

Deposit Insurance Corporation will occur within thirty days from the filing of the notice; and the FDIC determines, in its discretion, that it is in the public interest to grant such confidential treatment. Requests for confidential treatment under other circumstances may be granted by the FDIC, in its discretion, when they are justified as consistent with the purposes of the CBCA.

(v) The public release of this information in no way affects the obligations and liabilities which the person filing the notice may have under the federal securities laws or other laws.

By order of the Board of Directors this 30th day of September, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-24009 Filed 10-9-85; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 571]

Revision of the Boundary of the Temecula 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 Temecula viticultural area to include vineyards which were unintentionally omitted from the area when it was approved in T.D. ATF-188 (49 FR 42563). This proposal is based on a petition submitted by Richard C. McMillan, a partner of Bear Valley Vineyards, located near Murrieta, California. 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 winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by November 12, 1985.

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 written comments received in response to this notice will be available during normal business hours at: ATF Reading Room, Disclosure Branch, Room 4406, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

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

SUPPLEMENTARY INFORMATION: On October 23, 1984, ATF published T.D. ATF-188 (49 FR 42563) establishing the Temecula viticultural area. ATF received two opposing petitions for the establishment of this area, each proposing a different boundary. The approved boundary, a hybrid of the two petitioned boundaries, was developed by ATF on the basis of voluminous public comments and a public hearing.

The approved boundary inadvertently omitted a portion of the Bear Valley Vineyards which is on the east side of Murrieta Creek. ATF did not intend to draw the boundary through an existing vineyard. Mr. Richard C. McMillan, a partner of Bear Valley Vineyards, petitioned ATF to revise the boundary to include all of his vineyard in the approved area. The area proposed to be added is approximately 60 acres containing approximately 35 acres of grapevines which are part of Bear Valley Vineyards.

The petition contains evidence that the area to be added to the Temecula viticultural area is under the same marine climate influence which distinguishes the approved area from its surroundings. In addition, ATF believes that the entire area is part of the place named "Temecula" except for the village of Murrieta, California, east of the proposed enlargement. The petition contains affidavits supporting this enlargement from each of the two opposing parties in the original rulemaking.

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 Temecula 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 the 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.

Compliance with Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal 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, 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 notice because no requirement to collect information is proposed.

List of Subjects 27 CFR Part 9

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

Drafting Information

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

Authority and Issuance

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

PART 9—[AMENDED]

¶1. The statutory authority for 27 CFR Part 9 continues to read as follows:

Authority: August 29, 1935, Chapter 814, sec. 5, 49 Stat. 985, as amended (27 U.S.C. 205), unless otherwise noted.

2. Section 9.50 is amended by revising paragraphs (c)(23) and (24) and adding paragraphs (c)(25), (26), and (27) to read as follows:

§ 9.50 Temacula.

(c) * * *
(23) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to its intersection with Hayes Avenue, northwest of Murrieta, California.

(24) The boundary follows Hayes Avenue northwesterly, approximately 4,000 feet, to its terminus at an unnamed, unimproved, fair or dry weather road.

(25) The boundary follows this road southwesterly to Murrieta Creek.

(26) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to its intersection with Orange Street in Wildomar, California.

(27) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

Signed: October 2, 1985.

Stephen E. Higgins,
Director.

[FR Doc. 85-24256 Filed 10-9-85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 700, 701, 785, and 827**

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program; Definitions; Requirements for Permits for Special Categories of Mining; Coal Preparation Plants; Performance Standards; Reopening of the Public Comment Period and Public Hearing

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

ACTION: Notice of reopening of public comment period and public hearing.

SUMMARY: The Office of Surface Mining (OSM) has published proposed rules for public comment which would amend OSM's permanent regulatory program with respect to coal preparation plants and other surface coal mining

operations. OSM has decided to reopen the comment period for the above proposed rules and schedule a public hearing.

DATES: The comment period on the proposed rules is reopened until 5:00 p.m. eastern time on November 14, 1985. The public hearing is scheduled for October 23, 1985, at 1 p.m. Rocky Mountain time in Albuquerque, New Mexico.

ADDRESS: The public hearing will be held at the following location: 517 Gold Street, Room 1022, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Raymond Aufmuth, Division of Permit and Environmental Analysis, OSM, Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240; Telephone: (202) 343-1507.

SUPPLEMENTARY INFORMATION: OSM has proposed rules and requested comments on rules governing coal preparation plants. 50 FR 28180. OSM has received a request to hold a public hearing on these proposed rules. In order to facilitate the requested hearing and allow sufficient notice to those who may wish to participate and to allow sufficient time for additional comment which may result from the public hearing, OSM has decided to reopen the public comment period for these rules.

The public hearing will be held beginning at 1 p.m. Rocky Mountain time, located at Room 1022, 517 Gold Street, Albuquerque, New Mexico.

Dated: November 7, 1985.

Brent Wahlquist,

Assistant Director, Technical Services and Research.

[FR Doc. 85-24309 Filed 10-9-85; 8:45 am]

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30 CFR Part 817

Permanent Program Performance Standards; Underground Activities; Subsidence Control

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

ACTION: Petition for rulemaking; deferral of decision.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) has decided to defer decision on the rulemaking petition filed by the Consolidation Coal Company (Consol) requesting and exemption from the requirements of 30 CFR 817.121 (d) and (e) until a rule on the applicability of section 522(e) of the Surface Mining Control and Reclamation Act of 1977

(the Act), 30 U.S.C. 1201 *et seq.*, to underground mining has been promulgated.

FOR FURTHER INFORMATION CONTACT:

Dr. C.Y. Chen, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240; Telephone: 202-343-1501 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: On June 1, 1983, OSM published its final permanent program subsidence control rules. (48 FR 24652). The rule, at 30 CFR 817.121(d), prohibits underground mining activities beneath or adjacent to specified structures and impoundments unless the subsidence control plan required by 30 CFR 784.20 demonstrates that subsidence will not cause material damage to or reduce the reasonably foreseeable use of those features or facilities. Section 817.121(d) further allows the regulatory authority to limit the percentage of coal extracted if it is necessary in order to minimize the potential for material damage. Section 817.121(e) provides that if subsidence does cause material damage, the regulatory authority may suspend mining until the subsidence control plan is modified.

On November 30, 1933, Consol filed a petition requesting OSM to revise § 817.121(d) and (e) of the subsidence control rules to create an exemption when the mining technology used requires planned subsidence in a predictable and controlled manner. That request was based on section 516(b)(1) of the Surface Mining Control and Reclamation Act (the Act), 30 U.S.C. 1201 *et seq.*, which provides that each permit shall require the operator to "adopt measures consistent with known technology in order to prevent subsidence causing material damage . . . except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner. . . ."

On February 23, 1984, OSM requested comments on the changes proposed by Consol. (49 FR 6749). Among other issues, OSM asked commenters to address whether such a showing of no material damage is essential to aid the regulatory authority in making the permit finding required by section 510(b)(4) of the Act that no surface coal mining operations will be permitted in areas that are unsuitable for mining under sections 522(e)(4) and (5) of the Act, which prohibit surface coal mining operations within certain distances of specified structures and facilities.

On April 3, 1985, while still evaluating the comments received on the Consol