

matters of public concern, and committees charged with the internal administration of the legislature. For purposes of this section, groups that are not considered committees of the legislature include, but are not limited to, groups that promote particular issues, raise campaign funds, or are caucuses of members of a political party.

(5) *Federal per diem*. The Federal per diem for any city and day is the maximum amount allowable to employees of the executive branch of the Federal government for living expenses while away from home in pursuit of a trade or business in that city on that day. See 5 U.S.C. 5702 and the regulations under that section.

(e) *Election*—(1) *Time for making election*. A taxpayer's election under section 162(h) must be made for each taxable year for which the election is to be in effect and must be made no later than the due date (including extensions) of the taxpayer's Federal income tax return for the taxable year.

(2) *Manner of making election*. A taxpayer makes an election under section 162(h) by attaching a statement to the taxpayer's income tax return for the taxable year for which the election is made. The statement must include—

(i) The taxpayer's name, address, and taxpayer identification number;

(ii) A statement that the taxpayer is making an election under section 162(h); and

(iii) Information establishing that the taxpayer is a state legislator entitled to make the election, for example, a statement identifying the taxpayer's state and legislative district and representing that the taxpayer's place of residence in the legislative district is not 50 or fewer miles from the state capitol building.

(3) *Revocation of election*. An election under section 162(h) may be revoked only with the consent of the Commissioner. An application for consent to revoke an election must be signed by the taxpayer and filed with the submission processing center with which the election was filed, and must include—

(i) The taxpayer's name, address, and taxpayer identification number;

(ii) A statement that the taxpayer is revoking an election under section 162(h) for a specified year; and

(iii) A statement explaining why the taxpayer seeks to revoke the election.

(f) *Effect of election on otherwise deductible expenses for travel away from home*—(1) *Legislative days*—(i) *Living expenses*. For any legislative day for which an election under section 162(h) and this section is in effect, the

amount of an electing taxpayer's living expenses while away from home is the greater of the amount of the living expenses—

(A) Specified in paragraph (a)(2) of this section in connection with the trade or business of being a legislator; or

(B) Otherwise allowable under section 162(a)(2) in the pursuit of any other trade or business of the taxpayer.

(ii) *Other expenses*. For any legislative day for which an election under section 162(h) and this section is in effect, the amount of an electing taxpayer's expenses (other than living expenses) for travel away from home is the sum of the substantiated expenses, such as expenses for travel fares, telephone calls, and local transportation, that are otherwise deductible under section 162(a)(2) in the pursuit of any trade or business of the taxpayer.

(2) *Non-legislative days*. For any day that is not a legislative day, the amount of an electing taxpayer's expenses (including amounts for living expenses) for travel away from home is the sum of the substantiated expenses that are otherwise deductible under section 162(a)(2) in the pursuit of any trade or business of the taxpayer.

(g) *Gross references*. See § 1.62–1T(e)(4) for rules regarding allocation of unreimbursed expenses of state legislators and section 274(n) for limitations on the amount allowable as a deduction for expenses for or allocable to meals.

(h) *Effective/applicability date*. This section applies to expenses deemed expended under section 162(h) after the date these regulations are published as final regulations in the **Federal Register**.

## PART 301—PROCEDURE AND ADMINISTRATION

**Par. 3.** The authority citation for part 301 continues to read as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

### § 301.9100–4T [Amended]

**Par. 4.** Section 301.9100–4T is amended by removing from the table in paragraph (a)(1) section 127(a) and removing paragraph (a)(2)(iv).

**Linda E. Stiff,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. E8–6500 Filed 3–28–08; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

[Notice No. 81]

RIN 1513–AB45

#### Proposed Establishment of the Haw River Valley Viticultural Area (2007R–179P)

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau proposes to establish the 868-square mile “Haw River Valley” viticultural area in Alamance, Caswell, Chatham, Guilford, Orange, and Rockingham Counties, North Carolina. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. We invite comments on this proposed addition to our regulations.

**DATES:** We must receive written comments on or before May 30, 2008.

**ADDRESSES:** You may send comments on this notice to one of the following addresses:

- <http://www.regulations.gov> (via the comment form for this notice posted on Regulations.gov, the Federal e-rulemaking portal); or

- Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044–4412.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this notice and any comments we receive about this proposal at <http://www.regulations.gov>.

