

Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, September 29, 1981, as follows:

§ 71.181 is amended in the description of the Burlington, North Carolina, Transition Area by deleting the words " (Latitude 36°02'59"N., Longitude 79°28'49"W.) . " and substituting for them the words " (Latitude 36°02'51"N., Longitude 79°28'46"W.)

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alternation of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on August 7, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-23903 Filed 8-14-81; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

#### 20 CFR Part 410

#### Recovery of Black Lung Overpayments From Benefits Due Survivors

##### Correction

In FR Doc. 81-22655 appearing on page 39588 in the issue of Tuesday, August 4, 1981, make the following correction:

On page 39589, first column, in the ninth line, " 49 Stat. 824 " should have read " 49 Stat. 624 "

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-90; Ref: Notice No. 351]

#### San Pasqual Valley Viticultural Area

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

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

**SUMMARY:** This final rule establishes a viticultural area in San Diego County, California, to be named "San Pasqual Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of San Pasqual 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.

**EFFECTIVE DATE:** September 16, 1981.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

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

A representative of San Pasqual Vineyards submitted a petition to establish a viticultural area in San Diego County, California, to be named "San Pasqual Valley." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 351, in the Federal Register on October 27, 1980 (45 FR 70914), proposing the establishment of San Pasqual Valley as a viticultural area.

##### Public Hearings

A public hearing was held on this issue on January 26, 1981, in Escondido, California. Although no written

comments were received on the notice, three persons testified at the hearing. The evidence gathered at this hearing and the petition was sufficient for ATF to base its final decision concerning San Pasqual Valley.

##### Evidence Relating to the Name

**Historical.** Testimony at the hearing established the historical nature of the name "San Pasqual." For instance, a battle between Californians and troops of the U.S. Army in 1846 was named "the Battle of San Pasqual", and a book published in 1887, "Picturesque San Diego", specifically mentioned San Pasqual Valley and the several extensive vineyards present at that time.

**Current.** At present, the name "San Pasqual" is part of the names of schools and government offices in the area. The portion of the valley lying within the city limits of San Diego is known as the "San Pasqual Agricultural Preserve." In addition, the portion of the valley used as an adjunct of the San Diego Zoo is called the "San Pasqual Wild Animal Park."

ATF believes this testimony establishes the historical and current use of the name San Pasqual Valley as a viticultural area.

##### Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural area from surrounding grape-growing areas. The petitioner claimed that the San Pasqual Valley possesses a soil type, climate, and protective setting which provides a singular viticultural identity.

The area is a natural valley located in the Santa Ysabel watershed. The elevation of the valley floor is from 300 to 350 feet above sea level, and the sides of the alluvial plain rise to approximately 500 feet. The valley is surrounded on three sides by low mountain ranges rising to 1,500 feet and higher above sea level. The valley is fed by natural streams, culminating in the San Dieguito River which empties into Lake Hodges on the west side of the valley.

The petitioner stated that San Pasqual Valley is a relatively small, well-defined area with a uniform climate. The valley lies 10 to 15 miles east of the Pacific Ocean and is substantially affected by coastal influences. Temperatures are warm in the summer, but seldom over 95 degrees. Ocean breezes cool the area and nighttime temperatures are normally below 65 degrees. In light of the area's low elevation, several freezes occur in the valley during the winter.

The petitioner noted that the valley climate was substantially different from surrounding areas which have climates ranging from tropical to desert-like to mountainous.

ATF has determined that the San Pasqual Valley is viticulturally distinguishable from the surrounding areas. This is based upon the evidence presented regarding the climatic features (particularly in temperature caused by the physiographic features of the valley) and soil composition (primarily a decomposed granite base). The area, surrounded on three sides by low mountain ranges, provides a setting which differentiates the climate of the valley from that of the surrounding areas.

#### Boundaries

ATF is using the 500-foot contour line and a man-made boundary, Interstate 15, as the boundaries of the viticultural area. The petitioner stated that Interstate 15 was chosen as the western boundary of the area because no agricultural activity is carried on west of the highway; this particular area is used primarily for home development. The 500-foot contour line was chosen primarily because the alluvial plain rises to approximately this level, thus providing a uniform soil composition.

Based on this testimony, ATF has determined that the proposed boundaries sufficiently delineate the viticultural area from the surrounding areas and, therefore, the boundaries are being adopted as proposed. Furthermore, while ATF believes that viticultural area boundaries based only on man-made features is inappropriate, where such features closely approximate natural features, or where they provide a demarcation line from grape-growing areas as opposed to areas unsuitable for grape-growing, it is acceptable to use these man-made features in describing the boundaries.

#### Miscellaneous

ATF does not wish to give the impression that by approving the San Pasqual Valley viticultural area it is approving the quality of the wine from that area or endorsing the wine. ATF is approving the area as being viticulturally distinct from surrounding areas, not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. ATF will not allow statements or claims that these wines are better because they originated from an approved viticultural area. Any commercial advantage gained can only be substantiated by consumer

acceptance of San Pasqual Valley wines.

Accordingly, 27 CFR Part 9 is amended as proposed.

#### 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 the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Disclosure

Copies of the hearing proceeding are available for inspection during normal business hours at the following two locations: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, 12th & Pennsylvania Avenue, NW, Washington, DC; and, at the office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

#### Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau also participated in preparation of this document, both in matters of 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 § 9.25.

The new entry in the table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.	*	*	*	*	*
9.25					San Pasqual Valley.

Par. 2. Subpart C is amended by adding § 9.25 to read as follows:

### Subpart C—Approved American Viticultural Areas

#### § 9.25 San Pasqual Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries are three U.S.G.S. maps. They are entitled:

- (1) "Escondido Quadrangle, California—San Diego County", 7.5 minute series;
- (2) "San Pasqual Quadrangle, California—San Diego County", 7.5 minute series;
- (3) "Valley Center Quadrangle, California—San Diego County", 7.5 minute series.

(c) *Boundaries.* The San Pasqual Valley viticultural area is located in San Diego County, California.

(1) From the beginning point at the intersection of Interstate 15 and the 500-foot contour line, north of the intersection of point of Interstate 15 and T.12 S./T.13 S., the boundary line follows the 500-foot contour line to;

(2) The point nearest San Pasqual Road and the 500-foot contour line, the boundary line follows the Escondido Corporate Boundary line to the 500-foot contour line on the hillock and circumnavigates said hillock back to the Escondido Corporate Boundary line and returns to the 500-foot contour line nearest to San Pasqual Road and;

(3) Continues along the 500-foot contour line completely around San Pasqual Valley to a point where the 500-foot contour line intersects with Pomerado Road, at this point, the boundary line, in a straight, northwesterly direction crosses over to;

(4) The 500-foot contour line of Battle Mountain, following the 500-foot contour line around Battle Mountain to point nearest to Interstate 15, at which point the boundary line crosses over to Interstate 15; and

(5) Continues northward along Interstate 15 to the point of beginning.

Signed: June 30, 1981.

G. R. Dickerson,

Director.

Approved: July 24, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-23642 Filed 8-14-81; 8:45 am]

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