

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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); and 14 CFR 11.89.

#### § 3913 [Amended]

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

91-22-06 **Partenavia**: Amendment 39-8066; Docket No. 91-CE-75-AD. Applicability: P-68 Series (not applicable to AP-68TP Series) airplanes (serial numbers 1 through 327), certificated in any category.

*Compliance:* Required as indicated, unless already accomplished.

To prevent horizontal stabilator failure, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 10 hours time-in-service (TIS) after the effective date of this AD, accomplish the following:

(1) Change the airspeed limitations in Section 2 Operating Limitations of the Partenavia P-68 Flight Manual to correspond with Part A of Partenavia Service Bulletin (SB) No. 85, dated July 16, 1991, and operate the airplane accordingly.

(2) Install the Operating Limitation Placard that is included with Partenavia SB No. 85, dated July 16, 1991, on the airplane instrument panel within the pilot's clear view and operate the airplane accordingly.

(b) Within the next 500 hours TIS after the effective date of this AD, install a reinforcement strip on the lower side of the horizontal tailplane in accordance with the instructions in paragraphs 1 through 5 of Part B of Partenavia SB No. 85, dated July 16, 1991.

(c) After compliance with paragraph (b) of this AD, paragraphs (a)(1) and (a)(2) of this AD no longer apply and the Operating Limitation Placard may be removed and the flight manual limitations may be restored to their original measurements.

(d) 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.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety, may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(f) The modifications and installations required by this AD shall be done in accordance with Partenavia Service Bulletin No. 85, dated July 16, 1991. This incorporation

by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Partenavia, Costruzioni Aeronautiche S.p.A., Via G. Pascoli n. 7, 80028 Casoria (NA), Italy. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW, room 8401, Washington, DC.

This amendment becomes effective on November 12, 1991.

Issued in Kansas City, Missouri, on October 4, 1991.

**Barry D. Clements**,  
Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 91-25102 Filed 10-17-91; 8:45 am]  
BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-315; Reference Notice No. 717]

RIN 1512-AA07

#### Benmore Valley Viticultural Area (91F-002P)

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

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

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms is establishing an American viticultural area in the southwest corner of Lake County, California to be known as "Benmore Valley." This final rule is the result of a petition submitted by Compliance Specialists, Santa Rosa, CA, on behalf of Vimark Inc., a Benmore Valley vineyard owner. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will allow wineries to designate the specific grape-growing areas where their wines originate, and will help consumers identify the wine they purchase.

**EFFECTIVE DATE:** This final rule is effective November 18, 1991.

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

### SUPPLEMENTARY INFORMATION: Background

ATF regulations in 27 CFR part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which are delineated in subpart C of part 9. Under 27 CFR 4.25a(e)(2), any interested person may petition ATF to establish a grape-growing region as an American viticultural area. Approved American viticultural areas are listed in 27 CFR part 9.

### Petition

Compliance Specialists, Santa Rosa, California, on behalf of Vimark, Inc., a vineyard owner, petitioned ATF to establish a viticultural area in southwest Lake County, California to be known as "Benmore valley." The Benmore Valley viticultural area contains about 1440 acres, of which 125 acres are currently planted to Chardonnay grapes. There are no bonded wineries in the viticultural area.

### Name

Benmore Valley, at 2,400 feet in elevation, is prominently identified on U.S.G.S. maps. The earliest use of this name can be traced to the late nineteenth century. The petition stated that use of the name Benmore for this area originated with the nineteenth century cattle rustler, Benjamin Logan Moore, or Ben Moore. Ben Moore would steal cattle in adjacent Mendocino County, and then drive them to Lake County into the hidden valley which now bears his name. He would later drive the cattle into Sacramento valley where he would sell them. Ben Moore continued this practice for many years until emigrating to South America to escape the Law. The 1988 Lake County Historical Society publication, Pomo Bulletin, further details the historical aspects of Ben Moore, and his life in Benmore Valley. The Benmore name also appears on a number of other local geographical features, including Benmore Creek, Upper Benmore Road, and Benmore Ridge Camp. The Benmore name may be found on the Hopland, Purdys Gardens and Lakeport U.S.G.S. maps.

