

approximately 1,000 feet south of Interstate Highway 70 at the intersection of two unnamed light duty roads in the town of Bartonville;

(2) Then east-southeasterly 15,500 feet in a straight line to the point lying at the intersection of Mussetter Road and latitude line 39 degrees 22 minutes 30 seconds;

(3) Then east-northeasterly 8,125 feet in a straight line to the point lying at the intersection of Mill Road and State Highway 144;

(4) Then easterly along State Highway 144 to the point of intersection with State Highway 27, approximately midway between the towns of Ridgeville and Parrsville;

(5) Then northeasterly along State Highway 27 to the point of intersection with State Highway 26 in the town of Taylorsville;

(6) Then northerly 2,750 feet in a straight line to the point on a hill identified as having an elevation of 850 feet;

(7) Then northwesterly 21,000 feet in a straight line to the point lying at the intersection of State Highway 31 and latitude line 39 degrees 30 minutes;

(8) Then westerly 15,625 feet along latitude line 39 degrees 30 minutes to the point of intersection with Copper Mine Road;

(9) Then northwesterly along Copper Mine Road to the point of intersection with longitude line 77 degrees 15 minutes;

(10) Then southerly 5,250 feet along longitude line 77 degrees 15 minutes to the point of intersection with latitude line 39 degrees 30 minutes;

(11) Then southwesterly 46,750 feet in a straight line to the point of beginning.

Signed: September 10, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: October 6, 1982.

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

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## 27 CFR Part 9

[Notice No. 429]

### Merritt Island Viticultural Area, Proposed Establishment

**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 "Merritt Island." This proposal is the result of a petition submitted by Mr. Chris Bogle, Secretary, Bogle Vineyards, Incorporated. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin will help wineries better designate the specific grape-growing areas where their wines came from and will help wine consumers better identify the wine they purchase.

**DATE:** Written comments must be received by December 20, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385, Attn: Notice No. 429.

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

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

#### 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 for the establishment of definite viticultural areas. The regulations also allow the name of approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1978, 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 geographical 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. 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 characteristics (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 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. maps with the boundaries prominently marked.

#### Petition

ATF has received a petition to establish a viticultural area in Yolo County, California, to be known as "Merritt Island." The petition was submitted by Mr. Chris Bogle of Bogle Vineyards, Incorporated, who operates the only winery within the proposed area. The proposed area consists of a man-made island of approximately 5,000 acres, which resulted from land reclamation of the Sacramento (river) Delta. This area is located six miles south of the City of Sacramento, California, and is the first island forming the alluvial fan of the Sacramento Delta.

The petitioner claims that commercial grape-growing, in the proposed area, first began in 1969. Currently there are 425 acres of wine grapes planted, with additional acres of new plantings. There are eight varieties of wine grapes being cultivated, the principle variety is *Chenin Blanc*. The other varieties are *Grey Riesling*, *Petite Sirah*, *Semillion*, *Cabernet Sauvignon*, *Sauvignon Blanc*, and *Merlot*. There are five vineyard operators within the proposed area. The petitioner has 156 acres of wine grapes planted. Bogle vineyards qualified with ATF as a bonded winery in March 1979 and since has bottled "estate bottled wines" and "varietal wines."

#### Evidence Relating to the Name

The petitioner furnished information which establishes the name Merritt Island as applying to the proposed area, as far back as November 16, 1879, on an official map of Yolo County, California. The proposed area and name is also prominently identified on a U.S.G.S. map (Clarksburg Quadrangle) submitted with the petition.

#### Geographical Evidence

The petition contained geographical and climatic information which distinguishes the proposed area from surrounding areas, based on the fact that:

(a) The proposed area consists of an island, bounded on the west and north by Elk Slough, Sutter Slough on the south, and the Sacramento River on the east.

(b) The type of soil primarily consists of Columbian Sandy Loam, while areas to the east consist of Sierra loam type soils, areas to the west consist of adobe and clay type soils, and areas to the south consist of Peat Dirt (an organically structured soil).

(c) The climate of Merritt Island is tempered by cooling southwesterly breezes from the Carquinez Straits near San Francisco. The influence of this breeze creates a 10 degree Fahrenheit cooler median temperature difference from the City of Sacramento, located six miles north. The climate of the islands to the south are often influenced by fog cover from San Francisco Bay, whereas, Merritt Island very seldom receives this fog cover since it is the northern most island in the Sacramento Delta.

#### Boundaries

The proposed viticultural area is located in Yolo County, California, six miles south of the City of Sacramento. Merritt Island is encircled by three bodies of water; the Sacramento River on the east, Elk Slough on the north and west, and Sutter Slough on the south.

The California Department of Public Works identifies the boundaries of the proposed area as "District No. 150 of the Sacramento River Flood Control Project."

The exact boundaries are described in the regulations portion of this document.

#### Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF 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 cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical 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.

#### Regulatory Flexibility Act

The provision of the Regulatory Flexibility Act relating to an initial regulatory flexibility analysis (5 U.S.C. 603) is not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This rule, if

adopted, will allow the petitioner or other persons to use an appellation of origin, "Merritt Island," on wine labels and in wine advertising. ATF has determined that this rule neither imposes new requirements on the public nor removes existing privileges available to the public. Adoption of this proposed rule will not result in any economic or administrative costs to the public, but will grant to the petitioner or other persons an intangible economic benefit. This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens 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 proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 27 CFR Part 9

Administrative practice procedures, Consumer protection, Viticultural areas, Wine.

#### Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. ATF particularly requests comments and information concerning: possible alternative boundaries; and viticultural and geographical evidence which may distinguish the proposed area from surrounding areas.

All 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 any person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit a request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

#### 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 in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 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 heading of § 9.68 as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.68 Merritt Island.

**Par. 2.** Subpart C is amended by adding § 9.68 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

§ 9.68 Merritt Island.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Merritt Island viticultural area are two U.S.G.S. maps, 7.5 minute series. They are entitled:

(1) "Clarksburg Quadrangle, California," 1967 (Photorevised 1980); and

(2) "Courtland Quadrangle, California," 1978.

(c) *Boundaries.* The Merritt Island viticultural area includes approximately 5,000 acres, located in Yolo County, California, six miles south of the City of Sacramento. The boundaries of the Merritt Island viticultural area, using landmarks and points of reference found on the U.S.G.S. maps submitted with the petition, are as follows: starting at the most southernly point, the intersection of Sutter Slough with the Sacramento River, west along the course of Sutter Slough for 0.54 mile until it intersects Elk Slough; northeast along the course of Elk Slough for 9.58 miles to the community of Clarksburg and the intersection of the Sacramento River; southwesterly along the course of the Sacramento River for 7.8 miles to the beginning point.

Signed: September 3, 1982.

W. T. Drake,  
Acting Director.

Approved: October 5, 1982.

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

[FR Doc. 82-30179 Filed 11-2-82; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 915

#### Public Comment and Opportunity for Public Hearing on Modified Portions of the Iowa Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments that are intended to satisfy program deficiencies identified in the Iowa permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Iowa program and the proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed for the public hearing.

**DATES:** Written comments must be received on or before 4:00 p.m., December 6, 1982, to be considered in the Director's decision on whether the proposed program amendments satisfy the identified program deficiencies and are consistent with SMCRA and 30 CFR Chapter VII.

A public hearing on the proposed amendments has been scheduled for 5:00 p.m., November 30, 1982, at the address listed below under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Richard Rieke at the address and telephone number listed below by November 18, 1982. If no person has contacted Mr. Rieke 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:** The public hearing will be held at the Holiday Inn, Capitol Plaza, 1050 6th Avenue, Des Moines, Iowa 50324. Written comments and requests to speak at the public hearing should be sent to: Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grant Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-3920.

Copies of the Iowa Program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters 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, Room 5315, 1100 L Street, NW., Washington, D.C. 20240;

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 50319.

**FOR FURTHER INFORMATION CONTACT:** Richard Rieke, Field Office Director, Missouri State Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 28, 1980, OSM received a proposed regulatory program from the State of Iowa. On October 16, 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 68673-68675). The State of Iowa resubmitted its revised regulatory program on December 15, 1980, and after a subsequent review, the Secretary approved the program subject to the correction of three minor deficiencies. The Secretary's decision was published in the January 21, 1981 **Federal Register** (46 FR 5885-5892). The Approval was made effective April 10, 1981.

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 **Federal Register** (46 FR 5885-5892).

#### Submission of Revisions

On October 1, 1981, OSM received from the Iowa Department of Soil Conservation (DSC), revisions to its permanent program intended to satisfy conditions identified in the January 21, 1981 **Federal Register** as "a" and "c".

OSM published a notice in the **Federal Register** on February 10, 1982, announcing receipt of these provisions and inviting public comment on whether the provisions submitted satisfied the two conditions. On May 26, 1982 (47 FR 22950-22954), the Secretary announced his decision to approve the amendments and to remove conditions "a" and "c".

On June 3, 1982, the Iowa DSC submitted to OSM a statutory amendment, Iowa Senate Bill 2660, which revised the Iowa Surface Coal Mining Act to satisfy condition "b" identified in the January 21, 1981 **Federal Register**.

OSM published a notice in the **Federal Register** on July 7, 1982, announcing receipt of the provision and inviting public comment on whether it satisfied the condition. On September 8, 1982 (47 FR 39482-39483), the Secretary announced his decision to approve the amendment and remove condition "b".

On December 21, 1981, OSM notified the Iowa DSC that a review of Iowa's permanent regulatory program rules revealed that several important rules had been deleted and that the Iowa regulatory program was therefore deficient. (See Iowa Administrative Record Document Number IA-188.)

Apparently, Iowa deleted these rules in order to comply with actions taken by OSM to suspend certain rules in 30 CFR Chapter VII as a result of litigation on the permanent program rules (*In re Permanent for Surface Mining Regulation Litigation*, No. 79-1144 [D.D.C. 1980] aff'd 617 F.2d 807 [D.C. Cir. 1980]). When Iowa chose to delete the corresponding rules from its program, it also deleted portions of the rules that were not suspended.

#### Summary of Program Amendments

Following is a description of the provisions submitted by the State on September 28, 1982, intended to correct the deficiencies noted in the December 21, 1981 letter from OSM. Under the authority of Iowa Code section 467.4(1), Chapter 4 of the Iowa Administrative Code on "Surface Mining and Reclamation Operations," was amended. The amended rules are summarized as follows:

1. Subrule 4.522(11) dealing with hydrologic balance, water quality standards, and effluent limitations, and