

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

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.152 to read as follows:

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§ 9.152 Malibu-Newton Canyon.

(a) *Name.* The name of the viticultural area described in this petition is "Malibu-Newton Canyon."

(b) *Approved maps.* The appropriate map for determining the boundary of the Malibu-Newton Canyon viticultural area is the U.S.G.S. map, "Point Dume Quadrangle, California" (7.5 Minute Series 1:24,000 Topographic map, photorevised 1981).

(c) *Boundary.* The Malibu-Newton Canyon viticultural area is located in Los Angeles County, California. The boundary is as follows:

(1) Beginning at the intersection of the Newton Canyon creek (lowest elevation) and an unnamed medium duty road referred to by the petitioner as Kanan Dume Road at the boundary of section 13 and 18 on the U.S.G.S. map "Point Dume Quadrangle."

(2) Then south along Kanan Dume Road to the point where an unnamed, unimproved dirt road referred to by the petitioner as Ramirez Mountain Way crosses over Kanan Dume Road at the tunnel in the northwest corner of section 19.

(3) Then east along Ramirez Mountain Way, following the southern ridgeline of Newton Canyon, to Latigo Canyon Road in the southwest corner of section 17.

(4) Then south along Latigo Canyon Road to an unnamed, unimproved dirt road referred to by the petitioner as Newton Mountain Way at the southern boundary of section 17.

(5) Then northeast along Newton Mountain Way, following the southeastern ridgeline of Newton Canyon, to an unnamed, unimproved dirt road referred to by the petitioner as Castro Mountain Way in section 16.

(6) Then west along Castro Mountain Way, past Castro Peak, following the

northern ridgeline of Newton Canyon to Latigo Canyon Road in section 18.

(7) Then southwest along the natural ridgeline of Newton Canyon to the intersection of Kanan Dume Road and the 1,600 foot contour line in the southeastern portion of section 13.

(8) Then southeasterly along Kanan Dume Road to the beginning point.

Signed: May 7, 1996.

Bradley C. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson,

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

[FR Doc. 96-14857 Filed 6-12-96; 8:45 am]

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Bureau of Alcohol, Tobacco, and Firearms**27 CFR Part 9**

[T.D. ATF-377; Ref: Notice No. 818, T.D. ATF-148]

RIN 1512-AA07

Extension Of The Paso Robles Viticultural Area (93F-026T)

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

ACTION: Final rule. Treasury decision.

SUMMARY: This final rule extends the western border of the Paso Robles viticultural area in San Luis Obispo County, California. This extension will include vineyard land similar to land in the current Paso Robles viticultural area which was established on October 4, 1983, by the issuance of Treasury Decision ATF-148 (48 FR 45241). This extension of the western border adds approximately 52,618 acres, of which 235 acres are being planted to vineyards.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Lou Blake, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8210).

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 American 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

The original petition to extend the western border of the Paso Robles viticultural area was filed in July 1993, by Justin C. Baldwin as spokesperson for his own vineyard and winery and for five other vineyards in the area. All of the vineyards and the winery, which are located outside the western border of the current Paso Robles viticultural area, were established after the original Paso Robles viticultural area was approved. At the time Mr. Baldwin submitted his petition additional information was still needed to complete the petition. Until the additional information could be obtained, the original petition was returned to Mr. Baldwin.

July Ackerman, Executive Director of the Paso Robles Vintners and Growers Association, later resubmitted the petition in December 1994. Ms. Ackerman, in her official role as Executive Director, along with members of the Paso Robles Vintners and Growers Association, supported the extension. The petition also included the names of 71 people in the grape and wine

industries who supported the expansion area.

Ms. Ackerman stated the expansion area has always been considered a part of the Paso Robles Wine Country. In fact, the petition noted that the expansion area was included in the original petition but was removed due to a petition involving a contiguous area. The expansion area is between the boundaries set forth in these two petitions. In 1989 the Paso Robles Chamber of Commerce published "A History and Tour Guide of the Paso Robles Wine Country." Included in this publication was one of the vineyards and wineries located in the expansion area. As noted, the expansion area was also originally included in the petition for the current Paso Robles viticultural area. However, a concurrent petition was being considered for the York Mountain viticultural area and to prevent any intrusion into York Mountain the petitioner for Paso Robles amended the southwestern border. At the same time, the western boundary was amended to begin at the next most eastern range line. At the time of this amendment, no vineyards had been established in the area beyond the amended western boundary.

