

a northwesterly direction for 5 miles until it reaches the beginning point at benchmark 4911 on an unimproved dirt road in Faywood Station at Sec. 2, T21S/R12W on the Faywood Station, N. Mex. U.S.G.S. map.

Signed: October 25, 1985.

Stephen E. Higgins,  
Director.

Approved: November 6, 1985.

Edward T. Stevenson,  
Deputy Assistant Secretary (Operations).  
[FIR Doc. 85-27804 Filed 11-20-85; 8:45 am]  
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## 27 CFR Part 9

[T.D. ATF-218; Ref. Notice No. 562]

### South Coast Viticultural Area

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

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

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) has decided to establish a viticultural area in California to be known as "South Coast." This decision is the result of a petition submitted on behalf of the South Coast Vintners Association, a group of wineries in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising enables winemakers to label wines more precisely and helps consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** December 23, 1985.

**FOR FURTHER INFORMATION CONTACT:** Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

### SUPPLEMENTARY INFORMATION:

#### Background

ATF regulations in 27 CFR Part 4 provide 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 on wine labels and in wine advertisements.

Part 9 of 27 CFR provides 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. 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.

#### Notice of Proposed Rulemaking

ATF received a petition from the South Coast Vintners Association, proposing an area south of Los Angeles, California, as a viticultural area to be known as "South Coast." The area contains about 1,800 square miles. It is located along the Pacific coastline between Los Angeles and the Mexican border. There are about 3,000 acres of grapes currently planted in the area. The petitioner stated that at least 15 wineries are operating within the area.

In response, ATF published a notice of proposed rulemaking, Notice No. 562, in the *Federal Register* on April 19, 1985 (50 FR 15588). That notice proposed establishment of the "South Coast" viticultural area and solicited public comment with respect to the proposed viticultural area.

During the comment period, which closed June 3, 1985, no comments were received. Accordingly, this document establishes the "South Coast" viticultural area with the same boundaries as proposed in Notice No. 562. Some changes in the descriptive wording of those boundaries have been made, in order to better describe the "South Coast" boundaries; but no substantive change has been made.

#### Name of the Area

Winegrape growing in the coastal region south of Los Angeles is of relatively recent origin, as compared with some other areas of California. However, uncontradicted evidence demonstrates that "South Coast" is the name by which this grape-growing area is currently known. Such evidence includes the following:

(a) *Wine Maps*, published in 1984 by The Wine Spectator, designates various coastal grape-growing areas of California. One such area is identified, on both a "Key Map" and a more detailed map, as "South Coast." The area shown on these maps corresponds to the viticultural area established by this Treasury decision.

(b) The South Coast Vintners Association (the petitioner) was incorporated in the State of California on January 31, 1984. Prior to incorporation, this association existed informally for several years. Its membership includes most of the wineries in the "South Coast" viticultural area. While in existence, the petitioner stated, this association "has created publications featuring 'South Coast' wines, has held joint tastings and public relations functions, and generally has sought to create name and location

identification in the wine industry for 'South Coast' fine wines." As evidence of this effort, the petitioner submitted a booklet published by it, titled "South Coast Wineries." This booklet features a map showing the locations of the association's winery members, and also contains this description: "The wineries are located in the foothills and valleys of the coastal region, most, less than thirty miles from the ocean. Here the combination of higher elevations, well drained soils, and cooling Pacific breezes produce an ideal environment for growing the finest European grape varieties."

#### Geographical Description of the Area

The "South Coast" viticultural area is distinguished geographically from the surrounding areas as follows:

(1) To the north, the area is set off by the predominant urbanization of Los Angeles County, which makes grape-growing there unfeasible. The petition explained this as follows: "No doubt portions of Los Angeles County would qualify [with respect to name] as 'South Coast.' However, as a practical matter the entire Los Angeles County coastal area is urbanized and no present or potential grape growing areas exist. Since no grapes come from Los Angeles County and it is very unlikely that any ever will, it was considered confusing to include the County in 'South Coast.'"

