

holders in agriculture in the United States.

Catalogue of Federal Domestic Assistance Number

This program is listed in the *Catalogue of Federal Domestic Assistance* as Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Employment, Employment and Training Administration, Forests and forest products, Guam, Labor migrant, Labor, Wages.

Proposed Rule

Accordingly, it is proposed that Part 655 of Chapter V of Title 20, Code of Federal Regulations, be amended as follows:

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

1. It is proposed to revise the authority citation for Part 655 to read as follows and to remove the separate authority citations following all the sections in Part 655:

Authority: 8 U.S.C. 1101(a)(15)(H)(ii) and 1184(c); 29 U.S.C. 49 *et seq.*; 8 CFR 214.2(h)(3)(i).

2. It is proposed to amend § 655.207 by revising paragraphs (b)(1) and (b)(3) to read as follows:

§ 655.207 Adverse effect rates.

(b)(1) For agricultural employment (except shepherding) in the States listed in paragraph (b)(2) of this section, and for Florida sugar cane work, the adverse effect rate for each year shall be computed by adjusting the prior year's adverse effect rate by the percentage change (from the second year previous to the prior year) in the U.S. Department of Agriculture's (USDA's) average hourly wage rates for field and livestock workers (combined) based on the USDA Quarterly Wage Survey. The Administrator shall publish, at least once in each calendar year, on a date or dates he shall determine, adverse effect rates calculated pursuant to this paragraph (b) as a notice or notices in the *Federal Register*.

(3) *Transition.* Notwithstanding paragraphs (b) (1) and (2) of this section, the 1986 adverse effect rate for agricultural employment (except shepherding) in the following States,

and for Florida sugar cane work, shall be computed by adjusting the 1981 adverse effect rate (computed pursuant to 20 CFR 655.207(b)(1), 43 FR 10317, March 10, 1978) by the percentage change between 1980 and 1985 in the U.S. Department of Agriculture annual average hourly wage rates for field and livestock workers (combined) based on the USDA Quarterly Survey.

Signed at Washington, D.C., this 7th day of April 1986.

William E. Brock,
Secretary of Labor.

[FR Doc. 86-8376 Filed 4-15-86; 8:45 am]
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 591; Re: T.D. ATF-187/204]

Revision and Realignment of the Boundaries of Alexander Valley and Northern Sonoma Viticultural Areas

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

ACTION: Notice of proposed rulemaking.

SUMMARY: ATF proposes to amend the boundaries of both the Alexander Valley and Northern Sonoma viticultural areas in Sonoma County, California, (1) to include vineyard land (in the northeasternmost corner) which ATF had inadvertently omitted from the Alexander Valley viticultural area with the issuance of T.D. ATF-187 [49 FR 42719] but which had been included in the Northern Sonoma viticultural area pursuant to T.D. ATF-204 [50 FR 20560]; (2) to extend the boundary at the northeasternmost corner of each viticultural area to include land on which new vineyards were planted in 1985; (3) to realign the northeastern and northwestern portions of the boundary of the Northern Sonoma viticultural area in order to conform to the descriptions of the eastern and western portions of the approved boundary of the Alexander Valley viticultural area; (4) to make a minor conforming change in the description of the western portion of the boundary of the Alexander Valley viticultural area; and, (5) to revise the southern portion of the boundary of the Alexander Valley viticultural area to include the Digger Bend area which is east of Healdsburg thereby incorporating this area which is within the Russian River Valley viticultural area to be included within the

Alexander Valley viticultural area as well.

DATE: Written comments must be received by June 16, 1986.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385 (Ref: Notice No. 591), Washington, DC 20044-0385.

Copies of this proposal, the petitions, the appropriate maps, and the written comments will be available for public inspection during normal business hours at:

ATF Reading Room, Ariel Rios Federal Building, Room 4406, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Coordinator, FAA, Wine and Beer Branch, Room 6237, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

With the issuance of T.D. AFT-187 on October 24, 1984, and T.D. ATF-204 on May 17, 1985, ATF formalized, respectively, the establishment of the Alexander Valley and the Northern Sonoma viticultural areas in Sonoma County, California.

