

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 13, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-20046 Filed 8-18-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 777 Re; 92F-080P]

RIN AA07

Realignment of the Northern Boundary of the Mt. Veeder Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF), has received a petition for the revision of the northern boundary of the Mt. Veeder viticultural area to include vineyard land that is similar to land in the current Mt. Veeder viticultural area which was established on February 20, 1990, by the issuance of Treasury Decision ATF-295 [55 FR 5842]. The proposed boundary revision would add approximately 360 acres, of which 30 acres are being planted to vineyards. The proposed addition to the Mt. Veeder viticultural area is located northwest of the city of Napa in Napa County, on the eastern slope of the Mayacamas Mountains, adjacent to the current northern boundary of the viticultural area.

DATES: Written comments must be received by October 4, 1993.

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. 777). 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 Public Reading Room, room 6300, 650 Massachusetts Avenue, NW., Washington, DC.

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

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 distinguishable by geographic features, the boundaries of which have 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 (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF has received a petition from Mr. Robin Williams for a revision of the northern boundary of the Mt. Veeder viticultural area to include vineyard land that was not included when the

viticultural area was established by Treasury Decision ATF-295 on February 20, 1990.

The petitioner states that the vineyards located in the proposed extension area were planted after the viticultural area was established, and he believes the omission of this area was an oversight. The petitioner points out that the proposed addition is limited in scope and he believes that the integrity and distinctive identity of the existing Mt. Veeder viticultural area is preserved. As evidence, the petitioner has presented documentation supporting the proposed boundary revision from the original petitioner for the Mt. Veeder viticultural area, the present Chairperson of the Mt. Veeder Appellation Council, and the same experts in soil and climate who reviewed the original petition.

The proposed addition to the Mt. Veeder viticultural area is located in Napa County, California, on the eastern slope of the Mayacamas Mountains that separate Napa Valley and Sonoma Valley. Situated contiguous to the northernmost boundary of the current viticultural area, the proposed addition contains approximately 360 acres, of which 30 acres are being planted to vineyards, a project the petitioner states began in 1990.

As far as can be ascertained by the petitioner, no vineyards are situated or planned north of the proposed boundary on the eastern slope of the Mayacamas Mountains for a distance of four miles, and the likelihood of new vineyards immediately north of the new boundary is remote, due to the extreme ruggedness of terrain, the difficulty of access and a lack of appropriate soils.

Evidence That the Name of the Area Is Locally or Nationally Known

The derivation of the name "Mt. Veeder," as well as evidence of the region's local and national renown, were detailed in the Mt. Veeder viticultural area petition submitted to the Bureau of Alcohol, Tobacco and Firearms in January of 1988, and summarized in the Treasury decision for the Mt. Veeder viticultural area, published in the Federal Register on February 20, 1990.

After reviewing the evidence and consulting with the original proponents of the Mt. Veeder viticultural area, the petitioner is persuaded that the dissection of Wall Road by the current viticultural area boundary was an oversight.

The petitioner believes that the area immediately adjacent to Wall Road should be included in the Mt. Veeder viticultural area, because it shares the

viticultural area's name identification and geographical features.

A statement from long-time resident Duane Wall indicates that Wall Road in its entirety (including the northern portion that extends into the proposed addition) is recognized as being part of Mt. Veeder by those who live there and the statement indicates that such recognition existed as early as the 1920's.

An article which appeared in The Napa Daily Register of March 26, 1880, tends to support Mr. Wall's statement. The article states, "At the distance of ten or eleven miles an elevated point is reached where the views of mountain masses and ridges near at hand, and of Napa Valley with the bay and Mt. Diablo in the distance, are most charming. The wooded plateau of Howell Mountain to the northeast of Napa Valley and the great mass of Mt. Veeder with its rocky and partially wooded crest and summit and its finely varied slopes descending eastward down to Dry Creek, will particularly attract the eye." The petitioner states that, "This quote shows that Mount Veeder as a regional name was associated with the slopes descending from the crest of the Mayacamas range eastward to Dry Creek, and that Dry Creek provided the northeastern and northern boundaries of the Mount Veeder region."

Additional name evidence submitted by the petitioner shows that the Mt. Veeder area does not extend beyond Dry Creek. The petitioner states that "The LaJoya quicksilver mine (originally called the Summit mine), which operated sporadically from 1865 to 1942, is located approximately 6/10 mile north of Dry Creek, yet has never been associated with the Mount Veeder region in print."

