

on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this amendment.

#### *Executive Orders 12866 and 13563*

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules governing the conduct of this function are exempt from the requirements of Executive Order 12866. Because this rulemaking concerns a foreign affairs function of the United States, the Department of State has determined that public participation in this rulemaking under Section 2 of Executive Order 13563 is not required.

#### *Executive Order 12988*

The Department of State has reviewed the amendment in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

#### **List of Subjects in 22 CFR Part 126**

Arms and munitions, Exports.

Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, part 126, is amended as follows:

#### **PART 126—GENERAL POLICIES AND PROVISIONS**

■ 1. The authority citation for part 126 continues to read as follows:

**Authority:** Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791 and 2797); E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p.79; 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p.899; Sec. 1225, Pub. L. 108–375.

■ 2. Section 126.1 is amended by revising paragraphs (c) and (k) to read as follows:

#### **§ 126.1 Prohibited exports and sales to certain countries.**

\* \* \* \* \*

(c) *Exports and sales prohibited by United Nations Security Council embargoes.* Whenever the United Nations Security Council mandates an arms embargo, all transactions that are prohibited by the embargo and that involve U.S. persons (see § 120.15 of this chapter) anywhere, or any person in the United States, and defense articles or services of a type enumerated on the United States Munitions List (22 CFR part 121), irrespective of origin, are prohibited under the ITAR for the duration of the embargo, unless the Department of State publishes a notice in the **Federal Register** specifying different measures. This would include, but is not limited to, transactions involving trade by U.S. persons who are located inside or outside of the United States in defense articles or services of U.S. or foreign origin that are located inside or outside of the United States. United Nations Arms Embargoes include, but are not necessarily limited to, the following countries:

- (1) Cote d'Ivoire.
  - (2) Democratic Republic of Congo (see also paragraph (i) of this section).
  - (3) Iraq.
  - (4) Iran.
  - (5) Lebanon.
  - (6) Liberia.
  - (7) Libya (see also paragraph (k) of this section).
  - (8) North Korea.
  - (9) Sierra Leone.
  - (10) Somalia.
  - (11) Sudan.
- \* \* \* \* \*

(k) *Libya.* It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in Libya, except where it determines, upon case-by-case review, that the transaction (or activity) is not prohibited under applicable U.N. Security Council resolutions and that the transaction (or activity) is in furtherance of the national security and foreign policy of the United States.

\* \* \* \* \*

Dated: May 17, 2011.

**Ellen O. Tauscher,**  
*Under Secretary, Arms Control and International Security, Department of State.*  
[FR Doc. 2011–12621 Filed 5–23–11; 8:45 am]

**BILLING CODE 4710–25–P**

#### **DEPARTMENT OF THE TREASURY**

#### **Alcohol and Tobacco Tax and Trade Bureau**

#### **27 CFR Part 9**

[Docket No. TTB–2010–0005; T.D. TTB–93; Ref: Notice No. 108]

RIN 1513–AB55

#### **Establishment of the Antelope Valley of the California High Desert Viticultural Area**

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

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

**SUMMARY:** This Treasury decision establishes the 665-square mile "Antelope Valley of the California High Desert" American viticultural area in Los Angeles and Kern Counties, California. The Alcohol and Tobacco Tax and Trade Bureau 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:* June 23, 2011.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth C. Kann, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G St., NW., Room 200E, Washington, DC 20220; phone 202–453–2002.

#### **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 requires that these regulations, 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 regulations promulgated under the FAA Act.

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) contains the list of approved 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 distinguishable by geographical features, the boundaries of which have been recognized and defined 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 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;
- Evidence relating to the geographic features, such as climate, soils, elevation, and physical features, that distinguish the proposed viticultural area from surrounding areas;
- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and
- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

#### **Antelope Valley of the California High Desert Petition**

Mr. Ralph Jens Carter, on behalf of the Antelope Valley Winegrowers Association, submitted a petition proposing to establish the Antelope Valley of the California High Desert viticultural area. The proposed viticultural area covers 665 square miles, and lies in inland southern California, approximately 50 miles north of the Los Angeles metropolitan area. TTB notes that the proposed viticultural area is not within, does not contain, and does not overlap any existing or currently proposed viticultural area. In 2007, the proposed viticultural area included 128 planted

acres in 16 commercial vineyards, and 2 bonded wineries, according to a listing in the petition exhibits.

