

**Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

**PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

1. The authority citation for Part 50 reads as follows:

**Authority:** Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)); §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

2. In § 50.55a, paragraph (b)(1) is revised to read as follows:

**§ 50.55a Codes and standards.**

\* \* \* \* \*

(b) \* \* \*

(1) As used in this section, references to Section III of the ASME Boiler and Pressure Vessel Code refer to Section III, Division 1, and include editions through the 1980 Edition and addenda through the Summer 1981 Addenda.

Dated at Bethesda, MD this 8th day of December 1981.

For the Nuclear Regulatory Commission.  
William J. Dircks,  
*Executive Director for Operations.*  
[FR Doc. 82-2831 Filed 2-2-82; 8:45 am]  
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**DEPARTMENT OF THE TREASURY****Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

[Notice No. 406]

**Isle St. George Viticultural Area**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms is considering the establishment of an American viticultural area in the State of Ohio known as "Isle St. George." This proposal is the result of a petition from Meier's Wine Cellars, a bonded winery in Ohio. The establishment of viticultural areas and the use of viticultural area names 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 wine they purchase.

**DATE:** Written comments must be received by March 5, 1982.

**ADDRESS:** Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Attention: Notice No. 406.

Copies of the petition, the proposed regulations, the appropriate map, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

**SUPPLEMENTARY INFORMATION:****Background**

ATF regulations in 27 CFR Part 4 allow the establishment of definitive viticultural areas. These 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 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 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) Historic or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographic 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 are 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 to establish the first viticultural area within the State of Ohio. The proposed area is an island and would be known as "Isle St. George." This island is located entirely within Ottawa County, Ohio, in western Lake Erie, and is the northernmost of the Bass Islands. Isle St. George is the farthest of the Bass Islands from the mainland and is about 18 miles from Port Clinton, Ohio. Isle St. George is approximately one square mile in size, and is roughly 1 and 1/2 miles wide and slightly less than that in length.

The petitioner, Meier's Wine Cellars, is a bonded winery located in Silverton (Post Office Cincinnati), Ohio. The petitioner bases the petition on the following information:

(a) The name Isle St. George is well established. This name has been associated with North Bass Island since at least 1903. The 1903 edition of the U.S.G.S. quadrangle map, "Put-in-Bay," identifies the community on North Bass Island as "Isle St. George."

A post office has existed on the island since 1874, and the "Isle St. George" cancellation is currently in use. The petitioner, Meier's Wine Cellars, has been using the "Isle St. George" designation on its labels since 1943 to identify wines made from grapes grown on the island.

(b) Isle St. George was first settled in 1844. The name Isle St. George is derived from the first settler on the island, a man named George.

The island has a long history of grapegrowing. The first grapes were planted on the island in 1853 by Peter and Simon Fox. By the turn of the century, there were two wineries on the island to process grapes. Today there are approximately 350 acres of grapes on the island and grape-growing is the primary occupation of the inhabitants of the island. The petitioner states that Catawba grapes have been cultivated continuously on Isle St. George for over 117 years, and that other grapes are also grown there. All grapes grown on Isle St. George are sent to the Ohio mainland for processing since there are no wineries on the island.

(c) Isle St. George is relatively flat and the petitioner states that no point is more than 14 feet above the surface of Lake Erie (mean elevation 571 feet). The soil on the island is shallow, sandy loam and silt loam. The limestone bedrock in some areas is only 20 to 30 inches deep.

(d) The climate of Isle St. George is significantly different than surrounding areas. Growing conditions on the island are affected by the moderating thermodynamic effects of the waters of Lake Erie. During the spring and summer months, the lake water absorbs heat. In the fall, as the air becomes cooler, lake water gives up accumulated heat to the surrounding air and land, thus warming the island. As a result, the first frost is delayed and the growing season is prolonged. According to the study *Resources of the Lake Erie Region*,<sup>1</sup> Isle St. George has a frost-free period of 206 days, longer than any other area in the State of Ohio. In the spring, frozen lake waters cool the air surrounding the island and retard the opening of the grape buds until all danger from frost and unseasonable cold spells has passed.

(e) The average annual precipitation for Isle St. George is less than the average for adjacent areas. Isle St. George averages 26.7 inches of precipitation per year compared to 31.7 inches for nearby Kelly's Island, and 32.1 inches for Sandusky.<sup>2</sup>

#### Public Participation

ATF requests comments from all interested persons concerning the proposed 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 respondent 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.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed viticultural area should submit his or her request, in writing, to the Director within the 30-day comment period. The Director reserves the right to determine whether a public hearing should be held.

#### 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 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 petitioner or other persons to use an appellation of origin, "Isle St. George," on wine labels and in wine advertising. This term has been used for these purposes since at least 1943 and may currently be used. ATF has, therefore, determined that this rule neither imposes new requirements on the public nor removes existing privileges available to the public. Adoption of this proposed rule will not result in any economic or administrative costs to the public, but will grant to the petitioner or other persons an intangible economic benefit. 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

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 a 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.

#### Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

Accordingly, under the authority contained 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 is amended by adding § 9.51. As amended, the table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

*	*	*	*	*
9.51	Isle St. George.			
*	*	*	*	*

**Par. 2.** Subpart C is amended by adding § 9.51. As added, § 9.51 reads as follows:

#### § 9.51 Isle St. George.

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

(b) *Approved maps.* The approved map for determining the boundary of the Isle St. George viticultural area is the U.S.G.S. quadrangle map, "Put-in-Bay, Ohio," 7.5 minute series.

(c) *Boundaries.* The Isle St. George viticultural area is located entirely within Ottawa County, Ohio. The boundary of the Isle St. George viticultural area is the shoreline of the island named "North Bass Island" on the "Put-in-Bay, Ohio" U.S.G.S. map, and the viticultural area comprises the entire island.

<sup>1</sup> *Resources of the Lake Erie Region*, Ohio Department of Natural Resources, Ohio State University Press, 1977.

<sup>2</sup> *Ibid.*

Signed: December 21, 1981.

G. R. Dickerson,  
Director.

Approved: January 15, 1982.

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

[FR Doc. 82-2813 Filed 2-2-82; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 946

[SPA 18.02]

### Permanent State Regulatory Program of Virginia

**AGENCY:** Office of Surface Mining  
Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Surface Mining (OSM) is considering modifying the deadline for Virginia to meet two of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request by the State, the Secretary is proposing to extend the deadline for the State to resolve the two conditions.

**DATE:** Comments must be received by 5:00 p.m. on February 11, 1982, at the address below.

**ADDRESS:** Written comments must be mailed to: Administrative Record Number SPA-18.03, Office of Surface Mining, Room 5413-L, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. or may be hand delivered to the Office of Surface Mining, Room 239, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. or to the Office of Surface Mining, Room 5315, 1100 "L" Street, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5351

**SUPPLEMENTARY INFORMATION:** Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a

schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State based on regulatory and administrative needs of the State's permanent program, the time required for changes to be adopted under State procedures or legislative schedules, and impact on SMCRA implementation.

The Virginia program was conditionally approved on December 15, 1981 (46 FR 61088-61115). In the notice of approval the Secretary published the schedule for Virginia to resolve each of 19 conditions on the approval of that State's regulatory program. In a letter to the Director, OSM, dated January 28, 1982, the Virginia Department of Conservation and Economic Development indicated that it would like an extension for meeting conditions "o" and "r," as listed at 46 FR 61115, December 15, 1981 (See Administrative Record No. VA376). Copies of the State's letter of request and the above-cited Federal Register notice are available for public review during regular business hours at the location listed above under "Address."

Condition "o" stipulates that the Secretary's approval of the Virginia program will terminate on February 15, 1982, unless Virginia submits to the Secretary by that date provisions which amend its program by deleting the program narrative rationale of "significant legal and financial commitments" (SLFC) which provides that mere ownership of mineral rights or the right to mine constitutes a significant legal and financial commitment and provide affirmative assurance that SLFC will be interpreted in accordance with Federal law. If this is accomplished by a policy statement, it must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations. Inasmuch as the State indicated in its January 28, 1982 letter that it intends to meet this condition by proposing a regulatory change, the State has requested an extension of the deadline until October 15, 1982. The Secretary proposes to allow the State until October 15, 1982, to meet the conditions.

The Secretary believes that extension of this deadline would not render the deficiency major because of the following reasons. In the January 28 letter, Virginia stated that if an unsuitability petition should be filed in which the issue of SLFC arises so that it becomes relevant to the petition, the provisions for administrative extension

of time pursuant to Virginia Regulation V764.17(a) prior to the holding of a hearing on such petition would provide more than adequate time within which the regulatory change could be made to satisfy condition "o" without delay in processing the petition. Further, the State said that it is doubtful that any petition, whether affected by the definition of SLFC or not, could be processed within the extended time requested for correcting the deficiency. However, the Secretary specifically requests comments on whether the extension would render the deficiency major, as that term is used under 30 CFR 732.17(i).

Condition "r" stipulates that the Secretary's approval of the Virginia program will terminate on February 15, 1982, unless Virginia submits to the Secretary by that date copies of revised policy statement or otherwise amends its program to make its coal haul roads policy consistent with the Federal requirements. This policy must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations. Inasmuch as the State indicated in its January 28, 1982 letter that it proposes to submit legislation to the Virginia General Assembly in the current session that may impact the State's approach in meeting the condition, the State has requested at least a 30 day extension of the February 15, 1982 deadline. The Secretary proposes to allow the State until April 1, 1982, to meet the condition.

Since the State will not have completed the issuance of permanent program permits during the proposed extended period allowed for the deficiencies to be corrected, the Secretary believes that extension of this deadline would not render the deficiency major. Section 506 of SMCRA requires surfac coal mining operations under an approved State program to be permitted no later than eight months after the State program approval. However, the Secretary specifically requests comments on whether the extension would render the deficiency major, as that term is used under 30 CFR 732.17(i).

The comment period ending on February 11, 1982, is relatively brief. However, this relatively brief comment period is necessary to enable the Secretary to make his final decision on the proposed extensions before the existing deadline expires.

The Office of Management and Budget has granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291. Therefore, this rule is exempt