

§ 404.333 Wife's and husband's benefit amounts.

Your wife's or husband's monthly benefit is equal to one-half the insured person's primary insurance amount. If you are entitled as a divorced wife or as a divorced husband before the insured person becomes entitled, we will compute the primary insurance amount as if he or she became entitled to old-age benefits in the first month you are entitled as a divorced wife or as a divorced husband. The amount of your monthly benefit may change as explained in § 404.304.

6. Section 404.415 is amended by adding the following sentence at the end of paragraph (b) and by deleting the authority citation at the end of the section, to read as follows:

§ 404.415 Deductions because of excess earnings; annual earnings test.

* * * * *

(b) * * * However, beginning with January 1985, deductions will not be made from the benefits payable to a divorced wife or a divorced husband who has been divorced from the insured individual for at least 2 years.

7. Section 404.416 is amended by adding the following sentence at the end of paragraph (a), to read as follows:

§ 404.416 Amount of deduction because of excess earnings.

(a) * * * However, beginning with January 1985, deductions will not be made from the benefits payable to a divorced wife or a divorced husband who has been divorced from the insured individual for at least 2 years, and the divorced spouse will be considered as not entitled for purposes of computing the amount of deductions from other beneficiaries.

* * * * *

8. Section 404.417 is amended by adding the following sentence at the end of paragraph (b), and by deleting the authority citation at the end of the section, to read as follows:

§ 404.417 Deductions because of noncovered remunerative activity outside the United States; 45-hour and 7-day work test.

* * * * *

(b) * * * However, beginning with January 1985, no deductions will be made from the benefits payable to a divorced wife or a divorced husband who has been divorced from the insured individual for at least 2 years.

[FR Doc. 86-7759 Filed 4-7-86; 8:45 am]

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DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

[T.D. ATF-226; Re: Notice No. 579]

Kanawha River Valley Viticultural Area; Designation

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in West Virginia, known as the Kanawha River Valley. In response to a petition submitted by Dr. Wilson E. Ward, owner of Fisher Ridge Vineyard, a winery located in Liberty, WV, ATF published a notice of proposed rulemaking, Notice No. 579, in the Federal Register of January 21, 1986 (51 FR 2728), proposing this area. The Kanawha River Valley viticultural area is entirely within the approved Ohio River Valley viticultural area. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin 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: May 8, 1986.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION: 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 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, the boundaries of which have been delineated in Subpart C of 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. Dr. Wilson E. Ward, owner of Fisher Ridge Vineyard, a winery located in Liberty, WV, petitioned ATF to establish the Kanawha River Valley viticultural area.

General description. The approved area consists of approximately 1,000 square miles, containing 14 acres of grapevines and one bonded winery. It is entirely within the approved Ohio River Valley viticultural area. There is historical evidence that winemaking began in the area as early as 1826. Several hundred acres of grapevines grew in the area in the 1850s. The Civil War brought an end to commercial winemaking in the area until a new winery was built in 1967.

Name. The petitioner claims that the name Kanawha is derived from an obscure tribe of Indians which camped near the river. The name Kanawha was used for the river on the earliest survey maps. The Greater Kanawha Valley Foundation, a philanthropic organization which awards scholarships and grants, defines the Kanawha Valley as a ten-county area including all of the counties having watershed in the Kanawha River. The approved area is almost entirely within this Kanawha River Valley boundary which is currently in use. Numerous business enterprises in the area use the name Kanawha Valley or Kanawha River Valley as part of their trade names or as a description of the territory which they serve. In view of the fact that the entire area is within approximately 20 miles of the river, and appears to be almost entirely within the watershed of the river, ATF is satisfied that the area qualifies, in its entirety, for the use of the name Kanawha River Valley.

Geographic characteristics. The following rainfall data for the Kanawha River Valley illustrates the main geographical feature which distinguishes the approved area from the surrounding area.

WEATHER STATION LOCATIONS

Name	Annual precipitation	Summer ¹ precipitation
Inside Petitioned Area		
Hogsett Gallipolis Dam.....	40.42	14.95
Winfield Locks.....	40.85	14.88
Averages.....	40.64	14.92
Outside Petitioned Area on the Ohio River		
Huntington.....	40.72	14.83
Parkersburg Weather Service Office ...	37.77	14.32
Ravenswood Lock Park.....	36.70	14.25
Averages.....	39.05	14.47

WEATHER STATION LOCATIONS—Continued

Name	Annual precipitation	Summer ¹ precipitation
Outside Petitioned Area Inland From the Ohio River		
Branchland	43.79	15.94
Charleston	42.43	15.84
Clendenin	45.67	17.08
Hamlin	43.13	15.96
Ripley	45.94	16.35
Spencer	41.93	16.22
Averages	43.82	16.23

¹ Total precipitation during the months of June, July, August, and September, when grapes are most susceptible to mildew damage caused by excessive rainfall.

