

(9) *Accounting, auditing, and bookkeeping services.* Excludes data processing and tabulating services (see paragraph (c)(2) of this section).

(10) *Legal services.* Legal advice or other legal services, including insurance claims adjustment services.

(11) *Educational and training services.* Educational or training services provided or acquired on a contract or fee basis. Excludes tuition and fees charged to individual students by educational institutions, as well as training done by a manufacturer in connection with the sale of a good (see paragraph (c)(15)(ii) of this section).

(12) *Mailing, reproduction, and commercial art.* Direct mail advertising services; mailing service; blueprinting, photocopying, and other reproduction services, including those in connection with direct mail advertising; commercial photography, art, and graphic services; address list compilers; and stenographic services.

(13) *Employment agencies and temporary help supply services.* Employment services and provision of temporary help and personnel to perform services for others on a contract or fee basis. Where workers are carried on the payroll of the agency, includes receipts and payments covering the compensation of workers, as well as agency fees.

(14) *Industrial engineering services.* Engineering services related to the design of movable products, including product design services. Excludes services that relate to immovable products, such as those that relate to actual or proposed construction or mining services projects (see paragraph (c)(2) of this section).

(15) *Industrial-type maintenance and repair, installation, alteration, and training services.* (i) Maintenance and repair services primarily to machinery and equipment, and small maintenance and repair work on buildings, structures, dams, highways, etc. Would include such services as the periodic overhaul of turbines or locomotives, the extinguishing of oil or natural gas well fires, and refinery maintenance. Excludes computer maintenance and repair services (see paragraph (c)(2) of this section).

(ii) Installation, startup and training services provided by a manufacturer in connection with the sale of goods. Include elsewhere as appropriate (e.g., in construction or education and training) if not provided in connection with the sale of goods. Excludes such services where the cost is included in the price of the goods and not separately billed or is declared as a part of the price of the goods on the shippers export

or import declaration filed with the U.S. Customs Service; however, services provided at a price over and above that entered on the shippers export or import declaration should be included. These services would be reported elsewhere if not provided in connection with the sale of goods. For example, installation of machinery and equipment is normally considered a construction activity, and training personnel in the use of new machinery would ordinarily be reported as an educational or training service. However, this separate category has been provided for reporting such services when provided in connection with goods.

(16) *Performing arts, sports, and other live performances, presentations, and events.* Fees received (net of allowances for foreign expenses) or paid (net of allowances for U.S. expenses) for performing arts, sports, etc. To be reported by U.S. management companies, booking agents, promoters, and presenters who received the fees (including the performer's fees and their own booking fees); U.S. performers who received funds directly from a foreign person rather than through a U.S. management company (or similar entity); and management companies, booking agents, promoters, and presenters who paid foreign persons for performances. (As used here, "performers" means entertainers, sports teams, orchestras, dance companies, lecturers, and similar persons or performing groups.)

(17) *Rights to natural resources.* Receipts (or payments) for the sale (or acquisition), or for the use of rights to natural resources, excluding rights to surface land, located in the United States and abroad.

(18) *Miscellaneous disbursements.* Disbursements or outlays to fund news gathering costs of broadcasters and the print media; production costs of motion picture companies and companies engaged in the production of broadcast program material other than news; and costs of maintaining tourism, business promotion, sales, and representative offices, and of participating in foreign trade shows.

(19) *Primary insurance.* (i) Primary insurance premiums paid—Applies only to insurance purchased from foreign insurance carriers. Equals premiums paid minus cancellations. Excludes reinsurance transactions.

(ii) Losses recovered on purchases of primary insurance—Applies only to claims recovered on purchases of primary insurance.

