List of Subjects in 7 CFR Part 729

Poundage quotas, Peanuts, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 729 is amended as follows:

PART 729—PEANUTS

1. The authority citation for 7 CFR part 729 continues to read as follows:

Authority: 7 U.S.C. 1301, 1357 et seq., 1372, 1373, 1375; 7 U.S.C. 1445c–3.

2. Section 729.214 is amended by adding paragraph (c) to read as follows:

§ 729.214 National poundage quota.

* * * * *

(c) The national poundage quota for peanuts for marketing year 1993 is 1,496,000 tons.

Signed at Washington, DC on February 24, 1993.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 93–4751 Filed 3–1–93; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Penicillin G Procaine Aqueous Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Anthony Products Co. The NADA provides for the intramuscular use of penicillin G procaine aqueous suspension (Microcillin-Ag®) in cattle and sheep for the treatment of bacterial pneumonia caused by *Pasteurella multocida*, in swine for the treatment of erysipelas caused by *Erysipelothrix rhusiopathiae (insidiosa)*, and in horses for the treatment of strangles caused by *Streptococcus equi*.

EFFECTIVE DATE: March 2, 1993.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8623.

SUPPLEMENTARY INFORMATION: Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006, is the sponsor of NADA 65–505, which provides for the intramuscular use of penicillin G procaine aqueous suspension (Microcillin-Ag®) in cattle and sheep for the treatment of bacterial pneumonia caused by *Pasteurella multocida*, in swine for the treatment of erysipelas caused by *Erysipelothrix rhusiopathiae (insidiosa)*, and in horses for the treatment of strangles caused by *Streptococcus equi*. The NADA provides data and information to establish bioequivalency between this drug and E. R. Squibb & Sons' Crysticillin® (NADA 65–174). The NADA was approved on January 29, 1993. The regulations are amended in 21 CFR 522.1696b to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval does not qualify for marketing exclusivity because no new clinical or field investigations (other than bioequivalence or residue studies) and no new human food safety studies (other than bioequivalence or residue studies) were essential to the approval and conducted or sponsored by the applicant.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 522.1696b [Amended]

2. Section 522.1696b is amended by revising the introductory text of paragraph (d) to read as follows:

§ 522.1696b Penicillin G procaine aqueous suspension.

* * * * *

(d) *Sponsor.* See No. 053501 in § 510.600(c) of this chapter for use as in paragraph (d) of this section, see No. 000864 for use as in paragraph (d)(3) of this section.

* * * * *

Dated: February 22, 1993.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 93–4735 Filed 3–1–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–336; Re: Notice No. 757]

RIN 1512–AA07

Texas High Plains Viticultural Area (92F–016P)

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area located in northwest Texas known as Texas High Plains. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

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 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 wine.

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. 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) 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.

Petition

ATF received a petition from Clinton M. McPherson proposing to establish a viticultural area in the Texas panhandle to be known as "Texas High Plains." The viticultural area contains approximately 8 million acres of flat, intensively cultivated land with cotton, sorghum and wheat the predominant crops, irrigated from the Ogallala aquifer. The elevation is from 3,000 to 4,000 feet above sea level. Vineyards presently occupy approximately 2,000 acres, but there is growing interest in viticulture in the area. There are presently four wineries active within the viticultural area. Nearly half of all commercial wine grapes grown in Texas are grown in the Texas High Plains. In response to Mr. McPherson's petition, ATF published a notice of proposed rulemaking, Notice No. 757 in the **Federal Register** on September 30, 1992 (57 FR 45009).

Comments

ATF received four comments during the 45-day comment period which ended on November 16, 1992. Three commenters, Congressman Larry Combest, Lubbock County Judge Don McBeath, and Morris E. Wilkes of The Wilkes Company, wrote to express their support for the establishment of the Texas High Plains viticultural area. The fourth commenter, Thomas P. Kerester, Chief Counsel for Advocacy of the Small Business Administration (SBA), did not comment on the substance of the proposal, but objected to ATF's wording of the Regulatory Flexibility Act certification. In that regard, Mr. Kerester requested that ATF adequately outline the reason for its certification that this regulation will not have a significant economic impact on a substantial number of small entities. In response, ATF believes that the designation of a viticultural area itself has no significant economic impact on businesses within or without the area because any commercial advantage can only come from consumer acceptance of wines made from grapes grown in the area. ATF received two comments after the comment period closed, one from Congressman Bill Sarpalius, expressing his support for the proposed area, and one from Rick Perry, Commissioner of the Texas Department of Agriculture, addressing our concerns on the appropriateness of the name and the boundaries of the proposed area. Mr. Perry confirmed the petitioner's statement that the political boundary used as a viticultural area boundary coincides with changes in growing conditions, and that the proposed viticultural area "includes the total area suitable for viticulture within the larger geographical area known as 'Texas High Plains'." In view of these comments, ATF is adopting the Texas High Plains viticultural area as proposed.

