

Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than August 14, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3342.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (60) to read as follows:

§ 271.703

Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) through (59) [RESERVED]
(60) *Frio Formation in Texas.* RM79-76 (Texas-12).

(i) *Delineation of Formation.* The Frio Formation is encountered in the LaSal Vieja (8 9680-9935) Field located in the central portion of Willacy County, Texas District No. 4.

(ii) *Depth.* The top of the Frio Formation is located at an approximate depth of 9,635 feet below sea level and extends to approximately a depth of 9,887 feet giving a maximum thickness of 252 feet.

* * * * *

[FR Doc. 81-22902 Filed 8-5-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 379]

The Paicines Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in San Benito County, California, to be known as "Paicines." This proposal is the result of a petition from an industry member in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better identify the wines they purchase.

DATE: Written comments must be received by November 4, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044. 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 4407, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 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, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

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 the 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 San Benito County, California, as a viticultural area to be known as "Paicines." The proposed area is located about 17 miles north of Pinnacles National Monument and Park and consists of about 4,500 acres. On the western side are the Cienega vineyards and the Gabilan Mountain Range which separates Paicines from San Lucas and King City. The San Luis Dam and Pacheco are on the northeast side, and New Idria and the Panoche Valley are on the eastern edge. The San Benito River forms a portion of the western boundary and continues on through the vineyards.

Geographical/Viticultural Features

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

(a) The Paicines area is in a wind tunnel of cool ocean air flowing to the San Joaquin Valley. Because of the relative lack of trees adjacent to the vineyard areas, the Paicines area is open to the direct influence of these winds. In the afternoon, Paicines takes advantage of the slight cooling breeze that comes in off the Monterey Valley. At night Paicines is more protected from the evening fog than much of the surrounding area because of its open

location. However, on a really foggy day, the Paicines area holds the fog longer than much of the nearby area, including Cienega Valley.

(b) Elevation ranges from 500 feet to 1,200 feet above sea level. The average elevation is lower than much of the surrounding area which is closer to the Gabilan Mountain Range.

(c) The rainfall pattern in the Paicines area differs greatly from the area surrounding the Gabilan Mountain Range. Due to the greater distance of the Paicines area from the Gabilan Mountains, Paicines often gets less rain than much of the area closer to the Gabilan Mountain Range. Annual rainfall in the Paicines area is between 12 and 15 inches.

(d) During winter the relative humidity in the Paicines area is more than 50 percent most of the time. In spring the relative humidity averages 60 to 75 percent at night and 40 to 50 percent during the day.

(e) Summers are quite dry; the average relative humidity in the daytime is about 20 to 25 percent. In fall, readings of 45 to 60 percent are common at night, but during the day readings generally range from 30 to 50 percent.

(f) The ten-year average temperature is around 2750 degree-days. The warm days and cool evenings of this region create an ideal climate for the growing of grapes.

(g) The Paicines area is comprised of various soil associations including Sorrento, Mocho, Clear-Lake, Willows, Rincon, Antioch, Diablo, Soper, San Benito and Linne. The various soils in this area are generally well drained, of various depths, and root zones are quite deep. There are some sandy alluvial fans and terrace escarpments with rapid runoff.

Historical Background

Paicines is named after the Paicines Indian tribe who lived in the area. The Paicines grant was received in 1842 by Angel Castro and Jose Rodriguez, and the first vines were planted in the 1850's—about the same time as Cienega Valley.

The Paicines area has, for many years, provided a major supply of varietal grapes to the wineries for making Almaden's premium wines. Today, the Paicines area has been expanded by Almaden to about 4,500 acres consisting of approximately 17 different varieties of grapes. Almaden has been using Paicines on its labels since 1959.

Proposed Boundaries

The boundaries of the proposed Paicines viticultural area may be found on three U.S.G.S 7.5 minute quadrangle

maps ("Tres Pinos Quadrangle, California", "Paicines Quadrangle, California", and "Cherry Peak Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

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 is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens 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 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.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau 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.