The distinguishing features of the proposed Antelope Valley of the California High Desert viticultural area are climate, geology, geography, and soils, according to the petition. The Antelope Valley is surrounded by mountains on three sides and by a desert on the other side; it has an arid climate, desert soils, and a valley geomorphology. The evidence submitted in support of establishing the proposed viticultural area is summarized below.

#### *History of Agriculture and Viticulture in the Antelope Valley*

For an estimated 11,000 years, various cultures have populated the Antelope Valley region, according to the petitioner. Native American tribes, traveling north from what is now Arizona and New Mexico, used the valley as a trade route.

In the 1880s and early 1890s, Antelope Valley had ample rainfall and available surface water for farming. When settlers needed irrigation for farming, they initially used water from mountain streams, but eventually they dug wells into underground water reservoirs.

The petition states that early viticulture in the Antelope Valley area consisted of two growers in Lancaster (“Directory of the Grape Growers and Winemakers in California,” Compiled by Clarence J. Wetmore, Secretary of the Board of State Viticulture Commissioners, 1888). By 1893, viticulture in the area grew to 239 acres of vines, 6.5 acres of wine grapes, and 8 growers (“Vineyards of Southern California,” E.C. Bichowsky, California Board of State Viticultural Commissioners, 1893).

A drought in 1894 and Prohibition (1919–1933) ended viticulture in Antelope Valley, according to the petition. However, in the early 20th century, water supplies for general farming in the valley became dependable as gasoline engines and electric pumps came into use. In 1913, the Los Angeles Aqueduct, extending from Owens Valley in southeastern California to Los Angeles, was built. Bordering the north side of Antelope Valley, the Los Angeles Aqueduct also helped revive the agricultural economy in the valley. Viticulture restarted in 1981, when Steve Godde planted 5 acres to grapevines on the west side of the valley.

#### *Name Evidence*

The name “Antelope Valley of the California High Desert” combines the name recognition of the valley and the California high desert area into a single geographic descriptor, according to the petitioner. The modifier “California High Desert” distinguishes the proposed viticultural area from other places in California and elsewhere also called “Antelope Valley;” “California High Desert” is commonly used by area inhabitants to distinguish and identify the Antelope Valley located in the high desert in southeastern California. According to the Geographic Names Information System (GNIS) maintained by the USGS, the “Antelope Valley” name identifies 35 geographical locations in 10 States, including 9 locations in California.

The petition contains several documents and citations that refer to the “Antelope Valley” in Los Angeles and Kern Counties, as follows: The USGS 1974 photorevised Little Buttes Quadrangle map; the 1977 Geologic Map of California, compiled by Charles W. Jennings; the 2005 DeLorme Southern and Central California Atlas and Gazetteer; the California Air Resources Board Web site; and the 2001 edition California State Automobile Association (CSAA) Coast and Valley map. The petition also includes excerpts of the 2006 Antelope Valley AT&T telephone directory listing more than 80 entities—businesses, churches, and health care providers, a college, a high school district, and a chamber of commerce—with “Antelope Valley” in their names.

References to the “High Desert” in the proposed viticultural area name include an excerpt from the 2006 Antelope Valley AT&T telephone directory. The telephone directory lists 25 entities in the subject Antelope Valley area—businesses, health care providers, a school, a church, and a hospital—with “High Desert” in their names.

Also of relevance, Antelope Valley is described as “Medium to high desert of California and southern Nevada” in the “Sunset Western Garden Book” (Kathleen Norris Brenzel, editor, eighth edition, January 2007, Sunset Publishing Corporation, Menlo Park, California), which is discussed in more detail below.

#### *Boundary Evidence*

The Antelope Valley region is a wedge-shaped portion of the western Mojave Desert, according to the petitioner. The north and west sides of the wedge border the Tehachapi Mountains; the south side of the wedge borders the San

Gabriel Mountains, the Sierra Pelona Mountains, and Portal Ridge. The east side is an open continuation of the Mojave Desert.

The boundary line for the proposed Antelope Valley of the California High Desert viticultural area defines an area in the greater Antelope Valley region. The area within the proposed viticultural area boundary line has similar climate, geology, geography, and soils. These geographical features are distinct from the geographical features in the areas outside the boundary of the proposed viticultural area.

