

by ERISA and the ability of the Department of Labor and the Pension Benefit Guaranty Corporation to carry out their statutory functions under titles I and IV. In addition, § 301.6103(l)(2)-3(a) has been amended to permit the written request required by that paragraph to be made together with the written request for additional disclosure under § 301.6103(l)(2)-3(b)(ii).

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this Treasury decision is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Analysis

The Secretary of the Treasury has certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

The principal author of these regulations was Mitchell H. Rapaport of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 301 is amended as follows:

The last sentence of paragraph (a) of § 301.6103(l)(2)-3, relating to disclosures following general requests, and paragraph (b) of § 301.6103(l)(2)-3, relating to additional returns and return information subject to disclosure to officers and employees of the Department of Labor and the Pension Benefit Guaranty Corporation, are revised to read as follows:

§ 301.6103(l)(2)-3 Disclosure to Department of Labor and Pension Benefit Guaranty Corporation of certain returns and return information.

(a) *Disclosures following general requests.* * * * Disclosure of returns or return information as provided by this paragraph will be made only following receipt by the Commissioner of Internal Revenue or his delegate of an annual written request for such disclosure by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate describing the categories of returns or return information to be disclosed by the Service and the particular purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of the Department of Labor or such corporation to whom such disclosure is authorized.

(b) *Additional returns and return information subject to disclosure—*(1) *Returns and return information relating to automatic notification.* (i) Subject to the requirements of subparagraph (3)(i) of this paragraph, officers or employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation for purposes of, but only to the extent necessary in, the administration of title I or IV of the Act additional return and return information relating to any item described in paragraph (a) of this section.

(ii) Subject to the requirements of subparagraph (3)(ii) of this paragraph, in connection with the disclosure of any item as provided by paragraph (a) of this section, officers and employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation such additional returns and return information relating to such item as the Service determines are or may be necessary in the administration of title I or IV of the Act.

(2) *Other returns and return information.* Subject to the requirements of subparagraph (3)(i) of this paragraph, officers or employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation returns and return information (other than returns and return information disclosed as provided by paragraph (a) of this section or § 301.6103(l)(2)-1 or § 301.6103(l)(2)-2 for purposes of, but only to the extent necessary in, administration of title I or IV of the Act.

(3) *Procedures.* (i) Disclosure of returns or return information by officers or employees of the Service as provided

by subparagraph (1)(i) or (2) of this paragraph will be made only following receipt by the Commissioner of Internal Revenue or his delegate of a written request for such disclosure by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate identifying the particular taxpayer by whom such return was made or to whom such return information relates, describing the particular returns or return information to be disclosed, stating the purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of such department or corporation to whom such disclosure is authorized.

(ii) Disclosure of returns or return information by officers or employees of the Service as provided by subparagraph (1)(ii) of this paragraph will be made only following receipt by the Commissioner of Internal Revenue or his delegate of an annual written request for such disclosure by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate stating the purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of such department or corporation to whom such disclosure is authorized

This Treasury decision is issued under the authority contained in sections 6103(q) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1685, 68A Stat. 917; 26 U.S.C. 6103(q) and 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: August 26, 1983.

John E. Chapoton,
Assistant Secretary of the Treasury.

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BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-144; Re: Notice No. 442]

Establishment of the Ohio River Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Indiana, Ohio, West Virginia and Kentucky known as "Ohio River Valley." The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: October 7, 1983.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, (202) 566-7802.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37872, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive 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, 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 procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. John A. Garrett, proprietor of Villa Milan Vineyards located in Milan, Indiana, petitioned ATF for the establishment of a viticultural area in Indiana, Ohio, West Virginia and Kentucky to be known as "Ohio River Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 442) in the *Federal Register* on December 14, 1982 (47 FR 55961) proposing the establishment of the Ohio River Valley viticultural area.

General Description

The area consists of approximately 26,000 square miles. There are 570 acres of grapevines growing in the proposed area. There are 463 grape growers and 18 wineries in the proposed area.

