative offset provisions of section 10 of the Debt Collection Act of 1982, Pub. L. 97-365, 96 Stat. 1749 (31 U.S.C. 3716).

DATE: Comments are due by December 19, 1983.

ADDRESS: Send comments to the Office of the Chief Counsel, Bureau of the Public Debt, 1435 G Street, NW., Room 309, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Paul Dalton or Mary Lou Dasburg, Attorney-Advisers, Bureau of the Public Debt, Office of the Chief Counsel, Divisions Office (202) 447-9859.

SUPPLEMENTARY INFORMATION: Prior to the Debt Collection Act of 1982, the Bureau of the Public Debt relied on the common law right of offset as a tool to administratively collect claims owed to the United States. The Act, while providing statutory authority for administrative offset, also requires specific procedures and safeguards to ensure that alleged debtors will be afforded due process protections. One of the requirements of the Act is that Federal agencies issue regulations consistent with the Act and the Federal Claims Collection Standards (4 CFR, Chapter II) before collecting claims by administrative offset.

Executive Order 12291

The proposed rule is not a "major rule," as defined in Executive Order 12291, dated February 17, 1981, because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) 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.