

know that they must sign an affidavit, and subject themselves to prosecution for false statements to the government, as well as for an antitrust violation. We expect that the requirement to sign the affidavit will deter many individuals from submitting cover bids.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. The anticipated impact of this proposal is so minimal as to not require preparation of a full regulatory evaluation at this time. Any additional costs would be more than off-set by the potential savings in Federal-aid funds created by the avoidance of bid collusion. For these reasons and under the criteria of the Regulatory Flexibility Act, it is hereby certified that this proposal will not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 635

Bidding procedures, Government contracts, Grants programs—
Transportation, Highways and roads.

In consideration of the foregoing and under the authority of 23 U.S.C. 112 and 315, and 49 CFR 1.48(b), the FHWA proposes to amend Title 23, Code of Federal Regulations, Chapter 1, Part 635, Subpart A by revising 635.107 as set forth below.

Issued on: March 19, 1985.

L.P. Lamm,

*Deputy Federal Highway Administrator,
Federal Highway Administration.*

The FHWA proposes to amend 23 CFR Part 635, Subpart A as follows:

PART 635—CONSTRUCTION AND MAINTENANCE

Subpart A—Contract Procedures [Amended]

Section 635.107 is amended by revising paragraph (i) to read as follows:

§ 635.107 Advertising for bids.

(i)(1) The State highway agency shall include a statement substantially as follows in the advertised specifications:

Title 23, United States Code, section 112(c), requires, as a condition precedent to approval by the Federal Highway Administrator of the contract for this work,

that there be filed a sworn statement executed by, or on behalf of the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

Therefore, every bidder shall submit to the State as part of its bid package, such a sworn statement. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths. The required form for the affidavit will be provided by the State to each prospective bidder. Failure to submit the sworn statement as part of the bid package will be grounds for considering the bid non-responsive.

(2) As a prerequisite to the division administrator's formal concurrence in the award of the construction contract, the State highway agency must submit copies of the required statements to the division administrator, or must advise the division administrator, in writing, that the required statements have been received and are on file with the State highway agency.

[FR Doc. 85-7212 Filed 3-26-85; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 560]

Proposed Establishment of North Yuba Viticultural Area; Oregon House, CA

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms proposes to establish in Yuba County, California an American viticultural area to be known by the appellation "North Yuba." This proposal is based on a petition filed by Karl Werner and James R. Bryant, officers of Renaissance Vineyard and Winery, Inc., located near Oregon House, California.

The use of the name of an approved viticultural area as an appellation of origin in the labeling and advertising of wine allows the proprietor of a winery to designate the area as the locale in which grapes used in the production of a wine are grown and enables the consumer to identify and to differentiate

between that wine and other wines offered at retail.

DATES: Written comments must be received by May 28, 1985.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (REF: Notice No. 560).

Copies of this proposal, the petition, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, New Post Office Building, Room 4407, 1200 Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Coordinator, FAA, Wine and Beer Branch, Room 6237, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, 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 to Title 27 a new Part 9 providing for the listing of approved American viticultural areas.

Section 4.25a(e)(1) 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. The petition shall 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 features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundary of the proposed 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 boundary prominently marked.

Petition

On November 13, 1984, ATF received the petition for the establishment of a viticultural area to be known as "North Yuba" in north central Yuba County, California.

The petitioned area is in the middle and upper foothills of Yuba County, immediately west of the Sierra Nevadas and approximately 20 miles northeast of Marysville, California. The area is bordered on the south by the Yuba River. The principal streams that drain the area are Dobbins Creek and the upper portions of Dry Creek. Both streams flow into the Yuba River. The land drained by these streams shares similar geological history, topographical features, soils, and climatic conditions.

The boundary of the proposed viticultural area encompasses approximately 35 square miles or 22,400 acres. The petitioners state that within the area there are approximately 360 acres devoted to the cultivation of wine grapes and one bonded winery. Due to the effects of soil, air, water, rainfall and temperature, the sections of the area currently devoted to viticulture consist of foothill slopes between 1,000 and 2,000 feet above sea level.

Name

Yuba County was named after the Yuba River which took its name from the Indian tribe which populated the area. "North Yuba" is the name used locally to designate the area in north central Yuba County in which are located the town of Dobbins and Oregon House. The petitioners state that this is the name used by Pacific Bell Telephone to designate the area. In support of the petition, the petitioners have submitted letters from the county sheriff and the local chamber of commerce attesting to local usage and acceptance of the name "North Yuba" to designate the petitioned area.

