

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 Anderson Valley 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.

Public Participation—Written Comments

The proposed Anderson Valley viticultural area is located totally within the proposed boundaries described in a petition for a viticultural area in Mendocino County to be called Mendocino. ATF is particularly interested in receiving comments from all interested persons regarding this overlap issue as well as any other pertinent comments concerning the proposed Anderson Valley viticultural area. Furthermore, while this document proposes possible boundaries for the Anderson Valley viticultural area, comments concerning other possible boundaries will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

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 comments. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations 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 Robert L. White, 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, and Wine.

Authority

Accordingly, under authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of 9.86. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.86 Anderson Valley.

Par. 2. Subpart C is amended by adding § 9.86. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.86 Anderson Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Anderson Valley viticultural area are three U.S.G.S. maps. They are titled:

(1) "Navarro Quadrangle, California—Mendocino Co.," 15 minute series (1961);

(2) "Boonville Quadrangle, California—Mendocino Co.," 15 minute series (1959); and

(3) "Ornbaun Valley Quadrangle, California," 15 minute series (1960).

(c) *Boundaries.* The Anderson Valley viticultural area is located in the western part of Mendocino County, California. The beginning point is at the junction of Bailey Gulch and the South Branch North Fork Navarro River in Section 8, Township 15 North (T.15N.), Range 15 West (R.15W.), located in the northeast portion of U.S.G.S. map "Navarro Quadrangle."

(1) From the beginning point, the boundary runs southeasterly in a straight line to an unnamed hilltop (elevation 2015 feet) in the northeast corner of Section 9, T.13W., R.13W., located in the southeast portion of U.S.G.S. map "Bonnville Quadrangle";

(2) Thence southwesterly in a straight line to Benchmark (BM) 680 in Section 30, T.13N., R.13W., located in the northeast portion of U.S.G.S. map "Ornbaun Valley Quadrangle";

(3) Thence northwesterly in a straight line to the intersection of an unnamed creek and the south section line of Section 14, T.14N., R.15W., located in the southwest portion of U.S.G.S. map "Bonnville Quadrangle";

(4) Thence in a westerly direction along the south section lines of Sections 14, 15, and 16, T.14N., R.15W., to the intersection of the south section line of Section 16 with Greenwood Creek, approximately .2 miles west of Cold Springs Road which is located in the southeast portion of U.S.G.S. map "Navarro Quadrangle";

(5) Thence in a southwesterly and then a northwesterly direction along Greenwood Creek to a point in Section 33 directly south (approximately 1.4 miles) of Benchmark (BM) 1057 in Section 28, T.15N., R.16W.;

(6) Thence directly north in a straight line to Benchmark (BM) 1057 in Section 28, T.15N., R.16W.;

(7) Thence in a northeasterly direction in a straight line to the beginning point.

Approved: March 23, 1983.

Stephen E. Higgins,
Acting Director.

[FR Doc. 83-6034 Filed 4-1-83; 8:45 am]

BILLING CODE 4810-31-W

27 CFR Part 9

[Notice No. 462]

Grand River 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 Ohio to be known as "Grand River Valley." This proposal is the result of a petition submitted by Mr. Anthony P. Debevc, President of Chalet Debonne Vineyards, Inc., a winery located in Madison Ohio. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by May 19, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco

and Firearms, P.O. Box 385, Washington, DC 20044-0383, (Attn: Notice No. 462).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7602).

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 viticultural areas. The regulations 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 added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

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 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 the features which can be found on the 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 with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in northeastern Ohio as a viticultural area to be known as "Grand River Valley." The area has approximately 125,000 acres and consists of all of the land within 2 statute miles, in any direction, of the Grand River from its origin to the point at which it flows into Lake Erie.

The name "Grand River" was assigned by early explorers and settlers to the river called "Sheauga" or "Geauga" by the natives. This Indian word actually means "raccoon" but was so widely misinterpreted that the name "Grand River" has applied to the river since the early nineteenth century.

The petitioner claims that virtually all commercial vineyards in Geauga, Lake, and Ashtabula Counties are within 2 miles of the river, with the exception of some relatively small plantings in the immediate vicinity of the lake. According to a survey conducted in 1975 by Lawrence Anderson, U.S.D.A. Extension Agent for Ashtabula County, the grape plantings in the 4 counties in which Grand River is located are:

County	Acre-age	Number of growers
Ashtabula	1,787	134
Lake	422	45
Geauga	85	4
Trumbull	(¹)	(¹)
	2,294	183

¹ None.

The petitioner claims that the proposed area produces approximately 70% of Ohio's annual crop. There are 4 wineries in the proposed area.

