

- (5) "Davenport Quadrangle, California—Santa Cruz County";
- (6) "Felton Quadrangle, California—Santa Cruz County";
- (7) "Franklin Point Quadrangle, California";
- (8) "Half Moon Bay Quadrangle, California—San Mateo County";
- (9) "La Honda Quadrangle, California—San Mateo County";
- (10) "Laurel Quadrangle, California";
- (11) "Loma Prieta Quadrangle, California";
- (12) "Los Gatos Quadrangle, California";
- (13) "Mt. Madonna Quadrangle, California";
- (14) "Mindogo Hill Quadrangle, California";
- (15) "Morgan Hill Quadrangle, California—Santa Clara County";
- (16) "Palo Alto Quadrangle, California";
- (17) "San Gregorio Quadrangle, California—San Mateo County";
- (18) "San Mateo Quadrangle, California—San Mateo County";
- (19) "Santa Teresa Hills Quadrangle—Santa Clara County";
- (20) "Soquel Quadrangle, California—Santa Cruz County";
- (21) "Watsonville East Quadrangle, California";
- (22) "Watsonville West Quadrangle, California";
- (23) "Woodside Quadrangle, California—San Mateo County"; and
- (24) One 5 × 11 minute series map entitled: "Santa Cruz, California."
- (c) *Boundaries.* The Santa Cruz Mountains viticultural area is located in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California.
- (1) From the beginning point where Highway 92 and the 400-foot contour line intersect (Half Moon Bay Quadrangle), the boundary line follows Highway 92, beginning in a southeasterly direction, to a point where Highway 92 and the 400-foot contour line intersect (San Mateo Quadrangle);
- (2) Thence along the 400-foot contour line, beginning in a southeasterly direction, to a point where the 400-foot contour line and Canada Road intersect (Woodside Quadrangle);
- (3) Thence along Canada Road, beginning in a southerly direction, to a point where Canada Road and Highway 280 intersect (Woodside Quadrangle);
- (4) Thence along Highway 280, beginning in a southeasterly direction, to a point where Highway 280 and 84 intersect (Palo Alto Quadrangle);
- (5) Thence along Highway 84, beginning in a southwesterly direction, to a point where Highway 84 and Mountain Home Road intersect (Woodside Quadrangle);

(6) Thence along Mountain Home Road, beginning in a southerly direction, to a point where Mountain Home Road and Portola Road intersect (Palo Alto Quadrangle);

(7) Thence along Portola Road, beginning in a westerly direction, to a point where Portola Road and Highway 84 intersect (Woodside Quadrangle);

(8) Thence along Highway 84, beginning in a southwesterly direction, to a point where Highway 84 and the 600-foot contour line intersect (Woodside Quadrangle);

(9) Thence along the 600-foot contour line, beginning in a northeasterly direction, to a point where the 600-foot contour line and Regnart Road intersect (Cupertino Quadrangle);

(10) Thence along Regnart Road, beginning in a northeasterly direction, to a point where Regnart Road and the 400-foot contour line intersect (Cupertino Quadrangle);

(11) Thence along the 400-foot contour line, beginning in a southerly direction, to a point where the 400-foot contour line and the north section line of Section 35, T. 6 S./R. 2 W, intersect (Cupertino Quadrangle);

(12) Thence along the north section line of Sections 35 and 36, in an easterly direction, to a point where the section line and Highway 85 intersect (Cupertino Quadrangle);

(13) Thence along Highway 85, in a southerly direction, to a point where Highway 85 and the southern section line of Section 36 intersect (Cupertino Quadrangle);

(14) Thence along the section line, in a westerly direction, to a point where the section line and the 600-foot contour line intersect (Cupertino Quadrangle);

(15) Thence along the 600-foot contour line, beginning in a southerly direction, to a point where the 600-foot contour line and Pierce Road intersect (Cupertino Quadrangle);

(16) Thence along Pierce Road, in a southerly direction, to a point where Pierce Road and the 800-foot contour line intersect (Cupertino Quadrangle);

(17) Thence along the 800-foot line, beginning in a northwesterly direction, to a point where the 800-foot contour line and the east section line of Section 25, T. 10 S./R. 2 E., intersect (Mt. Madonna Quadrangle);

(18) Thence along the east section line, in a southerly direction, to a point where this section line and the 800-foot contour line intersect (Mt. Madonna Quadrangle);

(19) Thence along the 800-foot contour line, beginning in a southeasterly direction, to a point where the 800-foot contour line and Highway 152 intersect (Watsonville East Quadrangle);