The river valleys average approximately 3 to 4 inches less rainfall annually than the inland terrain. During the critical period when grapes are growing on the vines, the river valleys average approximately 1.5 inches less rainfall than the inland terrain. Based on this data, the Ohio River Valley and the Kanawha River Valley share rainfall patterns which are more conducive to grape cultivation than areas which are farther inland from the rivers. The 6 weather stations named in the third list, above, are each located within approximately 16 miles of the approved boundary, supporting the location of the boundary.

In addition, the location of the inland boundary is also supported by the approximate boundary between the Central Allegheny Plateau Land Resource Area, in which the petitioned area is located, the the Cumberland Plateau and Mountains Land Resource Area. According to the U.S.D.A. Soil Conservation Service Soil Map of West Virginia, the Cumberland Plateau and Mountains Land Resource Area is characterized by extensive deep mining and surface mining activities, as opposed to grape growing or other agricultural land uses.

Boundary. The northern and western boundaries of the Kanawha River Valley are the Ohio River. The inland boundary is approximately the approved Ohio River Valley boundary. The inland boundary is connected to the Ohio River with a series of straight lines running approximately along the perimeter of the Kanawha River watershed.

Rulemaking Proceeding

In response to Notice No. 579, ATF received comments from the petitioner and from Gus R. Douglass, Agriculture Commissioner of the State of West Virginia. Both comments were in favor

of establishing the area as proposed. Accordingly, the proposed area is adopted unchanged.

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 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" 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 effect 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.

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 area, Wine.

Authority and Issuance

PART 9—[AMENDED]

27 CFR Part 9—American Viticultural Areas is amended as follows:

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections for 27 CFR Part 9 is amended by adding the heading of § 9.111 to read as follows:

Sec.

* * * * *
9.111 Kanawha River Valley.

Par. 3. Subpart C of 27 CFR Part 9 is amended by adding § 9.111 to read as follows:

§ 9.111 Kanawha River Valley:

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

(b) *Approved maps:* The approved maps for determining the boundary of the Kanawha River Valley viticultural area are 20 U.S.G.S. topographic maps in the 7.5-Minute series as follows:

- (1) Addison, Ohio—W. Va., dated 1960;
- (2) Gallipolis, Ohio—W. Va., dated 1958;
- (3) Apple Grove, Ohio—W. Va., dated 1968, photorevised 1975;
- (4) Glenwood, W. Va.—Ohio, dated 1968;
- (5) Milton, W. Va., dated 1972;
- (6) West Hamlin, W. Va., dated 1957;
- (7) Hamlin, W. Va., dated 1958;
- (8) Garrets Bend, W. Va., dated 1958;
- (9) Scott Depot, W. Va., dated 1958;
- (10) Saint Albans, W. Va., dated 1958;
- (11) Pocatalico, W. Va., dated 1958;
- (12) Sissonville, W. Va., dated 1958;
- (13) Romance, W. Va.—Ky., dated 1957;
- (14) Kentuck, W. Va., dated 1957;
- (15) Kenna, W. Va., dated 1957;
- (16) Ripley, W. Va., dated 1960;
- (17) Cottageville, W. Va., dated 1960;
- (18) Mount Alto, W. Va.—Ohio, dated 1958, photorevised 1972;
- (19) Beech Hill, W. Va.—Ohio, dated 1957, photorevised 1975;
- (20) Cheshire, W. Va.—Ohio, dated 1968;

(c) *Boundary description.* The boundary description of the Kanawha River Valley viticultural area includes (in parentheses) the name of the map on which each described point is found. The boundary description is as follows:

- (1) The beginning point is the West Virginia-Ohio State Line at the confluence of Champaign Creek and the Ohio River. (Addison quadrangle)
- (2) The boundary follows the West Virginia-Ohio State Line, in the Ohio River (across the Gallipolis and Apple

Grove quadrangles) southwesterly to the point at which the Mason County-Cabell County Line intersects the State Line. (Glenwood quadrangle)

(3) The boundary proceeds in a straight line southerly to the benchmark at 583 ft. elevation in the town of Yates Crossing in Cabell County, WV. (Milton quadrangle)

