

(address above) between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 453

##### Antibiotics.

Therefore, under the federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 453 is amended as follows:

#### PART 453—LINCAMYCIN ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR part 453 continues to read as follows:

**Authority:** Sec. 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

2. Section 453.222 is amended by revising paragraph (a)(1) to read as follows:

##### § 453.222 Clindamycin phosphate injection.

(a) \* \* \* (1) *Standards of identity, strength, quality, and purity.* Clindamycin phosphate injection is an aqueous solution of clindamycin phosphate with one or more suitable and harmless preservatives, sequestering agents, or tonicity agents. It may be frozen. Its clindamycin phosphate content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of clindamycin that it is represented to contain. It is sterile. It is nonpyrogenic. It contains no depressor substances. Its pH is not less than 5.5 and not more than 7. The clindamycin phosphate used conforms to the standards prescribed by § 453.22a(a)(1).

Dated: February 12, 1990.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90-3850 Filed 2-16-90; 8:45 am]

BILLING CODE 4160-01-M

#### DEPARTMENT OF THE TREASURY

##### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-295 Re; Notice No. 685]

RIN 1512-AA07

#### Establishment of Mt. Veeder, CA Viticultural Area (88F-20P)

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

**ACTION:** Treasury decision; Final rule.

**SUMMARY:** This final rule establishes a viticultural area located near the

western boundary of Napa County, California, in the most southerly portion of the Mayacamas Mountains which separate Napa Valley and Sonoma Valley. This final rule is based on a notice of proposed rulemaking published in the **Federal Register** on July 14, 1989, at 54 FR 29739, Notice No. 685. 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 identify the wines they may purchase. The establishment of viticultural areas also allows wineries to specify further the origin of wines they offer for sale to the public.

**EFFECTIVE DATE:** March 22, 1990.

#### FOR FURTHER INFORMATION CONTACT:

David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226, (202) 566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

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 which has 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 of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

#### Petition

ATF received a petition proposing a viticultural area near the western boundary of Napa County, California, in the most southerly portion of the Mayacamas Mountains which separate Napa Valley and Sonoma Valley. The proposal was submitted by Mr. Robert E. Craig, President, Napa Valley Estate Vineyards and Winery. The viticultural area is approximately 24 square miles or approximately 15,000 acres and is located in Napa County, California. There are five bonded wineries in the viticultural area with approximately 850 acres of grapes. The viticultural area is to be known as Mt. Veeder.

#### 1. Evidence That The Name Of The Area Is Locally Or Nationally Known

##### A. Name Derivation

Mt. Veeder is the most prominent peak in the area at 2,677 feet elevation. The mountain and viticultural area are named for Reverend Peter V. Veeder, who arrived in Napa in the mid-1850's and became pastor of the Napa Presbyterian Church in 1859. The exact date his name was first applied to the peak is uncertain, although the Napa Daily Register used the name in an article on July 11, 1879.

Although the petitioner petitioned for the name Mt. Veeder-Napa Valley, ATF is only approving the name "Mt. Veeder" since the evidence submitted with the petition and during the comment period did not support the inclusion of "Napa Valley." In fact, the petition suggests that this area has been viewed as a distinct district from the Napa Valley and the Sonoma Valley. Although "Napa Valley" is not being included in the name, a reference to Napa Valley may be used in addition to Mt. Veeder if not less than 85 percent of the volume of the wine is derived from grapes grown in the Mt. Veeder viticultural area, since that area is completely encompassed in the Napa Valley viticultural area. This would be permitted under 27 CFR 4.25(e)(4) which deals with overlap viticultural area appellations. For example, wine could be labeled "Mt. Veeder, Napa Valley," or "Mt. Veeder-Napa Valley."

Mt. Veeder Vineyards is one of five wineries currently located in the viticultural area. The use of Mt. Veeder in a brand name is governed by 27 CFR 4.39(1) (brand names of geographical significance).

## B. Local and National Renown

Mt. Veeder received initial local and regional recognition for the healthful climate of the area. Articles on both the healthfulness and the beauty of the Mt. Veeder area were a regular occurrence in Napa Valley newspapers during the 1880s and 1890s. A measure of Mt. Veeder's significance as a resort site is shown in a long article in the San Francisco Chronicle of July 16, 1886, which listed Mt. Veeder as one of the prominent resorts of the area.

While the area surrounding Mt. Veeder has been locally recognized as a distinct district between Napa Valley and Sonoma Valley since the 1870's, it appears from the evidence submitted that the mountain's name was not widely used in reference to this area until later. During the period 1860 to around 1930, a substantial portion of the region east of the Napa/Sonoma County boundary was often referred to as the "Napa Redwoods." Mt. Veeder and the Napa Redwoods often appeared together in newspaper articles written during this period.

However, in the early 20th century, Mt. Veeder gained acceptance locally as the unofficial name for the region and in the early 1940's the term "Napa Redwoods" ceased to appear in newspaper articles.

## 2. Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

The petitioner submitted three 1:24,000 scale U.S.G.S. maps which are the largest scale maps that describe the area. The boundaries of the Mt. Veeder viticultural area coincide in a general manner with those of a region once known as the "Napa Redwoods." The petitioner claimed that "Napa Redwoods" substantially ceased to be used as a term for the region in the 1940s and was supplanted by "Mt. Veeder."

The petitioner asserted that important to boundary considerations on a historical basis is that, in virtually all newspaper accounts during this era (1870's & 1880's), the Mt. Veeder viticultural area was recognized as a distinct subdistrict of Napa Valley, separate from surrounding areas such as Browns Valley, Napa and Yountville. ATF believes the record supports those claims and assertions.

## 3. Evidence Relating to the Geographic Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Area From Surrounding Areas

The Mt. Veeder viticultural area encompasses the eastern slopes of the

Mayacamas Mountains west of the city of Napa. The area is roughly triangular in shape, extending southeastward from its apex at Bald Mountain to the rolling hills north of the Carneros District. Elevations generally range from approximately 2,200 feet at its northern apex to 400 feet in the southern end. Mt. Veeder, located in Napa County, is the highest peak in the viticultural area with an elevation of 2,677 feet.

### A. Climatic Overview Mt. Veeder

The climate of the Mt. Veeder viticultural area is characterized by cool, moist winters and warm, dry summers. Throughout the year in virtually all climatic zones, a natural temperature inversion develops at night, as cold, heavy air settles and warm, lighter air rises. Because of its elevated location, the minimum temperature in the Mt. Veeder region is warmer than that on the valley floor or adjacent to San Francisco Bay during both summer and winter. This inversion limits frost during the winter and keeps the region relatively frost-free during the spring, when vineyard bud push, flowering and crop "set" takes place.

Rainfall increases with elevation, ranging from about 25 inches at lower elevations to over 65 inches at higher elevations in the northern part of the area. The elevated terrain of the Mt. Veeder region is a factor. The region receives more rainfall than the land east, south and north of it due to the terrain forcing the moist air masses of winter storms upward as they move inland along a southeasterly path from the coast, causing condensation. As Mt. Veeder is the highest point along the Mayacamas Mountains for several miles, the effect is very pronounced in the region. Rainfall averaged 49 inches a year over a 25 year period at a location near the center of the Mt. Veeder area, compared to an average rainfall of 25 to 35 inches (depending on location) in Napa Valley, Sonoma Valley and the Los Carneros.

Conversely, the mean annual temperatures decrease with elevation, but the seasonal range and temperature extremes are less at the lower elevation. This is due to the moderating effect of cooling breezes from San Pablo Bay plus the periodic fog and low clouds at lower elevations.

The pattern of changing climatic conditions with increasing elevation is reflected in a variety of plant communities throughout the viticultural area. At lower elevations, the vegetation is mostly open grassland with scattered oaks. With increasing elevation and precipitation, the plant cover changes to a dense shrub or mixed shrub-oak-

madrone-plant community at intermediate elevations and then to a cover of redwood and douglas fir with some madrone, oaks and laurels at higher elevations or in more humid, north facing slopes along creeks at intermediate levels.

### B. Soils of the Mt. Veeder Appellation Area

The soils of the Mt. Veeder viticultural area are representative of residual upland soils developed from the weathering of underlying bedrock. Textures range from loams and clay loams to gravelly or stony sandy loams, loams and clay loams. Some soils are deep and permeable while others are shallow with slowly permeable bedrock. Soil reaction varies from neutral or slightly acid to moderately or strongly acid. Color ranges from light gray or pale brown to grayish brown, brown and dark brown, or reddish brown and dark reddish brown, depending on the type of parent material and the amount of organic matter present.

The wide ranges of soil characteristics of the upland soils of the viticultural area were recognized by the Soil Conservation Service in their 1978 "Soil Survey of Napa County, California." In their mapping and classification of the upland soils, they recognized 17 soil series, 31 soil types of phases, and 1 miscellaneous land type. Grapes are currently grown on 9 of these soils which are moderately deep or deep and have 4 to 7 inches or 6 to 10 inches of available water holding capacity (AWC), respectively.

The moderate depth to bedrock (generally 30 to 60 inches) of the grape producing upland soils of the Mt. Veeder viticultural area limits the depth and size of the soil reservoir for rooting, plant nutrients, and available soil moisture. Additionally, not all of the 25 to 65 inches of winter rainfall is effective as much of it runs off, especially on steeper slopes. This loss of runoff waters and the lower AWC of the soils results in limited soil moisture in the late summer and fall months.