Alexander Valley Viticultural Area (North)

The final rule establishing the boundary of the Alexander Valley viticultural area resulted from a review of petitions which ATF had received from two groups identified in the preamble to T.D. ATF-187 as Group A and Group B. Each group had proposed a different description of the boundary. Following a review of the petitions, the public comments received, and the total oral presentations made in a public hearing, ATF established a boundary which generally followed the description petitioned by Group B.

In finalizing the boundary, ATF compressed the eastern and western legs of the boundary description presented in the Group B petition. ATF's purpose was to exclude mountainous areas which were too steep for viticulture and on which no vineyards existed. ATF had no intention of excluding areas on which vineyards had been established. However, in the course of compressing the eastern and western portions of the petitioned "Group B" boundary, ATF utilized the "Asti Quadrangle" (1959) map which did not indicate the site of a vineyard established in 1974 on the Harold Smith

Ranch. ATF had no intention of excluding this vineyard which is sited on land within section 33, Township 12 N., Range 10 W.

On January 25, 1985, ATF received the petition filed by Harold L. Smith of the Five S Bar Ranch and Vineyard, Inc., known locally as the Harold Smith Ranch, for revision of the northeastern portion of the boundary of the Alexander Valley viticultural area to include sections 33 and 34, Township 12 N., range 10 W. In the spring of 1985, the petitioner completed the planting of four new vineyards which are sited on land within section 34. Both sections are in Sonoma County and adjoin the Sonoma County-Mendocino County line.

The area for which the petitioner filed for extension of the boundary is situated directly east of the northeastern corner of the established Alexander Valley viticultural area. The petitioned area consists of uplands at elevations between 1,600 feet and 2,400 feet above sea level on Pine Mountain. The petitioner states that the land in this area shares similar geological history, topographical features, soils, and climatic conditions as the land area in the northernmost portion of the established viticultural area.

If approved as proposed, the northeastern portion of the boundary of the Alexander Valley viticultural area would be extended to encompass approximately 2.4 square miles or 1,536 acres. The petitioner states that within the area there are 57.5 acres of vineyards consisting of one established vineyard (1974) of 13 acres and four newly planted vineyards (1985) of 3, 8, 11, and 22.5 acres, respectively.

Northern Sonoma Viticultural Area

ATF's proposal to revise the boundary for the Alexander Valley viticultural area impacts T.D. ATF-204 by which ATF established the Northern Sonoma viticultural area.

During the time period in which ATF was simultaneously processing viticultural area petitions for Alexander Valley, Knights Valley, Chalk Hill, Sonoma County, Green Valley, Russian River Valley and Dry Creek in northern Sonoma County, California, ATF also received a petition for establishment of a Northern Sonoma viticultural area.

In the preamble to Notice No. 472 for the Northern Sonoma viticultural area, ATF stated its intention to have the proposed boundary coincide with the outer boundaries of the Alexander Valley, Dry Creek Valley, Russian River Valley and Knights Valley viticultural areas with the exception of an area southwest of the Dry Creek Valley viticultural area and west of the Russian

River Valley viticultural area. In the preamble to T.D. ATF-204, ATF repeated this statement.

In reviewing the petition to revise the Alexander Valley boundary to include the Harold Smith Ranch, however, ATF discovered that the statement in the preceding paragraph, while conforming to ATF's intention expressed in the preamble of the notice and the Treasury decision, does not reflect the results of rulemaking via the issuance of T.D. ATF-204. ATF attributes this discrepancy to the fact that in T.D. ATF-187 ATF compressed the eastern and western legs of the boundary of the Alexander Valley viticultural area but failed to make conforming changes in T.D. ATF-204 which established the Northern Sonoma viticultural area.

The Northern Sonoma boundary includes the site of the vineyard established in 1974 on the Harold Smith Ranch.

In addition to proposing a revision of the northeasternmost portion of the boundary of the Alexander Valley viticultural area, ATF proposes conforming changes to realign the northeastern and northwestern legs of the boundary of the Northern Sonoma viticultural area.

These revisions would extend the northeastern portion of the boundary of the Northern Sonoma viticultural area to include 1.5 square miles (960 acres) on which are sited the new vineyards totaling 44.5 acres but would compress the northern and northwestern portions of the boundary effectively excluding approximately 32.5 square miles of rugged mountainous terrain on which ATF had found no evidence of viticulture via the rulemaking process for the Alexander Valley viticultural area.

