

**ACTION:** Temporary rule; Treasury decision.

**SUMMARY:** This temporary rule revokes 27 CFR 19.613 to eliminate the requirement that alternative devices used in lieu of strip stamps be marked with the State and plant number of the bottler. This action is being taken to allow distilled spirits plant proprietors to use approved alternative devices without encountering the operational problems or cost of new equipment attendant with that coding requirement.

**EFFECTIVE DATE:** January 12, 1983.

**FOR FURTHER INFORMATION CONTACT:** Richard C. Langford, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20228 (202-566-7531).

**SUPPLEMENTARY INFORMATION:** Public Law 94-569 amended 28 U.S.C. 6801 to permit the Secretary to authorize alternatives to strip stamps required by Sections 5205 and 5235. The Department published notices of proposed rulemaking 308 and 312 to implement this change in the law. Accordingly, temporary regulations, issued pursuant to the Distilled Spirits Tax Revision Act of 1979 and published as T.D. ATF-62 and a notice of proposed rulemaking No. 329, provided procedures and criteria for the approval of alternative devices in 27 CFR 19.663. Among the requirements for the approval of such devices is that it be marked in accordance with the provisions of 27 CFR 19.613, that is, with the State and plant number of the bottler.

Comments on the temporary rule have shown that compliance with this marking requirement causes various operational difficulties and necessitates the purchase of costly additional equipment on the bottling line of distilled spirits plants. Further, the Department has determined this coding requirement does not significantly contribute to the accountability of alternative devices. By this temporary rule, the Department therefore revokes that requirement in 27 CFR 19.613 and makes technical conforming amendments to the table of contents and 27 CFR 19.663.

#### Executive Order 12291

It has been determined that this temporary regulation is not a "major rule" within the meaning of Executive Order 12291, published February 17, 1981, in the *Federal Register*, 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 geographical regions; and, it will not have significant

adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Further, this temporary regulation is liberalizing in nature and will aid in reducing industry costs.

#### Regulatory Flexibility Act

This temporary rule relates to a notice of proposed rulemaking published prior to January 1, 1981, and therefore, is not subject to the requirements of the Regulatory Flexibility Act. The applicable notice was published in the *Federal Register* on December 11, 1979, at 44 FR 71612.

#### List of Subjects in 27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Custom duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Reporting requirements, Research and Security measures, Spices and flavorings, Surety bonds, Transportation, U.S. possessions, Warehouses, Wine.

#### Effective Date

Because the Department has determined that the marking requirement on alternative devices is unnecessary and since this burden on the regulated industry should be eliminated as soon as possible, the 30-day delay of effective date of 5 U.S.C. 553(d) is found to be impracticable and contrary to the public interest.

Accordingly, the effective date of this rule is the date of publication. It will remain in effect until superseded by final regulations.

#### Drafting Information

The principal author of this document is Richard C. Langford, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

Under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended) Title 27, Code of Federal Regulations is amended as follows:

#### PART 19—DISTILLED SPIRITS PLANTS

**Paragraph 1.** The table of contents for Part 19 is amended by removing the entry for § 19.613.

#### § 19.613 [Removed]

**Par. 2.** Section 19.613 is removed.

#### § 19.663 [Amended]

**Par. 3.** Section 19.663 is amended by removing paragraph (b)(2)(i) and by renumbering paragraphs (b)(2)(ii) and (iii) as paragraphs (b)(2)(i) and (ii), respectively.

Signed: December 2, 1982.

Stephen E. Higgins,  
*Acting Director.*

Approved: December 15, 1982.

Robert E. Powis,  
*Acting Assistant Secretary, Enforcement and Operations.*

[FR Doc. 83-673 Filed 1-11-83; 8:45 am]

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#### 27 CFR Part 9

[T.D. ATF-124; Ref: Notice No. 395]

#### Establishment of Rocky Knob Viticultural Area

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

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area in parts of Floyd and Patrick Counties in southern Virginia to be known as "Rocky Knob." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Rocky Knob as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers better to identify the wines they may purchase.

**EFFECTIVE DATE:** February 11, 1983.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 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 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

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 viticultural areas.

Section 9.11, 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 procedure for proposing an American viticultural area. Any

interested person may petition ATF to establish a grape-growing region as a viticultural area.