An article published in the California Journal of Mines and Geology of January, 1949, entitled, "Quicksilver Deposits of the Oakville District, Napa County, California," clearly identifies this mine with Mount St. John, not Mt. Veeder. The article states that, "The old 1,000 by 2,400-foot Summit claim was located March 27, 1865 by M.S. Whitton, C.I. Whitton, R.I. Whitton, I.M. Whitton, W.T. Whitton, W.H. Whitton, and F.I. (?) Corning of Yountville, apparently on the summit of the mountain ridge that extends northwest from Mount St. John." Moreover, the petitioner points out that the earthquake fault that runs east/west along the southern slope of Mount St. John north of the proposed boundary is known as the Mount St. John's Fault. According to the petitioner, "The use of Mount St. John as both a landmark and the name

source for features immediately north of the proposed Dry Creek boundary provides solid proof that the Mount Veeder viticultural area does not extend north of Dry Creek."

Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

The petitioner states that, "Special care has been taken to assure that the modified boundary maintains both the historic and geographic integrity of the Mount Veeder viticultural area."

Primary access to the proposed addition is from the Mt. Veeder viticultural area by way of Wall Road. The statement from Mr. Duane Wall shows that the northern terminus of Wall Road, which the proposed revised boundary would incorporate into the Mt. Veeder viticultural area, is served by two local organizations that encompass virtually all of Mt. Veeder; the Dry Creek-Lokoya Fire District, and the Hill and Dale Club (a local social club). That these two local organizations should independently include the full length of Wall Road in their activities and memberships suggests that the current northern boundary of the Mt. Veeder viticultural area was drawn too conservatively according to the petitioner.

The proposed expansion of the Mount Veeder viticultural area is supported by vintners and growers currently within the viticultural area. The petition contains a letter from Mr. Donald Hess and Mr. Clement Firko of The Hess Collection, the winery that led the effort to establish the Mt. Veeder viticultural area in 1988, and Ms. Ariel Rubissow, chairperson of the Mount Veeder Appellation Council. These letters reflect the general support that this proposed boundary revision has received from within the Mt. Veeder viticultural community.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas

According to the petitioner, the proposed addition to the Mt. Veeder viticultural area contains the same geographical features that distinguish the viticultural area as currently established. The geographical elements of soil, climate, elevation and exposure found in the proposed addition to the Mt. Veeder viticultural area are detailed and compared to those in the current viticultural area in two reports submitted with the petition and discussed below. Both reports were

prepared by the same experts who studied and reported on Mt. Veeder in the initial rulemaking. As such, the experts are already familiar with the geographic features of the present viticultural area and have the best possible background to compare and contrast the proposed addition.

The soil report on the proposed addition to the Mt. Veeder viticultural area was prepared by Eugene L. Begg. Mr. Begg has been a member of the California Soil Survey Committee since 1974 and has reviewed new and revised soil series descriptions for the National Cooperative Soil Survey since 1970. Mr. Begg's writings on soil and vegetation have been widely published. He has served as an expert consultant on a variety of soil matters in both regulatory hearings and legal cases.

The climatic overview of the proposed viticultural area addition was prepared by Michael Pechner. Since 1968, Mr. Pechner has headed Golden West Meteorology of Fairfield, California. In that capacity, he has served as staff meteorologist for KCBS Radio in San Francisco, weather consultant for KTW Television in Oakland and consulting meteorologist for Associated Press in San Francisco.

Soils

The petitioner indicates that the proposed northern extension boundary is a line of demarcation between different soil compositions and of aspect (i.e., direction of the slope) and slope. A review of the supplemental information in T.D. ATF-295, indicates that the soil discussion basically focused on two points. First, it focused on the differences between the soils of the Napa Valley and the proposed Mt. Veeder area. Second, it discussed in detail the soil differences between the northeast slope towards Napa County and the southwestern slope towards Sonoma County. None of the soil discussion in the supplemental information directly applied to the northern boundary. The background information supporting the original petition does state:

"The soils of the proposed viticultural area are much different from the deep, alluvial soils of Napa Valley proper and the Los Carneros region and are equally differentiated from the soils in Sonoma Valley and to the north by geology and composition."

(Page 18 of original petition.)

