

**Executive Order 12866**

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

**Drafting Information**

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

**List of Subjects in 27 CFR Part 4**

Advertising, consumer protection, Customs duties and inspections, Imports, Labeling, Packaging and containers, Wine.

**Authority and Issuance**

Accordingly, 27 CFR Part 4, Labeling and Advertising of Wine, is amended as follows:

**Paragraph 1.** The authority citation for Part 4 continues to read as follows:

**Authority:** 27 U.S.C. 205.

**Par. 2.** Section 4.28 is amended by adding a new paragraph (e) to read as follows:

**§ 4.28 Type designations of varietal significance.**

\* \* \* \* \*

(e)(1) *Gamay Beaujolais*. An American wine which derives at least 75 percent of its volume from Pinot noir grapes, Valdiguié grapes, or a combination of both.

(2) For wines bottled on or after January 1, 1999, and prior to [10 years from date of publication], the name "Gamay Beaujolais" may be used as a type designation only if there appears in direct conjunction therewith, but on a separate line and separated by the required appellation of origin, the name(s) of the grape variety or varieties used to satisfy the requirements of paragraph (e)(1) of this section. Where two varietal names are listed, they shall appear on the same line, in order of predominance. The appellation of origin shall appear either on a separate line between the name "Gamay Beaujolais" and the grape variety name(s) or on the same line as the grape variety name(s) in a manner that qualifies the grape variety name(s). The following statement shall also appear on the brand or back label: "Gamay Beaujolais is made from at least 75 percent Pinot noir and/or Valdiguié grapes."

(3) The designation "Gamay Beaujolais" may not be used on labels of American wines bottled on or after April 9, 2007.

Signed: February 21, 1997.

**John W. Magaw,**

*Director.*

Approved:

**Dennis M. O'Connell,**

*Acting Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).*

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**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 915**

[SPATS No. IA-009-FOR]

**Iowa Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Iowa regulatory program (hereinafter referred to as the "Iowa program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Iowa proposed revisions to its rules pertaining to the prompt repair or compensation for material damage caused by subsidence to non-commercial buildings and occupied residential dwellings and related structures and the replacement of drinking, domestic and residential water supplies that have been adversely impacted by underground coal mining operations. The amendment is intended to revise the Iowa program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** April 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Regulatory Program Specialist, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Iowa Program
- II. Submission of the Program Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

**I. Background on the Iowa Program**

On January 21, 1981, the Secretary of Interior conditionally approved the Iowa program, effective April 10, 1981. General background information on the

Iowa program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Iowa program can be found in the January 21, 1981, **Federal Register** (46 FR 5885). Subsequent actions concerning Iowa's program and program amendments can be found at 30 CFR 915.10, 915.15, and 915.16.

**II. Submission of the Proposed Amendment**

By letter dated December 4, 1996 (Administrative Record No. IA-424), and pursuant to SMCRA, Iowa submitted a proposed amendment. The amendment was in response to a May 20, 1996, letter (Administrative Record No. IA-420) that OSM sent to the State in accordance with 30 CFR 732.17(c).

OSM announced receipt of the proposed amendment in the December 26, 1996, **Federal Register** (61 FR 67967), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on January 27, 1997.

During its review of the amendment, OSM identified concerns relating to Iowa Administrative Code (IAC) 40.4(10), Definitions for "material damage" and "occupied residential dwelling and structures related thereto"; IAC 40.38(3)(a), Pre-subsidence survey; IAC 40.38(3)(b), Subsidence control plan; IAC 40.64(7), Repair of damage; and IAC 40.64(8), Drinking, domestic, or residential water supply. OSM notified Iowa of these concerns by telephone facsimile (fax) on January 10, 1997 (Administrative Record No. IA-431), and by telephone on February 20, 1997 (Administrative Record No. IA-434).

By letters dated February 3 and 24, 1997 (Administrative Record Nos. IA-430 and IA-433, respectively), Iowa responded to OSM's concerns by submitting additional explanatory information and/or revisions to its proposed program amendment.