(2) To the west, the area is bounded by the Pacific Ocean.

(3) The southern boundary of the area, the Mexican-American border, does not correspond to a geographical distinction. However, since 27 CFR Part 9 is titled "American Viticultural Areas," and since "American" is defined in 27 CFR 9.11 as "Of or relating to the several States, the District of Columbia, and Puerto Rico," it is evident that an American viticultural area must not extend into Mexico.

(4) To the east, the proposed area is distinguished geographically by the limit of "coastal influence." This distinction was described in the petition as follows: "Applicant believes that 'coast' infers some substantial coastal influence on the grape growing areas involved, resulting in classification of same as Zones I through III of the Davis scale. While many grapes are grown in San Bernardino, eastern Riverside, eastern San Diego and Imperial Counties, they are grown in Zones IV or V, and are primarily table grapes rather than wine grapes."

A good explanation of the "Davis scale" for classifying the climates of wine regions is given in *Alexis Linchine's New Encyclopedia of Wines*

& Spirits (New York, Alfred A. Knopf, 1984) on page 496:

One of the achievements of the men at Davis was the classification of the California viticultural districts into five temperature zones. In the 1930s Professors A. J. Winkler and Maynard Amerine studied the relation between climate and the quality of wine produced from different grape varieties in the various regions of California. They found that temperature is one of the most important climatic factors affecting the successful cultivation of wine grapes and that the summation of daily degree readings is of significant value for predicting the best varieties to be grown in any district. Their heat summation concept developed from the total mean daily temperatures above 50 °F. (10 °C.) for the days from April 1 through October 31. 50 °F. is the temperature above which most vine-shoot growth occurs; the time period corresponds to the vine-growing season. Thus, a day with an average temperature of 65 °F. is given a heat summation value of 15 "degree-days." Five climate regions were then defined according to the totals for the season:

Region I—less than 2,500 degree-days  
Region II—2,501 to 3,000 degree-days  
Region III—3,001 to 3,500 degree-days  
Region IV—3,501 to 4,000 degree-days  
Region V—more than 4,000 degree-days

Knowing the temperature region of his vineyard, a grape-grower can make a general prediction as to which vines will prove most successful. . . In warmer districts the grapes mature quickly and yield huge crops, but the acidity, color, and aroma are too low to make good dry table wines. Dessert or fortified wine requiring much natural grape sugar and common table wines are made in these hot sections of the state. In the cooler vineyards, where a vine can bear only a limited crop, the fruit can ripen slowly, retain its high acidity, and concentrate those elements of color and aroma which make fine table wines.

The premium wine districts of California fall in Regions I, II, and III, while Regions IV and V produce mostly table grapes or the bulk and dessert—fortified—wines already mentioned.

#### Miscellaneous

ATF does not want to give the impression by approving "South Coast" as a viticultural area that it is approving or 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, ATF allows wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage can only come from consumer acceptance of "South Coast" wines.

The following approved viticultural areas are located entirely within the boundaries of "South Coast": "Temecula" (§ 9.50) and "San Pasqual Valley" (§ 9.25). Both smaller areas are influenced by coastal climate factors. In establishing a large viticultural area

based on geographical features which affect viticultural features, ATF recognizes that the distinctions between a small area and its surroundings are more refined than the differences between a large area and its surroundings. It is possible for a large viticultural area to contain approved viticultural areas, if each area fulfills the requirements for establishment of a viticultural area.

#### 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 final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities. Further, the final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens 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.

#### Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau 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 geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of 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 final rule because no requirement to collect information is imposed.

#### List of Subjects in 27 CFR Part 9

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

#### Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Issuance

Accordingly, 27 CFR Part 9 is amended as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

**Paragraph 1.** The authority citation for Part 9 is revised to read as follows and the authority citations following § 9.22 and 9.29 are removed.

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 § 9.104, to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*  
9.104 South Coast.  
\* \* \* \* \*

**Par. 3.** Subpart C of 27 CFR Part 9 is amended by adding § 9.104, which reads as follows:

#### § 9.104 South Coast.

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

(b) **Approved maps.** The appropriate maps for determining the boundaries of South Coast viticultural area are four U.S.G.S. maps. They are titled:

(1) San Diego, 1:250,000 series, 1958 (revised 1978).

(2) Santa Ana, 1:250,000 series, 1959 (revised 1979).

(3) Long Beach, 1:250,000 series, 1957 (revised 1978).

(4) Wildomar Quadrangle, 7.5 minute series, 1953 (photorevised 1973).

(c) **Boundary—(1) General.** The South Coast viticultural area is located in California. The starting point of the following boundary description is the northern intersection of the Orange County line with the Pacific Ocean (on the Long Beach map).

(2) **Boundary Description—(i)** From the starting point generally northeastward, eastward, and southeastward along the Orange County line, to the intersection of that county line with the township line on the northern border of Township 7 South (in Range 6 West; on the Santa Ana map).

(ii) From there eastward along that township line to its intersection with the northern boundary of the Temecula

viticultural area described in § 9.50; at this point, the Temecula viticultural area boundary coincides with the boundary of the Cleveland National Forest (on the Wildomar Quadrangle map).

(iii) From there following the northern boundary of the Temecula viticultural area, at and near its northernmost point, generally northeastward, eastward, and southeastward until the Temecula viticultural area boundary again intersects the township line on the northern border of Township 7 South (in Range 4 West; thus all of the Temecula viticultural area is included inside of South Coast viticultural area).

(iv) Then eastward, along the township line on the northern border of Township 7 South, to the San Bernardino Meridian (on the Santa Ana map).

(v) Then southward along the San Bernardino Meridian to the Riverside County-San Diego County line.

(vi) Then westward along that county line for about 7½ miles, to the western boundary of the Cleveland National Forest (near the Pechanga Indian Reservation).

(vii) Then generally southeastward along the Cleveland National Forest boundary to where it joins California Highway 76.

(viii) From there generally southeastward along Highway 76 to California Highway 79.

(ix) Then southeastward along Highway 79 to the township line on the northern border of Township 12 South (in Range 3 East).

(x) Then eastward along that township line to its intersection with the range line on the eastern border of Range 3 East.

(xi) From there southward along that range line to the U.S.-Mexico international border.

(xii) Then westward along that international border to the Pacific Ocean.

(xiii) Then generally northwestward along the shore of the Pacific Ocean to the starting point.

Signed: October 25, 1985.

Stephen E. Higgins,  
Director.

Approved: November 6, 1985.

Edward T. Stevenson,  
Deputy Assistant Secretary (Operations).  
[FIR Doc. 85-27803 Filed 11-20-85; 8:45 am]  
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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

##### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea; USS O'BRIEN

**AGENCY:** Department of the Navy, DOD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLRECS), to reflect that the Secretary of the Navy has determined that USS O'BRIEN (DD 975) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLRECS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLRECS apply.

**EFFECTIVE DATE:** November 5, 1985.

**FOR FURTHER INFORMATION CONTACT:** Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that

USS O'BRIEN (DD 975) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the placement of the forward masthead light in the forward quarter of the vessel and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval destroyer. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

Notice is also provided to the effect that USS O'BRIEN (DD 975) is a member of the DD 963 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, 32 CFR Part 706, are equally applicable to USS O'BRIEN (DD 975).

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

#### PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

#### § 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light not less than ¼ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS O'BRIEN.....	DD 975.....						X.....	X.....	46.1

Dated: November 5, 1985.

Approved:

John Lehman,

Secretary of the Navy.

[FIR Doc. 85-27794 Filed 11-20-85; 8:45 am]

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