

with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (and otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

91-25-01. **Israel Aircraft Industries (IAI), Ltd.**: Amendment 39-8102. Docket No. 91-NM-219-AD.

Applicability: All Model 1125 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent uncontrolled pitch trim movement, accomplish the following:

(a) Within 3 days after the effective date of this AD, revise the Limitations Section of the FAA approved Airplane Flight Manual (AFM) to include the following. This may be done by inserting a copy of this AD in the AFM.

"Before Taxiing

Horizontal stabilizer trim—Check Overrd & Emerg; Emerg Arm pushbutton—Disengage, Check Normal (buzzer).

Note: When checking override system,

observe trim indicator; electrical limit switches are inoperative.

Caution

Do not use emergency trim in place of normal or override trim systems. Use of emergency trim is limited to elevator control failure (Section II, page II-28) and horizontal stabilizer trim failure (Section III, page III-9)."

Inserting Astra (Model 1125) AFM Temporary Revision No. 3, dated June 9, 1991, in the Limitations section of the AFM, or inserting an AFM revision containing this information, is considered an acceptable alternative method of compliance with this paragraph.

(b) Within 3 days after the effective date of this AD, revise the Normal Procedures Section of the FAA-approved AFM to include the following. This may be done by inserting a copy of this AD in the AFM.

"Before Taxiing

Horizontal stabilizer trim—Check Overrd & Emerg; Emerg Arm pushbutton—Disengage, Check Normal (buzzer).

Note: When checking override system, observe trim indicator; electrical limit switches are inoperative.

Caution

Do not use emergency trim in place of normal or override trim systems. Use of emergency trim is limited to elevator control failure (Section II, page II-28) and horizontal stabilizer trim failure (Section III, page III-9)."

Inserting Astra (Model 1125) AFM Temporary Revision No. 3, dated June 9, 1991, in the Procedures Section of the AFM, or inserting an AFM revision containing this information, is considered an acceptable alternative method of compliance with this paragraph.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Operations Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(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) This amendment (39-8102), AD 91-25-01, becomes effective December 10, 1991.

Issued in Renton, Washington, on November 14, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-28304 Filed 11-22-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-317; RE: Notice No. 714]

RIN 1512-AA07

The Grand Valley Viticultural Area (89F197P)

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area known as Grand Valley which is located totally within Mesa County, Colorado. The petition was submitted by Mr. Jim Seewald of Vintage Colorado Cellars Winery. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make their wines were grown and enables consumers to better identify wines they purchase.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., 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 definitive viticultural areas. The regulations 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, 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 Mr. James E. Seewald, President of Vintage Colorado Cellars Corporation, proposing an area in Mesa County, Colorado, as a viticultural area to be known as "Grand Valley." The viticultural area is located in the Grand Junction area, between Palisade and Fruita, in the western part of the State.

There are two wineries and approximately 16 vineyards located within the area, with a total of about 80 to 90 acres planted to wine grapes. The approximate size of the Grand Valley viticultural area is in the neighborhood of 50 square miles. In response to Mr. Seewald's petition, ATF published a notice of proposed rulemaking, Notice No. 714, in the *Federal Register* on March 20, 1991 (56 FR 11712), proposing the establishment of the Grand Valley viticultural area.

Comments

ATF received four comments during the 45-day comment period which ended on May 6, 1991. The first comment, from a local grape grower, fully supported the petition. The second comment came from Grande River Vineyards, a bonded winery located within the viticultural area. Grande River Vineyards stated that while they supported the viticultural area, they were concerned about a potential conflict with the provisions of 27 CFR 4.39(i), which restricts the use of brand names of viticultural significance. A brand name has viticultural significance when, among other things, it is the name of an approved viticultural area, or when it is found to have viticultural significance by the Director. Grande River Vineyards was concerned that ATF would find the name of their winery to have viticultural significance based on its similarity to the name of the Grand Valley viticultural area.

ATF does not believe that the names "Grande River Vineyards" and "Grand Valley" are similar enough to consider "Grande River Vineyards" as a brand name of viticultural significance. Thus, the approval of the Grand Valley viticultural area will in no way adversely affect the ability of Grande River Vineyards to use the name of their winery as a trade name or a brand name on wine labels. The third comment came from Mr. Douglas R. Phillips, on behalf of the Colorado Wine Industry Development Board. Mr. Phillips requested that the viticultural area be expanded to include a contiguous orchard development located in an area known as Rapid Creek. He stated that Rapid Creek, which is immediately

adjacent to the northeastern boundary of the Grand Valley viticultural area, was one of the oldest orchard areas in the State. He stated that this area is located at the mouth of the canyon where the Colorado River enters the Grand Valley, and has historically been referred to as a portion of the Grand Valley. The comment also stated that at least one orchard owner in the area is planning to grow grapes in the future. Mr. Phillips subsequently sent another letter, which contained a description of the boundaries of the proposed expansion. The fourth comment came from the petitioner, in response to Mr. Phillips' comment. The petitioner stated that the Rapid Creek area is not known as part of the Grand Valley, and pointed to the fact that the Rapid Creek area lies outside of the "Grand Valley Unit" of the salinity control area established by the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture. The petitioner stated that the geographical features of the area known as Rapid Creek were different from those of the Grand Valley, stating that the U.S.G.S. map titled "Palisade Quadrangle" clearly showed that the Rapid Creek area was a very steep, hilly and rocky area. The petitioner also stated that the area known as Rapid Creek differed from the Grand Valley area in both temperature and wind drainage.

Pursuant to 27 CFR 4.25a(e)(2), any person may petition for the establishment of an American viticultural area. The petition must include evidence that the name of the viticultural area is locally or nationally known as referring to the area specified in the petition; historical or current evidence that the boundaries of the viticultural area are as specified in the petition; evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas; the specific boundaries of the viticultural area, based on features which can be found on U.S.G.S. maps of the largest applicable scale; and copies of the appropriate maps, with the boundaries prominently marked.

Mr. Phillips submitted a description of the boundaries of the proposed extension, but he failed to submit evidence that the area was locally or nationally known as part of the Grand Valley. Nor did Mr. Phillips submit historical or current evidence that the boundaries of the Grand Valley extended to include the Rapid Creek area, or evidence that the distinguishing geographical features of the Grand

Valley were shared by the Rapid Creek area. ATF responded to Mr. Phillips' comment by affording him a period of 30 days to submit evidence, in accordance with § 4.25a(e)(2), which would support the request to extend the Grand Valley area into the Rapid Creek area. At the expiration of this period, ATF contacted Mr. Phillips again, and he stated that he had not been able to obtain such evidence. Due to the lack of any evidence which would support the extension of the Grand Valley viticultural area into the Rapid Creek area, ATF has decided to adopt the boundaries of the Grand Valley viticultural area as proposed in Notice No. 714 without change.

Viticultural Area Name

The name "Grand Valley" has been associated with the area since at least the mid-nineteenth century. Historical and current usage of the name is supported by the following:

(1) The Geological Survey Professional Paper 451, titled "Geology and Artesian Water Supply, Grand Junction Area, Colorado," states "The present Colorado River above Grand Junction was known as the Grand River at least as early as 1842 * * * The city of Grand Junction was so named because of its position at the junction of the Gunnison and Grand Rivers. The Green and Grand Rivers united in eastern Utah to become the Colorado River * * * The Grand River was renamed Colorado River by act of the Colorado State Legislature, approved March 24, 1921, and by act of Congress approved July 25, 1921; but, in addition to Grand Junction, the name Grand still remains in the Grand Valley between Palisade and Mack; in Grand Mesa, which stands more than a mile above the Grand and Gunnison Valleys * * * and in Grand County, Colorado * * *"

(2) "The Valley of the Grand—The Place for You," issued by the Chamber of Commerce Grand Junction, Colorado Historic Catalog, circa 1907, details "Specimens of Grand Valley Grapes."

(3) The Geographic Names Information System (G.N.I.S.) State of Colorado, Alphabetical Finding List, dated February 25, 1981, lists the following entry: Name—Grand Valley, Feature/Class—pnt, State/County—08045, Coordinate—392707N1080308W.

(4) The Grand Junction Area Chamber of Commerce map/brochure, dated 1988, describes, under the section titled "History of Grand Junction," a brief history of the area beginning with "The isolated barren Grand Valley was traveled by a mere handful of hardy pioneers prior to 1879."

(5) Soil Survey of the Grand Junction Area, Colorado Series 1940, No. 19, issued November 1955, frequently refers to the Grand Valley, particularly on the fold out pages 6 and 7.

Historical/Current Evidence of Boundaries

According to the Soil Survey of the Grand Junction Area, Colorado, the viticultural area is in the Grand Valley of Colorado near the western edge of Mesa County. The area is located in the Canyon Lands section of the Colorado Plateau physiographic province. It occupies part of the floor of a deep pocket, or valley, known as the Grand Valley of Colorado. This valley, carved in the Mancos Shale formation by the Colorado and Gunnison Rivers and their tributaries, is surrounded for the most part by steep mountainous terrain. Deep canyons flank the valley to the southwest; a sharp escarpment known as the Book Cliffs rises above it to the north and northeast; foot slopes of the Grand Mesa lie to the east; and rough broken and steep, hilly land that borders high terraces or mesas lies to the south. According to the petitioner, the Grand Valley is usually thought of as the area between the towns of Palisade and Mack. However, the western boundary of the Grand Valley viticultural area stops at the town of Fruita, rather than extending further west to Mack, because of geographical and climatical features which distinguish the viticultural area from the area west of Fruita. The first is that there is a difference in the quality of the soil as one moves toward the western end of the Grand Valley. Much of the soil in this area will not support grape vines due to excessive salts. Also, there is a lack of supply of water for irrigation of the soil west of Fruita.

The second reason is that daily weather reports throughout the winter months always show the higher, more favorable, temperatures to be in the eastern (Palisade) end, and moving progressively westward, the temperatures (at exactly the same time of day or night) decrease with the coldest areas being reported in Mack and Loma on the western end of the valley. Since it does not appear that the area west of Fruita would support grape vines, we have ended the western boundary of the Grand Valley viticultural area at Fruita rather than extending it to Mack.

The "Grand Valley" viticultural area includes within its boundaries three areas which are locally known by the names of Orchard Mesa, the Redlands, and the Vinelands. Orchard Mesa is a tract of almost flat terrace land south of the Colorado River and to the southeast

of Grand Junction. The Redlands is a rolling and somewhat hilly area south of the Colorado River and between the mouth of the Gunnison River and Fruita. The Vinelands is a tract of land located southeast of the town of Palisade.

Geographical Features

Elevations in the "Grand Valley" viticultural area rise from 4500 feet at the western end near Fruita to 4573 feet at Grand Junction, and 4729 feet at the eastern end of the Valley near Palisade. Deep canyons flank the Valley to the southwest. A sharp escarpment (Book Cliffs) rises to 7000 feet above the Valley to the north and northeast. The Grand Mesa stands more than a mile above the eastern edge of the Valley, and steep, hilly land borders the high terraces and mesas to the south.

The climate of the "Grand Valley" viticultural area is similar to that of most of the intermountain areas west of the Continental Divide in its aridity, wide range of daily temperatures, high percentage of bright sunny days, and high evaporation rate. Where the climate differs, the differences apparently are caused by protective mountain barriers.

In the extreme eastern part of the area, the Colorado River enters the Grand Valley through a steep narrow canyon that tends to stabilize air currents in the Valley. During the day, the air tends to move up the slopes that confine the Valley at its eastern end. Then, at night, the air moves down again. This air movement, spoken of as air drainage, affords a more limited daily range in temperature and less danger from frost, particularly at the eastern end of the Grand Valley where the majority of the vinifera plantings are located. Hence, the eastern section of the Valley, to a distance of about 3 or 4 miles west of Palisade, has a climate particularly suitable for orchard fruits and grapes. Summer temperatures rise to a maximum of about 105 degrees Fahrenheit. Several days in summer may have temperatures above 100 degrees. The nights are cool, however. Also, the winters are mild. Temperatures are usually above zero, though an absolute minimum of minus 21 degrees has been recorded. The average humidity is low, so zero weather does not seem so cold nor the summers so hot as in States where the humidity is higher.

The average date of the last killing frost in spring is April 14, and the first in fall is October 21. The average frost-free, or growing season is 190 days. Occasionally, late spring or early fall frosts do some damage to fruits and vegetables on the bottom lands and recent flood plains. On the mesas or

higher terraces, frost damage is slight. Frost is especially rare in the climatically protected areas around Palisade and along the bluffs bordering the Redlands. High winds are unusual, and cyclones are unknown. Light thundershowers are common during summer. Hail damage is localized and usually slight. Summer showers are frequently more detrimental than beneficial, especially those that come during the harvesting season.

The average annual precipitation at Grand Junction is 9.06 inches per year. This precipitation is well distributed throughout the year but is not sufficient to permit successful dry farming. The soils support only a scant growth of native grasses and shrubs if they are not irrigated. The average snowfall is 22.0 inches. The snow usually melts within a few days after it falls. The ground is free of snow most of the winter.

The "Grand Valley" viticultural area is distinguishable from surrounding areas by elevation and by soil differences. In addition to the cliffs and mesas to the north and east of the valley, the surrounding areas to the northwest, west and south contain soils which are usually more alkaline than the soils within the Grand Valley viticultural area. For the most part, these areas are not capable of being irrigated and are suitable only for livestock grazing. They are rocky, often steeply sloped, and the soils are classified from fair to poor, to non-existent. Large areas to the south, along the Gunnison River and Colorado Highway 50, show extensive evidence of excessive salts and alkalinity.