Iowa proposed additional revisions to IAC 40.4(10), Definitions for "material damage" and "occupied residential dwelling and structures related thereto"; IAC 40.38(3)(a), Pre-subsidence survey; IAC 40.38(3)(b), Subsidence control plan; IAC 40.64(7), Repair of damage; and IAC 40.64(8), Drinking, regulation, IAC 40.64(9), pertaining to subsidence control. These additional revisions concerned the correction of citation references, cross-references, and typographical errors. Therefore, the public comment period was not reopened.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's

findings concerning the proposed amendment.  
Revisions not specifically discussed below concern nonsubstantive wording

changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

Topic	State regulations	Federal counterpart regulations
Definitions: "Drinking, domestic or residential water supply," "Material damage," "Non-commercial building," "Occupied residential dwelling and structures related thereto," and "Replacement of water supply".	IAC 40.4(10) .....	30 CFR 701.5.
Hydrologic information: Probable hydrologic consequences determination .....	IAC 40.38(2) .....	30 CFR 784.14(e)(3)(iv).
Subsidence control plan .....	IAC 40.38(3) .....	30 CFR 784.20.
Subsidence control: Measures to prevent or minimize damage .....	IAC 40.64(6) .....	30 CFR 817.121(a).
Subsidence control: Repair of damage .....	IAC 40.64(7) .....	30 CFR 817.121(c).
Drinking, domestic, or residential water supply .....	IAC 40.64(8) .....	30 CFR 817.41(j).
Subsidence control .....	IAC 40.64(9) .....	30 CFR 817.121(b).

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Iowa's proposed rules are no less effective than the Federal rules and is approving them.

The Director notes that the word "reasonable" at IAC 40.64(7)(c)(4)(v) should be "reasonably," and he is requiring Iowa to correct this spelling error before the final rule is promulgated.

**IV. Summary and Disposition of Comments**

*Public Comments*

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

*Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Iowa program. OSM received only two comments; one from the U.S. Army Corps of Engineers and the other from the U.S. Department of Labor, Mine Safety and Health Administration (Administrative Record Nos. IA-426 and IA-427, respectively). The U.S. Army Corps of Engineers responded that the changes in the State's program were satisfactory. The U.S. Department of Labor, Mine Safety and Health Administration responded that it had no comments regarding the proposed rule.

*Environmental Protection Agency (EPA)*

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*)

None of the revisions that Iowa proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (Administrative Record No. IA-425). EPA did not respond to OSM's request.

*State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have an effect on historic properties from the SHPO and ACHP. OSM solicited comments on the proposed amendment from the SHPO and ACHP (Administrative Record No. IA-425). Neither SHPO nor ACHP responded to OSM's request.

**V. Director's Decision**

Based on the above findings, the Director approves the proposed amendment as submitted by Iowa on December 4, 1996, and as revised on February 3 and 24, 1997.

The Director approves the rules as proposed by Iowa with the provision that they be fully promulgated in identical form to the rules submitted to the reviewed by OSM and the public.

As discussed in III. Director's Findings, the Director is requiring Iowa to correct the aforementioned spelling error before the State promulgates the final rule.

The Federal regulations at 30 CFR Part 915, codifying decisions concerning the Iowa program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**VI. Procedural Determinations**

*Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

*Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the

submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

*National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

*Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 915**

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 20, 1997.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, 30 CFR Part 915 is amended as set forth below:

**PART 915—IOWA**

1. The authority citation for Part 915 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 915.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

**§ 915.15 Approval of Iowa regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
* * December 4, 1996.	* April 7, 1997	* * IAC 40.4(10); .38 (2) and (3); 64 (6) through (9).

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 155**

**Oil or Hazardous Material Pollution Prevention Regulations for Vessels**

*CFR Correction*

In Title 33 of the Code of Federal Regulations, parts 125 to 199, revised as of July 1, 1996, page 414, Table 3 in Appendix B to part 155 is corrected by adding brackets and an asterisk around the number 5 in the column entitled "% Recovered Floating oil", under the categories "Offshore" and "6 days" for the entry Non-persistent oils.

BILLING CODE 1505-01-D

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 9**

[FRL-5807-2]

**OMB Approval Numbers Under the Paperwork Reduction Act**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Technical amendment.

**SUMMARY:** In compliance with the Paperwork Reduction Act, this document displays the Office of Management and Budget (OMB) control numbers issued under the Paperwork

Reduction Act (PRA) for part 258—Criteria for Municipal Solid Waste Landfills.

**EFFECTIVE DATE:** April 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Allen J. Geswein, (703) 308-7261.

**SUPPLEMENTARY INFORMATION:** EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to accurately display those information requirements promulgated under the Criteria for Municipal Solid Waste Landfills which appeared in the **Federal Register** on October 9, 1991 (56 FR 51016). The affected regulations are codified at 40 CFR part 258. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553 (b)(B) and (d)(3) of the Administrative Procedure Act (5 U.S.C. 553 (b)(B) and (d)(3)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

**List of Subjects in 40 CFR Part 9**

Environmental protection, Reporting and recordkeeping requirements.

Dated: March 28, 1997.

**Timothy Fields, Jr.,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

For the reasons set out in the preamble 40 CFR part 9 is amended as follows:

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

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-