(4) The boundary proceeds in a straight line southeasterly to the benchmark at 640 ft. elevation in the town of Balls Gap, in Lincoln County, WV. (West Hamlin quadrangle)

(5) The boundary proceeds in a straight line easterly (across the Hamlin, Garrett Bend, and Scott Depot quadrangles) to the benchmark at 590 ft. elevation in the town of Institute in Kanawha County, WV. (Saint Albans quadrangle)

(6) The boundary proceeds in a straight line northeasterly to the benchmark at 654 ft. elevation in the town of Pocatalico, in Kanawha County, WV. (Pocatalico quadrangle)

(7) The boundary proceeds in a straight line northeasterly (across the Sissonville quadrangle) to the confluence of Johns Branch and Sugar Creek in the town of Romance, in Jackson County, WV. (Romance quadrangle)

(8) The boundary proceeds in a straight line northwesterly (across the Kentucky quadrangle) to the confluence of Plum Orchard Run and Stonelick Creek in the town of Plum Orchard, in Jackson County, WV. (Kenna quadrangle)

(9) The boundary proceeds in a straight line northwesterly (across the Ripley quadrangle) to the Baltimore and Ohio Railroad crossing of State Highway 87 in the town of Evans, in Jackson County, WV. (Cottageville quadrangle)

(10) The boundary proceeds in a straight line northwesterly (across the Mount Alto quadrangle) to the benchmark at 674 ft. elevation in the town of Flatrock, in Mason County, WV. (Beech Hill quadrangle)

(11) The boundary proceeds northwesterly in a straight line (across the Cheshire quadrangle) to the beginning point.

Signed: March 7, 1986.

Stephen E. Higgins,
Director.

Approved: March 24, 1986.

Edward T. Stevenson,
Deputy Assistant Secretary (Operations).
[FR Doc. 86-7731 Filed 4-7-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 86-004]

Establishment of Long Island Sound Captain of the Port Zone

Correction

In FR Doc. 86-6761 beginning on page 10540 in the issue of Thursday, March 27, 1986, make the following correction: On page 10541, in the second column, in § 3.15-55(b), in the third line "southeasterly" should read "south-southeasterly".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-842; FCC 86-111]

Radio Broadcasting; Elimination of Unnecessary Broadcast Regulation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: As part of its broadcast "underbrush" proceeding to eliminate unnecessary regulation, the Commission here eliminates its policies with respect to Fraudulent Billing and Network Clipping (§§ 73.4115 and 73.1205) and Combination Advertising Rates and Joint Sales Practices (§ 73.4065).

ADDRESS: Federal Communications Commission, Washington, DC 20554.

EFFECTIVE DATE: May 7, 1986.

FOR FURTHER INFORMATION CONTACT: James A. Hudgens, Office of Plans and Policy, (202) 653-5940.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended: 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Elimination of Unnecessary Broadcast Regulation

[MM Docket 83-842]

This is a summary of the Commission's Second Report and Order, MM Docket 83-842, adopted March 13, 1986, and released March 31, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Second Report and Order

1. By this Second Report and Order, the Commission eliminated its rules and policies with respect to Fraudulent Billing and Network Clipping (§§ 73.1205 and 73.4155) and Combination Advertising Rates and Joint Sales (§73.4065). With respect to the Fraudulent Billing and Network Clipping rule, the Commission concluded that there are adequate sources of remedy already in place which are more appropriate for resolving such private actions. The Commission analysed possible harm to listeners/viewers but concluded that it is *de minimis*. The Commission also discussed the availability of sufficient monitoring mechanisms, for both radio and television, to interested parties to alert them to violations. The Report and Order rejected arguments that the rule should be retained for its deterrent effect and that its cost of enforcement are minimal—determining that the rule entails the potential for substantial administrative expense. The Commission also rejected the argument that elimination of the rule would result in the loss of cooperative advertising monies for radio and television, asserting that the marketplace would be expected to prevent such losses.

2. With respect to its policy concerning Combination Advertising Rates and Joint Sales Practices, the Commission concluded that it is not appropriate for it to continue to forbid conduct which is not prohibited by the antitrust laws, and that the rationale for the subject policies was ill-conceived. That is, while the Commission's policies essentially forbid all joint advertising rates and sales except by commonly-owned AM-FM stations, basic antitrust laws do not flatly prohibit all such combination activities. The Commission rejected several arguments made by commenting parties for the retention of the policy. It denied that the policies must be retained because of their integral relationship to the multiple ownership policies, concluding that given the multiple ownership policies in place and operating, there is no