

merits of an underlying assessment. However, if in the judgment of the district director a genuine dispute regarding the merits of an underlying assessment appears to exist, the district director may request an extension of the 21-day holding period.

(3) *Notification of errors from sources other than the depositor.* The district director may take action to release the levy on the bank account based on information obtained from a source other than the depositor, including the bank in which the account is maintained.

(e) *Effective date.* These provisions are effective with respect to levies issued on or after May 31, 1991.

Fred T. Goldberg, Jr.

Commissioner of Internal Revenue.

[FR Doc. 91-10178 Filed 4-30-91; 8:45 am]

BILLING CODE 4830-01-M

## Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Part 9

[Notice No. 715]

RIN 1512-AA07

### Texas Hill Country Viticultural Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms proposes to establish a viticultural area located in south central Texas to be known by the appellation "Texas Hill Country." The proposal is the result of a petition filed by Mr. Hugo Edwin Auler of Fall Creek Vineyards. The approved viticultural areas of "Bell Mountain" and "Fredericksburg in the Texas Hill Country" are located in the proposed area. AFT believes that 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 purchase. The establishment of viticultural areas also allows wineries to specify further the origin of wines they offer for sale to the public.

**DATE:** Written comments must be received by June 17, 1991.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385  
REF: Notice No.

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 Public Reading Room, Room 6300, 850 Massachusetts Avenue, NW., Washington, DC 20226.

#### FOR FURTHER INFORMATION CONTACT:

Marjorie Dundas, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37872, 54624) revising regulations in 27 CFR, part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine. On October 2, 1979, AFT published Treasury Decision ATF-60 (44 FR 56892) which added a new part 9 to 27 CFR, providing 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), title 27 CFR 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 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 or copies of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

##### Petition

AFT received a petition proposing a viticultural area in south central Texas to be known as Hill country. The

proposal was submitted by Mr. Hugo Edwin Auler, on behalf of a group of winery and vineyard owners in the proposed viticultural area. Since the name "Hill Country" could apply to many areas, AFT suggested the name might be more meaningful to consumers outside the State of Texas if it were more specific. The petitioner subsequently amended the name to "Texas Hill Country."

The proposed viticultural area is located in south central Texas, with a land area of approximately 15,000 square miles. The petition indicates that the area known as "Hill Country" covers the eastern two-thirds of the Edwards Plateau. According to the petition, the Edwards Plateau lies north and west of the portion of the Balcones Fault which runs near the cities of San Antonio and Austin, respectively. The Balcones Fault, a significant geological fault which extends from Mexico into Texas and up to Canada, separates the Edwards Plateau from the Rio Grande Plains to the south and west and from the Blackland Prairies on the east and northeast. The Edwards Plateau is bounded on the north and northwest by the North Central or Low Rolling Plains. The petition states that the western portion of the Edwards Plateau is not included within the proposed viticultural area.

##### Evidence of Name

In *An Insider's Guide to the Texas Hill Country*, 1990 Edition, an article stated "the Texas Hill Country extends roughly as far west as Sonora; as far south as Uvalde and San Antonio; as far north as Menard, Brady, and Lampasas; and as far east as Austin and San Marcos." With the exception of Sonora, each of these towns and cities is located on the boundary of the proposed area. A brochure prepared by the Texas Hill Tourism Association, *Experience it. The Texas Hill Country*, features descriptions of towns within the proposed area, and a map which roughly coincides with the boundary described by the petitioner.

##### Viticultural History

The petitioner states that grape growing and wine making have existed on a small scale "for the better part of the last 150 years." However, vitis vinifera varieties have only been grown since the mid-1970's. There are currently ten wineries and 40 "commercial and/or significant experimental" vineyards in the proposed viticultural area, according to the petitioner. There are two approved viticultural areas which are entirely within the proposed area; both

are in Gillespie County, Texas. "Bell Mountain" consists of approximately 5 square miles on the south and southwest slopes of the mountain of the same name. The area is distinguished from the surrounding areas by its slightly acid soil and by the topographical limits of its location, which result in cooler and drier air than in the nearby valleys.

"Fredericksburg in the Texas Hill Country" is a 110 square mile "bowl" shaped area which ranges from 1500 to 1900 feet in elevation. Its altitude provides cooler night time temperatures in summer and a longer winter dormancy period. These features, along with soil composed of a sandy loam topsoil over a nutrient rich reddish clay, distinguish it from the immediately surrounding areas.

#### Proposed Boundary

Highways are used as the boundary for the proposed area. Evidence was presented by the petitioner that these man-made features closely follow a change in the geographical characteristics of the area. According to the petitioner, the southern and eastern portions of the boundary for the Texas Hill Country coincide with the portion of the Balcones Fault, "which crosses out of Mexico \* \* \* just northwest of the city of Del Rio, Texas; then runs generally eastward to the north and west side of San Antonio, Texas; then runs northeastward to the west side of Austin, Texas." Although there is not such a clear natural boundary on the north and west sides of the proposed area, the U.S.G.S. maps provided by the petitioner reflect gradual leveling of the terrain near the highways which were proposed as boundaries.

