

(i) *Delineation of formation.* The Lower Mississippian Little Valley Formation is found in Scott and Washington Counties, Virginia. The designated area consists of approximately 89 square miles comprising all of the Mendota and Wallace quadrangles south of the Holston River in Virginia.

(ii) *Depth.* The average depth to the top of the Lower Mississippian Little Valley Formation is 3,191 feet. The formation has an average thickness of 673 feet.

[FR Doc. 84-3235 Filed 3-27-84; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Cythioate Oral Liquid and Tablets

Correction

In FR Doc. 84-3915 beginning on page 5614 in the issue of Tuesday, February 14, 1984, make the following correction: In column two, sixth line from the bottom, "45 FR 42036" should read "45 FR 40236".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-169; Reference Notice No. 477]

Southeastern New England Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This rule establishes a viticultural area located in Connecticut, Rhode Island, and Massachusetts known as "Southeastern New England." This final rule is the result of a petition submitted by Mr. James Mitchell, of Sakonnet Vineyards, Little Compton, Rhode Island, and of written comments received in response to the proposed regulation.

The Bureau of Alcohol, Tobacco and Firearms believes the establishment of Southeastern New England as a viticultural area and its subsequent use as an appellation of origin in wine

labeling and advertising will allow wineries to designate their specific grape-growing area and will help consumers identify the wines they purchase.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These 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. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Under 27 CFR 4.25a(e)(2), any interested person may petition ATF to establish a grape-growing region as an American viticultural area. Approved American viticultural areas are listed in 27 CFR Part 9.

Petition for Southeastern New England. Mr. James Mitchell, of Sakonnet Vineyards, Little Compton, Rhode Island, petitioned for a viticultural area located in coastal Connecticut, Rhode Island and Massachusetts.

In response to this petition, ATF proposed the Southeastern New England viticultural area in Notice No. 477 on August 4, 1983 (48 FR 35462). In that notice, ATF solicited comments on alternative names or boundaries for the proposed viticultural area. Notice No. 477 also proposed a "Martha's Vineyard" viticultural area which will be the subject of a separate Treasury decision.

Comments. ATF received two written responses to the proposed Southeastern New England viticultural area. One comment submitted by Professor Everett R. Emino, Department of Plant Science of the University of Connecticut at Storrs, sought inclusion of the entire coastal plain of Connecticut within the viticultural area. He stated this area experiences the same climate as the portions of Rhode Island and Massachusetts within the proposed area. He also noted that establishment of the proposed area would unfairly disadvantage the Connecticut wine industry relative to Rhode Island and Massachusetts.

Mrs. Hugh P. Connell of Crosswoods Vineyards, North Stonington,

Connecticut, submitted a written comment seeking the inclusion of the coastal plain of Connecticut between the Mystic and Connecticut Rivers. This area extends 10 miles inland from Long Island Sound, and experiences a climate similar to the proposed viticultural area.

Name

The name "Southeastern New England" is descriptive of the land adjoining coastal bodies of water in eastern Connecticut, Rhode Island, and Massachusetts south of the Boston area. It has been used by the New England River Basins Commission to describe this portion of New England. No comments were addressed to the name, and ATF is adopting "Southeastern New England" as the name of the viticultural area.

Geographic Criteria

Climate distinguishes the Southeastern New England viticultural area from adjacent areas in New England and New York. The U.S. Weather Service categorizes this area as the coastal division of Connecticut, Rhode Island, and Massachusetts. Its climate is moderated by proximity to coastal bodies of water including Long Island Sound, Block Island Sound, Narragansett Bay, Rhode Island Sound, Buzzards Bay, Cape Cod Bay, and Massachusetts Bay.

The entire Southeastern New England viticultural area experiences a low Region I climate on the scale used by Winkler and Amerine of the University of California to measure degree days.

Geographic criteria for inclusion within the Southeastern New England viticultural area include a growing season of 180 days or longer, average annual precipitation of 44 inches, average daily temperatures of 30° F. in January, 70° F. in July, and a mean daily range of temperatures during the growing season of 20° F. or less.

