

ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this amendment may have a limited effect upon some small entities in the Charleston, South Carolina, district area, it is not expected to be significant because the establishment of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

#### Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: December 10, 1982.

David Q. Bates,

Acting Assistant Secretary of the Treasury.

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### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-119; Re: Notice No. 420]

#### Establishment of Carmel Valley Viticultural Area

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

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

**SUMMARY:** This final rule establishes a viticultural area in California known as "Carmel Valley." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

**EFFECTIVE DATE:** January 13, 1983.

**FOR FURTHER INFORMATION CONTACT:** John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7602).

#### 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 viticultural areas. The 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.

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 geographical features. 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.

Mr. David Armanasco, General Manager of Durney Vineyard, located in Carmel, California, petitioned ATF for the establishment of a viticultural area in Monterey County, California, to be known as "Carmel Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 420) in the Federal Register on August 26, 1982 (47 FR 37588) proposing the establishment of the Carmel Valley viticultural area.

#### General Description

The Carmel Valley viticultural area consists of approximately 19,200 acres. There are 120 acres of grapevines growing in the area, with other plantings of approximately 110 acres projected to begin within the next five years. There are two grape growers in the area. One other landowner in the area is planning to plant grapevines within the next five years. There is one winery in the area owned by the petitioner.

The Carmel River was discovered in 1603 by Sebastian Vizcaino and the name "Carmel" has applied to the area since that time. The village of Carmel Valley is 91 year old. The Carmel Valley viticultural area is within the watershed of the Carmel River and within a larger area commonly known by the name Carmel Valley. Grapevines have been grown commercially by the petitioner in Carmel Valley since 1968.

#### Geographical Features

The Carmel Valley viticultural area runs from the village of Carmel Valley southeasterly along the Carmel River and Cachagua Creek for a distance of approximately ten miles. The northeastern boundary is Tularcitos Ridge, which readily distinguishes the area from areas northeast of it by topography and the ridge's effect on the

climate of the valley. Southwest of the area is the Los Padres National Forest where agricultural land use is restricted by the U.S. Department of Agriculture. The smaller northwestern and southeastern boundaries are less well defined geographically.

The Carmel Valley viticultural area is distinguished from the surrounding area by climate and soil types. Utilizing the *Amerine-Winkler* method, Carmel Valley has different cumulative heat summation during the grape growing season than nearby areas, as follows: Carmel Valley 2317 degree-days (Region I), Salinas Valley 2148 degree-days (Region I), King City 3085 degree-days (Region III). The petitioner claims that, although Carmel Valley and nearby Salinas Valley are both Region I heat summation areas, the higher elevation in Carmel Valley curbs the marine fog incursion producing more sunny days in Carmel Valley than in Salinas Valley. This phenomenon distinguishes the area from the surrounding area, but not in quantitative terms.

Carmel Valley's normal annual precipitation ranges from 16.5 to 22.5 inches which readily distinguishes it from Monterey County's overall normal annual precipitation of 10 inches.

Carmel Valley has soils which are significantly different from the immediate surrounding area, and which are particularly well-suited to viticulture, as follows:

San Benito (SdF) clay loam, 30-50% slopes  
 San Benito (SdG) clay loam, 50-75% slopes  
 Junipero (JaF) loamy sand, 30-50% slopes  
 Junipero (JbG) sandy loam, 30-75% slopes  
 Junipero-Sur (Jc) complex, 50-85% slopes  
 Santa Lucia (SfF) shaly clay loam, 30-50% slopes  
 Cieneba (CcG) fine gravelly sandy loam, 30-70% slopes  
 San Andreas (SgC) fine sandy loam, 30-75% slopes  
 Sheridan (SoG) coarse sandy loam, 30-75% slopes  
 Santa Lucia-Reliz Association (Sg) loamy and shallow loamy complex, 30-75% slopes

#### No Comments Received

In addition to publishing a notice of proposed rulemaking in the Federal Register, ATF notified the petitioner, the two other landowners interested in grape growing, and other interested parties by a direct mailing of a reprint of the notice. No comments were received during the 30 day comment period. Accordingly, the Carmel Valley viticultural area is established as proposed.

The boundary of the Carmel Valley viticultural area is described in § 9.58.

## 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 it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule 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 final rule will not have a significant economic impact on a substantial number of small entities.

## Compliance With E.O. 12291

In compliance with Executive Order 12291 the Bureau has determined that this regulation is not a major rule since it will not result in:

- (a) An 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; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

## List of Subjects in 27 CFR Part 9

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

## Drafting Information:

The principal author of this document is John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

## Authority

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

## PART 9—AMERICAN VITICULTURAL AREAS

**Paragraph 1.** The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.58 as follows:

## Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.58 Carmel Valley.

**Par. 2** Subpart C is amended by adding § 9.58. As added, § 9.58 reads as follows:

### § 9.58 Carmel Valley.

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

(b) *Approved maps.* The approved maps for determining the boundary of the Carmel Valley viticultural area are five U.S.G.S. topographic maps in the 7.5 minute series, as follows:

- (1) Mt. Carmel, Calif., dated 1956;
- (2) Carmel Valley, Calif., dated 1956;
- (3) Ventana Cones, Calif., dated 1956;
- (4) Chews Ridge, Calif., dated 1956;

and

- (5) Rana Creek, Calif., dated 1956.

(c) *Boundary.* The Carmel Valley viticultural area is located in Monterey County, California. The boundary is as follows:

- (1) The beginning point is the northeast corner of Section 5 in Township 17 South, Range 2 East.
- (2) The boundary follows the Los Laureles Land Grant boundary south, then easterly, to the north-south section line dividing Section 9 from Section 10 in Township 17 South, Range 2 East.
- (3) The boundary follows this section line south to the southwest corner of Section 22 in Township 17 South, Range 2 East.
- (4) From this point, the boundary follows section lines in Township 17 South, Range 2 East—
  - (i) To the southeast corner of Section 22,
  - (ii) To the southwest corner of Section 26,
  - (iii) To the southeast corner of Section 26,
  - (iv) To the southwest corner of Section 36.
- (5) From this point, the boundary follows the Los Padres National Forest boundary east, then south, then east to the southwest corner of Section 9 in Township 18 South, Range 3 East.
- (6) The boundary follows the section line east to the southeast corner of the same section, where the section line rejoins the Los Padres National Forest boundary.
- (7) The boundary follows the Los Padres National Forest boundary to the north-south section line dividing Section 11 from Section 12 in Township 18 South, Range 3 East.
- (8) The boundary follows this section line north to the township line dividing

Township 17 South from Township 18 South.

(9) The boundary follows this township line west to the north-south section line dividing Section 34 from Section 35 in Township 17 South, Range 3 East.

(10) The boundary follows this section line north to the Los Tularcitos Land Grant boundary.

(11) The boundary follows the Los Tularcitos Land Grant boundary northwesterly to the Carmel River.

(12) The boundary follows the Carmel River northerly to the Los Tularcitos Land Grant boundary.

(13) The boundary follows the Los Tularcitos Land Grant boundary northeasterly to the unsurveyed township line (approximate location denoted by a line of red dashes) dividing Township 16 South from Township 17 South.

(14) The boundary follows the unsurveyed township line west to the beginning point.

Signed: November 22, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: December 2, 1982.

David Q. Bates,  
Deputy Assistant Secretary (Operations).

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## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

### 33 CFR Part 209

### Shipping Safety Fairways, Gulf of Mexico

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Army is deleting the regulations which establish shipping safety fairways in the Gulf of Mexico. The shipping safety fairway regulations have been repromulgated by the Coast Guard in accordance with the authorities in the Ports and Waterways Safety Act, (PWSA).

**EFFECTIVE DATE:** December 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph T. Eppard, Office of the Chief of Engineers, ATTN: DAEN-CWO-N, Washington, D.C. 20314 or call (202) 272-0200.

**SUPPLEMENTARY INFORMATION:** The existing shipping safety fairways in the