Evidence of Name

The petitioner submitted evidence that the name "Texas High Plains" is locally or nationally known to refer to the area specified in the petition. The evidence includes:

The Wine Spectator, February 29, 1992, edition contains an article entitled "Dawn of New Texas Wine" which refers to the "High Plains around Lubbock, where many of the best wine grapes grow."

The Los Angeles Times, June 1, 1987, edition carried an article titled "Texas Wine: Taste It and Believe It" which described two wineries on the "Texas high plains"—Pheasant Ridge and Llano Estacado, both within the viticultural area.

Spirit magazine, September 1986, edition carried an article titled "The Wine Industry—Coming of Age in Texas?" which referred to the High Plains as an area in which the soil would be compatible with European vines.

Evidence of Boundaries

Evidence that the boundaries of the area are as specified in the petition includes the following:

The Fall, 1991, Market Report, a publication of the Texas Wine Marketing Research Institute, Texas Tech University, contains a map of the grape growing regions in Texas as broken down by counties. The western boundary agrees with the viticultural area boundary, but the area shown on the map extends further to the north and slightly further to the east and south.

The 1986–87 Texas Almanac and State Industrial Guide published a map of the "vegetational areas" of Texas, showing the High Plains as a somewhat larger area than the viticultural area, interrupted by a strip of "rolling plains" along the northern boundary.

The boundaries chosen by the petitioner omit portions of the larger area known as the "Texas High Plains" because they have been found to be unsuitable for commercial viticulture. The petitioner reports that, over the last 20 years, observers have found that risk of freeze damage became intolerable along the New Mexico border (the western boundary of the viticultural area) and to the north of the viticultural area's boundary. This change in the minimum temperature during winter coincides roughly with the 4,000 foot elevation of these areas, higher than most of the viticultural area.

In many of the narrative descriptions and maps submitted with the petition, an escarpment called the "Caprock" is used as the eastern boundary of the Texas High Plains. Since this escarpment is not represented on the U.S.G.S. maps as a single line, the petitioner has selected the 3,000 foot contour line as the eastern boundary for the area. This contour line runs to the west of the escarpment; in some places it appears to be at the edge of the escarpment and in others it appears to be as much as 15 miles to the west.

The southern boundary was chosen by the petitioner because, he states, it corresponds to changes in temperature, soil type and wind which alter the growing conditions significantly. His evidence will be discussed further in the sections on soil and climate.

Viticultural History

Records of the Texas Agricultural Experiment Station in Lubbock show studies were done between 1909 and 1937 on the adaptability of many grape cultivars, including *vitis vinifera*, at the station. In the 1950s and '60s, French-American hybrids, American and vinifera cultivars were planted in research plots at Texas Tech University, also in Lubbock. As a result of this work, commercial viticulture began in the area in 1945, and was expanded in the 1960s and again in 1973. Llano Estacado, the first winery in the area, had its first crush in 1976. Three more wineries have been developed in the Texas High Plains since then: Pheasant Ridge, Teysha (now Cap Rock Winery) and La Escarbada XIT.

In a report on the 1985 Lone Star State Wine Competition, Greater Lubbock, in its November 1985 issue, noted that wineries within the viticultural area

won the only gold medal awarded, 60 percent of the silver medals, and nearly 40 percent of the bronze medals in the statewide competition. The Los Angeles Times, Monday, June 1, 1987, article, "Texas Wine: Taste It and Believe It" mentioned awards won by Llano Estacado and Pheasant Ridge at the 1986 San Francisco Fair and Wine Competition, competing against nearly 2,000 other wines, "including a bunch from California."

