

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

#### Executive Order 12866

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

#### Drafting Information

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

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

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

#### Authority and Issuance

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

#### PART 9—AMERICAN VITICULTURAL AREAS

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

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

#### Subpart C—Approved American Viticultural Areas

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

\* \* \* \* \*

#### § 9.152 Mendocino Ridge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed: September 3, 1997.

**John W. Magaw,**  
Director.

Approved: September 24, 1997.

**John P. Simpson,**

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

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

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 67

[DoD Instruction 1215.17]

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

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

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

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

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

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

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

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

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

(4) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations or recipients thereof; or

(5) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

**Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)**

It has been determined that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on substantial numbers of small entities. The law identifies criteria for determining educational institutions which award baccalaureate degrees that satisfy the educational requirement for appointment of officers to a grade above First Lieutenant in the Army Reserve, Air Force Reserve, and Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or the Air National Guard.

**Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)**

It has been determined that this part does not impose any reporting or recordkeeping requirements on the public under the Paperwork Reduction Act of 1995.

**List of Subjects in 32 CFR Part 67**

Armed forces reserves, Education.

Accordingly, title 32 CFR part 67 is revised to read as follows:

**PART 67—EDUCATIONAL REQUIREMENTS FOR APPOINTMENT OF RESERVE COMPONENT OFFICERS TO A GRADE ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE)**

- Sec.  
67.1 Purpose.  
67.2 Applicability.  
67.3 Definitions.  
67.4 Policy.  
67.5 Responsibilities.  
67.6 Procedures.

**Authority:** 10 U.S.C. 12205.

**§ 67.1 Purpose.**

This part provides guidance for implementing policy, assigns responsibilities, and prescribes under 10 U.S.C. 12205 for identifying criteria for determining educational institutions that award baccalaureate degrees which satisfy the educational requirement for appointment of officers to a grade above First Lieutenant in the Army Reserve,

Air Force Reserve, and Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade level above First Lieutenant as a member of the Army National Guard or Air National Guard.

**§ 67.2 Applicability.**

This part applies to the Office of the Secretary of Defense, and the Military Departments; the Chairman of the Joint Chiefs or Staff; and the Defense Agencies referred to collectively in this part as the "DoD Components". The term "Military Departments," as used in this part, refers to the Departments of the Army, the Navy, and the Air Force. The term "Secretary concerned" refers to the Secretaries of the Military Departments. The term "Military Services" refers to the Army, the Navy, the Air Force, the Marine Corps. The term "Reserve components" refers to the Army Reserve, Army National Guard of the United States, Air Force Reserve, Air National Guard of the United States, Naval Reserve, Marine Corps Reserve.

**§ 67.3 Definitions.**

*Accredited educational institution.* An educational institution accredited by an agency recognized by the Secretary of Education.

*Qualifying educational institution.* An educational institution that is accredited, or an unaccredited educational institution that the Secretary of Defense designates pursuant to § 67.6(a) and § 67.6(b).

*Unaccredited educational institution.* An educational institution not accredited by an agency recognized by the Secretary of Education.

**§ 67.4 Policy**

(a) It is DoD policy under 10 U.S.C. 12205 to require Reserve component officers to have at least a baccalaureate degree from a qualifying educational institution before appointment to a grade above First Lieutenant in the Army Reserve, Air Force Reserve or Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or Air National Guard.

(b) Exempt from this policy is any officer who was:

(1) Appointed to or recognized in a higher grade for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

(2) Appointed in the Naval Reserve or Marine Corps Reserve as a limited duty officer.

(3) Appointed in the Naval Reserve for service under the Naval Aviation Cadet (NAVCAD) program or the Seaman to Admiral program.

(4) Appointed to or recognized in a higher grade if appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.

(5) Recognized in the grade of captain or major in the Alaska Army National Guard, who resides permanently at a location in Alaska that is more than 50 miles from each of the cities of Anchorage, Fairbanks, and Juneau, Alaska, by paved road, and who is serving in a Scout unit or a Scout support unit.

(c) The Department of Defense will designate an unaccredited educational institution as a qualifying educational institution for the purpose of meeting this educational requirement if that institution meets the criteria established in this part.

**§ 67.5 Responsibilities.**

(a) The Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense for Personnel and Readiness, shall:

(1) Establish procedures by which an unaccredited educational institution can apply for DoD designation as a qualifying educational institution.

(2) Publish in the **Federal Register** DoD requirements and procedures for an unaccredited educational institution to apply for designation as a qualifying education institution.

(3) Annually, provide to the Secretaries of the Military Departments a list of those unaccredited educational institutions that have been approved by the Department of Defense as a qualifying educational institution. This list shall include the year or years for which unaccredited educational institutions are designed as qualifying educational institutions.