There are 42 counties which are wholly included in the proposed area and 55 counties which are partially

included. However, the portions of Rowan County, Kentucky, and Hocking County, Ohio, included in the area are almost entirely public park lands.

The Ohio River Valley is rich in winemaking tradition. One of the leading American winemakers of the Nineteenth Century, Nicholas Longworth, produced one of the nation's first sparkling wines in the Ohio River Valley. His wines were praised in a poem, "Ode to Catawba Wine," written by the famous American poet Henry Wadsworth Longfellow. Ohio was the leading wine-producing State in 1859, producing more than one-third of the national total. Black rot and powdery mildew destroyed nearly all of the Ohio River Valley vineyards around the time of the American Civil War.

Name. The Iroquois word "Ohyui," meaning "great river," was applied to the Ohio River by the earliest cartographers, Henricus Hondius (1631), and Johann Baptist Homann (c. 1718), who modernized the spelling to its current form "Ohio." In the Northwest Ordinance of 1787, Congress used the Ohio River in describing the southern boundaries of the territories which became the States of Illinois, Indiana, and Ohio, establishing the application of the name Ohio to the river from Pennsylvania to its confluence with the Mississippi River. There is voluminous additional evidence supporting application of the name Ohio to the river flowing from Pittsburgh, Pennsylvania to the Mississippi River at Cairo, Illinois.

Geographical Features. The proposed Ohio River Valley viticultural area, consisting of the Ohio River Minor Tributaries Hydrological Sub-Basin, excludes areas in western Kentucky and southern Illinois which are predominantly marshy, and areas north of 40 degrees north latitude parallel where the growing season is generally less than 175 days.

The area is characterized by a distinctive rainfall pattern, called "Ohio Type" by Robert DeCourcy Ward in *The Climates of the United States*. One characteristic of "Ohio Type" rainfall is accumulated rainfall in excess of 2.5 inches within a 24-hour period. This phenomenon occurs monthly except in October and could be expected to cause severe flood damage were it not for two other distinctive features of the proposed area. The moderate to slow permeability of the dominant soil group, Gray-Brown Podzolic, and the general topography of the valley permit rapid drainage of the excessive rains.

Gray-Brown Podzolic soils are not dominant in the surrounding area, making it another distinctive feature of the proposed area.

The area is also distinguished by a unique climate influenced by winds traveling up the river valley from the Mississippi River valley, originating in the Gulf of Mexico. The climate within a few miles of the river is more moderate, with less dramatic temperature extremes during the growing season, than other areas of similar latitude.

Comments

In response to Notice No. 442, ATF received 23 comments, as follows: 10 from grape-growers, including 6 who are also winemakers, 4 from State government officials, 3 from winemaker associations, 2 from members of Congress, and 4 others. All of the commenters were in favor of establishment of the Ohio River Valley viticultural area, although some commenters suggested changes to the area as proposed. The following is a summary of some of the comments.

Stone Quarry Winery, located in Waterford, Ohio, stated that grapes purchased from southwest Ohio, southern Indiana, and Kentucky all have exactly the same unique characteristics which are quite different from the same grape varieties grown in northern Ohio or upstate New York. This comment supports the claim that there are geographical features affecting the viticultural features which distinguish the area from its surroundings.

In Notice No. 442, ATF specifically asked for comments on whether such a large area could be a meaningful appellation of origin for consumers. The petitioner's comment argues that large areas are more meaningful to consumers than small areas. He states that "French Burgundy" is more widely asked for by consumers than any of the myriad names of districts in Burgundy. The names of the subdivisions may be more meaningful to a connoisseur but the average consumer is more likely to use the name of a larger overall district. The Ohio River Valley viticultural area is large because the valley itself is large. The area meets the criteria by being geographically distinguished from its surroundings. It is a more meaningful appellation of origin than "American" or the names of the States involved.