Alexander Valley Viticultural Area (South)

As stated previously, the final rule establishing the boundary of the Alexander Valley viticultural area resulted from a review of petitions which ATF had received from two groups identified in the preamble to T.D. ATF-187 as Group B. The two groups differed as to how far north the Alexander Valley extended. However, each group proposed a ridge of low-lying hills to the north of the Digger Bend area as the southern portion of the boundary for the Alexander Valley viticultural area.

During the public hearing held on January 24, 1983, ATF representatives heard oral testimony for a shift of the southern portion of the Alexander Valley viticultural area boundary to incorporate land in the Digger Bend area

lying north of Fitch Mountain into the viticultural area. During the remainder of the hearing, ATF representatives directed specific questions to participants regarding the merits of extending the boundary farther south to include the Digger Bend area. On February 25, 1983, the last day of the comment period, ATF received a post hearing comment, No. 43, in which the proprietors of two vineyards in the Digger Bend area, submitted a proposal, "BA#2," and supporting data for a more southern extension of the boundary.

Following a review of all petitions, the public comments received including proposals identified as "BA#1" and "BA#2", and the transcript of the public hearing, ATF established a boundary which generally followed the description petitioned by Group B and based its dismissal of the "BA#2" proposal on the finding at that time that "the evidence does not in our view substantiate these findings with respect to the area proposed in BA#2."

By a petition dated January 16, 1986, Kenneth J. Toth and Tricia Toth, of Black Mountain Vineyard (100+ acres), Fredrick J. Passalacqua (140-acre vineyard), and Charles A. Friend (20-acre vineyard), submitted additional data to support the "BA#2" proposal.

Based upon a review of the data submitted with this petition, ATF concludes that there is sufficient reason to include a proposal to allow for overlapping of the southern portion of the boundary of the Alexander Valley viticultural area and the northern portion of the boundary of the Russian River Valley viticultural area to include the Digger Bend area. Accordingly, ATF is proposing a revision of the description of the southern portion of the boundary of the Alexander Valley viticultural area to include the Digger Bend area. If approved as proposed, the southern portion of the boundary of the Alexander Valley viticultural area would be extended to encompass approximately 8 square miles or 5,120 acres. The petitioner states that within the area there are approximately 275 acres of vineyards.

Proposed Amendments to Boundaries

The Smith petition states that the description of the boundary of the established Alexander Valley viticultural area as found in 27 CFR 9.53(c) should be amended to provide for inclusion of sections 33 and 34, Township 12 N., Range 10 W., and portions of section 3 and 4, Township 11 N., Range 10 W., (U.S.G.S. "Asti" Quadrangle 7.5 minute series map). ATF concurs with the petitioner.

In addition, ATF proposes to revise the boundary of the Northern Sonoma viticultural area (1) to include part of section 3, Township 11 N., Range 10 W., and the entirety of section 34, Township 12 N., Range 10 W., (U.S.G.S. "Sonoma County, CA" map dated 1970, scale 1:100,000), (2) to align the northeastern and northwestern legs of the Northern Sonoma viticultural area with the eastern and western portions of the boundary for the Alexander Valley viticultural area, and to make a minor conforming change in the western portion of the boundary for the Alexander Valley viticultural area.

The Digger Bend petition states that the boundary common to the Alexander Valley and Russian River Valley viticultural areas should be shifted so as to extend the boundary of the Alexander Valley viticultural area from the southeastern corner of "BA#1" (Simi Winery boundary addition) east and south to Fitch Mountain and Black Peak. This would result in a curtailment of the previously approved Russian River viticultural area.

ATF, based upon a review of the data submitted with the petition, favors overlapping the boundaries of the Alexander Valley and Russian River Valley viticultural areas and, accordingly, has proposed that the Digger Bend area be retained within the Russian River Valley viticultural area and the southern portion of the boundary of Alexander Valley viticultural area be extended to include the Digger Bend area.

