

Ogden, UT [New]

That airspace extending upward from 8,500 feet MSL within lines drawn from lat. 41°52'54" N., long. 112°56'26" W.; to lat. 41°46'53" N., long. 113°04'50" W.; to lat. 41°30'20" N., long. 112°43'27" W.; to lat. 41°28'50" N., long. 112°55'34" W.; to lat. 41°48'16" N., long. 113°25'24" W.; to lat. 41°57'37" N., long. 113°02'36" W.; thence to the point of beginning; except that airspace within the confines of Federal airways.

Issued in Washington, D.C., on November 6, 1985.

James Burns, Jr.,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-27780 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 107

[Docket No. 83N-0270]

Nutrient Requirements for Infant Formulas

Correction

In FR Doc. 85-25875 beginning on page 45106 in the issue of Wednesday, October 30, 1985, make the following correction:

On page 45107, third column, in the "Authority", fifth line, "31 CFR" should have read "21 CFR".

BILLING CODE 1505-01-M

21 CFR Part 442

[Docket No. 85N-0466]

Antibiotic Drugs; Cefotaxime Sodium Injection

Correction

In FR Doc. 85-25809 beginning on page 45108 in the issue of Wednesday, October 30, 1985, make the following corrections:

1. On page 45109, first column, in amendatory instruction 2, "§ 443.13" should have read "§ 442.13".

2. On page 45110, first column, in § 442.2136(b), first line, "Test" should read "Tests". Also, in the same column, in § 442.2136(b)(1)(i), thirteenth line, "or" should read "of".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-217 Re: Notice No. 556]

Mimbres Valley Viticultural Area

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

ACTION: Final rule. Treasury decision.

SUMMARY: This final rule establishes a viticultural area located in Luna and Grant Counties in southwestern New Mexico to be known as the "Mimbres Valley." The southern boundary of the viticultural area reaches the U.S./Mexico border. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of the "Mimbres Valley" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing areas where their wines come from, enabling consumers to better identify the wines they may purchase.

EFFECTIVE DATE: December 23, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW, 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 an 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, the boundaries of which have been delineated in Subpart C of Part 9.

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.

Petition

ATF received a petition proposing a viticultural area that extends from Grant County to Luna County along the Mimbres River Valley in southwestern New Mexico. The viticultural area follows the Mimbres River southward from an area located approximately 2 miles north of Mimbres to approximately 3 miles south of Columbus on the New Mexico, U.S./Mexico border. It consists of 995 square miles of land (636,800 acres) on which there is one bonded winery and 12 private grape-growers. The one bonded winery is located near Deming, New Mexico. Currently there are approximately 1,500 acres of grapes planted for viticulture in the Mimbres Valley viticultural area. Local experts predict that during the next few years, grape acreage and viticultural activity is expected to increase dramatically in the Mimbres Valley.

In response to this petition ATF published a notice of proposed rulemaking, No. 556, in the *Federal Register* on February 12, 1985, (50 FR 5775) proposing the establishment of the "Mimbres Valley" viticultural area.

After thorough analysis of the evidence, ATF agrees that the viticultural area is distinguished from the surrounding areas based on the following evidence submitted by the petitioner:

(1) Evidence that the name "Mimbres Valley" is locally and/or nationally known as referring to the area specified in the petition. (a) The Mimbres Valley derives its name from the Mimbres Indians who inhabited the valley between 1100 and 1300 A.D. Today, ruins of their dwellings are still found in the valley. After the Mimbres Indians disappeared, the Mimbreno Apaches moved in from the Southern Great Plains.

(b) During the period that the Apaches were inhabiting the area, the Spanish began their first exploration into New Mexico. De Vaca crossed this area as early as 1535. The famous explorer, Coronado, explored most of New Mexico in 1600. Just like the Indians, the Spanish left a strong cultural imprint upon the area. That is why many locations in the viticultural area have both Spanish and Indian names. The mountain peak north of Deming was first called Picacho del Mimbres until it was later renamed Cook's Peak by the Anglo-American settlers who came during the westward expansion. The valley in which Deming is located is named Mimbres, which means "willow," or osier tree.

(c) Copies of maps submitted by the petitioner dated 1850 depict the Mimbres Mountains, Camp Mimbres (U.S. Cavalry installation), and the Rio Mimbres (Mimbres River). At that time the Rio Mimbres extended south into Mexico.

(d) Viticulture in the Mimbres Valley is documented in *The History of Luna County*, published in 1978 by the Luna County Historical Society. According to that publication, vineyards were found in Chinese gardens located east of Deming at the turn of the century. In 1913, the Holy Family Church was established in Deming. At that time grape vines, shade trees, shrubbery and fruit trees were planted on the church grounds.