A direct link to the appropriate Regulations.gov docket is available under Notice No. 81 on the TTB Web site at [http://www.ttb.gov/wine/wine\\_rulemaking.shtml](http://www.ttb.gov/wine/wine_rulemaking.shtml). You also may view copies of this notice and any comments we receive about this proposal by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. To make an appointment, call 202–927–2400.

**FOR FURTHER INFORMATION CONTACT:** N.A. Sutton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 925 Lakeville St., No. 158, Petaluma, CA 94952; phone 415–271–1254.

**SUPPLEMENTARY INFORMATION:****Background on Viticultural Areas***TTB Authority*

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

*Definition*

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

*Requirements*

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;

- Evidence relating to the geographic features, such as climate, soils, elevation, and physical features, that distinguish the proposed viticultural area from surrounding areas;

- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and

- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

**Haw River Valley Petition**

Patricia McRitchie of McRitchie Associates, LLC, submitted a petition to establish the 868-square mile Haw River Valley viticultural area in North Carolina on behalf of all the local grape growers and winemakers.

The proposed Haw River Valley viticultural area is located in the Piedmont in north-central North Carolina. According to the USGS maps and the written boundary description submitted with the petition, the Haw River Valley region lies between the cities of Greensboro and Chapel Hill, and includes the southeastern-flowing Haw River and its accompanying watershed. The proposed Haw River Valley viticultural area lies to the east of the established Yadkin Valley viticultural area (27 CFR 9.174) and the proposed Swan Creek viticultural area (71 FR 53612). According to the petitioner, the proposed viticultural area encompasses approximately 868 square miles, which includes 60 acres of vineyards and 6 wineries. The petitioner submitted a map indicating that the 14 vineyards within the proposed viticultural area are geographically disbursed throughout the area.

The petitioner explains that the distinguishing features of the proposed Haw River Valley viticultural area include its geology, soils, elevation, and climate. Its inland location, between the Atlantic Ocean and the Appalachian Mountains, and its complex geological history combine to create a unique viticultural region. The Haw River watershed, which comprises 98 percent of the proposed viticultural area, was used to determine the proposed boundary line.

*Name Evidence*

According to the petitioner, the “Haw” name originated with the Sissipahaw Indians, Native Americans living in small villages along the Haw River. After the arrival of the first Europeans in the 16th century, the Sissipahaw Indians eventually abandoned their villages along the Haw River and joined other Native

Americans in other parts of the North Carolina Piedmont.

The petitioner states that the “Haw River” and “Haw River Valley” names both have been used in reference to the region that this viticultural area petition describes. In the early 1700's John Lawson, an English naturalist and surveyor, wrote an account of his party crossing the “famous Hau-River” to get a safe distance from the Sissipahaw Indians. Also, in the “Shuttle & Plow: A History of Alamance County, North Carolina” (Alamance County Historical Association, 1999), Carole Troxler and William Vincent explain that the names “Hawfields” and “Haw River Settlement” reference the earliest colonial settlements in the Haw River Valley. Further, in “Orange County, 1752–1952” (The Journal of Southern History, May 1954), Hugh Lefler and Paul Wager reference the Haw River Valley.

According to evidence presented in the petition, the Haw River Valley name continues to be used to describe the region. The Burlington/Alamance County Convention Center and Visitors Bureau Web site (<http://www.burlington-area-nc.org/events.asp>) describes a September 9, 2006, Paddle[boat] dinner cruise that experiences the “richness of the Haw River Valley.” A flyer for the Haw River Festival for the Community describes a display of arrowheads and artifacts found in the Haw River Valley. The Haw River Valley Web site (<http://www.hawrivervalley.com/>) describes the area as a large, fertile region encompassing parts of Rockingham, Caswell, Guilford, Alamance, and Chatham Counties in North Carolina.

On November 23, 2006, the Greensboro News Record ran an article describing a strong storm depositing “prodigious rain into the Haw River valley and effectively shutting down parts of the region.”

