

*Name and Region*

Barbara D. Berry, Atlanta, Georgia  
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(Section 309(d) of the National Housing Act, 12 U.S.C. § 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. § 3535(d)). Issued at Washington, D.C., June 16, 1980.

Ronald P. Laurent,

*President, Government National Mortgage Association.*

[FR Doc. 80-18810 Filed 6-19-80; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 256**

**Off-Reservation Treaty Fishing: Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836; Extension of Comment Period**

**AGENCY:** Department of the Interior.

**ACTION:** Notice of extension of comment period.

**SUMMARY:** This notice clarifies and extends the period for comments to be received on the amended interim rule, published April 28, 1980 (45 FR 28100), governing off-reservation treaty fishing under the treaty of March 29, 1836, 7 Stat. 491, in ceded Michigan waters of Lake Superior, Lake Michigan, Lake Huron, and connecting waters by members of the Bay Mills Indian Community, members of the Sault Ste. Marie Tribe of Chippewa Indians, and members of the Grand Traverse Band of Ottawa and Chippewa Indians. As published, the amended interim rule established a deadline of May 23, 1980 for submission of comments. The supplemental information published with the amended interim rule, however, stated that comments received on or before June 27, 1980 would be considered. In order to avoid further unnecessary confusion as to the date for receipt of comments, and to give all prospective commenters sufficient opportunity to submit comments, this notice hereby extends the comment period to June 27, 1980.

**DATES:** Comments on the amended interim rule (45 FR 28100) are due on or before June 27, 1980.

**ADDRESS:** Send comments to Associate Solicitor for Indian Affairs, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Robin A. Friedman, Attorney-Advisor, Division of Indian Affairs, Office of the Solicitor, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240, (202) 343-8526.

Dated: June 16, 1980.

Cecil D. Andrus,

*Secretary of the Interior.*

[FR Doc. 80-18819 Filed 6-19-80; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 9**

[T.D. ATF-72; Notice No. 325]

**Augusta Viticultural Area**

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

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

**SUMMARY:** This rule establishes a viticultural area in St. Charles County, Missouri, named "Augusta." The Bureau of Alcohol, Tobacco and Firearms feels that the establishment of the Augusta viticultural area and the subsequent use of its name as an appellation of origin in wine labeling and advertising will help consumers of wine to better identify Augusta wines.

**EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Thomas Minton, 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 37671, 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.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

In response to a petition, ATF published a notice of proposed rulemaking in the Federal Register (44

FR 41487) proposing a delimited grape-growing area surrounding Augusta, Missouri, as an American viticultural area. ATF solicited public comment concerning the proposed area and held a public hearing to discuss the proposed area on November 1, 1979, in Augusta, Missouri.

**Written Comments**

ATF received 10 written comments in response to its notice of proposed rulemaking. These 10 comments were of a general nature and favored the establishment of the Augusta viticultural area. Most of the comments mentioned the history of the Augusta area in grape production and winemaking and indicated that wines from the Augusta area are of a unique nature.

**Public Hearing**

Thirteen people commented at the public hearing. Following is a summary of their comments.

**Historical Evidence**

Several commenters presented evidence that the growing region has a long grape-growing and wine-producing history. A number of references note the Augusta area. These sources also refer to this grape-growing area by the name of the town, Augusta. Therefore, ATF believes that the Augusta viticultural area has a unique historical identity and that the name "Augusta" is the most appropriate name for the area.

**Geographical Features**

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding grape-growing areas. Much of the testimony at the public hearing concerned this requirement.

Based on this testimony, ATF has determined that the Augusta area is distinguishable from the adjacent areas by climatic variances, particularly in temperature, caused by the physiographic features of the Augusta area. The bowl-like ridge of hills to the west, north, and east and the Missouri River on the southern edge of the area provide a setting which differentiates the local climate of the Augusta area from the local climate of the surrounding areas.

**Boundaries**

ATF is using two county lines, a township line, and a range line as the boundaries of the Augusta area. A number of comments at the public hearing concerned these boundaries.

Some commenters felt that the use of artificial lines such as county, range,

and township lines to describe the area was improper. They argued that the use of survey lines to delineate an area which should be based on geographical factors was contradictory. They argued that since viticultural areas are intended to be distinct from political subdivisions they should be based on viticultural factors, and the use of county, range, and township lines was, therefore, inappropriate.

ATF feels that the use of political boundaries and survey lines is appropriate where they coincide with the distinguishing geographical features or where they reasonably describe an area which possesses a distinguishing viticultural characteristic. In the case of the Augusta area, the boundaries in the regulations delineate an area with distinguishing climatic and topographical characteristics.