Public Participation

ATF requests comments from all interested parties. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

The Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

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 proposal because the notice of proposed rulemaking, if promulgated as a final

rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal 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 notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

In compliance with Executive Order 12291 issued February 17, 1981, ATF has determined that this proposed regulation is not a "major rule" since it will not result in:

- (a) 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 geographic regions; and,
- (c) Significant adverse effects on competition, employment, investment, productivity, innovation, 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 notice because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

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

PART 9—[AMENDED]

Paragraph 1. The authority citation for 27 CFR Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. ATF proposes to amend § 9.53 of Subpart C of Title 27, Code of Federal Regulations, Part 9, by revising paragraphs (c)(3) through (c)(5) and (c)(21) through (c)(24), removing former paragraphs (c)(25) and (c)(26), revising and redesignating paragraph (c)(27) as (c)(25), redesignating paragraph (c)(28) through (c)(39) as paragraphs (c)(26) through (c)(37), removing former paragraph (c)(40), and adding new paragraphs (c)(38) through (c)(40) to read as follows:

§ 9.53 Alexander Valley.

* * * * *

(c) *Boundary.* * * *

(3) Then east southeasterly in a straight line to the southeast corner of section 2, T. 11 N., R. 11 W.;

(4) Then south southeasterly in a straight line to the southeast corner of section 24, T. 11 N., R. 11 W.;

(5) Then southeasterly in a straight line across sections 30, 31 and 32, T. 11 N., R. 10 W., to the point at 38°45' N. latitude and 123°00' E. longitude in section 5, T. 10 N., R. 10 W.;

* * * * *

(21) Then Southeasterly in a straight line approximately 11,000 feet to the 991-foot peak of Fitch Mountain;

(22) Then east southeasterly approximately 7,000 feet in a straight line to a peak identified as having an elevation of 857 feet;

(23) Then east southeasterly approximately 1,750 feet to the peak identified as Black Peak;

(24) Then southeasterly approximately 7,333 feet to a peak identified as having an elevation of 672 feet;

(25) Then northeasterly approximately 5,000 feet in a straight line to the point of confluence of Brooks Creek with the Russian River in T. 9 N., R. 8 W., on the Healdsburg Quadrangle map;

(26) Then east-southeasterly 2,400 feet in a straight line to the top of a peak identified as Chalk Hill;

(27) Then east-northeasterly 7,600 feet in a straight line to the point lying at 38 degrees 36 minutes 20 seconds/122 degrees 45 minutes, approximately the midpoint on the south line of section 21, T. 9 N., R. 8 W., near the peak identified as Bell Mountain;

(28) Then easterly along the south line of section 21 to the southeast corner thereof, on the Mark West Springs Quadrangle map;

(29) Then northerly along the east line of sections 21, 16 and 9, T. 9 N., R. 8 W., to the northeast corner of Section 9, on the Mount St. Helena Quadrangle map;

(30) Then westerly along the north line of Section 9 to the northwest corner

thereof, on the Jimtown Quadrangle map;

(31) Then northwesterly 15,500 feet in a straight line to the northeast corner of section 36, T. 10 N., R. 9 W.;

(32) Then north-northwesterly 11,800 feet in a straight line to the southeast corner of section 14, T. 10 N., R. 9 W.;

(33) Then north-northwesterly 15,350 feet in a straight line to the most eastern point on the northeastern line of the Tzabaco land grant;

(34) The west-northwesterly along the northeastern line of the Tzabaco land grant to the most northerly point thereon, on the Geyserville Quadrangle map;

(35) Then west-northwesterly 7,250 feet in a straight line to the point on a peak identified as having an elevation of 830 feet, on the Asti Quadrangle map;

(36) Then northwesterly 13,350 feet in a straight line to the point on a peak identified as having an elevation of 1,070 feet;

(37) Then north-northwesterly 14,750 feet in a straight line to the point on a peak identified as having an elevation of 1,301 feet;

(38) Then east-northeasterly approximately 10,000 feet in a straight line to the southeast corner of section 34, T. 12 N., R. 10 W.;

(39) Then north along the east boundary of section 34, T. 12 N., R. 10 W.;

(40) Then west along the north boundaries of sections 34 and 33, T. 12 N., R. 10 W., to the point of beginning.

