

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 suggestions for possible 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 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 45-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.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

#### Drafting Information

The principal author of this document is Mr. Steve Simon of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Issuance

### PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, the Director proposes the amendment of 27 CFR Part 9 as follows:

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

Authority: 27 U.S.C. 205.

**Par. B.** The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of of § 9.55, to read as follows:

\* \* \* \* \*

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.55 Bell Mountain.

\* \* \* \* \*

**Par. C.** Subpart C of 27 CFR Part 9 is amended by adding § 9.55, which reads as follows:

#### § 9.55 Bell Mountain.

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

(b) *Approved map.* The appropriate map for determining the boundaries of the Bell Mountain viticultural area is one U.S.G.S. map, titled: Willow City Quadrangle, 7.5 minute series, 1967.

(c) *Boundary*—(1) *General.* The Bell Mountain viticultural area is located in Gillespie County, Texas. The starting point of the following boundary description is the summit of Bell Mountain (1,956 feet).

(2) *Boundary Description*—(i) From the starting point, the boundary proceeds due southward for exactly one half mile;

(ii) Then southeastward in a straight line to the intersection of Willow City Loop Road with an unnamed unimproved road, where marked with an elevation of 1,773 feet;

(iii) Then generally southward along Willow City Loop Road (a light-duty road) to Willow City.

(iv) Then continuing southward and westward along the same light-duty road to the intersection having an elevation of 1,664 feet;

(v) Then continuing westward along the light-duty road to the intersection having an elevation of 1,702 feet;

(vi) Then turning southward along the light-duty road to the intersection having an elevation of 1,736 feet;

(vii) Then turning westward along the light-duty road to the intersection having an elevation of 1,784 feet;

(viii) Then turning southward and then westward, following the light-duty road to its intersection with Texas Highway 16, where marked with an elevation of 1,792 feet;

(ix) Then due westward to the longitude line 98° 45';

(x) Then northward along that longitude line to a point due west of an unnamed peak with an elevation of 1,784 feet;

(xi) Then due eastward to the summit of that unnamed peak;

(xii) Then in a straight line eastward to the intersection of an unnamed unimproved road with Texas Highway 16, where marked with an elevation of 1,822 feet;

(xiii) Then following that unnamed road, taking the right-hand fork at an intersection, to a point due west of the summit of Bell Mountain;

(xiv) Then due eastward to the summit of Bell Mountain.

Approved: May 19, 1986.

Stephen E. Higgins,

Director.

[FR Doc. 86-12248 Filed 6-2-86; 8:45 am]

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### 27 CFR Part 9

[Notice No. 595]

### Revision of the Boundary of the Monticello Viticultural Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** ATF is proposing to amend the approved boundary of the Monticello viticultural area to include vineyards which were omitted from the original petition which ATF adopted in T.D. ATF-164 (49 FR 2757). This proposal is based on a petition submitted by Edward W. Schwab, Autumn Hill Vineyards, located in Stanardsville, Virginia. 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 viticultural area appellations of origin will also help wineries distinguish their products from wines made in other areas.

**DATE:** Written comments must be received by July 3, 1986.

**ADDRESSES:** Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385.

Copies of the petition and the written comments received in response to this notice will be available for public inspection during normal business hours at: ATF Reading Room, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt, Coordinator, FAA, Wine and Beer Branch, (202) 566-7626.

**SUPPLEMENTARY INFORMATION:** Six wine grape growers in the Charlottesville area of Virginia first petitioned ATF to establish a viticultural area to be known as "Monticello." In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 399 (46 FR 59274), on December 4, 1981, to establish a viticultural area in the Charlottesville, Virginia, area to be known as "Monticello." During the comment period The Jefferson Wine Grape Growers Society petitioned for an enlargement of the Monticello viticultural area boundary. ATF published an amended notice of proposed rulemaking, Notice No. 434 (47 FR 52200), on November 19, 1982. All the comments received favored the enlarged

boundary for the Monticello viticultural area.

On January 23, 1984, ATF published T.D. ATF-164 (49 FR 2757) establishing the Monticello viticultural area. On November 9, 1984, a petition was received from Mr. Edward W. Schwab, Managing Partner, Autumn Hill Vineyards, to include Greene County in the Monticello viticultural area. Mr. Schwab said he became aware of the Monticello viticultural area after it was established and he was not aware of the rulemaking process that had taken place.

Greene County is a small county which borders the northern boundary of the Monticello viticultural area. Mr. Schwab submitted a statement and evidence from the Virginia Cooperative Extension Service Agriculture Extension Agent that the petitioned for area has essentially the same topography, soil types, amount of rainfall, elevation and temperatures as found in the bordering Monticello viticultural area. Mr. Schwab amended his petition to exclude a mountainous area in the western part of Greene County so that the revised area would be even more similar to the existing Monticello viticultural area.

The existing Monticello viticultural area is approximately 1250 square miles and therefore extends many miles from its name sake and home of Thomas Jefferson in Charlottesville, Virginia. The evidence during the rulemaking process established that the Monticello name extends throughout Central Virginia, to include Albemarle, Orange, Nelson and Greene Counties, because of Thomas Jefferson's dominant influence in the region. Historical publications have numerous references to Jefferson leasing farm land throughout Central Virginia to expand his Monticello acreage. Other references list Monticello as the primary source of crop experimentation data and planting material (including grapevines) used to start new farms in Central Virginia.

One current example which shows that the name identification extended several miles to the north of Monticello to Orange and Greene Counties is a mansion similar in appearance to Monticello which Jefferson designed for his friend, James Barbour. The mansion burned in 1884, but all the brick structure and columns remain making the structure easily identified with Monticello. This mansion, the Barbourville Ruins, is now a historical landmark and tourist attraction. The eastern boundary of the proposed amended viticultural area revision is near the Barbourville Ruins.

#### Public Participation—Written Comments

Based on the above discussion, ATF is issuing this notice of proposed rulemaking to request comments concerning this proposed revision of the Monticello viticultural area boundary.

ATF will not recognize any material or 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 comment. The name of any person submitting a comment is not exempt from disclosure.

#### 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 notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens 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.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a 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, 46 FR 13193 (1981), 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 or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or
- (c) 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.

#### 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 1320, do not apply to

this notice because no requirement to collect information is proposed.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

#### Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### 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.** Section 9.48(c) is revised to add the amended boundaries and by adding numbers to the descriptions to read as follows:

#### § 9.48 Monticello.

(c) Boundaries. (1) From Norwood, Virginia, following the Tye River west and northwest until it intersects with the eastern boundary of the George Washington National Forest; (2) following this boundary northeast to Virginia Rt. 664; (3) then west following Rt. 664 to its intersection with the Nelson County line; (4) then northeast along the Nelson County line to its intersection with the Albemarle County line at Jarman Gap; (5) from this point continuing northeast along the eastern boundary of the Shenandoah National Park to its intersection with the northern Albemarle County line; (6) continuing northeast along the Greene County line to its intersection with Virginia Rt. 33; (7) follow Virginia Rt. 33 east to the intersection of Virginia Rt. 230 at Stanardsville; (8) follow Virginia Rt. 230 north to the Greene County line (the Conway River); (9) following the county line southeast to its intersection with the Orange County line, (10) continuing north on the county line to its intersection with the Rapidan River, which continues as the Orange County line; (11) following the river east and northeast to its confluence with the Mountain Run River; (12) then following the Mountain Run River southwest to its intersection with Virginia Rt. 20; (13) continuing southwest along Rt. 20 to the corporate limits of the town of Orange; (14) following southwest the corporate limit line to its intersection with U.S. Rt. 15; (15) continuing southwest on Rt. 15 to its intersection with Virginia Rt. 231 in

the town of Gordonsville; (16) then southwest along Rt. 231 to its intersection with the Albemarle County line; (17) continuing southwest along the county line to its intersection with the James River; (18) then following the James River to its confluence with the Tye River at Norwood, Virginia, the beginning point.

Signed: May 27, 1986.

Stephen E. Higgins,  
Director;

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

#### Withdrawal of a Proposed Rulemaking To Amend the Alabama Permanent Regulatory Program

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

**ACTION:** Withdrawn of a Proposed rule.

**SUMMARY:** OSMRE is announcing the withdrawal of a proposed rulemaking for an amendment submitted by the State of Alabama to amend its permanent regulatory program (hereinafter referred to as the Alabama program). The proposed amendment concerned requirements for operations extracting coal incidental to extraction of other minerals (Sub-chapter 880-X-2E of the Alabama Surface Mining Commission regulations). The proposed amendment was withdrawn by the State in a letter to OSMRE dated May 7, 1986.

**DATE:** This withdrawal is effective June 3, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. John T. Davis, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209; Telephone: (205) 731-0890.

**SUPPLEMENTARY INFORMATION:** On December 30, 1985, Alabama submitted a proposed amendment to its approved regulatory program to modify requirements for operations extracting coal incidental to extraction of other minerals (Sub-chapter 880-X-2E of the Alabama Surface Mining Commission rules). The proposed rules outlined the information requirements necessary for such extraction, and criteria to be used by the Alabama Surface Mining

Commission (ASMC) to determine the eligibility of the proposed operation for exemption from regulatory requirements for surface coal mining operations under the Alabama program. The proposed rules replaced rules previously approved by OSMRE (July 19, 1985, 50 FR 29379).

On January 30, 1986, OSMRE published a notice in the *Federal Register* announcing receipt of the amendment and soliciting public comment on its adequacy. The comment period ended on March 3, 1986.

On May 7, 1986, Alabama submitted a copy of Alabama Senate Bill 445, Act 86-106, which had been passed by the Alabama Legislature and which in part repealed rule 880-X-2E. In a letter which accompanied the Senate Bill, Alabama therefore withdrew the proposed amendment at ASMC 880-X-2E.

Dated: May 28, 1986.

H. Leonard Richeson,  
Acting Assistant Director, Program Operations.

[FR Doc. 86-12371 Filed 6-2-86; 8:45 am]

BILLING CODE 4310-05-M

## National Park Service

### 36 CFR Parts 1 and 3

#### Permit Requirements; Penalty Provisions

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rulemaking clarifies the penalty provisions of the three general regulations used by the National Park Service as basic authorities to issue and require permits for members of the public to engage in certain activities. These provisions were inadvertently omitted when the regulations were originally promulgated in 1983. Experience since that time has shown that these clarifications are necessary in order to outline the mandatory aspects of permit systems established and used by park managers to manage visitor use activities in park areas. This rulemaking is a clarification only and does not impose new restrictions or requirements.

**DATE:** Written comments will be accepted until July 3, 1986.

**ADDRESS:** Comments should be addressed to: Associate Director, Park Operations, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

**FOR FURTHER INFORMATION CONTACT:** Andy Ringgold, National Park Service, Branch of Ranger Activities, P.O. Box 37127, Washington, DC 20013-7127, Telephone: 202-343-1360.

## SUPPLEMENTARY INFORMATION:

### Background

On June 30, 1983, the National Park Service (NPS) published a major revision of its general regulations in Title 36 of the Code of Federal Regulations that pertain to resource protection, public use and recreation (48 FR 30252). One of these regulations, § 1.6, provides the general procedures and criteria under which NPS permits are issued. Another, § 1.5, sets forth the basic authority for park managers to establish permit systems in order to implement public use limits. A third general regulation, § 3.3, authorizes the superintendent to issue permits to manage boating activities within a park area.

These three regulations all contain provisions that address a superintendent's authority to issue permits and/or to establish permit conditions; other provisions prohibit violating the terms and conditions of a permit. Both §§ 1.5 and 3.3 make reference to the permit criteria and procedures of § 1.6. However, none of these sections contains text that clearly indicates that, if a permit is required by a superintendent in order for a person to engage in a certain activity, failure to obtain a permit prior to engaging in that activity constitutes a violation of the regulation by that individual.

The original intent of the NPS was that such a provision was understood as being inherent in the fact that the superintendent was authorized to require a permit. However, in the period since the effective date of these regulations, questions raised by members of the public, NPS employees and some U.S. Magistrates have indicated that this intention was not clear and that clarifying text is necessary.

This rulemaking proposes to clarify NPS permit requirements by consolidating all the general procedural and regulatory provisions pertaining to NPS permit systems and authorities found in these three sections in section 1.6 and deleting duplicative provisions from §§ 1.5 and 3.3. A provision emphasizing the mandatory nature of permit requirements has been added to section 1.6. Clarifying text has also been added to § 1.6(e) that indicates that terms and conditions of a permit may derive not only from the criteria presently specified in that paragraph but also from criteria and restrictions that exist in other regulations.

These proposed changes do not add new obligations or impose new restrictions. The intent of this