Woolwine Winery in Woolwine, Virginia, petitioned ATF to establish a viticultural area to be named "Rocky Knob."

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 395, in the *Federal Register* on November 19, 1981 (46 FR 56827), proposing the establishment of the Rocky Knob viticultural area.

#### Historical and Current Evidence of the Name

The name of the area, Rocky Knob, was well documented in the petition. Historical use of the name dated from 1770. The name is shown currently on maps of the area. The petitioner submitted evidence showing the Rocky Knob viticultural area has a unique identity because of the Rocky Knob Recreational Area in the boundary. Rocky Knob Recreational Area appears on State maps on both sides of the Blue Ridge Parkway which is the main highway through the scenic Blue Ridge Mountains.

#### Geographical Features

The proposed Rocky Knob viticultural area was approximately 15,000 acres. Woolwine Winery is the only winery in the area and has about 10 acres of grapes located in two locations within the area. While there was sufficient historical evidence for the viticultural area name, there was little evidence that the proposed area had geographical features to distinguish the area from the surrounding area. Since comments received did not give sufficient data on geographical distinctions, the petitioner was requested to review the geographical factors of the area to determine if this requirement in establishing a viticultural area could be met.

The petitioner submitted data to establish a geographically significant viticultural area by reducing the previously proposed area to about 9,000 acres. The new boundary is generally the mountainous area east of the Blue Ridge Parkway. This area is colder in the spring which forces a later bloom set and causes a growing season about one week later than the surrounding area. This later bloom set allows vines to survive the erratic early spring cold. Also, there is more wind in the revised area which reduces the chance of a severe frost accumulation. The soil in the revised area is mostly silt loam combined with gravel which provides the drainage necessary for good grape

production. The soils in the area east of the revised boundary is mostly clay which does not provide drainage.

#### Comments

There were only three comments submitted during the comment period. The two comments supporting the Rocky Knob viticultural area came from the petitioner and an individual in Florida who has property in the area. The other commenter objected to the Rocky Knob viticultural area because of the potential for increased traffic on a private road and the possibility that Woolwine Winery would be entitled to Government grant money. ATF is not aware of Government grant money being available to an enterprise because a viticultural area is established. Also, we do not consider the potential of increased traffic on a private road to be a factor when evaluating the merits of a viticultural area.

#### Boundaries

As discussed earlier, the boundaries as originally proposed were reduced in size to delineate an area with similar characteristics from surrounding areas. ATF is not aware of any new vineyards being proposed outside of the Rocky Knob viticultural area boundary. However, because grape production is new to this area, it is possible the approved boundary could be expanded in the future by a petition with supporting geographical evidence.

#### Miscellaneous

ATF does not wish to give the impression by approving the Rocky Knob viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Rocky Knob wines.

#### 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 the 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

It has been determined that this final 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 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.

#### Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

#### Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

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

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

#### Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.43 as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.43 Rocky Knob.

Par. 2. Subpart C is amended by adding § 9.43 to read as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

**§ 9.43 Rocky Knob.**

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Rocky Knob viticultural area are two 1968 U.S.G.S. maps. The maps are entitled: "Willis Quadrangle Virginia" 7.5 minute series and "Woolwine Quadrangle Virginia" 7.5 minute series.

(c) *Boundaries.* The Rocky Knob viticultural area is located in Floyd and Patrick Counties in southern Virginia. The boundaries are as follows:

The starting point is the intersection of Virginia State Route Nos. 776 and 799 at Connors Grove. Follow State Route No. 799 south and east to the Blue Ridge Parkway and then south on the Parkway to its first intersection with State Route No. 758. Follow State Route No. 758 east to the intersection of State Route No. 726 at the southern boundary of the Rocky Knob Recreation Area. Follow the boundary of the Rocky Knob Recreation Area south and then in a northeastern direction to where the boundary first intersects State Route No. 8. From that point at State Route No. 8, proceed northeast in a straight line to State Route No. 719 and Widgeon Creek at a point about 0.7 of a mile west of the intersection of State Route Nos. 719 and 710. Proceed northwest in a straight line to the intersection of State Route No. 710 and the Blue Ridge Parkway. Follow the Parkway southwest to the intersection with State Route No. 726 turn right on State Route 726 and proceed 0.6 of a mile to a roadway at the 3308 elevation point on the map. From that point, proceed west in a straight line back to the starting point at Connors Grove.