Charles D. McIntosh, a winemaker located in Bethel, Ohio, proposed that the States of Kentucky and West Virginia be deleted from the Ohio River Valley viticultural area because they contribute very little to the wine industry. However, this is not one of the regulatory criteria used to establish a viticultural area. Mr. McIntosh also proposed that the word "River" be deleted from the name of the approved

area. ATF believes that the name "Ohio Valley" implies an area confined to one State. While it is natural for residents to drop the word "river" in naming their valley, consumers from other parts of the United States might be confused. Most consumers outside the immediate area might not associate the States of Indiana, Kentucky or West Virginia with the name "Ohio Valley." "Ohio River Valley" is a less confusing name since most consumers could associate the river with more than one State. Also, "Ohio Valley" could be more easily confused with an Ohio State appellation while "Ohio River Valley" would be less likely to be confused with a "State" appellation. Mr. McIntosh also proposed that the Ohio portion of the valley be named "Ohio Valley" and the Indiana portion of the valley be named "Lower Ohio Valley." ATF believes that the Ohio-Indiana State line is not a geographic feature which affects the viticultural characteristics of the Ohio River Valley. Moreover, the name Ohio River Valley applies equally to the valley in any State.

Boundary Adopted as Proposed

Based on the comments received, ATF is establishing the Ohio Valley viticultural area as proposed in Notice No. 442. ATF believes that the Ohio River Valley is distinguished from the surrounding area by its unique topography, climate and soil. These unifying geographic characteristics distinguish the valley from areas located a short distance inland from the river.

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 have a significant economic impact on a substantial number of small entities. The final rule 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.

Compliance With E.O. 12291

In compliance with Executive Order 12291 the Bureau has determined that

this regulation 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 geographic 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 final rule because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

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 heading of § 9.78. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.78 Ohio River Valley.

Par. 2. Subpart C is amended by adding § 9.78. As added, § 9.78 reads as follows:

§ 9.78 Ohio River Valley.

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

(b) *Approved maps.* The approved maps for determining the boundary of the Ohio River Valley viticultural area are 12 U.S.G.S. topographic maps in the scale 1:250,000, as follows:

(1) Paducah NJ 18-7 (dated 1949, revised 1969);

(2) Belleville NJ 18-4 (dated 1958, revised 1977);

(3) Vincennes NJ 18-5 (dated 1956, revised 1969);

(4) Louisville NJ 18-6 (dated 1956, revised 1969);

(5) Cincinnati NJ 18-3 (dated 1953, revised 1974);

(6) Columbus NJ 17-1 (dated 1967);

(7) Clarksburg NJ 17-2 (dated 1956, limited revision 1965);

(8) Canton NJ 17-11 (dated 1957, revised 1969);

(9) Charleston NJ 17-5 (dated 1957, limited revision 1965);

(10) Huntington NJ 17-4 (dated 1957, revised 1977);

(11) Winchester NJ 18-9 (dated 1957, revised 1979); and

(12) Evansville NJ 18-8 (dated 1957, revised 1974);

(c) *Boundary.* The Ohio River Valley viticultural area is located in Indiana, Ohio, West Virginia and Kentucky. The boundary description in paragraphs (c)(1)–(c)(21) of this section includes, for each point, the name of the map sheet (in parentheses) on which the point can be found.

(1) The beginning point is the point at which the Kentucky, Illinois, and Indiana State lines converge at the confluence of the Wabash River and the Ohio River (Paducah map).

(2) The boundary follows the Illinois-Indiana State line northerly (across the Belleville map) to Interstate Route 64 (Paducah map).

(3) From the intersection of Interstate Route 64 and the Wabash River, the boundary proceeds in a straight line northeasterly to the town of Oatsville in Pike County, Indiana (Vincennes map).

(4) The boundary proceeds in a straight line southeasterly to the point in Spencer County, Indiana, at which State Route 162 diverges northerly from U.S. Route 460, which is known locally as State Route 62 (Vincennes map).

(5) The boundary proceeds in a straight line northeasterly to the point in Harrison County, Indiana, at which State Route 66 diverges northerly from State Route 64 (Vincennes map).

(6) The boundary proceeds in a straight line northeasterly (across the Louisville map) to the town of New Marion in Ripley County, Indiana (Cincinnati map).

(7) The boundary proceeds in a straight line northerly to the town of Clarksburg in Decatur County, Indiana (Cincinnati map).

