

Karpen NDB  
(Lat. 46°08'22" N, long. 123°35'14" W)  
Astoria ILS Localizer  
(Lat. 46°09'35" N, long. 123°53'28" W)  
Camp Rilea Heliport  
(Lat. 46°06'59" N, long. 123°55'54" W)

Within a 4-mile radius of the Port of Astoria Airport, and within 1.8 miles each side of the Astoria VOR/DME 268° radial extending from the 4-mile radius to 7 miles west of the VOR/DME, and within 1.8 miles each side of the Astoria ILS localizer east course extending from the 4-mile radius to the Karpen NDB, excluding the airspace within a wedge south of Camp Rilea Heliport, from the 120 bearing clockwise to the 225 bearing of the Camp Rilea Heliport.

\* \* \* \* \*

Issued in Seattle, Washington, on September 27, 2000.

**Daniel A. Boyle,**

*Assistant Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 00-26524 Filed 10-13-00; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 904]

RIN 1512-AA07

#### West Elks Viticultural Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is requesting comments concerning the proposed establishment of a viticultural area to be known as "West Elks," located in Delta County, Colorado. This notice responds to a petition filed on behalf of several grape growers and winery owners in the area.

**DATES:** Written comments must be received by December 15, 2000.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attention: Notice No. 904). See "Public Participation" section of this notice if you want to comment by facsimile or e-mail.

**FOR FURTHER INFORMATION CONTACT:** Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, N.W., Washington, DC 20226 (202-927-9347).

**SUPPLEMENTARY INFORMATION:**

### 1. Background on Viticultural Areas

#### *What Is ATF's Authority To Establish a Viticultural Area?*

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624). This decision revised the regulations in 27 CFR part 4, Labeling and Advertising of Wine, to allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, American Viticultural Areas, for providing the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

#### *What Is the Definition of an American Viticultural Area?*

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

#### *What Is Required To Establish a Viticultural Area?*

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

### 2. West Elks Petition

ATF has received a petition from Barbara E. Heck proposing to establish a viticultural area in Delta County, Colorado, known as "West Elks." The proposed area encompasses approximately 75 square miles. Over 84

acres of vineyards are currently planted in "West Elks" and the area presently boasts eighteen vineyard and/or winery businesses.

#### *What Name Evidence Has Been Provided?*

The name of the proposed "West Elks" viticultural area was well documented by the petitioner. "West Elks" takes its name from the West Elk Mountains located just east of the area. The petitioner states that each vineyard in the area has a magnificent view of the West Elk Mountains. The following was submitted as evidence of name recognition:

- Brochure from the U.S. Department of Agriculture Forest Service indicating that the proposed "West Elks" viticulture area is known as West Elk Wilderness;
- Brochure from the Colorado State Historical Society and Delta County Tourism mapping the West Elk Loop which runs through the proposed "West Elks" viticultural area;
- Delta County Area Map on which the West Elk Mountains are prominently labeled; and
- United States Department of the Interior topographic map on which the West Elk Wilderness and the West Elk Mountains are prominently labeled.
- News article from the *Delta County Independent* which depicts a 1855 map on which the Elk Mountains are prominently labeled;
- Delta County Historical Society map which also shows the Elk Mountains;

#### *What Boundary Evidence Has Been Provided?*

According to the petitioner, the proposed "West Elks" viticultural area is located on mesa lands. Its borders are the West Elk Mountains to the east and the higher Grand Mesa to the north. To the south, Crawford and Fruitland Mesa have a higher elevation and the plateau climbs until it reaches the north rim of the Black Canyon of the Gunnison. To the west lie the Adobe Badlands in which very little grows.

#### *What Evidence Relating to Geographical Features Has Been Provided?*

- Soil

The petitioner asserts that the soils of the proposed "West Elks" viticultural area distinguish it from the surrounding areas. The petitioner provided a General Soil Map which indicates that the proposed "West Elks" viticultural area is comprised mostly of Aqua Fria-Saration soils which are deep and moderately deep well-drained stony

soils that formed in outwash alluvium derived from igneous rock. To the north of the proposed viticultural area the soils change to Delson-Cerro soils and to the east the soils are Fughes-Bulkley, Absarokee-Beenom and Delson-Cerro. Billings-Gullied land soils are found to the south of the proposed area.

- Elevation

The petitioner states that the boundaries of the proposed "West Elks" viticultural area are defined by elevation. The far eastern boundary, Juanita Junction, sits at 5942 feet. The eastern line sits mainly at 6200 feet. The southern borders of the proposed area follows section lines of the U.S.G.S. maps that have elevations that range from 5300 to over 5800 feet. The northern border has an elevation range from 6900 to 5900 feet.