*Boundary Evidence*

According to the petitioner, the boundary of the proposed Haw River Valley viticultural area is based on nearly the entirety of the Haw River watershed's distinctive underlying geology and soils. The Haw River is approximately 110 miles long, and the proposed viticultural area includes that portion of the Haw River between Williamsburg and Griffins Crossroad, a town located approximately 2.5 miles northwest of Everett Jordan Lake. The Haw River headwaters start northwest of Greensboro, and the river travels east and south-southeast, gaining momentum in the Piedmont region. The river eventually flows into the Everett

Jordan Lake in Chatham County, joins the Deep River south of the Everett Jordan Lake dam, and then flows into the Cape Fear River.

The urban, nonagricultural Greensboro region lies close to, but outside of, the proposed northwestern portion of the boundary. Also, differing geology, soils, and elevations distinguish the Haw River watershed from the Dan River watershed to the north, the Inner Coastal Province to the east, the Sandhills to the south, and the western Piedmont Province to the west.

#### *Distinguishing Features*

According to the petitioner, the distinguishing features of the proposed Haw River Valley viticultural area include its geology, soils, elevation, and climate. The combination of the underlying geology of the Haw River Valley and its inland, nonmountainous geography influences the soils and the climate and creates a unique grape-growing region.

#### *Geology*

The petitioner states that Matthew Mayberry, of the Mayberry Land Company in Elkin, North Carolina, provided the geological data and documentation for the Haw River Valley viticultural area petition. Citing "North Carolina: The Years Before Man," by Fred Beyer (Carolina Academic Press, Durham, North Carolina, 1991), Mr. Mayberry provided an interpretation of the geology in the Haw River Valley, as follows.

The Piedmont and Blue Ridge Provinces share a geologic history dating back to the formation of the continental landmasses. The mountain building of the region is attributed to plate tectonics, the spectrum of uplifting, and erosion. Long-term erosion has reduced the mountains to lower, more level terrains that gently slope toward the ocean. The Piedmont and Coastal Plain landforms are part of the erosional leveling process of the third global tectonic cycle.

The rock units in the Haw River Valley region date back approximately 700 million years. In contrast, the age of the rock units of the Yadkin Valley region, in the western part of the Piedmont Province, date back approximately 1.5 billion years.

The Haw River Valley region, including its rock units, is the geological result of volcanic metamorphism and igneous activity stemming from island arcs. Island arcs form when a continental plate overrides an oceanic plate, resulting in subduction zones that create volcanoes. In the northeastern part of the proposed viticultural area a

caldera formed in an area of formerly intense volcanic activity. The caldera collapsed into a 36-by 9-mile ellipse-shaped area that igneous rock eventually filled.

The proposed Haw River Valley viticultural area lies in the Carolina Slate Belt, a result of tectonic movements of the North American and African continental plates. The slate belt trends to the northwest and disappears under the Carolina Coastal Plain, which extends southeast and eventually dips under the Atlantic Ocean.

Finally, according to Mr. Mayberry, the major rock types in the Haw River Valley include the following: Porphyritic Granite/Felsic Intrusive Complex, Felsic Gneiss, Mafic Volcanics, Felsic Volcanics, Intermediate Intrusive Rocks, Mica Gneiss, and Mica Schist (Muscovite and/or Biotite). The Haw River Valley igneous and metamorphic rocks, composed of magma, differ from those rocks formed from magma in the western Piedmont and Appalachian Mountains.

#### *Soils*

The petitioner states that James Lewis, soil scientist, Natural Resources Conservation Service, United States Department of Agriculture, provided the soils information for the Haw River Valley viticultural area petition. In his research, Mr. Lewis consulted the published soil surveys of Alamance, Caswell, Chatham, Guilford, Orange, and Rockingham Counties, North Carolina, and available updates to existing soil surveys.

According to Mr. Lewis, the soils of the proposed Haw River Valley viticultural area, compared to those of the surrounding regions, have unique and distinguishable characteristics. Most of the soils in the Haw River Valley are acidic and low in natural fertility.

