

program and (v) we have determined that your completion of the program, or your continuation in the program for a specific period of time, will significantly increase the likelihood that you will not have to return to the disability benefit rolls.

3. Section 416.1331 is amended to read as follows:

§ 416.1331 Termination of your disability or blindness payments.

(a) *Cessation determinations.* We will find that your disability or blindness ends with the first month in which you no longer meet the requirements for benefits based on disability or blindness (See Subpart I of this Part).

Note.—See §§ 416.931–416.934 for the rules on presumptive disability and presumptive blindness.

(b) *When payments stop.* (1) *General.* If you do not meet the requirements for benefits based on disability or blindness, you are not age 65 or older and you do not qualify for the special benefits explained in § 416.261, the last month for which we can pay you benefits is the second month after the month in which your disability or blindness ceased, provided that you are otherwise eligible for benefits during this 2-month period. (See § 416.1338 for an exception to this rule if after November 1980 you are participating in an appropriate vocational rehabilitation program.)

(2) *After we make a determination that you are not now disabled.* If we determine that you do not meet the disability requirements of the law, we will send you an advance written notice telling you why we believe you are not disabled and when your benefits should stop. The notice will explain your right to appeal if you disagree with our determination. You may still appeal our determination that you are not now disabled even though your payments are continuing because of your participation in an appropriate vocational rehabilitation program. You may also appeal a determination that your completion of or continuation for a specified period of time in an appropriate vocational rehabilitation program will not significantly increase the likelihood that you will not have to return to the disability benefit rolls and, therefore, you are not entitled to continue to receive benefits.

4. A new section 416.1338 is added to read as follows:

§ 416.1338 If you are participating in a vocational rehabilitation program.

(a) *When your benefit may be continued.* Your benefits may be

continued after your impairment is no longer disabling if—

(1) Your disability did not end before December 1980, the effective date of this provision of the law;

(2) You are participating in a program of vocational rehabilitation that has been approved under a State plan approved under Title I of the Rehabilitation Act of 1973 and which meets the requirements of 45 CFR 1361.39 for a rehabilitation program;

(3) You began the program before your disability ended;

(4) At the time you began participating in the program you were not expected to recover medically before the scheduled completion date of the program;

(5) You still have some residual functional limitations; and

(6) We have determined that your completion of the program, or your continuation in the program for a specified period of time, will significantly increase the likelihood that you will not have to return to the disability benefit rolls.

Example: While disabled from a severe orthopedic impairment, "A" is receiving State vocational rehabilitation services which include training as a bookkeeper. "A" is 45 years old, has a high school education and worked for 5 years as a clerk for a large retail auto parts business. When she began training, "A" had not been expected to recover, and no medical examination had been scheduled by the Social Security Administration. Before "A" completes the training, her disability status is reviewed by social security and a determination made that she is able to do light work. Considering her age, education, and work experience, "A" is no longer disabled. However, if "A" is able to work as a bookkeeper, she will be considered able to engage in substantial gainful activity even if she can do only sedentary work. Therefore, it is determined that "A's" completion of the vocational rehabilitation program will significantly increase the likelihood that she will be permanently removed from the disability rolls. "A" will continue to receive payments until she completes or stops her participation in the rehabilitation program.

(b) *When your benefits will be stopped.* Your benefits will be stopped with the month—

(1) You complete the program;

(2) You stop participating in the program for any reason; or

(3) We determine that your continuing participation in the program will not significantly increase the likelihood that you may be permanently removed from the disability benefit rolls.

Subpart N—Determinations, Administrative Review Process, and Reopening of Determinations and Decisions

5. The authority citation for Subpart N of Part 416 reads as follows:

Authority: Sections 1102, 1631(c), and 1633 of the Social Security Act, 49 Stat. 647, 86 Stat. 1475, 86 Stat. 1478 (42 U.S.C. 1302, 1383, and 1383b); Section 301 of Pub. L. 96-265, 94 Stat. 450 (42 U.S.C. 1382c, 1383).

6. Section 416.1402 is amended by revising paragraphs (h) and (i) and adding paragraphs (j) and (k), to read as follows:

§ 416.1402 Administrative actions that are initial determinations.

Initial determinations are the determinations we make that are subject to administrative and judicial review. The initial determination will state the important facts and give the reasons for our conclusions. Initial determinations regarding supplemental security income benefits include, but are not limited to, determinations about—

(h) Whether you are eligible for special SSI cash benefits under § 416.262;

(i) Whether you are eligible for special SSI eligibility status under § 416.265;

(j) Your disability; and

(k) Whether your completion of or continuation for a specified period of time in an appropriate vocational rehabilitation program will significantly increase the likelihood that you will not have to return to the disability benefit rolls and thus, whether your benefits may be continued even though you are not disabled.

[FR Doc. 81-31545 Filed 10-29-81; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 392]

Livermore Valley Viticultural Area

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 Alameda County, California, to be known as "Livermore Valley." This proposal is the result of a petition from industry members in the

area. The establishment of viticultural areas and the subsequent 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 wines they purchase.

DATE: Written comments must be received by January 28, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 392).

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, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, 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, for the listing of approved American viticultural areas.

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. 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 features (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 the features which can be 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. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in Alameda County, California, as a viticultural area to be known as "Livermore Valley." The area is one of the coastal intermountain valleys that surround the San Francisco Bay depression. The valley floor is approximately 15 miles long and 10 miles wide. Starting in the east, the watershed area of the Livermore Valley is bounded by the Altamont Hills and Crane Ridge, to the south by Cedar Mountain Ridge and Rocky Ridge, in the west by the Pleasanton Ridge, and in the north by the Black Hills. The valley's geographic location is generally the area covered by the political boundaries of Murray and Pleasanton townships.

Geographical/Viticultural Features

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by geographical and climatic variances. The petitioner bases these claims on the following:

(a) The Livermore Valley has a moderate coastal climate which is conducive to the growing of grapes, especially the sauterne type grapes and several premium red varieties. The climate is a result of its proximity to the San Francisco Bay and the Pacific Ocean. The cool marine winds and the morning fog are important factors in temperature control during the growing season and in keeping the area relative frost free during the early spring. The wine grapes grown in Livermore Valley thrive on the cool nights and warmer days. The greatest part of the vineyard acreage is in region III as classified by the University of California at Davis system of heat summation by degree-days. A small portion of the area within Livermore Valley is classified as region II.

(b) The main soil type is the Yolo-Pleasanton Associations with the Livermore gravelly and very gravelly series being prominent in the southern portion of the valley. The gravelly soils impart their own unique flavor to the wines.

(c) The elevation where the vineyards are cultivated starts at 650-800 feet above sea level and slopes toward the valley floor to about 450 feet above sea level.

(d) The main streams in the valley are the Arroyo Mocho, Arroyo Del Valle, and the Arroyo Las Positas which are formed by the watershed run-off of the previously named ridges. The drainage pattern is well developed with the streams flowing in a westerly direction. These streams converge about one mile west of the town of Pleasanton and form the Arroyo de la Laguna. This stream in turn joins Alameda Creek and empties into San Francisco Bay.

(e) The average rainfall is 14.45 inches. The rain falls mainly during the winter and early spring. There is little or no precipitation during the summer months.

(f) With the large increase in population in the Livermore Valley over the past twenty years, the water table has been lowered to a point where the vines no longer are able to depend on a constant water supply from that source. Since the completion of the Del Valle Dam and the filling of the Del Valle Reservoir both the Arroyo Mocho and the Arroyo Del Valle contain water released from the reservoir almost year-round where formerly they were dry by early summer. The South Bay Aqueduct, completed in 1967, provides overhead sprinkler irrigation for some of the vineyards. This type of irrigation is also used for heat suppression and frost protection as well as supplemental watering.

(g) The temperature of the Livermore Valley is moderate during the winter and moderately high in the summer. The average high is 72.9° Fahrenheit and the average low is 45.3° Fahrenheit. Temperatures in the summer have exceeded 100° Fahrenheit and the lowest temperature recorded in the winter was 19° Fahrenheit. The extremes rarely last more than a few days before the marine air asserts its normal pattern.

(h) The growing season, March through early November, is long enough to assure crop maturity. The average number of growing days is 254.

Historical Background

According to information provided by the petitioners, a viticultural history of the area began with the planting of vines during the Mission Period (1796-1833). In 1834, Robert Livermore began planting vines in the valley and named the valley after himself.

The modern wine pioneers arrived in the valley in the late 1860's. By the end

of the 1880's the district contained many small, profitable vineyards. The owners with their diverse backgrounds (English, German, Irish, Italian, French and Spanish) contributed many wine growing philosophies to the rapidly growing industry. All were attracted by the excellent growing conditions for wine grapes. The petitioners claim that emphasis on sauternes began during this period, although there were, and continue to be, many premium red wines from the valley. The resemblance of the area to the Graves District of France was, and is still, a favorite topic for wine writers.

At the peak of plantings in the valley, there were approximately 15,000 acres of grapes and over two dozen wineries. The number of both dropped dramatically with the approach of Prohibition. Two of the wineries that survived Prohibition have been in continuous operation, by the same families, since 1883. Today there are a dozen growers, approximately 3,000 acres of vines, and six wineries.

Proposed Boundaries

The boundaries of the proposed Livermore Valley viticultural area may be found on seven U.S.G.S. 7.5 minute series quadrangle maps ("Dublin Quadrangle, California", Livermore Quadrangle, California", "La Costa Valley Quadrangle, California—Alameda Co.", "Mendenhall Springs Quadrangle, California—Alameda Co.", "Altamont Quadrangle, California—Alameda Co.", "Byron Hot Springs Quadrangle, California", and "Tassajara Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (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 expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. ATF has come to this tentative conclusion based on the fact that we do not have a way to assign a monetary value on the use of the name "Livermore Valley" as a viticultural area appellation of origin on wine labels and in wine advertisements. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Livermore Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Livermore Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and to 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 a 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 within the 90-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. 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 document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the

Treasury Department have participated in the preparation of this document, both in matters of substance and style.

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

Par. 1 The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.46. As amended the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.46 Livermore Valley.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.46 as follows:

§ 9.64 Livermore Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Livermore Valley viticultural area are seven U.S.G.S. maps. They are titled:

(1) "Dublin Quadrangle, California", 7.5 minute series;

(2) "Livermore Quadrangle, California", 7.5 minute series;

(3) "La Costa Valley Quadrangle, California—Alameda Co.", 7.5 minute series;

(4) "Mendenhall Springs Quadrangle, California—Alameda Co.", 7.5 minute series;

(5) "Altamont Quadrangle, California—Alameda Co.", 7.5 minute series;

(6) "Byron Hot Springs Quadrangle, California", 7.5 minute series; and

(7) "Tassajara Quadrangle, California", 7.5 minute series.

(c) *Boundaries.* The Livermore Valley viticultural area is located in Alameda County, California. The beginning point is Bench Mark (BM) 425 located along the Alameda County/Contra Costa County line in the top portion of U.S.G.S. map "Dublin Quadrangle."

(1) From the beginning point, the boundary runs in a southeasterly direction along an unnamed road which crosses Interstate 580 and turns into Foothill Road;

(2) Thence continuing along Foothill Road in a southeasterly direction to the intersection of Castlewood Drive which

is located directly east of the Castlewood Country Club;

(3) Thence east on Castlewood Drive to Bench Mark (BM) 333;

(4) Thence in a straight line in a southeasterly direction to VABM Vern (1264) located on U.S.G.S. map "Livermore Quadrangle";

(5) Thence continuing in a southeasterly direction in a straight line to Bench Mark (BM) 580, located in the northeast corner of U.S.G.S. map "La Costa Valley Quadrangle";

(6) Thence in a straight line in a southeasterly direction to the northeast corner of Section 15, located in the northwest portion of U.S.G.S. map "Mendenhall Springs Quadrangle";

(7) Thence south to the southeast corner of Section 15, then east on the south border of Section 14, then south along the west boundary of Section 24;

(8) Thence east on the south border of Sections 24 and 19 to the southwest corner of Section 20;

(9) Thence north along the east boundaries of Sections 19, 18, 7, 6, 31, 19, 18, 7, 6, 31, 30, 19 and 18 located on U.S.G.S. maps "Mendenhall Springs Quadrangle", "Altamont Quadrangle" and "Byron Hot Springs Quadrangle";

(10) Thence west along the northern boundaries of Sections 18, 13, 14, 15 and 16 to where the northern boundary line of Section 16 intersects with the Alameda County/Contra Costa County line, located in the southeast corner of U.S.G.S. map "Tassajara Quadrangle";

(11) Thence in a southwesterly direction along the Alameda County/Contra Costa County line to the point of beginning.

Signed: September 25, 1981.

G. R. Dickerson,
Director.

Approved: October 16, 1981.

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

[FR Doc. 81-31428 Filed 10-29-81; 8:45 am]
BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 391; Re: Notice No. 371]

Shenandoah Valley Viticultural Area; Hearings

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

ACTION: Notice of hearings.

SUMMARY: This notice announces the times and places the Bureau of Alcohol, Tobacco and Firearms (ATF) will hold

public hearings to receive comments relating to the "Shenandoah Valley" viticultural area notice which was published in the Federal Register on April 13, 1981 (46 FR 21623). ATF believes that public hearings are essential in order to obtain and evaluate all possible information concerning this proposed viticultural area.

DATES: *California:* The hearings in California will be held from 9:00 a.m. to 5:00 p.m. on December 7 and 8, 1981.

Virginia: The hearings in Virginia will be held from 9:00 a.m. to 5:00 p.m. on January 12 and 13, 1982. (Evening sessions for each hearing will be held if necessary beginning at 7:00 p.m.)

Requests to Comment: Requests to comment at these hearings must be received no later than November 27, 1981, for the California hearings and January 2, 1982, for the Virginia hearings.

ADDRESSES: *California:* The hearings in California will be held at the Civic Center Auditorium, Jackson City Hall, 33 Broadway, Jackson, California.

Virginia: The hearings in Virginia will be held at the Sheraton Inn, 1400 East Market Street, I-81 and US 33, Harrisonburg, Virginia.

SEND REQUESTS TO COMMENT TO: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Notice No. 391).

FOR FURTHER INFORMATION CONTACT: E. J. Ference, Research and Regulations Branch, (202-566-7626).

SUPPLEMENTARY INFORMATION: On April 13, 1981, ATF issued a notice of proposed rulemaking in the Federal Register (46 FR 21623) to obtain comment on the "Shenandoah Valley" proposed viticultural area.

Copies of the petition, the notice of proposed rulemaking, the hearing transcripts, and any written comments concerning the proposed viticultural area will be available for public inspection during normal business hours at the: ATF Reading Room, Federal Building, Room 4405, 12th and Pennsylvania Avenue NW., Washington, DC.

ATF has scheduled public hearings on this matter as discussed in this notice. Persons desiring to comment should submit a written request containing the name, address, and telephone number of the individual who will comment. They should indicate in their request *which hearing they would like to attend* and 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 will speak. *Oral comment will be limited to 10 minutes per speaker*, but additional time may be granted for answering questions. Persons asking to comment should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they may have submitted.

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

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

Written comments relating to the "Shenandoah Valley" proposed viticultural area will be available at each hearing for public inspection. Each hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3) and section 553(b) of the Administrative Procedure Act.

ATF specifically requests oral comments and suggestions concerning—

(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 supporting the proposed boundaries of the viticultural area 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; and

(d) Resolution of the objections to use of the name "Shenandoah Valley."

Information obtained at the hearings along with the written comments received in response to the notice of proposed rulemaking will be used to determine whether to issue a final regulation establishing the viticultural area as proposed.

Drafting Information

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice of hearing is issued under the authority contained in 27 U.S.C. 205.