### Boundaries

The petitioner submitted two 1:24,000 scale U.S.G.S. maps which are the largest scale maps that describe the

area. The boundaries of the Benmore Valley viticultural area coincide in a general manner with the Benmore Valley area which is so labeled on the Purdys Gardens and Hopland U.S.G.S. maps. The boundary of the viticultural area closely follows the peaks that surround the valley, and the viticultural area encompasses the valley floor of Benmore Valley and a portion of the watershed surrounding it. The exact boundaries are described in § 9.138.

#### Distinguishing Features

The petitioner provided the following evidence relating to geographic features which distinguish the viticultural area from the surrounding areas.

#### Climate

Benmore Valley is characterized by a cooler climate than surrounding areas. University of California Hopland Field Station data shows Benmore Valley to be a Region I classification with fewer than 2,000 annual heat units. Adjacent areas in Mendocino County are warmer. McDowell Valley two miles distant is classified as a Region II area with 2,500 to 3,000 annual heat units, while the City of Hopland three miles distant is classified as having a Region III climate with 3,000 to 3,500 annual heat units.

Kelseyville and Middletown in Lake County are classified as Region III or Region IV climates and are much warmer. Ten-year statistical data from the Hopland Field Station shows that the growing season begins later in the year in Benmore valley than in adjacent areas. The date of the last frost in Benmore Valley occurs as much as one month later than in surrounding areas, including both higher mountain elevations and lower valley areas. Although Benmore Valley does not experience high temperatures, the valley tends to warm up earlier and cool later than other coastal areas, and thus stay warm for a longer part of the day. This fact, together with the relative lack of fog in the valley, provides a suitable climate for grape growing.

#### Soils

Soil types found within Benmore Valley differ from soils in the mountains surrounding the valley. The three soil types on the valley floor are Manzanita loam which predominates, Still loam, and Wolfcreek loam. These are deep, well-drained soils of slow to moderately slow permeability found on alluvial plains. These soils contrast sharply with those in the surrounding mountains. Soil types of the surrounding mountains are complexes made of mixtures of Maymen, Etsel, Mayacama and Snook soils, all shallow, excessively drained

soils derived from weather shale and sandstone.

#### Elevation

Benmore Valley can be described as a slight depression in the surrounding mountains. The valley itself is a high elevation upland valley, higher than most nearby areas, but isolated from other areas by even higher mountains immediately surrounding the valley. The valley floor elevation is 2,400 feet with the surrounding mountains averaging 2,800 feet, and rising to the north to just over 3,000 feet in elevation.

#### Water

The petition states that three man-made lakes and a natural creek provide adequate natural water supply for vineyard production. There is a high water table, which contrasts with the surrounding mountain area with little water capacity. Due to its high elevation, there are no watercourses which flow into the valley. This natural watershed boundary provides definition between the valley and its surrounding areas.

#### Notice of Proposed Rulemaking

In response to the petition submitted by Compliance Specialists, ATF proposed the Benmore Valley viticultural area in Notice No. 717, (56 FR 21971), on May 13, 1991. ATF solicited comments in that notice regarding the proposed viticultural area.

#### Comments

No comments were received in response to the notice during the 45-day comment period which ended on June 27, 1991. As a result, ATF is adopting the viticultural area as proposed in Notice No. 717, on the basis of the evidence presented in the petition.

#### Miscellaneous

ATF does not wish to give the impression by approving the Benmore Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct from surrounding areas, but not better than other areas. By approving the area, ATF will allow wine producers to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Benmore Valley wines.

#### 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 this final rule is not expected (1) to have significant secondary, or incidental effects on a substantial number of small entities, or (2) to impose, or otherwise cause, a significant increase in 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 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 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 final rule because no requirement to collect information is imposed.

#### Drafting Information

The principal author of this document is Charles N. Bacon, 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

Accordingly, 27 CFR part 9 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 adding § 9.138 to read as follows:

#### § 9.138 Benmore Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Benmore Valley viticultural area are two U.S.G.S. maps. They are entitled:

(1) "Hopland, CA," 7.5 Minute Series, edition of 1960, (photoinspected 1975); and

(2) "Purdys Gardens, CA," 7.5 Minute Series, edition of 1958, (photoinspected 1975).

(c) *Boundaries.* The Benmore Valley viticultural area is located in the southwest corner of Lake County, California. It lies entirely within the North Coast viticultural area. The beginning point is an unnamed peak of 2788 feet elevation found in the southeast portion of section 35, T. 14 N., R. 11 W., on the "Purdys Gardens, CA" U.S.G.S. map:

(1) Then southwest in a straight line to the point where an unnamed unimproved road crosses the south section line of section 35, T. 14 N., R. 11 W., west of Benmore Creek;

(2) Then following the unnamed unimproved road south to the intersection with the boundary between Lake and Mendocino Counties;

(3) Then following the county boundary between Lake and Mendocino Counties east and south to the intersection with the 2800 foot contour line;

(4) Then following the 2800 foot contour line in a northerly and then southerly direction to its intersection with the boundary between Lake and Mendocino Counties on the southern edge of section 2, T. 13 N., R. 11 W.;

(5) Then following the boundary between Lake and Mendocino Counties east to the point of intersection of sections 1, 2, 11, and 12, T. 13 N., R. 11 W.;

(6) Then southeasterly in a straight line to an unnamed peak of 2769 feet elevation in the center of section 12, T. 13 N., R. 11 W.;

(7) Then south in a straight line to the point where the boundary between Lake and Mendocino Counties changes from an east-west direction to a north-south direction;

(8) Then in a straight line in an easterly direction to an unnamed peak of 2883 feet elevation in the southwestern portion of section 5, T. 13 N., R. 10 W.;

(9) Then northeast in a straight line to the easternmost peak of an unnamed ridge with four peaks in the center of section 5, T. 13 N., R. 10 W.;

(10) Then northerly in a straight line to an unnamed peak of 2647 feet elevation near the north section line of section 5, T. 13 N., R. 10 W.;

(11) Then westerly in a straight line to

the point of intersection between section 5, T. 13 N., R. 10 W., section 31, T. 14 N., R. 10 W., and section 1, T. 13 N., R. 11 W.;

(12) Then northwest in a straight line to an unnamed peak of 2904 feet elevation in the north portion of section 1, T. 13 N., R. 11 W.;

(13) Then northwest in a straight line to an unnamed peak of 2788 feet elevation, the point of beginning.

Signed: September 12, 1991.

Stephen E. Higgins,  
Director.

Approved: October 4, 1991.

John P. Simpson,  
Deputy Assistant Secretary (Regulatory,  
Tariff and Trade Enforcement).  
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BILLING CODE 4810-31-M

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Part 2610

#### Payment of Premiums

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's (the "PBGC's") regulation on Payment of Premiums, 29 CFR part 2610, to reflect a statutorily mandated increase in the PBGC premium rates applicable to single-employer plans. There was no change for multiemployer plans.) This increase is effective with respect to plan years beginning on or after January 1, 1991.

**EFFECTIVE DATE:** October 18, 1991.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel (Code 22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, DC 20006; telephone 202-778-8824 (202-778-8059 for TTY and TDD). These are not toll-free numbers.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 12021 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, ("OBRA '90") amended section 4006 of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") to increase the premium rates applicable to single-employer plans. (There was no change for multiemployer plans.) This increase, which is effective for premium payment years beginning

on or after January 1, 1991, has three components.

First, the flat rate portion of the premium (which, for well funded plans, constitutes the entire premium) is increased from \$16 to \$19 per participant. Second, the variable rate charge (applicable to underfunded plans) is increased from \$6 to \$9 per \$1,000 of a plan's "unfunded vested benefits." Third, the maximum variable rate charge for each participant is increased from \$34 to \$53. (This new \$53 statutory cap, like the old \$34 statutory cap, is subject to the cap reduction rules of § 2610.23(a)(3); the PBGC reminds plan administrators, however, that the cap reduction ceases to exist after the 1992 premium payment year.) Thus, for severely underfunded single-employer plans, the maximum per-participant total charge is increased from \$50 (\$16 flat rate and \$34 variable rate) to \$72 (\$19 flat rate and \$53 variable rate).

This rule amends the PBGC's Payment of Premiums regulation, 29 CFR part 2610, to incorporate these new premium rates. Because this premium increase is mandated by statute, the PBGC finds that notice of and public comment on this amendment would be unnecessary. See 5 U.S.C. 553(b). For this same reason, the PBGC finds that good cause exists for making this amendment effective immediately. See 5 U.S.C. 553(d)(3).

#### E.O. 12291 and Regulatory Flexibility Act

The PBGC has determined that this amendment does not constitute a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of \$100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule merely incorporates the premium increase established by Congress in OBRA '90.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

#### List of Subjects in 29 CFR Part 2610

Employee benefit plans, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

In consideration of the foregoing, part