The proposed northern portion of the boundary line is defined by a portion of the Los Angeles Aqueduct, roads, elevation lines, a trail, the southwest perimeter of the Edwards Air Force Base

(AFB), and a series of staircase section lines on the USGS map. The proposed eastern portion of the boundary line is defined by a section line. The proposed southern portion of the boundary line is defined by elevation lines and a portion of the California Aqueduct system, which runs along the foothills of the surrounding mountains. The proposed western portion of the boundary line is defined by a portion of the Los Angeles Aqueduct. No part of Edwards AFB lies within the proposed viticultural area.

*Distinguishing Features*

The distinguishing features of the proposed Antelope Valley of the California High Desert viticultural area include climate, geology, geography, and soils, according to the petition.

Climate

The petition states that, in most years, summers in the Antelope Valley are hot and dry, and winters are relatively cold (Soil Survey of the Antelope Valley Area, California, 1970, U.S. Department of Agriculture, Soil Conservation Service, in cooperation with the University of California Agricultural Experiment Station). Annual precipitation in the valley ranges from 4 to 9 inches, with little or no snow. The growing season is 240 to 260 days long. The table below summarizes the climate data presented in the petition for the Antelope Valley and the surrounding areas. The data are discussed in the text below.

ANNUAL PRECIPITATION, GROWING SEASON LENGTH, WINTER LOW TEMPERATURES, SUNSET CLIMATE ZONE, AND WINKLER CLIMATE REGION FOR ANTELOPE VALLEY AND THE SURROUNDING AREAS

Location	Antelope Valley	North	East	Southeast	South central	Southwest	West
	Within	Tehachapi Mountains	Victorville and Edwards AFB	San Gabriel Mountains transitioning to higher elevations	San Gabriel Mountains, lower elevations	San Gabriel Mountains, higher elevations	Sandberg
Annual precipitation (in.)	4–9	12–20	1.4–5	10–20	10–20	9–20	14–16
Growing season (days)	240–260	50–100	215–235	170–190	220–240	100–150	50–100
Sunset climate zone*	11	1A	10	7	18	2A	1A
Winkler region/ degree days**	V (4,600)	No Data	V (4,900)	No Data	No Data	No Data	III (3,370)

\* See the “Sunset Western Garden Book” (Brenzel), discussed below.

\*\* See “General Viticulture” (Winkler), discussed below.

Hot summers, cold winters, and widely varying daily temperatures characterize the climate in the Antelope Valley, according to the petition. On average, 110 days a year have high temperatures above 90 degrees F, but nights are mild. The growing season extends from mid-March to early November. Winter low temperatures range from 6 to 11 degrees F.

In the mountainous areas to the south, west, and north of the Antelope Valley, summers are cool and winters are cold, according to the petition. To the west, in addition to the mountainous region, are areas of lower elevation terrain with a longer and warmer growing season conducive to successful viticulture. Annual precipitation is 9 to 20 inches, significantly more than the 4 to 9 inches of precipitation in the valley; consequently, it increases the groundwater supply in the valley. The growing season in the mountains ranges from 50 to 240 days, as compared to the growing season in the proposed viticultural area which ranges from 240 to 260 days.

Northeast of the proposed viticultural area lies Edwards AFB, for which climate data related to agriculture or viticulture is limited, according to the

petition. To the southeast, in an Antelope Valley-Mojave Desert transition zone, summers are hot; winters are mild with neither severe cold nor high humidity. The growing season of this transition zone is 170 to 190 days—shorter than that in the Antelope Valley.

There are 24 climate zones within the continental western United States, according to the “Sunset Western Garden Book” (Brenzel). Sunset climate zones are based on factors such as winter minimum temperatures, summer high temperatures, length of the growing season, humidity, and rainfall patterns. These factors are determined by latitude, elevation, ocean proximity and influence, continental air, hills and mountains, and local terrain. Climate in Sunset climate zone 1 is the harshest cold weather, and climate in Sunset climate zone 24 is the mildest.