Geographical Features

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

Topography

The viticultural area is distinguished from the surrounding area in part by its elevation. The most pronounced change in terrain occurs at the eastern boundary of the area where an escarpment "provides an east facing wall 200–1000 feet high along the entire east boundary of the appellation, separating the Texas High Plains from the Rolling Plains to the east." The viticultural area is described in the Texas Almanac as the "largest level plain of its kind in the United States." The high plains rise gradually from 3,000 feet in the east to more than 4,000 feet in spots along the New Mexico border.

Underlying the Texas High Plains is the Ogallala Aquifer. The Texas Almanac notes that this is an important source of irrigation water for crops grown in the area. The area has no major rivers, but there are numerous "playas" (small intermittent lakes) scattered through the area which catch water after rains and allow it to percolate back to the aquifer.

Soil

The authors of Our Texas, Ralph W. Steen and Frances Donecker, state that the High Plains were considered a "great American desert," suitable only for grazing, until late in the nineteenth century, when the land was found to be fertile. According to a report on Conservation Tillage issued by the Texas Agricultural Experiment Station (TAES) in July 1987, soils in the viticultural area vary from predominantly brown clay loams with clay textured subsoils in the north to fine sandy loams in the central and southern regions. The Ogallala aquifer, which supports irrigation within the viticultural area, ends near the southern boundary. The lack of available groundwater results in soils which are sandy, shallow and highly eroded to the south and east of the viticultural area. The petitioner told of one vineyard south of that boundary which was abandoned due to drifting sand.

Climate

According to the petitioner, the viticultural area is characterized by low annual rainfall, moderate temperature, and variable, but gentle, wind.

According to a report on Irrigation Water Management by the Texas Water Resources Institute in August 1987, average annual rainfall within the viticultural area varies from 14 inches near the western boundary to 20 inches in the east. The report notes that the greatest monthly rainfall in the area occurs between May and September, a fact the petitioner attributes to warm moist air carried into the area from the Gulf of Mexico. This tropical air sometimes brings moderate to heavy thunderstorms with hail and intense winds. According to a chart from TAES, annual precipitation gradually increases to the east of the viticultural area, and decreases to the west.

Other charts from TAES compare the annual temperatures in various parts of Texas. Mean annual temperature varies from 58° on the north to 61° on the south of the viticultural area, a range which the petitioner claims is important to the quality potential of wine grapes. The viticultural area's coldest temperatures range just above and below 0°, with colder temperatures to the north, and warmer temperatures to the south. According to the petitioner, growers to the north of the viticultural area's northern boundary have abandoned plantings due to frequent freeze loss.

The petitioner also notes that, due to the low relative humidity on the High Plains, there is a very low incidence of such disease and pest problems as downy mildew, Pierces disease, phylloxera, and black rot, which are found in other parts of Texas.

Boundary

The boundary of the Texas High Plains viticultural area may be found on six United States Geological Survey (U.S.G.S.) maps with a scale of 1:250,000. The boundary is described in § 9.144.

Miscellaneous

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

Executive Order 12291

It has been determined that this document is not a major regulation as defined in Executive Order 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 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.

Regulatory Flexibility Act

As stated in the comments section of the preamble, it is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to more accurately describe the origin of their wines to the consumers, and helps consumers identify the wines they purchase. As stated, ATF therefore certifies that the designation of a viticultural area itself has no significant economic impact on a substantial number of small businesses within or without the area because any commercial advantage can come only from consumer acceptance of wines made from grapes grown within the area. In addition, no new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

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 D. Ruhf, 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

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 by adding § 9.144 to read as follows:

Sec.

* * * * *

9.144 Texas High Plains.

Par. 3. Subpart C is amended by adding § 9.144 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.144 Texas High Plains.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Texas High Plains viticultural area are six U.S.G.S. topographical maps of the 1:250,000 scale. They are titled:

(1) "Clovis, New Mexico; Texas" 1954, revised 1973.

(2) "Brownfield, Texas; New Mexico" 1954, revised 1973.

(3) "Hobbs, New Mexico; Texas" 1954, revised 1973.

(4) "Plainview, Texas" 1954, revised 1974.

(5) "Lubbock, Texas" 1954, revised 1975.

