

on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential and comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) are legible; (2) are 8½ x 11" in size, (3) contain a written signature, and (4) are 3 pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

During the comment period, any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 60-day comment period. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this executive order.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to describe more accurately the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the

proprietor's own efforts and consumer acceptance of wines from that area.

Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have significant secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

Drafting Information

The principal author of this document is David Brokaw, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.152 to read as follows:

* * * * *

§ 9.152 Malibu-Newton Canyon.

(a) *Name.* The name of the viticultural area described in this petition is "Malibu-Newton Canyon."

(b) *Approved maps.* The appropriate map for determining the boundary of the Malibu-Newton Canyon viticultural area is the U.S.G.S. map, "Point Dume Quadrangle, California" (7.5 Minute Series 1:24,000 Topographic map, photorevised 1981).

(c) *Boundary.* The Malibu-Newton Canyon viticultural area is located in Los Angeles County, California. The boundary is as follows:

(1) Beginning at the intersection of the Newton Canyon creek (lowest elevation) and an unnamed medium duty road referred to by the petitioner as Kanan Dume Road at the boundary of section 13 and 18 on the U.S.G.S. map "Point Dume Quadrangle."

(2) Then south along Kanan Dume Road to the point where an unnamed, unimproved dirt road referred to by the petitioner as Ramerez Mountain Way crosses over Kanan Dume Road at the tunnel in the northwest corner of section 19.

(3) Then east along Ramerez Mountain Way, following the southern ridgeline of Newton Canyon, to Latigo Canyon Road in the southwest corner of section 17.

(4) Then south along Latigo Canyon Road to an unnamed, unimproved dirt road referred to by the petitioner as Newton Mountain Way at the southern boundary of section 17.

(5) Then northeast along Newton Mountain Way, following the southeastern ridgeline of Newton Canyon, to an unnamed, unimproved dirt road referred to by the petitioner as Castro Mountain Way in section 16.

(6) Then west along Castro Mountain Way, past Castro Peak, following the northern ridgeline of Newton Canyon to Latigo Canyon Road in section 18.

(7) Then southwest along the natural ridgeline of Newton Canyon to the intersection of Kanan Dume Road and the 1,600 foot contour line in the southeastern portion of section 13.

(8) Then southeasterly along Kanan Dume Road to the beginning point.

Signed: December 11, 1995.

Daniel R. Black,

Acting Director.

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

Accessibility Guidelines for Play Facilities

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of intent to form a regulatory negotiation committee.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) proposes to establish a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly

constructed and altered play facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act. The regulatory negotiation committee will be composed of organizations who represent the interests affected by the accessibility guidelines for play facilities. The Access Board invites comments on the proposal to establish the regulatory negotiation committee and the proposed committee membership.

DATES: Comments should be received by January 22, 1996.

ADDRESSES: Comments should be sent to the Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, D.C. 20004-1111. Fax number (202) 272-5447.

FOR FURTHER INFORMATION CONTACT: Peggy Greenwell, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, D.C. 20004-1111. Telephone number (202) 272-5434 extension 34 (Voice); (202) 272-5449 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disc) upon request.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board (Access Board) is responsible for developing accessibility guidelines under the Americans with Disabilities Act and the Architectural Barriers Act to ensure that new construction and alterations of facilities covered by the laws are readily accessible to and usable by individuals with disabilities.¹ In July 1993, the

¹ The Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*) is a comprehensive civil rights law which prohibits discrimination on the basis of disability and requires, among other things, that newly constructed and altered State and local government facilities, places of public accommodation, and commercial facilities be readily accessible to and usable by individuals with disabilities.

The Architectural Barriers Act (42 U.S.C. 4151 *et seq.*) requires that certain federally financed facilities be readily accessible to and usable by individuals with disabilities.

The Access Board is an independent Federal agency established by section 502 of the Rehabilitation Act (29 U.S.C. 792) whose primary mission is to promote accessibility for individuals with disabilities. The Access Board consists of 25 members. Thirteen are appointed by the President from among the public, a majority of who are required to be individuals with disabilities. The other twelve are heads of the following Federal agencies or their designees whose positions are Executive Level IV or above: The Departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Labor, Interior, Defense, Justice, Veterans Affairs, and Commerce; General Services Administration; and United States Postal Services.

Access Board established the Recreation Access Advisory Committee to examine various types of recreation facilities and make recommendations for accessibility guidelines for the facilities. The committee presented its recommendations in July 1994 covering six types of recreation facilities: sports facilities; places of amusement; play facilities; golf facilities; boating and fishing facilities; and outdoor developed areas. The Access Board issued an advance notice of proposed rulemaking (ANPRM) in September 1994 inviting public comment on the committee's recommendations. 59 FR 48542 (September 21, 1994). Comments received in response to the ANPRM generally supported the committee's recommendations. However, the comments revealed that there is not presently consensus on some major issues regarding play facilities and outdoor developed area among interests that potentially would be affected by accessibility guidelines for those facilities.

