

hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 82-23961 Filed 8-31-82; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 421; Re: Notice Nos. 396 and 397]

Grape Brandy; Labeling

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

ACTION: Withdrawal of notices of proposed rulemaking.

SUMMARY: On November 19, 1981, ATF published notices of proposed rulemaking to allow grape brandy to be labeled with a grape variety designation, a grape vintage designation and a viticultural area designation. Nearly all of the comments received opposed allowing such designations for grape brandy. This notice withdraws the notices of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 1200 Pennsylvania Avenue, NW., Washington D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms was petitioned for a regulation change in 1978 to allow grape brandy to prominently show a grape variety and vintage year on a brandy label. ATF denied the petition because of insufficient evidence that a grape's variety or vintage year characteristics could survive the distillation process and be distinguishable in a finished brandy. After additional information was received from the petitioner, ATF published an advance notice of proposed rulemaking in the **Federal Register** on January 2, 1980, asking for comments on proposing varietal and vintage grape brandy labeling regulations. There were 427 written comments received on the advance notice of proposed rulemaking. After a review of these comments, a notice of proposed rulemaking was prepared on the varietal and vintage grape brandy labeling with special emphasis on

requesting more information on the proposal.

Seven hundred and ten (710) written comments were received on the varietal and vintage grape brandy labeling notice of proposed rulemaking published in the **Federal Register** on November 19, 1981. Nearly all the comments were opposed (703) to allowing varietal and vintage labeling of grape brandy. The California Brandy Advisory Board, made up of all 12 producers of California brandy, conducted a vote at their meeting on January 8, 1982. With 11 of 12 members present, the vote on both varietal and vintage grape brandy labeling was the same, 9 opposed, 1 in favor and 1 abstention. We did not receive substantive evidence on the effect of distillation on varietal or vintage year grape characteristics, such as taste panel testing or laboratory analysis on specific varieties or vintage years of grape brandy. However, 4 wine chemists, highly respected for their expertise and year of experience, submitted comments indicating varietal and vintage grape brandy labeling would be meaningless and confusing to the consumer.

Six comments were received on the viticultural area brandy proposal. Three commenters favored the idea while three opposed the concept. The California Brandy Advisory Board meeting vote was 11 opposed and 1 absent.

Current regulations provide that brandy made from grape wine may be designated only as "brandy" or "grape brandy". Under 27 CFR 5.33(f), this designation may be followed with additional information which may include the name of a grape variety provided 100 percent of the variety is used.

ATF has decided to make no change in current regulations. ATF, in view of its initial concerns, firmly believes that the evidence presented is not sufficient to warrant an amendment to existing regulations to allow a grape variety or vintage year to be prominently displayed as proposed on a brandy label. Also, ATF did not receive the evidence and support to further consider a viticultural area grape brandy proposal. Therefore, ATF is withdrawing notice of proposed rulemaking numbers 396 and 397.

Drafting Information

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

Authority

This document is issued under the authority of 27 U.S.C. 205.

Signed: July 27, 1982.

Stephen E. Higgins,
Acting Director.

Approved: August 20, 1982.

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

[FR Doc. 82-23967 Filed 8-31-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 422]

Loramie Creek Viticultural Area

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 west central region of Ohio to be known as "Loramie Creek." This proposal is in response to a petition from the Vinterra Farm Winery and Vineyard in Houston, Ohio. The establishment of the "Loramie Creek" viticultural area will allow wineries in this area to label and advertise wines as originating in this specific grape-growing area and will aid the public by identifying wines originating in this area.

DATE: Written comments must be received by October 1, 1982.

ADDRESS: Send written comments to—Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attention: Notice No. 422).

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 the ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Lori D. Weins at (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37872, 54624) which allows the establishment of definite viticultural areas under 27 CFR Part 4—Labeling and Advertising of Wine. This final rule also allows 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 27 CFR Part 9—American Viticultural Areas—to provide for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25(e)(1) of 27 CFR Part 4 defines 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. Furthermore, § 4.25a(e)(2) requires any interested person to petition ATF for the establishment of a grape-growing region as a viticultural area and to provide the following information in support of the petition for viticultural area:

(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

Under the terms of 27 CFR 4.25a, ATF has received a petition from the Vinterra Farm Winery and Vineyard, proposing an area in Shelby County, Ohio, as a viticultural area to be known as "Loramie Creek." The proposed area is located in the west-central part of Ohio and consists of approximately 3600 acres of rolling land sloping in the southwest portion of Shelby County, Ohio, with designated boundaries partly within the Townships of Cynthian, Loramie, and Washington. At present, the area has two operating wineries with vineyards growing French hybrid grapes. These wineries comprise a total of 16 acres in production with a projection of 30 more acres to be planted within the next five years.

The petitioner furnished information that (a) the name of the viticultural area is locally known, (b) the proposed boundaries of the viticultural area are

correct, and (c) the geographical features of the area have growing conditions which distinguish the proposed area from surrounding areas. The petitioner bases these claims on the following:

(a) That the name "Loramie Creek" is well known in Shelby County and counties to the north, south, and west; that it is associated with the historical significance of Fort Loramie, Lake Loramie, the Miami-Erie Canal, and surrounding places; and that it is the largest tributary in Shelby County and drains a well-defined valley.¹

(b) That the boundaries of the proposed "Loramie Creek" viticultural area may be found on a U.S.G.S. 7.5 minute quadrangle map ["Fort Loramie Quadrangle, Ohio-Shelby Co." 7.5 Minute Series (Topographic), 1961-1973].

(c) That the elevation of the proposed viticultural area varies from 940 to 1000 feet above sea level. The entire proposed viticultural area is Glynwood-Blount Soil Association. This association is typified mostly by gently sloping to sloping topography of uplands, moderately well drained and somewhat poorly drained upland soils formed in clay loam or silty clay loam glacial till; and it is used mainly for cultivated crops and pastures. The average precipitation is 35.05 inches and the average daily temperature for the area is 51°F with a low average daily temperature of 25.5°F in January and a high average daily temperature of 73.2°F in July.

(d) That the specific boundaries of the proposed viticultural area are based on features found on the U.S.G.S. map. (A copy of this U.S.G.S. map with the boundaries prominently marked is on file with ATF.)

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. 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 Loramie Creek viticultural

¹A directory, entitled "Robinson's, 1979 Shelby County, Ohio Rural Directory," was submitted by the petitioner to support the statements of recognition.

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, ATF has determined that this proposal is not major 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

ATF requests comments on this proposed viticultural area from all interested persons. Furthermore, while this document proposes certain boundaries for the "Loramie Creek" viticultural area, comments concerning other possible boundaries for this proposed viticultural area will be considered (for example, to condense the proposed viticultural area by changing the southern boundaries to Stoker Road).

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 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.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure. Consumer protection. Wine.

Drafting Information

The principal authors of this document are E. J. Sheehan and A. N. Stickney, 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 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 § 9.62. As amended, the table of sections reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec. * * * * *

9.62 Loramie Creek.

2. Subpart C is amended by adding § 9.62. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas**§ 9.62 Loramie Creek.**

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

(b) *Approved map.* The approved map for the Loramie Creek viticultural area is the U.S.G.S. map entitled "Fort Loramie Quadrangle, Ohio-Shelby Co.," 7.5 minute series (topography), 1961-1973.

(c) *Boundaries.* The Loramie Creek viticultural area is located in Shelby County, Ohio. The boundaries are as follows:

(1) From the beginning point of the boundary at the intersection of State Route 47 and Wright-Puthoff Road, the boundary runs southward on Wright-Puthoff Road for a distance of 1½ miles to the intersection of the Wright-Puthoff Road with the Consolidated Railroad Corporation (indicated on the U.S.G.S. map as New York Central Railroad);

(2) Then along the Consolidated Railroad Corporation right-of-way in a southwesterly direction for a distance of 2½ miles to the intersection of the Consolidated Railroad Corporation right-of-way with Loramie Creek;

(3) Thence upstream along Loramie Creek in a northwesterly direction for a distance of approximately 3½ miles to

where Loramie Creek intersects State Route 47;

(4) Thence eastward on State Route 47 for a distance of approximately 4¼ miles to the beginning point of State Route 47 and Wright-Puthoff Road.

Signed: August 3, 1982.
Stephen E. Higgins,
Acting Director.

Approved: August 20, 1982.
David Q. Bates,
Deputy Assistant Secretary (Operations).
[FR Doc. 82-23962 Filed 8-31-82; 8:45am]
BILLING CODE Code 4810-31-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 913****Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Illinois Permanent Regulatory Program**

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is announcing procedures for the public comment period and for requesting a hearing on the substantive adequacy of proposed amendments to the Illinois permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice sets forth the times and locations that the Illinois program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments, and the procedures that will be followed for the public hearing, if one is held.

DATES: Written comments must be received on or before 4:00 p.m. on September 27, 1982, to be considered in the Director's decision on whether to approve or disapprove the proposed program amendments. A public hearing on the proposed amendments has been scheduled for September 23, 1982, at 1:00 p.m.

Any person interested in presenting an oral or written statement at the hearing should contact Daniel Jones at the address and phone number listed below by September 14, 1982. If no person has contacted Mr. Jones to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the *Federal Register*.

ADDRESSES: Written comments should be mailed or hand-delivered to: Daniel

Jones, Director, Illinois Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701.

The public hearing will be held at the Illinois Department of Transportation Auditorium, 2300 Dirksen Parkway, Springfield, Illinois. Copies of the Illinois program, the proposed amendments to the program, and all written comments are available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining, Illinois Field Office, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701
Office of Surface Mining, Administrative Record, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240
Illinois Department of Mines and Minerals, 227 South 7th Street, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT:

Mr. Daniel Jones, Director, Illinois Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701, Telephone: (217) 492-4486.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of Illinois. On October 31, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 72468-72505). The State was enjoined on December 11, 1980 from resubmitting its program. On December 11, 1981, the injunction was lifted and on December 22, 1981, Illinois resubmitted its program. The Secretary of the Interior approved the program subject to the correction of five minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the June 1, 1982 *Federal Register* (47 FR 23858-23883).

In accordance with 30 CFR 732.17, the procedures for program amendment, Illinois now seeks to amend a portion of its permanent program. Illinois proposes to amend its Rule 1823.14 regarding soil replacement on prime farmlands. The full text of the proposed Illinois amendment follows:

§ 1823.14 Prime farmland: Soil replacement.

Surface coal mining and reclamation operations on prime farmland shall be conducted according to the following:

(a)(1) The minimum depth of soil material to be reconstructed for prime farmland shall be 48 inches except where a natural rock formation occurs at shallower depths. The Department shall specify a depth greater than 48 inches, wherever necessary to restore