The expanded western border of the Paso Robles viticultural area will continue to maintain a southwestern border adjacent to York Mountain's northern border. This expansion would add approximately 52,618 acres to the existing viticultural area. Since the final rule for the Paso Robles viticultural area was published in 1983, seven vineyards have been planted in the expansion area.

Notice of Proposed Rulemaking

In response to Ms. Ackerman's petition, ATF published a notice of proposed rulemaking, Notice No. 818, in the Federal Register on January 10, 1996 (61 FR 706), proposing the extension of the western border. This notice requested comments from all interested persons. Written comments were to be received on or before April 9, 1996. No comments were received in response to Notice No. 818.

Historical and Current Evidence

The name of the area comes from the Spanish name "El Paso de Robles" (meaning "the Pass of the Oaks"), which was given to the area by travelers between the missions of San Miguel and San Luis Obispo. A land grant, in this name, was conveyed by Governor Micheltorena to Pedro Narvaez on May 12, 1844. This land grant included the present area of Paso Robles, Templeton, and Adelaida.

Historically, the Santa Lucia Mountain range has been known as the western border of the Paso Robles area. All seven of the vineyards planted since 1983 are located east of the Santa Lucia Mountain Range, just beyond the western border of the current Paso Robles Viticultural area and north of the York Mountain viticultural area.

In addition, the expansion area contains the same telephone number prefixes and post office zip codes as the existing viticultural area. Further, the expansion area utilizes the same government services (i.e. schools, fire departments, etc.) as the existing viticultural area.

Geographical Evidence

The petitioner provided geographical evidence derived from the "Soil Survey of San Luis Obispo County, California"—Paso Robles Area. This survey was a cooperative effort of the Soil Conservation Service and the University of California Agriculture Experiment Station. Petitioner's data also reflects information collected from airports, forestry stations, city and county historical records and individual agriculturalists.

The expansion area is characterized by rolling hills, 750 feet to 1800 feet, similar to the current Paso Robles appellation and unlike the more mountainous area of York Mountain. Soils generally consist of Nacimiento Ayar, Nacimiento Los Osos Balcom Series and Linne-Calodo Series, three of the four soil types found in the current appellation.

Temperatures in the expansion area are the same as the current appellation, ranging between 20–110 degrees Fahrenheit. Rainfall in the current appellation is between 10 and 25 inches per year. The expansion area averages 25 inches per year maintaining a similarity with the current appellation and less than the 45 inches per year within the York Mountain Viticultural Area. Degree days of 2500–3500 are also the same for both the current appellation and the expansion area.

Boundaries

The boundaries for the extension of the Paso Robles viticultural area use range and township lines, the county line and other points of reference. These same features are used as boundaries for the existing Paso Robles viticultural area.

The points of reference for the boundaries of the current viticultural area and the expansion area are found on United States Geological Survey (U.S.G.S.) map entitled "San Luis

Obispo," scale 1:250,000 (1956, revised 1969).

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.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that region. No new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Drafting Information

The principal author of this document is Mary Lou Blake, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subject in 27 CFR Part 9

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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.

Par. 2. Subpart C is amended by revising section 9.84(c) to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.84 Paso Robles.

* * * * *

(c) *Boundaries.* The Paso Robles viticultural area is located within San Luis Obispo County, California. From the point of beginning where the county

lines of San Luis Obispo, Kings and Kern Counties converge, the county line also being the township line between T.24S. and T.25S., in R.16E.:

(1) Then in a westerly direction along this county line for 42 miles to the range line between R.9E. and R.10E.;

(2) Then in a southerly direction for 12 miles along the range line to the southwest of corner of T.26S. and R.10E.;

(3) Then in a southeasterly direction, approximately 5.5 miles to a point of intersection of the Dover Canyon Jeep Trail and Dover Canyon Road;

(4) Then in an easterly direction along Dover Canyon Road, approximately 1.5 miles, to the western border line of Rancho Paso de Robles;

(5) Then, following the border of the Paso Robles land grant, beginning in an easterly direction, to a point where it intersects the range line between R.11E. and R.12E.;

(6) Then southeasterly for approximately 16.5 miles to the point of intersection of the township line between T.29S. and T.30S. and the range line between R.12E. and R.13E.;

(7) Then in an easterly direction for approximately 6 miles to the range line between R.13E. and R.14E.;

(8) Then in a northerly direction for approximately 6 miles to the township line between T.28S. and T.29S.;

(9) Then in an easterly direction for approximately 18 miles to the range line between R.16E. and R.17E.;

(10) Then in a northerly direction for approximately 24 miles to the point of beginning.

Signed: May 17, 1996.

Bradley A. Buckles,
Acting Director.

Approved: May 24, 1996.

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

[FR Doc. 96-14854 Filed 6-12-96; 8:45 am]

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Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 70 and 71

[T.D. ATF-378; CRT 93-137]

RIN 1512-AB53

Statement of Procedural Rules

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

ACTION: Treasury Decision, final rule.

SUMMARY: This Treasury decision removes regulations in 27 CFR Part 71,

Statement of Procedural Rules, which are duplicated in 31 CFR Part 1, Disclosure of Records. It also transfers certain regulations from 27 CFR Part 71 to 27 CFR Part 70, resulting in the elimination of Part 71.

EFFECTIVE DATE: This final rule is effective August 12, 1996.

FOR FURTHER INFORMATION CONTACT:

Nancy Bryce, Tax Compliance Branch, (202-927-8220) or Eric O'Neal, Disclosure Branch, (202-927-8480), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, President Clinton announced a regulatory reform initiative. As part of this initiative, each Federal agency was instructed to conduct a page by page review of all agency regulations to identify those which are obsolete or burdensome and those whose goals could be better achieved through the private sector, self-regulation or state and local governments. In cases where the agency's review disclosed regulations which should be revised or eliminated, the agency would, as soon as possible, propose administrative changes to its regulations.

The page by page review of all regulations was completed as directed by the President. In addition, on April 13, 1995, the Bureau published Notice No. 809 (60 FR 18783) in the Federal Register requesting comments from the public regarding which ATF regulations could be improved or eliminated. As a result of the Bureau's analysis of its regulations and the public comments received, a number of regulatory initiatives were developed which are intended to accomplish the President's goals.

Pursuant to the President's directive, ATF reviewed 27 CFR part 71, Statement of Procedural Rules. ATF determined that there were regulations in part 71 which were largely duplicative of regulations found in 31 CFR part 1, Disclosure of Records. ATF also decided that certain regulations in part 71 should be transferred to 27 CFR part 70, Procedure and Administration, since they were related to the subject matter of part 70.

Part 71 deals primarily with the procedures for the disclosure of records and the publication of rules, regulations, forms, and instructions. ATF has determined that the information contained in sections 71.21, 71.22, 71.23, 71.24, and 71.25 is largely duplicative of information already

contained in 31 CFR part 1. Part 1 contains the regulations of the Department of Treasury concerning disclosure of records, and provides Appendices specifically relating to the component Bureaus of the Treasury Department, including ATF.

ATF has decided that it is unnecessary to provide identical information regarding the disclosure of records in two separate titles of the Code of Federal Regulations. Thus, we are removing sections 71.21-71.25 and Appendix A. So that users of Title 27 will know where to look for the ATF regulations on disclosure of records, we have added a new section which cross-references the disclosure regulations of the Department of Treasury. The new section also informs the public that inquiries regarding the disclosure of ATF records may be directed to the Chief, Disclosure Branch. The appendix in 31 CFR part 1 relating to ATF will be updated to reflect the locations where the public may inspect and copy ATF documents.

Certain sections within part 71 contain information which is not found in 31 CFR part 1. Section 71.26 provides rules for disclosure of certain specified matters relating to ATF. Section 71.27 explains the procedures for requesting or demanding disclosure of records or information in testimony or related matters. Section 71.41 explains the procedures for issuing rules and regulations. Section 71.42 deals with the issuance of forms and instructions. All of these sections will be moved to 27 CFR part 70, since they relate to procedure and administration. In addition, the pertinent sections in part 70 relating to the scope of the part, and the definitions of terms used in the part, are amended to reflect the new sections incorporated from part 71.

As a result of these changes, part 71 will be removed from the Code of Federal Regulations. Certain other minor technical changes have been made to the regulations which have been redesignated in this final rule.

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 final rule because no requirement to collect information is imposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to