Par. 3. ATF proposes to amend § 9.70 of Subpart C of Title 27, Code of Federal Regulations, Part 9, by revising paragraphs (b), (c) (introductory text), (c)(1) and (c)(11) through (c)(14), adding new paragraphs (c)(15) through (c)(18), redesignating paragraph (c)(15) as (c)(19), adding new paragraphs (c)(20) through (c)(22), and redesignation paragraphs (c)(18) through (c)(23) as paragraphs (c)(23) through (c)(28) to read as follows:

§ 9.70 Northern Sonoma.

(b) *Approved map.* The approved maps for determining the boundary of the Northern Sonoma viticultural area are the U.S.G.S. Topographical Map of Sonoma County, California, scale 1:100,000, dated 1970, and the Asti Quadrangle, California, 7.5 minute series (Topographic) Map, dated 1959, photorevised 1978.

(c) *Boundary.* The Northern Sonoma Viticultural area is located in Sonoma County, California. The boundary description in paragraphs (c)(1)-(c)(28) of this section includes (in parentheses)

the local names of roads which are not identified by name on the map.

(1) On the U.S.G.S. Topographical Map of Sonoma County, California, the beginning point is the point, in the town of Monte Rio, at which a secondary highway (Bohemian Highway) crosses the Russian River.

(11) The boundary proceeds north northwesterly in a straight line to the southeast corner of Section 14, Township 10 North, Range 9 West.

(12) The boundary proceeds north northwesterly in a straight line to the most eastern point of the northeastern line of the Tzabaco land grant.

(13) The boundary proceeds west-northwesterly along the northeastern line of the Tzabaco land grant.

(14) On the Asti Quadrangle 7.5 minute series map, the boundary proceeds west-northwesterly in a straight line to the point on a peak identified as having an elevation of 830 feet.

(15) The boundary proceeds northwesterly 13,350 feet in a straight line to the point identified as having an elevation of 1,070 feet.

(16) The boundary proceeds northwesterly in a straight line to the point on a peak identified as having an elevation of 1,301 feet.

(17) The boundary proceeds east-northwesterly approximately 10,000 feet in a straight line to the southeast corner of Section 34, Township 12 North, Range 10 West.

(18) On the U.S.G.S. Topographical Map of Sonoma County, California, the boundary proceeds north along the east boundary of section 34, Township 12 North, Range 10 West, to the Sonoma County-Mendocino County line.

(19) The boundary follows the Sonoma County-Mendocino County line west then south to the southwest corner of section 34, Township 12 North, Range 11 West.

(20) The boundary proceeds in a straight line east southeasterly to the southeast corner of section 2, Township 11 North, Range 11 West.

(21) The boundary proceeds in a straight line south southeasterly to the southeast corner of section 24, Township 11 North, Range 11 West.

(22) The boundary proceeds in a straight line southeasterly across sections 30, 31 and 32 in Township 11 North, Range 10 West, to the point at 38°45' North latitude parallel and 123°00' East longitude in Section 5, T. 10 N., R. 10 W.

(23) The boundary follows this latitude parallel west to the west line of section 5, Township 10 North, Range 11 West.

(24) The boundary follows the section line south to the southeast corner of section 18, Township 9 North, Range 11 West.

(25) The boundary proceeds in a straight line southwesterly approximately 5 miles to the peak of Big Oat Mountain, elevation 1404 feet.

(26) The boundary proceeds in a straight line southerly approximately 2¾ miles to the peak of Pole Mountain, elevation 2204 feet.

(27) The boundary proceeds in a straight line southeasterly approximately 4¾ miles to the confluence of Austin Creek and the Russian River.

(28) The boundary follows the Russian River northeasterly, then southeasterly to the beginning point.

Signed: April 7, 1986.

Stephen E. Higgins,
Director.

[FR Doc. 86-8429 Filed 4-15-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 773 and 778

Requirements for Surface Coal Mining and Reclamation Permit Approval; Ownership and Control

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of reopening of public comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the United States Department of the Interior (DOI) published a proposed rule amending its regulations dealing with the permit approval provisions of section 510(c) of the Surface Mining Control and Reclamation Act of 1977. The proposed rule would define the terms "ownership" and "control," and would expand the scope of the findings which regulatory authorities are required to make prior to permit approval. The comment period on the proposed rule closed June 28, 1985. OSMRE is now reopening and extending the comment period.

DATES: The comment period on the proposed rule is extended until June 16, 1986.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Office of Surface Mining Reclamation and Enforcement,