The proposed Haw River Valley viticultural area is entirely in the udic soil moisture regime. (The udic moisture regime is common to soils of humid climates with well-distributed rainfall or with enough rain in summer that the amount of stored moisture plus rainfall is approximately equal to, or exceeds, the amount of evapotranspiration. In most years, at some time during the year water moves down through the soil.) Further, the proposed viticultural area lies dominantly in the thermic soil temperature regime, averaging 59 to 72 degrees F at a soil depth of 20 inches.

The soils in the proposed viticultural area formed primarily in residuum, or saprolite, weathered from igneous, intermediate, and mafic intrusive rocks

and in felsic and intermediate volcanic rocks of the Carolina Slate Belt.

In the central portion of the proposed Haw River Valley viticultural area, the soils formed in residuum from mafic intrusive rocks. In these areas the soils have a clayey subsoil of mixed mineralogy and slightly better natural fertility than that of the soils to the east and south. The Mecklenburg soils are on nearly level and moderately steep uplands. These soils have moderately slow permeability. The Enon and Iredell soils are on uplands and some side slopes. These soils have a clayey subsoil and have a high or very high shrink-swell potential, respectively; because of these properties, they have poor internal drainage and perch water during wet periods.

In the western and northeastern portions of the proposed viticultural area, the soils formed mainly in igneous and intermediate intrusive rocks. In these areas the Cecil, Appling, Vance, Helena, and Sedgefield soils are dominant. Typically, these soils are deep and have a clayey subsoil. Also scattered throughout these areas are the Enon and Iredell soils formed in mafic, intrusive rocks.

In the northwesternmost portion of the proposed viticultural area, the soils formed in residuum derived from metamorphic rocks. In this area the Fairview, Clifford, Toast, and Rasalo soils on nearly level to steep uplands are dominant. Further, except for the Rasalo soils, these soils are very deep and well drained, and have a clayey subsoil, moderate permeability, and good internal structure. In the Rasalo soils, because of high shrinking and swelling in the clayey subsoil and slow permeability, the soils tend to perch water during wet periods.

In the eastern and southern portions of the Haw River Valley and in parts of the southwestern and northwestern portions, the soils formed primarily in residuum derived from felsic and intermediate volcanic rocks. In these areas the Georgeville and Herndon soils are very deep and well drained, and have a loamy surface layer, a clayey subsoil, moderate permeability, and good internal structure. These soils are on gently sloping to moderately steep uplands. Also in these areas are the Callison, Secrest, and Kirksey soils. These soils are moderately well drained and have a loamy surface layer and subsoil. These soils are on level flats and gently sloping upland ridges, in depressions, and around heads of drains. They vary in depth depending on the underlying soft and hard bedrock; consequently, they have poor

internal drainage and perch water during wet periods.

The soils weathered from rocks within the proposed Haw River Valley viticultural area have significant differences compared to the soils in the surrounding areas to the east, west, and south. However, they are similar to the soils in the surrounding north portion and in the northwesternmost portion of the proposed viticultural area.

East of the proposed Haw River Valley viticultural area, on the Inner Coastal Plain, the soils, predominantly Udults, have a thermic temperature regime, a udic moisture regime, a loamy or sandy surface layer, and a loamy or clayey subsoil. The soils are generally deep and well drained to poorly drained, and maintain adequate moisture during the viticultural growing season.

West of the proposed Haw River Valley viticultural area, most soils formed in saprolite weathered from igneous intrusive rocks and some gneisses and schists of the Charlotte Belt. However, some soils formed in residuum derived from intrusions of mafic rocks and have a clay subsoil of mixed mineralogy. The Gaston and Mecklenburg soils have moderate or moderately slow permeability and are moderately suitable for viticulture. The Enon and Irdell soils are also west of the proposed viticultural area.

According to "Scientists Study Why More Storms Form in the Sandhills in the Summer," a news release dated July 5, 2001, from North Carolina State University, the soils are deep and sandy

in the Sandhills region south of the proposed Haw River Valley viticultural area. Unlike the clay soils in the Piedmont, these soils, like the sandy loam of the Inner Coastal Plain, do not have much clay.

