

DEPARTMENT OF STATE

22 CFR Part 41

[Dept. Reg. 108.820]

Nonimmigrant Classification of Students

Correction

In FR Doc. 82-13812 on page 21776 in the issue of Thursday, May 20, 1982, make the following correction.

On page 21776, third column, the table at the bottom of the page should read as follows:

Class	Citation	Symbol to be inserted in visa
Vocational or other recognized nonacademic student.	101(A)(15)(M); 95 Stat. 1611.	M-1.
Spouse or minor child of alien classified M-1.	95 Stat. 1611.....	M-2.

BILLING CODE 1505-01-M

Bureau of Consular Affairs

22 CFR Part 41

[Dept. Reg. 108.820]

Nonimmigrant Classification of Students; Correction

AGENCY: Department of State.

ACTION: Final rule; corrections.

SUMMARY: This document corrects the final rule on nonimmigrant classification of students which appeared at page 21776 in the *Federal Register* of Thursday, May 20, 1982 (47 FR 21776).

This action is necessary to correct editorial errors in the language of the regulations.

FOR FURTHER INFORMATION:

Gerald M. Brown, Chief, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs. (202) 632-1900.

SUPPLEMENTARY INFORMATION:

§ 41.45 and § 41.68 [Corrected]

Accordingly, lines 13 (thirteen) through 15 (fifteen) of subparagraph (1), § 41.45(a) (FR page 21777), are corrected to read "signed by the alien and by a designated school official (the Form I-20A, when" and line 10 (ten) of column 3 (three) on FR page 21777 is corrected by deleting the words "of the accepting institution".

Dated: June 2, 1982.

Gerald M. Brown,
Chief, Legislation and Regulations Division,
Visa Services.

[FR Doc. 82-15290 Filed 6-2-82; 11:55 am]

BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24-CFR Part 868

[Docket No. R-82-909]

Comprehensive Improvement Assistance Program; Low-Income Housing

Correction

In FR Doc. 82-13898, appearing as Part II, at page 22312, in the issue of Friday, May 21, 1982, make the following change:

On page 22316, in the first column, in § 868.3, the definition "Special purpose modernization", the 16th line change "FFY 1982" to "FFY 1981".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-105; Re: Notice No. 388]

Establishment of the Hudson River Region Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in New York State known as the "Hudson River Region." The establishment of viticultural areas and the subsequent use of viticultural area names 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: July 6, 1982.

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 definite 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 56892) 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. Allan W. MacKinnon, proprietor of Cottage Vineyards located in Marlboro-on-the-Hudson, New York, petitioned ATF for the establishment of a viticultural area in southeastern New York State to be known as "Hudson River Region." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 388) in the *Federal Register* on October 21, 1981 (46 FR 51619) proposing the establishment of the Hudson River Region viticultural area.

Current and Historical Viticultural Development

The Hudson River Region consists of approximately 3,500 square miles encompassing all of Columbia, Dutchess, and Putnam Counties, the eastern portions of Ulster and Sullivan Counties, nearly all of Orange County and the northern portions of Rockland and Westchester Counties.

There are nearly 1,000 acres of grapevines growing in the proposed area, with more than 90% of this located in Columbia and Ulster Counties.

There are 13 wineries in the proposed area, including 9 wineries which were established after a 1976 New York State law liberalized the qualification procedures for small wineries.

Wine has been made continuously in the Hudson River Region for over 300 years, since French Huguenots first settled at New Paltz, NY in 1677. The first commercial winery was established in 1827 on Croton Point in Westchester County. The oldest active winery in the

United States was established in 1839 at Washingtonville, NY.

On January 8, 1974, one winery in the area received permission from ATF to use the words "Hudson River Region" on its labels. Since then, most wineries in the area have been using that designation.

The region has been recognized as a significant wine producing region in several articles in *The New York Times*, *The New York Daily News*, and *The Long Island Newsday*.

Leon Adams in *The Wines of America* refers to the area as the "oldest wine growing district in the United States."

In *Grapes of New York*, considered by the petitioner to be "the definitive tome on the subject of viticulture in the State of New York," written by U. P. Hedrick as the report of the New York Agricultural Experiment Station for the year 1907, the Hudson River District is defined as one of the four commercial grape districts in the State.

Geographical Features

The Hudson River Region has been referred to as one of the most complex geological regions in the world. The grape lands in the area are in a geological division known at the Taconic Province. Glacial deposits of shale, slate, schist and limestone form the soil throughout the region.

Climatography publications of New York and the United States show that the mean annual precipitation is approximately 44 inches. The mean date of the last freeze in spring is May 10, and the mean date of the first freeze in autumn is October 10. The mean growing season is approximately 153 days.

Comments

ATF received six comments in response to the notice of proposed rulemaking. The commenters were one government agency, Columbia County Environmental Management Council, and five vineyards located in the proposed area: Benmarl Wine Co., Cascade Mountain Vineyards, Cottage Vineyards (the petitioner), Clinton Vineyards, Inc., and North Salem Vineyards, Inc. All comments were in favor of establishment of the Hudson River Region viticultural area. None of the comments took issue with the proposed boundary. Therefore, the boundary is adopted as proposed.

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.

Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this final 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 geographical 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.

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 and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.47. As amended, the table of sections reads as follows:

Sec.
9.47 Hudson River Region.

Par. 2. Subpart C is amended by adding § 9.47. As amended, Subpart C reads as follows:

§ 9.47 Hudson River Region.

(a) *Name.* The name of the viticultural area described in this section is "Hudson River Region."

(b) *Approved maps.* The approved maps for determining the boundaries of

Hudson River Region viticultural area are four U.S.G.S. maps, as follows:

- (1) Albany (NK 18-6), scale of 1:250,000 series;
- (2) Hartford (NK 18-9), scale of 1:250,000 series;
- (3) Scranton (NK 18-8), scale of 1:250,000 series;
- (4) Binghamton (NK 18-5), scale of 1:250,000 series.

(c) *Boundary.* The Hudson River Region viticultural area is located in New York State. The boundary is as follows:

(1) The beginning point is the point where N.Y. Route 15 (Merritt Parkway) crosses the New York-Connecticut state line.

(2) The boundary proceeds northerly along the New York-Connecticut state line and the New York-Massachusetts state line to the northeast corner of Columbia County, New York.

(3) The boundary proceeds westerly along the Columbia County-Rensselaer County line to the Columbia County-Greene County line in the Hudson River.

(4) The boundary proceeds southerly along the Columbia County-Greene County line in the Hudson River to the northeast corner of Ulster County.

(5) The boundary proceeds westerly along the Ulster County-Greene County line to N.Y. Route 214.

(6) The boundary proceeds southerly along the eastern side of N.Y. Route 214 to the junction with N.Y. Route 28 in Phoenicia.

(7) The boundary proceeds southerly along the eastern side of N.Y. Route 28 to the junction with N.Y. Route 28A.

(8) The boundary proceeds southerly along the eastern side of N.Y. Route 28A to the intersection with the secondary, hard surface, southbound road leading toward Samsonville.

(9) The boundary proceeds southerly along the eastern side of this southbound road through Samsonville, Tabasco, Mombaccus, Fantinekill, and Pataukunk to the junction with U.S. Route 209.

(10) The boundary proceeds southerly along the eastern side of U.S. Route 209 to the New York-Pennsylvania state line in the Delaware River.

(11) The boundary proceeds easterly along the Delaware River to the New York-New Jersey state line.

(12) The boundary proceeds easterly along the New York-New Jersey state line to N.Y. Route 17.

(13) The boundary proceeds northerly along the western side of N.Y. Route 17 to the junction with Interstate Route 287.

(14) The boundary proceeds easterly along the northern side of Interstate

Route 287 to the junction with N.Y. Route 15.

(15) The boundary proceeds easterly along the northern side of N.Y. Route 15 to the beginning point.

Signed: April 22, 1982.

Stephen E. Higgins,
Acting Director.

Approved: May 13, 1982.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-15079 Filed 6-3-82; 6:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-106; Ref: Notice Nos. 352 and 387]

Establishment of the Lime Kiln Valley Viticultural Area

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

ACTION: Treasury decision, final rule.