The Access Board proposes to establish a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for play facilities. Regulatory negotiation is a supplement to the traditional rulemaking process that allows for face-to-face negotiations among representatives of affected interests, including the agency, with a goal of arriving at a consensus decision on the text of a proposed rule. The proposed rule is then published in the Federal Register and the public has an opportunity to comment.

Play facilities are commonly found in schools, parks, day care centers, and other settings designed for children. Play facilities include equipment such as slides, swings and ladders; areas designed for play activities such as sand play areas; and soft contained play structures. Among the issues to be considered in developing the accessibility guidelines are providing an accessible route within play facilities and providing access to elevated play equipment and structures.

The following interests are likely to be significantly affected by accessibility guidelines for play facilities:

- Manufactures and designers;
- State and local governments;
- Schools, parks, and day care centers;
- Individuals with disabilities;
- Voluntary standard groups; and
- Federal government.

The Access Board proposes to appoint the following organizations to represent the interests identified above on the regulatory negotiation committee:

Playground Equipment Manufacturers Association
 American Society of Landscape Architects
 International City/County Management Association
 National Association of Counties
 National League of Cities
 National Association of Elementary School Principals
 National Recreation and Park Association
 National Child Care Association
 National Council on Independent Living
 National Easter Seal Society
 TASH²
 Spina Bifida Association of America
 The Council for Exceptional Children
 United Cerebral Palsy Association
 ASTM³ Public Playground Committee (F 15.29)
 ASTM³ Soft Contained Play Committee (F 15.36)
 Access Board

Comments are invited on the proposal to establish the regulatory negotiation committee and the proposed membership of the committee. Persons who will be significantly affected by the accessibility guidelines for play facilities and who believe that their interests will not be adequately represented by the above organizations may apply for, or nominate another person for, membership on the regulatory negotiation committee. Applications or nominations should include the following information: (i) The name of the applicant or nominee and the interest that the person proposes to represent; (ii) evidence that the applicant or nominee is authorized to represent an organization or other parties having interests similar to the interests the person proposes to represent; (iii) a written commitment that the applicant or nominee would participate in good faith; and (iv) the reasons that the organizations specified in this notice do not adequately represent the interests that applicant or nominee proposes to represent.

For regulatory negotiation to be effective, the size of the committee will be limited. Each person or organization affected by accessibility guidelines for play facilities need not have its own representative on the regulatory negotiation committee. Rather, each interest must be adequately represented and the membership must be fairly balanced. Meetings of the regulatory negotiation committee will be announced in the Federal Register. The meeting will be open to the public and anyone may attend the meetings and confer with or provide their views to members of the regulatory negotiation committee.

² The Association for Persons with Severe Handicaps.

³ American Society for Testing and Materials.

The Access Board has arranged for the Federal Mediation and Conciliation Service to provide facilitators for the regulatory negotiation committee. Staff support would be provided by the Access Board. Members of the regulatory negotiation committee will not be compensated for their service. The Access Board may pay travel expenses for a limited number of persons who would otherwise be unable to serve on the regulatory negotiation committee. Members of the regulatory negotiation committee will not be considered special government employees since they will serve as representatives of their organizations and will not be required to file confidential financial disclosure reports.

After reviewing the comments received in response to this notice, the Access Board will issue a notice in the Federal Register announcing the establishment of the regulatory negotiation committee and the committee membership, unless it is

determined based on the comments that regulatory negotiation would be inappropriate.

The first meeting of the regulatory negotiation committee is tentatively scheduled for March 5, 6 and 7, 1996 in Washington, D.C.

The Access Board expects that the regulatory negotiation committee will develop a proposed rule on accessibility guidelines for play facilities within nine months of the first meeting. However, if unforeseen delays occur, the Chairman of the Access Board may agree to an extension of that time if a consensus of the regulatory negotiation committee believes that additional time will result in agreement.

After the regulatory negotiation committee develops a proposed rule on accessibility guidelines for play facilities, the Access Board will issue a notice of proposed rulemaking (NPRM) inviting public comment on the proposed rule. The NPRM will also include proposed rules on accessibility guidelines for sports facilities, places of

amusement, golf facilities, and boating and fishing facilities based upon the recommendations of the Recreation Access Advisory Committee and the comments received on those recommendations. The Access Board intends to establish another regulatory negotiation committee to develop a proposed rule on accessibility guidelines for outdoor developed areas after the proposed rule on accessibility guidelines for play facilities is developed. A separate notice will be issued in a future edition of the Federal Register inviting comment on the establishment of a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for outdoor developed areas and that committee membership.

Issued on December 18, 1995.

John H. Catlin,

Chairman, Architectural and Transportation Barriers Compliance Board.

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