

203(a)(2) of the transitional provisions). The agency further concludes that because the provisionally listed uses of this color additive do not represent an acute hazard, and because the agency will make a decision on these uses on or before December 2, 1983, no harm to the public health will result from this brief extension.

Because of the short time until the October 2, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This final rule will permit the uninterrupted use of this color additive until December 2, 1983. To prevent any interruption in the provisional listing of FD&C Red No. 3 and in accordance with 5 U.S.C. 553(d) (1) and (3), this final rule is being made effective on October 2, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c) and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing dates for "FD&C Red No. 3" in paragraph (a) to read "December 2, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "FD&C Red No. 3" in paragraph (d) to read "December 2, 1983."

Effective date. This final rule is effective October 2, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: September 29, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-27093 Filed 9-30-83; 1:33 pm]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-147; Ref: Notice No. 456]

Establishment of Fiddletown Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Amador County, California, to be known as "Fiddletown." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "Fiddletown" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: November 3, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7628).

SUPPLEMENTARY INFORMATION:

Background

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

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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 Fiddletown Wine Grape Growers in Amador County, California, petitioned ATF to establish a viticultural area to be known as "Fiddletown." In

response to this petition, AFT published a notice of proposed rulemaking, Notice No. 456, in the *Federal Register* on February 15, 1983 (48 FR 6724), proposing the establishment of Fiddletown as a viticultural area.

Historical and Current Evidence of the Name

The petitioner submitted evidence to show that the name "Fiddletown" is well known because of its inclusion in a story by Bret Harte. It is the name given to an Amador County community at its settlement during the 1850 gold rush. The town's name was changed to "Oleta" for a brief period and then restored to "Fiddletown" in 1920. Several nationally known wines have been distributed bearing the Fiddletown area name since the early 1970's.

Geographical Features

The petitioner submitted evidence to show that the proposed area differs from the neighboring Shenandoah Valley of California viticultural area because of its higher elevations of 1500 to about 2500 feet, colder nighttime temperatures and a higher rainfall of 30 to 40 inches per year. The area surrounding the north and east boundaries is above 2500 feet and for the most part, too rugged a terrain and too cold for growing grapes.

The summer daytime temperatures range from the eighties to one hundred degrees and nights are cool from breezes from the surrounding mountains. The grapes are grown without any irrigation and vines produce from 1 1/2 to 3 tons per acre. Most of the grapes are grown on the southern and western rolling slopes of the hills in the area where the soil is a deep loam of decomposed granite. The soils of the Fiddletown viticultural area are Sierra-Ahwahee and Sites series which are deep, moderately well drained and consist of loams or sandy loams.

Comments

Five comments were received from wine industry members supporting the Fiddletown viticultural area. In the notice of proposed rulemaking the question of reducing the viticultural area size was raised since this area of approximately 11,500 acres contains only 310 acres of vineyards. Two of the comments strongly opposed reducing the size of the area because there are approximately 1,000 acres suitable for vineyard development and the present 310 acres of vineyards are scattered throughout the Fiddletown viticultural area.

Because of the evidence received, ATF is accepting the Fiddletown

viticultural area boundaries as stated in the notice of proposed rulemaking.

Miscellaneous

ATF does not wish to give the impression by approving Fiddletown as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Fiddletown wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, 46 FR 13193 (1981), ATF has determined that this final rule 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.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location:

ATF Reading Room, Rm. 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Ave., NW, Washington, D.C.

List of Subjects in 27 CFR Part 9:

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

Drafting Information.

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.81 as follows:

* * * * *
Subpart C—Approved American Viticultural Areas
Sec.
* * * * *
9.81 Fiddletown.
* * * * *

Par. 2. Subpart C is amended by adding §9.81 to read as follows:

Subpart C—Approved American Viticultural Areas:

- * * * * *
- §9.81 Fiddletown.**
- (a) *Name.* The name of the viticultural area described in this section is "Fiddletown."
- (b) *Approved map.* The approved maps for the Fiddletown viticultural area are the U.S.G.S. maps entitled "Fiddletown Quadrangle California," "Amador City Quadrangle California," "Aukum Quadrangle California," and "Pine Grove Quadrangle California," 7.5 minute series (topographic), 1949-1962.
- (c) *Boundaries.* The Fiddletown viticultural area is located in Amador County, California. The boundaries are as follows:

(1) From the beginning point at the north boundary where Fiddletown Shenandoah Road crosses Big Indian Creek in Section 28, Township 8 N, Range 11 E, proceed in a southwesterly direction following Big Indian Creek through the southeast corner of Section 29, crossing the northwest corner of Section 32 to where it meets Section 31;

(2) Then in a southerly direction follow the Section line between Sections 31 and 32, Township 8 N, Range 11 E, and Sections 5 and 6, 7 and 8, Township 7 N, Range 11 E, to where the Section line meets the South Fork of Dry Creek;

(3) Then following the South Fork of Dry Creek in an easterly direction, crossing the lower portions of Sections 8, 9, 10, 11, 12 and into Township 8 N, Range 12 E, at Section 7 and across Section 7 to where it meets Section 8;

(4) Then north following the Section line between Sections 7 and 8, 5 and 6 into Township 8 N, Range 12 E, between Sections 31 and 32, to Big Indian Creek; and

(5) Then following Big Indian Creek in a northwesterly direction through Sections 31, 30, 25, 26 and 27, returning to the point of beginning.

Signed: September 2, 1983.

Stephen E. Higgins,
Director.

Approved: September 14, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations).
(FR Doc: 83-27059 Filed 10-3-83; 8:45 am)
BILLING CODE 4810-31-M

[T.D. ATF-148; Ref: Notice No. 448]

27 CFR Part 9

Establishment of Paso Robles Viticultural Area

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

ACTION: Treasury decision, final rule.

SUMMARY: This Treasury decision establishes a viticultural area in San Luis Obispo County, California, to be known as "Paso Robles." The petition was submitted by Martin Brothers Winery.

ATF believes the establishment of American viticultural areas and their subsequent use as appellation of origin in wine labeling and advertising allows wineries to better designate the specific grape-growing area where their wines come from and allows consumers to better identify the wines they purchase.

EFFECTIVE DATE: November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Roger Bowling, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 566-7626.