

airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all Airbus Industrie Model A320-111, A320-211, and A320-231 series airplanes. During a flight test simulating an engine failure at take-off, the landing gear failed to retract due to loss of electrical power to relay 48GA. The loss of electrical power to relay 48GA cuts off hydraulic power to the retraction system of the landing gear, which extends by gravity and locks in the down position. This condition, if not corrected, could result in excess drag, failure to achieve climb performance, and loss of obstacle clearance margins. Airbus Industries has issued Service Bulletin A320-32-1035, Revision 2, dated December 18, 1989, which describes procedures for the installation of wiring and electronic components in the landing gear retraction system. The DGAC has classified this service bulletin as mandatory, and has issued Airworthiness Directive 90-026-007(B) addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require the installation of wiring and electronic components in the landing gear retraction system, in accordance with the service bulletin previously described.

It is estimated that 8 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3.5 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. The estimated cost for required parts is \$335. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$3,800.

The regulations proposed herein would not have substantial direct effects on the States, the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows.

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); AND 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Airbus Industrie:** Applies to all Model A320-111, -211, and -231 series airplanes, certified in any category. Compliance is required within 45 days after the effective date of this AD, unless previously accomplished.

To prevent failure of the landing gear to retract following takeoff, accomplish the following:

A. Install wiring and electronic components in relay 48GA's energization system, in accordance with Airbus Industrie Service Bulletin A320-32-1035, Revision 2, dated December 18, 1989.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

**Note.**—The request should be forwarded through an FAA Principal Avionics Inspector (PAI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive

who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on May 22, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-12917 Filed 6-4-90; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 703]

RIN 1512-AA07

#### Mt. Harlan, CA (89F-39P)

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF), is considering the establishment of a viticultural area located entirely within San Benito County, California to be known as "Mt. Harlan." This proposal is the result of a petition submitted by Mr. Josh Jensen, General Partner, Calera Wine Company. ATF believes that 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 identify the wines they may purchase. The establishment of viticultural areas also allows wineries to specify further the origin of wines they offer for sale to the public.

**DATES:** Written comments must be received by July 20, 1990.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 703). Copies of the petition,

the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF reading room, Disclosure Branch, room 4406, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, (202) 566-7626.

**SUPPLEMENTARY INFORMATION:**

**Background**

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 which has been delineated in subpart C of part 9.

Section 4.25a(e)(2), title 27, CFR, 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 characteristics (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 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(s) with the proposed boundaries prominently marked.

**Petition**

ATF has received a petition proposing a viticultural area to be known as Mt. Harlan. Mr. Harlan has a prominent 3,274 foot peak, and is in the upper elevations of the Gabilan (also known as Gavilan) Mountain Range. The Gabilan Range is a short mountain range, the watershed of which serves as

the boundary line between San Benito and Monterey counties.

The proposed Mt. Harlan viticultural area lies inland, approximately twenty-five miles east of Monterey Bay and nine miles south of the city of Hollister. The eastern border of the proposed viticultural area nearly abuts the approved viticultural areas of "Cienega Valley," "Lime Kiln Valley" and "San Benito," but is included in none. The petitioner claims that the combined effects that unique soil composition, elevation and microclimate have upon the production of grapes grown in the proposed area distinguish it from the other viticultural areas in San Benito County which are at lower elevations. The proposed viticultural area consists of approximately 7,440 acres and measures six miles at its widest point east-west and three miles north-south. Total vineyard acreage at this time consists of 44 acres with plans to establish more than 100 additional acres. Both the planned and current vineyards are planted at an elevation of around 2,200 feet, distinguishing them from any other vineyards in San Benito County.

*1. Evidence That the Name of the Area Is Locally or Nationally Known*

**A. Historical Name Recognition and Usage**

"Mt. Harlan" is named for Ulysses Grant Harlan, a rancher who settled in the northwestern region of San Benito County between 1860 and 1880. A map produced by the Department of the Interior in 1884 shows the location of two homesites for U.G. Harlan in this area: "Harlan's Cabin" in section 28, Township 14 South, Range 5 East; and "Harlan's Upper Cabin", in section 23 of the same township and range. According to the petition, the Harlan family was well established in the area by 1884. There are direct descendants of Ulysses Grant Harlan in the area to this day.

**B. Current Name Recognition and Usage**

The petition states that because of its prominence, Mt. Harlan is firmly fixed as a place name and landmark, and is currently recognized and referred to as a distinct region of San Benito County. The California Department of Forestry, the California Department of Fish and Game, and the United States Geological Survey Division of the Department of the Interior, all use Mt. Harlan to pinpoint areas of interest respective to their department's particular needs. The name is also used to identify the area surrounding the summit.

It was the size of Mt. Harlan in relation to the surrounding features in

this area of the county which led the United States Geographical Survey ("U.S.G.S.") to name the 7.5 minute topographic map quadrangle of this region, "Mt. Harlan." U.S.G.S. states on its field report name sheet that the name Harlan, as attached to the mountain, has been in local usage for over sixty years. This fact is corroborated by the appearance of Mt. Harlan on a map of California produced in 1928.

