

Inspector General or an appointed designee will determine within ten working days whether to grant the request. The Assistant Inspector General or designee will notify the requestor immediately in writing of the determination and the right of the person to request a review by the Inspector General of an adverse determination.

\* \* \* \* \*

(e) In unusual circumstances as specified in this paragraph, and subject to the concurrence of any Assistant Inspector General or appointed designee, the time limits prescribed in either paragraph (a) or (c) of this section may be extended. \* \* \*

\* \* \* \* \*

5. Section 2002.19 is amended by revising the first sentence to read as follows:

**§ 2002.19 Authority to release records or copies.**

Any Assistant Inspector General or an appointed designee is authorized to release any record (or copy) pertaining to activities for which he or she has primary responsibility, unless disclosure is clearly inappropriate under this part. \* \* \*

6. Section 2002.21 is amended by revising the first sentence of paragraph (a) introductory text, to read as follows:

**§ 2002.21 Authority to deny requests for records and form of denial.**

(a) An Assistant Inspector General may deny a request for a record. \* \* \*

**PART 2003—IMPLEMENTATION OF THE PRIVACY ACT OF 1974**

7. The authority citation for part 2003 continues to read as follows:

**Authority:** 5 U.S.C. 552a; 5 U.S.C. App. (Inspector General Act of 1978); 42 U.S.C. 3535(d).

8. Section 2003.2 is revised to read as follows:

**§ 2003.2 Definitions.**

For purposes of this part:  
*Department* means the OIG, except that in the context of §§ 16.1(d); 16.11(b) (1), (3), and (4); and 16.12(e), when those sections are incorporated by reference, the term means the Department of Housing and Urban Development.

*Privacy Act Officer* means an Assistant Inspector General.

*Privacy Appeals Officer* means the Inspector General.

9. Section 2003.4 is amended by revising the second sentence to read as follows:

**§ 2003.4 Officials to receive requests and inquiries.**

\* \* \* Written requests may be addressed to the appropriate Privacy Act Officer at: Office of Inspector General, Department of Housing and Urban Development, Washington, DC 20410.

Dated: March 11, 1994.

Susan Gaffney,  
*Inspector General*

[FR Doc. 94-7036 Filed 3-24-94; 8:45 am]  
 BILLING CODE 4210-01-P

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 9**

[T.D. ATF-356; RE: Notice No. 783]

RIN 1512-AA07

**The Hames Valley Viticultural Area (93F-009P)**

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

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area in southern Monterey County, California, to be known as "Hames Valley." The petition was submitted by Mr. Barry C. Jackson of the Harmony Wine Company on behalf of Valley Farm Management, Soledad, California, and Mr. Bob Denney & Associates, Visalia, California. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify the wines they may purchase, and will help winemakers distinguish their products from wines made in other areas.

**EFFECTIVE DATE:** April 25, 1994.

**FOR FURTHER INFORMATION CONTACT:** Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

**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 definitive viticultural areas. The regulations 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, for the listing of approved American viticultural areas.

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. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

**Petition**

ATF received a petition from Mr. Barry C. Jackson of the Harmony Wine Company to establish a viticultural area in southern Monterey County, California, to be known as "Hames Valley." Mr. Jackson submitted the petition on behalf of Valley Farm Management, Soledad, California, and Mr. Bob Denney & Associates, Visalia, California. The Hames Valley viticultural area is located approximately three miles west of the town of Bradley and some seven miles north of Lake Nacimiento. It is located totally within the larger and previously established Monterey viticultural area. As stated in the original petition and letter from the petitioner dated April 27, 1993, there are several existing vineyards within the area that comprise approximately 630 acres planted to grapes. No wineries are currently located within the Hames Valley area. The size of the area is about sixteen square miles or approximately 10,240 acres.

**Notice of Proposed Rulemaking**

In response to Mr. Jackson's petition, ATF published a notice of proposed rulemaking, Notice No. 783, in the *Federal Register* on October 27, 1993 (58 FR 57764), proposing the establishment of the Hames Valley viticultural area. The notice requested comments from all interested persons by December 27, 1993.

**Comments to Notice of Proposed Rulemaking**

One comment was received in response to the notice of proposed rulemaking (Notice No. 783): The comment was from Mr. Robert H. Denney and Ms. Shelley B. Denney of Robert Denney & Associates, one of the petitioners for the establishment of the Hames Valley viticultural area. This commenter states that the existing Monterey viticultural area covers a vast geographic and climatic area, from the cool Salinas Valley floor area close to Monterey Bay to inland valleys and foothills seventy miles to the south.

According to Mr. and Ms. Denney, these southern valleys exhibit vastly different coastal influences and growing conditions. As a result, the varieties grown, their yields, quality characteristics and flavor components vary widely from Soledad on the north to Hames Valley on the south.

Mr. and Ms. Denney state that, as growers and small business people, it is important to their economic well being to be able to differentiate the wine grapes they grow in Hames Valley from those produced in the cooler regions of the Monterey viticultural area. They further state that by being able to differentiate their grapes and, ultimately through their own efforts, the wineries that purchase their grapes, as well as the consumer, can identify and seek out their product for its unique character.

**Evidence That Viticultural Area Name Is Widely Known**

The name Hames Valley has been associated with this area since the latter part of the nineteenth century. The petitioner cites Donald T. Clark, *Monterey County Place Names*, p. 201 (1991), which states that the valley was named for John Hames who had extensive land holdings in the area. In addition, the name Hames Valley appears on the U.S.G.S. Bradley Quadrangle, 15 minute series, map of Bradley, California, and also appears on the U.S.G.S. 7.5 minute series map entitled Hames Valley. Additionally, the petitioner notes that there is a creek which runs through the valley named Hames Creek.

**Evidence of Boundaries**

Hames Valley is located in the eastern foothills of the Santa Lucia Range, west of the confluence of the Salinas, San Antonio, and Nacimiento Rivers. The watershed of Hames Creek is the defining feature of the appellation. Hames Valley is located wholly within the larger, previously approved Monterey viticultural area. A portion of the boundaries of the Monterey viticultural area form the northern and western boundaries of Hames Valley. Swain Valley and the Salinas River form part of the eastern boundary. The ridgeline that separates Hames Valley from the San Antonio River forms the balance of the eastern and southern boundaries.

**Geographical Features**

Hames Valley is a small east-west oriented valley, west of the generally north-south orientation of the meandering Salinas River. Formed by the watershed of Hames Creek, Hames Valley thrusts its way seven miles into the eastern flank of the Santa Lucia Mountains. Hames Creek empties into the Salinas River approximately two miles downstream from the confluence of the San Antonio and Salinas Rivers. Hames Valley is separated from the San Antonio River by a ridge averaging 1,500 feet in elevation, the highest peak at 1,984 feet. A similar ridgeline forms the northern boundary and separates Hames Valley from the Salinas River.

The general topography within the valley consists of gently sloping alluvial fans and associated terraces. Drainages are generally well defined.

**Soils**

The petitioner submitted a composite map of the Hames Valley area compiled from the Soil Survey of Monterey County, California, U.S.D.A. Soil Conservation Service, U.S. Forestry Service, University of California Agricultural Experiment Station (1972). According to this map, the principal soils in the area are gravelly sandy loams of the Lockwood series. These comprise approximately 75 percent of the soil types present. Lesser amounts of Chamise shaly loams and Nacimiento silty clay loams are also present. All current viticulture takes place in the Lockwood series soils. Soils in the surrounding areas are also silty and shaly loams, but are located on 30 to 50 percent slopes and are of different compositions. The preponderance of the Lockwood shaly clay loam and the geomorphology (flat, well defined valley floor) set the Hames Valley apart from the surrounding mountainous areas.

**Climate**

With regard to climate, the petitioner submitted a study by A.N. Kasimatis, Extension Viticulturist, University of California, Davis (August 7, 1970). The study shows that heat summation for the Hames Valley-Bradley area is generally in the 3200 to 3500 degree-day range. This corresponds to a warm region III, similar to the King City and Paso Robles areas. This differs from the generally cooler climate (region I/II) for the Gonzales, Soledad, and Greenfield area, farther north.

Regarding other climatic factors, the petitioner stated that rainfall in the Hames Valley area averages 10 to 12 inches annually.

The petitioner further stated that the east-west axis of the Hames Valley relative to the north-south orientation of the Salinas Valley results in a reduced wind stress factor in the Hames Valley area. Windspeed builds up later in the day and at reduced velocities relative to the "wind-tunnel" effect in the Gonzales-Soledad-Greenfield area. This results in shorter overall exposure to wind stress, from both a time and wind velocity standpoint.

In sum, the following factors differentiate the Hames Valley from the adjacent Salinas Valley:

- (a) An east-west axis relative to the general north-south orientation of the Salinas Valley.
- (b) A generally warmer microclimate: Region III vs. region I/II.
- (c) Higher overall elevation: 500 to 800 feet for Hames Valley, 100 to 500 feet for the Salinas Valley.
- (d) Later daily windspeed build-up and duration of wind.
- (e) More homogeneous soil profile: Hames Valley with one principal soil type; Salinas Valley, over 70 soil types.
- (f) Geographically distinct and separate from the Salinas River Valley.

