

**DATES:** Written comments must be received on or before February 7, 1994.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; Attn: Notice No. 784.

**FOR FURTHER INFORMATION CONTACT:** James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 10, 1993, ATF published an advance notice of proposed rulemaking (ANPRM) in the *Federal Register* soliciting comments from the public and industry on whether the regulations should be amended to require nutrition labeling for wine, distilled spirits, and malt beverages (Notice No. 776; 58 FR 42517).

The comment period for Notice No. 776 was scheduled to close on November 8, 1993. Prior to the close of the comment period ATF received three requests from national trade associations to extend the comment period. The American Brandy Association (ABA), which represents the interests of producers and marketers of more than 80 percent of American brandy, requested an extension of a minimum of 60 days. The Distilled Spirits Council of the United States, Inc. (DISCUS), which represents producers and marketers of distilled spirits sold in the U.S., requested a 90 day extension of the comment period. Both the ABA and DISCUS stated that an extension was necessary in order to review and analyze fully the issues raised in the ANPRM.

The National Association of Beverage Importers, Inc. (NABI), representing the companies that import 90 percent of all alcoholic beverages brought into the U.S., requested an extension of 120 days. NABI stated that it must coordinate the comments of its members, many of whom are foreign companies importing their products into the U.S. Additional time is needed in order to adequately analyze and communicate the impact that the ANPRM will have on NABI member companies.

In consideration of the above, ATF finds that an extension of the comment period is warranted. However, the comment period is being extended 90 days, until February 7, 1994. The Bureau believes that a comment period totaling 180 days is a sufficient amount

of time for all interested parties to respond.

**Drafting Information**

The principal author of this document is James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

**List of Subjects**

**27 CFR Part 4**

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

**27 CFR Part 5**

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

**27 CFR Part 7**

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

**Authority and Issuance**

This advance notice of proposed rulemaking is issued under the authority in 27 U.S.C. 205.

Dated: October 21, 1993.

John W. Magaw

Director.

[FR Doc. 93-26430 Filed 10-26-93; 8:45 am]

BILLING CODE 4810-31-U

**27 CFR Part 9**

RIN 1512-AA07

[Notice No. 783]

**The Hames Valley Viticultural Area (93F-009P)**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of California to be known as "Hames Valley." The proposed area is located in southern Monterey County. This proposal is the result of a petition submitted by Mr. Barry C. Jackson of the Harmony Wine Company on behalf of Valley Farm Management, Soledad, California, and Mr. Bob Denney & Associates, Visalia, California. 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 the wines

they may purchase, and will help winemakers distinguish their products from wines made in other areas.

**DATES:** Written comments must be received by December 27, 1993.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 783). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, room 6480, 650 Massachusetts Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert White, Wine and Beer Branch, 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 definitive viticultural areas. The regulations 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, 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 the 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 with the boundaries prominently marked.

#### *Petition*

ATF has received a petition from Mr. Barry C. Jackson of the Harmony Wine Company proposing to establish a new viticultural area in southern Monterey County, California, to be known as "Hames Valley." Mr. Jackson submitted the petition on behalf of Valley Farm Management, Soledad, California, and Mr. Bob Denney & Associates, Visalia, California. The proposed Hames Valley viticultural area is located approximately three miles west of the town of Bradley and some seven miles north of Lake Nacimiento. It is located totally within the larger and previously established Monterey viticultural area. As stated in the original petition and letter from the petitioner dated April 27, 1993, there are several existing vineyards within the area that comprise approximately 630 acres planted to grapes. However, there are no wineries currently located within the proposed Hames Valley area. The petitioner also asserts that the size of the proposed area is about sixteen square miles or approximately 10,240 acres. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed previously.