Elevation

The elevations in the proposed Haw River Valley viticultural area range from 350 feet at the southeastern boundary corner to over 800 feet at the northwestern boundary corner, according to elevation maps by John Boyer (Virginia Polytechnic Institute and State University, 2001) that the North Carolina Grape Council provided. The four physiographic regions of North Carolina are the eastern Outer Coastal Plain, the Inner Coastal Plain, the central Piedmont Province, and the western Blue Ridge Province, as shown on the Physiography of North Carolina map by M.A. Medina et al. (North Carolina Geological Survey, Division of Land Resources, 2004).

The Haw River Valley region lies in the Piedmont Province near the demarcation of the fall line with the Inner Coastal Plain, according to "History and Environment of North Carolina's Piedmont Evolution of a Value-Added Society," by John Rogers (University of North Carolina, Department of Geology, 1999). Areas near the fall zone vary from 300 to 600 feet in elevation, in contrast with the approximately 1,500-foot elevation at the foot of the Blue Ridge Mountains, as shown on the Boyer maps.

The Piedmont Province consists of generally rolling, well rounded hills and ridges with a difference in elevation of a few hundred feet between the hills and valleys, according to the Boyer maps. The Inner Coastal Plain, which has stair-step planar terraces that dip gently toward the ocean, ranges from 25 to 600 feet in elevation, the petitioner explains.

Climate

The climatic features that distinguish the proposed Haw River Valley viticultural area are precipitation, air temperature, and growing season, according to the petitioner. The Haw River Valley has more moderate temperatures and greater precipitation than those in the surrounding areas outside the proposed boundary line. The climate within the Haw River Valley, which is generally similar throughout, varies from the surrounding regions outside the proposed viticultural area, according to data obtained from the Southeast Regional Climate Center (SRCC) and from horticultural information leaflets by Katharine Perry (North Carolina State University, revised December 1998).

The data from SRCC includes those from stations within and outside of the boundary line of the proposed Haw River Valley viticultural area, according to the petitioner. The table below lists the SRCC weather stations consulted and the direction and distance of the location of each weather station in relation to the Haw River Valley.

Weather station	Compass direction from Haw River Valley	Approximate distance from Haw River Valley
Brookneal, Virginia .....	North .....	84 miles.
Louisburg, North Carolina .....	East .....	52 miles.
Pinehurst, North Carolina .....	South .....	70 miles.
Mocksville, North Carolina .....	West .....	50 miles.

The air temperatures in the Haw River Valley region are generally warmer than those in the area to the north, cooler than those in the areas to the south and east, and similar to those in the area to

the west on the Piedmont Province, the petitioner explains using SRCC data. The petitioner also provides, in the table below, the SRCC average annual high and low air temperatures, snow

accumulation, and rainfall for the Haw River Valley and the areas outside the proposed boundary line.

Relation to the proposed Haw River Valley viticultural area	Average annual			
	High air temperature	Low air temperature	Snow accumulation	Rainfall
Inside the boundary line .....	69.8 °F .....	46.6 °F .....	5.9 in .....	45.27 in.
To the north .....	67 °F .....	42 °F .....	11.3 in .....	41.65 in.
To the east .....	71.4 °F .....	46 °F .....	4.1 in .....	45.98 in.
To the south .....	72.7 °F .....	49.2 °F .....	4.1 in .....	49.11 in.
To the west .....	70 °F .....	45.1 °F .....	9.9 in .....	44.57 in.

According to the petitioner, the annual frost-free growing season of the proposed Haw River Valley viticultural area runs from April 1 to November 1 and totals 214 days. The growing season is 2 to 4 weeks longer than that for the region to the west, and is similar to those for the regions to the immediate south and to the east of the proposed boundary line. The growing season length and frost-free dates fall within the parameters for successful viticulture of vinifera, hybrid, and Muscadine grapes, according to the "Analysis for Viticultural Suitability in North Carolina," a map prepared by John Boyer (Virginia Polytechnic Institute and State University, 2001).

#### TTB Determination

TTB concludes that this petition to establish the 868-square-mile Haw River Valley viticultural area merits consideration and public comment as invited in this notice.

#### Boundary Description

See the narrative boundary description of the petitioned-for viticultural area in the proposed regulatory text published at the end of this notice.

#### Maps

The petitioner provided the required maps, and we list them below in the proposed regulatory text.

#### Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. If we establish this proposed viticultural area, its name, "Haw River Valley," will be recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). In addition, with the establishment of the Haw River Valley viticultural area, the name "Haw River" standing alone will be considered a term of viticultural significance because consumers and vintners could reasonably attribute the quality, reputation, or other characteristic of wine made from grapes grown in the proposed Haw River Valley viticultural area to the name Haw River itself. A name has viticultural significance when determined by a TTB officer (see 27 CFR 4.39(i)(3)). Therefore, the proposed part 9 regulatory text set forth in this document specifies both "Haw River Valley" and "Haw River" as terms of viticultural significance for purposes of part 4 of the TTB regulations.

If this proposed text is adopted as a final rule, wine bottlers using "Haw River Valley" or "Haw River" in a brand

name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the viticultural area's full name or "Haw River" as an appellation of origin.

For a wine to be labeled with a viticultural area name or with a brand name that includes a viticultural area name or other term identified as being viticulturally significant in part 9 of the TTB regulations, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or other term, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with the viticultural area name or other viticulturally significant term and that name or term appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name or other viticulturally significant term appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Accordingly, if a label uses the name "Haw River Valley" or "Haw River" for a wine that does not meet the 85 percent standard, the label will be subject to revocation upon the effective date of the approval of the Haw River Valley viticultural area.

Different rules apply if a wine has a brand name containing a viticultural area name or other term of viticultural significance that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

#### Public Participation

##### Comments Invited

We invite comments from interested members of the public on whether we should establish the proposed viticultural area. We are interested in receiving comments on the sufficiency and accuracy of the name, climatic, boundary and other required information submitted in support of the petition. In addition, we are interested in receiving comments on the proposal to identify "Haw River" as a term of viticultural significance. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Haw River Valley viticultural area on wine labels that include the words "Haw River Valley" or the words "Haw River" as discussed above under "Impact on Current Wine Labels," we are particularly interested in comments regarding whether there will be a

conflict between the proposed viticulturally significant terms and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed viticultural area will have on an existing viticultural enterprise. We are also interested in receiving suggestions for ways to avoid conflicts, for example by adopting a modified or different name for the viticultural area.

##### Submitting Comments

You may submit comments on this notice by using one of the following two methods:

- *Federal e-Rulemaking Portal:* You may electronically submit comments on this notice through Regulations.gov, the Federal e-rulemaking portal. A direct link to the Regulations.gov page containing this notice and its related comment submission form is available on the TTB Web site at [http://www.ttb.gov/wine/wine\\_rulemaking.shtml](http://www.ttb.gov/wine/wine_rulemaking.shtml) under Notice No. 81. You may also reach this notice and its related comment form via the Regulations.gov search page at <http://www.regulations.gov>. Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on "User Guide" under "How to Use this Site."

- *Mail:* You may send written comments to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044-4412.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 81 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. We do not acknowledge receipt of comments, and we consider all comments as originals.

If you are commenting on behalf of an association, business, or other entity, your comment must include the entity's name as well as your name and position title. If you comment via <http://www.regulations.gov>, please enter the entity's name in the "Organization" blank of the comment form. If you comment via mail, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to

determine whether to hold a public hearing.

#### Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

#### Public Disclosure

On the Federal e-rulemaking portal, Regulations.gov, we will post, and you may view, copies of this notice and any electronic or mailed comments we receive about this proposal. A direct link to the Regulations.gov docket containing this notice and the posted comments received on it is available on the TTB Web site at [http://www.ttb.gov/wine/wine\\_rulemaking.shtml](http://www.ttb.gov/wine/wine_rulemaking.shtml) under Notice No. 81. You may also reach the docket containing this notice and the posted comments received on it through the Regulations.gov search page at <http://www.regulations.gov>. For instructions on how to use Regulations.gov, visit the site and click on "User Guide" under "How to Use this Site."

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including e-mail addresses. We may omit voluminous attachments or material that we consider unsuitable for posting.