(6) "Big Spring, Texas" 1954, revised 1975.

(c) *Boundary.* The Texas High Plains viticultural area is located in Armstrong, Bailey, Borden, Briscoe, Castro, Cochran, Crosby, Dawson, Deaf Smith, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Parmer, Randall, Swisher, Terry and Yoakum Counties, Texas. The boundary is as follows:

(1) Beginning on the Hobbs, New Mexico; Texas, map at the intersection of the Texas-New Mexico border and U.S. Route 180 east of Hobbs, New Mexico;

(2) The boundary follows U.S. Route 180 east through Seminole, Texas and onto the Big Spring, Texas, U.S.G.S. map where it intersects with the 3,000 foot contour line in the town of Lamesa, Texas;

(3) The boundary then follows the 3,000 foot contour line in a generally northeasterly direction across the U.S.G.S. maps of Big Spring and Lubbock, Texas;

(4) The boundary continues along the 3,000 foot contour line onto the map of Plainview, Texas, where it follows a generally northwesterly direction until it intersects with State Highway 217 approximately 12 miles east of Canyon, Texas;

(5) The boundary then follows State Highway 217 west to Canyon, Texas, leaves State Highway 217 and proceeds in a straight line in a northwesterly direction until it intersects with U.S. Route 60, still within Canyon, Texas;

(6) The boundary then follows U.S. Route 60 in a southwesterly direction onto the U.S.G.S. map of Clovis, New Mexico; Texas, where it intersects the Texas-New Mexico border;

(7) The boundary then follows the Texas-New Mexico border south, across the U.S.G.S. map of Brownfield, Texas; New Mexico, to the beginning point on the Hobbs, New Mexico; Texas, U.S.G.S. map.

Signed: January 8, 1993.

Daniel R. Black,

Acting Director.

Approved: January 22, 1993.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 93-4707 Filed 3-1-93; 8:45 am]

BILLING CODE 4810-31-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-4561-9]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of State Implementation Plan (SIP) inadequacy and call for SIP revision.

SUMMARY: USEPA hereby gives notice that it has formally: Notified the Governor of the State of Ohio by letter dated October 28, 1992 (SIP Call letter), that the Ohio State Implementation Plan is substantially inadequate under the Clean Air Act (CAA) to attain and maintain the National Ambient Air Quality Standards (NAAQS) for lead in an area in Cuyahoga County, Ohio; and called upon the State to submit to USEPA a SIP revision to correct the deficiency.

DATES: USEPA has requested that the State of Ohio submit, by January 2, 1993, (60 days from receipt of SIP Call letter), an action plan with a schedule setting forth dates and increments of progress for correcting the Cuyahoga County area SIP deficiencies. The State must correct the plan deficiency elements and submit its fully approved Cuyahoga area lead plan to the USEPA by May 3, 1994 (18 months from receipt of SIP Call letter).

ADDRESSES: Copies of the documents associated with this information notice are available for inspection at the following address: (It is recommended that you telephone Randy Robinson, at (312) 353-6713, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of today's information notice is available for inspection at: U.S. Environmental Protection Agency, Jerry Kurtzweg, ANR-443, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Randy Robinson, Air Enforcement Branch, Regulation Development Section (AE-17J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6713.

SUPPLEMENTARY INFORMATION: Section 110 of the CAA, 42 U.S.C. 7410, requires each State to adopt plans which provide for the attainment and maintenance of the NAAQS. In response to these requirements, Ohio submitted a SIP for lead. This SIP was approved by the USEPA on March 22, 1982 (47 FR 12164). Section 110 also requires that the State revise the plan under certain conditions. A key feature of Section 110 of the CAA requires the State to revise the plan whenever USEPA finds that the plan is "substantially inadequate to attain or maintain" the revelant NAAQS. (CAA section 110(k)(5)). More specifically, section 110(k)(5) provides that whenever USEPA finds that a SIP for an area is substantially inadequate to attain or maintain the relevant NAAQS, USEPA shall require the State to revise the plan as necessary to correct such inadequacies.

USEPA has information which indicates that the NAAQS for lead was violated in an area of the City of Cleveland, in Cuyahoga County. A lead monitor, required by USEPA, located near a facility operated by Master