#### *Evidence That Viticultural Area Name Is Widely Known*

According to the petitioner, the name Hames Valley has been associated with this area since the latter part of the nineteenth century. The petitioner cites Donald T. Clark, *Monterey County Place Names*, p. 201 (1991), which states that the valley was named for John Hames who had extensive land holdings in the area. The petitioner further observes that the name Hames Valley appears on the U.S.G.S. Bradley Quadrangle, 15 minute series, map of Bradley, California, and that there is also a U.S.G.S. 7.5 minute series map entitled Hames Valley. Additionally, the petitioner notes that there is a creek which runs through the valley named Hames Creek.

#### *Evidence of Boundaries*

As stated by the petitioner, Hames Valley is located in the eastern foothills of the Santa Lucia Range, west of the confluence of the Salinas, San Antonio, and Nacimiento Rivers. The watershed of Hames Creek is the defining feature

of the proposed appellation. Hames Valley is located wholly within the larger, previously approved Monterey viticultural area. A portion of the boundaries of the Monterey viticultural area form the northern and western boundaries of Hames Valley. Swain Valley and the Salinas River form part of the eastern boundary. The ridgeline that separates Hames Valley from the San Antonio River forms the balance of the eastern and southern boundaries.

#### *Geographical Features*

The petitioner indicates that Hames Valley is a small east-west oriented valley, west of the generally north-south orientation of the meandering Salinas River. Formed by the watershed of Hames Creek, Hames Valley thrusts its way seven miles into the eastern flank of the Santa Lucia Mountains. The petitioner states that Hames Creek empties into the Salinas River approximately two miles downstream from the confluence of the San Antonio and Salinas Rivers. The petitioner further states that Hames Valley is separated from the San Antonio River by a ridge averaging 1,500 feet in elevation, the highest peak at 1,984 feet. A similar ridgeline forms the northern boundary and separates Hames Valley from the Salinas River.

According to the petitioner, the general topography within the valley consists of gently sloping alluvial fans and associated terraces. Drainages are generally well defined.

#### *Soils*

The petitioner has submitted a composite map of the Hames Valley area compiled from the Soil Survey of Monterey County, California, U.S.D.A. Soil Conservation Service, U.S. Forestry Service, University of California Agricultural Experiment Station (1972). According to this map, the principal soils in the area are gravelly sandy loams of the Lockwood series. These comprise approximately 75 percent of the soil types present. Lesser amounts of Chamise shaly loams and Nacimiento silty clay loams are also present. The petitioner asserts that all viticulture takes place in the Lockwood series soils. Soils in the surrounding areas are also silty and shaly loams, but are located on 30 to 50 percent slopes and are of different compositions. The preponderance of the Lockwood shaly clay loam and the geomorphology (flat, well defined valley floor) set the Hames Valley apart from the surrounding mountainous areas.

#### *Climate*

With regard to climate, the petitioner has submitted a study by A.N. Kasimatis, Extension Viticulturist, University of California, Davis (August 7, 1970). As interpreted by the petitioner, the study shows that heat summation for the Hames Valley-Bradley area is generally in the 3200 to 3500 degree-day range. This corresponds to a warm region III, similar to the King City and Paso Robles areas. This differs from the generally cooler climate (region I/II) for the Gonzales, Soledad, and Greenfield area, farther north.

Regarding other climatic factors, the petitioner states that rainfall in the Hames Valley area averages 10 to 12 inches annually.

The petitioner further asserts that the east-west axis of the Hames Valley relative to the north-south orientation of the Salinas Valley results in a reduced wind stress factor in the Hames Valley area. Windspeed builds up later in the day and at reduced velocities relative to the "wind-tunnel" effect in the Gonzales-Soledad-Greenfield area. This results in shorter overall exposure to wind stress, from both a time and wind velocity standpoint.

In sum, the petitioner asserts that the following factors differentiate the Hames Valley from the adjacent Salinas Valley:

- (a) An east-west axis relative to the general north-south orientation of the Salinas Valley.
- (b) A generally warmer microclimate: region III vs. region I/II.
- (c) Higher overall elevation: 500 to 800 feet for Hames Valley, 100 to 500 feet for the Salinas Valley.
- (d) Later daily windspeed build-up and duration of wind.
- (e) More homogeneous soil profile: Hames Valley with one principal soil type; Salinas Valley, over 70 soil types.
- (f) Geographically distinct and separate from the Salinas River Valley.

