

**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. Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities in the Hidalgo and Progreso, Texas, areas, it is not expected to be significant because the extension of the limits of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act. Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the amendment, if adopted, will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12291**

Because the proposed amendment relates to the organization of the Customs Service, pursuant to section 1(a)(3) of E.O. 12291 this proposal is not subject to the Executive Order.

**Drafting Information**

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William Von Raab,  
*Commissioner of Customs.*

Approved: August 17, 1984.

John M. Walker, Jr.  
*Assistant Secretary of the Treasury.*

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**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

[Notice No. 541]

**Establishment of Sonoma Mountain Viticultural Area**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Sonoma County,

California, to be known as "Sonoma Mountain." This proposal is the result of a petition submitted by Mr. David Steiner, a grape grower in the proposed area. 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 better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

**DATE:** Written comments must be received by October 22, 1984.

**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 (Attn: Notice No. 541).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John A. Lanthicum, FAA, Wine and Beer Branch, (202) 566-7626.

**SUPPLEMENTARY INFORMATION:****Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive 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.

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 origins.

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 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 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 viticultural area, based on the features which can be found on the 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 with the boundaries prominently marked.

**Petition**

ATF has received a petition proposing a viticultural area in Sonoma County, California, to be known as "Sonoma Mountain." The proposed Sonoma Mountain area is entirely included within the approved Sonoma Valley and North Coast areas. The proposed Sonoma Mountain area consists of approximately 5,000 acres containing 633 acres of grapevines.

**Name**

Sonoma Mountain is a prominent geographical feature which has been historically known by this name. The name "Sonoma" was first given to the area by General Mariano Guadalupe Vallejo, believing that it was the Indian word for Valley of the Moon, a name applied to Sonoma Valley by the Indians. General Vallejo established the town of Sonoma in 1835. The name "Sonoma," which applies to the valley, was also applied to the range on the western side of the valley, and to the most prominent peak of that range.

**Geographical Features Which Affect Viticultural Features**

The proposed Sonoma Mountain area is distinguished from surrounding areas by a "thermal belt" phenomenon common on the slopes of valleys in Mediterranean climate systems. The thermal belt phenomenon, characterized by drainage of cold air and fog from the slopes to lower elevations, is manifested by lower maximum temperatures and higher minimum temperatures, year-round, than lower elevations. In the Sonoma Valley, the lowest elevation of the thermal belt is generally considered to be around 400 feet above mean sea level. At a certain high elevation, the thermal belt phenomenon would be expected to dissipate, due to the overall lowering of temperatures common at higher elevations. The upper point at

which the thermal belt climate phenomenon is overshadowed by the affect of higher elevation has not been accurately determined on Sonoma Mountain because the steep terrain of the higher elevations makes most agricultural activities impractical.

Location	Elevation (feet)	Temperature	
		Mean high temperature (°F)	Mean low temperature (°F)
<b>Mountain Temperatures</b>			
Steiner Vineyard.....	1,000	74.71	52.43
Laurel Glen.....	800	80.25	52.99
Sobre Vista.....	600	74.50	52.99
Averages.....		76.49	52.80
<b>Valley Floor Temperatures</b>			
Matanzas Creek Vineyard.....	500	77.60	49.10
Grand Cru Vineyards.....	250	80.82	48.71
Hill Rd. weather station.....	200	80.46	47.74
Averages.....		79.63	48.52

The petitioner claims that Laurel Glen is more remote from marine influences and this accounts for the higher mean high temperature. However, the mean low temperature is consistent with other mountain temperatures, in contrast to valley floor temperatures.

**Boundaries**

The eastern boundary of the proposed area is the 400-foot contour line, the lower elevation of the thermal belt phenomenon, as previously discussed. The petitioner's western boundary incorporated the boundary of the Sonoma Valley viticultural area. However, a simple examination of the Glen Ellen and Kenwood maps shows that the terrain is very steep beginning at elevations of about 1200 to 1600 feet above mean sea level. The steep terrain is a geographical feature which makes viticulture impractical. Moreover, the thermal belt phenomenon is dissipated at higher altitudes. Therefore, ATF has modified the petitioner's western boundary by using contour lines at elevations above which viticultural activities are impractical, and above which the thermal belt phenomenon is dissipated.

The proposed boundary of the Sonoma Mountain area is described in the proposed § 9.102.

**Miscellaneous**

ATF does not wish to give the impression by proposing Sonoma Mountain as a viticultural area that it is endorsing the quality of the wine from this area. ATF is proposing this area as being distinct and not better than other areas. By proposing this area, Sonoma Mountain wine producers would be allowed 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 Sonoma Mountain wines.

**Regulatory Flexibility Act**

The provision 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 the 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.

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.

**Compliance With Executive Order 12291**

In compliance with Executive Order 12291 the Bureau has determined that this proposal 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 geographic 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 notice because no requirement to collect information is proposed.

**Public Participation--Written Comments**

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document propose possible boundaries for the Sonoma Mountain viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

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.

ATF will not recognize any material or comments as confidential. 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 in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, 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 John A. Lanthicum, FAA, 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**

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

**PART 9--AMERICAN VITICULTURAL AREAS**

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended by adding the heading of § 9.102 to read as follows:

**Subpart C--Approved American Viticultural Areas**

Sec.	*	*	*	*
9.102	Sonoma Mountain.			
	*	*	*	*

Par. 2. Subpart C is amended by adding § 9.102 to read as follows:

**§ 9.102 Sonoma Mountain.**

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

(b) *Approved maps.* The approved maps for determining the boundary of the Sonoma Mountain viticultural area

are 2 U.S.G.S. topographic maps in the 7.5 minute series, as follows:

(1) Glen Ellen, Calif., dated 1954, photorevised 1980; and  
(2) Kenwood, Calif., dated 1954, photorevised 1980.

(c) *Boundary.* The Sonoma Mountain viticultural area is located in Sonoma County, California. The boundary is as follows:

(1) The beginning point is the point at which the 1600-foot contour line crosses the section line dividing Section 22 from Section 23, in Township 6 North, Range 7 West.

(2) The boundary follows this section line north to the 800-foot contour line.

(3) The boundary follows the 800-foot contour line westerly, easterly, and northerly to Bennett Valley Road.

(4) The boundary follows Bennett Valley Road easterly to Enterprise Road.

(5) The boundary follows Enterprise Road southeasterly to an unnamed stream, in Section 7, Township 6 North, Range 7 West, which crosses Enterprise Road near the point at which the road turns from an easterly to a southerly direction.

(6) The boundary follows this stream easterly to the 400-foot contour line.

(7) The boundary follows the 400-foot contour line southerly to the township line dividing Township 6 North from Township 5 North.

(8) The boundary follows a straight line extension of this township line west to the 1200-foot contour line.

(9) The boundary follows the 1200-foot contour line northwesterly to the range line dividing Range 6 West from Range 7 West.

(10) The boundary follows this range line south to the 1600-foot contour line.

(11) The boundary follows this contour line westerly to the beginning point.

Signed: August 27, 1984.

Stephen E. Higgins,  
Director.

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## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 53, and 58

[AD-FRL-2664-5]

National Ambient Air Quality Standards for Particulate Matter, Ambient Air Quality Surveillance for Particulate Matter, and Ambient Air Monitoring Reference and Equivalent Methods; Proposed Rules

AGENCY: Environmental Protection Agency.

**ACTION:** Extension of public comment periods.

**SUMMARY:** On March 20, 1984, EPA proposed revisions to the national ambient air quality standards for particulate matter in 40 CFR part 50 (49 FR 10408), and to EPA's regulations concerning ambient air quality surveillance in 40 CFR Part 58 (49 FR 10435) and ambient air monitoring reference and equivalent methods in 40 CFR Part 53 (49 FR 10454). On May 25, 1984, EPA extended the public comment periods on the three proposals and the deadlines for rebuttal and supplementary information submitted pursuant to section 307(d)(5)(iv) of the Clean Air Act regarding comments received at the April 30, 1984 public hearing to a common date of September 17, 1984 (49 FR 22109).

Today's notice extends the period for public comment on the Parts 50, 53, and 58 proposals and on the public hearing to November 16, 1984. This action is being taken in response to public requests for additional time to prepare comments on the March 20 proposals.

**DATE:** Written comments on these proposed rules must be received by November 16, 1984.

**ADDRESSES:** Submit comments (duplicate copies are preferred) on the proposed revisions to the national ambient air quality standards for particulate matter to: Central Docket Section (LE-131), Environmental Protection Agency, Attn: Docket No. A-82-37, 401 M Street, SW., Washington, D.C. 20460. Comments on the proposed revisions to EPA's regulations on ambient air quality surveillance for particulate matter should be sent to the same address, Attn: Docket No. A-83-13. Comments on the proposed revisions to the ambient air monitoring reference and equivalent methods should also be sent to the same address, Attn: Docket A-82-43. The dockets are located in the Central Docket Section of the Environmental Protection Agency, West Tower Lobby Gallery I, 401 M Street, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Mr. John H. Haines, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, MD-12, Research Triangle Park, N.C. 27711. Telephone (919) 541-5531 (FTS: 629-5531).

**SUPPLEMENTARY INFORMATION:** EPA is further extending the public comment period in response to requests from the public. Furthermore, as announced in

the March 20, 1984 Part 50 and Part 53 notices, EPA will provide an additional review period. This additional review will be for the limited purpose of allowing comment on the implications, if any, for the air quality standards and the air quality surveillance regulations of EPA's proposals concerning: (1) Requirements for preparation, adoption and submittal of implementation plans in 40 CFR Part 51 and associated guidelines, and (2) approval and promulgation of implementation plans in 40 CFR Part 52. This additional review period will be announced when the Part 51 and Part 52 requirements are proposed.

With today's extension the public will have been given some eight months to prepare comments on the proposed air quality standards and related monitoring and surveillance regulations. EPA, therefore, does not anticipate the need for further extensions of the comment period beyond November 16, 1984 for the Part 50, Part 53 and Part 58 proposals per se.

Dated: August 29, 1984.

John C. Topping,  
Acting Assistant Administrator for Air and Radiation.

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## 40 CFR Part 81

[EPA Action NE 1514; A-7-FRL-2664-6]

Revision to Attainment Status Designations; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Proposed rulemaking.

**SUMMARY:** On February 13, 1984, the Nebraska Department of Environmental Control submitted a request that the nonattainment area at 11th and Nicholas Streets in Omaha be redesignated to attainment of the primary total suspended particulate (TSP) standard. Supplementary information was submitted by the State on March 2, 1984. The purpose of today's notice is to discuss the State's submission, EPA's proposed action, and to invite the public to comment on the proposed action.

**DATE:** Comments must be received on or before October 5, 1984.

**ADDRESSES:** Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the State submission are