Historically, viticulture came to this area in the 1850's. Documents show the planting of wine grapes and the establishment of a winery in 1855. By 1860, Yuba County had five wineries and 800 acres were devoted to wine grape cultivation. By 1930, there were 1,000 acres devoted to wine grape cultivation. However, as a consequence of National Prohibition, the vineyards were replaced by orchards of peaches and prunes and the wineries closed.

Today, however, there are 360 acres of vineyards and one winery operation in the petitioned area.

Geography

The proposed North Yuba viticultural area consists of the middle and upper foothills in Yuba County immediately west of the Sierra Nevadas and north of the Yuba River. The 2,000-foot contour line of the Sierra Nevada Mountains forms the eastern and northern portions of the boundary of the proposed viticultural area and the 1,000-foot contour line north of the Yuba River canyon forms the southern portion of the boundary. The eastern bank of Woods Creek forms part of the western portion of the boundary. The area is approximately seven miles in length from north to south and three to six miles in width from west to east.

Distinguishing Characteristics

The petitioner claims that the proposed viticultural area is not only distinguished historically from surrounding areas but geographically by its topography, elevation, geology, soils, temperature, and rainfall.

Topography and Elevation

The topography of the proposed viticultural area ranges from gently rolling hills to steeper slopes at the base of the Sierra Nevadas and generally ranges in elevation from 1,000 feet to 2,000 feet above sea level. Lying between the high Sierras to the east and the lowlands of the Sacramento Valley to the west, the boundary of the proposed viticultural area defines a region well suited for viticulture. The topography of the area ensures adequate ventilation for viticulture, an important factor in the prevention of bunch rot. The area escapes both the early frosts and snow of higher elevations in the Sierra Nevadas and the heat, humidity and fog common to the lowlands in the Sacramento Valley.

Geology

The area is an example of a middle foothill to lower mountain landscape that has been formed during a long period of geologic time. The area is underlain by igneous rocks and granitic rocks that extend along the base of the Sierra Nevadas. It is geologically well defined by the Sierra Nevadas to the north and east, by a large slab of greenstone rock to the west, and by the Yuba River canyon to the south.

Soil Characteristics

The three major physiographic units in Yuba County are the valley lands of the Sacramento Valley, the Sierra Nevadas

to the east of the valley, and the foothills region which lies between the valley and the mountains. There are nine soil associations common to the valley lands, three common to the foothills region, and six common to the mountainous terrain. Of the 18 soil associations found in Yuba County, basically three distinguish the soils of the proposed viticultural area from the soils in surrounding areas of the county and the adjoining counties of Butte and Nevada in California.

The soil associations common to the proposed area are Sierra-Auberry, Englebright-rescue, and Dobbins. These soils are typical of those developed from granitic and igneous rocks. The soils are shallow to very deep, rocky, cobbly and rocky, or noncobbly and rocky and are generally well drained.

"Soils of the Yuba County, California", a 1969 soil survey published jointly by the Department of Soils and Plant Nutrition of the University of California at Davis and by the County of Yuba, California, contains a color coded general soil map which clearly shows a pattern of these three soil associations in the middle and upper foothills region of Yuba County between the predominant soil association of the lower foothills, Auburn-Sobrante-Las Posas, and the predominant soil association of the mountains, Challenge-Tish Tang. The proposed boundary which is an amendment of the petitioned boundary includes small areas of Auburn-Sobrante-Las Posas, Challenge-Tish Tang and Rackerby-Dobbins, a mountain soil association.

Data from the soil survey of Yuba County and the 1975 soil survey of Nevada County which lies to the south of Yuba County strongly support restricting the "North Yuba" appellation to the petitioned area as amended by ATF to include areas to the west and north which also contain the same soil associations as the petitioned area.

Climatological Characteristics

Generally, Yuba County has an interior "Mediterranean" type climate. However, the location of the proposed "North Yuba" viticultural area in the middle to upper foothills region approaching the mountainous terrain of the Sierra Nevadas allows a subtle distinction in climatological characteristics from the rest of the county in that the area escapes both the heat and fog common to the lowlands of the Sacramento Valley and the early frosts and snow of the higher elevations of the Sierra Nevadas.

The lands of the Sacramento Valley in Yuba County range from 30 to 250 feet

above sea level and the mean average rainfall is 20 to 25 inches. The valley lands are an extensive area of floodplains, terraces, alluvial fans and basins.

