

isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, into Schedule I of the Controlled Substances Act (CSA). The temporary scheduling of methylone is due to expire on October 20, 2012. This document will extend the temporary scheduling of methylone to April 20, 2013, or until rulemaking proceedings are completed, whichever occurs first.

**DATES:** *Effective Date:* October 18, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Alan G. Santos, Associate Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 307-7165.

**SUPPLEMENTARY INFORMATION:** On October 21, 2011, the Administrator of the DEA published a Final Order in the **Federal Register** (76 FR 65371) amending 21 CFR 1308.11(g) to temporarily place three synthetic cathinones, namely mephedrone (4-methyl-N-methylcathinone), MDPV (3,4-methylenedioxypyrovalerone) and methylone, into Schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). That Final Order, which became effective on the date of publication, was based on findings by the Administrator of the DEA that the temporary scheduling of these three synthetic cathinones was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). At the time the Final Order took effect, section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2) (2011)) required that the temporary scheduling of a substance expire at the end of one year from the date of issuance of the order and that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling of that substance could be extended for up to six months.<sup>1</sup> Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of the DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of Health and Human Services,<sup>2</sup> or on the petition of any interested party.

The DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse and the relative potential for abuse for these three synthetic cathinones. On March 30, 2012, the Administrator of the DEA submitted a letter to the Assistant Secretary for Health of the Department of Health and Human Services, requesting scientific and medical evaluations and scheduling recommendations for these three synthetic cathinones. In response to this letter, on August 14, 2012, the Assistant Secretary provided to DEA a scientific and medical evaluation and recommendation that methylone be placed in Schedule I.<sup>3</sup> Proceedings regarding methylone have been initiated in accordance with 21 U.S.C. 811(a)(1). Therefore, pursuant to 21 U.S.C. 811(h)(2), the Administrator of the DEA hereby orders that the temporary scheduling of methylone, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, is extended to April 20, 2013, or until rulemaking proceedings are completed, whichever occurs first.

In accordance with this Final Order, the Schedule I requirements for handling methylone including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, will remain in effect until April 20, 2013, or until rulemaking proceedings are completed, whichever occurs first.

Pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act) (5 U.S.C. 801-808), DEA has submitted a copy of this Final Order to both Houses of Congress and to the Comptroller General.

Dated: October 10, 2012.

**Michele M. Leonhart,**  
*Administrator.*

[FR Doc. 2012-25510 Filed 10-17-12; 8:45 am]

**BILLING CODE 4410-09-P**

<sup>1</sup> On July 9, 2012, President Obama signed the Food and Drug Administration Safety and Innovation Act (Pub. L. 112-144) (FDASIA), which amended section 201(h)(2) of the CSA to extend the timeframes applicable to temporary scheduling.

<sup>2</sup> Because the Secretary of the Department of Health and Human Services has delegated to the Assistant Secretary for Health of the Department of Health and Human Services the authority to make domestic drug scheduling recommendations, for purposes of this Final Order, all subsequent

references to "Secretary" have been replaced with "Assistant Secretary."

<sup>3</sup> Section 1152 of FDASIA controlled mephedrone and MDPV as Schedule I controlled substances, but it did not similarly control methylone. Accordingly, HHS provided a Scientific and Medical Evaluation and Scheduling Recommendation for methylone, recommending that methylone be placed in Schedule I.

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

#### Discharge of Liens; Redemption by United States

##### *CFR Correction*

In Title 26 of the Code of Federal Regulations, Parts 300 to 499, revised as of April 1, 2012, on page 563, in § 301.7425-4, in paragraph (b)(5) *Example 1*, at the end of the third sentence, "\$1,000" is corrected to read "\$100,000".

[FR Doc. 2012-25795 Filed 10-17-12; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

[Docket No. TTB-2012-0003; T.D. TTB-108; Ref: Notice No. 128]

**RIN 1513-AB85**

#### Establishment of the Ancient Lakes of Columbia Valley Viticultural Area

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the 162,762-acre "Ancient Lakes of Columbia Valley" viticultural area in Douglas, Grant, and Kittitas Counties in central Washington. The viticultural area lies entirely within the larger Columbia Valley viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

**DATES:** *Effective Date:* November 19, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G St. NW., Box 12, Washington, DC 20005; phone 202-453-1039, ext. 175.