However, as noted, this reference to the "north" was not carried over into the supplemental information. Additionally, this reference to the north was included in the "Conclusion" portion of the original petition and the

more lengthy soil portion of the original petition does not clearly draw this distinction (pages 11-14 of original petition). Thus, the following soil evidence for the proposed addition is not in direct conflict with the substantive soil information in the original petition or the description in the supplemental information in T.D. ATF-295.

The soils in the proposed addition are residual upland soils from Pliocene volcanic rocks (andesite and rhyolite) and Cretaceous sedimentary rocks (sandstone and shales). All the soils in the proposed addition are mapped in the Mt. Veeder viticultural area. These soils are: Boomer-Forward-Felta complexes, from andesite and rhyolite; Hambright-Rock Outcrop, from basic volcanic rocks; and Bressa-Dibble complexes and Maymen-Los Gatos complexes, from sandstone and shales. The Boomer-Forward-Felta and Maymen-Los Gatos extend from the original viticultural area into the proposed addition.

Because the soils in the proposed addition are also mapped in the Mt. Veeder viticultural area, locations appropriate to grapes have the soils with the same moderate depth to bedrock (30 to 60 inches) and the same limited available water holding capacity (four to ten inches) as those in the current viticultural area.

In the area beyond the boundary of the proposed addition to the north and northeast, a greater degree of dissection and downcutting has entirely removed the volcanic capping of andesites and rhyolites to expose a large area of serpentine and older sandstone and shales of the Franciscan formation. The soils formed from serpentine are Henneke, while those from sandstone and shales are Bressa, Dibble, Felton, Lodo, Los Gatos, Maymen and Millsholm. The soils from sedimentary rocks are also mapped in the Mt. Veeder viticultural area and the proposed addition, but in these areas, they are formed from younger sandstone and shales of the Cretaceous formation. With the exception of one small pocket of Henneke soils located near its southwestern boundary, no serpentine soils are mapped in the current Mt. Veeder viticultural area.

Aspect and Slope

In addition to geologic differences, the current Mt. Veeder viticultural area and the proposed addition contrast sharply from land to the north and northeast in matters of aspect and slope. The aspect of the Mt. Veeder viticultural area proper and the proposed addition is generally east-to-northeasterly, far different from the generally southerly

aspect of the land beyond the proposed revised boundary. The slopes to the north of the proposed revised boundary are also significantly steeper (30 percent to more than 70 percent) than those found in the current Mt. Veeder viticultural area or its proposed addition, a difference which increases the speed of runoff and associated erosion. The differences in aspect and slope in the land north of the proposed revised boundary are reflected in soils that are shallower and drier, with very different associated vegetation.

Climate

The proposed addition's upland location on the eastern slope of the Mayacamas Mountains and range of elevations within the proposed addition area are consistent with the current Mt. Veeder viticultural area. Both areas share the same characteristic cool, moist winters and warm, dry summers. Due to the similarity in location and relief, both areas also experience the same natural temperature inversion where the minimum temperature is higher than that on the floor of the Napa Valley during the summer and winter. This inversion keeps the proposed addition, as well as the currently approved Mt. Veeder viticultural area, relatively frost free during the spring, when grape vines emerge from dormancy.

The location and elevation also give the proposed addition the same rainfall profile as the current Mt. Veeder viticultural area. In describing the climate of the current Mt. Veeder viticultural area, T.D. ATF-295 states, "The region receives more rainfall than the land east, south and north of it due to the terrain forcing the moist air masses of winter storms upward as they move inland along a southeasterly path from the coast, causing condensation." This is the only climatic statement expressly concerning the northern boundary. A review of the background material in the rulemaking file on T.D. ATF-295, suggests that this comment is a very general comment about the rainfall in the proposed area and was not intended to mean that the proposed northern boundary was a specific demarcation point for a change in the rainfall pattern (pages 15-17 of original petition).

The amount of rainfall throughout the current Mt. Veeder viticultural area varies significantly (that is, 25-65 inches of winter rainfall), so rainfall was not a major distinguishing factor in drawing the original boundaries of the area. Based on isohetal maps of Napa Valley, rainfall in the proposed addition averages roughly 40 inches per year, well within the range of average annual

rainfall found within the current Mt. Veeder viticultural area. Thus, the proposed boundary extension does not conflict with the previous climate data.

The predominantly eastern and northeastern exposures within the proposed addition are similar to those in the current Mt. Veeder viticultural area. Such exposures enable the proposed addition area to support the same mixed hardwood (oak, madrone, and laurels) and conifer (douglas fir and redwood) forest found in the current Mt. Veeder viticultural area at similar elevations.