(8) The boundary proceeds in a straight line easterly to the town of

Ridgeville in Warren County, Ohio (Cincinnati map).

(9) The boundary proceeds in a straight line southeasterly to the town of Chapman in Jackson County, Ohio (Columbus map).

(10) The boundary proceeds in a straight line northeasterly to the town identified on the map as Hesboro, also known as Ilesboro, in Hocking County, Ohio (Columbus map).

(11) The boundary proceeds in a straight line northeasterly to the town of Tacoma in Belmont County, Ohio (Clarksburg map).

(12) The boundary proceeds in a straight line easterly to the town of Valley Grove in Ohio County, West Virginia (Canton map).

(13) The boundary proceeds in a straight line southerly to the town of Jarvisville in Harrison County, West Virginia (Clarksburg map).

(14) The boundary proceeds in a straight line southwesterly to the town of Gandeeville in Roane County West Virginia (Charleston map).

(15) The boundary proceeds in a straight line southwesterly to the town of Atenville in Lincoln County, West Virginia (Huntington map).

(16) The boundary proceeds in a straight line westerly to the town of Isonville in Elliott County, Kentucky (Huntington map).

(17) The boundary proceeds in a straight line northwesterly to the town of Berlin in Bracken County, Kentucky (Louisville map).

(18) The boundary proceeds in a straight line westerly to the town of Dry Ridge in Grant County, Kentucky (Louisville map).

(19) The boundary proceeds in a straight line southwesterly to the town of Crest in Hardin County, Kentucky (Winchester map).

(20) The boundary proceeds in a straight line westerly to the intersection of State Route 56 and U.S. Route 41 in the city of Sebree in Webster County, Kentucky (Evansville map).

(21) The boundary proceeds in a straight line northwesterly to the beginning point (Paducah map).

Signed: August 1, 1983.

Stephen E. Higgins,
Director.

Approved: August 16, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 83-24427 Filed 9-6-83; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 251

Geological and Geophysical Explorations on the Outer Continental Shelf

Correction

In FR Doc. 83-23008, beginning on page 37967 in the issue of Monday, August 22, 1983, make the following corrections:

1. On page 37968, third column, first line, "assigned" should have read "and assigned".

2. Same column, § 251.7-2, fourth line "The shall" should have read "This shall".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR 165

[Third Coast Guard District Reg. CCGD3-83-49]

Safety Zone Regulations; New York, New Jersey, New York Harbor

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in New York, New Jersey, New York Harbor. This zone is needed to protect vessels from the safety hazards associated with the fireworks display being held near Liberty Island. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective at 7:30 PM E.D.S.T. 08 September 1983 and terminates at 8:30 PM E.D.S.T. 08 September 1983.

FOR FURTHER INFORMATION CONTACT: Commander M. W. Pierson, Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to any potential hazards.

Drafting information: The drafters of this regulation are Lieutenant G. W. Chappell, Project Officer for the Captain of the Port, and Lieutenant Commander

J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of regulation: The circumstances requiring this regulation result from the potential hazard to navigation associated with the fireworks display being held near Liberty Island.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, part 165 of Title 33, Code of Federal Regulations, is amended by adding 165-T-03-369 to read as follows:

§ 165-T-03-369 Safety Zone: New York, New Jersey, New York Harbor.

(a) *Location.*—The following area is a Safety Zone: the waters within a boundary of Federal Anchorage 20 "C" around Liberty Island.

(b) *Regulations.*—(1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: August 30, 1983.

M. W. Pierson,
Commander, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-24292 Filed 9-6-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Part 668

Student Assistance General Provisions; Registration With Selective Service

AGENCY: Department of Education.

ACTION: Final rule; notice of further revision of schedule.

SUMMARY: The Secretary of Education amends the notice announcing the schedule for implementation of the regulations on registration with Selective Service as a condition for receipt of student financial assistance. The purpose of this amendment is to afford institutions of higher education ample time to begin implementing the regulations.

EFFECTIVE DATE: June 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran, Office of Student Financial Assistance, U.S. Department