

treat a member or client as a corporation (and therefore as a corporate member or client) if such member or client provides an exemption certificate as described in A-29 of § 35a.9999-1 of the Temporary Employment Tax Regulations or provided that—

(A) The name of the member or client contains the term "insurance company," "indemnity company," "reinsurance company," or "assurance company";

(B) The name of the member or client contains one of the following unambiguous expressions of corporate status: Incorporated, Inc., Corporation, Corp., or P.C., but not Company or Co.; or

(C) The member or client is known to the barter exchange to be a corporation through a corporate resolution or similar document on file with the barter exchange clearly indicating corporate status.

* * * * *

These regulations merely remove a portion of a regulatory burden that had previously been promulgated. Therefore, it is unnecessary to issue the regulations with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 6045 and 7805 of the Internal Revenue Code of 1954 (96 Stat. 600, 26 U.S.C. 6045; 68A Stat. 917, 26 U.S.C. 7805). Approved by the Office of Management and Budget under control number 1545-0715.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 27, 1983.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 83-34768 Filed 12-28-83; 12:44 pm]

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Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-163; Ref: Notice No. 481]

Howell Mountain Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Napa County, California, within the Napa Valley viticultural area, to be known as "Howell Mountain." This final rule is

the result of a petition submitted by members of the grape-growing and wine-producing industries in the viticultural area. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of this viticultural area and the subsequent use of the name Howell Mountain as an appellation of origin on labels and in advertisements will allow wineries to better designate the derivation of their wines and will enable consumers to better identify and differentiate the wines they may purchase.

EFFECTIVE DATE: January 30, 1984.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Part 4, Title 27, CFR. These regulations provide for the establishment of definite viticultural areas. They 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 amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all American viticultural areas approved for use as appellations of origin.

An American viticultural area is defined in §§ 4.25(e)(1) and 9.11 as a delimited grape-growing region distinguishable by geographical features. Any interested person may petition ATF to establish a grape-growing region as an American viticultural area. Under the procedures for proposing a viticultural area outlined in §§ 4.25(e)(2) and 9.3(b), a petition must contain evidence, historical or current, that the proposed area is—

(a) Locally and/or nationally known by the name specified;

(b) Encompassed by appropriate boundaries; and

(c) Possesses geographical features (climate, soil, elevation, physical features, etc.) which distinguish its viticultural features from surrounding areas.

ATF was petitioned by members of the grape-growing and wine-producing industries to establish a viticultural area in Napa County, California, to be known as "Howell Mountain." In response to the petition, ATF published in the *Federal Register* on August 19, 1983, a

notice of proposed rulemaking (Notice No. 481, 48 FR 37670) concerning the establishment of the Howell Mountain viticultural area and solicited written comments from the public.

General Description

The viticultural area is located in Napa County, California, and consists of approximately 14,080 acres, with 198 acres of grapes and 2 bonded wineries. It is a relatively flat table top located southwest of Pope Valley within the Napa Valley viticultural area.

Historical and current evidence regarding the name as well as the boundaries of the viticultural area include:

(a) Copies of recent (1980 Ridge Vineyards, Inc., and 1978 Cakebread Cellars), and past wine labels (La Jota Vineyard, prior to 1900), each of which indicates the appellation Howell Mountain.

(b) The presence of "Howell Mountain Road" that runs through the viticultural area.

(c) The establishment of a winery on Howell Mountain in the early 1880's by Jean Brun and Jean Chaix.

Geographical features of the Howell Mountain viticultural area include the following:

(a) The viticultural area is located at an elevation of between 1,400 feet and 2,200 feet.

(b) The soils in the viticultural area are for the most part in the Aiken and Forward Group. These soil types are not commonly found in the vineyards of the Napa Valley floor.

(c) The climate on Howell Mountain is characterized by moderate temperatures, with an average mean temperature of 56.6° F., compared to an average mean temperature of 58.6° F. at St. Helena (to the southwest) and 59° F. in Pope Valley (to the northeast).

(d) The average yearly rainfall for Howell Mountain is 40.74", compared to 32.1" for Pope Valley and 35.4" for Napa Valley (St. Helena).

(e) Several days of the year the valley floor is covered with fog while Howell Mountain is at the same time exposed to sunlight.

The boundaries of the proposed Howell Mountain viticultural area may be found on four U.S.G.S. maps (Aetna Springs, St. Helena, Calistoga, and Detert Reservoir).

The boundaries, as proposed by the petitioner, are described in § 9.94.

Comments

No comments were received during the comment period. Having analyzed and evaluated the evidence contained in

the petition, ATF is adopting the Howell Mountain viticultural area as proposed.

Miscellaneous

AFT does not wish to give the impression by approving Howell Mountain as a viticultural area that it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Howell Mountain wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 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 geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on 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 final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and appropriate maps are available for public inspection during normal business hours at the following location: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, D.C.

Drafting Information

The principal author of this document is James P. Ficareta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended 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 § 9.94 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.
* * * * *
9.94 Howell Mountain.

Par. 2. Subpart C is amended by adding § 9.94 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *
§ 9.94 Howell Mountain.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Howell Mountain viticultural area are four U.S.G.S. topographic maps in the 7.5 minute series, as follows:

- (1) "Detert Reservoir, CA.," 1959 (photorevised 1980).
- (2) "Aetna Springs, CA.," 1950 (photorevised 1981).
- (3) "Calistoga, CA.," 1958 (photorevised 1980).
- (4) "St. Helena, CA.," 1960 (photorevised 1980).

(c) *Boundaries.* The Howell Mountain viticultural area is located in Napa County, California, and is part of the Napa Valley viticultural area. The exact

boundaries of the viticultural area, based on landmarks and points of reference found in the approved maps, are as follows: Commencing at the 1,400' contour line at the intersection of Sections 15 and 16 in R6W/T9N of the Detert Reservoir Quadrangle U.S.G.S. map; Then, continue in an east and southeast direction along the 1,400' contour line to the southeast corner of Section 23 in R5W/T8N; Then, in a generally northwest direction along the 1,400' contour line until it intersects the line between Sections 21 and 22 in R6W/T9N; Then, north along the Section 21/22 boundary line to the starting point at the 1,400' contour line.

Signed: December 5, 1983.

Stephen E. Higgins,
Director.

Approved: December 14, 1983.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-34578 Filed 12-29-83; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION
Coast Guard**

33 CFR Part 165

[COTP Baltimore Regulation 83-16]

Safety Zone Regulations; Chesapeake Bay, Baltimore Harbor, Baltimore, MD

AGENCY: Coast Guard DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Baltimore Inner Harbor, Baltimore, Maryland. The zone is needed to protect watercraft from a possible safety hazard associated with a New Year's Eve fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 11:30 pm EST, 31 December 1983. It terminates at 12:30 am EST, 1 January 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Larry H. Gibson, USCG Marine Safety Office, Customhouse, Baltimore, MD 21202 (301) 962-5105.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30