

between sections 18 and 19 in T8N/R6W.

(2) Then east along the boundary line between sections 18 and 19 for approximately 3/4 of a mile to its intersection with Ritchie Creek at the boundary line between sections 17 and 20.

(3) Then northeast along Ritchie Creek approximately 2 miles, to the 400 foot contour line in the northeast corner in section 16 of T8N/R6W.

(4) Then along the 400 foot contour line in a northeast then generally southeast direction, through the St. Helena and Rutherford quadrangle maps, approximately 9 miles, past the town of St. Helena to the point where it intersects Sulphur Creek in Sulphur Canyon, in the northwest corner of section 2 in T7N/R6W.

(5) Then west along Sulfur Creek (onto the Kenwood quadrangle map) and south to the point where it first divides into two intermittent streams in section 3 in T7N/R6W.

(6) Then south along the intermittent stream approximately 1.5 miles to the point where it intersects the 2,360 foot contour line in section 10 in T7N/R6W.

(7) Then southwest in a straight line, approximately .10 mile, to the unnamed peak (elevation 2600 feet) at the boundary line between Napa and Sonoma Counties.

(8) Then in a generally northwest direction along the Napa-Sonoma county line, through sections 10, 9, 4, 5, 32, 33, 32, 29, 20, and 19, to the beginning point on the Calistoga quadrangle map at the boundary between sections 18 and 19 in T8N/R6W.

Signed: April 14, 1993.

Stephen E. Higgins,
Director.

Approved: April 23, 1993.

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

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27 CFR Part 9

[T.D. ATF-340; Re: Notice No. 763]

RIN 1512-AA07

Dunnigan Hills Viticultural Area (92F-014P)

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area located in Yolo County,

California, to be known as Dunnigan Hills. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

EFFECTIVE DATE: June 14, 1993.

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

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 definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

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. 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.

Petition

ATF received a petition from R.H. Phillips Vineyards proposing to establish a viticultural area in northwestern Yolo County, California, to be known as "Dunnigan Hills." The viticultural area is located near Sacramento, California, and between the Napa Valley viticultural area on the west and the Clarksburg, Merritt Island and Lodi viticultural areas to the southeast. The area contains approximately 89,000 acres, of which 1,118 acres are planted to vineyards. The terrain in the viticultural area is characterized by gently rolling hills of 100 to 400 feet elevation. The petitioner states that two wineries and six vineyards are located within the viticultural area. In response to this petition, ATF published a notice of

proposed rulemaking, Notice No. 763 in the Federal Register of December 11, 1992 (57 FR 58763).

Comments

ATF received one comment during the 45-day comment period which ended on January 25, 1993. The commenter, Marc Mondavi, stated that he and his brother Peter Mondavi, as owners of Charles Krug Winery in St. Helena, California, support the establishment of the Dunnigan Hills viticultural area.

Evidence of Name

The Dunnigan Hills area was settled in the 1850's and 1860's by western Europeans who raised grain and livestock. In 1853, A.W. Dunnigan opened a hotel which was known as Dunnigan's. In 1876, the Northern Railway was extended to Dunnigan's hotel and a town plat was recorded for the town of Dunnigan. The near-by hills were soon known as the Dunnigan Hills.

Evidence that the name of the proposed area is locally and/or nationally known as referring to the area specified in the petition includes:

(a) The name "Dunnigan Hills" appears on each of the three U.S.G.S. maps submitted with the petition.

(b) The name "Dunnigan Hills" appears in the United States Department of Agriculture *Soil Survey of Yolo County California* (1972).

(c) The name "Dunnigan Hills" was used to describe the subject area as early as 1913 by Tom Gregory in *A History of Yolo County* and as recently as 1987 by Joann Larkey, in *Yolo County, Land of Changing Patterns*.

Evidence of Boundaries

Each of the U.S.G.S. maps used to delineate the boundary of the area shows the name "Dunnigan Hills" over an area which roughly coincides with the boundaries of the Dunnigan Hills viticultural area. The southern, eastern and northern boundaries of the Dunnigan Hills are distinguished by a change from the low, rolling hills of the viticultural area to the flat terrain of the floor of the Sacramento Valley. On the west, the terrain changes to the steeper and higher slopes of the Coast Range.

Geographical Features

The Dunnigan Hills are a group of low, rolling hills running in a northwest to southeasterly direction for about 19.5 miles. At the widest point, the hills are about 10 miles wide.

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

Topography and Elevation

The Dunnigan Hills rise out of a part of the Sacramento Valley which is nearly flat, varying only between 60 and 130 feet above sea level. In contrast to the surrounding valley floor, the Dunnigan Hills viticultural area consists of low, rolling hills, which rise to an elevation of about 400 feet above sea level. The hills are crossed by streams that flow west to east out of the Coast Range. On the west, the Dunnigan Hills drop to an elevation of approximately 250 feet before the transition to the steeper, higher slopes of the Coast Range begins. The terrain in the Coast Range rises rapidly to 1,200 and 1,600 feet, with peaks which are even higher.

Soil

The predominant soils in the viticultural area are the Corning-Hillgate association, well-drained, gently sloping to moderately steep gravelly loams or loams on terraces, and the Sehorn-Bakcom association, well-drained, gently sloping to steep silty clay loams and clays over sandstone. Soils outside the area include the Dibble-Millsholm and Positas associations in the foothills of the Coast Range to the west, and the Yolo-Brentwood, Rincon-Marvin-Tehama, Capay-Clear Lake and Willows-Pescadero associations on the valley floor to the north, south and east.

Climate

The Dunnigan Hills viticultural area is warmer in the summer and winter than the Coast Range highlands to the west. The petitioner states the area is also less prone to frost damage in the spring than the rest of the Sacramento Valley because "the hills and streams provide better air drainage than that found on the valley floor to the north, east and south of the Dunnigan Hills." This air drainage also makes the Dunnigan Hills cooler than the surrounding valley floor in summer.

Boundary

The boundary of the Dunnigan Hills viticultural area may be found on three United States Geological Survey (U.S.G.S.) maps with a scale of 1:62500. The boundary is described in § 9.145.

Miscellaneous

ATF does not wish to give the impression by approving the Dunnigan Hills viticultural area that it is approving or endorsing the quality of wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving this 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 wines from Dunnigan Hills.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in Executive Order 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 geographic 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.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. This process merely allows wineries to more accurately describe the origin of their wines to the consumers, and helps consumers identify the wines they purchase. Designation of a viticultural area itself has no significant economic impact because any commercial advantage can come only from consumer acceptance of wines made from grapes grown within the area. In addition, no new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

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 Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

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

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 § 9.145 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.145 Dunnigan Hills.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Dunnigan Hills viticultural area are three U.S.G.S. 15 minute series topographical maps of the 1:62500 scale. They are titled:

- (1) "Guinda, Calif.," 1959.
- (2) "Dunnigan, Calif.," 1953.
- (3) "Woodland, Calif.," 1953.

(c) *Boundary.* The Dunnigan Hills viticultural area is located in Yolo County, California. The boundary is as follows:

(1) The beginning point is on the Dunnigan, Calif., U.S.G.S. map at the intersection of Buckeye Creek and U.S. Route 99W just south of the Colusa-Yolo county line;

(2) From the beginning point, the boundary follows Route 99W in a southeasterly direction until an unnamed westbound light-duty road coincident with a grant boundary (referred to by the petitioner as County Road 17) diverges from Route 99W just north of the town of Yolo, California, on the Woodland, Calif., U.S.G.S. map;

(3) The boundary then follows the County Road 17 for approximately 2 miles to an unnamed southbound light duty road (referred to by the petitioner as County Road 95A);

(4) The boundary then follows County Road 95A south for approximately 1/2 mile to an unnamed westbound light duty road (referred to by the petitioner as County Road 17A);

(5) The boundary then proceeds west along County Road 17A for approximately 3/8 mile to an unnamed southbound light duty road (referred to by the petitioner as County Road 95);

(6) The boundary then proceeds south along County Road 95 for approximately 1 mile to an unnamed light duty road which goes in a southwesterly direction

(referred to by the petitioner as County Road 19);

(7) The boundary then proceeds southwest along County Road 19 for approximately 1/4 mile to an unnamed light duty road which travels south-southwest (referred to by the petitioner as County Road 94B);

(8) The boundary then proceeds southwest along County Road 94B approximately 1/4 mile until it intersects Cache Creek;

(9) The boundary then follows Cache Creek in a westerly direction 5.5 miles until it intersects an unnamed north-south light duty road approximately 1 mile north of the city of Madison, California (referred to by the petitioner as County Road 89);

(10) The boundary then follows County Road 89 two miles in a northerly direction back on to the Dunnigan, Calif., U.S.G.S. map where it intersects an unnamed light duty road (referred to by the petitioner as County Road 16);

(11) The boundary follows County Road 16 west for approximately 2 miles onto the Guinda, Calif., U.S.G.S. map, where it turns north onto an unnamed light-duty road between sections 31 and 32 of T10N/R1W (referred to by the petitioner as County Road 87);

(12) The boundary follows County Road 87 north for 2 miles to an unnamed east-west light duty road (referred to by the petitioner as County Road 14);

(13) The boundary follows County Road 14 west for 3 miles, and then leaves the unnamed road and turns north on the dividing line between sections 22 and 23 of T11N/R2W.

(14) The boundary continues due north until it intersects Little Buckeye Creek just south of the Yolo-Colusa county line;

(15) The boundary then follows Little Buckeye Creek in an easterly direction until it joins Buckeye Creek;

(16) The boundary then follows Buckeye Creek in an easterly direction back to the point of beginning on the Dunnigan, Calif., U.S.G.S. map.

Signed: April 14, 1993.

Stephen E. Higgins,
Director

Approved: April 23, 1993.

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD7 93-20]

Special Local Regulations: Ft. Pierce, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special local regulations are being adopted for the 1993 15th Annual Budweiser Sailfish Regatta. The event will be held on May 15 and 16, 1993, from 11 a.m. EDT (Eastern Daylight Time) until 5 p.m. EDT, each day. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations will become effective on May 15, 1993, at 11 a.m. EDT and terminate on May 16, 1993, at 5 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: LTJG M. W. Rudningen, Coast Guard Group Miami, (305) 535-4536.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The information to hold the event was not received until March 26, 1993, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are LT J. M. LOSEGO Project Attorney, Seventh Coast Guard District Legal Office, and LTJG M. W. RUDNINGEN, Project Officer, Coast Guard Group Miami.

Discussion of Regulations

The Lake Okeechobee Race Club will sponsor the 1993 15th Annual Budweiser Sailfish Regatta. There will be fifty (50) to sixty (60) participants, in fourteen (14) to eighteen (18) foot powerboats, competing on a closed course, two heats per day, ten (10) minutes per heat on the Intercoastal Waterway, east of the Jaycee Beach Park, Hutchinson Island, Ft. Pierce, Florida. The expected number of spectator vessels is one-hundred (100).

Federalism

This action has been analyzed in accordance with the principles and

criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with Section 2.B.2.08 of Commandant Instruction M16475.1B, and this proposal has been determined to be categorically excluded. Specifically, the Coast Guard has consulted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding the environmental impact of this event, and it was determined that the event does not jeopardize the continued existence of protected species.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-T0720 is added to read as follows:

§ 100.35-T0720 Ft. Pierce, Florida.

(a) *Regulated Area:* The regulated area will be all navigable waters of the Intercoastal Waterway (ICW) east of the Jaycee Beach Park, Hutchinson Island, Ft. Pierce, Florida, bounded by a line drawn between the following four corner points: 27-15'-15" N, 80-13'-02" W, at the southwest corner; 27-15'-21" N, 80-12'-42" W, at the southeast corner; 27-15'-26" N, 80-12'-45" W, at the northeast corner; and, 27-15'-20" N, 80-13'-03" W, at the northwest corner.

(b) *Special Local Regulations:* (1) Entry into the regulated area, by other than event participants, is prohibited unless authorized by the Patrol Commander.

(2) All vessels near the regulated area will follow the directions of the Patrol Commander and will proceed at no more than 5 MPH when passing the regulated areas.

(3) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any nonparticipating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.