cases. In the absence of a governing regulation or instruction, supervision shall be direct and continuous or by such occasional verification as the principal Customs field officer shall direct if such officer shall determine that less intensive supervision will ensure proper enforcement of the law and protection of the revenue. Nothing in this section shall be deemed to warrant any failure to direct and furnish required supervision or to excuse any failure of a party in interest to comply with prescribed procedures for obtaining any required supervision.

PART 146—FOREIGN TRADE ZONES

1. The authority citation for part 146 continues to read as follows:

Authority: 19 U.S.C. 66, 81a–81u, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 146.3 [Amended]

2. Section 146.3(b) is amended by removing the reference to ''§ 161.1'' and adding in its place ''§ 101.2(c)''.

PART 161—GENERAL ENFORCEMENT PROVISIONS

1. The general authority citation for Part 161 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1600, 1619, 1624.

* * * * *

2. Section 161.0 is revised to read as follows:

§ 161.0 Scope.

This part provides general information concerning Customs enforcement of certain import and export laws administered by other federal agencies, the filing of offers in compromise of government claims, the eligibility of individuals for informant compensation, and the filing of claims for informant compensation.

§§ 161.1, 161.3, 161.4, 161.11, and 161.13 [Removed]

3. Sections 161.1, 161.3, 161.4, 161.11, and 161.13 are removed.

4. Section 161.12 is revised to read as follows:

§ 161.12 Eligibility for compensation.

In accordance with section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), any person not an employee or officer of the United States who either furnishes original information concerning any fraud upon the customs revenue or any violation, perpetrated or contemplated, of the customs or navigation laws or any other laws administered or enforced by Customs, or detects and seizes any item subject to seizure and forfeiture under the customs or navigationlaws or other laws enforced by Customs and reports the same to a Customs officer, may file a claim for compensation, provided there is a net amount recovered from such detection and seizure or such information, unless other laws specify different procedures. Any employee or officer of the United States who receives, accepts, or contracts for any portion of such compensation, either directly or indirectly, is subject to criminal prosecution and civil liability as provided by 19 U.S.C. 1620.

5. Section 161.16 is revised to read as follows:

§ 161.16 Filing a claim for informant compensation.

(a) *Limitations on claims.* Pursuant to 19 U.S.C. 1619, an informant may be paid up to twenty-five percent of the net recovery to the government from duties withheld; from any fine (civil or criminal), forfeited bail bond, penalty, or forfeiture incurred; or, if the forfeiture is remitted, from the monetary penalty recovered for remission of the forfeiture. The amount of the award paid to informants shall not exceed $250,000 for any one case, regardless of the number of recoveries that result from the information furnished; however, no claim of less than $100 will be paid.

(b) *Filing of claim.* A claim shall be filed, in duplicate, on Customs Form 4623 with the Special Agent in Charge, who shall make a recommendation on the form as to approval and the amount of the award. The Special Agent in Charge shall forward the form to the port director, who shall make a recommendation on the form as to approval and the amount of the award. The port director shall forward the form to Customs Headquarters for action. If for any reason a claim has not been transmitted by the port director, the claimant may apply directly to Customs Headquarters.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: February 17, 1998.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–6182 Filed 3–10–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–395 Re: Notice No. 851]

RIN 1512–AA07

Texas Davis Mountains Viticultural Area (97–105)

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

ACTION: Final rule, Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is establishing a viticultural area located in Jeff Davis County, Texas, to be known as ''Texas Davis Mountains.'' The petition for this viticultural area was filed by Maymie Nelda Weisbach of Blue Mountain Vineyard, Inc. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

EFFECTIVE DATE: May 11, 1998.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Regulations Division, 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 definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

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. Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person

may petition ATF to establish a grape-growing region as a viticultural area. 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 features (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 of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from Maymie Nelda Weisbach, of Blue Mountain Vineyard, Inc., proposing to establish a viticultural area in Jeff Davis County, Texas, to be known as ''Texas Davis Mountains.'' The viticultural area is located in the Trans-Pecos region of west Texas. The entire area contains approximately 270,000 acres. The petitioner stated that approximately 40 acres are planted to vineyards, and that Blue Mountain Vineyard is the only commercial grower currently active within the proposed viticultural area.

