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SUBCHAPTER O—MISCELLANEOUS [Reserved]

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-8495 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-99; Ref: Notice No. 380]

Leelanau Peninsula Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Leelanau County, Michigan, to be named "Leelanau Peninsula." This final rule is the result of a petition submitted by Mr. Lawrence Mawby, proprietor of the L. Mawby Vineyards/Winery in Suttons Bay, Michigan. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Leelanau Peninsula as a viticultural area and its subsequent use as an appellation of origin in wine labeling and advertising will allow local wineries to better designate their specific grape-growing area and will enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the 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.

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 viticultural areas.

Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned to establish a viticultural area to be named "Leelanau Peninsula." In response to this petition, ATF published a Notice of Proposed Rulemaking, No. 380, in the Federal Register on August 5, 1981 (46 FR 39852), proposing the establishment of the "Leelanau Peninsula" viticultural area.

Comments

Seven comments were submitted in response to the notice. The comments were submitted by: the Leelanau County Board of Commissioners, as Resolution Number 21-81; a customer of one of the local wineries within the proposed area; a local winery; a horticulturist from Michigan State University; Mr. Leon Adams, author of *The Wines of America*; The Association of American Vintners and one of the first commercial grape growers in the proposed area. All of these commenters supported the petition for the viticultural area, as proposed.

Historical and Current Evidence of the Name

The name of the area, Leelanau Peninsula, was well documented in the petition as an area which has been associated with fruit-growing for over 100 years. More recently, the area has been identified as a distinctive grape-growing region which contains four wineries.

These wineries have approximately 120 acres of bearing French hybrid and Vinifera grapes. An additional 25-30 acres of these varieties have been planted.

The petitioner furnished information which documented the name Leelanau (initially spelled Leelinau) as first appearing in written records of the State of Michigan in 1840 as a result of a treaty with the Indians. In the 1836 Treaty of Washington, the upper western half of the State's lower peninsula was ceded by the Indians to the State of Michigan. The Leelanau area was officially designated as a county in 1862.

After evaluating the information contained in the petition and the written comments, ATF believes the historical and current evidence supports the name of the viticultural area as being a distinct grape-growing region.

Geophysical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish it from surrounding areas.

The Leelanau Peninsula was formed by glacial action and is distinguishable on three sides by natural features; Lake Michigan on the west and north, and the West Arm of Grand Traverse Bay on the east.

One comment stated that: "The moderating effect of Lake Michigan delays fruit development in the spring generally beyond the most serious frost period and then prevents sudden drops in temperature in the fall. This area of Michigan also receives considerable winter snowfall which generally prevents the soil from freezing, thus preventing fruit tree and vine crop root injury." The petitioned area contains microclimates which support varieties of French hybrid and Vinifera winegrapes.

The soils in the proposed area vary widely, as is always the case when land is formed by glacial action and deposits. The soil levels consist of granite and limestone bedrock, clay subsoils, with sand and gravel loam surface soils. This area is characterized by large deep inland lakes which add an additional moderating effect to the climate, high-rolling and heavily-timbered hills in the north, and undulating plateaus in the south which rise 250 to 400 feet above Lake Michigan.

The Leelanau Peninsula and the Old Mission Peninsula to the east, comprise one of Michigan's two wine grape regions. The other region is located approximately 200 miles south along the Lake Michigan shore. These two regions are distinguishable by an average 20 day difference in the number of frostfree growing days which relates to an approximate difference of 400-500 cumulative growing-degree days (2300 degree days in the Leelanau area and 2800 degree days in the southern area).

Based on the information contained in the petition and comments received pertaining to the geographical, climatic and soil features, ATF has determined that the proposed area is distinguishable from the surrounding area.

Boundaries

The boundaries, as proposed, were established by the use of natural features on three sides; Lake Michigan

on the west and north, and the West Arm of Grand Traverse Bay on the east. The Leelanau-Grand Traverse county line was the southern boundary.

Based on the evidence submitted with the petition, ATF has determined that the proposed boundaries sufficiently delineate the viticultural area from surrounding areas and, therefore, the boundaries are being adopted as proposed. This viticultural area encompasses 330 square miles. Furthermore, while ATF believes that viticultural boundaries based on political boundaries or man-made features are inappropriate, where political boundaries, such as the southern boundary line (Leelanau-Grand Traverse County line), closely approximate natural features, or where they provide a demarcation line from grape-growing areas as opposed to areas unsuitable for grape-growing, it is acceptable to use political boundaries or man-made features in describing the boundaries.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that if promulgated as a final rule, it will not have a significant impact on a substantial number of small entities. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 604) for a final regulatory flexibility analysis shall not apply to this final rule.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Miscellaneous

ATF is approving this area as being viticulturally distinct from surrounding areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer

acceptance of Leelanau Peninsula wines.

Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations 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 add the title of § 9.40. As amended, the table of sections reads as follows:

* * * * *
9.40 Leelanau Peninsula.

Par. 2. Subpart C is amended by adding § 9.40 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.40 Leelanau Peninsula.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Leelanau Peninsula viticultural area are four U.S.G.S. maps. They are entitled:

- (1) "Empire Quadrangle, Michigan," 15 minute series;
- (2) "Maple City Quadrangle, Michigan," 15 minute series;
- (3) "Traverse City Quadrangle, Michigan," 15 minute series; and
- (4) "Northport Quadrangle, Michigan," 15 minute series.

(c) *Boundaries.* The Leelanau Peninsula viticultural area encompasses all of Leelanau County, Michigan, excluding the offshore islands.

Signed: February 17, 1982.

G. R. Dickerson,
Director.

Approved: March 15, 1982.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-8448 Filed 3-29-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 543

Instruction of Civilians in Marksmanship

AGENCY: Army Department, DOD.

ACTION: Final rule.

SUMMARY: Army Regulation 920-20 implements the provisions of Title 10, U.S.C., sections 4308 and 4311 for the instruction of civilians in marksmanship. Revision is necessitated by recent decisions of the National Board for the Promotion of Rifle Practice extending the age groups eligible for participation and procedures governing annual reporting procedures, which will authorize greater participation and simplify processing of enrollment applications and reporting procedures. The proposed rule was published in the Federal Register, Vol. 47, No. 4, Thursday, January 7, 1982 (47 FR 822). No comments from the public were received.

DATES: Effective March 30, 1982.

FOR FURTHER INFORMATION CONTACT: Colonel Jack R. Rollinger, Director of Civilian Marksmanship, Room 1205, Pulaski Bldg., 20 Massachusetts Avenue, NW., Washington, DC 20314; (202) 272-0810.

John O. Roach II,
Liaison Officer with the Federal Register.

PART 543—PROMOTION OF RIFLE PRACTICE

Accordingly, 32 CFR Part 543 is revised to read as set forth below:

Subpart A—General

- Sec.
- 543.1 Purpose.
- 543.2 Applicability.
- 543.3 References.
- 543.4 Authority.
- 543.5 Responsibilities.
- 543.6 Eligibility limitations.

Subpart B—Organization and Enrollment of Shooting Clubs

- 543.7 Junior clubs.
- 543.8 Junior and senior clubs.
- 543.9 Enrollment.

Subpart C—Provision of Arms, Ammunition, Targets, and Related Equipment

- 543.10 Issue of Government-owned material.
- 543.11 Sale of Government-owned material.
- 543.12 Clubs located on military reservations.