(20) Thence along Highway 152, in a southwesterly direction, to a point where Highway 152 and the 400-foot contour line intersect (Watsonville East Quadrangle);

(21) Thence along the 400-foot contour line, beginning in a northwesterly direction, to a point where the 400-foot contour line and the Felton Empire Road intersect (Felton Quadrangle);

(22) Thence along Felton Empire Road, in an easterly direction, to a point where Felton Empire Road and Highway 9 intersect (Felton Quadrangle);

(23) Thence along Highway 9, in a southerly direction, to a point where Highway 9 and Bull Creek intersect (Felton Quadrangle);

(24) Thence along Bull Creek, beginning in a southwesterly direction, to a point where Bull Creek and the 400-foot contour line intersect (Felton Quadrangle); and

(25) Thence along the 400-foot contour line, beginning in a southeasterly direction, back to the point of beginning.

Signed: November 3, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34506 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

[T.D. ATF-97; Ref: Notice No. 368]

### McDowell Valley Viticultural Area; Establishment

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

ACTION: Final rule. Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area in Mendocino County, California, to be named "McDowell Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of McDowell Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will help consumers better identify the wines from this area and will help winemakers distinguish their products from wines originating in other areas.

**EFFECTIVE DATE:** January 4, 1982.

**FOR FURTHER INFORMATION CONTACT:** E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 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 allowing 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.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics, the boundaries of which have been recognized and defined in 27 CFR Part 9. 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.

McDowell Valley Vineyards, Inc. and 10 other property owners within the boundaries of McDowell Valley, Mendocino County, California, petitioned ATF to establish a viticultural area to be named "McDowell Valley." McDowell Cellars is the only winery presently located in the proposed viticultural area. There are approximately 540 acres now producing grapes in the area.

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 368, in the Federal Register on April 9, 1981 (46 FR 21197), proposing the establishment of the McDowell Valley viticultural area.

**Executive Order 12291**

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, 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**

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 rule is not expected to have significant secondary

or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, the Secretary of the Treasury certifies 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.

**Historical and Current Evidence of the Name**

The name of the area, McDowell Valley, was well documented in the petition. The name originated with an early settler, Paxton A. McDowell, who settled in the area in about 1852. Historical use of the name for the area dates from 1872. A 1916 publication, "Soil Survey of the Ukiah Area, California," prepared by the United States Department of Agriculture, refers to and describes McDowell Valley. The name is shown currently on the "Hopland Quadrangle California" 7.5 minute series USGS map. That map identifies the area which is the subject of this final rule. After evaluating the petition and the comments received, ATF believes that the McDowell Valley viticultural area has a unique historical identity and that the name "McDowell Valley" is the most appropriate name for the area.

**Geographical Evidence**

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

McDowell Valley is a natural, sheltered valley. The bench mark at the lower northwestern end of the valley is at 725 feet. The valley is surrounded by mountain ranges, including some which rise sharply to elevations of over 2,500 feet above sea level. McDowell Creek drains the valley and flows into the Russian River system. There is an upper elevation contour of 1,000 feet around the valley which effectively contains an area of "gravelly-loam" alluvial soils. The surrounding slopes are composed of nonalluvial upland soils, which are unsuitable for vineyards.

The valley has temperatures consistently warmer during the spring frost season and cooler during the summer growing season than most other Mendocino and Lake County areas surveyed by the National Weather Service between 1965 and 1978.

ATF has determined that due to the physical and climatological features of

McDowell Valley it is distinguishable from the surrounding area.

**Boundaries**

The boundaries proposed by the petitioner are adopted. The boundaries generally delineate the area drained by McDowell Creek up to the 1,000-foot contour line of the surrounding ridges.

**Comments**

Two comments were received during the comment period. One comment was from McDowell Valley Vineyards, and the other from a wine marketing agent for McDowell Valley Vineyards and other wine producers. Both comments were in full support of the petition. In addition, ATF received 3 comments which were attached to the petition and fully supported it. These comments were from the California Association of Winegrape Growers; Bruce E. Bearden, Farm Advisor, University of California, Cooperative Extension, Mendocino County Agricultural Center; and the Mendocino County Vintners Association Board of Directors. ATF has received no information from any source indicating opposition to the petition.

**Miscellaneous**

ATF does not wish to give the impression by approving the McDowell Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. The approval of the area allows 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 McDowell Valley wines.

**Disclosure**

A copy of the petition and the comments received is available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, DC.

**Drafting Information**

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of this document, both in substance and style.

**Authority and Issuance**

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)), 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 include the title of § 9.36. As amended, the table of sections reads as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

\* \* \* \* \*

9.36 McDowell Valley.

\* \* \* \* \*

Par. 2. Subpart C is amended by adding § 9.36. As amended, Subpart C reads as follows:

**Subpart C—Approved American Viticultural Areas****§ 9.36 McDowell Valley.**

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

(b) *Approved maps.* The appropriate map for determining the boundaries of the McDowell Valley viticultural area is a USGS map. That map is titled: "Hopland Quadrangle California" 7.5 minute series.

(c) *Boundaries.* Beginning at the northwest corner of Section 22 T13N R11W; thence running southerly along the section line between Sections 22 and 21 approximately 1700 feet to the intersection of the section line and the ridge line (highest elevation line) between the McDowell Creek Valley and the Dooley Creek Valley; thence running southeasterly along the ridge line (highest elevation line) to the intersection of the ridge line and the 1000-foot contour line in Section 27; thence running southeasterly and on the McDowell Creek Valley side of the ridge along the 1000-foot contour line to the intersection of the 1000-foot contour line and the south section line of Section 27; thence running easterly along the section line between Sections 27 and 34 and between Sections 26 and 35 to the intersection of the section line and the centerline of Younce Road; thence running southeasterly and then northeasterly along Younce Road to the intersection of Younce Road and the section line between Sections 26 and 35; thence running due north from the section line, across Coleman Creek approximately 1250 feet, to the 1000-foot contour; thence running westerly and

then meandering generally to the north and east along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence continuing along the 1000-foot contour easterly and then northwesterly in Section 25 to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence running northerly along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 23 and 24; thence running northerly along the section line across State Highway 175 approximately 1000 feet to the intersection of the section line and the 1000-foot contour line; thence running generally to the northwest along the 1000-foot contour line through Sections 23 and 14 and into Section 15 to the intersection of the 1000-foot contour and the flowline of an unnamed creek near the northeast corner of Section 15; thence southwesterly and down stream along the flowline of said unnamed creek and across Section 15, to the stream's intersection with the section line between Sections 15 and 16; thence running southerly along the section line approximately 100 feet to the northwest corner of Section 22 and to the point of beginning.

Signed: October 28, 1981.

G. R. Dickerson,  
*Director.*

Approved: November 3, 1981.

John P. Simpson,  
*Acting Assistant Secretary (Enforcement and Operations).*

[FR Doc. 81-34781 Filed 12-3-81; 8:45 am]  
BILLING CODE 4810-31-M

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION****29 CFR Part 2204****Rules Implementing the Equal Access to Justice Act; Extension of Comment Period**

**AGENCY:** Occupational Safety and Health Review Commission.  
**ACTION:** Extension of comment period.

**SUMMARY:** This notice extends the period for submission of comments concerning the rules implementing the Equal Access to Justice Act in proceedings before the Occupational Safety and Health Review Commission ("Commission"). These rules were published in the Federal Register on September 30, 1981 (46 FR 48078-48083). The Secretary of Labor has requested an extension of time to prepare comments on these rules, and the Commission has

determined that such an extension is reasonable. Therefore, the deadline for submission of comments by any interested party is extended to December 11, 1981.

**DATE:** Comments must be received by December 11, 1981.

**ADDRESS:** Submit comments to Jonathan R. Ross, Acting Associate General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Suite 400, Washington, D.C. 20006.

**FOR FURTHER INFORMATION CONTACT:** Acting Associate General Counsel Jonathan R. Ross at the above address; telephone (202) 634-7965.

Signed this 30th day of November, 1981.

Earl R. Ohman, Jr.,  
*Acting General Counsel.*

[FR Doc. 81-34591 Filed 12-3-81; 8:45 am]  
BILLING CODE 7600-01-M

**DEPARTMENT OF LABOR****Office of Pension and Welfare Benefit Programs****29 CFR Part 2530****Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Adoption of Amendments**

**AGENCY:** Department of Labor.

**ACTION:** Adoption of amendments to final rule.

**SUMMARY:** In this document, the Department of Labor (Department) announces the adoption of several amendments to a final regulation under the Employee Retirement Income Security Act of 1974 (ERISA), 29 CFR 2530.203-3, relating to suspension of pension benefit payments under certain circumstances.

These amendments address concerns which have been presented to the Department with respect to possible effects of certain technical aspects of the regulation. Specifically, this document amends provisions of the regulation which govern benefit offsets, determinations of whether a person is "employed" in a manner which could give rise to a suspension of benefits, and delivery of notice to persons who are so employed.

**DATE:** The suspension of benefits regulation, 29 CFR 2530.203-3, as amended herein, is effective January 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Jay S. Neuman, Office of the Solicitor;