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 Paicines 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 too 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 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 60-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 § 9.39. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.	*	*	*	*	*
9.39	Paicines.				

Par. 2. Subpart C is amended by adding § 9.39. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

*	*	*	*	*
§ 9.39	Paicines.			

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

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

- (1) "Tres Pinos Quadrangle, California", 7.5 minute series;
- (2) "Paicines Quadrangle, California", 7.5 minute series; and

(3) "Cherry Peak Quadrangle, California," 7.5 minute series.

(c) *Boundaries.* The Paicines viticultural area is located in San Benito County, California. The beginning point is the northwestern-most point of the proposed area at Township 14 South, Range 6 East, Section 3, northwest border, located on U.S.G.S. map "Tres Pinos Quadrangle"

(1) From the beginning point the boundary runs east to Township 14 South, Range 6 East, Section 2, north border; thence east to Township 14 South, Range 6 East, Section 1, north border;

(2) Continuing south along Township 14 South, Range 6 East, Section 1, east border; thence east along Township 14 South, Range 7 East, Section 7, north border; thence south along Township 14 South, Range 7 East, Section 7, east border;

(3) Continuing south along Township 14 South, Range 7 East, Section 18, east border; thence east along Township 14 South, Range 7 East, Section 20, north border; thence south to Township 14 South, Range 7 East, Section 20, east border; thence to Township 14 South, Range 7 East, Section 29, east border;

(4) Thence to Township 14 South, Range 7 East, Section 32, east border; thence to Township 15 South, Range 7 East, Section 5, east border; thence to Township 15 South, Range 7 East, Section 8, east border; thence to Township 15 South, Range 7 East, Section 17, east border to 36°37'30" and traveling west to Township 15 South, Range 7 East, Section 18, west border;

(5) Thence north to Township 15 South, Range 7 East, Section 7, west border; thence west to Township 15 South, Range 6 East, Section 1, south border; thence to Township 15 South, Range 6 East, Section 1, west border; thence to the 800-foot elevation contour line and traveling north northwest to Township 15 South, Range 6 East, Section 35, south border;

(6) Thence west to Township 14 South, Range 6 East, Section 35, west border; thence north on Township 14 South, Range 6 East, Section 34, east border; thence to Township 14 South, Range 6 East, Section 27, northeast border; thence to Township 14 South, Range 6 East, Section 22, northeast border;

(7) Thence to the unimproved dirt road; thence progressing along the unimproved dirt road to the intersection with the San Benito River; thence following the San Benito River and meandering north to Township 14 South, Range 6 East, Section 4, eastern border;

(8) Thence continuing north to the point of beginning.

Signed: June 9, 1981.

Approved: June 18, 1981.

G. R. Dickerson,

Director.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations.)

[FR Doc. 81-22965 Filed 6-5-81; 6:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

30 CFR Part 917

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

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

ACTION: Proposed rule.

SUMMARY: On May 29, 1981, the State of Kentucky submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., September 8, 1981.

ADDRESSES: Copies of the full text of the proposed Kentucky Abandoned Mine Reclamation Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902

Kentucky Department for Natural Resources, Frankfort, Kentucky 40601

Written comments should be sent to: Regional Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street—Suite 500, Knoxville, Tennessee 37902

The Administrative Record will be available for public review at the OSM Region II office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 509 Gay Street, Knoxville, Tennessee 37902. Telephone (615) 637-8060.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land

program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On June 4, 1981, OSM received a proposed abandoned mine reclamation plan from the State of Kentucky. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the Federal Register (FR) on October 25, 1978, 43 FR 49932-49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932-49940 (1978)).

The receipt of the Kentucky Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Kentucky.

By submitting a proposed plan, Kentucky has indicated that it wishes to be primarily responsible for this program. If the submission as hereafter modified is approved by the director of OSM, the State will have primary responsibility for the reclamation of abandoned mine lands in Kentucky. If the program is disapproved and the State does not choose to revise the plan, a Federal AML program will be implemented and OSM will have