#### *Proposed Boundary*

The boundary of the proposed Hames Valley viticultural area may be found on one United States Geological Survey map, entitled Bradley Quadrangle, 15 minute series, with a scale of 1:62,500. The boundary is described in proposed § 9.147.

#### *Executive Order 12866*

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

**Regulatory Flexibility Act**

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to more accurately describe the origin of their wines to consumers, and helps 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.

Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have significant secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

**Public Participation**

ATF requests comments from all interested parties. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any comment as confidential. Comments may be disclosed 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 not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director 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 White, Wine and Beer Branch, 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 proposed to be amended as follows:

**PART 9—AMERICAN VITICULTURAL AREAS**

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

Authority: 27 U.S.C. 205.

**Par. 2.** Subpart C is amended by adding § 9.147 to read as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

**§ 9.147 Hames Valley.**

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

(b) *Approved maps.* The appropriate map for determining the boundary of the Hames Valley viticultural area is one U.S.G.S. 15 minute series topographical map, titled Bradley Quadrangle, California, edition of 1961, with a scale of 1:62,500.

(c) *Boundary.* The Hames Valley viticultural area is located in southern Monterey County in the State of California. The boundary is as follows:

(1) Beginning at the southeast corner of section 26, T. 23 S., R. 10 E., which coincides with the point where the 640 foot contour line crosses the Swain Valley drainage, the boundary proceeds in a straight line across section 26 to the northwest corner of section 26, T. 23 S., R. 10 E.;

(2) Then west northwest in a straight line across sections 22, 21, 20, and 19, T. 23 S., R. 10 E., to the northwest corner of section 24, T. 23 S., R. 9 E.;

(3) Then southeast in a straight line across sections 24, 25, 30, 31, and 32, to the southeast corner of section 5, T. 24 S., R. 10 E.;

(4) Then east southeast in a straight line across section 9 to the southeast corner of section 10, T. 24 S., R. 10 E.;

(5) Then east southeast in a straight line for approximately 2.25 miles to Hill 704, located in section 18, T. 24 S., R. 11 E.;

(6) Then north northwest in a straight line for approximately 1.35 miles to Hill

801, located near the northwest corner of section 7, T. 24 S., R. 11 E., and then continue in a straight line to the northwest corner of section 6, T. 24 S., R. 11 E.;

(7) Then in a generally northwesterly direction along the Salinas River for approximately 1 mile to where the Swain Valley drainage enters the Salinas River about .11 mile south of the northern boundary line of section 36, T. 23 S., R. 10 E.;

(8) Then in a westerly direction for approximately .75 mile along the Swain Valley drainage to the southeast corner of section 26, T. 23 S., R. 10 E., the point of beginning.

Approved: October 18, 1993.

Daniel R. Black,  
Acting Director.

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**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 701, 784 and 817**

RIN 1029-AB69

**Permanent Regulatory Program;  
Underground Mining Permit  
Application Requirements;  
Underground Mining Performance  
Standards**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Notice of public hearing.

**SUMMARY:** The Office of Surface Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) published a proposed rule which would amend the regulations applicable to underground coal mining and the control of subsidence-caused damage to lands and structures through the adoption of a number of permitting requirements and performance standards. OSM has received requests for a public hearing on the proposed rule and is announcing that a public hearing will be held.

**DATES:** A public hearing is scheduled for November 9, 1993, in Columbus, Ohio. The hearing will begin at 9 a.m. local time.

**ADDRESSES:** The public hearing will be held in the Dover Room of the Ramada Inn East, 2100 Brice Road, Columbus, Ohio.

**FOR FURTHER INFORMATION CONTACT:** Nancy R. Broderick, Branch of Federal and Indian Programs, Office of Surface Mining Reclamation and Enforcement,