(e) The name of Mimbres Valley is in widespread usage today. Since 1850, the name has been applied to natural and manmade landmarks in the Mimbres Valley. It also appears in literature and maps of the area. Some uses of the name that are found within or near the boundaries of the viticultural area are Mimbres, Mimbres Valley, Mimbres Peak, Mimbres River, Camp Mimbres, soil associations including Mimbres (Mimbres-Verhalen, Hondale-Mimbres-Bluepoint) and also the Mimbres Underground Basin. These references all appear on U.S.G.S. and Soil Conservation Service maps submitted by the petitioner and verified by ATF. These names have long been established to clearly and closely associate the identity of the Mimbres Valley to the land within the boundaries of this viticultural area.

(f) There is one bonded winery located within the boundaries of the viticultural area. It is known as St. Clair Vineyards and is located three miles south of Deming. The base of the operation of this new winery is 600 acres of grapes. The grape varieties being grown by St. Clair Vineyards include French Colombard, Sauvignon Blanc, Chardonnay, Malvasia Bianca, Muscat Canelli, Ugni Blanc, Zinfandel, Barbera, Cabernet Sauvignon, Merlot, Ruby Cabernet, Pinot Noir and Chenin Blanc. Another winery, owned by Luna County Wine Development Corporation, is proposed to be constructed near Deming in the near future.

(2) *Historical or current evidence that the boundaries of the viticultural area are as specified in the petition.* (a) The area historically known as the Mimbres Valley begins at the headwaters of the Mimbres River between Reeds Peak and McKnight Mountain, in the Black Range, near the Continental Divide in Grant County, New Mexico. This northern part of the valley which is not included in the boundaries of the viticultural area is a

narrow channel for the Mimbres River. It is bordered by foothills and mountains.

(b) The northern portion of the Mimbres Valley viticultural area is in Grant County near Bear Canyon Dam, where the valley begins to widen and show distinct evidence of a flood plain area. As the river enters Luna County, the valley widens into a broad, gently sloping flood plain. The course of the river winds around scattered foothill areas until it sinks from sight northeast of Deming, New Mexico. At one time, the primary river course was west of Deming and proceeded south through the pass separating the Florida Mountains and the Tres Hermanas Mountains. Over the years, the river sank at an area east of Columbus, New Mexico (U.S.G.S. Bulletin 618, 1916).

(c) Today, the Mimbres River is an intermittent stream and is usually dry except during periods of rainfall. The Mimbres River has no definite channel in the southern part of Luna County. At times, water from rainfall drainage has reached as far south as the Mexican border. The viticulture extends south to the New Mexico, U.S.A.-Mexico border.

(d) The Florida, Tres Hermanas Mountains and other non-agricultural land areas were excluded from the boundaries of the proposed viticultural area because the soils, terrain and no available water rights make these mountain areas off limits to grape-growing or any other commercial agricultural potential. Elevations in these excluded areas that contain much rock out-croppings reach as high as 7,500 feet. Elevations within the viticultural area generally range from approximately 4,000 to 6,000 feet above sea level.

After carefully considering the boundaries and name of the viticultural area and supporting evidence submitted by the petitioner, ATF is adopting the Mimbres Valley viticultural area boundaries and name stated in the notice of proposed rulemaking and found in this final rule.

(3) *Evidence of the geographical characteristics which distinguish the Mimbres Valley viticultural area from the surrounding areas.*—(a) *Soils.* The geographical features within the boundaries of this viticultural area are level to gently sloping alluvial soils. The soil associations within the boundaries of the viticultural area are based upon U.S.D.A. Soil Conservation Service and Water Resources Research Institute information verified by ATF. Soils found within the boundaries of the viticultural area include Mimbres-Verhalen, Mohave Stellar, Hondale-Mimbres-Bluepoint, and Mimbres associations.

These soils were formed on flood plains and stream terraces. They range from sandy to loamy alluvium, and are generally fine, mixed and deep in character. These soils are usually level to gently sloping in terrain.

The following soil associations are found within the boundaries of the viticultural area:

The Mimbres association is found in the center of the Mimbres Valley viticultural area. This soil association includes a relatively broad, nearly level to gently sloping basin floor or plains area near the center of Luna County in the vicinity of Deming. Except for a few dunes and hummocks and low alluvial ridges, the land surface is relatively smooth with a nearly uniform slope toward the south. These soils, which are dominantly deep, consist of alluvial materials of mixed origin. According to Soil Conservation Service information, much of the alluvial material undoubtedly was brought into this basin by the Mimbres River and its tributaries. Most of the irrigated land in Luna County is in this association. Cotton, grain sorghums, alfalfa, corn, small grains, beans, vegetables and pecans are the principal agricultural crops of the area.

Mimbres soils, the most extensive in the association, are characterized by a moderately thick surface layer of light brownish-gray loam or silty clay loam over a thick subsoil of pale brown silty clay loam or clay loam. A very high percentage of the soils in this association are well suited for use as cropland under irrigation.

The Mimbres-Verhalen association is found in the southern part of the Mimbres Valley. It occupies nearly level to very gently sloping valley bottoms and basin floors contiguous to the Mimbres and Macho intermittent drainages. These soils, which are moderately fine and fine-textured, consist of alluvial sediments of mixed origin.

