

For the reasons discussed above, I certify that this proposed regulation (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); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-6330 and by adding the following new airworthiness directive:

McDonnell Douglas: Docket No. 91-NM-126-AD. Supersedes AD 89-22-10.

Applicability: Model DC-10 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

(a) Within one year after November 20, 1989, (the effective date of AD 89-22-10, Amendment 39-6330), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in Section 2 of Volume I of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," dated November 1988, in accordance with Section 2 of Volume III of that document. The non-destructive inspection techniques set forth in Volume II of the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results, negative or positive, must be reported to McDonnell Douglas, in accordance with the instructions of Section 2 of Volume III of the SID.

(b) Within 6 months after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the

Principal Structural Elements (PSE) defined in section 2 of Volume I of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Revision 1, dated May 1990, in accordance with section 2 of Volume III of that document. The non-destructive inspection techniques set forth in sections 2 and section 4 of Volume II of that SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results, negative or positive, must be reported to McDonnell Douglas, in accordance with the instructions of section 2 of Volume III of that SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

(c) Cracked structure detected during the inspections required by paragraph (a) and (b) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Directorate.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(e) An alternative method of compliance or adjustment of compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801, Attention: Business Unit Manager, Technical Publications and Technical Administrative Support C1-L5B (54-60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Renton, Washington, on August 1, 1991.

David G. Hmiel,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.

[FR Doc. 91-19442 Filed 8-14-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 722]

RIN 1512-AA07

Santa Lucia Highlands, CA 91F016P

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF), is considering the establishment of a viticultural area located entirely within Monterey County, California to be known as "Santa Lucia Highlands." This proposal is the result of a petition submitted by Mr. Barry Jackson of the Harmony Wine Co.

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.

DATES: Written comments must be received by September 30, 1991.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Notice No. 722). Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6300, 650 Massachusetts Avenue NW., Washington, DC 20226

FOR FURTHER INFORMATION CONTACT: David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1979, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR, 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 wines.

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 distinguishable by geographical features, the boundaries of which have 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 or copies of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF has received a petition from Mr. Barry Jackson of the Harmony Wine Company proposing a viticultural area in central Monterey County, California, to be known as Santa Lucia Highlands. The proposed area consists of the eastern flank of the Santa Lucia Mountain Range and is located completely within the boundaries of the current Monterey viticultural area. The general boundaries are: Limekiln Creek to the north; the Salinas River and its associated terraces to the east; the western border of the "Arroyo Seco" viticultural area in the Southeast; and the western border of the "Monterey" viticultural area to the west.

The total area of the proposed appellation is approximately 22,000 acres. According to the petitioner, there are currently 1,850 acres committed to active viticulture, with plans underway to plant an additional 400 acres to winegrapes. Commercial viticulture in the proposed area began in the early 1970's. The petitioner states that the

following factors differentiate the proposed Santa Lucia Highlands from the adjacent Salinas Valley floor and other viticultural areas in Monterey County: (1) A well defined alluvial terrace running the length of the eastern boundary; (2) Generally cooler microclimate: Cool Region I/II vs. Region II/III; (3) Different soil types: gravelly, sandy loam vs. silty clay loam; (4) Higher elevation: Initially 40 to 120 feet higher than the valley floor and climbing to 1,200 feet above the valley floor; (5) Climate: Less wind and earlier fog burn-off with morning sun and; (6) East facing slopes receiving morning sun first. The principal vineyards in the proposed Santa Lucia Highlands are: Smith & Hook, Paraiso Springs, Sleepy Hollow, IVV, Robert Talbot, Hillside, Doctor's, Lone Oak, La Estancia, La Reina and Vinco.

There are three wineries located within the proposed area: Smith & Hook, Paraiso Springs, and Robert Talbot.

Evidence of Name

Both wine trade and general publications recognize the proposed viticultural area as a grape-growing region. The May, 1990, "Head on Wine" trade publication discusses the 1987 Smith and Hook "Monterey" Merlot, as having been "grown entirely in the Santa Lucia Highlands." An article in the "Vail Trails Daily Options" entitled, "California Wine Comes To Vail," refers to the Smith and Hook Vineyards as "nested in the Santa Lucia Highlands of central California's Monterey County." The 1990 Orange County Fair and Orange County Wine Society Judges Dinner menu includes Smith and Hook 1987 "Santa Lucia Highlands" Merlot. Additionally, a newspaper article in the "Bakersfield Californian" on May 10, 1990, discussing Smith and Hook, states it to be "the isolated winery located in the Santa Lucia Highlands overlooking Soledad and Salinas Valley."

Geographical Evidence

Topography

The Santa Lucia Highlands comprise the eastern flank of the Santa Lucia Mountains that extend westward to the Pacific Ocean.

The dominant feature of the Santa Lucia Highlands are the alluvial terraces. These terraces are one of the major factors differentiating the "highlands" from the Salinas valley floor. The main terrace formation runs from just southwest of Gonzales to the area due south of Soledad. The most northerly section of the proposed area, from Limekiln Creek to the area near the junction of River Road and Gonzales

Road, is characterized by multiple terrace formations.

Climate

Proximity to the Pacific Ocean results in a strong maritime influence on temperature, wind, and fog formation. Examination of the heat summation data provided with the petition shows a generally cooler climate on the west side of the valley.

Precipitation is concentrated in the winter months and averages 10 to 15 inches annually. Due to the maritime influence, fog is a constant feature in the Salinas Valley, particularly during summer months. The fog burns off earlier in the day in the areas above the valley floor. This earlier burn-off results in greater light intensity for a longer period for vineyards located in the highlands.

The north-south orientation of the valley causes cool marine air to be drawn into the valley by warm air rising off the valley floor. The narrow aspect of the valley (approximately 6 miles wide at Gonzales and 3 miles at Soledad) creates somewhat of a wind-tunnel effect. Windspeeds average 5 to 16 miles per hour, but higher velocities are not uncommon, particularly around Soledad where the valley narrows. Windspeeds are highest through the center of the valley and diminish at the valley edges and in the highlands.

Soils

The soil information provided by the petitioner is from the "soil survey of Monterey County, California" issued by the Department of Agriculture Soil Conservation Service, April 18, 1978. The primary soils associated with the alluvial terraces of the Santa Lucia Highlands are the Arroyo Seco and Chualar series. These are well-drained soils formed from granitic alluvium, and in the case of the Chualar series, some schistose rocks on alluvial fans and terraces. These soils are generally loam or gravelly, sandy loam, with an underlying very gravelly material. Permeability is moderately rapid. Roots can penetrate to a depth of sixty inches or more. These soils form slopes of 2 percent to 9 percent on most of the alluvial fans and terraces.

Included in the alluvial fans and terraces are small areas of placencia, Rincon, Tujunga, Lockwood, Gorgonio, and Hanford soils.

The upper slopes of the Santa Lucia Mountains are composed of Cieneba, Sheridan, Vista, Junipero, McCoy, Gazos, Linne, and Santa Lucia-Relize association soils, on slopes of 15 percent to 75 percent grade.

The geology of the Santa Lucia range consists of large masses of granitic and metamorphic rock in the northern section, diatomaceous shale and massive sandstone in the central area, and masses of shale, sandstone, and serpentine to the south.

In contrast, the soils of the valley floor are primarily from the Mocho, Cropley, Pico and Danville series. The Mocho soils of the valley floor are silty clay loams of 0 percent to 2 percent grade. The pico and Danville soils are sandy clay loams of 0 percent to 2 percent grade.

Public Participation—Written Comments

ATF requests comments from all interested persons. Since the U.S.G.S. maps included with the petition show that the proposed area is located on the leeward side of a ridge named "Sierra de Salinas," ATF is particularly interested in receiving comments concerning whether the name "Santa Lucia Highlands" is locally or nationally known as referring to the proposed area.

Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

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

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Regulatory Flexibility Act

It is hereby certified that this document will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a 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 industries, 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, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

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—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended to add § 9.139 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.139 Santa Lucia Highlands.

(a) *Name.* The name of the viticultural area described in this section is "Santa Lucia Highlands."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the "Santa Lucia Highlands" viticultural area are 7 U.S.G.S. Quadrangle 7.5 minute series topographic maps. They are titled:

(1) Chualar, Calif., 1947 (photorevised 1984)

(2) Gonzales, Calif., 1955 (photorevised 1984)

(3) Rana Creek, Calif., 1956 (Photoinspected 1973)

(4) Palo Escrito Peak, Calif., 1956 (photorevised 1984)

(5) Soledad, Calif., 1955 (photorevised 1984)

(6) Sycamore Flat, Calif., 1956 (photorevised 1984)

(7) Paraiso Springs, Calif., 1956 (photorevised 1984)

(c) *Boundaries.* The Santa Lucia Highlands viticultural area is located in Monterey County, California. The beginning point is found on the "Chualar, California" U.S.G.S. map, where Limekiln Creek crosses the 360 foot contour interval. This point also coincides with the western boundary of the Guadalupe Y Llanitos de los Correos Land Grant and the eastern boundary of section 28, T. 16S., R. 4E. The boundary is as follows:

(1) From the beginning point the boundary follows Limekiln Creek for approximately 1.25 miles northeast to the 100 foot elevation.

(2) Then following the 106 foot contour in a southeasterly direction for approximately 1 mile, where the boundary intersects the west bank of the Salinas River.

(3) Then following the west bank of the Salinas River in a southeasterly direction on the Gonzales, California U.S.G.S. map for approximately 2.50 miles to the point on the Palo Escrito Peak, California U.S.G.S. map where the river channel crosses the 120 foot elevation.

(4) Then following the 120 foot elevation due south for approximately 2,200 feet where it climbs to the 160 foot elevation.

(5) Then following the 160 foot elevation in a southeasterly direction for approximately 6.50 miles, to the point where the 160 foot elevation crosses River Road.

(6) Then following River Road in a southeasterly direction for approximately 1 mile to the junction of river, Fort Romie and Foothill Roads.

(7) Then following Foothill Road in a southeasterly direction for approximately 4 miles to the junction of Foothill and Paraiso Roads on the Soledad, California U.S.G.S. map.

(8) Then following Paraiso Road in a southerly direction to the intersection with Clark Road on the Paraiso Springs, California U.S.G.S. map.

(9) Then south for approximately 1.8 miles to the southeast corner of section 32, T. 18S., R. 6E.

(10) Then due west along the southern boundaries of sections 32 and 31, to the southwest corner of section 31, T. 18S., R. 6E.

(11) Then north along the western boundaries of sections 31 and 30, to the northwestern corner of section 30 T. 18S., R. 6E.

(12) Then northwest in a straight diagonal line to the northwest corner of section 24, T. 18S., R. 5E on the Sycamore Flat, California U.S.G.S. map.

(13) Then north along the western boundary of section 13, T. 18S., R. 5E., to the northwestern corner of section 13, T. 18S., R. 5E.

(14) Then northwest in a diagonal line across sections 11 and 3, to the northwest corner of section 3, T. 18S., R. 5E on the Palo Escrito Peak, California U.S.G.S. map.

(15) Then due west along the southern boundary of section 33, T. 17S., R. 5E., to the southwestern corner of section 33, T. 17S., R. 5E.

(16) Then north along the western boundary of section 33 to the southeast corner of section 29, T. 17S., R. 5E.

(17) Then northwest in a diagonal line through sections 29, 19, 13, and 11, to the northwest corner of section 11, T. 17S., R. 4E on the Rana Creek, California U.S.G.S. map.

(18) Then north along the western boundary of section 2, T. 17S., R. 4E., to the northwestern corner of section 2, T. 17S., R. 4E.

(19) Then west along the southern boundary of section 34, T. 16S., R. 4E., to the southwestern corner of section 34, T. 16S., R. 4E.

(20) Then north along the eastern boundary of sections 33 and 28, T. 16S., R. 4E., for approximately 1 mile, to the point where the eastern boundary of section 28 T. 16S., R. 4E., coincides with the western boundary of the Guadalupe Y Llanitos de los Correos Land Grant on the Chualar, California U.S.G.S. map.

(21) Then northwest along the grant line for approximately 2,500 feet to the point of beginning on Limekiln Creek.

Signed: August 7, 1991.

Stephen E. Higgins,

Director.

[FR Doc. 91-19444 Filed 8-14-91; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 91-32]

Passenger Vessel Financial Responsibility Requirements for Indemnification of Passengers for Nonperformance of Transportation; Advance Notice of Proposed Rulemaking and Notice of Inquiry.

AGENCY: Federal Maritime Commission

ACTION: Advance notice of proposed rulemaking and notice of inquiry.

SUMMARY: The Federal Maritime Commission solicits public comment on its passenger vessel financial responsibility requirements for indemnification of passengers for nonperformance of transportation. The comments received will assist the Commission in determining whether it should amend its regulations at 46 CFR part 540, subpart A. The Federal Maritime Commission also invites the public to comment on the meaning of section 3(b) of Public Law 89-777.

DATES: Comments (original and fifteen copies) on or before September 30, 1991.

ADDRESSES: Send comments to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573 (202) 523-5796.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Maritime Commission ("Commission" or "FMC") has determined to institute this proceeding as a step in its evaluation of the recommendations contained in the April 11, 1991, Report to the Commission ("Report") by the Investigative Officer in Fact Finding Investigation No. 19, Passenger Vessel Financial Responsibility Requirements ("FF-19"). The Report enabled the Commission to continue the process begun in the Commission's rulemaking proceeding in Docket No. 90-01, Security for the Protection of the Public, Maximum Required Performance Amount, to determine whether additional or alternate means of regulations would be appropriate in the area of financial responsibility under the provisions of section 3 of Public Law 89-777.

By Order of Investigation issued on August 17, 1990, the Commission instituted FF-19 to collect and analyze information "to establish a sound basis for review of current FMC regulations at 46 CFR part 540, subpart A, on financial responsibility of passenger vessel operators." These rules enforce the statutory mandate of section 3 of Public Law 89-777, which requires evidence of financial responsibility to be filed with the FMC that establishes a passenger vessel operator's ability to indemnify passengers for nonperformance. Such evidence is hereinafter referred to as section 3 coverage. As currently

provided in 46 CFR part 540, section 3 coverage may be established by one or a combination of the following methods: insurance, escrow account, guaranty, self-insurance or surety bond.

The Commission's jurisdiction in this regard currently extends to those persons in the United States who arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which is to embark passengers at United States ports.

The Investigative Officer, in his Report, made six recommendations, five of which¹ the Commission seeks comment on:

Recommendation No. 1—Ceiling on Maximum Coverage Required

The Commission should retain the current \$15 million ceiling for insurance, escrow, guaranty or surety bonds. Should the Commission feel that some type of coverage above the current ceiling is necessary, two options are suggested:

(1) Allow for self-insurance above the current ceiling, following the changes in Recommendation No. 2; or

(2) adopt a sliding scale applicable to the large passenger vessel operators, taking into account an operator's past performance.

Recommendation No. 2—Liberalize Self-Insurance Requirements

The Commission should liberalize its self-insurance rules. To do so, the Commission should consider the following changes to the regulations.

(1) Repeal the requirement that assets be physically located in the United States so long as the operators submit evidence of the whereabouts of these assets;

(2) Require that passenger vessel operators maintain resident agents capable of receiving subpoenas and other legal documents in the event of litigation;

(3) Require that the countries where these assets are located must not restrict the levying of property as a result of litigation;

(4) Require passenger vessel operators to periodically file financial statements following generally accepted U.S. accounting practices, to allow the Commission to monitor the operator's financial health;

¹ The remaining recommendation concerned the Commission's lack of jurisdiction over the land and air portions of cruise packages, and over foreign-to-foreign cruises. This recommendation need not be included in an advance notice of proposed rulemaking, as the Commission could evaluate the issues within the agency.