

become mandatory on January 1, 1983. A wine American viticultural area is established after receipt of a petition and use of the rulemaking process. The information submitted to ATF for establishing an American viticultural area for wine includes:

(1) Evidence that the applied for name of the viticultural area is locally and/or nationally known;

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

(3) Evidence relating to the geographical features (climate, soil, elevation, physical features, and the like) which distinguish the viticultural features of the proposed area from surrounding areas;

(4) Specific boundaries of the viticultural area based on features which can be found on United States Geological Survey (USGS) maps of the largest applicable scale; and

(5) A copy of the appropriate USGS map with the boundaries prominently marked.

Before considering the issuance of proposed regulations for grape brandy American viticultural areas, ATF invites persons to submit comments, opinions, or other data so we can determine:

1. Is an area where grapes are grown a significant enough quality factor in brandy production to establish in regulations American viticultural areas for grape brandy?

2. Would an American viticultural area on a grape brandy label or in advertising be confusing or misleading to the consumer?

3. Are the characteristics which grapes may have as the result of being grown in a particular viticultural area destroyed as the result of distillation, and if so, at what proof level are the peculiar characteristics destroyed? What implication does this have for foreign brandies which are designated by the area in which the grapes are grown (e.g., Cognac)?

4. If a producer is allowed to use an American viticultural area designation on a brandy label or in advertising:

a. Should a new regulation Part be established for grape brandy American viticultural areas or should the regulations under 27 CFR Part 9 for wine apply?

b. Should American viticultural area brandy be derived from wine made 100 percent from grapes grown in the named viticultural area?

c. Should ATF propose any specific standards which influence production of brandy such as length of aging process, limitation on the proof level to which it can be distilled, grape variety, proof of distillation, use of the blenders, and the

like, in grape brandy American viticultural area regulations?

5. Are there issues or problems with proposing American viticultural area regulations for grape brandy not noted in the foregoing questions?

Disclosure of Comments

Copies of written comments or suggestions are available for public inspection in the ATF Reading Room, Room 4407 Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

Drafting Information

The principal author of this advance notice of proposed rulemaking is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Executive Order 12291

It has been determined that this proposal will not result in a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects 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.

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 it will not result in a final rule with 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; 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 the proposals in the advance notice of proposed rulemaking, if resulting in a final rule, will not have a significant economic impact on a substantial number of small entities.

Authority and Issuance

This advance notice of proposed rulemaking is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Signed: November 2, 1981.

G. R. Dickerson,
Director.

Approved: November 2, 1981.

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

[FR Doc. 81-33373 Filed 11-18-81; 8:45 am]
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27 CFR Part 9

[Notice No. 395]

Establishment of Rocky Knob Viticultural Area, Virginia

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 parts of Floyd and Patrick Counties in southern Virginia to be known as "Rocky Knob." This proposal is the result of a petition submitted by an industry member. ATF feels the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATES: Written comments must be received by February 17, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Notice No. 395).

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, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226. (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 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, 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, the boundaries of which have been recognized and defined in 27 CFR Part 9.

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. 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 the 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 (USGS) maps of the largest applicable scale; and

(e) A copy of the appropriate USGS map with the boundaries prominently marked.

Petition

ATF has received a petition from Woolwine Winery proposing a viticultural area in parts of Floyd and Patrick Counties in southern Virginia to be known as "Rocky Knob." The proposed viticultural area consists of approximately 15,000 acres. Woolwine Winery is the only bonded winery located in the proposed viticultural area and has about 10 acres of grapes. Floyd County is noted for commercial apple production.

The name Rocky Knob is taken from

the mountainous recreational area within the proposed viticultural area boundary. Rocky Knob Recreation Area appears on State maps on both sides of the Blue Ridge Parkway, which is the main highway through the scenic Blue Ridge Mountains. The community of Tuggle Gap is located at the north boundary and Rock Castle Gap at the southern boundary of the proposed viticultural area.

The petitioner states that the name Rocky Knob has been in existence since prior to 1770 and is a topographical description of the area.

The proposed viticultural area elevation varies from 1,600 feet at the north boundary in the vicinity of Widgeon Creek to 3,574 feet at the southern boundary in the vicinity of Hog Mountain. The proposed Rocky Knob viticultural area has a steep drop in elevation to the southeast in the vicinity of Rock Castle Gorge. The petitioner states that to the west there are intermittent plateaus of deep loam soil, comprising 4,000 acres, suitable for viticultural purposes. Two acres of grapes were planted in 1976 on top of Sugarloaf Mountain, which is in the proposed Rocky Knob area. This first commercial planting of wine grapes was experimental and the results were positive. According to the petitioner the average rainfall is 43.10 inches per year and the average temperature for the growing season, which lasts 160 days, is May 61.2, June 67.9, July 71.1, August 70.0, September 63.9, and October 54.3 degrees Fahrenheit. The petitioner claims that warm days with cool nights are typical during the growing season in the proposed area and provide excellent growing conditions. High winds afford good soil drying conditions which minimize grape diseases.

Two USGS 7.5 minute quadrangle maps (topographical), titled Willis Quadrangle Virginia and Woolwine Quadrangle Virginia and dated 1968, identify the proposed Rocky Knob viticultural area.

The boundaries as proposed by the petitioner are described in proposed § 9.43.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. This document proposes possible boundaries for the Rocky Knob viticultural area. However, comments concerning other possible boundaries for this proposed viticultural area will be considered.

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 possible suggestions for 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 the comment is not exempt from disclosure.

Any interested 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 on or before February 17, 1982. The Director, however, reserves the right to determine in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this notice of proposed rulemaking is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have 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.

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 proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have any other significant effect on a substantial number of small entities or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one operating winery.

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

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.43 to read as follows:

Subpart C—Approved American Viticultural Area

Sec.

* * * * *

9.43 Rocky Knob.

Par. 2. Subpart C is amended by adding § 9.43 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.43 Rocky Knob.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Rocky Knob viticultural area are two USGS maps. The maps are entitled: "Willis Quadrangle Virginia" 7.5 minute series and "Woolwine Quadrangle Virginia" 7.5 minute series.

(c) *Boundaries.* The Rocky Knob viticultural area is located in Floyd and Patrick Counties in southern Virginia. The boundaries are as follows: The starting point is the intersection of Virginia State Route Nos. 776 and 799 at Connors Grove, Follow State Route No. 799 south and east to the Blue Ridge Parkway and then south on the Parkway to State Route No. 758. Follow State Route No. 758 east to the intersection of State Route No. 726 at the southern boundary of the Rocky Knob Recreation Area. Follow the boundary of the Rocky Knob Recreation Area south and then in a northeastern direction to where the boundary first intersects State Route No. 8. From that point at State Route No. 8 proceed northeast in a straight line to State Route No. 719 and Widgeon Creek at a point one mile west of the intersection of State Route Nos. 719 and 710. Proceed northwest in a straight line to the intersection of State Route No. 710 and the Blue Ridge Parkway. Follow the Parkway southwest to the intersection with State Route No. 8 at Tuggle Gap. From that point and in a straight line proceed northwest to Dillons Chapel at State Route No. 726. From that point proceed southwest in a straight line back to the starting point at Connors Grove.

Signed: October 13, 1981.

G. R. Dickerson,
Director.

Approved: November 4, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).[FR Doc. 81-33344 Filed 11-18-81; 8:45 am]
BILLING CODE 4810-31-M**DEPARTMENT OF TRANSPORTATION****Coast Guard**

33 CFR Parts 64 and 66

[CGD 78-155]

Marking of Structures, Sunken Vessels, and Other Obstructions

AGENCY: Coast Guard, DOT.

ACTION: Proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise regulations which govern the marking of structures (including Offshore Thermal Energy Conversion (OTEC) facilities), sunken vessels, and other obstructions. The revisions will expand the scope of the regulations so as to correspond with statutory amendments to 14 U.S.C. 85 and 86 covering certain obstructions beyond the territorial seas of the United States, made by Pub. L. 93-283, §§ 1(2) and 1(3) (88 Stat. 139). Additional changes, primarily editorial, will delete redundant and archaic requirements. The changes will enable the regulations to be more clearly understood.

DATES: Comments must be received on or before January 18, 1982.

ADDRESSES: Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/44), (CGD 78-156), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, between 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lt. Walter L. Johnson, Office of Navigation, Short Range Aids to Navigation Division (G-NSR/14), Room 1422, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C., 20593, (202) 426-1974, between 7 a.m. and 5:30 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. comments should include the name and

address of the person submitting them, identify this notice (CGD 78-156) and the specific section of the proposal to which the comment applies, and give the reasons for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if it is requested in writing by an interested person who is raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are LT Walter L. Johnson, Project Manager, Office of Navigation, and LT Collin Lau, Project Attorney, Office of the Chief Counsel.

Background

The Coast Guard has had general authority, under Title 14, section 81 to establish aids to navigation in waters beyond the territorial sea. However, such authority, including the marking of obstructions, was limited to waters superjacent to the continental shelf of the United States. Section 86 provided specific authority for the marking of obstructions on a cost-reimbursable basis within territorial waters only.

On May 1, 1974, Pub. L. 93-283, amended Section 86 so that the Coast Guard could recover from the owner of an obstruction the costs of marking obstructions in waters superjacent to the continental shelf beyond the territorial limits of the United States.

Pub. L. 93-283 also amended sections 83 and 85 to extend and clarify the application of those sections to waters of the high seas to reach persons operating in those waters who are subject to the jurisdiction of the United States. These changes were to be a further extension of authority under section 81 for the purpose of maintaining and establishing aids to navigation in certain areas of the high seas. This change of law was not a geographical expansion of authority, which can be made only pursuant to an internationally recognized jurisdictional right, but rather an extension of in personam jurisdiction over United States citizens.

Pub. L. 93-283 also amended section 85 to eliminate any legal ambiguity about the Coast Guard's authority in the zone between the seaward limits of the States of Florida and Texas on the Gulf of Mexico and the landward boundary of the Outer Continental Shelf, and the usual boundary between State and