The Hondale-Mimbres-Bluepoint association is found in the central and western area of the Mimbres Valley. Included in this association are broad, nearly level to very gently sloping basin floors and valley bottoms. These soils which are deep, consist of basin-fill sediments of mixed origin.

The following soils, not found within boundaries of the viticultural area but are found within the areas surrounding it are:

The Rockland-Lehmans association includes the mountain ranges, isolated mountain peaks, ridges and hills that are not found with the boundaries of the Mimbres Valley viticultural area. This

association is formed in areas surrounding the Mimbres Valley such as in the Cook's Range (to the east), Tres Hermanas Mountains (just outside to the west of Columbus), Florida Mountains (to the east), Carrizalillo Hills (to the west), Cedar Range (to the west) and Good Sight Mountains (to the east). Their characteristic features are the steep to very steep slopes and shallow and rocky soils which contain numerous exposures of bedrock. The stony and extremely rocky soils of this association are dominated by materials of acid igneous origin.

The *Nickel-Upton-Tres Hermanas* association includes the gently to strongly sloping and undulating piedmont slopes located at the base of the desert mountains and hills found surrounding the viticultural area. It is common for this general soil area to completely surround the rough broken and rockland areas that are dominated by hills and low mountains. According to U.S. Soil Conservation Service maps, this association is found near the Cook's Range, Tres Hermanas Mountains and the Cedar Range.

(b) *Water Availability.* In the early part of this century irrigation was introduced to Luna County. By 1915 this form of delivering water to the soil reached a peak in the area. The favorable climate and suitability of soils for irrigation, coupled with the skillful management applied to the various kinds of soils by farmers, have allowed the land in the viticultural area to be agriculturally productive. Water for irrigation in the viticultural area has always been obtained from wells.

In this area of the country, the potential for expanding irrigation is limited by the lack of water and by economic restrictions, rather than by a shortage of suitable soils. The State of New Mexico has devised a plan for agricultural land use based on the relationship between suitability of soils, size, and location of land in relation to developmental demand. The surrounding areas excluded from the boundaries of the viticultural area are generally steep and rocky and are not suited to viticulture either because of soil type or unavailability of water sources. ATF has verified the fact that some areas of land were excluded from the limits of the viticultural area because that land lacked water rights. ATF agrees with the petitioner, that areas such as those where water rights are unavailable, lack potential for agricultural development regardless of soil, climate, location, or any other geographical feature.

Rainfall in this desert area is insufficient to support viticulture or any

other type of commercial agricultural products. Therefore, grape-growers must depend on underground supplies of water that are delivered to the grape vines either by flood or drip irrigation methods. Presently, there are approximately 1,500 acres of grape vines within the Mimbres Valley viticultural area. Of the 1,500 acres of grapes now producing, 683 acres operate under the drip irrigation method.

According to the publication titled "New Mexico Water Rights (March 1984)" written by Linda G. Harris of the New Mexico Water Resources Research Institute, virtually all of New Mexico's surface water already belongs to someone. The rights to the ground water are vested rights if existing and recognized at the time a ground water basin is declared. The state engineer must review applications for permits to withdraw or use surface or ground water. Water rights may be transferred only within basin boundaries. There are currently 31 declared ground water basins in New Mexico. The Mimbres Valley is one of those basins. The area has similar climate features, elevations and soil types. Most important, this area has potential for commercial agricultural irrigation with the existing water rights.

According to Kenneth Kunkel, Climatologist for the State of New Mexico and facts obtained from the New Mexico State University, Agriculture Experiment Station Research Report (176), precipitation averages 9 inches annually in the Mimbres Valley. At Fort Bayard, located just west (near the north end of the Mimbres Valley viticultural area) it averages 15 inches. At Lordsburg, located 40 miles to the west of the viticultural area, it averages 10.5 inches annually. In the Mesilla Valley which is located 30 miles east of the Mimbres Valley, rainfall averages only 8 inches annually. The Mesilla Valley which covers approximately 445 square miles of land running along the Rio Grande River, extends from just north of Las Cruces, New Mexico to El Paso, Texas. The Mesilla Valley viticultural area which is located partially in New Mexico and Texas, was approved as an American viticultural area on March 18, 1985 (T.D. ATF-197).

(c) *Distinct valley area.* According to information provided by the petitioner, the non-mountainous part of Luna County conveniently divides into two physiographic areas, the piedmont slopes surrounding the mountains and the basin floor valley area. The nearly level to very gently sloping basin floors occupy the lower parts of the landscapes in this area. The three general soil associations recognized on

these basin floors include the Hondale-Mimbres-Bluepoint association, the Mimbres association and the Mimbres-Verhalen association. Most water drainage in the Mimbres Valley viticultural area flows into these closed basins. It is part of a larger closed-basin complex that drains into the Playa region of Northern Chihuahua in Mexico. The Mimbres River which originates in the mountains north of Luna County is the principal drainage of the Mimbres Valley.

The more extensive and important mountain ranges excluded from the boundaries of the viticultural area include the Cook's (Cooke's) Range located to the east, which attains an altitude of 8,404 feet on the summit of Cook's (Cooke's) Peak, and the Florida Mountains located southeast of Deming, with altitudes reaching 7,500 feet. These upland areas consisting of mountains and hills are steep, with considerable differences in local relief. In these mountain areas, temperatures may be expected to be a few degrees cooler and precipitation a little greater. Soils in these areas are found to be rocky and not useful for agriculture. Reports compiled by the New Mexico State University, Agricultural Experimental Station at Las Cruces titled *Soil Classification for Irrigation—Luna and Grant Counties (Research Reports 178 and 200)*, substantiate the distinction between the mountain areas surrounding the Mimbres Valley and the flood plain valley areas within it.

Although most of the land area included within the boundaries of the viticultural area is similar in topography, there are a few spotted locations where independent lesser mountains are located within it. They are Red Mountain (elevation 5,422 feet), Black Mountain (elevation 5,375 feet) and Taylor Mountain (elevation 5,938 feet). They are rather small mountains with minimal amounts of foothills associated with them.

As a result of the combined evidence provided by the petitioner, ATF finds the "Mimbres Valley" viticultural area to be a delimited grape-growing region distinguishable by geographical features (soils, water availability and distinct valley area).

Discussion of Comments

In Notice No. 556, ATF invited comments from interested parties regarding the proposal of the establishment of the Mimbres Valley viticultural area. ATF was particularly interested in receiving comments regarding the boundaries of the viticultural area. ATF received no

comments during the 45-day comment period.

Miscellaneous

ATF does not wish to give the impression by approving the "Mimbres Valley" as an American viticultural area that it is approving or endorsing the quality of the wine that comes from this area. ATF is approving this area as being distinct and not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of "Mimbres Valley" wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance with Executive Order 12291

It has been determined that this final rule is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is proposed.

Disclosure

A copy of the petition and supporting evidence are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW, Washington, DC 20226.

Drafting Information

The principal author of this document is Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

PART 9—[AMENDED]

27 CFR Part 9—AMERICAN VITICULTURAL AREAS is amended as follows:

Paragraph 1. The authority citation for Part 9 is revised to read as follows and the authority citations following § 9.23 and § 9.29 are removed:

Authority: 27 U.S.C. 205.

Par. 1A. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.103 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.103 Mimbres Valley.

Par. 2. Subpart C, is amended by adding § 9.103 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.103 Mimbres Valley.

(a) *Name.* The name of the viticultural area described in this section is "Mimbres Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Mimbres Valley viticultural area are 28 U.S.G.S. quadrangle maps (26-7.5 minute series and 2-15 minute series). They are entitled:

(1) "Akela, N. Mex.," 7.5 minute series, edition of 1972;

(2) "Antelope Hill, N. Mex.," 7.5 minute series, edition of 1963 (photoinspected 1974);

(3) "Bisbee Hills, N. Mex.," 7.5 minute series, edition of 1965;

(4) "Bowlin Ranch, N. Mex.," 7.5 minute series, edition of 1965;

(5) "Capital Dome, N. Mex.," 7.5 minute series, edition of 1965;

(6) "Carne, N. Mex.," 7.5 minute series, edition of 1965;

(7) "Columbus, N. Mex.," 7.5 minute series, edition of 1965;

(8) "Columbus NE, N. Mex.," 7.5 minute series, edition of 1966;

(9) "Columbus SE, N. Mex.," 7.5 minute series, edition of 1966;

(10) "Deming East, N. Mex.," 7.5 minute series, edition of 1965;

(11) "Deming West, N. Mex.," 7.5 minute series, edition of 1964 (photoinspected 1972);

(12) "Dwyer, N. Mex.," 15 minute series, edition of 1956;

(13) "Faywood Station, N. Mex.," 7.5 minute series, edition of 1947;

(14) "Florida Gap, N. Mex.," 7.5 minute series, edition of 1964;

(15) "Goat Ridge, N. Mex.," 7.5 minute series, edition of 1964;

(16) "Gym Peak, N. Mex.," 7.5 minute series, edition of 1964;

(17) "Hermanas, N. Mex.," 7.5 minute series, edition of 1964;

(18) "Malpais Hill, N. Mex.," 7.5 minute series, edition of 1965;

(19) "Midway Butte, N. Mex.," 7.5 minute series, edition of 1965;

(20) "Myndus, N. Mex.," 7.5 minute series, edition of 1972;

(21) "North Peak, N. Mex.," 7.5 minute series, edition of 1965;

(22) "Red Mountain, N. Mex.," 7.5 minute series, edition of 1965;

(23) "San Lorenzo, N. Mex.," 15 minute series, edition of 1956;

(24) "Sibley Hole, N. Mex.," 7.5 minute series, edition of 1972;

(25) "South Peak, N. Mex.," 7.5 minute series, edition of 1965;

(26) "Spalding, N. Mex.," 7.5 minute series, edition of 1964;

(27) "West Lime Hills, N. Mex.," 7.5 minute series, edition of 1965; and

(28) "Williams Ranch, N. Mex.," 7.5 minute series, edition of 1964.

