

We are now soliciting comments from the public on what it considers de minimis for braid on a cap, making it classifiable as not in part of braid.

Comments

Before making a determination on this matter, Customs invites written comments from interested parties on this issue. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), §1.4, Treasury Department of Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, Headquarters, U.S. Customs Service, 1301 Constitution Ave., NW., room 2119, Washington, DC 20229.

Carol Hallett,

Commissioner of Customs.

Approved: August 22, 1991.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 91-21578 Filed 9-9-91; 8:45 am]

BILLING CODE 4820-02-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 726]

RIN 1512-AA07

Escondido Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms proposes to establish a viticultural area located in Pecos County, Texas to be known by the appellation "Escondido Valley." The proposal is the result of a petition filed by Mr. Leonard Garcia of Cordier Estates, Inc. ATF believes that 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 the wines they purchase. The establishment of viticultural areas also allows wineries to specify further the origin of wines they offer for sale to the public.

DATES: Written comments must be received by October 25, 1991.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O.

Box 50221, Washington, DC 20091-0221
REF: Notice No. 726.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Marjorie Dundas, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 566-7626.

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), title 27 CFR 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 characteristics (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 features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy or copies of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF received a petition proposing a viticultural area in Pecos County, Texas to be known as "Escondido Valley." The proposed viticultural area has a land area of approximately 50 square miles. The petitioner, Leonard Garcia, Vice President of Cordier Estates, Inc., states that his winery is the only commercial winery in the proposed area. They have 250 acres of vineyards.

Evidence of Name

The petitioner presented a series of old maps and accounts of early travelers to Pecos County which referred to the creek which runs through the area as Escondido Creek, and to the three springs which feed the creek as Upper, Middle and Lower Escondido Springs. The petitioner also stated that "many members of the old settler families told me that the Indians called the area . . . 'Valle Escondido' (Hidden Valley—in Spanish)." The petitioner submitted an extract from *The Springs of Texas*, by Gunnar Brune, which quotes a description of the proposed area by a traveler in 1849: ". . . we came upon a clear and beautiful spring gushing from the limestone bluff on the N side of the valley. This is the Escondido." In the late 19th century, the name Tunis, or Tunas, began to be used for the creek and springs, and these features are presently known as Tunas Creek and Tunas Springs. However, the petitioner pointed out the name East Escondido Spring still appears on the 1973 revision of the United States Geological Survey map used to delineate the boundaries of the proposed area. The petitioner also presented a letter from the Curator of the Fort Stockton Historical Society, who said "Escondido is the historical name for the springs and creek as well as the draw or valley now known as Tunas. In essence Tunas and Escondido are synonymous."

Proposed Boundary

The proposed "Escondido Valley" viticultural area is bounded on the north and south by ranges of mesas. The boundary on the eastern end of the proposed viticultural area is a trail which crosses the draw, or valley. Northeast of the trail, the valley floor begins to drop in elevation, and to the east and southeast of the trail are mesa ranges of higher elevation. The western boundary is represented by a line drawn between the western ends of the north and south boundaries just before the distance between mesas increases and the ground begins to rise.

Distinguishing Features

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

Topography

According to the petitioner, the valley floor which is the site of the proposed viticultural area is 2600 to 2700 feet above sea level. The basis of the mesa ranges which are used as the north and south boundaries of the proposed area are approximately 2900 feet in elevation, and the mesa ranges rise to an elevation of 3200 to over 3400 feet. East of the proposed area, the valley floor drops to 2200 feet, and west of the western boundary of the area, the land rises to 3100 feet or more. Until the 1960s, the area had three natural springs.

Soils

The petitioner submitted a U.S. Department of Agriculture General Soil Map of Pecos County, Texas, showing the predominant soils in the proposed area are of the Reagan-Hodgkins-Iraan association. These soils extend beyond the boundary to the east and west, but the map shows that the predominant soils on the higher ground to the north and south belong to the Ector-Sanderson-Rock outcrop group.

Climate

The petitioner notes that bud break occurs in the second or third week of March in the proposed area, and the harvest begins in the third or fourth week of August. The petitioner submitted temperature and rainfall data from the National Oceanic and Atmospheric Administration's Climatological Data Annual Summary, supplemented by measurements taken in his vineyard during the last two years. There are no official weather stations within the proposed area; the closest is in Bakersfield, Texas, six miles to the east. The petitioner contrasted the Bakersfield readings with those from Fort Stockton, Texas, 19 miles to the west of the proposed area, and Ozona, Texas, 81 miles to the east of the proposed area. According to this summary, the average annual temperature from 1979 to 1989 at Bakersfield was 66.6 degrees, 75.0 degrees during the growing season. During the same period, the annual average for Fort Stockton was 64.4 degrees, 72.5 degrees during the growing season, and in Ozona the average was 63.6 for the year and 72.0 for the growing season. The summary also showed the

average annual rainfall from 1979 to 1989 was 14.6 inches at Bakersfield, of which 7.2 inches fell during the growing season. The average for this same period at Fort Stockton was 15 inches for the year and 7.07 inches for the growing season. In Ozona, the average was 18.1 inches for the year, and 9.7 inches for the growing season. The petitioner's own record of temperature and rainfall during the last two years showed slightly warmer temperatures and less rainfall than at Bakersfield. The vineyards are irrigated from wells, using the pressurized drip system. The petition included two letters from Terry Wigham of the U.S. Department of Agriculture's Soil Conservation Service which describe the well water within the proposed viticultural area as lower in total dissolved solids, and therefore higher in quality, than well water elsewhere within Pecos County.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 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 the 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. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a 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 the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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 notice because no requirement to collect information is proposed.

Public Participation

ATF requests comments from all interested persons concerning this proposed viticultural area. Since some of the evidence concerning the name "Escondido" is historical, and some of the evidence refers to the area as a draw, rather than a valley, ATF is particularly interested in receiving comments concerning whether the name "Escondido Valley" is locally or nationally known as referring to the proposed area. We also request comments on whether there may be consumer confusion since there is also an Escondido, California. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure. Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Marjorie Dundas, 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.

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.

Par. 2. The Table of Sections in subpart C is amended to add the title of § 9.141 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.141 Escondido Valley.

Par. 3. Subpart C is amended by adding § 9.141 to read as follows:

Subpart C—Approved American Viticultural Areas**§ 9.141 Escondido Valley.**

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

(b) *Approved map.* The appropriate map for determining the boundaries of the "Escondido Valley" viticultural area is 1 U.S.G.S. (scale 1:250,000) map. It is titled Fort Stockton, Texas, 1954 (revised 1973).

(c) *Boundary.* The Escondido Valley viticultural area is located in Pecos County, Texas. The boundary is as follows:

(1) The beginning point is the intersection of Interstate Route 10 (I-10) and an intermittent stream approximately 18 miles east of the city of Fort Stockton, (standard reference GE3317 on the Fort Stockton, Texas, U.S.G.S. map);

(2) From the beginning point, the boundary follows I-10 in an easterly direction approximately 9 miles until a southbound trail diverges from I-10 just past the point where it intersects horizontal grid line 2 of square GE on the Fort Stockton, Texas, U.S.G.S. map;

(3) The boundary then follows the trail in a generally southeasterly direction about 5 miles until it intersects the 3000 foot contour line;

(4) The boundary follows the 3000 foot contour line in a generally westerly direction approximately 17 miles;

(5) The boundary continues to follow the 3000 foot contour line as it turns sharply northwest, but diverges from the contour line when the contour line turns south again;

(6) From the point where it diverges from the contour line, the boundary follows a straight north-northwesterly line as it returns to the beginning point at I-10.

Approved: August 22, 1991.

Stephen E. Higgins,

Director.

[FR Doc. 91-21683 Filed 9-9-91; 8:45 am]

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DEPARTMENT OF DEFENSE**Office of the Inspector General****32 CFR Part 312**

[Office of the Inspector General Policy and Procedures Manual, Chapter 33]

Office of the Inspector General (OIG) Privacy Program

AGENCY: Office of the Inspector General, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Office of the Inspector General, Department of Defense is proposing to publish its Privacy Program procedural and exemption rules in accordance with the Privacy Act of 1974, as amended, (5 U.S.C. 552a). Also, the Defense Criminal Investigative Service (DCIS) and its Privacy Act system of records are now under the cognizance of the Department of Defense Inspector General

DATES: Comments regarding this proposed rule must be received on or before October 10, 1991, to be considered by the agency.

ADDRESSES: Any comments regarding this proposed rule should be directed to Ms. Nancy Reed, Office of the Assistant Inspector General for Investigations, ATTN: FOIA/PA Division, 400 Army Navy Drive, Arlington, VA 22202-2884. Telephone (703) 697-6035.

SUPPLEMENTARY INFORMATION: In 1984, the Department of Defense Inspector General established its own Privacy Act Office. Systems of records formerly under the cognizance of DCIS are now under the cognizance of the OIG, and are being incorporated into the OIG procedural and exemption rules (formerly DCIS) at 32 CFR part 312.

List of Subjects in 32 CFR Parts 293 and 312

Privacy.

Accordingly, for reasons set forth in the preamble, 32 CFR chapter I is proposed to be amended by removing part 293 and adding part 312 as follows:

PART 293—[REMOVED]**PART 312—OFFICE OF THE INSPECTOR GENERAL (OIG) PRIVACY PROGRAM**

Sec.

- 312.1 Purpose.
- 312.2 Definitions.
- 312.3 Procedure for requesting information.
- 312.4 Requirements for identification.
- 312.5 Access by subject individuals.
- 312.6 Fees.
- 312.7 Request for correction or amendment.
- 312.8 OIG review of request for amendment.

- 312.9 Appeal of initial amendment decision.
- 312.10 Disclosure of OIG records to other than subject.
- 312.11 Penalties.
- 312.12 Exemptions.
- 312.13 Ownership of OIG investigative records.
- 312.14 Referral of records.

Authority: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

§ 312.1 Purpose.

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and 32 CFR part 286a—DoD Privacy Program, the following rules of procedures are established with respect to access and amendment of records maintained by the Office of the Inspector General (OIG) on individual subjects of these records.

§ 312.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part, the term *agency* means the Office of the Inspector General (OIG), Department of Defense.

§ 312.3 Procedure for requesting information.

Individuals should submit inquiries regarding all OIG files by mail to the Assistant Inspector General for Investigations, ATTN: FOIA/PA Division, 400 Army Navy Drive, Arlington, VA 22202-2884. All personal visits will require some form of common identification.

§ 312.4 Requirements for identification.

Only upon proper identification will any individual be granted access to records which pertain to him/her. Identification is required both for accurate record identification and to avoid disclosing records to unauthorized individuals. Requesters must provide their full name and as much information as possible in order that a proper search for records can be accomplished. Requests made by mail should be accompanied by a notarized signature. Inclusion of a telephone number for the requester is recommended to expedite certain matters. Requesters applying in person must provide an identification with photograph, such as a driver's license, military identification card, building pass, etc.

§ 312.5 Access by subject individuals.

(a) No individual will be allowed access to any information compiled or maintained in reasonable anticipation of civil or criminal actions or proceedings or otherwise exempt under § 312.12. Requests for pending investigations will