#### Miscellaneous Comments

One commenter felt that viticultural areas would increase the operating costs and regulatory burdens on both the industry and Government. He felt that added recordkeeping concerning the origin of grapes used in a particular wine would be too costly.

ATF disagrees with this viewpoint. Wine producers must presently keep records concerning the origin of the wine they produce. The recordkeeping requirements concerning the origin of grapes used in a particular wine are the same whether the appellation of origin on the label is the name of a State, county or viticultural area. Also, the use of viticultural area appellations, in most cases, would be optional. Proprietors will be required to use a viticultural area appellation of origin after December 31, 1982, only if the wine is labeled as "Estate Bottled."

A commenter also stated that the labeling and percentage requirements concerning the use of viticultural area appellations of origin would be too difficult for ATF to enforce. ATF again disagrees. Labeling requirements concerning the use of appellations of origin have been in effect since 1935. ATF has proven its ability to monitor the origin of wines produced in the United States. The addition of viticultural areas will not make enforcement of labeling regulations more difficult. On the contrary, the establishment of viticultural areas with definite boundaries will facilitate enforcement.

A commenter suggested that the establishment of the Augusta viticultural area would give an unfair commercial advantage to wineries within the area or to wineries producing wine from grapes grown in the area.

ATF does not wish to give the impression that by approving the Augusta viticultural area, it is approving the quality of the wine from that area. ATF is approving the Augusta area as being viticulturally different from the surrounding areas, not better than other areas. Any commercial advantage which Augusta wineries may gain can only be substantiated by consumer acceptance of Augusta wines. ATF may not disapprove a viticultural area because consumers may find wines from that area appealing. By approving the Augusta viticultural area, ATF is allowing producers of Augusta wines to claim a distinction on labels and in advertisements as to the origin of the grapes used in the production of the wine. ATF will not allow producers of Augusta wines to claim that their wines are better because they originated from an approved viticultural area.

A commenter stated that the Missouri grape-growing industry was still too young to determine which geographical features distinguished one area from another area. He claimed that as experience with French-American hybrid grapes increased, Missouri grape growers and vintners would be better able to determine which areas within Missouri are distinctive. Therefore, he suggested ATF consider the petition for the Augusta viticultural area sometime in the future rather than the present.

ATF believes that there is no valid reason to delay the approval of the Augusta viticultural area. While viticultural knowledge is continually evolving, ATF believes that substantial knowledge exists indicating that differences in climate and other geographical factors do affect the growing conditions found within particular growing regions. Although distinctions in growing conditions may be mitigated by viticultural practices, these distinctions may also create differences in the grapes grown. Further, as the knowledge concerning viticultural areas is evolving, any regulations issued by ATF concerning viticultural areas are subject to change.

Accordingly, 27 CFR Part 9 is amended as proposed.

#### Drafting Information

The principal author of this document is Thomas L. Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

This Treasury decision is issued under the authority of 27 U.S.C. 205.

#### Regulations

On the basis of the foregoing, 27 CFR Part 9 is amended by the addition of § 9.22 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.22. As amended, the table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

Sec.  
9.22 Augusta.

2. Subpart C is amended by adding § 9.22. As amended, Subpart C reads as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

§ 9.22 Augusta.

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

(b) *Approved maps.* The approved maps for the Augusta viticultural area are two U.S.G.S. maps. They are titled—

(1) "Washington East, Missouri", 7.5 minute quadrangle; and

(2) "Labadie, Missouri", 7.5 minute quadrangle.

(c) *Boundaries.* The boundaries of the Augusta viticultural area are located in the State of Missouri and are as follows:

(1) The beginning point of the boundary is the intersection of the St. Charles County line, the Warren County line and the Franklin County line.

(2) The western boundary is the St. Charles County-Warren County line from the beginning point to the township line identified on the approved maps as "T45N/T44N."

(3) The northern boundary is the township line "T45N/T44N" from the St. Charles County-Warren County line to the range line identified on the approved maps as "R1E/R2E."

(4) The eastern boundary is the range line "R1E/R2E" from township line "T45N/T44N" extended to the St. Charles County-Franklin County line.

(5) The southern boundary is the St. Charles County-Franklin County line from the extension of range line "R1E/R2E" to the beginning point.

Signed: June 4, 1980.

G. R. Dickerson,  
Director.

Approved: June 9, 1980.

Richard J. Davis,  
Assistant Secretary (Enforcement and  
Operations).