Comments from both the University of Connecticut and from Crosswoods Vineyards favored extending the viticultural area westerly into Connecticut beyond the Mystic River. The comment from Crosswoods Vineyards indicated that the coastal region of Connecticut extends into Fairfield County to the New York boundary, and generally reaches no more than 10 miles inland from Long Island Sound. Their evidence shows that the growing season of 180 days or more generally follows the coastal division in Connecticut, but is wider in the eastern part of the State while narrowing significantly toward the New York border. Other evidence shows the

coastal plain has a mean annual temperature of between 50 and 51° F., and that its rainfall varies between 44 and 50 inches per year.

No comments were submitted relative to the climate in Rhode Island or Massachusetts.

Boundaries

Using the geographical criteria presented above, and following the coastal regions of Massachusetts, Rhode Island, and Connecticut, Notice No. 477 proposed boundaries for the Southeastern New England viticultural area. This area included New London County east of the Mystic River and South of the 41° 30' latitude line; Washington, Bristol and Newport Counties and a small portion of Providence County; and Massachusetts south and east of the Amtrak mainline and the Neponset River. All offshore islands between the Neponset River and the Mystic River were included within the proposed area.

Based on the above comments relating to geographic criteria of Connecticut's coastal plain, ATF is extending the viticultural area west to the Quinnipiac River. The boundary begins in New Haven Harbor, follows Connecticut Highways 80, 9, and 82 east to Norwich, follows Connecticut Highway 2 east to Highway 165, and then follows Connecticut and Rhode Island Highway 165 east to U.S. Interstate 95. The remainder of the boundaries are as proposed in Notice No. 477. All offshore islands (including Martha's Vineyard) between the Neponset and Quinnipiac Rivers are included within the viticultural area. For an exact description of the boundary, see § 9.72 set out below.

Although there is evidence that the coastal plain of Connecticut extends through Fairfield County to the New York boundary, ATF notes this plain narrows significantly toward the western end of the State. At the same time, the western coastal plain is heavily urbanized west of the Quinnipiac River. ATF has, therefore, not included the western portion of the coastal plain in the viticultural area.

General Information

Within the Southeastern New England viticultural area there are nine bonded wineries with others being established. It is estimated that there are between 200-300 acres of grapes with additional acreage planned in the near future. Vineyards are widely distributed and consist of both French Hybrid grapes and Vinifera grapes, especially Chardonnay, White Riesling, and Pinot Noir. Overall, the Southeastern New

England viticultural area covers approximately 2,930 square miles or 1,875,200 acres.

Approval of the Southeastern New England viticultural area in no way affects the Martha's Vineyard viticultural area which was also proposed in Notice No. 477. A separate final rule will be issued for that area. The proposed Martha's Vineyard viticultural area is included within the Southeastern New England viticultural area.

Miscellaneous

ATF does not wish to give the impression that by approving Southeastern New England as a viticultural area, it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Southeastern New England wines.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that if promulgated as a final rule, it would not have a significant impact on a substantial number of small entities. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 603, 604) for a final regulatory flexibility analysis does not apply to this final rule.

Compliance With Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of 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.

Drafting Information

The principal author of this document is Charles N. Bacon, FAA, 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, and Wine.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.72 which reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Paragraph 2. Subpart C is amended by adding § 9.72 which reads as follows:

§ 9.72 Southeastern New England.

(a) *Name.* The name of the viticultural area described in this section is "Southeastern New England."

(b) *Approved maps.* The approved maps for determining the boundary of the Southeastern New England viticultural area are three U.S.G.S. maps. They are entitled:

(1) "Boston, Mass.; N.H.; Conn.; R.I.; Maine", scaled 1:250,000, edition of 1950, revised 1970;

(2) "Hartford, Conn.; N.Y.; N.J.; Mass.", scaled 1:250,000, edition of 1962, revised 1975; and

(3) "Providence, R.I.; Mass.; Conn.; N.Y.", scaled 1:250,000, edition of 1947, revised 1969.

(c) *Boundaries.* The Southeastern New England viticultural area is located in the counties of New Haven, New London, and Middlesex in Connecticut; in the counties of Bristol, Newport, Providence, and Washington, in Rhode Island; and in the counties of Barnstable, Bristol, Dukes, Nantucket, Norfolk, and Plymouth in Massachusetts. The beginning point is found on the "Hartford" U.S.G.S. map in New Haven Harbor;

(1) Then north following the Quinnipiac River to U.S. Interstate 91;

(2) Then east following U.S. Interstate 91 to Connecticut Highway 80;

(3) Then east following Connecticut Highway 80 to Connecticut Highway 9 near Deep River;