The mountains of Yuba County are part of the western slope of the Sierra Nevadas. This is a region of gently rounded ridges, moderately steep rolling hillsides, and rugged, steep canyon slopes, that is deeply entrenched by the Yuba River and its tributaries. Basic metavolcanic rocks are dominant in this area. Elevations range from 1,600 feet to more than 4,800 feet above sea level. Rain increases with elevation and ranges from 45 inches to more than 80 inches, much of which falls as snow at higher elevations.

The middle to upper foothills in which the proposed viticultural area lies occupy the lower western slope of the Sierra Nevadas between the valley lands and the mountainous uplands of the county. This is an area of rolling to steep hills with conspicuous ridges and peaks. Rock outcroppings are common. The central foothills region ranges in elevation from 250 feet to 2,700 feet above sea level. However, the proposed viticultural area generally ranges in elevation from 1,000 to 2,000 feet above sea level and can be distinguished from surrounding areas by rainfall. The rainfall within the area increases gradually with elevation from 25 to 50 inches. For example, the mean annual precipitation at the Dobbins-Colgate weather station is 40.4 inches compared to 61.9 inches at the Camptonville station to the east of the proposed area and 20.7 inches at Marysville to the west of the proposed area.

Such statistics are corroborated by a map adapted from the State of California Department of Water Resources Seasonal Isohyetal Map (1905 to 1955) to show mean annual precipitation for Yuba County. The map distinguishes by rainfall the central foothills region from the areas to the west and to the east.

The growing season of the proposed viticultural area is distinctly cooler than the neighboring Sacramento Valley to the west and warmer than the mountainous area to the east. The climate of the area is characterized by cool summer night temperatures, often dropping to 30 degrees below daytime highs and allowing the grapes to retain sufficient acidity to balance the high sugar levels induced by daytime sunshine.

Foothill winds are an additional cooling factor in summer, contributing further to the development of proper acidity in the area's grapes. These cooling winds are distinguished from

those of the valley to the west. In the valley, prevailing southwesterly winds are due to the north-south orientation and heating of the Sacramento Valley, which deflects the westerly winds coming through the Carquinez Straits northward. At the higher elevations, however, the winds conform more closely with the free-flowing westerly winds over northern California.

Climatological data from three weather stations of the U.S. Department

of Commerce National Oceanographic and Atmospheric Administration document the climatological differences between "North Yuba" and adjoining areas. The data from these stations when compared with data obtained by the petitioners over the 10-year period 1974 to 1984 from vineyards in the vicinity of Oregon House show the following differences in climate between "North Yuba" and surrounding areas:

Location	Elevation	Mean annual	Rainfall	Growing season
Marysville.....	60'	62.9 °F	20.7".....	273 days.
Dobbins-Colgate.....	600'	62.6 °F	40.4".....	267 days.
Oregon House.....	1,500'	59.0 °F	35 to 40".....	215 to 225 days.
Camptonville.....	2,755'	57.5 °F	61.9".....	185 days.

Proposed Boundary

The petitioner claims that the boundary of the proposed viticultural area is as specified in the petition.

The boundary of the proposed North Yuba viticultural area may be found on four United States Geological Survey maps of the 7.5 minute series, scale 1:24,000. The boundary is described in proposed § 9.106.

Compliance With Executive Order 12291

It has been determined that this proposed 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 an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal 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 notice of proposed rulemaking, if promulgated as a 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 imposed.

Public Participation

ATF requests comments from all interested parties. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

The data submitted with the petition shows local use of the name "North Yuba" to designate the area petitioned. ATF is interested in whether the name "North Yuba" has gained any national recognition geographically and as a winemaking area.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

The Director 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 Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended, ATF proposes to amend Title 27, Code of Federal Regulations, Part 9, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1.—The Table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.106. As amended, the Table of Sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.	* * * *
9.106	North Yuba.

Par. 2. Subpart C is amended by adding § 9.106. As amended, Subpart C read as follows:

Subpart C—Approved American Viticultural Areas

* * * *	
§ 9.106	North Yuba.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of North Yuba viticultural area are the following four U.S.G.S. topographical maps of the 7.5 minute series:

- "Oregon House Quadrangle", edition of 1948, photo-revised 1969.
- "Rackerby Quadrangle", edition of 1948, photo-revised 1969.
- "Challenge Quadrangle", edition of 1948 photo-revised 1969.
- "French Corral Quadrangle", edition of 1948, photo-revised 1969.

(c) *Boundary.* The North Yuba viticultural area is located in Yuba County in the State of California. The boundary is as follows:

Beginning on the "Oregon House Quadrangle" map at the point where the Browns Valley Ditch crosses Woods Creek in the southwest corner of section 25, T. 17 N., R. 6 E., the boundary proceeds northeasterly in a meandering line approximately 1.5 miles along the east bank of Woods Creek to the point

near Richards Ranch where the paved light duty road crosses said creek;

(1) Then west and north, approximately 0.33 mile to the point where the paved light duty road meets the unimproved dirt road accessing Dixon Hill and Texas Hill;

(2) Then northwest continuing along the paving light duty road approximately 2.75 miles to the intersection at Oregon House of said light duty road with the medium duty road which travels east and west between Virginia Ranch Reservoir of Dry Creek and the Yuba County Forestry Headquarters near Dobbins;

(3) Then northeasterly, 0.7 mile, along same light duty road to its intersection with the unimproved direct road to Lake Mildred, located in the northwest corner of section 2, T. 17 N., R. 6 E.;

(4) Then northwesterly, 1.0 miles, along the unimproved dirt road to the end of said road at the shoreline of Lake Mildred;

(5) Then southwest along the shoreline of Lake Mildred to the Los Verjeles Dam at the westernmost end of said Lake;

(6) Then across the face of said dam and continuing northeast along the shoreline of Lake Mildred to the point where the stream running through Smokey Ravine flows into Lake Mildred;

(7) Then north and west along said stream to the point where the stream crosses the 1,900-foot contour line in the northeast corner of section 27, T. 18 N., R. 6 E.;

(8) Then southwest in a meandering line along the 1,900-foot contour line of Lamb Hill;

(9) Then northwest along the 1,900-foot contour line of High Spring Ridge to the point where the medium duty paved road running north and south along Willow Glen Creek crosses the 1,900-foot contour line, approximately 0.75 mile north of Finley Ranch;

(10) Then north along said road, approximately one mile, to its intersection at Willow Glen Ranch near the west boundary line of section 15, T. 18 N., R. 6 E., with the light duty road which crosses Critterden Ridge;

(11) Then in a generally easterly direction along said road, approximately 2.0 miles, to its point of intersection with the light duty paved road named Frenchtown Road which runs north and south between Brownsville and Frenchtown;

(12) Then south along the Frenchtown Road to the point where the road crosses the 1,600-foot contour line in the northwest corner of section 24, T. 18 N., R. 6 E.;

(13) Then east along the 1,600-foot contour line to the point where Dry

Creek crosses the 1,600-foot contour line near the south boundary line of section 13, T. 18 N., R. 6 E.;

(14) Then south along Dry Creek, approximately 0.16 mile, to the confluence of Indiana Creek with Dry Creek;

(15) Then in a generally easterly direction, approximately one mile, along Indiana Creek to the confluence of Keystone Creek with Indiana Creek;

(16) Then north along Indiana Creek, approximately 0.87 mile, to the point where Indiana Creek meets the 2,000-foot contour line of Oregon Hills;

(17) Then in a generally southeasterly direction along the 2,000-foot contour line of Oregon Hills, approximately 6 miles, to the point near the east boundary line of section 9, T. 17 N., R. 7 E., where the power transmission line on Red Bluff crosses the 2,000-foot contour line;

(18) Then southwest along the right of way of said power transmission line to the point near the south boundary of section 9, T. 17 N., R. 7 E., where it meets the power transmission line running northwest and southeast between Dobbins and the Colgate Power House;

(19) Then southeast along the power transmission line between Dobbins and Colgate Power House to the Colgate Power House;

(20) Then in a generally westerly direction from the Colgate Power House along the power transmission line which crosses over Dobbins Creek to the point west of Dobbins Creek where the power transmission line intersects the 1,000-foot contour line;

(21) Then in a generally southwesterly direction along the 1,000-foot contour line above the north bank of the Yuba River and Harry L. Englebright Lake of the Yuba River to the intersection of the 1,000-foot contour line with Woods Creek in the northeast corner of section 36, T. 17 N., R. 6 E.;

(22) Then east and north along the east bank of Woods Creek, approximately 0.5 mile, to the point of beginning.

Signed: March 15, 1985.

W. T. Drake,

Acting Director.

[FR Doc. 85-7105 Filed 3-26-85; 8:45 am]

BILLING CODE 4810-31-M

VETERANS ADMINISTRATION

38 CFR Part 3

Incompetents; Estate Over \$1,500 and Institutionalized

AGENCY: Veterans Administration.