The Antelope Valley lies in Sunset climate zone 11, “Medium to high desert of California and southern Nevada,” according to the petition. Different Sunset climate zones exist in areas 11 miles or less to the north, west, and south of the Antelope Valley. The Tehachapi Mountains, to the north, and Sandberg, to the west, are in Sunset

climate zone 1A, “Coldest mountains and intermountain areas throughout the contiguous states and southern British Columbia.” Winter low temperatures are 0 to 11 degrees F. The growing season in climate zone 1A generally lasts from end of May to the first part of September, and summers are mild. To the south, in the higher elevations of the San Gabriel Mountains, lies Sunset climate zone 2A, “Cold Mountain and Inter-Mountain’ Areas.” Winter low temperatures are 10 to 20 degrees F.

The lower-elevation areas of the San Gabriel Mountains south of the Antelope Valley lie in Sunset climate zone 18, “Above and below the thermal belts in Southern California’s interior valleys.” The growing season in climate zone 18 can extend from the end of March to late November. Winter low temperatures average between 7 and 22 degrees F. The lower-elevation areas of the San Gabriel Mountains are intermediate zones where the Antelope Valley transitions to the part of the San Gabriel Mountains in Sunset climate zone 2A.

Southeast of the Antelope Valley, where the San Gabriel Mountains transition to higher elevations, lies Sunset climate zone 7, “California’s

Gray Pine Belt.” The growing season in climate zone 7, from late April to early October, extends from 170 to 190 days. Summers are hot, and winters are mild. Winter low temperatures average between 26 to 35 degrees F.

The area to the east of the Antelope Valley, near Victorville and Edwards AFB, lies in Sunset climate zone 10, “High desert areas of Arizona and New Mexico.” This zone includes the part of the Mojave Desert near the California-Nevada border. Climate zone 10’s growing season, early April to November, averages 225 days. Winter low temperatures average between 22 to 25 degrees F.

The Winkler climate classification system uses heat accumulation during the growing season to define climatic regions for viticulture (“General Viticulture,” by Albert J. Winkler, University of California Press, 1974, pp. 61–64). As a measurement of heat accumulation during the growing season, 1 degree day accumulates for each degree Fahrenheit that a day’s mean temperature is above 50 degrees, the minimum temperature required for grapevine growth. Climatic region I has less than 2,500 growing degree days per year; region II, 2,501 to 3,000; region III, 3,001 to 3,500; region IV, 3,501 to 4,000; and region V, 4,001 or more.

The proposed Antelope Valley of the California High Desert viticultural area has an annual average heat accumulation of 4,600 degree days and therefore is in Winkler climate region V, according to the petition. The areas to the east, also in Winkler region V, have a greater annual heat accumulation (4,900 degree days) but a shorter growing season (215 to 235 days)

compared to the proposed viticultural area. Sandberg, to the west of the Antelope Valley, is in Winkler region III. Most mountainous areas surrounding the Antelope Valley are not assigned to a Winkler climate region because they are too cold to support commercial viticulture.

**Geology**

Geology has influenced the topography of the Antelope Valley, the surrounding mountains, and the neighboring desert, according to the petition. The distinguishing geologic features of the proposed viticultural area are valley fill, alluvial soils, diverging fault lines, and relatively young rocks.

The topography of the Mojave Desert of California, of which the Antelope Valley is a part, varies from fault scarps and playas to surrounding hills and mountains. Valley fill is thickest in the Antelope Valley, in the westernmost part of the Mojave Desert.

The Antelope Valley region is a geologically old basin that more recent alluvium has filled. Intermittent and ephemeral streams drain into two playas within the basin: Rosamond and Rogers Dry Lakes (U.S. Department of Agriculture, Soil Conservation Service). The valley landform resulted from a depression at the intersection of diverging fault lines from branches of the Garlock and San Andreas Faults. The valley’s steep vertical relief evolved from a strike slip on the San Andreas Fault or an associated, branching fault.

The relatively young age of the alluvial fill within the proposed viticultural area contrasts with the age of rocks in the surrounding areas, according to the petition. The rocks in the Antelope Valley region date

primarily to the Cenozoic Era (65.5 million years ago to recent). The alluvial fill is Quaternary (2 million years ago to recent). Surrounding the Antelope Valley region, the rocks generally date to the Cretaceous Period (65 to 136 million years ago), the Jurassic Period (136 to 190 million years ago), and the Triassic Period (190 to 225 million years ago).

Plutonic rocks are predominant in the mountainous areas surrounding the proposed viticultural area boundary line. They include crystalline, granite, quartz diorite, quartz monzonite, and granodiorite. These rocks, the granite and diorite granite rocks in particular, weathered to form mainly consolidated and unconsolidated, mostly nonmarine alluvium on the valley floor. However, Oso Canyon, at the western tip of the valley, is a sedimentary bed dating to the Miocene epoch (about 23 to 5 million years ago).

**Geography**

The terrain of the proposed Antelope Valley of the California High Desert viticultural area is characterized by significant uniformity and continuity, according to the petition. Slopes are level or nearly level on the valley floor, but range to gently sloping to moderately sloping on rises at the upper elevations of the terraces and alluvial fans. And, although the proposed viticultural area is approximately 52 miles wide, elevation varies only 838 feet, as shown on the USGS maps. The elevation of the surrounding mountains varies from that of the valley by approximately 450 to 4,900 feet, as shown on the USGS maps and the table below.

**ELEVATION OF LOCATIONS IN THE ANTELOPE VALLEY AND SURROUNDING AREAS**

Location	Area	Distance from proposed viticultural area (miles)	Direction from proposed viticultural area	Elevation (feet)
Antelope Valley .....	Greater Antelope Valley region ....	0	Within .....	2,300–3,100
Double Mountain .....	Tehachapi Mountains .....	10.5	North .....	7,981
Soledad Mountain .....	Rosamond Hills .....	2	North .....	4,500
Silver Peak .....	Shadow Mountains .....	16	East .....	4,043
Burnt Peak .....	Liebre Mountains .....	6	South .....	5,888
Mount McDill .....	Sierra Pelona Range .....	6.25	South .....	5,187
Pine Peak .....	Liebre Mountains .....	2.25	West .....	3,555

**Soils**

The proposed Antelope Valley of the California High Desert viticultural area lies on the western rim of an old alluvial basin with interior drainage by intermittent and ephemeral streams (U.S. Department of Agriculture, Soil Conservation Service). The proposed

boundary line closely follows the highest elevations of the alluvial fans and terraces of the basin.

The soils in the Antelope Valley formed in alluvium weathered from granite and other rocks in the surrounding mountains, according to the petition. The soils are: very deep

loamy fine sand to loam and silty clay; well drained and well aerated in the root zone; and mineral rich with low to moderate fertility. The available water capacity ranges from 5 to 12 inches.

The predominant soils in the proposed viticultural area are the Hesperia-Rosamond-Cajon, Adelanto,

Arizo, and Hanford-Ramona-Greenfield associations. These soils formed in alluvium derived from granitic rock on alluvial fans and terraces. Generally, they vary in drainage, slope, elevation, and natural vegetation.

The Hesperia-Rosamond-Cajon association consists of moderately well drained to excessively drained soils on 0 to 15 percent slopes. Elevations range from 2,400 to 2,900 feet. Natural vegetation includes annual grasses, forbs [wild flowers], Joshua tree, Mormon tea, rabbit brush, and large sagebrush.

The Adelanto association consists of well drained soils on 0 to 5 percent slopes. Elevations range from 2,450 to 2,800 feet. Natural vegetation consists of annual grasses and forbs and in some areas desert stipa, sagebrush, creosote bush, Joshua tree, and juniper.

The Arizo association consists of excessively well drained soils on 0 to 5 percent slopes. Elevations range from 2,950 to 3,100 feet. Natural vegetation includes annual grasses, forbs, creosote bush, Mormon tea, and rabbit brush.

The Hanford-Ramona-Greenfield association consists of well drained soils on 0 to 30 percent slopes. Elevations range from 2,600 to 3,900 feet. Natural vegetation includes annual grasses and forbs and, in scattered areas, juniper.

Unlike the soils in the Antelope Valley, the soils on the surrounding uplands are generally shallow, excessively well drained, coarse sandy loam, and available water capacity is 1.5 to 7 inches. Included with the soils in the Antelope Valley are saline soils in small, scattered areas within the proposed viticultural area. Outside the proposed viticultural area, near Rosamond and Rogers Lakes, saline soils appear as larger areas. TTB notes that saline soils are not suitable for agriculture, including viticulture.

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

TTB published Notice No. 108 regarding the proposed Antelope Valley of the California High Desert viticultural area in the **Federal Register** (75 FR 53877) on September 2, 2010. In that notice, TTB invited comments from all interested persons by November 1, 2010. TTB solicited comments on the sufficiency and accuracy of the name, boundary, climate, soils, and other required information submitted in support of the petition. TTB expressed particular interest in receiving comments regarding whether there would be a conflict between the term "Antelope Valley of the California High

Desert" and any currently used brand names.

In response to that notice, TTB received 16 comments, 15 of which expressed support for establishing the proposed viticultural area. Most of the comments expressed the belief that Antelope Valley of the California High Desert is a unique grape-growing area, and several comments specifically noted that the proposed viticultural area's climate, geology, geography, and soils are distinctive as compared to the neighboring areas. Other comments generally agreed with the petition's description of the area's distinguishing features.

One comment opposed the establishment of the proposed viticultural area, contending that the area is not locally or nationally recognized for its grape-growing and wine production, and that the petition lacks ample historical or current evidence to support the proposed boundaries. In a subsequent comment responding to the opposing commenter, the petitioners highlighted the portions of the petition and its exhibits that provided the historical and current evidence of the area's name recognition and its proposed boundaries. The petitioners' evidence included the city library's local history webpage, various maps of the area, the Geographical Names Information System of the U.S. Geological Survey, and detailed descriptions of the differences in the geology, soils, climate, elevation, and rainfall on each side of the proposed boundary line. This evidence was not refuted by the opposing commenter.

TTB also notes that the opposing comment relied upon some assertions not relevant to TTB's determination regarding the establishment of a viticultural area, such as statements about whether it is apparent that one is entering or leaving a viticultural area when traveling through the region.

#### **TTB Finding**

After careful review of the petition and the comments received, TTB finds that the evidence submitted supports the establishment of the proposed viticultural area. Accordingly, under the authority of the Federal Alcohol Administration Act and part 4 of TTB's regulations, TTB establishes the "Antelope Valley of the California High Desert" viticultural area in Los Angeles and Kern Counties, California, 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 notice. In this final rule, TTB altered some of the language in the written boundary description provided in the petition and published as part of Notice No. 108. TTB made these alterations in the written boundary description language for clarity and to conform the written boundary description to the boundary of the proposed viticultural area as marked on the USGS maps submitted with the petition.

#### *Maps*

The maps for determining the boundary of the viticultural area are listed 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, "Antelope Valley of the California High Desert," is recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). The text of the new regulation clarifies this point.

Once this final rule becomes effective, wine bottlers using "Antelope Valley of the California High Desert" 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 "Antelope Valley of the California High Desert" as an appellation of origin.

For a wine to be labeled with a viticultural area name or with a brand name that includes a viticultural area name or other term identified as being viticulturally significant in part 9 of the TTB regulations, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or other term, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with the viticultural area name or other viticulturally significant term and that name or term 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. Accordingly, if a previously approved label uses the name "Antelope Valley of the California High Desert" for a wine that does not meet the 85 percent standard, the previously approved label will be subject to revocation upon the effective date of the approval of the

Antelope Valley of the California High Desert viticultural area.

Different rules apply if a wine has a brand name containing a viticultural area name or other viticulturally significant term 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. This regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name is 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 rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, it requires no regulatory assessment.

#### **Drafting Information**

Elisabeth C. Kann of the Regulations and Rulings Division drafted this notice.

#### **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 § 9.219 to read as follows:

##### **§ 9.219 Antelope Valley of the California High Desert.**

(a) *Name.* The name of the viticultural area described in this section is "Antelope Valley of the California High Desert". For purposes of part 4 of this chapter, "Antelope Valley of the California High Desert" is a term of viticultural significance.

(b) *Approved maps.* The 20 United States Geological Survey 1:24,000 scale topographic maps used to determine the boundary of the Antelope Valley of the California High Desert viticultural area are titled:

(1) Rosamond Quadrangle, California, 1973;

(2) Rosamond Lake Quadrangle, California, 1973;

(3) Redman Quadrangle, California, 1992;

(4) Rogers Lake South Quadrangle, California, 1992;

(5) Alpine Butte Quadrangle, California-Los Angeles Co., 1992;

(6) Hi Vista Quadrangle, California-Los Angeles Co., 1957, revised 1992;

(7) Lovejoy Buttes Quadrangle, California-Los Angeles Co., 1957, revised 1992;

(8) El Mirage Quadrangle, California, 1956, revised 1992;

(9) Littlerock Quadrangle, California-Los Angeles Co., 1957, revised 1992;

(10) Palmdale Quadrangle, California-Los Angeles Co., 1958, photorevised 1974;

(11) Ritter Ridge Quadrangle, California-Los Angeles Co., 1958, photorevised 1974;

(12) Lancaster West Quadrangle, California-Los Angeles Co., 1958, photorevised 1974;

(13) Del Sur Quadrangle, California-Los Angeles Co., 1995;

(14) Lake Hughes Quadrangle, California-Los Angeles Co., 1995;

(15) Fairmont Butte Quadrangle, California, 1995;

(16) Neenach School Quadrangle, California, 1995;

(17) Tylerhorse Canyon Quadrangle, California-Kern Co., 1995;

(18) Willow Springs Quadrangle, California-Kern Co., 1965, photorevised 1974;

(19) Little Buttes Quadrangle, California, 1965, photorevised 1974; and

(20) Soledad Mtn. Quadrangle, California-Kern Co., 1973.

(c) *Boundary.* The Antelope Valley of the California High Desert viticultural area is located in Los Angeles and Kern Counties, California. The boundary of the Antelope Valley of the California High Desert viticultural area is as described below:

(1) The beginning point is on the Rosamond map at the intersection of the Kern and Los Angeles Counties boundary line and the Edwards Air Force Base (AFB), boundary line, T8N, R12W. From the beginning point, proceed south along the Edwards AFB boundary line to West Avenue E, where the Edwards AFB boundary line turns east, section 22, T8N/R12W; then

(2) Proceed generally east along the Edwards AFB boundary line, crossing over the Rosamond Lake and Redman maps, onto the Rogers Lake South map to the point where the Edwards AFB boundary line crosses the 2,500-foot elevation line along the northern boundary of section 30, T8N/R9W; then

(3) Proceed generally south along the meandering 2,500-foot elevation line, crossing over the Redman and Alpine Butte maps, onto the Hi Vista map to the elevation line's intersection with Avenue J, section 17, T7N/R9W; then

(4) Proceed straight east approximately 0.2 mile along Avenue J to the northeast corner of section 20, T7N/R9W, (intersection of Avenue J and 160th Street East); then

(5) Proceed straight south along the eastern boundary lines of sections 20 and 29, T7N/R9W, to the northwestern corner of section 33, T7N, R9W; then

(6) Proceed in a clockwise direction along the northern and eastern boundary lines of section 33, T7N/R9W, to the northwestern corner of section 3, T6N/R9W (intersection of Avenue M and 170th Street East); then

(7) Proceed in a clockwise direction along the northern and eastern boundary lines of section 3, T6N/R9W, to the northwestern corner of section 11, T6N/R9W; then

(8) Proceed in a clockwise direction along the northern and eastern boundary lines of section 11, T6N/R9W, crossing onto the Lovejoy Buttes map, to the northwestern corner of section 13, T6N/R9W; then

(9) Proceed in a clockwise direction along the northern and eastern boundary lines of section 13 and then the eastern boundary line of section 24, T6N/R9W, to the northwestern corner of section 30, T6N/R8W (intersection of Avenue Q and 200th Street East); then

(10) Proceed in a clockwise direction along the northern and eastern boundary lines of section 30, T6N/R8W, to the northwestern corner of section 32, T6N/R8W; then

(11) Proceed east along the northern boundary of section 32 T6N/R8W, crossing onto the El Mirage map, and continue along the northern boundary of section 33, T6N/R8W, to elevation point 2916 (along Avenue R); then

(12) Proceed due south in a straight line to the point where the 3,100-foot elevation line crosses the eastern boundary line of section 8, T5N/R8W; then

(13) Proceed generally west-southwest along the meandering 3,100-foot elevation line, crossing over the Lovejoy Buttes map, onto the Littlerock map and continue to the elevation line's intersection with the California Aqueduct, approximately 0.2 mile south of Pearlblossom Highway, section 22, T5N/R10W; then

(14) Proceed generally north and then northwest along the California Aqueduct, crossing over the Palmdale, Ritter Ridge, Lancaster West, Del Sur, Lake Hughes, and Fairmont Butte maps,

onto the Neenach School map to the California Aqueduct's intersection with the Pacific Crest National Scenic Trail (adjacent to the Los Angeles Aqueduct) in section 16, T8N/R16W; then

(15) Proceed north and then generally east and north along the Pacific Crest National Scenic Trail, crossing over the Fairmont Butte map, and continue onto the Tylerhorse Canyon map to the point where the Trail and the adjacent Los Angeles Aqueduct separate near elevation point 3120 and West Antelope Station in section 3, T9N/R15W; then

(16) Proceed generally northeast along the Los Angeles Aqueduct crossing onto the Willow Springs map, to the Aqueduct's intersection with Tehachapi Willow Springs Road, section 7, T10N/R13W; then

(17) Proceed generally south on Tehachapi Willow Springs Road, crossing onto the Little Buttes map, to the road's intersection with the 2,500-foot elevation line along the western boundary of section 17, T9N/R13W; then

(18) Proceed generally east along the meandering 2,500-foot elevation line, crossing over the Willow Springs map and continuing onto the Soledad Mtn. map, where that elevation line crosses over and back three times from the Rosamond map, to the elevation line's intersection with the Edwards AFB boundary line, section 10, T9N/R12W; and then

(19) Proceed straight south along the Edwards AFB boundary line, crossing over to the Rosamond map, and return to the beginning point.

Signed: January 5, 2011.

**John J. Manfreda,**  
Administrator.

Approved: January 5, 2011.

**Timothy E. Skud,**

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

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BILLING CODE XXXX-XX-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

[SATS No. AL-076-FOR; Docket ID: OSM-2010-0020]

#### Alabama Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama revised its regulations regarding their license fees, annual license updates, and blaster certification fees. Alabama revised its program to improve operational efficiency.

**DATES:** *Effective Date:* May 24, 2011.

**FOR FURTHER INFORMATION CONTACT:** Sherry Wilson, Director, Birmingham Field Office. Telephone: (205) 290-7282. E-mail: [swilson@osmre.gov](mailto:swilson@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Alabama Program
- II. Submission of the Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

#### I. Background on the Alabama Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act \* \* \*"; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Alabama program effective May 20, 1982. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Alabama program in the May 20, 1982, **Federal Register** (47 FR 22057). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15, and 901.16.

#### II. Submission of the Amendment

By letter dated October 28, 2010 (Administrative Record No. AL-0662), Alabama sent us amendments to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Alabama's revised mining regulations are found at Alabama Rule 880-X-6A-.07 License Fees; Alabama Rule 880-X-6A-.08 Annual License Updates; and Alabama Rule 880-X-12A-.09 Fees.

We announced receipt of Alabama's proposed amendment in the February

22, 2011, **Federal Register** (76 FR 9700). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on March 24, 2011. We did not receive any public comments.

#### III. OSM's Findings

We are approving the amendment as described below. The following are the findings we made concerning the amendments under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. The full text of Alabama's program amendment is available for you to read at <http://www.regulations.gov>.

##### A. Alabama Rule 880-X-6A-.07 License Fees

Alabama increased its license fee to \$2,500.00 and deleted language regarding pre-existing license fees. There is no Federal counterpart to this section and we find the modifications are not inconsistent with the requirements of SMCRA or the Federal regulations. Therefore, we are approving it.

##### B. Alabama Rule 880-X-6A-.08 Annual License Updates

Alabama revised this section by modifying the date of annual license updates. Alabama deleted the word "renewal" and replaced it with "license update" or "update." Alabama increased its license update fees to \$500.00. Alabama added new language detailing the penalty process for not submitting an annual license update form and applicable fees. There is no Federal counterpart to this section and we find that the modifications are not inconsistent with the requirements of SMCRA or the Federal regulations. Therefore, we are approving it.

##### C. Alabama Rule 880-X-12A-.09 Fees

Alabama added a new section establishing a blaster certification fee of \$100.00; a blaster certification renewal fee of \$50.00; and a reciprocity fee of \$50.00. There is no Federal counterpart to this section and we find the addition of this new section is not inconsistent with the requirements of SMCRA or the Federal regulations. Therefore, we are approving it.

#### IV. Summary and Disposition of Comments

##### Public Comments

We asked for public comments on Alabama's revised program amendments, but did not receive any.