About one-third of the proposed Grand River Valley viticultural area is located inside the proposed Lake Erie viticultural area, proposed in a notice published in today's **Federal Register**. The area inside both proposed areas consists of approximately 46,000 acres and includes more than 99% of all grapevines growing within 2 miles of the river. The remaining two-thirds of the Grand River Valley, approximately 79,000 acres, contains only 2 acres (at West Farmington) known to be planted in grapes.

The petition states: "With Lake Erie helping to provide an overall longer growing season (circa 175 days) the Grand River Valley itself contributes in fulfilling the air drainage requirements for prime viticultural lands."

The petitioner also emphasizes that successful vineyards, over a period of several generations, attest to the unique viticultural features of the area. While

ATF agrees that agricultural land use is a geographical feature, the regulation, 27 CFR 4.25a(e)(2)(iii), requires that the petition contain "evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;". ATF agrees that the moderating effect of Lake Erie distinguishes part of the proposed area from its surroundings. Further, the air and water drainage provided by the Grand River Valley distinguishes the proposed area from the proposed Lake Erie viticultural area. However, the natural boundary of the lake's effect on climate divides the Grand River Valley into a climate area which is strongly influenced by the lake and a climate area which is weakly influenced or not influenced by the lake.

Lake Erie's moderating influence on the climate makes grape growing possible within a short distance inland from the shore. The lake freezes in the winter and the late spring thaw prevents unseasonal warm spells in late winter and early spring. Otherwise, premature bud development during these unseasonal warm spells would leave the grapevines vulnerable to damage during a freeze in late spring. In autumn, the warm water of the lake delays the first freeze a month or longer in comparison to areas farther inland from the lake shore. The lake's protection against spring frost damage and the delay of the first autumn frost result in a growing season between 170 and 185 days, depending on the distance inland from the lake shore.

In Cultural Practices for Commercial Vineyards, Miscellaneous Bulletin 111, published by the New York State College of Agriculture and Life Sciences, in January 1980, the authors state: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature requirements must be satisfied for a site to be considered." The authors also note that for commercial viticulture in this region, a growing season of 165 days is considered minimal and 180 plus days is preferable, and that the winter minimum temperature should infrequently fall below minus 10 degrees Fahrenheit and almost never below minus 15 degrees Fahrenheit.

In The occurrence of Freezing Temperatures in late spring and early fall, Special Circular 94, published by the Ohio Agricultural Experimental Station (now the Ohio Agricultural Research and Development Center, or O.A.R.D.C.), in October 1959, the isobar

for the 180 day growing season passes lengthwise through the middle of Lake County. The isobar for the 170 day growing season passes through the intersection of the 3 county lines of Ashtabula, Lake and Geauga Counties (as a distance about 9 miles inland from the lake shore) and the intersection of the 3 county lines of Cuyahoga, Lake and Geauga Counties (at a distance about 7 miles inland from the lake shore). The isobar for the 160 day growing season is no closer than 20 miles from the lake shore anywhere in Geauga County, and much farther from the lake shore throughout Ashtabula County.

In *Extreme Monthly and Annual Temperatures in Ohio*, Research Bulletin 1041, published by O.A.R.D.C., in November 1970, the isobar for the annual low temperature of -5 to -10 degrees Fahrenheit corresponds closely with the isobar for the 170 day growing season previously discussed; the isobar for annual low temperature of -10 to -15 degrees Fahrenheit corresponds approximately with the isobar for the 160 day growing season previously discussed. The isobar for average annual lowest temperature of 0 to -5 degrees Fahrenheit is between 10 and 15 miles from the lake shore; the average annual lowest temperature of -5 to -10 degrees Fahrenheit covers most of the State of Ohio.

These data help identify the natural inland boundary of the lake's moderating effect on the climate. Based on these and other data, the Lake Erie viticultural area has been proposed with a boundary in northeastern Ohio which is 6 miles inland from the shore east of Ohio Route 45, and 14 miles inland from the shore west of Ohio Route 45. ATF believes that the lake's effect on climate is the overriding geographical feature affecting viticulture. Without it, grape growing would not be possible on a commercial scale in northeastern Ohio. Based on this data, and based on the current locations of commercial vineyards in northeastern Ohio, ATF is proposing, as an alternative, to confine the Grand River Valley viticultural area to the portion of the valley within the proposed Lake Erie viticultural area.

The boundary proposed by the petitioner is set out as the proposed § 9.87a; the boundary proposed as an alternative by ATF is set out as the proposed § 9.87b.

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 applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

ATF is not able to assign a realistic economic value to using "Grand River Valley" as an appellation of origin. An appellation of origin is primarily an advertising intangible. Moreover, changes in the values of grapes or wines may be caused by a myriad of factors unrelated to this proposal.

Any value derived from using the "Grand River Valley" appellation of origin would apply equally to all grape growers in the proposed area.