(c) *Boundaries.* The Mimbres Valley viticultural area is located within Grant and Luna Counties, New Mexico. The boundaries are as follows: The beginning point is located at Faywood Station on an unimproved dirt road at benchmark 4911 in Luna County, New Mexico on the northern part of Section 2, Township 21 South (T21S), Range 12 West (R12W) on the Faywood Station Quadrangle U.S.G.S. map;

(1) From the beginning point the boundary runs northeast 2.25 miles along an unimproved dirt road until it intersects U.S. Route 180 (indicated on map as U.S. Rte. 260) at New Mexico Highway 61 (indicated on map as an unnumbered secondary highway) at the south portion of Sec. 30, T20S/R11W;

(2) The boundary proceeds in a generally northerly direction on N.M. Hwy. 61 for 34.5 miles crossing over U.S. Rte. 90 (indicated on map as U.S. Rte. 180) west of San Lorenzo, N.M. until it meets an unimproved dirt road near Bear Canyon Dam at the west line of Sec. 28, T16S/R11W on the San Lorenzo, N. Mex. U.S.G.S. map;

(3) It then heads east on the unimproved dirt road for .2 mile until it meets the Mimbres River at Sec. 28, T16S/R11W;

(4) It then goes south on the Mimbres River for .25 mile until it intersects the 6,000 foot elevation contour line at Sec. 28, T16S/R11W;

(5) From there the boundary runs south along the 6,000 foot elevation contour line until it meets the east line of Sec. 11, T17S/R11W;

(6) Then it proceeds south on the section line for .6 mile until it hits the south line of Sec. 12, T17S/R11W;

(7) Then it travels east on the section line for 1.8 miles until it intersects an unimproved dirt road in Noonday Canyon on the north line of Sec. 18, T17S/R10W;

(8) It then heads south on the unimproved dirt road for 2.2 miles until it intersects a medium duty road at the northern part of Sec. 30, T17S/R10W;

(9) The boundary goes south on the medium duty road for .8 mile until it reaches the north line of Sec. 31, T17S/R10W;

(10) The boundary goes east 5 miles on the section line to the east line of Sec. 36, T17S/R10W;

(11) The boundary proceeds south on the section line for 13 miles to the south line of Sec. 36 (also indicated on map as Luna/Grant Country line), T19S/R10W on the Dwyer, N. Mex. U.S.G.S. map;

(12) The boundary travels west on the Luna/Grant County line for three miles to the east line of Sec. 4, T20S/R10W;

(13) The boundary goes south on the section line for three miles to the south line of Sec. 16, T20S/R10W;

(14) Then it goes west on the section line for approximately .6 mile to a light duty road located 500 feet south of Benchmark 5119 on the south line of Sec. 16, T20S/R10W;

(15) The boundary heads south on the light duty road for approximately 10.25 miles until it meets Hwy. 180 at Benchmark 4672 near the west line of Sec. 9, T22S/R10W on the Spalding, N. Mex. U.S.G.S. map;

(16) Then it proceeds southeasterly on Hwy. 180 for approximately 5 miles to the north line of Sec. 6, T23S/R9W on the Deming West, N. Mex. U.S.G.S. map;

(17) It then goes east on the section line approximately 11.75 miles to the

east line of Sec. 1, T23S/R8W on the Carne, N. Mex. U.S.G.S. map;

(18) It then travels south on the section line for 1.5 miles until it meets an unimproved dirt road at Sec. 12, T23S/R8W;

(19) It follows the unimproved dirt road in a easterly direction for 3 miles to Carne Windmill at the northeast part of Sec. 17, T23S/R7W;

(20) From there it follows an unimproved dirt road in a southeasterly direction for .75 mile until it meets the south line of Sec. 16, T23S/R7W;

(21) Then it proceeds east along the section line for 9 miles until it arrives at the east line of Sec. 24, T23S/R6W on the Myndus, N. Mex. U.S.G.S. map;

(22) Then it goes south on the section line for 15 miles until it meets the south line of Sec. 36, T25S/R6W on the Sibley Hole, N. Mex. U.S.G.S. map;

(23) Then it heads west on the section line for 8 miles until it intersects the 4,200 foot elevation contour line at the southeast corner of Sec. 34, T25S/R7W on the Gym Peak, N. Mex. U.S.G.S. map;

(24) Then it heads north on the 4,200 foot elevation contour line for 11 miles until it meets N.M. Hwy. 549 (indicated on map as U.S. Rte. 70/80/180) at the southwest corner of Sec. 5, T24S/R7W on the Florida Gap, N. Mex. U.S.G.S. map;

(25) The boundary heads west on M.M. Hwy. 549 (indicated on map as U.S. Rte. 70/80/180) for 4.5 miles until it meets the light duty road at the east line of Sec. 3, T24S/R8W on the Capital Dome, N. Mex. U.S.G.S. map;

(26) It then goes south on the light duty road/section line for 4 miles until it meets another light duty road at the south line of Sec. 22, T24S/R8W;

(27) Then the boundary heads west for 2 miles on the light duty road/section line until it intersects an unimproved dirt road at the east line of Sec. 29, T24S/R8W;

(28) Then it travels south on the unimproved dirt road/section line for 2 miles until it meets another unimproved dirt road at the south line of Sec. 32, T24S/R8W;

(29) It then moves west .25 mile on the unimproved dirt road until it reaches the east line of Sec. 5, T25S/R8W;

(30) Then it goes south on the section line for 6 miles until it reaches an unimproved dirt road near Crawford Ranch at the north line of Sec. 5, T25S/R8W on the South Peak, N. Mex. U.S.G.S. map;

(31) Then it follows the unimproved dirt road in a southwest then southern direction for approximately 3 miles until it hits the north line of Sec. 19, T26S/R8W;

(32) It then travels east for 1.1 mile along the section line until it hits the east line of Sec. 20, T26S/R8W;

(33) From there it proceeds south for 2 miles on the section line until it intersects the north line of Sec. 33, T26S/R8W;

(34) It then heads east for 5 miles on the section line until it intersects the east line of Sec. 31, T26S/R7W on the Gym Peak, N. Mex. U.S.G.S. map;

(35) The boundary goes south on the section line for 7 miles until it meets the north line of Sec. 5 (which also is a light duty road), T28S/R7W on the Columbus NE, N. Mex. U.S.G.S. map;

(36) Then it goes east for 4 miles on the section line until it meets the east line of Sec. 2 near Oney Tank T28S/R7W;

(37) Then it goes south on the section line for 8.7 miles until it meets the New Mexico, U.S.A./Mexico International border at the east line of Sec. 17, T29S/R7W on the Columbus SE, N. Mex. U.S.G.S. map;

(38) The boundary follows in a westerly direction along the International border for 23 miles to the west line of Sec. 18, T29S/R10W on the Hermanas, N. Mex. U.S.G.S. map;

(39) It then heads north on the western section for 3.5 miles to the north line of Sec. 31, T28S/R10W;

(40) It then moves east for 13 miles on the section line until it intersects the east line of Sec. 32, T28S/R8W on the Columbus, N. Mex. U.S.G.S. map;

(41) Then it follows the section line north for 8 miles until it meets the south line of Sec. 18, T27S/R8W on the North Peak, N. Mex. U.S.G.S. map;

(42) Then it proceeds west on the section line for 11 miles to the west part of Sec. 16 identified as longitude point 107 degrees, 52 minutes, 30 seconds, T27S/R10W on the West Lime Hills, N. Mex. U.S.G.S. map;

(43) Then it moves north on the 107 degrees, 52 minutes, 30 seconds longitude point for 9 miles until it intersects the north line of Sec. 4, T26S/R10W on the Midway Butte, N. Mex. U.S.G.S. map;

(44) Then it goes west on the section line for 6.5 miles until it meets the west line of Sec. 33, T25S/R11W on the Bisbee Hills, N. Mex. U.S.G.S. map;

(45) The boundary then travels north on the section line for 26.5 miles (crossing the Southern Pacific Railroad tracks) until it intersects with the Atchison, Topeka and Santa Fe Railroad tracks on the west line of Sec. 21, T21S/R11W on the Spalding, N. Mex. U.S.G.S. map;

(46) Finally it follows the Atchison, Topeka and Santa Fe Railroad tracks in

a northwesterly direction for 5 miles until it reaches the beginning point at benchmark 4911 on an unimproved dirt road in Faywood Station at Sec. 2, T21S/R12W on the Faywood Station, N. Mex. U.S.G.S. map.

Signed: October 25, 1985.
Stephen E. Higgins,
Director.

Approved: November 6, 1985.
Edward T. Stevenson,
Deputy Assistant Secretary (Operations).
[FR Doc. 85-27604 Filed 11-20-85; 8:45 am]
BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-218; Ref. Notice No. 562]

South Coast Viticultural Area

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

ACTION: Final rule; Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has decided to establish a viticultural area in California to be known as "South Coast." This decision is the result of a petition submitted on behalf of the South Coast Vintners Association, a group of wineries in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising enables winemakers to label wines more precisely and helps consumers to better identify the wines they purchase.

EFFECTIVE DATE: December 23, 1985.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7026).

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides 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 procedures for proposing an American viticultural area. Any interested person

may petition ATF to establish a grape-growing region as a viticultural area.

Notice of Proposed Rulemaking

ATF received a petition from the South Coast Vintners Association, proposing an area south of Los Angeles, California, as a viticultural area to be known as "South Coast." The area contains about 1,800 square miles. It is located along the Pacific coastline between Los Angeles and the Mexican border. There are about 3,000 acres of grapes currently planted in the area. The petitioner stated that at least 15 wineries are operating within the area.

In response, ATF published a notice of proposed rulemaking, Notice No. 562, in the *Federal Register* on April 19, 1985 (50 FR 15588). That notice proposed establishment of the "South Coast" viticultural area and solicited public comment with respect to the proposed viticultural area.

During the comment period, which closed June 3, 1985, no comments were received. Accordingly, this document establishes the "South Coast" viticultural area with the same boundaries as proposed in Notice No. 562. Some changes in the descriptive wording of those boundaries have been made, in order to better describe the "South Coast" boundaries; but no substantive change has been made.

Name of the Area

Winegrape growing in the coastal region south of Los Angeles is of relatively recent origin, as compared with some other areas of California. However, uncontradicted evidence demonstrates that "South Coast" is the name by which this grape-growing area is currently known. Such evidence includes the following:

(a) *Wine Maps*, published in 1984 by The Wine Spectator, designates various coastal grape-growing areas of California. One such area is identified, on both a "Key Map" and a more detailed map, as "South Coast." The area shown on these maps corresponds to the viticultural area established by this Treasury decision.

(b) The South Coast Vintners Association (the petitioner) was incorporated in the State of California on January 31, 1984. Prior to incorporation, this association existed informally for several years. Its membership includes most of the wineries in the "South Coast" viticultural area. While in existence, the petition stated, this association "has created publications featuring 'South Coast' wines, has held joint tastings and public relations functions, and generally has sought to create name and location

identification in the wine industry for 'South Coast' fine wines." As evidence of this effort, the petitioner submitted a booklet published by it, titled "South Coast Wineries." This booklet features a map showing the locations of the association's winery members, and also contains this description: "The wineries are located in the foothills and valleys of the coastal region, most, less than thirty miles from the ocean. Here the combination of higher elevations, well drained soils, and cooling Pacific breezes produce an ideal environment for growing the finest European grape varieties."

Geographical Description of the Area

The "South Coast" viticultural area is distinguished geographically from the surrounding areas as follows:

(1) To the north, the area is set off by the predominant urbanization of Los Angeles County, which makes grape-growing there unfeasible. The petition explained this as follows: "No doubt portions of Los Angeles County would qualify [with respect to name] as 'South Coast.' However, as a practical matter the entire Los Angeles County coastal area is urbanized and no present or potential grape growing areas exist. Since no grapes come from Los Angeles County and it is very unlikely that any ever will, it was considered confusing to include the County in 'South Coast.'"

(2) To the west, the area is bounded by the Pacific Ocean.

(3) The southern boundary of the area, the Mexican-American border, does not correspond to a geographical distinction. However, since 27 CFR Part 9 is titled "American Viticultural Areas," and since "American" is defined in 27 CFR 9.11 as "Of or relating to the several States, the District of Columbia, and Puerto Rico," it is evident that an American viticultural area must not extend into Mexico.

(4) To the east, the proposed area is distinguished geographically by the limit of "coastal influence." This distinction was described in the petition as follows: "Applicant believes that 'coast' infers some substantial coastal influence on the grape growing areas involved, resulting in classification of same as Zones I through III of the Davis scale. While many grapes are grown in San Bernardino, eastern Riverside, eastern San Diego and Imperial Counties, they are grown in Zones IV or V, and are primarily table grapes rather than wine grapes."

A good explanation of the "Davis scale" for classifying the climates of wine regions is given in *Alexis Linchins's New Encyclopedia of Wines*

8 Spirits (New York, Alfred A. Knopf, 1984) on page 496:

One of the achievements of the men at Davis was the classification of the California viticultural districts into five temperature zones. In the 1930s Professors A. J. Winkler and Maynard Amerine studied the relation between climate and the quality of wine produced from different grape varieties in the various regions of California. They found that temperature is one of the most important climatic factors affecting the successful cultivation of wine grapes and that the summation of daily degree readings is of significant value for predicting the best varieties to be grown in any district. Their heat summation concept developed from the total mean daily temperatures above 50 °F. (10 °C.) for the days from April 1 through October 31. 50 °F. is the temperature above which most vine-shoot growth occurs; the time period corresponds to the vine-growing season. Thus, a day with an average temperature of 65 °F. is given a heat summation value of 15 "degree-days." Five climate regions were then defined according to the totals for the season:

- Region I—less than 2,500 degree-days
- Region II—2,501 to 3,000 degree-days
- Region III—3,001 to 3,500 degree-days
- Region IV—3,501 to 4,000 degree-days
- Region V—more than 4,000 degree-days

Knowing the temperature region of his vineyard, a grape-grower can make a general prediction as to which vines will prove most successful. . . . In warmer districts the grapes mature quickly and yield huge crops, but the acidity, color, and aroma are too low to make good dry table wines. Dessert or fortified wine requiring much natural grape sugar and common table wines are made in these hot sections of the state. In the cooler vineyards, where a vine can bear only a limited crop, the fruit can ripen slowly, retain its high acidity, and concentrate those elements of color and aroma which make fine table wines.

The premium wine districts of California fall in Regions I, II, and III, while Regions IV and V produce mostly table grapes or the bulk and dessert—fortified—wines already mentioned.

Miscellaneous

ATF does not want to give the impression by approving "South Coast" as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving this area, ATF allows wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage can only come from consumer acceptance of "South Coast" wines.

The following approved viticultural areas are located entirely within the boundaries of "South Coast": "Temecula" (§ 9.50) and "San Pasqual Valley" (§ 9.25). Both smaller areas are influenced by coastal climate factors. In establishing a large viticultural area

based on geographical features which affect viticultural features, ATF recognizes that the distinctions between a small area and its surroundings are more refined than the differences between a large area and its surroundings. It is possible for a large viticultural area to contain approved viticultural areas, if each area fulfills the requirements for establishment of a viticultural area.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule, because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities. Further, the final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this final rule is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Issuance

Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for Part 9 is revised to read as follows and the authority citations following § 9.22 and 9.29 are removed.

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.104, to read as follows:

* * *	
Subpart C—Approved American Viticultural Areas	
Sec.	
* * *	
9.104	South Coast.
* * *	

Par. 3. Subpart C of 27 CFR Part 9 is amended by adding § 9.104, which reads as follows:

§ 9.104 South Coast.

(a) *Name.* The name of the viticultural area described in this section is "South Coast."

(b) *Approved maps.* The appropriate maps for determining the boundaries of South Coast viticultural area are four U.S.G.S. maps. They are titled:

- (1) San Diego, 1:250,000 series, 1958 (revised 1978).
- (2) Santa Ana, 1:250,000 series, 1959 (revised 1979).
- (3) Long Beach, 1:250,000 series, 1957 (revised 1978).
- (4) Wildomar Quadrangle, 7.5 minute series, 1953 (photorevised 1973).

(c) *Boundary*—(1) *General.* The South Coast viticultural area is located in California. The starting point of the following boundary description is the northern intersection of the Orange County line with the Pacific Ocean (on the Long Beach map).

(2) *Boundary Description*—(i) From the starting point generally northeastward, eastward, and southeastward along the Orange County line, to the intersection of that county line with the township line on the northern border of Township 7 South (in Range 6 West; on the Santa Ana map).

(ii) From there eastward along that township line to its intersection with the northern boundary of the Temecula

viticultural area described in § 9.50; at this point, the Temecula viticultural area boundary coincides with the boundary of the Cleveland National Forest (on the Wildomar Quadrangle map).

(iii) From there following the northern boundary of the Temecula viticultural area, at and near its northernmost point, generally northeastward, eastward, and southeastward until the Temecula viticultural area boundary again intersects the township line on the northern border of Township 7 South (in Range 4 West; thus all of the Temecula viticultural area is included inside of South Coast viticultural area).

(iv) Then eastward, along the township line on the northern border of Township 7 South, to the San Bernardino Meridian (on the Santa Ana map).

(v) Then southward along the San Bernardino Meridian to the Riverside County-San Diego County line.

(vi) Then westward along that county line for about 7½ miles, to the western boundary of the Cleveland National Forest (near the Pechanga Indian Reservation).

(vii) Then generally southeastward along the Cleveland National Forest boundary to where it joins California Highway 76.

(viii) From there generally southeastward along Highway 76 to California Highway 79.

(ix) Then southeastward along Highway 79 to the township line on the northern border of Township 12 South (in Range 3 East).

(x) Then eastward along that township line to its intersection with the range line on the eastern border of Range 3 East.

(xi) From there southward along that range line to the U.S.-Mexico international border.

(xii) Then westward along that international border to the Pacific Ocean.

(xiii) Then generally northwestward along the shore of the Pacific Ocean to the starting point.

Signed: October 25, 1985.

Stephen E. Higgins,

Director.

Approved: November 6, 1985.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 85-27803 Filed 11-20-85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea; USS O'BRIEN

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS O'BRIEN (DD 975) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: November 5, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that

USS O'BRIEN (DD 975) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the placement of the forward masthead light in the forward quarter of the vessel and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval destroyer. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

Notice is also provided to the effect that USS O'BRIEN (DD 975) is a member of the DD 963 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, 32 CFR Part 706, are equally applicable to USS O'BRIEN (DD 975).

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when lowering less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light not less than 1/3 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS O'BRIEN	DD 975						x	x	48.1

Dated: November 5, 1985.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 85-27794 Filed 11-20-85; 8:45 am]

BILLING CODE 3810-AE-M