According to the petitioner, the elevations of the areas surrounding "West Elks" are much higher. Mountains surround "West Elks" to the east with elevations reaching 11,000 feet. The Grand Mesa is located to the north of "West Elks" with elevations reaching 10,000 feet at the top. To the south, Crawford and Fruitland Mesa have higher elevations and the plateau climbs until it reaches the north rim of the Black Canyon of the Gunnison. To the west, the Adobe Badlands, on which very little grows, and the Redlands Mesa, which sits above 6200 feet, separate "West Elks" from Delta, Cedaredge and the Surface Creek areas. The farming area to the east of Delta sits under 5000 feet elevation, which indicates a longer growing season than that of the proposed "West Elks" viticultural area.

The petitioner asserts that the high elevation of the proposed area creates a fruit that has tremendous flavor. The area is completely protected and sheltered by lofty mesas and mountain ranges. The elevations of the surrounding areas help protect "West Elks" from severe storms and climatic disturbances, which often injure or destroy fruit.

#### Climate

According to the petitioner, the climate of the proposed "West Elks" viticultural area is rather mild. With over 300 full sun days a year, sugar contents are high. The West Elk Loop Scenic and Historical Byway brochure states "\* \* \* warm days, cool nights, and the so-called Million Dollar Breeze which flows down valley enhance the growing season." The areas surrounding the "West Elks" are much cooler due to their higher elevation.

### 3. Regulatory Analyses and Notices

#### *Is This a Significant Regulatory Action as Defined by Executive Order 12866?*

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

#### *How Does the Regulatory Flexibility Act Apply to This Proposed Rule?*

ATF certifies that the proposed regulations will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement or 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 more accurately describe 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.

No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

#### *Does the Paperwork Reduction Act Apply to This Proposed Rule?*

The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because the proposed regulation is not proposing new or revised record keeping or reporting requirements.

### 4. Public Participation and Request for Comments

#### *Who May Comment on This Notice?*

ATF requests comments from all interested parties. In addition, ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. Comments received 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.

#### *Can I Review Comments Received?*

Copies of the petition, the proposed regulations, the appropriate maps, and

any written comments received will be available for public inspection during normal business hours at the ATF Reading Room, Office of Liaison and Public Information, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226. For information on filing a Freedom of Information Act request for a copy of the comments, please refer to the internet address: <http://www.atf.treas.gov/about/foia/foia.htm>.

#### *Will ATF Keep My Comments Confidential?*

ATF will not recognize any comment as confidential. All comments and materials will be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comments. We will also disclose the name of any person who submits a comment.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### *How Do I Send Facsimile Comments?*

You may submit comments by facsimile transmission to (202) 927-8525. Facsimile comments must:

- Be legible.
- Reference this notice number.
- Be on paper 8½" × 11" in size.
- Contain a legible written signature.
- Be not more than three pages.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

#### *How Do I Send Electronic Mail (E-Mail) Comments?*

You may submit comments by e-mail by sending the comments to [nprm@atfhq.atf.treas.gov](mailto:nprm@atfhq.atf.treas.gov). You must follow these instructions. E-mail comments must:

- Contain your name, mailing address, and e-mail address.
- Reference this notice number.
- Be legible when printed on not more than three pages, 8½" × 11" in size.

We will not acknowledge receipt of e-mail. We will treat comments submitted by e-mail as originals.

#### *How Do I Send Comments to the ATF Internet Web Site?*

You may also submit comments using the comment form provided with the online copy of the proposed rule on the ATF internet web site at <http://www.atf.treas.gov>.

## 5. Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

### List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Alcohol and alcoholic beverages, Consumer protection, 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

**Paragraph 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 § 9.172 to read as follows:

\* \* \* \* \*

#### § 9.172 West Elks

(a) *Name.* The name of the viticultural area described in this section is “West Elks.”

(b) *Approved Maps.* The appropriate maps for determining the boundary of the West Elks viticultural area are four United States Geological Survey (U.S.G.S.) topographic maps (Scale: 1:250,000). They are titled:

(1) Lazear Quadrangle (Colorado-Delta Co. 1955 (photorevised 1978));

(2) Hotchkiss Quadrangle (Colorado-Delta Co. 1965 (photorevised 1979));

(3) Paonia Quadrangle (Colorado-Delta Co. 1965 (photorevised 1979); and

(4) Bowie Quadrangle (Colorado-Delta Co. 1965 (photorevised 1978).

(c) *Boundaries.* The West Elks viticultural area is located in eastern Delta County, Colorado. The beginning point is found on the “Bowie Quadrangle” U.S.G.S. map at the ¼ corner common to Sections 19 and 20, Township 13 South, Range 91 West (T. 13 S., R. 91 W.);

(1) The boundary proceeds east following the center subdivision lines of Sections 20 and 21 to its intersection with Colorado Highway 133;

(2) Then northeasterly following Colorado Highway 133 to its intersection with the N–S center subdivision line of Section 14, T. 13 S., R. 91 W., near Juanita Junction;

(3) Then south following the center subdivision line to its intersection with the North Fork of the Gunnison River;

(4) Then southwesterly following the North Fork of the Gunnison River to its intersection with the Stewart Ditch in the extreme southern part of Section 15, T. 13 S., R. 91 W.;

(5) Then southwesterly following the Stewart Ditch to its intersection with the section line common to Sections 21 and 28, T. 13 S., R. 91 W.;

(6) Then east following the section line common to Sections 21 and 28 to its intersection with the 6000 foot contour;

(7) Then southerly following the 6000 foot contour to its second intersection with the section line common to Sections 3 and 4, T. 14 S., R. 91 W., located on the Paonia, Colo. U.S.G.S. map;

(8) Then south following the section line common to Sections 3 and 4 to its intersection with the 6200 foot contour;

(9) Then southerly following the 6200 foot contour to its intersection with the section line common to Sections 16 and 17, T. 14 S., R. 91 W.;

(10) Then south following the section line common to Sections 16 and 17 to the point of intersection of Sections 16, 17, 20 and 21;

(11) Then west following the section line common to Sections 17 and 20 to the point of intersection of Sections 17, 18, 19 and 20;

(12) Then south following the section line common to Sections 19 and 20 to the N1/16 corner common to Sections 19 and 20;

(13) Then west following the subdivision line across Section 19 to the N1/16 corner common to Section 19, T. 14 S., R. 91 W. and Section 24, T. 14 S., R. 92 W.;

(14) Then south following the range line between R. 91 W. and R. 92 W. to the point of intersection between Sections 19 and 30, T. 14 S., R. 91 W. and Sections 24 and 25, T. 14 S., R. 92 W.;

(15) Then west following the section line common to Sections 24 and 25 to the point of intersection between Sections 23, 24, 25 and 26, located on the Hotchkiss, Colo. U.S.G.S. map;

(16) Then south following the section line common to Sections 25 and 26 to the point of intersection between Sections 25, 26, 35 and 36;

(17) Then west following the section lines common to Sections 26 and 35 and Sections 27 and 34 to the point of intersection between Sections 27, 28, 33 and 34;

(18) Then south following the section line common to Sections 33 and 34 to the point of intersection between Sections 33 and 34, T. 14 S., R. 92 W. and Sections 3 and 4, T. 15 S., R. 92 W.;

(19) Then west following the township line between T. 14 S. and T. 15 S. approximately three miles to the point of intersection between Section 31, T. 14 S., R. 92 W., Section 6, T. 15 S., R. 92 W., Section 1, T. 15 S., R. 93 W., and Section 36, T. 14 S., R. 93 W.;

(20) Then south following the range line between R. 92 W. and R. 93 W. to the point of intersection between Sections 6 and 7, T. 15 S., R. 92 W. and Sections 1 and 12, T. 15 S., R. 93 W.;

(21) Then west following the section lines common to Sections 1 and 12 and Sections 2 and 11 to its intersection with the North Fork of the Gunnison River, located on the Lazear, Colo. U.S.G.S. map;

(22) Then westerly following the North Fork of the Gunnison River to its intersection with Big Gulch in the extreme northeastern corner of Section 6, T. 15 S., R. 93 W.;

(23) Then northerly following Big Gulch to its intersection with the section line common to Sections 17 and 18, T. 14 S., R. 93 W.;

(24) Then north following the section lines common to Sections 17 and 18, Sections 7 and 8, and Sections 5 and 6 to the point of intersection between Sections 5 and 6, T. 14 S., R. 93 W. and Sections 31 and 32, T. 13 S., R. 93 W.;

(25) Then east following the township line between T. 13 S. and T. 14 S. approximately two miles to the point of intersection between Sections 3 and 4, T. 14 S., R. 93 W. and Sections 33 and 34, T. 13 S., R. 93 W.;

(26) Then south following the section line common to Sections 3 and 4 to the point of intersection between Sections 3, 4, 9 and 10;

(27) Then east following the section lines for approximately 6 miles to the point of intersection between Sections 3, 4, 9 and 10, T. 14 S., R. 92 W., located on the Hotchkiss, Colo. U.S.G.S. map;

(28) Then north following the section line common to Sections 3 and 4 to the point of intersection between Sections 3 and 4, T. 14 S., R. 92 W. and Sections 33 and 34, T. 13 S., R. 92 W.;

(29) Then east following the township line between T. 13 S. and T. 14 S. to its intersection with the Fire Mountain Canal in the southwestern corner of Section 35, T. 13 S., R. 92 W.;

(30) Then northeasterly following the Fire Mountain Canal through the extreme northwest corner of the Paonia, Colo. U.S.G.S. map to its intersection with the section line common to Sections 29 and 30, T. 13 S., R. 91 W., located on the Bowie, Colo. U.S.G.S. map;

(31) Then north following the section lines common to Sections 29 and 30 and Sections 19 and 20 to the ¼ corner

common to Sections 19 and 20, the point of beginning.