In sharp contrast to the land in the proposed addition, the region immediately north of the proposed boundary, on the slopes of Mount St. John and the ridge extending northeast from Mount St. John to the main crest of the Mayacamas Mountains, has primarily southern exposures. The microclimate created by this southern exposure, distinguished by warmer temperatures and lower humidities than those found in the current Mt. Veeder viticultural area or the proposed addition, has resulted in quite different vegetation, dominated by brush and digger pine.

Summary of Geographic Features

In summary, the residual upland soils in the proposed addition are the same sedimentary and volcanic types found in the current Mt. Veeder viticultural area. The soils are characterized by their moderate depth to bedrock and limited water holding capacity. The soils in the current viticultural area and the proposed addition are differentiated from soils found to the north of the proposed boundary by geology, composition, depth and vegetation.

The climate in the proposed addition is consistent with that in the current Mt. Veeder viticultural area, with the same cool, moist winters and warm, dry summers. Due to the similarity of location and relief, the proposed addition experiences the same natural inversion as the current viticultural area, which keeps both relatively frost free during the spring, when grape vines emerge from dormancy and set their crop. The average annual rainfall in the proposed addition is likewise within the range found in the current Mt. Veeder viticultural area.

The current Mt. Veeder viticultural area and the proposed addition both have predominantly eastern and northeastern exposures, which support a mixed hardwood and conifer forest. In contrast, the land to the north of the proposed addition has a predominantly southern exposure, with a microclimate of warm temperatures and low

humidities that is reflected in very different vegetation, primarily brush and digger pine.

Public Participation-Written Comments

ATF requests comments from all interested persons. Specifically, ATF wishes to solicit comments on whether the name "Mt. Veeder" is locally or nationally known as referring to the proposed area of extension.

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. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential and 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.

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) Are legible; (2) are 8½" x 11" in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

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.

Regulatory Flexibility Act

It is hereby certified that this document will not have a significant economic impact on a substantial number of small entities. Any benefit derived by a small proprietor from the new options provided in this rule will be the result of the proprietor's own promotional efforts and consumer acceptance of the specific product. No new reporting, recordkeeping or other administrative requirements are imposed by this rule. Accordingly, a regulatory flexibility analysis is not required.

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 industries, 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, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

Disclosure

Copies of this notice and any written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6300, 650 Massachusetts Avenue, NW., Washington, DC 20226.

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 amended as follows:

PART 9—[AMENDED]

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

Authority: 27 U.S.C. 205.

Par. 2. Section 9.123 is amended by removing paragraphs (c)(1) and (c)(9) through (c)(11) and adding new paragraphs (c)(1) and (c)(9) through (c)(12) to read as follows:

§9.123 Mt. Veeder

* * * * *

(c) * * *

(1) Beginning at unnamed peak, elevation 1,820, on the common boundary between Napa County and Sonoma County in Section 23,

Township 7 North, Range 6 West, Mount Diablo Base and Meridian on the Rutherford, Calif. U.S.G.S. map;

* * * * *

(9) Thence northwesterly along Dry Creek through Sections 3 and 4 of Township 6 North, Range 5 West, and Sections 32 and 31 of Township 7 North, Range 5 West, to the fork of Dry Creek near the center of Section 25 of Township 7 North, Range 6 West;

(10) Continuing along the northern fork of Dry Creek through Sections 25 and 24 of Township 7 North, Range 6 West, to the point at which the main channel of Dry Creek ends and divides into three tributaries;

(11) Thence following the middle tributary of Dry Creek through Sections 24 and 23 of Township 7 North, Range 6 West, to its source at the intersection with a trail indicated on the map;

(12) Thence following a straight line west approximately 1/10 mile to the top of unnamed peak, elevation 1,820, the beginning point.

Signed: August 12, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93-19998 Filed 8-18-93; 8:45 am]

BILLING CODE 4810-31-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-93-054]

Drawbridge Operation Regulations; York River, Yorktown, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Virginia Department of Transportation, the Coast Guard is considering changing the regulations that govern the operation of the George P. Coleman Memorial drawbridge across York River, mile 7.0, at Yorktown, Virginia, by restricting bridge openings during the morning and evening rush hours to all vessel traffic. The proposed changes to these regulations are, to the extent practical and feasible, intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge.

DATES: Comments must be received on or before October 4, 1993.

ADDRESSES: Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street,