[FR Doc. 80-18705 Filed 6-19-80; 8:45 am]  
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## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1613

#### Extension of Retroactivity for Allegations of Handicap Discrimination

**AGENCY:** Equal Employment Opportunity  
Commission.

**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission amends its regulations to require an agency to process an allegation which was the basis of a grievance or a discrimination complaint which was pending with the agency, the Commission or in a Federal Court on April 10, 1978, regardless of whether the acts or personnel actions occurred prior to the one year period identified by 29 CFR 1613.709(b), formerly 5 CFR 713.709(b), 43 FR 12295. **EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Thomas L. Saltonstall, Director, Technical Guidance Division, Office of Field Services, U.S. Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, (202) 634-8855.

**SUPPLEMENTARY INFORMATION:** Section 713.709(b) of the Civil Service Commission regulations required processing of complaints of handicap discrimination which were based on actions that occurred during the one year period prior to the effective date of the regulations (April 10, 1978). The Civil Service Commission reviewed and evaluated the suggestion that the procedure be made available to persons alleging handicap discrimination based on acts or personnel actions that occurred on or after September 26, 1973 (date of Rehabilitation Act). After considering the administrative implications of such an extended retroactivity period, the Civil Service Commission determined that the proposal was not feasible and decided to establish the one (1) year period. However, in reexamining the issue, the Civil Service Commission found substantial basis for requiring agencies to process allegations of handicap discrimination which were pending and

therefore current in the administrative or judicial process on the effective date of the regulations (April 10, 1978), even when the action giving rise to the allegations occurred prior to the one year retroactivity period provided by 5 CFR 713.709(b), 43 FR 12295.

A proposed amendment of this kind was pending on January 1, 1979, when the Equal Employment Opportunity Commission, pursuant to Reorganization Plan No. 1 of 1978, assumed jurisdiction over Federal EEO responsibilities and adopted as its own at CFR Part 1613 the Civil Service Commission regulations on complaint processing. See 43 FR 54733, with notice that written comments must have been filed with the EEOC on or before November 20, 1979.

The EEOC received no comments within the prescribed period for filing written comments regarding the proposed amendment.

This amendment does not affect or create any new rights for complainants whose matters had been disposed of prior to April 10, 1978. This amendment affects only those complainants who had issues pending with an agency, the Commission or a Federal Court on April 10, 1978.

The Commission also recognizes the possibility that the matters pending on April 10, 1978, may have been subsequently addressed and disposed of on their merits in accordance with the complaint procedures adopted on that date. In such a case an agency can reject a complaint in conformity with 29 CFR 1613.215 (former 5 CFR 713.215, 43 FR 60901). The complainant who believes the rejection was inappropriate could appeal to the Commission under the 29 CFR 1613.231(a)(1).

The expanded jurisdiction provided by this amendment does not revive any complaint which was fully adjudicated under the complaint procedures or in any other appropriate forum, even though it was adjudicated without the additional rights now available under the Rehabilitation Act of 1973 as a result of the amendment of that statute on November 6, 1978 by Pub. L. 95-602, 92 Stat. 2955. (See 29 U.S.C. 794a.)

Dated: June 17, 1980.

For the Commission,  
Eleanor Holmes Norton,  
Chair.

Accordingly, 29 CFR Part 1613 (formerly 5 CFR Part 713) is amended to add a new § 1613.709(c) as set out below:

#### § 1613.709 Coverage.

\* \* \* \* \*  
(c) Notwithstanding the provision of subsection (b), a complainant may

request an agency to process allegations of handicap discrimination which had been filed as a discrimination complaint or as a grievance, and were pending with the agency, the Civil Service Commission or in a Federal Court on April 10, 1978. Such requests for processing of allegations of handicap discrimination must be brought to the attention of the agency EEO counselor not later than 180 days from the publication of this subsection in final form in the Federal Register.

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BILLING CODE 6570-06-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

#### Occupational Safety and Health Standards; Commercial Diving Operations; Correction

**AGENCY:** Occupational Safety and  
Health Administration, Department of  
Labor.

**ACTION:** Final rule, correction.

**SUMMARY:** This notice announces a correction to the permanent standard for commercial diving operations. As originally published, 29 CFR 1910.423 was inadvertently misnumbered with two paragraph (c)(4)'s. This is being corrected by renumbering the second paragraph (c)(4) as paragraph (c)(5), and renumbering the current paragraph (c)(5) as paragraph (c)(6).

**EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Nathaniel Spiller, Office of Solicitor, Division of Occupational Safety and Health, U.S. Department of Labor, Room S4004, 3rd and Constitution Avenue, NW, Washington, D.C. 20210, telephone (202) 523-9488.

Accordingly, 29 CFR 1910.423 is corrected to read as follows:

#### § 1910.423 [Corrected]

1. The second paragraph (c)(4), which begins with "Treatment tables, \* \* \*" is corrected by renumbering it as paragraph (c)(5).

2. Paragraph (5), which begins "A dive team member \* \* \*," is corrected by renumbering it as paragraph (c)(6).

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911).