The nearest commercial vineyards outside the viticultural area are located in excess of 50 miles from the Grand Valley with mountains, mesas, valleys, canyons, and vast areas of salt, sagebrush and alkali separating the two. Grapes within the "Grand Valley" viticultural area are adapted to the medium textured to sandy Genola, Hinman, Mayfield, Mesa, Ravola, and Thoroughfare soils, especially where these soils are in areas where peaches are grown, since grapes and peaches tend to do well in the same type of environment. In contrast, soils to the west of the viticultural area are predominantly Billings, Chipeta, Fruita, Mack and Persayo-Chipeta which, for the most part, are not suitable for grape growing.

Boundary

The boundary of the Grand Valley viticultural area may be found on six United States Geological Survey maps

with a scale of 1:24,000. The boundary is described in § 9.137.

Miscellaneous

ATF does not wish to give the impression by approving the Grand Valley viticultural area that it is approving or endorsing the quality of the 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 Grand Valley wines.

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 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

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 the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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 Robert L. White, 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.

Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Par. 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 § 9.137 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
§ 9.137 Grand Valley.

Par. 3. Subpart C is amended by adding § 9.137 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.137 Grand Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Grand Valley viticultural area are six U.S.G.S. (7.5 minute series) topographical maps of the 1:24,000 scale:

(1) "Palisade Quadrangle, Colorado," edition of 1962.

(2) "Clifton Quadrangle, Colorado," edition of 1962, photorevised 1973.

(3) "Grand Junction Quadrangle, Colorado," edition of 1962, photorevised 1973.

(4) "Colorado National Monument Quadrangle, Colorado," edition of 1962, photorevised 1973.

(5) "Fruita Quadrangle, Colorado," edition of 1962, photorevised 1973.

(6) "Corcoran Point Quadrangle, Colorado," edition of 1962.

(c) *Boundary.* The Grand Valley viticultural area is located entirely within Mesa County, Colorado, in the western part of the State. The boundary is as follows:

(1) The beginning point is located on the Palisade quadrangle map at a point northeast of the city of Palisade where Interstate 70 crosses the Colorado River and intersects with U.S. Highways 6 and 24, adjacent to and immediately west of the Orchard Mesa Canal Aqueduct;

(2) From the beginning point, the boundary proceeds due east to the adjacent Orchard Mesa Canal Aqueduct and then in a southerly direction along the Orchard Mesa Canal Aqueduct to an unnamed creek in the western part of section 11, Township 11 South, Range 98 West (T. 11 S., R. 98 W.);

(3) Thence in a southeasterly direction along the unnamed creek to its intersection with the 5000-foot contour line in the northeast corner of section 1, T. 1 S., R. 2 E.;

(4) Thence in a northwesterly and then a southerly direction along the 5000-foot contour line to its intersection with Watson Creek in section 12, T. 1 S., R. 2 E.;

(5) Thence in a southeasterly direction along Watson Creek to its intersection with the electrical power lines in the southern part of section 12, T. 1 S., R. 2 E.;

(6) Thence in a southwesterly direction along the electrical power lines along the northern slope of Horse Mountain to that point where the power lines intersect with the Jeep Trail in the central part of section 15, T. 1 S., R. 2 E.;

(7) Thence in a northwesterly direction along the Jeep Trail to its intersection with Orchard Mesa Canal No. 2 on the western border of section 10, T. 1 S., R. 2 E.;

(8) Thence in a generally southwesterly direction along Orchard Mesa Canal No. 2 through the Clifton quadrangle map to the Canal's junction with the Gunnison River on the Grand Junction quadrangle map (western part of section 31, T. 1 S., R. 1 E.);

(9) Thence in a generally northwesterly direction along the Gunnison River to its junction with the Colorado River in section 22, T. 1 S., R. 1 W.;

(10) Thence continuing in a northwesterly direction along the Colorado River to the bridge where County Road 340 crosses the river (Section 15, T. 1 S., R. 1 W.);

(11) Thence in a southwesterly direction along County Road 340 approximately .2 mile to its intersection with a secondary highway, hard surface road, known locally as Monument Road;

(12) Thence in a southwesterly direction along Monument Road to the boundary of the Colorado National Monument, located on the Colorado National Monument quadrangle map (section 30, T. 1 S., R. 1 W.);

(13) Thence in a generally northwesterly direction along the boundary of the Colorado National Monument to its intersection with County Road 340 (known locally as

Broadway) on the northern border of section 32, T. 1 N., R. 2 W.;

(14) Thence in a generally northerly direction along County Road 340 to the city of Fruita where County Road 340 (known locally as Cherry Street) intersects K Road on the Fruita quadrangle map;

(15) Thence due east on K Road to the northeast corner of section 17, T. 1 N., R. 1 W., on the Corcoran Point quadrangle map, then extending in the same direction in a straight line along the northern boundary of section 16, T. 1 N., R. 1 W. to the intersection with the Government Highline Canal;

(16) Thence in a southeasterly direction along the Government Highline Canal to its intersection with U.S. Interstate 70 on the Grand Junction quadrangle map;

(17) Thence in an easterly direction along U.S. Interstate 70 through the Clifton quadrangle map to where Interstate 70 crosses the Colorado River and intersects with U.S. Highways 6 and 24 on the Palisade quadrangle map, the point of beginning.

Signed: October 11, 1991.

Stephen E. Higgins,
Director.

Approved: November 4, 1991.

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

[FR Doc. 91-28168 Filed 11-22-91; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 286i and 293

**Defense Mapping Agency (DMA)
Freedom of Information Act Program;
Correction**

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule correction.

SUMMARY: This document corrects an administrative error that appeared in the *Federal Register* on November 18, 1991. The publication redesignated 286i as 295. The correct redesignation is "286i" as "293".

EFFECTIVE DATE: July 10, 1991.

FOR FURTHER INFORMATION CONTACT: L.M. Bynum, Correspondence and Directives Directorate, Washington Headquarters Services, Pentagon, Washington, DC 20301-1155, telephone 703-697-4111.

In the *Federal Register* issue of Monday, November 18, 1991, pages 58179 and 58180, "295" is corrected to read "293" each time it appears.

Dated: November 19, 1991.

L.M. Bynum,
Alternate OSD Federal Register Liaison
Officer.

[FR Doc. 91-28181 Filed 11-22-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

32 CFR Part 701

[Secretary of the Navy Instruction 5211.5C]

**Personal Privacy and Rights of
Individuals Regarding Records
Pertaining to Themselves**

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is removing an exemption rule subject to the Privacy Act of 1974 (5 U.S.C. 552a). This exemption rule removes the system of records identified as N01610-1, "Navy Personnel Evaluation System" which is also removed in a Navy Notice document published elsewhere in this *Federal Register*. The Navy is also changing "Naval Military Personnel Command" to "Bureau of Naval Personnel" to reflect the activity's name change.

EFFECTIVE DATE: November 25, 1991.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken, Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000. Telephone (703) 614-2004.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 701

Privacy.

For the reasons set forth in the preamble, 32 CFR 701.119 is amended as follows:

1. The authority citation for 32 CFR part 701, subpart G is revised to read as follows:

Authority: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

2. Section 701.119 is amended by revising the section heading; the heading of paragraph (b); and removing and reserving paragraph (b)(2) as follows:

§ 701.119 Exempt Navy record systems.

* * * * *

(b) *Bureau of Naval Personnel*—

* * * * *

(2) [Reserved]

* * * * *

Dated: November 19, 1991.

L.M. Bynum,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 91-28182 Filed 11-22-91; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF VETERANS
AFFAIRS**

38 CFR Part 1

RIN 2900-AF56

**Release of Department of Veterans
Affairs (VA) List of Names and
Addresses**

AGENCY: Department of Veterans
Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs is amending the regulation governing the release of lists of VA beneficiaries under the authority of 38 U.S.C. 3301 to delegate authority to the General Counsel to make final Departmental decisions on appeals. The Office of the General Counsel has been extensively involved in the preparation of final Departmental decisions on appeals under this authority since the decisions require legal analysis. This new delegation of authority should allow the Department to be more responsive to the public.

EFFECTIVE DATE: November 25, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie M. Leandri, Chief, Records and Reports Management Division (723), Records Management Service, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2454.

SUPPLEMENTARY INFORMATION: VA finds that advance publication for notice and public comment is not required. The regulatory amendment here involved is consistent with the Secretary's lawful ability to delegate his authority in providing final Departmental decisions on appeals on information law issues. This amendment reflects the general change in Department policy regarding who may responsibly issue such final decisions, and neither imposes new obligations nor has a substantial impact on those individuals dealing with the Department. Such amendment affects only existing Departmental procedures and practices which is not substantive in its effect. Thus, in accordance with the provisions of 38 CFR 1.12, advance publication in the *Federal Register* is not necessary. Accordingly, the amendment