**Viticultural Area Boundary**

The boundary of the Hames Valley viticultural area may be found on one United States Geological Survey map, entitled Bradley Quadrangle, 15 minute series, with a scale of 1:62,500. The boundary is described in § 9.147.

**Executive Order 12866**

It has been determined that this rule is not a significant regulatory action, because it will not (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) Create

a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

#### Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. This process merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Designation of a viticultural area itself has no significant economic impact because any commercial advantage can come only from consumer acceptance of wines made from grapes grown within the area. In addition, no new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

#### 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.

#### Drafting Information

The principal author of this document is Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

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

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

#### Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

**Paragraph 1.** The authority citation for part 9 continues to read as follows:  
Authority: 27 U.S.C. 205.

**Paragraph 2.** Subpart C is amended by adding § 9.147 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.147 Hames Valley.

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

(b) *Approved maps.* The appropriate map for determining the boundary of the Hames Valley viticultural area is one U.S.G.S. 15 minute series topographical map, titled Bradley Quadrangle, California, edition of 1961, with a scale of 1:62,500.

(c) *Boundary.* The Hames Valley viticultural area is located in southern Monterey County in the State of California. The boundary is as follows:

(1) Beginning at the southeast corner of section 26, T. 23 S., R. 10 E., which coincides with the point where the 640 foot contour line crosses the Swain Valley drainage, the boundary proceeds in a straight line across section 26 to the northwest corner of section 26, T. 23 S., R. 10 E.;

(2) Then west northwest in a straight line across sections 22, 21, 20, and 19, T. 23 S., R. 10 E., to the northwest corner of section 24, T. 23 S., R. 9 E.;

(3) Then southeast in a straight line across sections 24, 25, 30, 31, and 32, to the southeast corner of section 5, T. 24 S., R. 10 E.;

(4) Then east southeast in a straight line across section 9 to the southeast corner of section 10, T. 24 S., R. 10 E.;

(5) Then east southeast in a straight line for approximately 2.25 miles to Hill 704, located in section 18, T. 24 S., R. 11 E.;

(6) Then north northwest in a straight line for approximately 1.35 miles to Hill 801, located near the northwest corner of section 7, T. 24 S., R. 11 E., and then continue in a straight line to the northwest corner of section 6, T. 24 S., R. 11 E.;

(7) Then in a generally northwesterly direction along the Salinas River for approximately 1 mile to where the Swain Valley drainage enters the Salinas River about .11 mile south of the northern boundary line of section 36, T. 23 S., R. 10 E.;

(8) Then in a westerly direction for approximately .75 mile along the Swain Valley drainage to the southeast corner of section 26, T. 23 S., R. 10 E., the point of beginning.

Signed: February 9, 1994.

Daniel R. Black,  
Acting Director.

Approved: March 15, 1994.

John P. Simpson,  
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 94-7066 Filed 3-24-94; 8:45 am]

BILLING CODE 4810-31-U

#### DEPARTMENT OF JUSTICE

#### Office of the Attorney General

#### 28 CFR Part 0

[AG Order No. 1857-94]

#### Delegation of Authority Under the National Cooperative Research and Production Act of 1993, As Amended and Redesignated by the National Cooperative Production Amendments of 1993

AGENCY: Office of the Attorney General, Justice.

ACTION: Final rule.

**SUMMARY:** The National Cooperative Research Act of 1984 has been amended by the National Cooperative Production Amendments of 1993 to include joint ventures for production within its coverage and redesignated as the "National Cooperative Research and Production Act of 1993." The Act now provides persons engaging in eligible joint ventures for production, as well as persons engaging in joint research and development ventures, with the opportunity to reduce their potential liability for damages under the antitrust laws, provided they file with the Attorney General and the Federal Trade Commission a timely notification concerning the organization and objectives of their venture. The Attorney General or Federal Trade Commission must then publish a notice in the **Federal Register** that identifies the parties to the venture and describes generally the area of planned activity of the venture. The National Cooperative Production Amendments of 1993 also impose certain reporting requirements on the Attorney General. Due to the antitrust-related nature of these notification, publication and reporting functions, the Attorney General has delegated her authority under the Act to the Assistant Attorney General, Antitrust Division.

**EFFECTIVE DATE:** March 15, 1994.

**FOR FURTHER INFORMATION CONTACT:** Constance K. Robinson, Deputy Director of Operations, Antitrust Division; U.S. Department of Justice; 10th Street and