

## DEPARTMENT OF THE TREASURY

## Customs Service

19 CFR Parts 4, 10, 11, 12, 18, 24, 103, 112, 122, 127, 133, 141, 143, 148, 151, 152, 159, 171, 177 and 191

[T.D. 97-82]

### Technical Amendments to the Customs Regulations

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to the document published in the **Federal Register** which set forth various minor technical changes and corrections to the Customs Regulations. The correction involves the wording of the regulatory text contained in the amendatory instruction pertaining to § 11.9.

**EFFECTIVE DATE:** This correction is effective October 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Harold Singer, Regulations Branch, Office of Regulations and Rulings (202-927-2340).

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 3, 1997, Customs published in the **Federal Register** (62 FR 51766) as T.D. 97-82 a final rule document setting forth various minor technical changes and corrections to the Customs Regulations. The regulatory amendments included a change to paragraph (b) of § 11.9 (19 CFR 11.9). Although the Background portion of T.D. 97-82 correctly included the word "purchaser" in identifying the affected regulatory text, the amendatory instruction set forth later in the document inadvertently included the word "producer" as part of the amended regulatory text. This document sets forth a new amendatory instruction pertaining to § 11.9 to correct this error.

##### Correction to the Final Regulations

On page 51770, in the first column, the amendatory instruction for § 11.9 is corrected to read as follows:

2. In § 11.9, the first sentence of paragraph (b) is amended by removing the words "manufacturer or purchaser of" and adding, in their place, the words "manufacturer or purchaser or".

Dated: October 20, 1997.

**Harold M. Singer,**

*Chief, Regulations Branch.*

[FR Doc. 97-28300 Filed 10-24-97; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

## 27 CFR Part 9

[TD ATF-392]

RIN 1512-AA07

### Mendocino Ridge Viticultural Area (95R-017P)

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

**ACTION:** Treasury decision, final rule.

**SUMMARY:** This Treasury decision establishes a viticultural area located within the boundaries of Mendocino County, California to be known as "Mendocino Ridge," under 27 CFR part 9. This viticultural area is the result of a petition submitted by Mr. Steve Alden on behalf of the Mendocino Ridge Quality Alliance. There are about 262,400 acres or approximately 410 square miles within the outer boundaries of the "Mendocino Ridge" viticultural area, but the actual viticultural area encompasses only the areas at or above 1200 feet in elevation. Because of the 1200 foot elevation, this viticultural area is unique from other coastal viticultural areas. Of the total 262,400 acres, less than one third, or 87,466 acres, lies above 1200 feet elevation. Of these 87,466 acres, approximately 1500 to 2000 acres or 2% of the narrow timber covered ridge-tops are suitable for grape production. There are approximately 75 acres of grapes currently growing within the boundaries of the viticultural area. The 75 acres of grapes are divided among six wineries.

**EFFECTIVE DATE:** December 26, 1997.

**FOR FURTHER INFORMATION CONTACT:** David W. Brokaw, Wine, Beer and Spirits Regulations 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 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, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2), Title 27, CFR, 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 characteristics (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 features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale, and;

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

#### Petition

Mr. Steve Alden of Alden Ranch Vineyards petitioned ATF on behalf of the Mendocino Ridge Quality Alliance for the establishment of a new viticultural area located within the boundaries of Mendocino County, California, to be known as "Mendocino Ridge." There are currently six producing vineyards in the "Mendocino Ridge" viticultural area.

Given the unusual nature of the area, ATF requested public comment in Notice No. 848 on specific questions regarding the supporting evidence. ATF pointed out that the viticultural area would include only the land above a certain elevation within the boundaries described. Thus, ATF wished to solicit public comment on the following questions about the geographic

distinctiveness of the non-contiguous areas in the petition:

1. Do the non-contiguous sites in the proposed viticultural area have such similar climate, soil, and other characteristics that they can be considered as a single or common grape growing region?

2. Is the actual land included within the proposed viticultural area at the 1200 foot (and above) elevation line reasonably distinguishable from the adjacent land that is not included?

3. Does the totality of the geographic evidence regarding the proposed viticultural area support the application of a reasonable proximity rule to exclude widely scattered but otherwise similar locations from being included within the proposed grape-growing region?

#### Comments

No comments were received in response to Notice No. 848.

#### Evidence That the Name of the Area Is Locally or Nationally Known

The name Mendocino Ridge has been chosen as the name of the viticultural area because the area is widely known by that name. Many books and magazines have historically referred to the viticultural area as the Mendocino Ridge. For example, in 1988 the winery, Kendall-Jackson, wrote:

\* \* \* the vines in the Mariah vineyard are subject to the same complicated climatic variables that have caused wine experts to hail the Mendocino Coastal Ridge as one of the world's greatest Zinfandel regions."

More recently, in an article published in the February 1994 issue of *Gourmet Magazine*, wine writer Gerald Asher wrote:

In Mendocino there's an equally wide divide between the tense and concentrated Zinfandels produced from old vines planted by turn-of-the-century Italian immigrants *who settled the exposed, high ridges between Anderson Valley and the Pacific* and the subtly urbane wines from vineyards almost as old but planted in milder and better-protected sites around Ukiah and in the adjacent McDowell and Redwood valleys. (Emphasis added)

Gerald Asher further stated that:

The revival of California Zinfandel as a serious varietal wine began with the rediscovery of forgotten patches of old vines such as those on the Mendocino Ridge, most of them tucked away among hillside orchards. Jed Steele started to make wine from old Mendocino Ridge Zinfandel vines at the Edmeades Vineyard & Winery in Anderson Valley in the early 1970's.

The six vineyards within the "Mendocino Ridge" viticultural area are known by locals and wine writers as the

"Mendocino Ridge" vineyards. The area encompasses many named coastal ridges; *i.e.*, McGuire Ridge, Zeni Ridge, Phelps Ridge, Signal Ridge, Campbell Ridge, German Ridge, Hanes Ridge, Adams Ridge, Cliff Ridge, Greenwood Ridge, McAllister Ridge, Brandt Ridge, Lambert Ridge, Mariah Ridge, Fleming Ridge, Mikes Ridge, Yellow Hound Ridge, Johnny Woodin Ridge, Hog Ranch Ridge, Hog Pen Ridge, Steve's Ridge, Ponds Ridge, Brytan Ridge, and Pearly Ridge. The area also encompasses various "mountain peaks;" *i.e.*, Cold Spring Mountain, Lookout Mountain, Bald Hill Dry Bridge Mountain, Eureka Hill, Gualala Mountain, Red Rock Mountain, Snook Mountain and Rockpile Peak. These "mountain peaks" are generally no higher than points on the ridge. These ridges and peaks create the water shed for the Gualala River, Garcia River, Alder Creek, Elk Creek, Greenwood Creek, and the Navarro River. The "Mendocino Ridge" viticultural area encompasses only ridge-tops which reach an elevation of 1200 feet or higher in the Coastal Zone of southwestern Mendocino County. The boundary encompasses approximately 410 square miles or about 262,400 acres which was necessary to include the numerous ridge-tops comprising the grape growing areas. ATF is not aware of any grapes being grown at the lower elevations in the area below the 1200 foot coastal fog line.

#### Historical or Current Evidence That the Boundaries of the Viticultural Area are as Specified in the Petition

Many articles have been written in wine periodicals and books over the years about the unique and distinctive wines produced from grapes grown within the "Mendocino Ridge" viticultural area. For example, *Making Sense of California Wine* by Matt Kramer (1992, William Morrow and Co., N.Y.) states:

There aren't many ridge vineyards but, as Spencer Tracy said in *Pat and Mike*, 'What's there is cherce.' Even more unexpected is the grape variety: Zinfandel. Such ridge vineyards as Ciapusci Vineyard, Mariah Vineyard, Zeni Vineyard, and DuPratt Vineyard create some of the greatest Zinfandels in California. *All are found between 1,400 feet and 2,400 feet in elevation.* Jed Steele, the former winemaker for Kendall-Jackson, sought out these grapes and demanded an audience for them. The winery continues to issue named-vineyard Zinfandels from several of these vineyards, all of them extraordinary. (*Id.* at 218, emphasis added).

The petitioner also cited from *Coastal Ridge Zinfandel*, by Jed Steele Ridge Review, Volume V, No. 1 (1995, The

Ridgetimes Press, Mendocino, CA). On page 7 it states:

That certain grape varieties, grown in specific geographical locations, produce distinctive wines that are sought after by appreciators of fine wine is a given phenomenon in the world of viticulture and enology. Illustrations of such situations are Pinot Noir when grown in Burgundy, the White Riesling when grown in the Mosel Valley of Germany, and the Cabernet Sauvignon when grown in the Rutherford-Oakville region of the Napa Valley. Zinfandel, when grown in the Coastal range of Mendocino County, roughly between the points where the Navarro River and Gualala River empty into the ocean, is in my mind such a classic match of grape variety with a particular climate, one that leads to the ultimate in winemaking fruit. (Emphasis added.)

The cultivation of vineyards in the Mendocino Ridge began with the first Italian settlers, who came to the area in the late 1800's to peel tan bark. These Italian immigrants brought with them their grapes of choice: Zinfandel, Alicante-Bouschet, Carignane, Muscat, Palomino, and Malvasia. At one time, before Prohibition, it has been estimated that Greenwood Ridge had some 250 acres of vineyards and Fish Rock Road had another 150 acres of vineyards. Italian immigrant families with names like Luccinetti, Pearli, Gianoli, Ciapusci, Soldani, and Zeni homesteaded and planted vines along Fish Rock Road as early as the 1860's. Other Italian immigrants with names like Frati, Tovani, Giusti, Pronsolino, and Giovanetti homesteaded along Greenwood Ridge around the same time. According to Matt Kramer in *Making Sense of California Wine* (1992):

The planting of these higher-elevation vineyards is due entirely to an influx of Italian immigrants \* \* \* in the 1890's \* \* \* In Italy, as elsewhere in Europe, grapes were found to perform better on hillsides than on valley floors. Considering their grapes of choice—Zinfandel, Alicante-Bouschet, Carignan, Muscat, Palomino, and Malvasia—they were right. None of these sun-loving varieties could have prospered in the cool, frost-prone Anderson Valley floor. But once above the fog, the sunshine is uninterrupted. The ridge sites rarely see the spring frosts. (*Id.* at 218.)

Prohibition came and many of these vineyards were removed. Of these original vineyards planted by the Italian immigrants, three have survived and still produce award winning wines to this day. Both the Ciapusci and Zeni vineyards are still tended and owned by the original families on Fish Rock Road. On Greenwood Ridge Road, the DuPratt vineyard planted in 1916 is producing Zinfandel. In addition, the Zenis, Ciapuscis, and DuPratts all had wineries

at their vineyards. Part of the Ciapusci's winery is still standing and parts of an old wine press can be found at the DuPratt vineyard site. Tunnels used for storing wine can be found burrowed into the mountain at the Zeni Vineyard. Three other vineyards, Mariah Vineyards, Greenwood Ridge Vineyards, and Alden Ranch Vineyards, have been planted in the past 25 years.

**Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish the Viticultural Features of the Area From Surrounding Areas**

The "Mendocino Ridge" viticultural area is shaped like a bulging triangle with its northern apex less than a mile wide at the mouth of the Navarro River. The southern base of the triangle is approximately 15 miles wide as it runs along the Mendocino/Sonoma County line. From north to south the area is 36 miles long. A small segment of the viticultural area overlaps the Anderson Valley viticultural area along its northeastern boundary. This segment has been included in the "Mendocino Ridge" viticultural area because it is climatically, geologically and enologically the same as the "Mendocino Ridge" area. Again, Matt Kramer in *Making Sense of California Wine* (1992) states on page 218:

Actually, the Anderson Valley is more complicated yet. Everything so far described applies to what might be called Anderson Valley bas. There's also an Anderson Valley haut. The AVA really contains another, hidden appellation. Although not recognized as an AVA, it should be. This "hidden" appellation is the vineyards above the fog line, locally known as the "ridge vineyards." The name is apt: They are found on ridgelines above fourteen hundred feet in elevation. Technically, these vineyards are Anderson Valley AVA. In reality, they are their own world: more sun, no fog, yet subject to the cooling temperatures that come with higher elevation. (Emphasis added).

The grape growing region of the viticultural area encompasses the coastal ridge above the 1200 foot elevation entirely within the Coastal Zone in the southwest corner of Mendocino County, California. Less than one third of the entire area, or 87,466 acres, lies above 1200 feet elevation. Of these 87,466 acres, approximately 1500 to 2000 acres or 2% of the narrow timber covered ridge-tops are suitable for grape production. There are approximately 75 acres of grapes currently growing within the boundaries of the viticultural area. These 75 acres are located in isolated pockets carved out of dense redwood and douglas fir forest along the ridge-tops above the coastal fog line. Summer mornings are

characterized by "lakes of fog" with the ridge-tops protruding like "small islands" soaking up the cool morning sun.

*Topography*

The "Mendocino Ridge" area is characterized by narrow irregular ridges that have a high elevation point of 2736 feet at Cold Spring Mountain. The side-slopes are steep and timber covered, with slopes often exceeding 70%, making these areas unplatable. Because of the steepness and narrowness of the ridge-tops, farmable acreage is at a premium. Rarely in the viticultural area, does a ridge-top vineyard exceed 30 acres in one continuous block.

The "Mendocino Ridge" terrain can be sharply contrasted with the surrounding areas. To the west is the Pacific Ocean. To the northeast is the valley lowlands of the Anderson Valley viticultural area. The grapes grown in this area are planted in the fertile alluvial soils along the Navarro River. To the southeast are the long, sloping hillsides of the Yorkville benchland area. Grapes grown in this area have been traditionally planted on the bottom lands and on the hillside benches to the east of Highway 128. To the south is the Sonoma/Mendocino County line and the Sonoma Coast viticultural area.

*Soils*

The soils are unique to this triangle of rugged, timber-covered ridge-top area and have been shown to be distinct from the surrounding area's soils. Climatically, this area sits entirely within the Coastal Zone and receives the cooling influences of the Pacific Ocean which surround these ridges and peaks with fog, making these ridges into what the petitioner calls "cool, sun-soaked islands in the sky." The "Mendocino Ridge" viticultural area also receives a significantly greater amount of annual rainfall than the surrounding areas.

The soils within the "Mendocino Ridge" viticultural area have been identified by the Soil Conservation Service in a National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations and local agencies.

The area is dominated by timber type soils and is clearly separated from surrounding soils at the "Mendocino Ridge" boundary. To the west is the Pacific Ocean. To the northeast are the fertile alluvial valley soils of the Anderson Valley and to the southeast are the upland grass range soils of the

Yorkville area. To the south is the county line and the Sonoma Coast Appellation.

Moreover, the "Mendocino Ridge" viticultural area is dominated by soils that fall into the general soil category of Ustic-isomesic type soils. These soils lie mainly between 500 feet and 2000 feet elevation within the zone of coastal influence. The soil does receive some moisture added by the tree canopy which causes water to precipitate from the fog. However, the fog influence is less pronounced at the upper elevations. It is less dense and does not blanket this zone as frequently as at the lower elevations. The soils are dry for part of the summer and there is little variation between summer and winter soil temperatures at 20 inches of depth. Redwood is the most reliable indicator of this zone. Redwood can often comprise 15 to 50 percent of the tree canopy with douglas fir, tanoak, and Pacific madrone being the other dominant species. The understory vegetation is often a dense thicket of California huckleberry and tanoak.

The specific soil types that dominate the "Mendocino Ridge" viticultural area are identified as follows:

1. Zeni

This soil is moderately deep and well-drained fine-loamy type soil. Typically, the loam surface layer is underlain by a loam subsoil. Soft sandstone is at a depth of 20 to 40 inches. Slopes range from 9 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.7.

2. Yellowhound

This soil is deep and well-drained. Typically, the gravelly loam surface is underlain by an extremely gravelly loam subsoil. Hard sandstone is at a depth of 40 to 60 inches. Slopes range from 9 to 100 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.6.

3. Ornbaun

This subsoil is deep and well-drained, with little or no seasonal fluctuation in soil temperature. Typically, the loam surface layer is underlain by a loam and clay loam subsoil. Soft sandstone is found underneath at a depth of 40 to 60 inches. This soil occurs on hilly and mountainous uplands with slopes of 9 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is not available.

4. Gube

This soil is moderately deep, well-drained soil formed in material weathered from sandstone. Gube soils

are on mountains and have slopes of 30 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.4.

#### 5. Fish Rock

This soil is a shallow, well-drained soil formed in material weathered from sandstone or mudstone. Fish Rock soils are on ridgetops and upper sideslopes of coastal hills and mountains and have slopes of 2 to 30 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 4.8.

#### 6. Snook Series

This soil is a very shallow, somewhat excessively drained soil formed in material weathered from sandstone and shale. Snook soils are on mountains and have slopes of 30 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.6.

#### 7. Kibesillah

This soil is moderately deep and well-drained and was formed in material weathered from sandstone. Kibesillah soils are on hills and mountains and have slopes of 9 to 100 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.5

The above soils contrast with the soils to the northeast and southeast of the "Mendocino Ridge" viticultural area. Along the northeast border of the "Mendocino Ridge" viticultural area are the deep alluvial soils of the Anderson Valley and Mendocino viticultural area bottom land. These fertile soils were identified by the USDA soil conservation service of the Mendocino County bottom lands completed in 1973. These soils are: CeB, Cole Clay Loam Wet; JaF, Jesephine Loam; TaC, Talmadge; Gravelly Sandy Loam; SeB, San Ysidro Loam; EdA, Esparto Silt Loam, Wet; PbC, Pinole Gravelly Loam; MdB, Maywood Sandy Loam, occasionally flooded, and; FcA, Fluvents, frequently flooded. Along the southeast border of the "Mendocino Ridge" viticultural area are the Xeric-mesic soils of the Yorkville corridor east of Highway 128 along the sweeping, grassy, oak studded slopes. These soils are grass, oak, and brush covered. The Yorkville soils are subject to little or no coastal influence, unlike the soils in the "Mendocino Ridge" viticultural area which are dominated by the coastal influence. Soils are usually dry from early June to October. The soil temperature at 20 inches in depth varies by more than 9 degrees between summer and winter unlike the Ustic-isomestic soils of the "Mendocino Ridge" viticultural area which do not vary. The vegetation types commonly

found on Xeric-mesic soils are interior live oak, California black oak, Oregon white oak, Eastwood manzanita, toyon rose, bedstraw and annual bromes. The specific Xeric-mesic type soils of the Yorkville upland area contrast with the soils in the "Mendocino Ridge" viticultural area.

In summary, the soils of the "Mendocino Ridge" viticultural area are dominated by "timber" type soils with redwood, Douglas fir, tanoak, and Pacific madrone being the dominant vegetation. These soils are well drained and have little or no summer to winter soil temperature variations. In contrast, the soils of the surrounding areas are the deep alluvial Anderson Valley soils to the northeast and the upland rangeland soils of the Yorkville area to the southwest.

#### Climate

The "Mendocino Ridge" viticultural area lies entirely within the Coastal Climate Zone as defined by *The Climate Of Mendocino County*, a booklet published by the Mendocino County Farm and Home Advisors Office. The Coastal Climate Zone is cooled by the ocean influence of the Pacific. This Zone is continuous from north to south along the "Mendocino Ridge" viticultural area boundary and is commonly referred to as the redwood belt. The area is dominated by the influence of the Pacific Ocean at its western border throughout the year, unlike the area to the east of the "Mendocino Ridge" viticultural area which is within the Transitional Climate Zone. "Transitional" means the area's climate is subject to both the ocean's cooling influences and the warmth of the interior areas at different times of the year.

The "Mendocino Ridge" viticultural area is unique from other coastal viticultural areas because of its elevation of 1200 feet or higher. The elevation line being at approximately the fog line means that while the valleys may be full of coastal fog, the vineyards are fully exposed to the sun while receiving the cooling influences of the fog.

The "Mendocino Ridge" area has both a rainy and dry season of moderate temperature. The rainy season occurs from November through May. The average annual temperature for the area is about 53 degrees Fahrenheit, and the average annual precipitation is 75+ inches a year. Because of the area's coastal influence the average length of the growing season is from 275 to 300 days.

The climate in the adjacent growing regions is strikingly different. In the

Yorkville Area, east of Highway 128, long, sweeping slopes lie within the Transitional Climatic Zone, receiving much more sun and inland weather influences. These inland weather influences mean the Yorkville area's average temperatures are cooler in the winter and hotter in the summer and the growing season is shorter, averaging between 250 and 275 days in length. The average annual precipitation is only 49.46 inches a year. Source: *The Climate of Mendocino County*, Mendocino County Farm and Home Advisors Office, page 10. With regard to Anderson Valley, it lies under the fog layer, receiving fewer sunlight hours than the "Mendocino Ridge," grape growing areas which are entirely above the fogline. The average annual precipitation is only 40.68 inches a year. Source: *The Climate of Mendocino County*, Mendocino County Farm and Home Advisors Office, page 10.

#### Boundaries

The boundary lines of the "Mendocino Ridge" viticultural area closely follow the line of Coastal Zone influence, above 1200 feet elevation in the southwest corner of Mendocino County, California. The boundaries of the area may be found on the following U.S. Department of Interior Geological Survey 15 minute series Quadrangle maps:

- (1) Ornbaun Valley Quadrangle, California, 1960
- (2) Navarro Quadrangle, California, 1961.
- (3) Point Arena Quadrangle, California, 1960.
- (4) Boonville Quadrangle, California, 1959.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 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.

#### Regulatory Flexibility Act

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 consumers, and helps

consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that region. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

#### Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

#### Drafting Information

The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

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

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

#### Authority and Issuance

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

#### PART 9—AMERICAN VITICULTURAL AREAS

1. The authority citation for part 9 continues to read as follows:

**Authority:** 27 U.S.C. 205.

#### Subpart C—Approved American Viticultural Areas

**Par. 2.** Subpart C is amended by adding § 9.152 to read as follows:

\* \* \* \* \*

#### § 9.152 Mendocino Ridge.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Mendocino Ridge viticultural area are four 1:62,500 scale U.S.G.S. topographical maps. They are titled:

(1) Ornbaun Valley Quadrangle, California, 15 minute series topographic map, 1960.

(2) Navarro Quadrangle, California, 15 minute series topographic map, 1961.

(3) Point Arena Quadrangle, California, 15 minute series topographic map, 1960.

(4) Boonville Quadrangle, California, 15 minute series topographic map, 1959.

(c) *Boundary.* The Mendocino Ridge viticultural area is located within Mendocino County, California. Within

the boundary description that follows, the viticultural area starts at the 1200 foot elevation (contour line) and encompasses all areas at or above the 1200 foot elevation line. The boundaries of the Mendocino Ridge viticultural area, using landmarks and points of reference found on appropriate U.S.G.S. maps, follow.

(1) Beginning at the Mendocino/Sonoma County line at the mouth of the Gualala River, where the Gualala River empties into the Pacific Ocean, in section 27 of Township 11 North (T11N), Range 5 West (R5W), located in the southeastern portion of U.S.G.S. 15 minute series map, "Point Arena, California;"

(2) Then following the Mendocino/Sonoma County line eastward to the southeast corner of section 8 in T11N/R13W, on the U.S.G.S. 15 minute map, "Ornbaun Valley, California;"

(3) Then from the southeast corner of section 8 in T11N/R13W directly north approximately 3+ miles to the southwest corner of section 9 in T12N/R13W;

(4) Then proceeding in a straight line in a northwesterly direction to the southwestern corner of section 14 in T13N/R14W;

(5) Then directly north along the western line of section 14 in T13N/R14W to a point on the western line of section 14 approximately 1/4 from the top where the Anderson Valley viticultural area boundary intersects the western line of section 14 in T13N/R14W;

(6) Then in a straight line, in a northwesterly direction, to the intersection of an unnamed creek and the south section line of section 14, T14N/R15W, on the U.S.G.S. 15 minute series map, "Boonville, California;"

(7) Then in a westerly direction along the south section lines of sections 14 and 15 in T14N/R15W to the southwest corner of section 15, T14N/R15W, on the U.S.G.S. 15 minute series map, "Navarro, California;"

(8) Then in a northerly direction along the western section lines of sections 15, 10, and 3 in T14N/R15W in a straight line to the intersection of the Navarro River on the western section line of section 3 in T14N/R15W;

(9) Then in a northwesterly direction along the Navarro River to the mouth of the river where it meets the Pacific Ocean in section 5 of T15N/R17W;

(10) Then in a southern direction along the Mendocino/Sonoma County line to the beginning point at the mouth of the Gualala River in section 27 of T11N/R15W, on the U.S.G.S. 15 minute series map, "Point Arena, California."

Signed: September 3, 1997.

**John W. Magaw,**  
Director.

Approved: September 24, 1997.

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

[FR Doc. 97-28280 Filed 10-24-97; 8:45 am]

BILLING CODE 4810-31-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 67

[DoD Instruction 1215.17]

#### Educational Requirements for Appointment of Reserve Component Officers to a Grade Above First Lieutenant or Lieutenant (Junior Grade)

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** Publishes DoD guidelines for implementing policy, assigns responsibilities, and prescribes procedures for identifying criteria for determining educational institutions which award baccalaureate degrees that satisfy the educational requirement of officers to a grade above First Lieutenant in the Army Reserve, Air Force Reserve, and Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or the Air National Guard.

**EFFECTIVE DATE:** This rule is effective October 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Colonel Rowan W. Bronson, OASD/RA (M&P), (703) 693-7490.

**SUPPLEMENTARY INFORMATION:** It has been determined that this amendment is not a significant regulatory action. This final rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments of communities.

(2) Subject to the Regulatory Flexibility Act and does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980.

(3) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency.