

western hills, and their average elevation is slightly lower.

Although the drainage of the Napa River extends to the Carquinez Strait, the petitioner uses the line of Suscol Ridge near Napa City as the southern boundary of the viticultural area. The petitioner claims that grapes have not been grown south of this ridge historically, and are not being grown there at present.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed Napa Valley viticultural area. Furthermore, while this document proposes possible boundaries for a Napa Valley viticultural area, ATF requests comments concerning other possible boundaries for the viticultural area.

ATF specifically requests comments concerning the possible inclusion of the smaller valleys east of the Napa River watershed in a Napa Valley viticultural area.

All 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 in 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 comments. The name of any person submitting comments is not exempt from disclosure.

Public Participation—Public Hearing

ATF believes that a public hearing is essential in order to obtain and evaluate all possible information concerning the proposed viticultural area. Persons desiring to present oral comment should submit a written request containing the name and address of the individual who will present the comment. They should indicate in their request a preference for the time and day they would like to comment. To the extent possible, ATF will honor these preferences. Persons requesting to comment should include in their request an outline of the topics on which they desire to speak. Oral comment will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons presenting comments should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing if time permits.

ATF will notify all persons requesting to comment and will confirm the date and time. An agenda listing the speakers will be available at the hearing.

Written comments relating to this notice of proposed rulemaking will be available at the hearing for public inspection.

The hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

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

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.23. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.	*	*	*	*	*
9.23					

Napa Valley.

2. Subpart C, 27 CFR Part 9, is amended by adding § 9.23. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

*	*	*	*	*
§ 9.23				

Napa Valley.

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

(b) *Approved maps.* (The appropriate maps will be determined before final regulations are issued.)

(c) *Boundaries.* The Napa Valley viticultural area is located within Napa County, California, and is within the Napa River watershed. The boundaries are as follows:

(1) The beginning point of the boundary is the conjunction of the Napa County—Sonoma County line and the Napa County—Lake County line.

(2) The northern and eastern boundary is the crest of a mountain ridge that borders Napa Valley on the east. The crest of this ridge runs from the beginning point along the crest of the

Palisades, over Brown's Hill, Grassy Hill, and Potato Hill, across Three Peaks, west and south of Pope Valley, across Baldy Mt., north and east of Chiles Valley, along the ridge separating Elder and Soda Valleys, across Atlas Peak and Mt. George, and along the Napa County—Solano County line to the Suscol Ridge.

(3) The southern boundary runs along the crest of the Suscol Ridge, along the Napa River down to and including Coon Island, and along the Napa Slough to the Napa County—Sonoma County line.

(4) The western boundary runs along the Napa County—Sonoma County line from the Napa Slough to the beginning point.

Signed: February 8, 1980.

G. R. Dickerson,
Director.

Approved: March 10, 1980.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations)

[FR Doc. 80-8093 Filed 3-14-80; 8:45 am]
BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 338]

Pinnacles Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking and notice of hearing.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Monterey County and San Benito County, California, named "The Pinnacles." This proposal is the result of a petition from an industry member. This notice also announces the time and place ATF will hold a public hearing concerning issues relating to this proposal.

DATES: Written comments must be received by May 16, 1980. Requests to present oral comments must be received by April 25, 1980.

Hearing Dates: Day sessions, May 2-3, 1980, at 9:30 a.m.—Evening session (if necessary), May 2, 1980, at 7:00 p.m.

ADDRESSES: Send written comments and requests to present oral comments to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Attn: Chief, Regulations and Procedures Division)

Copies of the petition, the proposed regulations, the appropriate maps, written comments, and the hearing transcript will be available for public

inspection during normal business hours at the:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC

Hearing location:

Towne House—Quality Inn, 808 North Main Street, Salinas, California

FOR FURTHER INFORMATION CONTACT:

Thomas Minton, Research and Regulations 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 37671, 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.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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 boundaries of the viticultural area, based on features which can be found on U.S. Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- (e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in Monterey County and San Benito County, California, as a viticultural area known as "The Pinnacles." The proposed area consists of 5,760 acres of land adjacent to The Pinnacles National Monument. The petition and maps are on file with ATF.

