

Par. 4. On page 1507, third column, the amendatory paragraph that is designated Par. 8, subparagraph b thereof, in the revised language, the words "bequest" and "decedent's" are removed and the words "gift" and "donor's" are added in their respective places.

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86-3106 Filed 2-12-86; 8:45 am]

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Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T. D. ATF-223; Re: Notice No. 567]

Lodi Viticultural Area

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

ACTION: Treasury decision, final rule.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is establishing an American viticultural area located in Sacramento and San Joaquin counties, California, to be known as "Lodi." This final rule is the result of a petition submitted by a representative of the Lodi District Vintners Association. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

EFFECTIVE DATE: This final rule is effective March 17, 1986.

FOR FURTHER INFORMATION CONTACT: Lori Weins, Technical Aide, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7628).

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 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, 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. 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 of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

In August 1982 ATF received the petition for the establishment of the "Lodi" viticultural area. The Lodi viticultural area is bounded on the east by the Sacramento and San Joaquin County lines, on the south by the Calaveras River and Eightmile Road, and on the west by Interstate Highway 5, Hood-Franklin Road, and Franklin Boulevard. The northern boundary includes the section line running due east from Franklin Boulevard and connecting to the western end of Sheldon Road, the Central California Traction Co. Railroad, Grant Line Road, California State Highway 16, and Deer Creek. The area of close to 458,000 acres includes approximately 39,000 acres of vineyards and 15 bonded wine cellars.

Public Comments

ATF received no comments in response to Notice No. 567. Therefore, after analyzing and evaluating all of the related evidence the viticultural area is adopted as proposed.

Viticultural Area Name

The name "Lodi" was well established in the petition. The petitioner submitted many newspaper

articles dating from 1956 which show that this area has been known as Lodi for many years. Wine writers such as Leon D. Adams, in his book, *The Wines of America*, (McGraw-Hill Book Company, New York, NY, 1978, Second Edition) describe the wines and climate of the Lodi region. Hugh Johnson's, *The World Atlas of Wine*, (Simon and Schuster, New York, 1971), refers to Lodi as the heart of the northern Central Valley vineyards benefiting from the cooling effects of air from San Francisco Bay. Alexis Lichine, in his *New Encyclopedia of Wines and Spirits* (Alfred A. Knopf, New York, NY, 1978), described the Sacramento Valley as a region somewhat affected by the moderating influence of San Francisco Bay air, with the Lodi-Sacramento district as the dominant wine-growing area. All these authors, plus many more in various other books, wine-related magazines, and news columns have long recognized the Lodi wine district.

Geographical/Viticultural Features

The Lodi viticultural area is an inland area that is comprised mainly of alluvial fan, flood plain lands, and lower and higher terrace lands.

Although the land both north and south of the area has some similar soil structures, it is the combination of these soils with the climatically moderating effect of air from San Francisco Bay that makes this area distinctive. Any northern boundary for the Lodi viticultural area located significantly closer to Sacramento, and any other southern boundary located significantly closer to Stockton, would include land which experiences annual degree days more comparable to Sacramento and Stockton than to Lodi. To quote the United States Department of Agriculture (USDA) 1937 Soil Survey of the Lodi Area, "Owing to its location opposite the wind gap leading inland from the Golden Gate, the range in temperature is narrower than in more northerly and southerly parts of the great valley. Summer fogs are more common." Temperature data covering the period 1973 through 1982 compiled by the University of California Agricultural Extension Station at Sacramento, and the United States Department of Interior, Stockton, show a mean of 3570 degree days for Lodi, 4185 for Sacramento, and 4386 for Stockton.

The primary difference on the eastern boundary is the change into the Sierra-Nevada foothills and the more upland soils. Also, an increase of rainfall is associated with an increase in elevation. To quote the same USDA 1937 Soil Survey, "Lodi, representative of valley

plain, has 18.26 inches (of annual rainfall); and Valley Springs, about eight miles east of the area, and more or less representative of the foothill country, has 24.03 inches."

The area west of Interstate Highway 5 and Franklin Boulevard is flood-prone, poorly drained, delta land consisting of Ryde soils and peat. The segment of Highway 5 that is part of the western boundary is primarily located on the first firm soil east of the Sacramento River system.

Soils in the Lodi viticultural area are primarily Hanford, Delhi, or Dinuba in the alluvial fan soils; or San Joaquin, Madera, Romona, or Redding in the lower and upper terrace soils as shown in, "Soils of San Joaquin County, California" and "Soils of Sacramento County, California," University of California, Berkeley, California, 1952 and 1954.

Boundaries

The eastern terminus of the southern boundary is its point of intersection with the eastern boundary of San Joaquin County. A small segment of southwestern Calaveras County has been omitted from the proposed viticultural area in consideration of the total absence of current viticultural activity, and in the belief any future viticulturalists in the segment would not desire to be identified with Lodi.

The western boundary has used part of Interstate Highway 5, which is roughly parallel to Thornton Road, and runs from one-quarter to, at most, two miles west of Thornton Road. ATF believes that this is a well defined border. At the intersection of Interstate Highway 5 and Hood-Franklin Road the boundary jogs to the east approximately one-half mile to the intersection with Franklin Boulevard which it follows northeast to the meeting point with the section line running east which extends to Sheldon Road.

The northern boundary starts from the point where Franklin Boulevard meets the section line extending due east to the western end of Sheldon Road, then continuing east along Sheldon Road to its intersection with the Central California Traction Co. Railroad then southeast along the Central California Traction Co. Railroad to its intersection with Grant Line Road, and then extending northeast along Grant Line Road parallel to the Cosumnes River. At the point where Grant Line Road intersects California State Highway 16 the boundary follows Highway 16 southeast to Deer Creek, where it proceeds east along Deer Creek until it intersects the eastern boundary of Sacramento County.

The eastern boundary excludes a small area of southwest Calaveras County including the principal community, Valley Springs. The boundary follows the eastern boundaries for Sacramento and San Joaquin Counties from Deer Creek in the north to the Calaveras River in the south.

Miscellaneous

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

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule 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 affect 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

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 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 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.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 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 proposed.

Drafting Information

The principal author of this document is Lori D. Weins, FAA, 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 area, Wine.

Authority and Issuance

27 CFR Part 9—American Viticultural Areas is amended as follows:

PART 9—[AMENDED]

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 27 CFR Part 9, Subpart C, is amended to add the title of § 9.107 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.107 Lodi.

Par. 3. Subpart C is amended to add § 9.107 as follows:

§ 9.107 Lodi.

(a) *Name.* The name of the viticultural area described in this section is "Lodi."
 (b) *Approved maps.* The appropriate maps for determining the boundaries of the Lodi viticultural area are 20 U.S.G.S. 7.5 minute series maps, and are titled as follows:

- (1) "Valley Springs SW, Calif." (1962, photoinspected 1973);
- (2) "Linden, Calif." (1968);
- (3) "Waterloo, Calif." (1968, photoinspected 1978);
- (4) "Lodi South, Calif." (1968, photorevised 1976);
- (5) "Terminus, Calif." (1978);
- (6) "Thornton, Calif." (1978);
- (7) "Bruceville, Calif." (1968, photorevised 1980);
- (8) "Florin, Calif." (1968, photorevised 1980);
- (9) "Elk Grove, Calif." (1968, photorevised 1979);
- (10) "Sloughouse, Calif." (1968, photorevised 1980);
- (11) "Buffalo Creek, Calif." (1967, photorevised 1980);

(12) "Folsom SE, Calif." (1954, photorevised 1980);

(13) "Carbondale, Calif." (1968, photorevised 1980);

(14) "Goose Creek, Calif." (1968, photorevised 1980);

(15) "Clements, Calif." (1968);

(16) "Wallace, Calif." (1962);

(17) "Lodi North, Calif." (1968);

(18) "Galt, Calif." (1968,

photoinspected 1978);

(19) "Clay, Calif." (1968); and

(20) "Lockeford, Calif." (1968, photoinspected 1973);

(c) *Boundaries.* The Lodi viticultural area is located in California in the counties of Sacramento and San Joaquin. The beginning point is located in the southeast corner of the viticultural area where the Calaveras River intersects the eastern boundary of San Joaquin County ("Valley Springs, SW" U.S.C.S. map).

(1) The boundary proceeds west along the Calaveras River to the point of intersection with Eightmile Road (beginning in the "Valley Springs, SW" map, passing through the "Linden" map and ending in the "Waterloo" map);

(2) Thence west along Eightmile Road to the point of intersection with Interstate Highway 5 (beginning in the "Waterloo map and ending in the "Lodi South" map);

(3) Thence north and then northwest along Interstate Highway 5 to its intersection with an unnamed road (known locally as Hood-Franklin Road) (beginning on the "Lodi South" map passing through the "Terminus," and "Thornton," maps and ending in the "Bruceville" map);

(4) Thence east along Hood-Franklin Road to its intersection with Franklin Boulevard (beginning in the "Bruceville" map and ending to the "Florin" map);

(5) Thence northeast along Franklin Boulevard to its meeting point with the section line running due east and connecting to the western end of Sheldon Road ("Florin" map);

(6) Thence due east along the section line connecting to the western end of Sheldon Road ("Florin" map);

(7) Thence east along Sheldon Road to its intersection with the Central California Traction Co. Railroad (beginning in the "Florin" map and ending in the "Elk Grove" map);

(8) Thence southeast along the Central California Traction Co. Railroad to its point of intersection with Grant Line Road ("Elk Grove" map);

(9) Thence northeast along Grant Line Road to the point of intersection with California State Highway 16 (beginning in the "Elk Grove" map, passing through the "Sloughouse" map and ending in the "Buffalo Creek" map);

(10) Thence southeast along California State Highway 16 to the point of intersection with Deer Creek (beginning in the "Buffalo Creek" map and ending in the "Folsom, SE" map);

(11) Thence northeast along Deer Creek to the point of intersection with the eastern boundary of Sacramento County ("Folsom, SE" map);

(12) Thence southeast along the eastern boundary of Sacramento County and then along the eastern boundary of San Joaquin County to the point of intersection with the Calaveras River, the point of beginning (beginning in the "Folsom, SE" map, passing through the "Carbondale," "Goose Creek," "Clements," and "Wallace" maps and ending in the "Valley Springs, SW map).

Signed: January 14, 1986.

Stephen E. Higgins,

Director.

Approved: January 29, 1986.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 86-3082 Filed 2-12-86; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 86-01]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule revocation.

SUMMARY: This amendment revokes the regulations for the Rickenbacker Causeway Bridge, mile 1091.6 at Miami because the bridge has been replaced by a fixed bridge.

EFFECTIVE DATE: This revocation is effective on February 13, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, (305) 536-4103.

SUPPLEMENTARY INFORMATION: This rule was not preceded by a notice of proposed rulemaking because it deletes a provision that is of no force. Therefore notice and public procedure thereon are unnecessary.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Economic Assessment and Certification

This rule is considered to be non-major under Executive Order 12291 on

Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this rule is expected to be so minimal that further evaluation is unnecessary. We conclude this because the rule merely deletes an inoperative provision from the regulations. Accordingly, the Coast Guard certifies that this action will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

§ 117.261 [Amended]

2. Section 117.261 is amended by removing paragraph (q).

Dated: January 17, 1986.

G.S. Duca,

Captain, U.S. Coast Guard; Acting Commander, Seventh Coast Guard District.

[FR Doc. 86-2087 Filed 2-12-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP San Diego Reg. 86-03]

Security Zone Regulations; San Diego Bay, CA, Pacific Ocean

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing a security zone in San Diego Bay, California, consisting of the water area within the area 200 yards (183 meters) immediately southeast of the previously-established security zone at Naval Air Station North Island Cruiser (J-K) and Carrier (L-P) Piers (SDC 85-17). This security zone is a temporary extension of that zone and is established only during the time three aircraft carriers are moored at Naval Air Station North Island. This security zone is established at the request of the United States Navy and is needed to safeguard U.S. Naval vessels and