**Bradley A. Buckles,**  
*Director.*

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**BILLING CODE 4810-31-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

RIN 2900-AK00

#### Post-Traumatic Stress Disorder Claims Based on Personal Assault

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend Department of Veterans Affairs (VA) adjudication regulations concerning the proof necessary to establish occurrence of a stressor in claims for service connection of post-traumatic stress disorder (PTSD) resulting from personal assault. This amendment would provide that evidence other than the veteran's service records may be sufficient to establish the occurrence of the stressor. The proposed regulation also would require that VA not deny such claims without first advising claimants that evidence from sources other than a veteran's service records may prove the stressor occurred. This would make claimants aware of the types of evidence which might support their claims, and would give them an opportunity to obtain and submit such evidence. It would also ensure that VA will not deny claims simply because the claimants did not realize that certain types of evidence may be relevant and therefore failed to submit such evidence to VA.

**DATES:** Comments must be received on or before December 15, 2000.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420; or fax comments to (202) 273-9289; or e-mail comments to "OGCRegulations@mail.va.gov". Comments should indicate that they are submitted in response to "RIN 2900-AK00." All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** Bill Russo, Regulations Staff, Compensation

and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; telephone (202) 273-7210.

**SUPPLEMENTARY INFORMATION:** Section 3.304(f) of 38 CFR states that service connection for PTSD requires medical evidence diagnosing the condition; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred.

A claim for PTSD may be based upon a personal assault, including sexual assault. Many incidents of in-service personal assault are not officially reported, and veterans may find it difficult to produce evidence to prove the occurrence of this type of stressor. This proposed amendment addresses this difficulty by specifying that evidence from sources other than the veteran's service records may constitute credible supporting evidence of the in-service stressor, where the alleged stressor is a personal assault.

VA's Adjudication Procedure Manual, M21-1, discusses the types of evidence which may be credible supporting evidence that the stressor occurred for PTSD claims involving an in-service personal assault. M21-1, Part III, par. 5.14c. and Part VI, par. 11.38. In *Patton v. West*, 12 Vet. App. 272, 283 (1999), the U.S. Court of Appeals for Veterans Claims discussed paragraph 5.14c. of M21-1, Part III, referring to it as a "regulatory provision [ ]." We are proposing to amend VA's adjudication regulations at § 3.304(f) to specify the types of evidence, other than a veteran's service records, which may establish the occurrence of a personal assault during service.

This proposed amendment would recognize that in PTSD claims based on in-service assault, evidence from sources other than a veteran's service records may constitute credible supporting evidence of the stressor. Examples of such evidence include, but are not limited to: Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals or physicians; and statements from family members, roommates, fellow service members or clergy.

Evidence from these sources might include, for example, evidence of behavior changes following the personal assault. Examples of behavior changes that might result from a personal assault include, but are not limited to: A request by the veteran for a transfer to another military duty assignment; a

change in work performance; substance abuse; episodes of depression, panic attacks or anxiety where there is no identifiable reason for the episodes; or unexplained economic or social behavior changes.

The proposed regulation would also provide that VA will not deny a PTSD claim which is based on personal assault without first advising the claimant that evidence from alternative sources or evidence of behavior changes may constitute credible supporting evidence of the stressor. This would ensure that claimants are aware of the types of evidence which might support their claims and would give them an opportunity to obtain and submit such evidence. It would also ensure that VA will not deny claims simply because the claimants did not realize that certain types of evidence may be relevant and therefore failed to submit such evidence to VA.

The proposed amendment also would state that VA may submit any evidence that it receives to an appropriate medical professional for an opinion as to whether it indicates that a personal assault occurred. Such an opinion may be necessary when evidence requires medical interpretation and analysis based on the portion of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, which concerns PTSD.

This proposed amendment would also divide current § 3.304(f), regarding PTSD claims, into two new subparagraphs, one involving PTSD claims by combat veterans and the other concerning PTSD claims by former prisoners-of-war. No substantive change would be made by this aspect of the proposal.

#### OMB Review

This proposed rule has been reviewed by OMB under Executive Order 12866.

#### Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.100,