(4) Then north following Connecticut Highway 9 to Connecticut Highway 82;

(5) Then north, east, south and east following Connecticut Highway 82 and 182 to Connecticut Highway 2 in Norwich;

(6) Then east following Connecticut Highway 2 to Connecticut Highway 165;

(7) Then east following Connecticut and Rhode Island Highway 165 to Interstate Highway 95 near Millville;

(8) Then north following Interstate Highway 95 to the Kent County-Washington County boundary;

(9) Then east following the Kent County-Washington County boundary into Narragansett Bay;

(10) Then north through Narragansett Bay, the Providence River, and the Blackstone River to the Rhode Island-Massachusetts State boundary;

(11) Then east and south following the Rhode Island-Massachusetts State boundary to the Norfolk-Bristol (Mass.) County boundary;

(12) Then northeast following the Norfolk-Bristol (Mass.) County boundary to the Amtrak right-of-way (Penn Central on map) northeast of Mansfield;

(13) Then north following the Amtrak right-of-way to the Neponset River immediately east of the Norwood Memorial Airport;

(14) Then northeast following the Neponset River into Dorchester Bay;

(15) Then east following the Norfolk-Suffolk County boundary, and the Plymouth-Suffolk County boundary into Massachusetts Bay;

(16) Then returning to the point of beginning by way of Massachusetts Bay, the Atlantic Ocean, Block Island Sound and Long Island Sound; and including all of the offshore islands in Norfolk, Plymouth, Barnstable, Nantucket, Dukes, and Bristol Counties, Massachusetts; all offshore islands in Rhode Island; and all offshore islands in Connecticut east of the Quinipiac River.

Signed: March 2, 1984.

Stephen E. Higgins,
Director.

Approved: March 12, 1984.

Edward T. Stevenson,
Deputy Assistant Secretary (Operations).

[FR Doc. 84-8252 Filed 3-27-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 829

Organizing and Operating Off-Base Patrols

AGENCY: Department of the Air Force, Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 829—Organizing and operating off-base patrols, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 125-19, has been revised and determined to be for internal guidance only and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: March 28, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas, HQ USAF/SPO, Kirtland AFB, NM 87117, telephone (505) 264-6627.

SUPPLEMENTARY INFORMATION:

PART 829—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 829.

List of Subjects in 32 CFR Part 829

Federal buildings and facilities, Law enforcement officers, Military personnel.

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,
Air Force Federal Register Liaison Officer.

[FR Doc. 84-8244 Filed 3-27-84; 8:45 am]

BILLING CODE 3910-01-M

32 CFR Part 932

Prevention and Control of Communicable Diseases in Animals

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 932—Prevention and control of communicable diseases in animals, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 163-4, has been rescinded. This action is a result of departmental review in an effort to insure that only current regulations are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: March 28, 1984.

FOR FURTHER INFORMATION CONTACT: Col Brooks, HQ USAF/SGB, Bolling AFB, Wash DC 20332, telephone (202) 767-4595.

SUPPLEMENTARY INFORMATION:

PART 932—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 932.

List of Subjects in 32 CFR Part 932

Animal diseases, Communicable diseases.

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,
Air Force Federal Register Liaison Officer.

[FR Doc. 84-8243 Filed 3-27-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army; Corps of Engineers

33 CFR Part 209

Shipping Safety Fairways, Port Hueneme, California

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is deleting the regulations which establish a shipping safety fairway in the approach to Port Hueneme, California. This shipping safety fairway has been established by the U.S. Coast Guard under its authorities and accordingly, the fairway established by the Army is no longer needed.

EFFECTIVE DATE: These rules are effective on March 28, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, Office of the Chief of Engineers, ATTN: DAEN-CWO-N, Washington, D.C. 20314 or telephone (202) 272-0199.

SUPPLEMENTARY INFORMATION: The Corps of Engineers has determined that notice of proposed rulemaking is unnecessary and that these rules shall be effective upon publication in the Federal Register since these rules have been replaced by rules published by the Coast Guard in 33 CFR 166.300. Port Hueneme Shipping Safety Fairways were established by the Corps of Engineers in 33 CFR 209.138 under authority of the Outer Continental Shelf Lands Act (67 Stat. 463; 43 U.S.C. 1333(e)). The Corps established the fairways as specific areas where fixed structures would not be permitted. Pursuant to the Ports and Waterways Safety Act, the Coast Guard was