The alluvial soils in the Napa Valley, by nature of their mode of formation, types of parent material and physiographic position, are distinctively different, both genetically and morphologically, from the residual upland soils of the Mt. Veeder viticultural area. The diversity of parent material and the wide range of soil characteristics was recognized by the Soil Conservation Service in their mapping and classification of the soils of Napa County. In the Napa Valley they recognized 10 soil series. None of these

valley soils are found on upland slopes in the Mt. Veeder viticultural area. The county line between Sonoma County and Napa County is the drainage divide between the watersheds of Sonoma Creek and the Napa River. There is a sharp contrast between soils and vegetation on the southwest facing slopes in Sonoma County and northeast facing slopes in Napa County where the Mt. Veeder viticultural area is located. This difference in soils and vegetation is partially due to the microclimate aspect differences between the warmer, more arid southwest facing slopes and the cooler, more humid northeast facing slopes. The warmer, southwest slopes have a greater loss of soil moisture which is reflected in the formation of shallow soils and a less humid shrub or brush type of vegetation.

There are also significant differences in the geology between the Sonoma County and Napa County sides of the Mayacamas Mountains. The rocks on the southwest Slopes in Sonoma County are entirely volcanic in origin (Sonoma Volcanics). On these southwest slopes there are broad, extensive areas of volcanic rockland and large acreages of the shallow, gravelly, cobbly or rocky soils of the Goulding and Toomes series. There are no Goulding or Toomes soils in the Mt. Veeder viticultural area and rockland is very rare. In comparison, the geology of the Mayacamas Mountains in Napa County is a combination of both volcanic rocks (Sonoma Volcanics) and sedimentary rocks. The soils have developed from sandstones and shales which are absent on the southwest slopes of the Mayacamas Mountains in Sonoma County. There are distinct and significant differences in soils, geology, vegetation and climate between the southwestern slopes and the eastern slopes of the Mayacamas Mountains which support the justification of the Mt. Veeder viticultural area.

#### Notice of Proposed Rulemaking

On July 14, 1989, Notice No. 685 was published in the *Federal Register* with a 45 day comment period. In that notice, ATF requested comments regarding the proposal to establish Mt. Veeder as an American viticultural area. ATF requested comments for the proposed name and boundaries for Mt. Veeder. During the 45 day comment period one comment was received. Thirteen comments supporting the petition had been submitted prior to the comment period. The one comment received in response to Notice No. 685 supported the name as proposed by ATF without the inclusion of the modifier "Napa Valley." The commenter also observed that a reference to "Napa Valley" may

be used on wine labels in addition to "Mt. Veeder" as discussed under the name derivation section above.

#### Miscellaneous

ATF does not wish to give the impression by approving "Mt. Veeder" as a viticultural area that it is approving or endorsing the quality of the wine derived from this area. ATF is approving this area as being distinct and not better than other areas. By approving this viticultural area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes.

Any commercial advantage gained can only come from consumer acceptance of wines from "Mt. Veeder."

#### 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 final rule is not expected (1) to have 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.

#### Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 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, Federal, State, or local government agencies or geographical 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.

#### 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 rule because there is no requirement to collect information.

#### Drafting Information

The principal author of this document is David W. Brokaw, 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.

#### Authority and Issuance

27 CFR part 9, American Viticultural Areas, is amended as follows:

#### PART 9—[AMENDED]

**Paragraph 1.** The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of contents in 27 CFR part 9, subpart C, is amended to add the title of § 9.123 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

§ 9.123 Mt. Veeder

Par. 3. Subpart C is amended by adding § 9.123 to read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.123 Mt. Veeder.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the "Mt. Veeder" viticultural area are three U.S.G.S. Quadrangle (7.5 Minute Series) maps. They are titled:

- (1) Napa, California (1951 (Photorevised (1980)))
- (2) Rutherford, California (1951 (Photorevised (1968)))
- (3) Sonoma, California (1951 (Photorevised (1980)))

(c) *Boundaries.*

(1) Beginning at Bald Mountain, elevation 2,275, on the common boundary between Napa County and Sonoma County in Township 7 North, Range 6 West, Mount Diablo Base and Meridian on the Rutherford, Calif. U.S.G.S. map;

(2) Thence south along common boundary between Napa County and Sonoma County to unnamed peak, elevation 1,135 feet on the Sonoma, Calif. U.S.G.S. map;

(3) Thence continuing south along the ridge line approximately ½ mile to unnamed peak, elevation 948 feet;

(4) Thence due east in a straight line approximately ¼ mile to the 400 foot contour;

(5) Thence following the 400 foot contour line north around Carneros Valley and then to the west of Congress Valley and Browns Valley on the Napa, Calif. U.S.G.S. map;

(6) Thence paralleling Redwood Road to its intersection with the line dividing Range 5 West and Range 4 West, east of the unnamed 837 foot peak;

(7) Thence north along the line dividing Range 5 West and Range 4 West approximately  $\frac{1}{10}$  mile to the 400 foot contour;

(8) Thence briefly southeast, then northwest along the 400 foot contour to the point where that contour intersects the northern border of Section 10, Township 6 North, Range 5 West immediately adjacent to Dry Creek on the Rutherford Calif. U.S.G.S. map;

(9) Thence northwesterly along Dry Creek to the tributary stream that joins at elevation 760 feet;

(10) Thence northwest along the tributary and the northern fork of that tributary that joins at elevation 900 feet to its source;

(11) Thence following a straight line west-southwest approximately  $\frac{3}{10}$  mile to the peak of Bald Mountain, elevation 2,275, the starting point.

Signed: January 18, 1990.

Stephen E. Higgins,  
Director.

Approved: February 8, 1990.

Salvatore R. Martoche,  
Deputy Assistant Secretary (Regulatory,  
Tariff and Trade Enforcement).

[FR Doc. 90-3762 Filed 2-18-90; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

(CGD7-90-3)

#### Temporary Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations governing the operation of the Jewfish Creek drawbridge at Key Largo by amending the hours of the existing regulations to provide draw openings at 30-minute intervals on weekends and holidays. This temporary change is being made to evaluate its effect on peak season vehicular and waterway traffic.

**DATES:** These temporary regulations become effective on February 1, 1990 and terminate on April 2, 1990.

**ADDRESSES:** Comments regarding this temporary change should be mailed to Commander (oan), Seventh Coast Guard

District, 909 SE 1st Avenue, Miami, FL 33131-3050. Any comments received will be available for inspection and copying in the office of the Bridge Administrator located in Room 406 at Brickell Plaza Federal Building, 909 SE 1st Avenue, Miami, FL. Documents and comments concerning this regulation may be inspected Monday through Friday between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ian MacCartney, (305) 536-4103.

**SUPPLEMENTARY INFORMATION:** Interested parties submitting written views, comments, data, or arguments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change to the temporary regulation.

#### Drafting Information

The drafters of this notice are Mr. Ian MacCartney, project officer, and Lieutenant Commander D.G. Dickman, project attorney.

#### Discussion of Temporary Regulations

The Jewfish Creek drawbridge presently opens on signal, except that on Fridays from 3 p.m. to sunset, and Saturdays and Sundays from 10 a.m. to sunset, the draw need open only on the hour, twenty minutes after the hour and forty minutes after the hour. When a federal holiday occurs on a Friday, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour, from 12 noon to sunset on the Thursday before the holiday, and from 10 a.m. to sunset on Friday (holiday), Saturday, and Sunday. When a federal holiday falls on a Monday, the draw need open only on the hour, twenty minutes after the hour and forty minutes after the hour from 12 noon to sunset on the Friday before the holiday, and from 10 a.m. to sunset on Saturday, Sunday, and Monday (holiday). Monroe County and the Florida Department of Transportation have requested the existing weekend and holiday regulations be changed to a 30-minute opening schedule to help reduce highway traffic congestion. Analysis of current highway traffic data and bridge opening logs confirms traffic levels have increased during recent years. However, lengthening the time between bridge openings may result in longer opening periods to pass the increased number of vessels holding for each opening and might cause even more disruption to highway traffic than the existing 20-minute opening schedule. In addition, the channel approaching the bridge from Barnes Sound on the north side of the bridge is narrow with strong

currents and a very restricted holding area. This could create a potentially unsafe holding condition should several vessels be required to wait longer periods for a bridge opening. The Coast Guard intends to implement a 30-minute opening schedule during weekends and holidays for a 60-day trial period to evaluate the impact on navigation and highway traffic movement. Because this is a temporary regulation, it will not appear in the Code of Federal Regulations.

#### Economic Assessment and Certification

These temporary regulations are 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 a full regulatory evaluation is unnecessary. We conclude this because the rule exempts tugs with tows. Since the economic impact of the proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it 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 of the Code of Federal Regulations (CFR) is amended for the period of February 1, 1990 to April 2, 1990. Because this is a temporary rule, the following amendment will not be codified in the CFR.

#### 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; 33 CFR 1.05-1g.

2. Paragraph (qq) of § 117.261 is revised to read as follows:

§ 117.261 Atlantic Intracoastal Waterway, St. Marys River to Key Largo.

\* \* \* \* \*

(qq) Jewfish Creek, mile 1134, Key Largo. The draw shall open on signal; except that from 10 a.m. to sunset, Thursday through Sunday and Federal holidays, the draw need open only on the hour and half-hour.