Notice of Proposed Rulemaking

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 851, in the **Federal Register** on May 6, 1997 [62 FR 24622], proposing the establishment of the Davis Mountains viticultural area. The notice requested comments from interested persons by July 7, 1997.

Comments on Notice of Proposed Rulemaking

ATF received five letters of comment in response to Notice No. 851. The petitioner wrote to give additional information about growers in the area. The Honorable Peggy Robertson, County Judge of Jeff Davis County, Texas, wrote to express support for the establishment of the viticultural area. Dr. Charles O. McKinney, Director of Research for the University of Texas System, wrote to support the establishment of the Davis Mountains area and comment on the boundaries. James D. Voorhees, Esq., of Davis, Graham & Stubbs, LLP, Attorneys at Law, wrote to express support for establishment of the area and commented on the proposed name. George Ray McEachern, Professor and Extension Horticulturist at the Texas A&M University System's Texas Agricultural Extension Service, wrote to support the designation of the area as ''Texas Davis Mountains.'' The comments on specific proposals will be discussed in the supplementary information covering such proposals.

Evidence of Name

The petitioner provided evidence that the name ''Davis Mountains'' is locally known as referring to the area specified in the petition, and suggested that the area be designated as ''Texas Davis Mountains'' to aid in national recognition of the area. She noted that, outside of the State of Texas, the name Davis Mountains may not be well known. Evidence supporting the use of the name ''Davis Mountains'' includes:

(a) The name ''Davis Mountains'' is used to describe the northern portion of the viticultural area on a U.S.G.S. map submitted with the petition (Mount Livermore, Texas—Chihuahua). There is a park named ''Davis Mountain State Park'' in the southeastern portion of the viticultural area.

(b) The 1952 edition of *The Handbook of Texas,* published by the Texas State Historical Association, describes the Davis Mountains. The location and other features described in this entry are consistent with the petition.

(c) The 1968 edition of *Texas Today,* a book in the Harlow State Geography Series, from the Harlow Publishing Corporation, describes the Davis Mountains as the most extensive and among the highest of the Texas mountain groups.

(d) Finally, the Champion Map of Texas, and the Exxon Travel Club Map of the United States, both identify the Davis Mountains by name.

After reviewing available resources and finding no references to any other ''Davis Mountains,'' ATF used the name ''Davis Mountains'' unmodified by the word ''Texas'' in the notice; however, ATF also solicited comments on the need for the additional designation of ''Texas'' for the proposed viticultural area. ATF proposed using the name ''Davis Mountains'' (as opposed to ''Texas Davis Mountains'') based upon national recognition of the name ''Davis Mountains'' as an area in Texas, known both as the site of the McDonald Observatory and as a tourist destination for its history, scenery and wildlife. In response to this request for comments on the name of this proposed viticultural area, James D. Voorhees, Esq., of Davis, Graham & Stubbs, LLP, Attorneys at Law, wrote:

> * * * there may be a wine-growing area in one of the midwestern states which is not yet designated as a viticultural area, but which is known locally as ''Davis Mountains''. * * * this would support the designation of the viticultural area sought by Mrs. Weisbach as ''Texas Davis Mountains.''

In order to avoid possible consumer confusion, ATF is adopting the name ''Texas Davis Mountains'' in this final rule. ATF believes it is better to allow this viticultural area to bear a distinguishing name from its inception rather than revise the name later after the establishment of another area with a similar name.

Evidence of Boundaries

The petitioner chose highways to mark the boundary of the viticultural area because these highways parallel geographic features such as canyons, creeks and escarpments, which represent natural boundaries between the mountains and the surrounding desert and define the area. In support of this approach, she provided a copy of ''Texas,'' the *Houston Chronicle* Magazine, for June 2, 1996. The cover story was ''High Mountain Vistas—Driving the 73-mile Loop Around the Davis Mountains.'' In a map associated with the article, the routes used for the driving tour are the same as those selected by the petitioner, except the northern boundary. The driving tour recommendation followed a route to the north of the proposed northern boundary, which the petitioner drew using other features. Dr. Charles O. McKinney, Director of Research for the University of Texas System, also noted in his comment that the area known as Davis Mountains extends more to the north than indicated by the boundaries, but made no specific suggestion for amendment of the northern boundary. No change was made to the northern boundary as a result of this comment.