The petition claims that the proposed viticultural area is distinguished from the surrounding area in elevation, climate, soil, and physiographic characteristics. The petitioner also claims that while other vineyards in the nearby Salinas Valley have used the name "The Pinnacles," any claim those vineyards have on the use of the name is inferior to its own claim. The petitioner bases this claim on—

- (a) The geographical differences between the proposed area and other grape-growing areas using the name "The Pinnacles";
- (b) The fact that the proposed area is closer to The Pinnacles National Monument than other areas using the name; and
- (c) The historical claim that the petitioner has used the name "The Pinnacles" on wine labels longer than anyone else.

The proposed area consists of nine sections (5,760 acres) of the Mount Diablo Meridian. The sections are as follows:

Township	Range	Section	Portion of section
16 south	7 east	31	East ½
16 south	7 east	32	West ½
17 south	6 east	1	All
17 south	7 east	5	West ½
17 south	7 east	6	All
17 south	7 east	7	All
17 south	7 east	8	All
17 south	7 east	9	All
17 south	7 east	16	All
17 south	7 east	17	All
17 south	7 east	18	East ½

The proposed area is located on a bench of land drained by the Bryant and Stonewell Canyons and Shirttail Gulch. The proposed regulations describe this area through the use of section and longitude lines. While these boundaries do not precisely coincide with the geographical outlines of the three drainage areas, the petitioner believes that all land suitable for grape-growing on the bench land has been included within the described perimeter. The petitioner feels that the use of section lines seems the simplest and most certain means of delimiting the proposed area.

The exact boundaries of the proposed area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the proposed regulations.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this document proposes possible boundaries for The Pinnacles viticultural area, ATF requests comments concerning other possible boundaries for this viticultural area.

ATF specifically requests comments concerning the possible inclusion of nearby vineyard areas in the Salinas Valley.

All 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 in 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 comments. The name of any person submitting comments is not exempt from disclosure.

Public Participation—Public Hearing

ATF believes that a public hearing is essential in order to obtain and evaluate all possible information concerning the proposed viticultural area. Persons desiring to present oral comment should submit a written request containing the name and address of the individual who will present the comment. They should indicate in their request a preference for the time of day they would like to comment. To the extent possible, ATF will honor these preferences. Persons asking to comment should include in their request an outline of the topics on which they desire to speak. Oral comment will be limited to 10 minutes per speaker; but additional time may be granted for answering questions. Persons presenting comments should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing if time permits.

ATF will notify all persons asking to comment and will confirm the date and time. An agenda listing the speakers will be available at the hearing.

Written comments relating to this notice of proposed rulemaking will be available at the hearing for public inspection.

The hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

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

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.24. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.
* * * * *
9.24 The Pinnacles.

2. Subpart C is amended by adding § 9.24. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *
§ 9.24 The Pinnacles.

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

(b) *Approve maps.* The appropriate maps for determining the boundaries of the The Pinnacles viticultural area are four U.S.G.S. maps. They are titled—

- (1) "Mount Johnson, California", 7.5 minute quadrangle;
- (2) "Bickmore Canyon, California", 7.5 minute quadrangle;
- (3) "Soledad, California", 7.5 minute quadrangle; and
- (4) "North Chalone Peak, California", 7.5 minute quadrangle.

(c) *Boundaries.* The Pinnacles viticultural area is located in Monterey County and San Benito County, California. From the beginning point at the southeast corner of Section 16, T. 17 S., R. 7 E., the boundary runs along—

- (1) The south section lines of Section 16, 17, and 18, T. 17 S., R. 7 E., to longitude line 121°15';
- (2) Longitude line 121°15' to the south section of line of Section 7, T. 17 S., R. 7 E.;
- (3) The south section line of Section 7, T. 17 S., R. 7 E. to the southwest corner of Section 7, T. 17 S., R. 7 E.;
- (4) The west section line of Section 7, T. 17 S., R. 7 E.;
- (5) The south section line of Section 1, T. 17 S., R. 6 E.;
- (6) The west section line of Section 1, T. 17 S., R. 6 E.;
- (7) The north section lines of Section 1, T. 17 S., R. 6 E. and Section 6, T. 17 S., R. 7 E., to longitude line 121°15';
- (8) Longitude line 121°15' to the north section line of Section 31, T. 16 S., R. 7 E.;
- (9) The north section lines of Section 31 and 32, T. 16 S., R. 7 E., to a north-south line bisecting Section 32, T. 16 S., R. 7 E.;

(10) A north-south line bisecting Sections 32, T. 16 S., R. 7 E., and Section

5, T. 17 S., R. 7 E., to the north section line of Section 8, T. 17 S., R. 7 E.;

(11) The north section lines of

Sections 8 and 9, T. 17 S., R. 7 E.; and

(12) The east section lines of Sections 9 and 16, T. 17 S., R. 7 E., to the beginning point.

Signed: February 13, 1980.

G. R. Dickerson,
Director.

Approved: February 26, 1980.

Richard J. Davis,
Assistant Secretary, (Enforcement and Operations).

[FR Doc. 80-8084 Filed 3-14-80; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL MARITIME COMMISSION**46 CFR Part 510**

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to revise General Order 4 which governs the licensing and operations of independent ocean freight forwarders. Clarification and reorganization of existing regulations have been proposed and new requirements have been added. The major changes include: a requirement for licensing of branch offices; a minimum period of experience for qualifying individuals; the filing of anti-rebate certification; a prohibition against carriers compelling forwarders to guarantee payment of freight before monies have been advanced for this purpose by the shipper; a provision for the assessment of penalties in hearings on licenses; a time limit within which applications submitted after denial or revocation will be rejected; a revised payover rule; an increase in fees for licenses; and permission for forwarders to deduct compensation from freight payments under certain circumstances.

DATES: Comments on or before July 15, 1980.

ADDRESS: Comments (Original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. (202) 523-5725

SUPPLEMENTARY INFORMATION: Sections 21, 43 and 44 of the Shipping Act, 1916

(46 U.S.C. 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize the Federal Maritime Commission to make rules and regulations affecting the licensing, activities, obligations and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in commerce from the United States.

General Order 4 was originally issued in December, 1961. Commission and industry experience has indicated that there is currently a need for clarification in many areas of the Order.

The proposed revision attempts to achieve this clarification through rearrangement of sections and collection of related provisions in four subparts:

- A. General (§§510.1-510.4)
- B. Eligibility and procedure for licensing; bond requirements (§§510.11-510.19)
- C. Duties and responsibilities of freight forwarders; forwarding charges; reports to Commission (§§510.31-510.36)
- D. Revocation or suspension of license (§§510.50)

The proposed revision contains increased or new fees, record-keeping requirements and new forms for the submission of information and reports to the Commission.

The freight forwarder license application fee has been increased from \$125 to \$350 under proposed § 510.13 and new fees of \$100 each are proposed for the 1) supplementary investigation necessary when an applicant does not file a valid surety bond within six months of qualification under proposed § 510.15(b), and for 2) processing an application for approval of a license transfer or an organizational change under proposed § 510.18. Under Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)) and Circular A-25 issued by the Office of Management and Budget to implement Title V, the amount of these fees must be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, and other pertinent facts.

The Commission has determined that the full cost for processing a new license application is over \$1,000, while the cost for processing an application where no bond has been filed for six months, or for an application for change, is over \$150. The Commission believes, however, that there is sufficient reason for prescribing fees that recover less than full costs. The freight forwarding industry contains many small business persons for whom substantial licensing fees could pose barriers to entry, thereby reducing competition in the industry. Balancing the potentially