You also may view copies of this notice and any electronic or mailed comments we receive about this proposal by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. You may also obtain copies at 20 cents per 8.5 x 11-inch page. Contact our information specialist at the above address or by telephone at 202-927-2400 to schedule an appointment or to request copies of comments or other materials.

#### Regulatory Flexibility Act

We certify that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

#### Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, it requires no regulatory assessment.

#### Drafting Information

N.A. Sutton of the Regulations and Rulings Division drafted this notice.

#### List of Subjects in 27 CFR Part 9

Wine.

#### Proposed Regulatory Amendment

For the reasons discussed in the preamble, we propose to amend title 27, chapter 1, part 9, Code of Federal Regulations, as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

#### Subpart C—Approved American Viticultural Areas

2. Amend subpart C by adding § 9. \_\_\_ to read as follows:

##### § 9. \_\_\_ Haw River Valley.

(a) *Name*. The name of the viticultural area described in this section is "Haw River Valley". For purposes of part 4 of this chapter, "Haw River Valley" and "Haw River" are terms of viticultural significance.

(b) *Approved maps*. The two United States Geological Survey 1:100,000-scale metric topographic maps used to determine the boundary of the Haw River Valley viticultural area are titled:

(1) Greensboro, North Carolina, 1984; and

(2) Chapel Hill, North Carolina, 1984.

(c) *Boundary*. The Haw River Valley viticultural area is located in all of Alamance County and portions of Caswell, Chatham, Guilford, Orange, and Rockingham Counties. The boundary of the Haw River Valley viticultural area is as described below:

(1) Begin at a point on the Greensboro map at the intersection of the Caswell and Orange Counties boundary line with Lynch Creek, southeast of Corbett and the Corbett Ridge, and then proceed in a straight line southeast 2 miles to the intersection of North Carolina State Highway 49 and an unnamed, light-duty road, known locally as McCulloch Road, located approximately 1 mile northeast of Carr, in west Orange County; then

(2) Proceed in a straight line south-southwest 11.9 miles, crossing over U.S. Interstate 85, to Buckhorn at Turkey Hill Creek in west Orange County; then

(3) Proceed in a straight line southeast 5.2 miles, crossing onto the Chapel Hill map, to its intersection with Dodsons Crossroad and an unnamed, light-duty road that runs generally north-northeast-south-southwest in west Orange County; then

(4) Proceed south-southwest on the unnamed, light-duty road 3.4 miles to its intersection with North Carolina State Highway 54, also known as Star Route 54, east of White Cross in west Orange County; then

(5) Proceed southeast in a straight line 14.1 miles, crossing over Terrells Mountain, Wilkinson Creek and several of its eastern tributaries, and U.S. Route 15-501, to its intersection with an unnamed road, known locally as Gilead Church Road, and U.S. Route 64 at Griffins Crossroads in Chatham County; then

(6) Proceed generally west along U.S. Route 64 approximately 20.7 miles to its intersection with U.S. Route 421 in Siler City, Chatham County; then

(7) Proceed generally northwest on U.S. Route 421 approximately 5.6 miles to its intersection with the Randolph County line, southeast of Staley; then

(8) Proceed straight north along the Randolph County line 7.4 miles to its intersection with the Guilford County line; then

(9) Proceed straight west along the Randolph County line 5.8 miles to its intersection with U.S. Route 421; then

(10) Proceed in a straight line north-northwest 20.5 miles, crossing onto the Greensboro map, to its intersection with U.S. Route 29 and North Carolina State Highway 150, between Browns Summit and Monticello in Guilford County; then

(11) Proceed generally east and north on North Carolina State Highway 150 approximately 4.3 miles to its intersection with North Carolina State Highway 87, east-northeast of Williamsburg in southeast Rockingham County; then

(12) Proceed in a straight line east-northeast 8.3 miles, crossing over the Caswell County line to a point at the intersection of the 236-meter elevation line, as marked on the map, and an unnamed road, known locally as Cherry Grove Road; then

(13) Proceed east and southeast along the unnamed road, known locally as Cherry Grove Road, 5 miles to its intersection with North Carolina State Highway 62 at Jericho in Caswell County; then

(14) Proceed generally southeast on North Carolina State Highway 62 approximately 1.8 miles to its intersection with an unnamed road, known locally as Bayne's Road at Anderson in Caswell County; then

(15) Proceed generally east on the unnamed road known locally as Bayne's Road 2 miles to its intersection with North Carolina State Highway 119 at Baynes in Caswell County; then

(16) Proceed generally south-southeast along North Carolina State Highway 119 approximately 1.7 miles to its intersection with the Caswell County line; then

(17) Proceed straight east along the Caswell County line 4.3 miles to the beginning point.