Signed: December 8, 1982.

Stephen E. Higgins,

Acting Director.

Approved: December 20, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

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**CENTRAL INTELLIGENCE AGENCY**

**32 CFR Part 1900**

**Public Access to Documents and Records and Declassification Requests**

**AGENCY:** Central Intelligence Agency.

**ACTION:** Final rule.

**SUMMARY:** Part 1900 of Title 32 CFR was last published in full text in the Federal

Register on February 19, 1975 (Vol. 40, No. 34, p. 7294). Since then, there have been several amendments. With the issuance of Executive Order 12356 in April 1982 and ISOO Directive No. 1 in June 1982, certain substantive changes are required relating to mandatory review for declassification. For the benefit of the public, Part 1900 is being republished with all current amendments and revisions.

**EFFECTIVE DATE:** February 11, 1983.

**FOR FURTHER INFORMATION CONTACT:** Larry R. Strawderman, Information and Privacy Coordinator. Telephone: 703-351-2770.

**SUPPLEMENTARY INFORMATION:** This final rule amends certain sections of Part 1900 of Title 32 of the Code of Federal Regulations (CFR) in order to conform this regulation with Executive Order 12356 which was published in the Federal Register on April 6, 1982 (Vol. 47, No. 66, P. 14874) and the implementing directive issued by the Information Security Oversight Office (ISOO) which was promulgated in the Federal Register on June 25, 1982 (Vol. 47, No. 123, p. 27836). The affected sections are: 1900.1, 1900.21, 1900.31, 1900.45, 1900.51, and 1900.53. In addition, certain non-substantive editorial amendments have been made throughout the text.

**List of Subjects in 32 CFR Part 1900**

Freedom of information, Classified information.

For the reasons set out in the preamble, Part 1900 Chapter XIX of Title 32, CFR is revised as set forth below.

**PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS**

Sec.

**General**

- 1900.1 Purpose and authority.
- 1900.3 Definitions.
- 1900.5 Organization: requests and submittals.

**Requesting Records**

- 1900.11 Freedom of information communications: requirements as to form.
- 1900.21 Identification of persons requesting information under the provisions of the Executive Order.
- 1900.23 Pre-request option: estimates of charges.
- 1900.25 Fees for records services.

**Processing Freedom of Information Communications**

- 1900.31 Screening communications.
- 1900.33 Processing expressions on interest.
- 1900.35 Processing requests for records.

**Actions on Requests**

- 1900.41 Searching for requested records.

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- 1900.43 Reviewing records.
- 1900.45 Expeditious action: extension of time.
- 1900.47 Allocation of manpower and resources: agreed extension of time.
- 1900.49 Notification and payment: furnishing records.

**Appeals**

- 1900.51 Appeal to CIA Information Review Committee.
- 1900.53 [Reserved]

**Miscellaneous**

- 1900.61 Access for historical research
- 1900.63 Suggestions and complaints.

**Authority:** National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 12356.

**General**

**§ 1900.1 Purpose and authority.**

This part is issued under the authority of, and in order to implement, section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 12356 (3 CFR April 2, 1982) and the Freedom of Information Act, as amended (5 U.S.C. 552). It prescribes procedures for:

(a) Requesting records pursuant to the Freedom of Information Act;

(b) Requesting the declassification of documents pursuant to Executive Order 12356;

(c) Filing an administrative appeal of a denial of a mandatory review request under Executive Order 12356 or an initial request under the Freedom of Information Act;

(d) The prompt and expeditious processing of such requests and appeals; and

(e) Requesting estimates and advice prior to actually requesting records, thus affording protection against unanticipated fees.

This part is also designed to assist Central Intelligence Agency management at all appropriate echelons, to allocate resources to perform the functions, duties and responsibilities of the Central Intelligence Agency prescribed by and pursuant to law, including in particular those situations where it is deemed necessary to choose among conflicting requirements, duties and responsibilities.

**§ 1900.3 Definitions.**

For the purpose of this part, the following terms have the meanings indicated:

(a) "Agency" includes any executive department, military department or other establishment or entity included in the definition of agency in subsection