

received in response to that first notice, we published a second notice of proposed rulemaking on November 20, 2007, as Notice No. 77 (72 FR 65256) requesting comments on our proposal to provide “grandfather” protection for certain brand names used on existing certificates of label approval, provided those labels also carry information that would dispel an impression that the wine meets the requirements for using the viticultural area name. As originally published, comments on Notice No. 77 are due on or before December 20, 2007, 30 days after its publication.

Also on November 20, 2007, TTB published Notice No. 78 (72 FR 65261), a notice of proposed rulemaking regarding our regulations on the establishment of American viticultural areas. The proposed amendments clarify rules for preparing, submitting, and processing viticultural area petitions. The proposals contained in Notice No. 78 also include an amendment to 27 CFR 4.39(i) that would establish a “grandfather” provision to protect wine labels using a viticultural area name, provided that the label in question was approved and in actual commercial use for a specified period of time preceding TTB’s receipt of a perfected petition for establishment of the viticultural area. As originally published, comments on Notice No. 78 are due on or before January 22, 2008, 60 days after its publication.

After the publication of Notice No. 77, TTB received two requests from wine industry groups to extend that notice’s comment period. Both the Napa Valley Vintners, a trade group representing over 300 Napa Valley (California) vintners, and the Wine Institute, a trade representing 1,100 California wineries and wine-related businesses, requested that the comment period for Notice No. 77 be extended an additional 90 days.

In support of its extension request, Napa Valley Vintners indicates that the proposed grandfather provision contained in Notice No. 77 “is of great concern to our association” and is “inextricably linked” to TTB’s more general grandfathering proposal contained in Notice No. 78. The association believes that its decisions regarding the two notices “should be made at the same time.” Its requested 90-day extension, the group states, will allow its Winegrower Appellation Committee to consider the grandfather provision and the specific questions posed by TTB in Notice No. 77. The Napa Valley Vintners’ request notes that its appellation committee’s recommendations must then be presented to the group’s board of

directors, which only meets once a month.

The Wine Institute, in its comment period extension request, also noted that Notice Nos. 77 and 78 deal with similar issues “that call for consistent rather than staggered comment periods.” In addition, the Wine Institute stated that, with the holiday season, its membership “is engaged in one of its busiest months of the year.”

In response to these requests, TTB extends the original 30-day comment period for Notice No. 77 for an additional 90 days, so that the comment period will equal 120 days. Therefore, comments on Notice No. 77 are now due on or before March 20, 2008.

Drafting Information

Michael Hoover of the Regulations and Rulings Division drafted this notice.

John J. Manfreda,

Administrator.

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 4, 9, and 70

[Notice No. 80; Re: Notice No. 78]

RIN 1513-AB39

Proposed Revision of American Viticultural Area Regulations; Extension of Comment Period

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

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: In response to industry member requests, we are extending the comment period for Notice No. 78, Proposed Revision of American Viticultural Area Regulations, a notice of proposed rulemaking published in the **Federal Register** on November 20, 2007, for an additional 60 days.

DATES: Written comments on Notice No. 78 must now be received on or before March 20, 2008.

ADDRESSES: You may send comments on Notice No. 78 to one of the following addresses:

- <http://www.regulations.gov> (Federal e-rulemaking portal; follow the instructions for submitting comments); or
- Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044-4412.

You may view copies of this notice, Notice No. 78, and any comments we receive about the proposals described in Notice No. 78 under Docket No. TTB-2007-0068 on the Regulations.gov Web site at <http://www.regulations.gov>. A link to Docket No. TTB-2007-0068 is also available on the TTB Web site at http://www.ttb.gov/regulations_laws/all_rulemaking.shtml, within the entry for Notice No. 78. In addition, you may view copies of the same materials described above 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: Rita D. Butler, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200-E, Washington, DC 20220; telephone: 202-927-1608, fax: 202-927-8525.

SUPPLEMENTARY INFORMATION: On November 20, 2007, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published a notice of proposed rulemaking in the **Federal Register** as Notice No. 78 (72 FR 65261) requesting comments on proposed amendments to our regulations regarding the use of geographic brand names found in 27 CFR part 4 and the establishment of American viticultural areas (AVAs) contained in 27 CFR part 9. The proposed amendments address the effect that the approval of an AVA may have on established brand names and clarify the rules for preparing, submitting, and processing viticultural area petitions. TTB also proposes to add to the regulations statements regarding the viticultural significance of established viticultural area names, or key portions of those names, for wine labeling purposes. As originally published, comments on Notice No. 78 are due on or before January 22, 2008, 60 days after its publication.

Also on November 20, 2007, TTB published Notice No. 77 in the **Federal Register** (72 FR 65256), a notice of proposed rulemaking regarding the establishment of the Calistoga viticultural area in Napa County, California. Specifically, Notice No. 77 sought comments on a proposal to provide “grandfather” protection for certain brand names used on existing certificates of label approval. As originally published, comments on Notice No. 77 are due on or before December 20, 2007, 30 days after its publication.

After the publication of Notice No. 78, TTB received three requests from wine industry groups to extend that notice’s

comment period. Requests for 60-day extensions were received from the Napa Valley Vintners, a trade group representing over 300 Napa Valley (California) vintners, and the Wine Institute, a trade representing 1,100 California wineries and wine-related businesses. The Oregon Winegrowers Association, a trade association with 239 grape grower and winery members, requested a 120-day extension.

In support of its extension request, Napa Valley Vintners indicates that the proposed amendments to the AVA program cannot be considered by its membership within the announced comment period. The group states that it only meets once a month, and "because of the complexity of the subjects covered in the Notice, the current holiday season and market visits already scheduled by our winery members during January, we will be unable to complete our deliberations and finalize our comments until after our general membership meeting in March."

The Wine Institute, in its comment period extension request, stated that Notice No. 78 "is complex and far-reaching, and will affect many of our members." The Wine Institute also noted that the comment period deadline for Notice No. 78 runs up against the January 27, 2008, comment deadline for Notice No. 73, a notice of proposed rulemaking regarding "Serving Facts" labeling for alcohol beverages, "which is already demanding a large part of our resources and membership participation," all of which is occurring during the holiday season when its membership "is engaged in one of its busiest months of the year." In addition, the group adds that Notice Nos. 77 and 78 deal with similar issues "that call for consistent rather than staggered comment periods."

The Oregon Winegrowers Association, noting the "complex and lengthy" proposals outlined in Notice No. 78, states that it will require additional time to thoroughly understand the full impact of the proposals, acquaint its board members with their meaning, garner consensus within the industry, and respond in detail to the notice's proposals.

In response to these requests, TTB extends the original 60-day comment period for Notice No. 78 for an additional 60 days so that the comment period will equal 120 days. Therefore, comments on Notice No. 77 are now due on or before March 20, 2008.

Drafting Information

Michael Hoover of the Regulations and Rulings Division drafted this notice.

Signed: December 11, 2007.

John J. Manfreda,

Administrator.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 756

[Stats No. CR-1-FOR; Docket ID OSM-2007-0019]

Crow Tribe Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Crow Tribe Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter, the Crow Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The Crow Tribe has requested concurrence from the Secretary of the Department of the Interior with its certification of completion of all coal-related reclamation objectives. If the Secretary concurs with the certification, the Crow Tribe intends to request AMLR funds to pursue projects in accordance with section 411 of SMCRA.

DATES: Comments on the proposed rule must be received by 4:00 p.m., m.s.t., January 16, 2008 to ensure our consideration. If requested, we will hold a public hearing on the amendment on January 11, 2008. We will accept requests to speak until 4 p.m., m.s.t., January 2, 2008.

ADDRESSES: You may submit comments by either of the two following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. The notice is listed under the agency name "Office of Surface Mining Reclamation and Enforcement" and has been assigned Docket ID: OSM-2007-0019.

- *Mail/Hand Delivery:* Jeffrey Fleischman, Director, Casper Field Office; Office of Surface Mining Reclamation and Enforcement; 150 East "B" Street, Room 1018, Casper, Wyoming 82601. Please include the Docket ID (OSM-2007-0019) with your comments.

If you would like to submit comments through the Federal eRulemaking Portal,

go to www.regulations.gov and do the following. Find the blue banner with the words "Search Documents" and go to "Optional Step 2." Select "Office of Surface Mining Reclamation and Enforcement" from the agency drop-down menu, then click the "Submit" button at the bottom of the page. The next screen will have the title "Document Search Results." The proposed rule is listed under the Docket ID as OSM-2007-0019. If you click on OSM-2007-0019, you can view and print a copy of the amendment, the proposed rule, add comments, and view any comments submitted by other persons.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than the two listed above will be included in the docket for this rulemaking and considered.

For additional information on the rulemaking process and the public availability of comments, see "III. Public Comment Procedures" in the **SUPPLEMENTARY INFORMATION** section of this document.

You may receive one free copy of this amendment by contacting OSM's Casper Field Office. You may access this amendment's docket, review copies of the Crow Plan and this amendment, find a listing of any scheduled public hearings, and review all written comments received in response to this document during normal business hours, Monday through Friday, excluding holidays, at the following addresses:

Federal e-Rulemaking Portal: <http://www.regulations.gov>. The notice has been assigned Docket ID: OSM-2007-0019.

Jeffrey Fleischman, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 150 East "B" Street, Room 1018, Casper, Wyoming 82601, (307) 261-6550, jfleischman@osmre.gov.

Carl Venne, Chairman, Crow Tribe Executive Branch, Bacheitche Avenue, Crow Agency, Montana 59022, (406) 638-3715.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Casper Field Office Director, Telephone: (307) 261-6550, Internet address: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Crow Plan
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations