

ATF will not recognize any material or comments as confidential. Comments are subject to disclosure to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is also not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on the proposed viticultural area should submit his or her request, in writing, to the Director within the 30 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, and Wine.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.80 as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.
9.80 York Mountain.

2. Subpart C is amended by adding § 9.80 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.80 York Mountain.

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

(b) *Approved map.* The approved map for the York Mountain viticultural area is the U.S.G.S. map entitled "York Mountain Quadrangle," 7.5 minute series (topographic), 1979.

(c) *Boundaries.* The York Mountain viticultural area is located in San Luis

Obispo County, California. The boundaries are as follows:

(1) From the beginning point at the northwest corner of the York Mountain Quadrangle map where the Dover Canyon Jeep Trail and Dover Canyon Road intersect, proceed east along Dover Canyon Road 2.3 miles to Vineyard Drive;

(2) Follow Vineyard Drive southeast 3.6 miles to Jack Creek Road;

(3) Turn right on Jack Creek Road for 0.6 miles across State Highway 46 Hidden Valley Road;

(4) Follow Hidden Valley Road south 0.9 miles to Gates Field Road, turn right, and proceed 1.2 miles to Santa Rita Creek;

(5) Turn right at Santa Rita Creek and go 5 miles to where the waters of Dover Canyon and Santa Rita Creek meet; and

(6) Then north along Dover Canyon Creek across State Highway 46 back to the point of beginning.

Approved: February 2, 1983.

Stephen E. Higgins,
Acting Director.

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BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 455]

Establishment of Catoctin Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area encompassing parts of Frederick and Washington Counties in western north-central Maryland, to be known as "Catoctin." This proposal is the result of a petition submitted by W. Bret Byrd, proprietor of a bonded winery in the area known as Byrd Vineyards. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will permit wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by March 11, 1983.

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 455.)

Copies of the petition, the proposed regulations, maps with the boundaries of the proposed viticultural area marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672; 54624) revising regulations in 27 CFR Part 4. The revised regulations permit the establishment of definite viticultural areas and also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. 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 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. maps with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area encompassing parts of Frederick and Washington Counties in western north-central Maryland as a viticultural area. The proposed viticultural area is to be known as "Catoctin." The petition was submitted by W. Bret Byrd, proprietor of a bonded winery in the area known as Byrd Vineyards.

The proposed viticultural area lies west of the town of Frederick. It encompasses an area of approximately 265 square miles or 170,000 acres. The area encompassed consists of a large intermountain valley and the immediately surrounding upland areas. Catoctin Mountain and South Mountain distinguish, respectively, the eastern and western boundaries. The northern and southern boundaries are, respectively, the Maryland-Pennsylvania State line and the Potomac River.

There is an operating winery with a 30 acre vineyard and six (6) major vineyard operations in the proposed viticultural area. In addition, there are numerous small vineyards, generally under an acre, which are used by the owners for private purposes. The acreage devoted to grape-growing is widely dispersed. There are approximately 84.5 acres of wine-grapes. In 1980, this represented approximately 31.5% of the commercial acreage planted to grapes in the State of Maryland. Furthermore, an additional 15 acres of wine-grapes were planned for the spring of 1982 planting.

The boundaries of the proposed viticultural area may be found on 12 U.S.G.S., 7.5 minute series (Topographic), quadrangle maps, scale, 1:24,000—Point of Rocks, Buckeystown, Frederick, Catoctin Furnace, Blue Ridge Summit, Emmitsburg, Smithsburg, Myersville, Funkstown, Keedysville, Harpers Ferry, and Charles Town. The specific boundaries proposed for the viticultural area are detailed in the regulation portion of this document at § 9.67(c).

Viticultural/Geographical Features

The petitioner claims the proposed viticultural area is distinguishable from the surrounding area on the basis of climate, soil, geology, and other physiographical features. The petitioner submitted evidence on the following in support of this claim.

(a) *Climate.* The petitioner submitted United States Soil Conservation Service (SCS) maps which depict climatic data for the proposed viticultural area and the surrounding area. The proposed

viticultural area has an average annual rainfall of 36–42 inches, temperatures of 50–55 degrees F., and a frostfree season of 160–170 days. The area to the east has an average annual rainfall of 40–42 inches, temperature of 55–60 degrees F., and a frostfree season of 170–180 days. The area to the west has an average annual rainfall of 38–46 inches, temperatures of 45–50 degrees F., and a frostfree season of 150–160 days. The proposed viticultural area is generally dryer, warmer, and has a longer frostfree season than the area to the west; and is dryer, cooler, and has a shorter frostfree season than the area to the east. Moreover, precipitation during any given year is somewhat unevenly distributed with the highest amount occurring in midsummer and midwinter and the least amount in autumn. Furthermore, the frostfree season decreases in length with increasing elevation and from south to north.