(20) *Construction, engineering, architectural, and mining services.* Covers only purchases of the following

types of services: services of general contractors in the fields of building and heavy construction; construction work by special trade contractors, such as the erection of structural steel for bridges and buildings and on-site electrical work; architectural, engineering, and land-surveying services; and mining services, including oil and gas field services. Includes only those engineering services purchased in conjunction with construction and mining services projects; industrial engineering services, such as product design services, are included under paragraph (c)(14) of this section. Includes service purchased in connection with proposed projects (e.g., feasibility studies) as well as projects that are actually being carried out. Note that the U.S. Reporter's sales of construction, engineering, architectural, and mining services are not reportable in this survey, but on separate Form BE-47.

[FR Doc. 91-28601 Filed 11-27-91; 8:45 am]
BILLING CODE 3510-06-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-318 Re; Notice No. 715]

RIN 1512-AA07

Establishment of Texas Hill Country Viticultural Area (89F-770P)

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

ACTION: Treasury decision; Final rule.

SUMMARY: This final rule establishes a viticultural area in south central Texas, to be known as "Texas Hill Country." This final rule is based on a notice of proposed rulemaking published in the *Federal Register* on May 1, 1991, at 56 FR 19965, Notice No. 715. ATF believes the establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area in which the grapes used in their wines were grown and will enable consumers to better identify wines they purchase.

EFFECTIVE DATE: December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Dundas, Wine and Beer Branch, 650 Massachusetts Avenue,

NW., Washington, DC 20226 (202) 927-8202.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added to title 27 a new part 9 for the listing of approved American viticultural areas. Section 4.25a(e)(1) of 27 CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9. 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 boundaries 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 of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF initially received a petition from Mr. Edwin Auler, on behalf of a group of winery and vineyard owners, proposing the establishment of a viticultural area in south central Texas, to be known as "Hill Country." The petitioner subsequently amended the petition to request that the name be changed to "Texas Hill Country." There are 37 vineyards and 10 commercial wineries within the 15,000 square mile area initially proposed.

Notice of Proposed Rulemaking

On May 1, 1991, Notice No. 715 was published in the *Federal Register* with a 45-day comment period. In that notice, ATF summarized the materials submitted in support of the proposal to establish Texas Hill Country as an American viticultural area, and requested comments of interested parties. We particularly requested

comments concerning the boundaries of the area, since it is unusually large.

Only one comment was received during the comment period. Mr. Fred Thomas of Hill Country Cellars in Cedar Park, Texas requested that the eastern boundary of the Texas Hill Country be extended slightly to include his vineyard and winery which are located north of the city of Austin. As will be discussed later in this document, ATF believes that the evidence submitted by Mr. Thomas supports inclusion of the additional area.

General Description

The Texas Hill Country viticultural area covers the eastern two-thirds of the Edwards Plateau. The Edwards Plateau lies generally north and west of the portion of the Balcones Fault which runs near the cities of San Antonio and Austin, respectively. The Balcones Fault separates the Edwards Plateau from the Rio Grande Plains to the south and west and from the Blackland Prairies to the east and northeast. The Edwards Plateau is bounded on the north and northwest by the North Central or Low Rolling Plains.

Grape growing and wine making within the Texas Hill Country have existed on a small scale for the better part of 150 years. However, *vitis vinifera* varieties have only been grown in the area since the mid-1970's. There are two approved viticultural areas which are entirely within the Texas Hill Country. These are "Bell Mountain" (27 CFR 9.55) and "Fredericksburg in the Texas Hill Country" (27 CFR 9.125), both in Gillespie County, Texas.

Evidence of Name

In *An Insider's Guide to the Texas Hill Country*, 1990 Edition, an article stated "the Texas Hill Country extends roughly as far west as Sonora; as far south as Uvalde and San Antonio; as far north as Menard, Brady, and Lampasas; and as far east as Austin and San Marcos." With the exception of Sonora, each of these towns and cities is located on the boundary of the viticultural area. A brochure prepared by the Texas Hill Country Tourism Association, *Experience it. The Texas Hill Country*, features descriptions of towns within the Texas Hill Country, and a map which roughly coincides with the boundary described by the petitioner. Neither of these descriptions specifically excludes the area which Mr. Thomas has asked to add. In support of his request for expansion of the eastern boundary, Mr. Thomas submitted a copy of a newspaper called *Hill Country News*, which serves towns within the originally proposed area, as well as

Cedar Park, Leander, and other towns which are divided by the boundary as originally proposed, and will be fully included within the new boundary. Mr. Thomas also submitted a program from the 1991 "Texas Hill Country Wine and Food Festival", showing his winery, Hill Country Cellars, was a participant.

Distinguishing Features

The petitioner provided the following evidence relating to features which distinguish the viticultural area from the surrounding areas:

Topography

As previously indicated, the Texas Hill Country covers the eastern two-thirds of the Edwards Plateau, which ends at the Balcones Fault. The name Balcones (for balcony, in Spanish) is suggested by the pronounced drop in elevation from the Edwards Plateau to the Blackland Prairie, to the east. Furthermore, the higher land of the southeast edge of the Edwards Plateau has been severely eroded by the flow of numerous rivers and streams, and portions were raised by volcanic activity and geological upheavals. This has left the Texas Hill Country as a region of low mountains, hills, canyons and valleys. The petitioner contrasts this hilly terrain with the surrounding areas (the Rio Grande Plains, the Blackland Prairies, and the North Central Plains) which are all characterized by flatter terrain. The terrain of the Texas Hill Country varies from about 650 to 2550 feet above sea level.

Soils

The petitioner submitted evidence that most of the hills of the region are limestone, sandstone or granite in nature, while the valleys usually contain varying types of sandy and/or clay loam, most of a calcareous nature, but many with different underlying characters due to the complex geology of the region. With the original petition, the petitioner provided a U.S. Department of Agriculture description of various soils in the area. According to this document, the main soil series associated with the eastern two-thirds of the Edwards Plateau (i.e., The Texas Hill Country) are the Tarrant, Eckrant, Brackett and Tobosa, with Frio, Oakalla and Dev in the bottomlands. By way of comparison, the main soil series associated with the western portion of the Edwards Plateau are Ector, Upton and Reagan. In addition, the petition identifies Claresville, Elmendorf, Floresville, Miguel and Webb as the main soils associated with the Rio

Grande Plains to the south of the Texas Hill Country. The Blackland Prairies to the east and northeast are comprised mainly of the Houston Black, Heiden, and Austin soil series, while the main soil series for the Low Rolling Plains to the north are Abilene, Rowena, Mereta, and Lueders.

Climate

The climate of the Texas Hill Country is distinguished from the surrounding areas by a number of different factors. The Blackland Prairies and Rio Grande Plains which border the Texas Hill Country on the east and south are classified as humid subtropical characterized by hot days, warm nights, and usually humid weather. This is attributed to the influence of warm, moist winds off the Gulf of Mexico during the growing season. Since the Texas Hill Country is located further inland and at a higher altitude than the Blackland Prairies and Rio Grande Plains, the air is drier and has a greater proclivity for giving up heat at night. The resulting cooler, drier nights within the viticultural area are beneficial in the growing of vinifera grapes, according to the petitioner. The Texas Hill Country is subject to winds which flow over the deserts of Chihuahua and Coahuila in Mexico and north over the Edwards Plateau and the Hill Country during much of the growing season. These desertlike winds subside and cool at night, and tend to pool. Since the Texas Hill Country slopes from west to east, the cool, dry air which collects in the evening flows, or drains, across the area very rapidly, resulting in cooler nighttime temperatures. Although these same desert winds flow over the Low Rolling Plains to the north of the Texas Hill Country, the plains are flat to rolling in topography with the result that the air movement and nighttime cooling are less rapid than in the viticultural area. Finally, while the climate of the Texas Hill Country is similar to the rest of the Edwards Plateau, the Texas Hill Country is distinguishable in that it has a higher average rainfall. The petition stated that the western portion of the Edwards Plateau averages 16 to 22 inches of rainfall per year, while the Texas Hill Country averages 24 to 28 inches per year.

Boundaries

As stated previously, ATF received a request from Mr. Fred Thomas that the eastern boundary of the Texas Hill Country be extended to include his vineyard and winery. As originally proposed in Notice No. 715, the eastern and northeastern boundary followed along Interstate Highway 35 south of the

city of Austin and then turned northwest before reaching Austin at State Highway 71. The proposed boundary then followed State Highway 71 for a short distance until it intersected with Loop 360 to the west of the city of Austin. The boundary then followed Loop 360 to its intersection with Interstate Highway 183 and followed Interstate Highway 183 to the northwest of Austin until it intersected with State Highway 190 in Lometa, Texas. Thus, the proposed boundary was west and northwest of the city of Austin.

Mr. Thomas has requested that this portion of the boundary be revised to follow Interstate Highway 35 directly through the city of Austin and proceeding north of the city of Austin until it intersects with State Highway 29 near Georgetown, Texas. In addition to the name evidence, Mr. Thomas provided evidence that the geographical features of this additional area to the east are similar to the rest of the Texas Hill Country. The elevation of the additional area varies from 717 to 100 feet above sea level and shares a climate (average temperature and rainfall) that is similar to the rest of the Texas Hill Country. Furthermore, the Austin sheet of the Geologic Atlas of Texas shows that the soils in the additional area are also predominantly limestone and chalk and the shift to soils which are predominantly clay and gravel, and then sand, takes place further east beyond the additional area.

On the basis of the evidence submitted by Mr. Thomas, ATF is extending the eastern boundary as requested. The remaining boundaries of the Texas Hill Country remain as proposed.

Highways are used as the boundary for the viticultural area. Evidence was presented that these man-made features follow a change in the geographical characteristics of the area. For instance, routes 90 and 35 were chosen to form the southern and southeastern boundary for the Texas Hill Country because they follow roughly the same path as the Balcones Fault. Although ATF has learned through independent research that these highways are actually 5 to 15 miles beyond the Balcones Fault, there are no other features on the U.S.G.S. maps of the area which would better represent the boundary. The highways used to form the northeast, north, and west boundaries reflect the gradual leveling of terrain where the Texas Hill Country borders the plains areas.

Miscellaneous

ATF does not wish to give the impression by approving "Texas Hill Country" as a viticultural area that it is

approving or endorsing the quality of the wine derived from the area. ATF is approving this area as being distinct and not better than other areas. By approving this area, ATF will allow wine producers to claim a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "Texas Hill County."

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 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 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.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 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.

Drafting Information

The principal author of this document is Marjorie Dundas, 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 and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in subpart C is amended to add the title of § 9.136 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

§ 9.136 Texas Hill Country.

Par. 3. Subpart C is amended by adding § 9.136 to read as follows:

Subpart C—Approved American Viticultural Areas**§ 9.136 Texas Hill Country.**

(a) *Name.* The name of the viticultural area described in this section is "Texas Hill Country."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the "Texas Hill Country" viticultural area are 7 U.S.G.S. (scale 1:250,000) maps. They are titled:

- (1) Brownwood, Texas, 1954 (revised 1974);
- (2) Sonora, Texas, 1954 (revised 1978);
- (3) Llano, Texas, 1954 (revised 1975);
- (4) Austin, Texas, 1954 (revised 1974);
- (5) Del Rio, Texas, 1958 (revised 1969);
- (6) San Antonio, Texas, 1954 (revised 1980);
- (7) Seguin, Texas, 1953 (revised 1975).

(c) *Boundary.* The Texas Hill Country viticultural area is located in portions of McCulloch, San Saba, Lampasas, Burnet, Travis, Williamson, Llano, Mason, Menard, Kimble, Gillespie, Blanco, Hays, Kendall, Kerr, Edwards, Real, Bandera, Bexar, Comal, Guadalupe, Medina, and Uvalde counties, in the State of Texas. The boundary is as follows:

(1) The beginning point is the intersection of Interstate Highway 35 and State highway 29 to the north of the city of Austin, on the Austin Texas, U.S.G.S. map;

(2) From the beginning point, the boundary follows State highway 29 in a west-northwesterly direction to the intersection with U.S. Highway 183;

(3) The boundary then follows U.S. Highway 183 in a northwesterly direction to the top of the Austin map and across the northeast corner of the

Llano, Texas, U.S.G.S. map, to the intersection with State Highway 190 in Lometa, on the Brownwood, Texas, U.S.G.S. map;

(4) The boundary then follows State Highway 190 in a southwesterly direction through San Saba and Brady on the Brownwood map to the intersection of U.S. Highway 83 at Menard, on the Llano, Texas, U.S.G.S. map;

(5) The boundary follows U.S. highway 83 in a southerly direction to the town of Junction, where it meets U.S. Highway 377 (Llano map);

(6) The boundary then follows U.S. Highway 377 southwest to the town of Rocksprings, on the Sonora, Texas, U.S.G.S. map, where it meets State Highway 55;

(7) The boundary then follows State Highway 55 in a southeasterly direction across the southeast portion of the Del Rio, Texas, U.S.G.S. map, and continues to the town of Uvalde, on the San Antonio, Texas, U.S.G.S. map, where it meets U.S. Highway 83;

(8) The boundary then follows U.S. Highway 83 south for approximately 2 miles, until it meets U.S. Highway 90;

(9) The boundary then follows U.S. Highway 90 east across the San Antonio map to its intersection with Loop 410 in the city of San Antonio;

(10) The boundary then follows Loop 410 to the west of San Antonio, until it meets Interstate Highway 35;

(11) The boundary then follows Interstate Highway 35 in a northeasterly direction across the San Antonio map and then across the northwest corner of the Seguin, Texas, U.S.G.S. map until it reaches the beginning point at the intersection with State highway 29 on the Austin, Texas, U.S.G.S. map.

Signed: October 25, 1991.

Stephen E. Higgins,
Director.

Approved: November 7, 1991.

John P. Simpson,
Deputy Assistant Secretary (Regulatory,
Tariff and Trade Enforcement).
[FR Doc. 91-28565 Filed 11-27-91; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE**Department of the Air Force****32 CFR Part 806b**

[Air Force Reg. 12-35]

Air Force Privacy Act Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: On October 4, 1991, at 56 FR 50303, the Department of the Air Force proposed to amend two specific exemption rules for two existing systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). No comments were received during the thirty day public comment period, therefore, the Department of the Air Force is adopting the changes to the exemption rules.

EFFECTIVE DATE: November 18, 1991.

FOR FURTHER INFORMATION: Contact Mrs. Anne Turner, Air Force Access Programs Officer, SAF/AAIA, The Pentagon, Washington, DC 20330-1000. Telephone (703) 697-3491 or Autovon 227-3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force is amending 32 CFR part 806b by specifying the records which may be exempt.

List of Subjects in 32 CFR Part 806b

Privacy.

Accordingly, the Department of the Air Force is amending existing exemption rules in 32 CFR part 806b as follows:

PART 806B—AIR FORCE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR part 806b continues to read as follows:

Authority: 5 U.S.C. 552a, Pub. L. 93-579.

2. Section 806b.13 is amended by revising paragraphs (b)(7)(i) and (b)(10)(i) as follows:

§ 806b.13 General and specific exemptions.

* * * * *

(b) *Specific exemptions.* * * *

(7) *System identification and name—* F035 AF MP A, Effectiveness/ Performance Reporting System

(i) *Exemptions—* Brigadier General Selectee Effectiveness Reports and Colonel and Lieutenant Colonel Promotion Recommendations with close out dates on or before January 31, 1991, may be exempt from subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(H); and (f).

* * * * *

(10) *System identification and name—* F035 AF MP P, General Officer Personnel Data System

(i) *Exemption—* Air Force General Officer Promotion and Effectiveness Reports with close out dates on or before January 31, 1991, may be exempt from subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(H); and (f).

* * * * *