

**DEPARTMENT OF THE TREASURY****Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9****[T.D. ATF-117; Ref: Notice No. 401]****The Suisun Valley Viticultural Area****AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area in Solano County, California, to be known as "Suisun Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Suisun Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries in the area to better designate where their wines come from and will enable consumers to better identify the wines from this area.

**EFFECTIVE DATE:** December 27, 1982.**FOR FURTHER INFORMATION CONTACT:**

Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (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 definite 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, 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. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association, petitioned ATF to establish a viticultural area in Solano County, California, to be known as "Suisun Valley." In response to this petition, ATF published a notice of proposed rulemaking, Notice 401, in the Federal Register on January 11, 1982 (47 FR

1153), proposing the establishment of the Suisun Valley viticultural area.

**Comments**

No comments were received during the comment period. ATF has received no information from any source indicating opposition to the petition.

**Evidence of the Name**

The name of the area, Suisun Valley, was well documented by the petitioner. After evaluating the petition, ATF believes that the Suisun Valley viticultural area has a unique historical identity and that the name "Suisun Valley" is the most appropriate name for the area.

**Geographical Evidence**

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

The petition and attached documents show that Suisun Valley is located in the southwestern portion of Solano County adjacent to the Napa County line and east of Green Valley. Suisun Valley is approximately three miles wide and eight miles long and has about 800 acres of grapes within its boundaries. It lies within the southern end of two ranges of the Coast Range, the Vaca Mountains on the east and the Mount George Range on the west. The valley terminates in the south at the marshlands of Suisun Bay.

The Suisun Valley grape area lies within the Coastal area climate and is characterized by cool, moist winds blowing inland from the ocean and bay almost continuously from May through early Fall.

The climate in Suisun Valley is mid-region III as classified by the University of California at Davis system of heat summation by degree-days. Over a 14-year period, the University of California weather station in mid-Suisun Valley averaged an accumulation of 3,368 degree-days.

The season totals for degree-days above 50 degrees Fahrenheit for upper Suisun Valley were 3,768.4 in 1973 and 3,700.5 in 1974. In mid-Suisun Valley the season totals were 3,460.4 in 1973 and 3,256.3 in 1974. In comparison, the season totals for Green Valley, which lies directly west of Suisun Valley, were 3,683.9 in 1973 and 3,498.2 in 1974.

Fog hardly ever penetrates into the Suisun Valley due to its distance from the Pacific Ocean. In contrast, fog is very prevalent in Green Valley due to its proximity to the ocean.

The soils in Suisun Valley consist of Brentwood clay loam, Sycamore silty

clay loam, San Ysidro sandy loam and Rincon clay loam. In contrast the soil in Green Valley consists of Conejo clay loam. The soil in the Vacaville-Dixon area consists of Yolo loam, Yolo silty clay loam, and Brentwood clay loam.

The watershed in Suisun Valley drains southward into the Suisun Bay. In the Vacaville-Dixon area, which lies to the east of Suisun Valley, the watershed drains eastward into the Sacramento River.

After evaluating the petition for the proposed Suisun Valley viticultural area, ATF has determined that due to the topographic and climatic features of Suisun Valley, it is distinguishable from the surrounding areas.

**Boundaries**

The boundaries proposed by the petitioner are adopted. ATF believes that these boundaries delineate an area with distinguishable physical and climatic features.

**Miscellaneous**

ATF does not wish to give the impression by approving the Suisun Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed 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 Suisun Valley wines.

**Executive Order 12291**

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (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.

**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 final rule because the final rule will not have a significant economic impact on a

substantial number of small entities. The final rule 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 final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

**Disclosure**

A copy of the petition and appropriate maps with boundaries marked are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, DC.

**Drafting Information**

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

**List of Subjects in 27 CFR Part 9**

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

**Authority and Issuance**

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

**PART 9—AMERICAN VITICULTURAL AREAS**

**Par. 1.** The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.45. As amended, the table of sections reads as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.	*	*	*	*	*
9.45	Suisun Valley.				

**Par. 2.** Subpart C is amended by adding § 9.45. As amended, Subpart C reads as follows:

**Subpart C—Approved American Viticultural Areas**

*	*	*	*	*
§ 9.45	Suisun Valley.			

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Suisun Valley viticultural area are four U.S.G.S. maps. They are titled:

- (1) "Mt. George Quadrangle, California", 7.5 minute series (1968);
- (2) "Fairfield North Quadrangle, California", 7.5 minute series (1973);
- (3) "Fairfield South Quadrangle, California", 7.5 minute series (1968); and
- (4) "Cordelia Quadrangle, California", 7.5 minute series (1968).

(c) *Boundaries.* The Suisun Valley viticultural area is located in Solano County, California. The beginning point is the intersection of the Southern Pacific Railroad track with range line "R3W/R2W" in the town of Cordelia, located on U.S.G.S. map "Cordelia Quadrangle."

- (1) From the beginning point, the boundary runs northeast in a straight line to the intersection of Ledgewood Creek with township line "T5N/T4N";
- (2) Thence in a straight line in a northeast direction to Bench Mark (BM) 19 located in the town of Fairfield;
- (3) Thence in a straight line due north to Soda Springs Creek;
- (4) Thence in a straight line in a northwest direction to the extreme southeast corner of Napa County located just south of Section 34, Township 6 North, Range 2 West;
- (5) Thence due west along the Napa/Solano County border to where it intersects with range line "R3W/R2W";
- (6) Thence due south along range line "R3W/R2W" to the point of beginning.

Signed: October 14, 1982.  
Stephen E. Higgins,  
*Acting Director.*

Approved: November 10, 1982.  
David Q. Bates,  
*Deputy Assistant Secretary (Operations).*

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**DEPARTMENT OF EDUCATION**

**34 CFR Parts 408, 500, 520, 525, 526, and 527**

**Secretary's Discretionary Programs of Vocational Education and Bilingual Education Programs**

**AGENCY:** Education Department.  
**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends (1) the regulations governing the Secretary's Discretionary Programs of Vocational Education and (2) the regulations for the Bilingual Education Programs. These are technical amendments designed to correct and clarify existing regulations for these programs.

**EFFECTIVE DATE:** Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the *Federal Register*. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Ms. Regina Robbins, 400 Maryland Avenue, SW., (Room 514, Reporters Building), Washington, D.C. 20202. Telephone: (202) 472-3520.

**SUPPLEMENTARY INFORMATION:** This document makes technical amendments in five parts in Title 34 of the Code of Federal Regulations. In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1332(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department of Education to offer interested parties the opportunity to comment on proposed regulations. Because these amendments are purely technical, publication of this document as a proposed rule for public comment has been determined to be unnecessary under 5 U.S.C. 553(b).

The specific purpose of each amendment is described below:

1. Appendix A—Definitions, of Part 408 is amended by adding the definition of "Bilingual vocational training" which was erroneously deleted in the 1981 edition of the Code of Federal Regulations.

2. Section 500.3 is amended by adding Part 74 to the regulations listed under that section as applicable to grants awarded under the Bilingual Education Act. The reference to Part 74 was erroneously omitted when ED regulations and part numbers were redesignated.

3. Section 500.20 is amended by deleting the references to Parts 500, 503, 506 and 515 and by adding Part 510 to the list of regulations for which the requirements in Section 20 are applicable. Part 510 was erroneously deleted in the 1981 edition of the Code of Federal Regulations. There is no Part 506. The references to Parts 503, 505 and 515 are incorrect.

4. Section 520.3 is amended to add a clause to (a)(3)(i) to notify applicants that the Emergency School Aid Act (ESAA) Regulations, as in effect on September 30, 1982, continue to apply to the Desegregation Support Program, and to correct the reference to § 280.42 of the ESAA regulations. Paragraph (d) of § 280.42 was inadvertently omitted in the existing reference.

5. Part 525.602 is amended by adding a clause to paragraph (b) to notify applicants that the Department of Labor