In addition, using the same heat summation criteria as used by Amerine and Winkler under their climatic region concept, the proposed viticultural area would be classified as Region 2, while the area to the west would be classified as gradually changing from Region 2 to Region 1 and the area to the east would be classified as Region 3. That is, the sum of the mean daily temperature above 50 degrees F., expressed in temperature-time values of degree days, for each day in the period April–September of any given year is generally 2,501–3,000 for the proposed viticultural area; 2,001–2,500 for the area to the west; and, 3,001–3,500 for the area to the east.

To summarize, the petitioner contends the proposed viticultural area possesses a unique set for growing conditions which distinguish it from the surrounding area. In addition, the petitioner claims these conditions have a marked influence on the amount and distribution of heat and moisture received by grapes during the growing season. This, in turn, affects the development and balance of sugar, acid, and other constituents of grapes grown in the proposed viticultural area.

(b) *Geologic Features.* The general geomorphology of the proposed viticultural area corresponds to distinguishable geologic features which define a valley and an upland area. The valley lies between low mountains that rise to an elevation of about 2,000 feet and belong to the easternmost fringe of the Appalachian Mountains. The mountains surrounding the valley are formed of sedimentary, metamorphic sedimentary, and igneous rocks while the valley is composed almost entirely of green schistose rock, a

metamorphosed basalt. The valley area is distinguished by the surrounding uplands. The upland areas are distinguished from surrounding areas by adjacent limestone valleys.

(c) *Soils.* The soils in the proposed viticultural area belong to several different soils series in various associations. These soils are characteristic of those found on mountains, elevated intermountain areas, or in intermountain valleys. The soil in the intermountain valley area, where the majority of wine-grapes are grown, is almost entirely of the Myersville-Fauquier-Catoctin association. The surrounding uplands are primarily composed of the Dekalb, Clymer, Edgemont, Chandler, Talladega, Highfield, and Fauquier soil series in various associations.

The soils in the proposed viticultural area have been developed from sandstone, greenstone (metabasalt), mica schist and quartzite parent materials and are acidic. The soils in adjacent valleys have been developed from limestone based parent materials and are alkaline. The natural pH of the soil in the proposed viticultural area is between 5.5 and 6.5, i.e., strongly acid to slightly acid. The petitioner claims this is ideal for the growing of grapes.

Evidence Relating to Name and Boundaries

The petitioner claims the viticultural area proposed in the petition is locally and/or nationally known by the name "Catoctin" and the boundaries are as specified in the petition. The petitioner submitted historical or current evidence consisting of the following to support these claims.

(a) The petitioner states the name "Catoctin" has been applied to the proposed viticultural area since the 1700's and means "speckled rock" in the Algonquin Indian language. This type of rock abounds in the area.

(b) The petitioner states the name "Catoctin" permeates the proposed viticultural area, e.g., Catoctin National Park, Catoctin Creek, Catoctin Mountain, and Catoctin Valley (also known as Middletown Valley).

(c) The boundaries of the proposed viticultural area roughly approximate the boundaries of that portion of Land Resource Area No. 130 which is in Maryland. Land Resource Areas are geographical areas of land determined by the United States Soil Conservation Service (SCS) to be associated on the basis of particular patterns of soil, climate, water resources, land use, elevation, and topography. The petitioner submitted pertinent excerpts

from Agricultural Handbook 296, Land Resource Regions and Major Land Resource Areas (12/65), and SCS maps that depict the Maryland boundaries of Land Resource Area No. 130.

Discussion

AFT feels that evidence submitted by the petitioner indicates establishment of "Catocotin" as a viticultural area may be warranted. Accordingly, we are proposing in this document the establishment of this grape-growing region as a viticultural area.

However, we are not entirely convinced the boundary proposed is the most appropriate for the viticultural area. We recognize the dispersed nature of the acreage devoted to viticulture may be the primary factor contributing to the petitioner's selection of a boundary. Nevertheless, since a high proportion of the acreage encompassed by the boundary is either viticulturally unsuitable or used for purposes other than viticulture, other possible boundaries may be more appropriate. Accordingly, consideration will be given to other possible boundaries.

Public Participation

All interested persons are invited to participate in this proposed rulemaking by submitting written comments. Comments should be specific, pertain to the issues proposed in this rulemaking, and provide the factual basis supporting the data, views, or recommendations presented. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

We are particularly interested in receiving comments which provide historical or current evidence as to whether the viticultural area boundaries are as specified in the petition. In addition, comments are requested on alternative boundaries. These comments should provide data on the geographical and viticultural characteristics which distinguish the area encompassed from the surrounding area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director within the comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

ATF reserves the option to determine, on the basis of written comments, our own research, and in the light of any other circumstances, whether this viticultural area should be established. In addition, ATF may modify, through the rulemaking process, the viticultural area which may be established as a result of this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Catocotin viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol,

Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.67 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.67 Catocotin.

Par. 2. Subpart C is amended by adding § 9.67 as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.67 Catocotin.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Catocotin viticultural area are 12 U.S.G.S. maps. They are—

- (1) "Point of Rocks Quadrangle, Maryland-Virginia," 7.5 minute series, 1970;
- (2) "Buckeystown Quadrangle, Maryland," 7.5 minute series, 1952 (Photorevised 1971);
- (3) "Frederick Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1980);
- (4) "Catocotin Furnace Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1979);
- (5) "Blue Ridge Summit Quadrangle, Maryland-Pennsylvania," 7.5 minute series, 1953 (Photorevised 1971);
- (6) "Emmitsburg Quadrangle, Maryland-Pennsylvania," 7.5 minute series, 1953 (Photorevised 1971);
- (7) "Smithsburg Quadrangle, Maryland-Pennsylvania," 7.5 minute series, 1953 (Photorevised 1971);
- (8) "Myersville Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971);

(9) "Funkstown Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971);

(10) "Keedysville Quadrangle, Maryland-West Virginia," 7.5 minute series, 1978;

(11) "Harpers Ferry Quadrangle, Virginia-Maryland-West Virginia," 7.5 minute series, 1969; and

(12) "Charles Town Quadrangle, West Virginia-Virginia-Maryland," 7.5 minute series, 1978;

(c) *Boundaries.* The Catoctin viticultural area is located in western north-central Maryland and encompasses parts of Frederick and Washington Counties. From the beginning point at the point where U.S. Highway 15 crosses the Potomac River and enters the land mass of Maryland on the "Point of Rocks Quadrangle" map, the boundary runs—

(1) Northerly 1,100 feet in a straight line to the point of intersection with a 500-foot contour line;

(2) Then northeasterly along the meanders of the 500-foot contour line on the "Point of Rocks Quadrangle," "Buckeystown Quadrangle," "Frederick Quadrangle," "Catoctin Furnace Quadrangle," "Blue Ridge Summit Quadrangle," and "Emmitsburg Quadrangle" maps to the point of intersection with the Maryland-Pennsylvania State line on the "Emmitsburg Quadrangle" map;

(3) Then west along the Maryland-Pennsylvania State line on the "Emmitsburg Quadrangle," "Blue Ridge Summit Quadrangle," and "Smithsburg Quadrangle" maps to the point of intersection with the first 800-foot contour line lying west of South Mountain on the "Smithsburg Quadrangle" map;

(4) Then southwesterly along the meanders of the 800-foot contour line on the "Smithsburg Quadrangle," "Myersville Quadrangle," "Funkstown Quadrangle," and "Keedysville Quadrangle" maps to the point of intersection with an unnamed light duty road (known locally as Clevelandville Road) north of the town of Clevelandville on the "Keedysville Quadrangle" map;

(5) Then southerly along the unnamed light duty road to the point of intersection with Reno Monument Road;

(6) Then southwesterly 13,500 feet in a straight line to the point lying at the intersection of Highway 67 and Millbrook Road;

(7) Then westerly along Millbrook Road to the point of intersection with Mount Briar Road;

(8) Then northerly along Mount Briar Road to the point of intersection with a 500-foot contour line;

(9) Then northerly along the 500-foot contour line to the point of intersection with Red Hill Road;

(10) Then southerly along the 500-foot contour line to the point of intersection with Porterstown Road;

(11) Then south-southwesterly 29,000 feet in a straight line to the most eastern point on the Chesapeake and Ohio Canal National Historical Park boundary line lying north of the town of Dargan;

(12) Then southwesterly 7,500 feet in a straight line to the point lying at the confluence of an unnamed stream and the Potomac River approximately 600 feet northwest of Manidokan Camp on the "Harpers Ferry Quadrangle" map; and

(13) Then easterly along the meanders of the Potomac River on the "Harpers Ferry Quadrangle," "Charles Town Quadrangle," and "Point of Rocks Quadrangle" maps to the point of beginning.

Signed: January 7, 1983.

Stephen E. Higgins,
Acting Director.

Approved: January 26, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 83-3536 Filed 2-9-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 454]

Establishment of Knights Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in northeastern Sonoma County, California, to be known as "Knights Valley." This proposal is the result of a petition submitted by the Knights Valley Wine-Growers Committee, a local grape/wine industry member group. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will permit wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by March 11, 1983.

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and

Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 454).

Copies of the petition, the proposed regulations, maps with the boundaries of the proposed viticultural area marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. The revised regulations permit the establishment of definite viticultural areas and also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

Section 4.25(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. 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 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