During the comment period, the petitioner wrote to say that she had learned about two additional growers, one of them within the proposed boundary (in the Davis Mountain Resort area), and another just outside the boundary at the southeast corner of the proposed area. She asked that the border be redrawn to include the vineyard just outside the proposed boundary and noted ''the same grape growing conditions would prevail'' in that nearby area. Dr. McKinney also noted his support for expanding the viticultural area to include the vineyard to the southeast, saying the ''grapes from this vineyard are very similar in quality and growing characteristics as vineyards

located a few miles away, but within the proposed viticultural area.'' ATF is adopting this proposed change and amending the boundary to include the additional vineyard. With the addition of these two vineyards, the viticultural area has three growers and approximately 50 acres planted to grapes.

Geographical Features

The viticultural area is described in *Great Texas Getaways,* copyright 1992, by Ann Ruff, as follows:

> No matter which way you drive into the Davis Mountains you will have to face the barren terrain without the taste of cool water. But when you reach this wonderful oasis, those long, dreary miles are more than worth the reward. Here the days are fresh and cool, the nights brisk, and the scenery fantastic.

The viticultural area is distinguishable from surrounding areas primarily by its altitude, which contributes to the geographic and climatic features which provide for excellent grape-growing.

The petitioner provided the following evidence of the viticultural area's distinctive character:

Topography

The U.S.G.S. topographic maps used to define the viticultural area show a mountainous area varying in elevation from 4,500 to 8,300 feet, surrounded by flatter terrain. The petitioner adds that these mountains are the second-highest range in Texas. The northern and eastern limits are clearly defined by escarpments. Sharp boundaries in the west and south, however, are lacking as the same formations continue into the Ord and Del Norte Mountains. The Chihuahua desert extends for miles in all directions, its gently rolling grasses interspersed with yucca and agave.

Soil

The Davis Mountains were created about 35 million years ago by the same volcanic thrust that formed the front range of the Rockies. The mountains are composed of granitic, porphrytic and volcanic rocks, as well as limestones of various ages.

Climate

The cover story in ''Texas,'' the *Houston Chronicle* Magazine, for June 2, 1996, titled ''High mountain vistas, driving the 73-mile loop around the Davis Mountains'' by Leslie Sowers, described the viticultural area as a ''mountain island * * * that is cooler, wetter, and more biologically diverse than the vast plains of the Chihuahua desert that surround it.'' The article went on to note that the Davis Mountains receive 20 inches of rainfall a year, contrasted with 10 inches a year in the surrounding desert.

Boundary

The boundary of the Texas Davis Mountains viticultural area may be found on two United States Geological Survey (U.S.G.S.) maps with a scale of 1:100,000. The boundary is described in § 9.155.

Executive Order 12866

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

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. 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 a particular area. No new requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(j)) and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Marjorie D. Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 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 § 9.155 to read as follows:

§ 9.155 Texas Davis Mountains.

(a) *Name.* The name of the viticultural area described in this section is ''Texas Davis Mountains.''

(b) *Approved map.* The appropriate maps for determining the boundary of the Texas Davis Mountains viticultural area are two U.S.G.S. metric topographical maps of the 1:100 000 scale, titled:

(1) ''Fort Davis, Texas,'' 1985.

(2) ''Mount Livermore, Texas—Chihuahua,'' 1985.