Signed: March 1, 2008.

**John J. Manfreda,**

*Administrator.*

[FR Doc. E8-6508 Filed 3-28-08; 8:45 am]

BILLING CODE 4810-31-P

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1611

#### Privacy Act Regulations

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Equal Employment Opportunity Commission is proposing to revise its regulations at 29 CFR Part 1611, which implement the Privacy Act of 1974, to exempt one of its systems of records from one of the Act's requirements.

**DATES:** Written comments on the proposed rule must be received on or before May 30, 2008. The Commission proposes to consider any comments received and thereafter adopt final regulations.

**ADDRESSES:** Written comments should be submitted to Stephen Llewellyn, Executive Officer, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507. As a convenience to commentators, the Executive Secretariat will accept comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 663-4114. (This is not a toll-free number.) Only comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTD). (These are not toll-free telephone numbers.) You may also submit comments and attachments electronically at [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov), which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. Copies of comments submitted by the public will be available to review at the Commission's library, Room 6502, 1801 L Street, NW., Washington, DC 20507 between the hours of 9:30 a.m. and 5 p.m. or can be reviewed at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Schlageter, Assistant Legal Counsel, or Kathleen Oram, Senior Attorney, at (202) 663-4640 (voice) or (202) 663-7026 (TTY). Copies of this final rule are also available in the following alternate formats: large print, braille, audiotape and electronic file on computer disk. Requests for this notice in an alternative format should be made to EEOC's Publication Center at 1-800-669-3362 (voice) or 1-800-800-3302 (TTY).

**SUPPLEMENTARY INFORMATION:** The Equal Employment Opportunity Commission proposes to add a new section 1611.15 to its Privacy Act regulations to exempt records contained in EEOC-22, EEOC Personnel Security Files, from the accounting and disclosure provisions of the Privacy Act in accordance with section k(5) of the Act, but only to the extent that an accounting of disclosures or a disclosure itself identifies witnesses promised confidentiality as a condition of providing information during the course of a background investigation. The Commission also proposes to amend sections 1611.5(a)(5) and 1611.5(b) to conform them to the addition of the new exemption.

#### Regulatory Procedures

##### *Executive Order 12866*

Pursuant to Executive Order 12866, EEOC has determined that the regulation will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. Therefore, a detailed cost-benefit assessment of the regulation is not required.

##### *Paperwork Reduction Act*

This rule contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

##### *Regulatory Flexibility Act*

The Commission, in accordance with the Regulatory Flexibility Act (5 U.S.C.

606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

##### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

##### *Congressional Review Act*

This action concerns agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### List of Subjects in 29 CFR Part 1611

Privacy Act.

Dated: March 25, 2008.

For the Commission,

**Naomi C. Earp,**

*Chair.*

Accordingly, it is proposed to amend chapter XIV of title 29 of the Code of Federal Regulations as follows:

#### PART 1611—PRIVACY ACT REGULATIONS

1. The authority citation for part 1611 continues to read as follows:

**Authority:** 5 U.S.C. 552a.

2. In § 1611.5, revise paragraphs (a)(5) and (b) to read as follows:

##### **§ 1611.5 Disclosure of requested information to individuals.**

(a) \* \* \*

(5) The Commission shall not deny any request under § 1611.3 concerning the existence of records about the requester in any system of records it maintains, or any request for access to such records, unless that system is exempted from the requirements of 5 U.S.C. 552a in §§ 1611.13, 1611.14, or 1611.15.

\* \* \* \* \*

(b) Upon request, the appropriate Commission official shall make available an accounting of disclosures pursuant to 5 U.S.C. 552a(c)(3), unless that system is exempted from the