The U.S.G.S. map also uses the Harlan name for physical features other than the mountain. Harlan Creek flows from the area south of Mt. Harlan to Grass Valley in the north. Harlan Mountain Road connects the area west of the summit with the area known as Lime Kiln, a low-lying area to the east. Local residents are familiar with both Harlan Mountain Road and Harlan Creek.

*2. Historical or Current Evidence That the Boundaries of the Proposed Viticultural Area Are as Specified in the Petition*

The petitioner submitted two U.S.G.S. Quadrangle (7.5 Minute Series) maps titled "Mt. Harlan" and "Paicines." The specific description of the boundaries of the proposed viticultural area would be as described in the proposed regulations. The peak of Mt. Harlan is in the center of the proposed viticultural area. The western boundary is the ridge top which serves as the dividing line between Monterey and San Benito Counties and also the watershed division. The boundary also follows, in part, two drainage channels: Thompson Creek to the south and Pescadero Creek to the west. The 1,800 foot contour defines the remainder of the proposed viticultural area.

The petitioner claims that the preponderance of geological, geographical, historical, and contemporary evidence supports the boundaries proposed in the petition.

*3. Evidence Relating to the Geographic Features (Climate, Soil, Elevation, Physical Features, Etc.).*

**A. Climate; Elevation; Aspect**

According to the petition, the vineyards around Mt. Harlan are located at an elevation of around 2,200 feet where special microclimate conditions exist. The proposed Mt. Harlan viticultural area is distinguished from the lower elevations and valley floor by (1) Cooler temperatures, (2) less incidence of fog, and (3) higher rainfall with less danger of frost as a result of differing air drainage on upland and lowland areas.

According to the Soil Survey of San Benito County (hereafter, Soil Survey), the average annual temperature within the petitioned area is between 56 and 60 degrees F. This contrasts with the warmer average annual temperatures of Lime Kiln and Cienega Valleys to the northeast (60–62 degrees F.).

The petitioner states that this dissimilarity in temperature translates into differing maturation periods for mountain grapes and valley grapes. In the mountains, the cooler temperatures retard the ripening of the grapes. Therefore, more time is required for the grapes to reach acceptable sugar levels. The warmer temperatures of the valley floor allow the varieties planted there to ripen earlier. Generally, harvest will occur two to four weeks later in Mt. Harlan than in Lime Kiln and Cienega Valleys. This difference in harvest dates further distinguishes the proposed area from its immediate neighbors to the east.

According to the petition, fog also plays a major role in distinguishing the proposed area. Because of the higher elevations at Mt. Harlan, fog is not nearly so prevalent as it is in Cienega and Lime Kiln Valleys. As the air over the California Central Valley heats each morning, it rises, creating a suction effect that pulls the moist Pacific Ocean air inland. The Gabilan Range acts as a natural barrier to this eastward flowing cool air, keeping the cooling, moist breezes west of the valley areas. Yet the Pacific air from Monterey Bay flows into the interior through Chittenden Pass and Pacheco Pass, bringing the effects of fog and moist air through San Benito County and into the Central Valley.

As the fog enters Cienega and Lime Kiln Valleys it may often reach the 1,400 foot elevation. At the same time that vineyards in Cienega and Lime Kiln Valleys are blanketed under fog, the vineyards on Mt. Harlan are exposed to full sun. When the fog occasionally does reach the mountain vineyards, it burns off early in the morning, sometimes a full two hours ahead of the valley. The result is more hours of sunlight on Mt. Harlan than in the valleys.

Rainfall also distinguishes the proposed area from the neighboring viticultural areas. The disparity in rainfall between Cienega/Lime Kiln Valleys (average 16 inches annually) and Mt. Harlan (35 to 40 inches annually) is a major point of distinction.

#### B. Soils; Geology

The petition states that in Lime Kiln Valley and in Cienega Valley the dominant soil series comprising the vineyards is the Hanford series.

The Soil Survey characterizes this series as lowlands soils which are "nearly level to sloping" and as "occurring on flood plains and fans." They occur primarily in the larger valleys. According to the Soil Survey, bedrock or hardpan is always reached at depths greater than five feet. The average depth of these soils is 70 inches. The available water holding capacity ranges from 7.5 to 8.5 inches per representative soil profile. Because they are lowland soils, they exhibit very slow runoff and only slight to moderate erosion potential. In contrast to the lowland soils which are present in Lime Kiln Valley and Cienega Valley, upland soils of the Sheridan series comprise nearly 70% of the soils in the proposed Mt. Harlan viticultural area. These are mountainous soils which, as noted in the Soil Survey, occur west of Cienega Road and northwest of Lime Kiln Road, the region to which the petition is addressed. Bedrock or hardpan may be reached in as little as 1.5 feet from the surface. The average soil depth is 3.5 feet. The runoff is rapid, a natural result of the slope and elevation of the area (anywhere from 15%–75% slope). Therefore, the available water holding capacity ranges from two to seven inches per representative profile. Concomitantly, the erosion potential is severe to very severe. Associated with the Sheridan soils are the Cienega and Auberry series which together make up the remaining 30% of the soils in the proposed viticultural area. Both associated series are upland soils with similar slope to the Sheridan series (15%–75%). All three soil series exhibit similar erosion potential and available water holding capacity. The petition states that, in addition to the uniformity of its soil characteristics, Mt. Harlan contains an important and distinguishing geological feature—the presence of limestone. In discussing the Cienega soils series, the Soil Survey, notes that there "are a few small areas of limestone \* \* \* in the mountains to the west of Cienega Road." In addition, the soil Survey notes that within the Sheridan series are "areas of soils underlain by limestone." A special report issued by the California Division of Mines corroborates the findings of the soil survey: "Limestone deposits of different sizes are found in the Mt. Harlan vicinity of Cienega Valley between Pescadero Canyon and McPhails Peak." These citations place outcroppings of limestone within the

petitioned area and not within Cienega Valley or Lime Kiln Valley in which the soils overlie a bedrock of limestone and dolomite.

#### Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required 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, Federal, State, or local government agencies or geographical 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 regulation, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

#### Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. The document proposes boundaries for "Mt. Harlan," delineating the area the petitioner considers to be mountainous in character. However, comments concerning other possible boundaries or names for this proposed viticultural area will be given full consideration.

ATF is particularly interested in comments concerning the eastern border of the proposed area. The eastern border of the proposed Mt. Harlan viticultural area follows the 1,800-foot contour line which nearly abuts the Lime Kiln and Cienega Valley viticultural areas which have their border on the 1,400-foot

contour line. ATF understands that there are no vineyards or grape growing in the 400-foot gap between the three areas. Should the eastern boundary of the proposed Mt. Harlan viticultural area meet the western boundary of the Lime Kiln and Cienega Valley viticultural areas? Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is David W. Brokaw, 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

27 CFR part 9, American Viticultural Areas, is proposed to be amended as follows:

#### PART 9—[AMENDED]

Par. 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of contents in 27 CFR part 9, subpart C, is amended to add the title of § 9.131 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

§ 9.131 Mt. Harlan.

Par. 3. Subpart C is amended by adding § 9.131 to read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.131 Mt. Harlan.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the "Mt. Harlan" viticultural area are two U.S.G.S. Quadrangle (7.5 Minute Series) maps. They are titled:

- (1) Mt. Harlan, California (Photorevised (1984)).
- (2) Paicines, California (Photorevised (1984)).

(c) *Boundaries.* (1) The point of beginning is the unnamed 3.063' peak on the county line between San Benito and Monterey Counties in Township 14 S., Range 5 E., section 34 of the "Mt. Harlan," California Quadrangle map.

(2) From the point of beginning on the Mt. Harlan Quadrangle map proceed in a generally northwesterly direction along the county line through sections 34 and 33, briefly into section 28 and back through section 33, and then through sections 32, 29, and 30 all in Township 14 S., Range 5 E., to the point at which the county line intersects the line between sections 30 and 19 of said Township and Range.

(3) Thence proceed in a straight line northeast approximately 750 feet to the commencement of the westernmost stream leading into Pescadero Creek. The stream commences in the southwest corner of section 19 in Township 14 S., Range 5 E.

(4) Thence following the stream in a northeasterly direction to its intersection with the 1,800-foot contour line near the center of section 19 in Township 14 S., Range 5 E.

(5) Thence following the 1,800' contour line in a southeasterly and the northeasterly direction through sections 19, 20, 17, 16, 15, 14, then through the area north of section 14, then southerly through section 13 on the Mt. Harlan Quadrangle map and continuing on the "Paicines," California Quadrangle map to the point at which the 1,800-foot contour line intersects the line between sections 13 and 24 of Township 14 S., Range 5 E.

(6) Thence along the 1,800' contour line through section 24, back up through section 13, and then in a southerly direction through sections 18, 19, and 30 (all on the Paicines Quadrangle map), then westerly through section 25 on the Paicines Quadrangle map and continuing on the Mt. Harlan

Quadrangle map, and then through section 26 to the point of intersection of said 1,800' contour and Thompson Creek near the center of section 26 in Township 14 S., Range 5 E., on the Mt. Harlan Quadrangle map.

(7) Thence southwesterly along Thompson Creek to its commencement in the northwest corner of section 34, Township 14 S., Range 5 E.

(8) Thence in a straight line to the beginning point.

Signed: May 17, 1990.

Stephen E. Higgins,

Director.

[FR Dec. 90-12801 Filed 6-4-90; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 914

#### Indiana Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; Withdrawal.

**SUMMARY:** By a letter dated April 12, 1990, Indiana withdrew an amendment to the Indiana regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) concerning delegation of authority. OSM is announcing the suspension of formal processing of the amendment.

**DATES:** This withdrawal is effective June 5, 1990.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, IN 46204. Telephone: (317) 226-6166.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On July 29, 1982, the Indiana program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program