(b) The Secretaries of the Military Departments shall establish procedures to ensure that after September 30, 1995, those Reserve component officers selected for appointment to a grade above First Lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or Air National Guard, who are required to hold a baccalaureate degree, were awarded a baccalaureate degree from a qualifying educational institution before appointment to the next higher grade. For a degree from an unaccredited educational institution that has been

recognized as qualifying educational institution by the Department of Defense to satisfy the educational requirements of 10 U.S.C. 12205, the degree must not have been awarded more than 8 years before the date the officer is to be appointed, or federally recognized, in the grade of Captain in the Army Reserve, Army National Guard, Air Force Reserve, Air National Guard, or Marine Corps Reserve, or in the grade of Lieutenant in the Naval Reserve.

#### § 67.6 Procedures.

(a) An unaccredited educational institution may obtain designation as a qualifying educational institution for a specific Reserve component officer who graduated from that educational institution by providing certification from registrars at three accredited educational institutions that maintain ROTC programs that their educational institutions would accept at least 90 percent of the credit hours earned by that officer at the unaccredited educational institution, as of the year of graduation.

(b) For an unaccredited educational institution to be designated as a qualifying educational institution for a specific year, that educational institution must provide the Office of the Assistant Secretary of Defense for Reserve Affairs certification from the registrars at three different accredited educational institutions that maintain ROTC programs listing the major field(s) of study in which that educational institution would accept at least 90 percent of the credit hours earned by a student who was awarded a baccalaureate degree in that major field of study at the unaccredited educational institution.

(c) For an unaccredited educational institution to be considered for designation as a qualifying educational institution, the unaccredited educational institution must submit the required documentation no later than January 1 of the year for which the unaccredited educational institution seeks to be designated a qualifying educational institution.

(d) The required documentation must be sent to the following address: Office of the Assistant Secretary of Defense for Reserve Affairs, Attn: DASD (M&P), 1500 Defense Pentagon, Washington, DC 20301-1500.

(e) Applications containing the required documentation may also be submitted at any time from unaccredited educational institutions requesting designation as a qualifying educational institution for prior school years.

Dated: October 20, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 21

RIN 2900-A179

#### Veterans and Reservists Education: Additional Educational Assistance While Serving in the Selected Reserve

**AGENCIES:** Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). It makes changes concerning the amount of monthly educational assistance available to certain veterans and reservists training under the Montgomery GI Bill. These changes restate statutory requirements and set forth VA's statutory interpretations of a provision of the National Defense Authorization Act for Fiscal Year 1996. It also makes nonsubstantive changes by removing provisions that no longer apply and by clarifying provisions.

**DATES:** *Effective Date:* This final rule is effective October 27, 1997.

However, the changes in restatements of statute and in statutory interpretations will be applied retroactively from the effective dates of the statutory provisions. For more information concerning the dates of application, see the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202-273-7187.

**SUPPLEMENTARY INFORMATION:** This document amends regulations concerning VA-administered educational assistance and educational benefits under the Montgomery GI Bill—Active Duty program (38 CFR part 21, subpart K) and the Montgomery GI

Bill—Selected Reserve program (38 CFR part 21, subpart L).

The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) provides that the rate of the educational assistance allowance may be increased by an amount not exceeding \$350 per month for certain persons. To be eligible a person must qualify for educational assistance payable under the Montgomery GI Bill—Active Duty through at least three years active duty service and must also agree to serve at least 6 years in the Selected Reserve, or the person must qualify for educational assistance payable under the Montgomery GI Bill—Selected Reserve. Also, to be eligible the person must have a skill or specialty designated by the Secretary of the appropriate Department of the military as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, to retain personnel. Public Law 104-106 further provides that the actual amounts of increase shall be determined by the Secretary of Defense. This document amends §§ 21.7136 and 21.7137 for the Montgomery GI Bill—Active Duty and § 21.7636 for the Montgomery GI Bill—Selected Reserve to reflect these statutory amendments.

This document also amends §§ 21.7131 and 21.7631 concerning commencing dates to provide that the effective date for an increase will be the latest of: the date that would otherwise be used for such educational assistance; the first date on which the veteran or reservist is entitled to the increase as determined by the Secretary of the military department concerned; or February 10, 1996, the effective date of Public Law 104-106. This document further amends §§ 21.7135 and 21.7635 concerning discontinuance dates to add a provision stating that if the veteran or reservist loses entitlement to the increase, the effective date for the reduction in the monthly rate payable is the date, as determined by the Secretary of the military department concerned, that the veteran or reservist is no longer entitled to the increase. In addition, this document makes amendments to §§ 21.7139 and 21.7639 to clarify that adjustments made for certain incarcerated persons and for failure to work sufficient hours of apprenticeship and other on-job training are applicable to such increases in payments, in the same manner as they are to other payments under the Montgomery GI Bill—Active Duty or the Montgomery GI Bill—Selected Reserve. These amendments, in our view, are required by statute.