Therefore, ATF believes that this notice of proposed rulemaking, if promulgated as a 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 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.

Public Participation—Written comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Grand River Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

ATF is especially interested in comments which discuss the following questions:

Should the Grand River Valley viticultural area be confined within the proposed Lake Erie viticultural area?

Are there any significant geographical features affecting viticulture which can support extending the proposed area farther inland than the natural boundary of the lake's moderating effect on the climate?

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

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.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-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.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is John A. Linthicum, 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.

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

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.87. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.87 Grand River Valley.

Par. 2. Subpart C is amended by adding § 9.87. The petitioner's boundary is set out as § 9.87a; the alternative proposed by ATF is set out as § 9.87b. As added, § 9.87 reads as follows:

§ 9.87a Grand River Valley (petitioner's boundary).

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

(b) *Approved map.* The approved map for determining the boundary of the Grand River Valley viticultural area is the U.S.G.S. topographic map in the scale of 1:250,000, entitled Cleveland, number NK 17-8, dated 1956, revised 1972.

(c) *Boundary.* The Grand River Valley viticultural area is located in the following Ohio counties: Lake, Geauga, Ashtabula, and Trumbull. The viticultural area consists of all of the land within 2 statute miles, in any direction, of the Grand River from its origin near West Farmington to the point at which it flows into Lake Erie.

§ 9.87b Grand River Valley (alternative boundary proposed by ATF).

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

(b) *Approved map.* The approved map for determining the boundary of the Grand River Valley viticultural area is the U.S.G.S. topographic map in the scale of 1:250,000, entitled Cleveland, number NK 17-8, dated 1956, revised 1972.

(c) *Boundary.* The Grand River Valley viticultural area is located in the following Ohio counties: Lake, Geauga, and Ashtabula. The viticultural area consists of all of the land within the Lake Erie viticultural area (§ 9.83) which is also within 2 statute miles, in any direction, of the Grand River. Specifically, the Grand River Valley viticultural area consists of all of the land west of Ohio Route 45 which is within 2 statute miles, in any direction, of the Grand River, and which is also within 14 statute miles inland from any point on the shore of Lake Erie.

Signed: March 1, 1983.

Stephen E. Higgins,
Acting Director.

Approved: March 23, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations)

[FR Doc. 83-8632 Filed 4-1-83; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 421 and 465

[WH-FRL 2338-2]

Nonferrous Metals Manufacturing Point Source Category and Coil Coating Point Source Category (Can Making Subcategory); Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on two pretreatment regulations proposed in the Federal Register relating to coil coating (can making) (February 10, 1983; 40 FR 6268) and to nonferrous metals manufacturing point source category (February 17, 1983; 40 FR 7032).

DATES: A public hearing has been scheduled for the following date and place: April 27, 1983—Washington, D.C.

ADDRESS: The public hearing will be held at the following address: Skyline Inn, South Capitol and I Street SW.

FOR FURTHER INFORMATION CONTACT: Harold B. Coughlin, Project Officer for Public Participation, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382-7115.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so at the time of registration.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 8:30 to 9:00 AM. Oral testimony will be presented as follows: 9:30 to 11:30 AM Nonferrous Metals, 1:00 PM to 3:00 PM—Coil Coating (Can Making). Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during the question and answer session which will conclude the presentations of oral testimony for each category.

A court recorder will be present at the public hearing. Official transcripts will be available at no cost. To assist the court recorder persons giving statements are requested to provide copies of their testimony.

Dated: March 24, 1983.

Frederick A. Eidsness, Jr.,
Assistant Administrator for Water.

[FR Doc. 83-8473 Filed 4-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 73, and 76

[Docket No. 83-114; FCC 83-67]

Re-Examination of Technical Regulations

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rulemaking.

SUMMARY: The Commission is initiating an examination of all of its technical rules and regulations. Some of them are obsolete and may be removed. Others may need revising or updating. The agency's staff initiated this proceeding, but is now seeking public participation through written comment. In this document, the FCC is proposing to delete several regulations which it no longer believes are necessary. However, the main part of this item is a Notice of Inquiry which asks specific questions about technical regulations. It is hoped that the public's response to these questions will lead to additional changes in the FCC's Rules and Regulations.

DATES: Comments must be submitted on or before May 2, 1983.

Replies may be submitted on or before June 1, 1983.

ADDRESS: Federal Communications Commission, Office of Science & Technology, Technical Analysis Division, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michel J. Marcus (202) 632-7040.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 15

Communication equipment, Radio.

47 CFR Part 73

Radio broadcast, Television.

47 CFR Part 76

Cable television.

Notice of Inquiry and Proposed Rule Making

In the matter of a re-examination of technical regulations; Gen Doc. 83-114. Adopted: February 17, 1983.