SUMMARY: This final rule establishes the Lime Kiln Valley viticultural area in San Benito County, California. The viticultural area, as established by this rule, differs from the proposed area of the petitioner, Enz Vineyards of Hollister, California. The original area covered approximately 9,500 acres while the approved area covers approximately 2,300 acres.

The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Lime Kiln Valley as a viticultural area and its subsequent use as an appellation of origin on wine labeling and in advertising will allow local wineries to better designate their specific grape-growing area and will enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations 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 in wine labeling and advertising.

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 viticultural areas.

Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned to establish a viticultural area in San Benito County to be named "Lime Kiln Valley." The petitioner, in describing the climatic characteristics of the proposed area, stated that the western end of the proposed area, which is mountainous, received an average of 40 inches of rainfall per year, while the eastern end, being the valley floor, received an average of 16 inches a year.

Subsequently, ATF issued Notice No. 352, published in the *Federal Register* on October 27, 1980 (45 FR 70913), proposing the establishment of Lime Kiln Valley as a viticultural area. The boundaries of the proposed area were described by summits of peaks and generally followed the area's watershed boundary.

A public hearing concerning the establishment of Lime Kiln Valley was held in Hollister, California, on January 21, 1981. The testimony at the hearing supported the establishment of a viticultural area, but a problem arose concerning the amount of rainfall within the proposed boundaries.

The petitioner stated that the variation in the rainfall would affect any grapes grown in the mountainous area differently than the grapes grown on the valley floor. Witnesses state that no grapes were grown in the mountainous area and no plantings were anticipated. Vineyard expansions planned are in the area included within the amended boundaries of the viticultural area. After evaluating the entire record concerning the climate of the area, ATF believed the boundaries of the proposed Lime Kiln Valley should be amended to exclude the mountainous areas. This change would limit the proposed viticultural area to one which exhibits uniform climatic characteristics. To accomplish this, ATF published Notice No. 387 (46 FR 49599, October 7, 1981) which proposed an amended boundary based primarily on the 1,400-foot contour line and Cienega Road. With this amended boundary, Lime Kiln Valley qualifies as a distinct grape-growing region.

Included within the viticultural area is one winery, approximately 80 acres cultivated by two growers (one being

the petitioner), and planned expansion by Enz Vineyards of another 100 acres.

Evidence Relating to the Name

The area derived its name from a number of lime kilns built in the area. Many of the kilns were in operation prior to 1910. Witnesses testified that this particular valley, although a portion of the larger Cienega Valley, has always been distinct and known as Lime Kiln Valley. Furthermore, on September 6, 1977, the County Board of Supervisors unanimously adopted a resolution which formally named the area "Lime Kiln Valley." Vineyards were planted in this area in 1887, and the history of San Benito County relates to vine cuttings brought from France and obtained by the Spanish padres in the area. The Enz Vineyards and winery has been producing and marketing wine referring to a Lime Kiln Valley appellation since the early 1970's.

One commenter stated the name "Lime Kiln Valley" is not an historical name for the area and noted that the name "Lime Kiln Valley" does not appear on any U.S.G.S. maps of the area.

After evaluating the information contained in the petition and the comments received, ATF believes the historical and current evidence does support the name "Lime Kiln Valley" as a distinct viticultural area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish it from surrounding areas.

With the amended boundaries, the area averages about 16 inches of rainfall a year. Witnesses stated this amount is slightly higher than the surrounding areas, which average about 15 inches per year.

Winter temperatures average well below freezing, while the summer temperatures vary from 85-95 degrees during the day and drop to about 45-50 degrees at night. Witnesses further stated that these temperatures are cooler in the winter and warmer in the summer than the surrounding areas.

The soil in Lime Kiln Valley is basically a sandy and gravelly loam overlying bedrock of dolomite and limestone.

One commenter stated that the climate, topography, and soil of the proposed "Lime Kiln Valley" viticultural area was not distinct from the larger Cienega Valley. In addition, this commenter stated that the proposed area was too small to be of any consequence and its approval as a