(c) *Boundary.* The Texas Davis Mountains viticultural area is located in Jeff Davis County, Texas. The boundary is as follows:

(1) The beginning point is the intersection of Texas Highway 17 and Farm Road 1832 on the Fort Davis, Texas, U.S.G.S. map;

(2) From the beginning point, the boundary follows Highway 17 in a southeasterly and then southwesterly direction until it reaches the intersection of Limpia Creek with the unnamed stream which flows through Grapevine Canyon on the Fort Davis, Texas, U.S.G.S. map;

(3) The boundary then proceeds in a straight line in a southwesterly direction until it meets Highway 118 at a gravel pit 1¾ miles southeast of the intersection of Highway 118 and Highway 17;

(4) The boundary then proceeds in a straight line east by southeast until it meets Highway 166 at its junction with Highway 17;

(5) The boundary then follows Highway 166 in a southwesterly direction onto the Mt. Livermore, Texas-Chihuahua, U.S.G.S. map;

(6) The boundary then continues to follow Highway 166 in a westerly direction;

(7) The boundary then continues to follow Highway 166 as it turns in a northerly and then northeasterly direction to the point where it meets Highway 118;

(8) The boundary then follows Highway 118 in a northerly direction until it reaches a point where it intersects with the 1600 meter contour line, just north of Robbers Roost Canyon;

(9) The boundary then proceeds in a straight line due east for about two miles until it reaches the 1600 meter contour line to the west of Friend Mountain;

(10) The boundary then follows the 1600 meter contour line in a northeasterly direction until it reaches the northernmost point of Friend Mountain;

(11) The boundary then diverges from the contour line and proceeds in a

straight line east-southeast until it reaches the beginning point of Buckley Canyon, approximately three fifths of a mile;

(12) The boundary then follows Buckley Canyon in an easterly direction to the point where it meets Cherry Canyon;

(13) The boundary then follows Cherry Canyon in a northeasterly direction to the point where it meets Grapevine Canyon on the Mt. Livermore, Texas-Chihuahua, U.S.G.S. map;

(14) The boundary then proceeds in a straight line from the intersection of Cherry and Grapevine Canyons to the peak of Bear Cave Mountain, on the Fort Davis, Texas, U.S.G.S. map;

(15) The boundary then proceeds in a straight line from the peak of Bear Cave Mountain to the point where Farm Road 1832 begins;

(16) The boundary then follows Farm Road 1832 back to its intersection with Texas Highway 17, at the point of beginning.

Dated: February 6, 1998.

John W. Magaw,

Director.

Approved: February 23, 1998.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 98–6005 Filed 3–10–98; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

[SPATS No. LA–015–FOR]

Louisiana Regulatory Program; Approval of Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Louisiana regulatory program (hereinafter referred to as the ''Louisiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of a definition for ''replacement of water supply'' to the Louisiana Surface Mining Regulations (LSMR). The amendment is intended to revise the Louisiana program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: March 11, 1998.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6548, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

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

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior conditionally approved the Louisiana program. Background information on the Louisiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the October 10, 1980, **Federal Register** (45 FR 67340). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 918.15 and 918.16.

II. Submission of the Proposed Amendment

By letter dated December 4, 1997 (Administrative Record No. LA–363), Louisiana submitted a proposed amendment to its program pursuant to SMCRA. Louisiana submitted the proposed amendment in response to a July 2, 1996, letter (Administrative Record No. 358) that OSM sent to Louisiana in accordance with 30 CFR 732.17(c). Louisiana proposed to amend section 105 of the Louisiana Surface Mining Regulations by adding a definition for ''replacement of water supply.''

OSM announced receipt of the proposed amendment in the January 7, 1998, **Federal Register** (63 FR 712), and in the same document opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment. The public comment period closed on February 6, 1998, and because no one requested a public hearing or meeting, none was held.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

LSMR Section 105 Definitions. Louisiana the following definition concerning the replacement of water supplies that have been adversely impacted by coal mining operations.

Replacement of water supply—with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

a. Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment in an amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

b. If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

Louisiana's proposed definition contains language that is substantively the same as the counterpart Federal definition for ''replacement of water supply'' at 30 CFR 701.5. Therefore, the Director finds that the proposed definition at section 105 of the Louisiana Surface Mining Regulations is no less effective than the Federal definition.

IV. Summary and Disposition of Comments

Public Comments

OSM solicited public comments on the proposed amendment, but none were received.

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Louisiana program (Administrative Record No. LA–363.03).

The U.S. Army Corps of Engineers responded by letter dated January 27, 1998, that it found the changes to be satisfactory (Administrative Record No. LA–363.04).

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated