

Issued in Fort Worth, TX, on August 3, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-21850 Filed 8-13-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-31]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area: Bonham, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Bonham, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Jones Field Municipal Airport. This amendment is necessary to provide protection for aircraft executing an instrument approach procedure using the Blue Ridge VORTAC.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On June 14, 1982, a notice of proposed rulemaking was published in the Federal Register (47 FR 25537) stating that the Federal Aviation Administration proposed to designate the Bonham, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections.

Discussion of Comments

One of the commenters, Mr. Jack Poe, Airport Manager, JP Ranch Airport, expressed a concern as to what effect the designation of a transition area would have on his airport. The designation of a 700-foot transition area as proposed by this amendment will change the floor of controlled airspace above the JP Ranch Airport from the current 1,200 feet above ground level (AGL) to 700 feet AGL. This change will alter the requirement for aircraft wishing to remain visual flight rules (VFR) and

outside of controlled airspace, during marginal weather conditions, to maintain an altitude at or below 700 feet AGL instead of the previous 1,200 feet AGL. This requirement would only apply while the aircraft are transiting the airspace below the Bonham, TX, transition area. Therefore, the FAA has determined that this amendment will not have a significant impact on the JP Ranch Airport and the designation is in the best interest of the public. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 GMT, October 28, 1982, as follows:

Bonham, TX, New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jones Field Municipal Airport, Bonham, TX, (latitude 33°36'41" N., longitude 96°10'45" W.) and within 4.5 miles each side of the 025° radial from the Blue Ridge VORTAC extending from the 6.5-mile radius area to 42.5 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on August 3, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-21851 Filed 8-13-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 8b

Prohibition of Discrimination Against the Handicapped in Federally Assisted Programs Operated by the Department of Commerce

AGENCY: Commerce.

ACTION: Final rule; notice of effective date.

SUMMARY: The Department of Commerce publishes a technical amendment to the regulation on prohibition of discrimination against the handicapped in Federally assisted programs operated by the Department. The purpose of this amendment is to inform the public that OMB has approved the reporting and recordkeeping requirement in that regulation at §§ 8b.6(c) and 8b.17(e). The OMB control number is: 0605-0006. The expiration date of the OMB approval is January 31, 1984.

EFFECTIVE DATE: September 15, 1982.

FOR FURTHER INFORMATION CONTACT:

Arthur E. Cizek, Chief, Compliance Division, Office of Civil Rights, Office of the Secretary, Department of Commerce, Washington, DC 20230, Telephone (202) 377-4994.

SUPPLEMENTARY INFORMATION: The Department's final rule implementing Section 504 of the Rehabilitation Act of 1973 was published on April 23, 1982 (47 FR 17744). The reporting and recordkeeping provisions included in that regulation were submitted to the Office of Management and Budget (OMB) at the time of publication but had not been approved by OMB. The regulation stated those requirements would not be effective until OMB approval was obtained and the public notified to that effect.

PART 8b—PROHIBITION OF DISCRIMINATION AGAINST THE HANDICAPPED IN FEDERALLY ASSISTED PROGRAMS OPERATED BY THE DEPARTMENT OF COMMERCE

For the reasons set out in the preamble, 15 CFR Part 8b is amended as follows:

§§ 8b.6 and 8b.7 [Amended]

The following OMB Control Number and expiration date are added following §§ 8b.6(c) and 8b.17(e):

OMB Control No. 0605-0006, which expires January 31, 1984.

Authority: Sec. 504, Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

Gerald R. Lucas,

Director, Office of Civil Rights.

[FR Doc. 82-22237 Filed 8-13-82; 8:45 am]

BILLING CODE 3510-BT-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 10, 12, 18, 19, 22, 24, 101, 123, 146, 147, 148, and 161

[T.D. 82-145]

Conforming Amendments to the Customs Regulations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes to the Customs Regulations which are necessary because of various executive, legislative, and administrative actions. The changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

EFFECTIVE DATE: August 16, 1982.

FOR FURTHER INFORMATION CONTACT:

Marvin M. Amernick, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

As part of its program to keep its regulations current, the Customs Service has determined that various executive, legislative, and administrative actions require conforming amendments to numerous parts of the Customs Regulations (Chapter I, Title 19, Code of Federal Regulations, 19 CFR Chapter I). Following is a list of these actions, the affected sections of the regulations, and the necessary changes:

Discussion of Changes

1. Customs Form 3137, "Application For Customs Dock Pass", has been abolished, requiring the removal of § 4.1(f), relating to applications to Customs for permission to leave a vessel and go on the dock to meet persons arriving from abroad before the vessel has been inspected by Customs and brought into the dock or anchorage at which cargo is to be unladen and until all passengers have been landed from the vessel.

2. The Customs Regulations do not list those countries which ordinarily do not permit vessels of the United States to enter and trade. To clarify § 4.20(c), relating to the assessment of tonnage taxes and light money on foreign vessels entering a port in the United States to trade, a new footnote, 3a, is being added to the table in § 4.20(c) stating that Democratic Kampuchea (Cambodia), the Democratic People's Republic of Korea (North Korea), and the Socialist Republic of Vietnam, ordinarily do not permit vessels of the United States to enter and trade.

3. Section 4.50(b), relating to vessel passenger lists, must be amended by removing a reference to § 4.51 which was deleted by T.D. 69-266, published in the Federal Register on December 31, 1969 (34 FR 20422).

4. Customs Form 1316, "Certificate of Record," now is designated as "Coast Guard Form-1316." Section 4.61(c), relating to clearance of vessels, must be amended to refer to the correct form.

5. Customs Form 3451, "Declaration of Foreign Repairs to Vessels or Aircraft," and Customs Form 7535, "Vessel/Aircraft Foreign Repair or Equipment," have been consolidated as Customs Form 226, "Record of Vessel/Aircraft Foreign Repair or Equipment Purchase," requiring amendments to § 6.7 (d) and (e), relating to documents for the entry of aircraft.

6. Customs Form 3861, "Report of Irregular (or Short) Delivery of Bonded Merchandise," has been abolished, requiring an amendment to § 6.22(c), relating to the transportation of air cargo.

7. Customs Form 3289, "Declaration for Free Entry of Reimported Metal Drums," has been abolished, requiring an amendment to § 10.7(b), relating to containers or holders used in the shipment or transportation of merchandise.

8. Customs Form 3313, "Declaration for Free Entry of Live Game Animals or Birds," has been abolished, requiring the removal of § 10.76(c), relating to the entry of game animals and birds.

9. Sections 1.315 through 1.322, Title 21, CFR, have been redesignated as §§ 1.83 through 1.99 of the same title. Accordingly, § 12.1(a), relating to Customs enforcement of the Federal Food, Drug, and Cosmetic Act, must be amended.

10. Various typographical errors have been found throughout Part 12, relating to the importation of special classes of merchandise, necessitating corrections to §§ 12.1(c), 12.27, 12.28(a), 12.29, 12.30, 12.37, 12.48, and 12.107(b).

11. The Department of Health, Education, and Welfare was

redesignated the Department of Health and Human Services. Further, authority to issue regulations under the Federal Hazardous Substances Act was transferred from the former Department of Health, Education, and Welfare to the Consumer Product Safety Commission. Section 12.1, relating to Customs cooperation with other federal agencies, must be amended to reflect both of these changes.

12. Sections 191.265 through 191.272, Title 21 CFR, have been redesignated as §§ 1500.265 through 1500.272, Title 16 CFR. Therefore, § 12.1(c), relating to Customs enforcement of the Federal Hazardous Substances Act, must be amended.

13. The Federal Caustic Poison Act (15 U.S.C. 401 *et seq.*) has been repealed. Accordingly, § 12.1(d), which refers to this Act, must be removed.

14. The Federal Import Milk Act, 21 U.S.C. 141-149, has been amended. Section 12.7, relating to importations of milk and cream, must be amended to note the new citation to this Act.

15. Several footnotes in Part 12, relating to special classes of merchandise, refer to the "Customs Regulations of 1943." the correct cite is the "Customs Regulations." Therefore, footnotes 6, 8, 9, 10, 11, 13, 16b, 20, and 23 of Part 12 must be amended.

16. Section 308, Tariff Act of 1930 (19 U.S.C. 1308), has been amended several times. Accordingly, it is necessary to further amend footnote 8 to § 12.8, by inserting the current text.

17. Organizational changes within the Department of Agriculture necessitate changes to references to various Departmental offices and programs set forth in §§ 12.16(b) and 12.23(d).

18. The Division of Biologics Standards has been renamed the Bureau of Biologics, under the Food and Drug Administration rather than the National Institutes of Health. Sections 12.22 and 12.23 must be amended to reflect this change.

119. Section 130.3, Title 21, CFR, has been redesignated § 312.1. Section 12.23(a) must be amended accordingly.

20. Section 73.16, Title 42, CFR, has been redesignated § 601.22, Title 21, CFR, requiring an amendment to § 12.23(a).

21. By an Act of Congress dated April 22, 1974 (Pub. L. 93-271, 88 Stat. 92), the Fish and Wildlife Service was created to assume the duties of the Bureau of Sports Fisheries and Wildlife. It is necessary to amend §§ 12.26 and 12.29 to reflect this change.

22. The positions of "collector" and "examiner" of Customs have been replaced by the position of "district

director." Section 12.26(e) must be amended to reflect this change.

23. The Endangered Species Act of 1969 has been repealed. The provisions of that Act now are set forth in the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*). Section 12.26(g) must be amended to refer to the 1973 Act.

24. Section 141, title 7, U.S.C., has been repealed, and succeeded by section 150bb, title 7, U.S.C. The parenthetical citation at the end of § 12.31, footnote 18, and the heading to § 12.31 must be amended accordingly.

25. Because section 281, title 7, U.S.C., has been amended, § 12.32 and footnote 19 thereto also must be amended.

26. Sections 4802 and 4805, title 26, U.S.C., superseding sections 2654 and 2655 of the same title, were repealed by the Tax Reform Act of 1976 (Pub. L. 94-455). It is necessary to remove: (1) § 12.35 and the references to 26 U.S.C. 4802 and 4805(a) in the parenthetical citation at the end of §§ 12.34; and (2) amend footnotes 21 and 22 to § 12.34 and 12.35, respectively.

27. Section 1263, title 18, U.S.C., has been amended. Accordingly, footnote 25 to § 12.38 must be amended.

28. Section 1305, title 19, U.S.C., prohibits the importation of articles for performing unlawful abortions but not the importation of articles related to lawful abortions. It is necessary to amend § 12.40(f) to reflect this fact.

29. Section 504, title 18, U.S.C., has been amended. The text of footnote 32 to § 12.48 must be amended to reflect the current wording of the statute.

30. Sections 85.201 through 85.204, Title 40, CFR, the regulations of the Environmental Protection Agency, have been redesignated as §§ 85.1502 through 85.1505. Therefore, references to 40 CFR 85.201 through 85.204 in § 12.73 must be amended accordingly.

31. Part 78, Title 42, CFR, the regulations of the Public Health Service, Department of Health and Human Services, has been redesignated as Part 1005, title 21, CFR, the regulations of the Food and Drug Administration, Department of Health and Human Services, requiring that references in § 12.91 be amended.

32. British Honduras has been renamed Belize. The list of countries in § 12.105, relating to pre-Columbian monumental architectural sculptures or murals, must be amended to reflect this change.

33. Sections 12.105 through 12.109, were added to the Customs Regulations by T.D. 73-119 which became effective on June 1, 1973. Section 12.107(b) must be amended to reflect the effective date of these regulations.

34. The portion of Title II, Pub. L. 92-587, quoted in § 12.109(b), has been codified at 19 U.S.C. 2093(b). Section 12.109(b) must be amended to add this citation.

35. Section 18.1(b), relating to the transportation of merchandise in bond between the ports of New York, Newark, and Perth Amboy, must be amended to reflect that the area directors of Customs for New York may permit, upon request, transfer of merchandise in bond by bonded cartmen or lightermen. This section currently refers to the obsolete position of district director of Customs at New York.

36. Section 19.4(e), relating to Customs supervision of bonded warehouses, must be amended to reflect the redesignation of § 23.35 as § 161.1, by T.D. 72-213.

37. Customs Form 4475, "Drawback—Extract From Bill of Lading," has been abolished, requiring an amendment to § 22.29(f).

38. Because the date of the national observance of Veterans Day has been changed from the fourth Monday of October to November 11, § 101.6(a), relating to the closing of Customs offices on national holidays, must be amended. In addition, footnote 5 to § 24.16(b), which also lists the national holidays, is being revised to refer to § 101.6(a).

39. Customs Form 7533-A, "Inward Manifest of Baggage Car," has been replaced by Customs Form 7533, "Inward Cargo Manifest for Vessel under Five Tons," requiring amendments to §§ 123.4(d) and 123.61, relating to baggage arriving in baggage cars.

40. Customs Form 7533-B, "U.S. Customs In-Transit Manifest," expired on October 31, 1979. Customs Form 7512-B, "U.S.—Canada Transit Manifest," and Customs Form 7533-C, "U.S. Customs In-Transit Manifest," are used in its place. To reflect this change, §§ 123.22(c)(1), (2), and (4) and 123.51 (d) and (e), must be amended.

41. The zone forms described in Part 146, relating to the admission, status, handling, and removal of merchandise in foreign-trade zones, have been replaced by new Customs Forms 214, 215, and 216. Amendments to various sections of Part 146 are required to reflect these changes.

42. Section 147.1(b) must be amended by removing a reference to certain Commerce Department regulations pertaining to trade fairs.

43. Customs Form 6061, "Declaration and Entry for Personal and Household Effects of U.S. Personnel," has been replaced by Customs Form 3299, "Declaration for Free Entry of Unaccompanied Articles," requiring an amendment to § 148.77. In addition, this

section must be amended to show that Department of Defense Form 1252, as well as Customs Form 3299 may be used as the declaration and entry form for unaccompanied personal and household effects of military and civilian employees of the United States.

44. Item 841.10, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), provides that, upon the request of the Department of State, office supplies, equipment and other articles for the official use of representatives of foreign governments, or of personnel of public international organizations, on duty in the United States, may be imported duty-free. However, the corresponding provision in § 148.86, only pertains to articles for the official use of representatives of foreign governments.

In addition, item 842.10, TSUS, provides that upon the request of the Department of State, articles which are the property of foreign governments or public international organizations which will remain the property of such governments or of such organizations and will be used only in connection with their non-commercial functions, may be admitted duty-free. However, the corresponding provision in § 148.89 only pertains to the property of public international organizations.

In order to conform the regulations to the Tariff Schedules, changes to §§ 148.86 and 148.89 are necessary.

45. Section 161.2, relating to Customs enforcement of other agencies laws, must be amended to reflect the suspension by Pub. L. 93-110 of 31 U.S.C. 443, governing the private acquisition and use of gold.

Inapplicability of Public Notice and Delayed Effective Date Provisions

Inasmuch as these amendments merely conform the Customs Regulations to existing law or practice, pursuant to 5 U.S.C. 553(b)(3), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this will not result in a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory analysis and review prescribed by section 3 of the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act

does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551, *et seq.*), or any other statute.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Federal Register Thesaurus

On January 22, 1981, the Office of the Federal Register published a final rule (47 FR 7162) which requires agencies to identify major topics and categories of persons affected in their regulations by using standard terms established in the Federal Register Thesaurus of Indexing Terms.

Accordingly, the index terms listed below are applicable to this regulatory project:

List of Subjects

19 CFR Part 4

Vessels, Passenger vessels.

19 CFR Part 6

Air carriers, Air transportation, Aircraft, Airports.

19 CFR Part 10

Packaging and containers, Wildlife.

19 CFR Part 12

Agriculture, Bees, Endangered and threatened wildlife, Livestock, Meat and meat products, Pesticides and pests.

19 CFR Part 18

Customs official.

19 CFR Part 19

Warehouse.

19 CFR Part 22

Exports.

19 CFR Part 24

Accounting.

19 CFR Part 101

Organization and functions.

19 CFR Part 123

Canada, Reporting requirements.

19 CFR Part 146

Foreign-trade zones.

19 CFR Part 147

Fairs and expositions.

19 CFR Part 148

Armed forces, Foreign officials, Government employees, International organizations, Military personnel.

19 CFR Part 161

Law enforcement.

Amendments to the Regulations

Parts 4, 6, 10, 12, 18, 19, 22, 24, 101, 123, 146, 147, 148, and 161, Customs Regulations (19 CFR Parts 4, 6, 10, 12, 18, 19, 22, 24, 101, 123, 146, 147, 148, and 161), are amended as set forth below.

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved: July 21, 1982.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.1 [Amended]

1. Section 4.1 is amended by removing paragraph (f) and marking it "[Reserved]".

§ 4.20 [Amended]

2. Section 4.20(c) is amended by inserting "3a" at the end of line 2 under the heading "Foreign vessels" in the table in § 4.20(c) and inserting the following after footnote 3 in the table in § 4.20(c): "3a. The following countries ordinarily do not permit vessels of the United States to enter and trade: Democratic Kampuchea (Cambodia); Democratic People's Republic of Korea (North Korea); and, the Socialist Republic of Vietnam."

§ 4.50 [Amended]

3. Section 4.50(b) is amended by removing the phrase ", except § 4.51,".

§ 4.61 [Amended]

4. Section 4.61(c) is amended by inserting "Coast-Guard Form 1316" in place of "Customs Form 1316".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 6—AIR COMMERCE REGULATIONS

§ 6.7 [Amended]

1. Section 6.7(d) is amended by inserting "Customs Form 226" in place of "Customs Form 3415", wherever it appears.

2. Section 6.7(e) is amended by inserting "Customs Form 226" in place of "a declaration in Customs Forms 3415 or an entry on Customs Form 7535".

3. Section 6.22(c) is amended by inserting the following in place of the fifth and sixth sentences:

§ 6.22 Transportation of transit air cargo to an interior port of destination.

(c) * * * The report must be made to, and action promptly taken thereon by, Customs at the port of arrival in the manner specified in §§ 18.6 and 18.8 of this chapter. At the port of arrival Customs must make the determination of tax and duty due based on information in the report, in the permit copy retained there, and any necessary information obtained from the carriers.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.7 [Amended]

1. Section 10.7(b) is amended by inserting "and (2) there is filed in connection with the entry" in place of "and (2) there are filed in connection with the entry a declaration of the importer on Customs Form 3289 and".

§ 10.76 [Amended]

2. Section 10.76 is amended by removing paragraph (c) and marking it "[Reserved]".

PART 12—SPECIAL CLASSES OF MERCHANDISE

§ 12.1 [Amended]

1. Section 12.1(a) is amended by inserting "Secretary of Health and Human Services" in place of "Secretary of Health, Education, and Welfare" and "21 CFR 1.83-1.99" in place of "21 CFR 1.315-1.322".

2. Section 12.1(c) is revised to read as follows:

§ 12.1 Cooperation with certain agencies; joint regulations.

(c) *Federal Hazardous Substances Act.* The importation of hazardous substances, misbranded hazardous substances, or banned hazardous substances as defined in section 2 of the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261), is governed by regulations issued under the authority of sections 10(b) and 14 of the Act, as amended (15 U.S.C. 1269, 1273), by the Consumer Product Safety Commission (16 CFR 1500.265-272).

3. Section 12.1 is further amended by removing paragraph (d).

§ 12.7 [Amended]

4. Section 12.7(a) is amended by inserting a comma in place of the

semicolon after the citation "44 Stat. 1101" and adding "as amended;" immediately after the comma.

5. Sections 12.7(a) and (b) are amended by substituting "Department of Health and Human Services" for "Department of Health, Education, and Welfare."

6. Footnote 6 to § 12.7 is amended by removing "of 1943".

§ 12.8 [Amended]

7. Sections 12.8 (a) and (b) are amended by substituting "Food Safety and Inspection Service" for "Food Safety and Quality Service" wherever the latter term appears.

8. Footnote 8 to § 12.8, paragraph (a) is revised to read as follows:

"(a) If the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists in any foreign country, he shall officially notify the Secretary of the Treasury and give public notice thereof, and thereafter, and until the Secretary of Agriculture gives notice in a similar manner that such disease no longer exists in such foreign country, the importation into the United States of cattle, sheep, or other ruminants, or swine, or of fresh, chilled, or frozen meat of such animals, from such foreign country, is prohibited: *Provided*, That wild ruminants or swine may be imported from any such country upon such conditions, including post entry conditions, to be prescribed in import permits or in regulations, as the Secretary may impose for the purpose of preventing the dissemination of said diseases into or within the United States: *And provided further*, That the subsequent distribution, maintenance, and exhibition of such animals in the United States shall be limited to zoological parks approved by said Secretary as meeting such standards as he may by regulation prescribe for the purpose of preventing the dissemination of said diseases into or within the United States. The Secretary may at any time seize and dispose of any such animals which are not handled in accordance with the conditions imposed by him or which are distributed to or maintained or exhibited at any place in the United States which is not then an approved zoological park, in such manner as he deems necessary for said purpose.

9. Footnote 8 to § 12.8 is further amended by removing paragraph (b) and marking it "[Reserved]" and removing "of 1943" from paragraph (c).

§ 12.16 [Amended]

10. Section 12.16(a) is amended by revising the cite to read "section 402(b) of the Federal Seed Act of August 9, 1939 (7 CFR 201)."

11. Section 12.16(b) is amended by inserting the term "Livestock, Meat, Grain, and Seed Division," in place of the term "Grain Division."

12. Footnote 9 to § 12.16 is amended by removing "of 1943".

§ 12.17 [Amended]

13. Footnote 10 to § 12.17 is amended by removing "of 1943".

§ 12.21 [Amended]

14. Section 12.21 is amended by substituting "Secretary of Health and Human Services" for "Secretary of Health, Education, and Welfare."

§§ 12.22 and 12.23 [Amended]

15. Sections 12.22 and 12.23 are amended by inserting the term "Bureau of Biologics" in place of "Division of Biologics Standards" wherever the latter appears.

16. Section 12.22 is further amended by inserting "Food and Drug Administration, 8800 Rockville Pike, Bethesda, Md. 20014" in place of "National Institutes of Health, Bethesda, Md. 20014" in the third sentence.

17. Section 12.23(a) is amended by inserting "312.1" in place of "130.3", "21 CFR 312.1" in place of "21 CFR 130.3", "601.22" in place of "73.16", and "21 CFR 601.22" in place of "42 CFR 73.16".

18. Section 12.23(d) is amended by inserting the term "Veterinary Services, Animal and Plant Health Inspection Service (APHIS)" in place of "Animal Health Division".

§ 12.24 [Amended]

19. Footnote 11 to § 12.24 is amended by removing "of 1943".

§ 12.26 [Amended]

20. Section 12.26 is amended by removing "Bureau of Sport Fisheries and Wildlife" wherever it appears. Further, wherever "Bureau of Sport Fisheries and Wildlife" appears without being followed by "Fish and Wildlife Service," the latter term shall be inserted in place of "Bureau of Sport Fisheries and Wildlife".

21. Section 12.26(e) is amended by inserting "district director" in place of "examiner", "collector", and "collector of Customs".

22. Section 12.26(g) is amended by inserting "Endangered Species Act of 1973, 16 U.S.C. 1531" in place of "Endangered Species Conservation Act of 1969, 16 U.S.C. 688cc" in the first sentence.

§ 12.28 [Amended]

23. Section 12.28 is amended by removing "(a)" at the beginning of the text and by inserting "in the manner" in place of "it (sic) either manner" within the clause beginning "there is presented documentation".

§ 12.29 [Amended]

24. Footnote 16 to § 12.29 is amended by inserting "severed" in place of "served" in the last paragraph of 2(c)(ii).

25. Section 12.29(c) is amended by removing "Bureau of Sport Fisheries and Wildlife".

26. Footnote 16b to § 12.29 is amended by removing "of 1943".

§ 12.30 [Amended]

27. Footnote 17b to § 12.30 is amended by inserting the small letter "l" in place of the number "1" in the parenthetical expression following "16 U.S.C. 916-916".

§ 12.31 [Amended]

28. Footnote 18 to § 12.31 is revised to read as follows:

"(a) 'No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.'" (7 U.S.C. 150bb(a)).

(b) "The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved." (7 U.S.C. 150bb(b)).

(c) "As used in this chapter, except where the context otherwise requires:"

"Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products or plants." (7 U.S.C. 150aa).

29. The heading of § 12.31 is amended by inserting "Plant pests." in place of "Injurious insects."

§ 12.32 [Amended]

30. Section 12.32 is amended by removing "adult" wherever it appears.

31. Footnote 19 to § 12.32 is revised to read as follows:

"(a) In order to prevent the introduction and spread of diseases and parasites harmful to honeybees, and the introduction of genetically undesirable germ plasm of honeybees, the importation into the United States of all honeybees is prohibited, except that honeybees may be imported into the United States—

(1) By the United States Department of Agriculture for experimental or scientific purposes, or

(2) From countries determined by the Secretary of Agriculture—

(A) To be free of diseases or parasites harmful to honeybees, and undesirable species or subspecies of honeybees; and

(B) To have in operation precautions adequate to prevent the importation of honeybees from other countries where harmful diseases or parasites, or undesirable species or subspecies, of honeybees, exist.

(b) Honeybee semen may be imported into the United States only from countries determined by the Secretary of Agriculture to be free of undesirable species or subspecies of honeybees, and which have in operation precautions adequate to prevent the importation of such undesirable honeybees and their semen.

(c) Honeybees and honeybee semen imported pursuant to subsections (a) and (b) of this section shall be imported under such rules and regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

(d) Except with respect to honeybees and honeybee semen imported pursuant to subsections (a) and (b) of this section, all honeybees or honeybee semen offered for import or intercepted entering the United States shall be destroyed or immediately exported.

(e) As used in this chapter, the term "honeybee" means all life stages and the germ plasm of honeybees of the genus *Apis*, except honeybee semen." (7 U.S.C. 281).

§ 12.34 [Amended]

32. Section 12.34(e) is amended by removing "68A Stat. 569, 570, sec. 101, 76 Stat. 72; 26 U.S.C. 4802, 4805(a);" from the parenthetical citation following the text.

33. Footnote 20 to § 12.34 is amended by removing "of 1943". Footnote 21 to § 12.34 is amended by removing the first two paragraphs.

§ 12.35 [Removed and reserved]

34. Section 12.35 is removed and marked "[Reserved]" and footnote 22 thereto is removed and marked "[Reserved]".

§ 12.36 [Amended]

35. Footnote 23 to § 12.36 is amended by removing "of 1943".

§ 12.37 [Amended]

36. Footnote 24 to § 12.37 is amended by adding the symbol " * * * " above the text beginning with "(a)" and removing the same symbol between paragraph (a) and the item headed "(1)".

§ 12.38 [Amended]

37. Section 12.38 is amended by inserting "shipments" in place of "packages" in the heading and the text.

38. The first paragraph of footnote 25 to § 12.38 is revised to read as follows:

"Whoever knowingly ships into any place within the United States any package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such shipment is accompanied by copy of a bill of lading, or other document showing the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (18 U.S.C. 1263).

§ 12.40 [Amended]

39. Section 12.40(f) is amended by adding "unlawful" before "abortion".

§ 12.48 [Amended]

40. Footnote 31 to § 12.48 is amended by removing the letter "s" from "obligations".

41. Footnote 32 to § 12.48 is revised to read as follows:

"Notwithstanding any other provision of this chapter, the following are permitted:

(1) The printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of illustrations of—

(A) Postage stamps of the United States,

(B) Revenue stamps of the United States,

(C) Any other obligation or other security of the United States, and

(D) Postage stamps, revenue stamps, notes, bonds, and any other obligation or other security of any foreign government, bank, or corporation, for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums (but not for advertising purposes, except illustrations of stamps and paper money in philatelic or numismatic advertising of legitimate numismatists and dealers in stamps or publishers of or dealers in philatelic or numismatic articles, books, journals, newspapers, or albums). Illustrations permitted by the foregoing provisions of this section shall be made in accordance with the following conditions—

(i) All illustrations shall be in black and white, except that illustrations of postage stamps issued by the United States or by any foreign government may be in color;

(ii) All illustrations (including illustrations of uncanceled postage stamps in color) shall be of a size less than three-fourths or more than one and one-half, in linear dimension, of each part of any matter so illustrated which is covered by subparagraph (A), (B), (C), or (D) of this paragraph, except that black and white illustrations of postage and revenue stamps issued by the United States or by any foreign government and colored illustrations of canceled postage stamps issued by the United States may be in the exact linear dimension in which the stamps were issued; and

(iii) The negatives and plates used in making the illustrations shall be destroyed after their final use in accordance with this section.

(2) The making or importation, but not for advertising purposes except philatelic

advertising, of motion-picture films, microfilms, or slides, for projection upon a screen or for use in telecasting, of postage and revenue stamps and other obligations and securities of the United States, and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation. No prints or other reproductions shall be made from such films or slides, except for the purposes of paragraph (1), without the permission of the Secretary of the Treasury.

For the purposes of this section the term "postage stamp" includes "postage meter stamps." (18 U.S.C. 504).

§ 12.73 [Amended]

42. Section 12.73(b) is amended in the following manner:

a. In subparagraph (vi), "85.1502" is inserted in place of "85.201";

b. In subparagraph (ix), "85.1503" is inserted in place of "85.202";

c. In subparagraph (x), "85.1504" is inserted in place of "85.203";

d. In subparagraph (xi), "85.1505" is inserted in place of "85.204".

§ 12.91 [Amended]

43. Section 12.91(a) and the heading are amended by inserting "Department of Health and Human Services" in place of "Department of Health, Education, and Welfare", and "21 CFR, Part 1005" in place of "42 CFR, Part 78".

44. Section 12.91(b)(2) is amended by inserting "Health and Human Services" in place of "Health, Education, and Welfare", and "21 CFR 1005.21" in place of "42 CFR 78.607".

45. Section 12.91(c) is amended by inserting "Health and Human Services" in place of "Health, Education, and Welfare", and "21 CFR 1005.10" in place of "42 CFR 78.604".

46. Section 12.91(d) is amended by inserting "Health and Human Services" in place of "Health, Education, and Welfare", and "21 CFR 1005.23" in place of "42 CFR 78.604".

§ 12.105 [Amended]

47. Section 12.105(a) is amended by adding "Belize," immediately before "Bolivia," and by removing "British Honduras,".

§ 12.107 [Amended]

48. Section 12.107(b) is amended by inserting "June 1, 1973" in place of "August 16, 1982".

§ 12.109 [Amended]

49. Section 12.109(b) is amended by inserting a comma in place of the colon after "Public Law 92-587" and adding "19 U.S.C. 2093(b);" immediately after the comma.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT**§ 18.1 [Amended]**

Section 18.1(e) is amended by inserting "appropriate area director" in place of "district director at New York" and "district director", wherever they appear.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN**§ 19.4 [Amended]**

Section 19.4(b) is amended by inserting "§ 161.1" in place of "§ 23.35".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 22—DRAWBACK

Section 22.29(f) is revised to read as follows:

§ 22.29 Entry and completion thereof.

* * * * *

(f) District directors may issue, in memorandum form, extracts from bills of lading filed with drawback entries.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Section 24.16(b) is amended by revising footnote 5 to read as follows:

* See § 101.6(a) of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 101—GENERAL PROVISIONS**§ 101.6 [Amended]**

Section 101.6(a)(7) is amended by substituting "The eleventh day of November," for "The fourth Monday of October."

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO**§ 123.4 and 123.6 [Amended]**

1. Sections 123.4(d) and 123.61 are amended by inserting "Customs Form 7533" in place of "Customs Form 7533-A".

§§ 123.22 and 123.51 [Amended]

2. Sections 123.22(c) (1), (2), and (4), and § 123.51 (d) and (e), are amended by inserting "Customs Form 7512-B or

7533-C" in place of "Customs Form 7533-B".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 146—FOREIGN-TRADE ZONES**§ 146.12 [Amended]**

1. The heading to § 146.12(a) is amended by inserting "Customs Form 214" in place of "zone Form D" and the section is amended by inserting "Customs Form 214, and approval of the permit application." In place of "zone Form D, Application to Admit Merchandise into Foreign-Trade Zone, and the issuance of a permit by the district director".

§§ 146.12, 146.14, 146.22, 146.25, 146.47 [Amended]

2. Sections 146.12 (b)(2); 146.14 (b) and (d); 146.22 (b) and (c); 146.25 (b)(1), (2), and (d); and, 146.47(d)(1) are amended by inserting "Customs Form 214" in place of "zone Form D".

§ 146.21 [Amended]

3. Section 146.21(b) is amended by inserting "Customs Form 214" in place of "zone Form B at the time of filing the application on zone Form D (see section 146.12)".

§§ 146.21, 146.42, 146.45 [Amended]

4. Sections 146.21 (c)(1) and (c)(3)(i), 146.42 (b)(1) and (c)(1), 146.45 (b)(2), (c)(2), (c)(5), and (d) are amended by inserting "Customs Form 214" in place of "zone Form B" and/or "Form B" wherever it appears.

§§ 146.42 and 146.47 [Amended]

5. Sections 146.42(c)(1), 146.47 (b), (c), (d)(2), and (e), are amended by inserting "Customs Form 215" in place of "zone Form C" and/or "Form C" wherever it appears.

§§ 146.32 and 146.33 [Amended]

6. Sections 146.32(a) and 146.33(a) are amended by inserting "Customs Form 216" in place of "zone Form E".

§ 146.46 [Amended]

7. Section 146.46(b)(1)(ii) is amended by inserting "in a letter of application for a certificate of identification containing information sufficient to properly identify the merchandise, including the zone lot number, number of packages, description, quantity, measurement, value, and zone status of the merchandise" in place of "certificate on zone Form F covering identification, as shown by Customs records, of the privileged merchandise".

§ 146.48 [Amended]

8. Section 146.48(d) is amended by inserting "in accordance with the procedure set forth in § 146.46(b)(1)(ii) of this part" in place of "on zone Form F".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 147—TRADE FAIRS

Section 147.1 is amended by removing the parenthetical sentence at the end of paragraph (b).

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. Section 148.77(b)(2) is revised to read as follows:

§ 148.77 Entry of effects on termination of assignment to extended duty, or on evacuation.

(b) *Declaration and entry* * * *

(2) *Designated official.* Customs Form 3299 or Department of Defense Form 1252 executed on behalf of the owner of unaccompanied personal and household effects by either a United States Dispatch Agent or a designated responsible military official in his own name, may be accepted by the Customs officer as the declaration and entry if there is a valid reason evident from the owner's travel orders or information at hand why the United States Government agency concerned is unable to present Department of Defense Form (DD) 1252 or Customs Form 3299 executed by the owner. The date of the owner's last departure from the United States need not be indicated on the form. The following statement shall be added across the face or to the back of Customs Form 3299 or Department of Defense Form 1252.

This form is completed on behalf of (Name of Government employee) Travel orders and information on hand in this office show that the named person has met all requirements of section 148.74, Customs Regulations, and is entitled to the benefits of item 817.00, Tariff Schedules of the United States. The shipment imported consists of nothing but personal and household effects of the named person, which effects are not imported for sale or as an accommodation for others.

§ 148.86 [Amended]

2. Section 148.86 is amended by removing the period at the end of the section heading and adding "and public international organizations." Section 148.86 is further amended by removing the comma between "governments," and "may" and by inserting in its place "or of personnel of public international organizations,".

§ 148.89 [Amended]

3. Section 148.89 is amended by removing the period at the end of the section heading and adding "and foreign governments.", and by inserting "or of foreign governments" between "148.87" and "shall" in paragraph (a).

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 161—GENERAL ENFORCEMENT PROVISIONS**§ 161.2 [Amended]**

Section 161.2(b) is amended by removing "31 U.S.C. 443," in the parenthetical at the end of the section.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

[FR Doc. 82-22059 Filed 8-13-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Social Security Administration****20 CFR Part 404****Computing Primary Insurance Amounts; Reorganization of Subpart, and Changes in Computing Dropout Years for Workers Entitled to Disability Insurance Benefits****Correction**

In FR Doc. 82-19012 appearing on page 30731 in the issue for Thursday, July 15, 1982, make the following changes:

1. On page 30731, second column, third full paragraph, third line from the bottom, "enhance should read "enhance".

2. On page 30737, second column, § 404.211(e)(2), eighth line from the top, remove the period after "earnings".

3. On page 30746, in the table, make the following changes:

(a) Column I (At least—), "32.60" should read "32.61".

(b) Column III (At least—), "\$7.7" should read "\$77".

(c) Column V, "219.20" and "338.0" should read "219.30" and "338.00" respectively.

4. On page 30747, in the table, Column V, "733.30" should read "733.40".

5. On page 30748, in the table, Column IV, "582.20" should read "582.20".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of Assistant Secretary for Housing—Federal Housing Commissioner—Federal Housing Administration****24 CFR Part 201**

[Docket No. R-82-1019]

Mortgage Insurance Loans; Changes in Interest Rates

AGENCY: Federal Housing Administration, HUD.

ACTION: Final rule.

SUMMARY: This change in the regulations decreases the HUD/FHA maximum allowable finance charge on Title I mobile home loans, property improvement loans, and combination and mobile home lot loans as well as historic preservation loans. This action by HUD is designed to bring the maximum interest rate and financing charges on HUD/FHA-insured loans into line with market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: August 16, 1982.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Office of Single Family Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202-755-6680).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to decrease the maximum interest rate which may be charged on loans insured by this Department. Maximum finance charges on property improvement loans have been lowered from 19.00 percent to 18.50 percent, the finance charge on mobile home loans lowered from 18.00 percent to 17.50 percent, and the finance charge on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been lowered from 17.50 percent to 17.00 percent. The maximum charge on historic preservation loans has been lowered from 19.00 to 18.50 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

This is a procedural and administrative determination as set forth in the statutes and as such does not require a determination of environmental applicability.

List of Subjects in 24 CFR Part 201

Health facilities, Historic preservation, Home improvement, Mobile homes, Manufactured homes and lots.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS**Subpart A—Eligibility Requirements—Property Improvement Loans**

1. Section 201.4(a) is amended to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 18.50 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

Subpart B—Eligibility Requirements—Mobile Home Loans

1. Section 201.540(a) is amended to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 17.50 percent simple interest per annum. No points or discounts of any kind be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

2. Section 201.1511(a)(1) is amended to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* * * *

Subpart E—Eligibility Requirements—Historic Preservation Loans

(1) 17.00 percent per annum.

4. Section 201.1625(a) is amended to read as follows:

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed an 18.50 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

(Section 3(a), 82 Stat. 113; 12 USC 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3534(d))

Issued at Washington, D.C., August 6, 1982.

Philip Abrams,

General Deputy Assistance Secretary for Housing, Deputy Federal Housing Commissioner.

[FR Doc. 82-22188 Filed 8-13-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-108; Ref: Notice No. 379]

Paicines Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in San Benito County, California to be known as "Paicines." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Paicines as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries in the area to better

designate where their wines come from and will enable consumers to better identify the wines from this area.

EFFECTIVE DATE: September 15, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as a appellation of origin on wine labels and in wine advertisements.

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

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Almaden Vineyards petitioned ATF to establish a viticultural area in San Benito County, California, to be named "Paicines."

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 379, in the *Federal Register* on August 6, 1981 (46 FR 40045), proposing the establishment of the Paicines viticultural area.

Historical and Current Evidence of the Name

The name of the area, Paicines, was well documented by the petitioner. After evaluating the petition, ATF believes that the Paicines viticultural area has a unique historical identity and that the name Paicines is the most appropriate name for the area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

Paicines is located about 17 miles north of Pinnacles National Monument and Park and consists of about 4,500 acres of grape-growing area. On the western side are the Cienega Vineyards

and the Gabilan Mountain Range which separate Paicines from San Lucas and King City. The San Luis Dam and Pacheco are on the northeast side, and new Idria and the Panoche Valley are on the eastern edge. The San Benito River forms a portion of the western boundary and continues on through the vineyards.

The Paicines area is in a wind tunnel of cool ocean air flowing to the San Joaquin Valley. Because of the relative lack of trees adjacent to the vineyard areas, the Paicines area is open to the direct influence of these winds. In the afternoon, Paicines takes advantage of the slight cooling breeze that comes in off the Monterey Valley. At night Paicines is more protected from the evening fog than much of the surrounding area because of its open location. However, during periods of extremely heavy fog, the Paicines area holds the fog longer than much of the nearby area, including Cienega Valley.

Elevation ranges from 500 feet to 1,200 feet above sea level. The average elevation is lower than much of the surrounding area which is closer to the Gabilan Mountain Range. The rainfall pattern in the Paicines area differs greatly from the area surrounding the Gabilan Mountain Range. Due to the greater distance of the Paicines area from the Gabilan Mountains, Paicines often gets less rain than much of the area closer to the Gabilan Mountain Range. Annual rainfall in the Paicines area is between 12 and 15 inches.

During winter the relative humidity in the Paicines area is more than 50 percent most of the time. In spring the relative humidity averages 60 to 75 percent at night and 40 to 50 percent during the day. Summers are quite dry; the average relative humidity in the daytime is about 20 to 25 percent. In fall, readings of 45 to 60 percent are common at night, but during the day readings generally range from 30 to 50 percent. The 10-year average temperature is around 2750 degree-days.

The Paicines area is comprised of various soil associations including Sorrento, Mocho, Clear Lake, Willows, Rincon, Antioch, Diablo, Soper, San Benito and Linne. The various soils in this area are generally well drained, of various depths, and root zones are quite deep. There are some steady alluvial fans and terrace escarpments with rapid runoff.

Boundaries

The boundaries proposed by the petitioner are adopted because they delineate an area which has climatic