**SUPPLEMENTARY INFORMATION:**

#### Background on Viticultural Areas

##### *TTB Authority*

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations

for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120-01 (Revised), dated January 21, 2003, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas and lists the approved American viticultural areas.

#### *Definition*

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

#### *Requirements*

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of American viticultural

areas. Such petitions must include the following:

- Evidence that the area within the proposed viticultural area boundary is nationally or locally known by the viticultural area name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed viticultural area;
- A narrative description of the features of the proposed viticultural area that affect viticulture, such as climate, geology, soils, physical features, and elevation, and that make the proposed viticultural area distinctive and distinguish it from adjacent areas outside the proposed viticultural area boundary;
- A copy of the appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed viticultural area, with the boundary of the proposed viticultural area clearly drawn thereon; and
- A detailed narrative description of the proposed viticultural area boundary based on USGS map markings.

#### **Ancient Lakes of Columbia Valley Petition**

TTB received a petition from Joan R. Davenport, a professor of soil sciences at Washington State University, and Cameron Fries of White Heron Cellars, on behalf of the vintners and grape growers in the Ancient Lakes region of central Washington, proposing the establishment of the "Ancient Lakes of Columbia Valley" viticultural area. The proposed viticultural area contains 162,762 acres, with 1,399 acres dedicated to 6 commercially-producing vineyards. The petition states that there are also six wineries located within the proposed viticultural area. The petition includes a map showing that the vineyards and wineries are dispersed throughout the proposed viticultural area.

TTB notes that the proposed Ancient Lakes of Columbia Valley viticultural area lies completely within the existing Columbia Valley viticultural area (27 CFR 9.74). The proposed viticultural area does not overlap with any other existing or proposed viticultural areas.

#### **Notice of Proposed Rulemaking and Comments Received**

TTB published Notice No. 128 in the **Federal Register** on May 8, 2012 (77 FR 27001), proposing to establish the Ancient Lakes of Columbia Valley viticultural area. In the proposed rule, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed viticultural area. The

distinguishing features of the proposed viticultural area include climate, topography, and soils. The proposed rule contained a comparison of the distinguishing features of the proposed viticultural area with the surrounding regions. Notice No. 128 also contained a comparison of the proposed viticultural area with the existing Columbia Valley viticultural area detailing how the distinguishing features of the proposed viticultural area are consistent with, and distinct from, the established Columbia Valley viticultural area. For a description of the evidence relating to the name, boundary, and distinguishing features of the proposed viticultural area, see Notice No. 128.

In Notice No. 128, TTB solicited comments on the accuracy of the name, boundary, climatic, and other required information submitted in support of the petition. In addition, given the proposed viticultural area's location within the existing Columbia Valley viticultural area, TTB also solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed viticultural area sufficiently differentiates the proposed viticultural area from the existing Columbia Valley viticultural area. TTB also asked for comments on whether the geographical features of the proposed viticultural area are so distinguishable from the surrounding Columbia Valley viticultural area that the proposed Ancient Lakes of Columbia Valley viticultural area should no longer be part of the existing viticultural area. The comment period closed on July 9, 2012.

In response to Notice No. 128, TTB received a total of three comments regarding the proposed viticultural area: One from Cameron Fries, one of the original petitioners; one from the executive director of a Washington State non-profit wine tourism promotion association; and one from the City Administrator of Quincy, Washington, commenting on his own behalf. All three commenters supported the establishment of the Ancient Lakes of Columbia Valley viticultural area as proposed in Notice No. 128. TTB received no comments in opposition of the Ancient Lakes of Columbia Valley viticultural area as proposed. In regards to the question of whether the Ancient Lakes of Columbia Valley viticultural area was so distinct that it should be separated from the existing Columbia Valley viticultural area, TTB received no comments.

#### **TTB Determination**

After careful review of the petition and the comments received in response

to Notice No. 128, TTB finds that the evidence provided by the petitioner supports the establishment of the 162,762-acre Ancient Lakes of Columbia Valley viticultural area within the Columbia Valley viticultural area. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and part 4 of the TTB regulations, TTB establishes the “Ancient Lakes of Columbia Valley” viticultural area in Douglas, Grant, and Kittitas Counties, Washington, effective 30 days from the publication date of this document.

#### *Boundary Description*

See the narrative boundary description of the viticultural area in the regulatory text published at the end of this final rule.

#### *Maps*

The petitioners provided the required maps, and TTB lists them below in the regulatory text.

#### **Impact on Current Wine Labels**

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine’s true place of origin. With the establishment of this viticultural area, its name, “Ancient Lakes of Columbia Valley,” is recognized as a name of viticultural significance under 27 CFR 4.39(i)(3), as the text of this regulation makes clear. Once this regulation becomes effective, wine bottlers using “Ancient Lakes of Columbia Valley” in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the viticultural area’s name as an appellation of origin.

The establishment of the Ancient Lakes of Columbia Valley viticultural area will not affect any existing viticultural area, and any bottlers using “Columbia Valley” as an appellation of origin or in a brand name for wines made from grapes grown within the Ancient Lakes of Columbia Valley viticultural area will not be affected by the establishment of this new viticultural area. The establishment of the Ancient Lakes of Columbia Valley viticultural area will allow vintners to use “Ancient Lakes of Columbia Valley” and “Columbia Valley” as appellations of origin for wines made from grapes grown within the Ancient Lakes of Columbia Valley viticultural area.

For a wine to be eligible to use a viticultural area name as an appellation of origin or a term of viticultural significance in a brand name, at least 85 percent of the wine must be derived

from grapes grown within the area represented by that name or term, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible to use the viticultural area name as an appellation of origin and that name or other term of viticultural significance appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name or other term of viticultural significance appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing a viticultural area name or other term of viticultural significance that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

#### **Regulatory Flexibility Act**

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor’s efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

#### **Executive Order 12866**

This final rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, no regulatory assessment is required.

#### **Drafting Information**

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

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

Wine.

#### **The Regulatory Amendment**

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, 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**

- 2. Subpart C is amended by adding § 9.227 to read as follows:

#### **§ 9.227 Ancient Lakes of Columbia Valley.**

(a) *Name.* The name of the viticultural area described in this section is “Ancient Lakes of Columbia Valley”. For purposes of part 4 of this chapter, “Ancient Lakes of Columbia Valley” is a term of viticultural significance.

(b) *Approved maps.* The 12 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Ancient Lakes of Columbia Valley viticultural area are titled:

- (1) West Bar, Washington, 1966;
- (2) Rock Island Dam, Washington, 1966;
- (3) Appledale, Washington, 1966, photoinspected 1976;
- (4) Monument Hill, Washington—Grant County, 1966;
- (5) Ephrata SW., Washington—Grant County, 1956;
- (6) Winchester, Washington—Grant County, 1966;
- (7) Winchester SW., Washington—Grant County, 1966, photorevised 1978;
- (8) Royal City, Washington—Grant County, provisional edition 1986 (formerly named Smryna);
- (9) Beverly NE., Washington—Grant County, 1965;
- (10) Vantage, Washington, 1965, photorevised 1978;
- (11) Ginkgo, Washington, 1953, photorevised 1978; and
- (12) Cape Horn SE., Washington, 1966, photoinspected 1975.

(c) *Boundary.* The Ancient Lakes of Columbia Valley viticultural area is located in Douglas, Grant, and Kittitas Counties in central Washington. The boundary of the Ancient Lakes of Columbia Valley viticultural area is as described below:

(1) The beginning point is on the West Bar map where the western shoreline of the Columbia River in Kittitas County intersects with the north boundary line of section 8, T20N/R22E. Proceed east along the section boundaries for approximately 4.35 miles, over the Columbia River and into Douglas County, to the intersection of the line with the Grant and Douglas Counties common boundary line (concurrent with the R22E and R23E common line) at the northwest corner of section 12, T20N/R22E; then

(2) Proceed north along the Grant and Douglas Counties common boundary line for approximately 2.25 miles, onto the Rock Island Dam map, to the northwest corner of section 31, T21N/R23E; then

(3) Proceed east in a straight line along the section boundaries for approximately 12.1 miles, over the Appledale and Monument Hills maps, onto the Ephrata SW map to the

intersection of the line with the R24E and R25E common line at the northwest corner of section 36, T21N/R24E; then

(4) Proceed south along the R24E and R25E common line for approximately 22.5 miles, over the Winchester and Winchester SW maps, onto the Royal City map, passing over the West Canal and into the Frenchman Hills, to the southwest corner of section 12, T17N/R24E (concurrent with the intersection of the R24E and R25E common line and a single transmission line); then

(5) Proceed west in a straight line along the section boundaries (marked for 3 sections by the single transmission line) for approximately 4 miles, onto the Beverly NE map, to the southwest corner of section 9, T17N/R24E; then

(6) Proceed north in a straight line along the section boundary for approximately 1 mile to the northwest corner of section 9, T17N/R24E; then

(7) Proceed west in a straight line along the section boundaries for approximately 7.9 miles, onto the Vantage map, crossing over Interstate Route 90 and Columbia River, to the western shoreline of the Columbia River, at Hole in the Wall in Kittitas County, section 6, T17N/R23E; and then

(8) Proceed north along the western shoreline of the meandering Columbia River for approximately 23.3 miles, crossing over the Ginkgo and Cape Horn SE maps, and onto the West Bar map, returning to the beginning point.

Signed: September 18, 2012.

**John J. Manfreda,**  
*Administrator.*

Approved: September 27, 2012.

**Timothy E. Skud,**  
*Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).*

[FR Doc. 2012-25639 Filed 10-17-12; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2012-0909]

#### Drawbridge Operation Regulations; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, Hempstead, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing

the operation of the Wantagh State Parkway Bridge across the Sloop Channel, mile 15.4, at Jones Beach, New York. The deviation is necessary to install bascule girders at the bridge. This deviation allows the bridge to remain in the closed position.

**DATES:** This deviation is effective from October 8, 2012 through November 16, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0909 and are available online at [www.regulations.gov](http://www.regulations.gov), inserting USCG-2012-0909 in the "Keyword" and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, [judy.k.leung-yee@uscg.mil](mailto:judy.k.leung-yee@uscg.mil), telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Wantagh State Parkway Bridge has a vertical clearance in the closed position of 20 feet at mean high water and 23 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.5.

The New York Department of Transportation requested a temporary deviation to facilitate installation and painting of bascule girders at the bridge. The waterway has seasonal recreational vessels and fishing vessels of various sizes. We contacted the New York Marine Trades Association and no objections were received.

We did not receive 30-days advance notice for this temporary deviation; however, the Coast Guard is approving this temporary deviation because this girder installation and painting must be performed during mild climate conditions to facilitate the painting operations and allow the new bridge construction to continue on schedule. Additional notice to the public will be provided in the Local Notice to Mariners and via a broadcast notice to mariners.

Under this temporary deviation the Wantagh State Parkway Bridge at mile 15.4, across Sloop Channel, shall operate between October 8, 2012 and November 16, 2012, as follows:

Monday through Friday the bridge may remain closed to vessel traffic from 6:30 a.m. through 12 p.m. and from 12:15 p.m. through 5 p.m.

Saturday and Sunday the bridge shall open on signal between 7:30 a.m. and 8:30 p.m. after at least a thirty minute advance notice is given by calling the number posted at the bridge.

At all other times the bridge shall open on signal after at least a thirty minute advance notice is given by calling the number posted at the bridge.

Vessels that can pass under the bridge during the closed periods without a bridge opening may do so at all times. There are no alternate routes for vessel traffic.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 5, 2012.

**Gary Kassof,**  
*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2012-25542 Filed 10-17-12; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2011-0372; FRL-9741-8]

#### Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standards in the Sacramento Metro Nonattainment Area in California

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is determining that the Sacramento Metro 1-hour ozone nonattainment area (Sacramento Metro Area) has attained the revoked National Ambient Air Quality Standard (1-hour ozone NAAQS or standard), and to exclude certain 2008 data caused by wildfire exceptional events. These air quality determinations were proposed in conjunction with a proposed determination to terminate the State of California's obligations regarding 1-hour ozone section 185 fee program SIP provisions for the Sacramento Metro Area. In this notice, EPA is finalizing only that portion of its notice of proposed rulemaking that determines that the Sacramento Metro Area has attained the 1-hour ozone standard, and that excludes certain exceedances as caused by ozone exceptional events.