

and type designation—estimated at approximately 100 COLAs— would be revoked by operation of regulation. The existing COLAs using “Pisco” or “Pisco brandy” would not fit into either the “Pisco Perú” or the “Pisco Chileno (Chilean Pisco)” type designation, and these COLAs would not comply with TTB’s regulations without the broader, overall type designation for “Pisco.” TTB does not believe that such a disruption to the trade is warranted. TTB also notes that consumers will easily be able to identify the country of origin of any Pisco product because under 27 CFR 5.32(b)(2), imported distilled spirits product labels must include the country of origin.

#### Clarification of the Regulatory Language

DISCUS, in response to Notice No. 127, which proposed a standard of identity for Cachaça, questioned the wording of that proposed standard of identity. In Notice No. 127, TTB proposed to define Cachaça as “a type of rum that is a distinctive product of Brazil, manufactured in Brazil in compliance with the laws of Brazil regulating the manufacture of Cachaça for consumption in that country” (emphasis added). DISCUS commented that the highlighted language could inadvertently cause confusion as to whether a product that is produced in full conformity with Brazil’s regulations governing the manufacture of Cachaça for consumption in Brazil and bottled at less than 40 percent alcohol by volume could be labeled and sold in the United States as “Cachaça.” DISCUS also noted that deleting this language would be consistent with TTB Notice No. 126, Standards of Identity for Pisco and Cognac.

TTB believes that including the phrase “for consumption in that country” is appropriate for both Cachaça and Pisco because the wording clarifies that the laws of the country of manufacture cannot provide standards that are different for products being exported than for products to be consumed within the country of manufacture. TTB inadvertently omitted this phrase in its proposed standard of identity for Pisco in Notice No. 126, and believes, for clarity, that the phrase should be included in the final rule text. However, such a requirement does not override the current practice, described above, that “Pisco” products imported into the United States from Chile or Peru containing less than 40 percent alcohol by volume must be labeled as “diluted Pisco” or as a distilled spirits specialty product bearing a statement of composition.

#### TTB Finding

After careful review of the comments discussed above, and after consideration of the obligations incurred in the international agreements, TTB has determined that it is appropriate to adopt the proposed regulatory amendments contained in Notice No. 126, with the two modifications (the clarification that Pisco need not be aged in oak containers, and the addition of the phrases “for consumption in the country of manufacture” and “for consumption in that country,”) as discussed above. TTB notes that these regulatory changes will revoke by operation of regulation any COLAs that specify “Pisco” as the class and type or, brand name, or fanciful name of distilled spirits products that are not products of Peru or Chile.

#### Regulatory Flexibility Act

Pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. chapter 6), TTB certifies that this final rule will not have a significant economic impact on a substantial number of small entities. These amendments clarify the status of Pisco under the standards of identity for distilled spirits and do not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

#### Executive Order 12866

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

#### Drafting Information

Karen E. Welch of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, drafted this document.

#### List of Subjects in 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, and Packaging and containers.

#### Amendment to the Regulations

For the reasons discussed in the preamble, TTB amends 27 CFR part 5 as follows:

#### PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

■ 1. The authority citation for part 5 continues to read as follows:

**Authority:** 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

■ 2. Section 5.22 is amended by:

■ a. In paragraph (d) introductory text, removing the words “paragraphs (d)(1) through (8)” and adding, in their place, the words “paragraphs (d)(1) through (9)”;

■ b. In paragraph (d)(1), in the third sentence, revising the parenthetical phrase to read “(other than neutral brandy, pomace brandy, marc brandy, grappa brandy, Pisco, Pisco Perú, or Pisco Chileno)”;

■ c. In paragraph (k)(3), by removing the words “Cognac,” and “Pisco brandy,;” and

■ d. Adding new paragraph (d)(9) to read as follows:

#### § 5.22 The standards of identity.

\* \* \* \* \*

(d) \* \* \*

(9) “Pisco” is grape brandy manufactured in Peru or Chile in accordance with the laws and regulations of the country of manufacture governing the manufacture of Pisco for consumption in the country of manufacture.

(i) “Pisco Perú” (or “Pisco Peru”) is Pisco manufactured in Peru in accordance with the laws and regulations of Peru governing the manufacture of Pisco for consumption in that country.

(ii) “Pisco Chileno” (or “Chilean Pisco”) is Pisco manufactured in Chile in accordance with the laws and regulations of Chile governing the manufacture of Pisco for consumption in that country.

\* \* \* \* \*

Signed: February 7, 2013.

**John J. Manfreda,**  
Administrator.

Approved: March 5, 2013.

**Timothy E. Skud,**

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2012–0375]

#### Safety Zone; Milwaukee Harbor, Milwaukee, WI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a safety zone for the 2013 Pridefest

fireworks on June 8, 2013, from 9:15 p.m. until 10:15 p.m. If the fireworks display is cancelled due to inclement weather, then the zone will be enforced on June 9, 2013, from 9:15 p.m. until 10:15 p.m. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the fireworks display. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port, Lake Michigan.

**DATES:** This regulation will be enforced from 9:15 p.m. until 10:15 p.m. on June 8, 2013. If the fireworks display is cancelled due to inclement weather, then the zone will be enforced on June 9, 2013, from 9:15 p.m. until 10:15 p.m.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7148, email [joseph.p.mccollum@uscg.mil](mailto:joseph.p.mccollum@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone listed in 33 CFR 165.935, Safety Zone, Milwaukee Harbor, Milwaukee, WI, for the 2013 Pridefest fireworks. This zone will be enforced from 9:15 p.m. until 10:15 p.m. on June 8, 2013. If the fireworks display is cancelled due to inclement weather, then the zone will be enforced on June 9, 2013, from 9:15 p.m. until 10:15 p.m.

All vessels must obtain permission from the Captain of the Port, Lake Michigan, or his or her on-scene representative to enter, move within, or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Lake Michigan, or his or her on-scene representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.935 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement period via broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port, Lake Michigan, determines that the safety zone need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety

zone. The Captain of the Port, Lake Michigan, or his or her on-scene representative may be contacted via VHF Channel 16.

Dated: May 6, 2013.

**M. W. Sibley,**

*Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2012-0339]

#### Safety Zones; Fireworks Displays in the Sector Columbia River Captain of the Port Zone Columbia River Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zones listed in this notice for fireworks displays in the Sector Columbia River Captain of the Port Zone from May 2013 until October 2013. This action is necessary to ensure the safety of the crews onboard the vessels displaying the fireworks, the maritime public, and all other observers. During the enforcement period for each specific safety zone, no person or vessel may enter or remain in the safety zone without permission of the Sector Columbia River Captain of the Port or his designated representatives.

**DATES:** The regulations in 33 CFR 165.1315 will be enforced at the dates and times listed in the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Ensign Ian P. McPhillips, Waterways Management Division, MSU Portland, Coast Guard; telephone 503-240-9319, email [MSUPDXWWM@uscg.mil](mailto:MSUPDXWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone regulations in 33 CFR 165.1315 for fireworks displays in the Columbia River Captain of the Port Zone during the dates and times listed below:

(1) Cinco de Mayo Fireworks Display, Portland, OR: May 3, 2013 from 9:30 p.m. until 10 p.m.

(2) Portland Rose Festival Fireworks Display, Portland OR: May 24, 2013, from 10 p.m. until 10:30 p.m.

(3) Tri-City Chamber of Commerce Fireworks Display, Columbia Park,

Kennewick, WA: July 4, 2013, from 10 p.m. until 10:30 p.m.

(4) Cedco Inc. Fireworks Display, North Bend, OR: July 3, 2013, from 10:10 p.m. until 10:30 p.m.

(5) Astoria 4th of July Fireworks, Astoria, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(6) Waterfront Blues Festival Fireworks, Portland, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(7) Oregon Symphony Concert Fireworks Display, Portland, OR: August 29, 2013, from 9:30 p.m. until 10 p.m.

(8) Florence Chamber 4th of July Fireworks Display, Florence, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(9) Oaks Parks July 4th Celebration, Portland, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(10) Rainier Days Fireworks Celebration, Rainier, OR: July 13, 2013, from 10 p.m. until 10:30 p.m.

(11) Ilwaco July 4th Committee Fireworks, Ilwaco, WA: July 6, 2013, from 10 p.m. until 10:30 p.m.

(12) Splash Aberdeen Waterfront Festival, Aberdeen, WA: July 4, 2013, from 9 p.m. until 11 p.m.

(13) City of Coos Bay July 4th Celebration, Coos Bay, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(14) Arlington Chamber of Commerce Fireworks Display, Arlington, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(15) Cascade Locks July 4th Fireworks Display, Portland, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(16) Astoria Regatta Association Fireworks Display, Astoria, OR: August 10, 2013, from 10 p.m. until 10:30 p.m.

(17) City of Washougal July 4th Fireworks Display, Washougal, WA: July 4, 2013, from 10 p.m. until 10:30 p.m.

(18) City of St. Helens 4th of July Fireworks Display, St. Helens, OR: July 4, 2013, from 9:30 p.m. until 10:30 p.m.

(19) Waverley Country Club 4th of July Fireworks Display, Milwaukie, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(20) Hood River 4th of July, Hood River, OR: July 4, 2013, from 10 p.m. until 10:30 p.m.

(21) Rufus 4th of July Fireworks, Rufus, OR: July 4, 2013, from 9:30 p.m. until 10:30 p.m.

Under the provisions of 33 CFR 165.1315, 33 CFR 165.20, and 33 CFR 165.23, no person or vessel may enter or remain in the safety zones without permission of the Captain of the Port Columbia River or his designated representative. Persons or vessels wishing to enter the safety zones may request permission to do so from the Captain of the Port Columbia River or