As stated in the proposed § 9.136, the beginning and end point for the boundary of the proposed viticultural area is the intersection of U.S. Highway 183 and a highway with no route designation to the north of the city of Austin on the Austin, Texas U.S.G.S. map. As shown on the U.S.G.S. map, there is a gap in the undesignated highway as it proceeds in a southerly direction to the west of the city of Austin. The undesignated highway then resumes its course southwest of the city of Austin until it intersects with State Highway 71.

The petitioner has supplemented the Austin, Texas U.S.G.S. map (which was last revised in 1974), with an official highway travel map published by the Texas State Department of Highways and Transportation. This map shows that the undesignated highway referred to above is now designated as "Loop 360" and further indicates that the gap in the highway has been closed. In view of

the fact that "Loop 360" has been completed since the last revision of the Austin U.S.G.S. map and since the petitioner has identified the completed "Loop 360" as coinciding with the relevant geographical characteristics of the area, this Notice proposes to accept the Texas State highway map as a supplement to the Austin, Texas U.S.G.S. map to show the path and route designation of the highway which forms the closing boundary of the proposed viticultural area.

#### Distinguishing Features

The petitioner provided the following evidence relating to features which distinguish the proposed viticultural area from the surrounding areas:

##### Topography

The petitioner states that the terrain of the proposed area varies from about 650 to 2550 feet above sea level. As indicated above, the Texas Hill Country covers the eastern two-thirds of the Edwards Plateau, which ends at the Balcones Fault. The petitioner asserts that the name Balcones (for balcony, in Spanish) is suggested by the pronounced drop in elevation from the Edwards Plateau to the Blackland Prairie, to the east of the proposed area. Furthermore, the petition states that the higher land of the southeast edge of the Edwards Plateau has been severely eroded by the flow of numerous rivers and streams, and that portions were raised by volcanic activity and geological upheavals. This has left the Texas Hill Country as "a region of low mountains, hills, canyons and valleys." The petitioner contrasts this hilly terrain with the surrounding areas (the Rio Grande Plains, the Blackland Prairies, and the North Central Plains) which are all characterized by flatter terrain.

##### Soils

According to the petitioner, "most of the hills of the region are limestone, sandstone or granite in nature, while the valleys usually contain varying types of sandy and/or clay loam, most of a calcareous nature, but many with different underlying characters due to the complex geology of the region." The petitioner enclosed a U.S. Department of Agriculture description of various soils in the area. According to this document, the main soil series associated with the eastern two-thirds of the Edwards Plateau (*i.e.*, the Texas Hill Country) are the Tarrant, Eckrant, Brackett and Tobosa, with Frio, Oakalla and Dev in the bottomlands. By way of comparison, the main soil series associated with the western portion of the Edwards Plateau are Ector, Upton and Reagan. In

addition, the petition identifies Claesville, Elmendorf, Floresville, Miguel and Webb as the main soils associated with the Rio Grande Plains to the south of the proposed area. The Blackland Prairies to the east and northeast are comprised mainly of the Houston Black, Heiden, and Austin soil series, while the main soil series for the Low Rolling Plains to the north are Abilene, Rowena, Mereta, and Lueders.

#### Climate

The petitioner asserts that the climate of the Texas Hill Country is distinguished from the surrounding areas by a number of different factors. The Blackland Prairies and Rio Grande Plains which border the proposed area on the east and south are classified as "humid subtropical" characterized by "hot days, warm nights, and usually humid" weather. The petitioner attributes this to the influence of warm, moist winds off the Gulf of Mexico during the growing season. Since the Texas Hill Country is located further inland and at a higher altitude than the Blackland Prairies and Rio Grande Plains, the air is drier and has a "greater proclivity for giving up heat at night." The resulting cooler, drier nights within the proposed area are beneficial in the growing of vinifera grapes, according to the petitioner.

The petitioner further states the proposed area is subject to winds which "flow over the deserts of Chihuahua and Coahuila in Mexico and north over the Edwards Plateau and the Hill Country during much of the growing season." These desertlike winds subside and cool at night, and tend to "pool." Since the Texas Hill Country slopes from west to east, the cool, dry air which collects in the evening flows, or drains, across the area very rapidly, resulting in cooler nighttime temperatures. Although these same desert winds flow over the Low Rolling Plains to the north of the proposed area, the plains are "flat to rolling" in topography with the result that the air movement and nighttime cooling are less rapid than in the proposed area. Finally, the petitioner indicates that while the climate of the proposed area is similar to the rest of the Edwards Plateau, the proposed area is distinguishable in that it has a higher average rainfall. The petition states that the western portion of the Edwards Plateau averages 16 to 22 inches of rainfall per year, while the Texas Hill Country averages 24 to 28 inches per year.

**Executive Order 12291**

It has been determined that this document is not a major regulation as defined in E.O. 12291 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 costs 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.

**Regulatory Flexibility Act**

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. 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, Pub. L. 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

**Public Participation**

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, in view of the large size of the proposed Texas Hill Country area, ATF is especially interested in receiving comments concerning the boundaries of the area. 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 material in 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 the proposed regulations should submit his or her 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 will be held.

**Drafting Information**

The principal authors of this document are James A. Hunt and Marjorie Dundas, 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, Wine.

**Issuance**

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas is 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.** The Table of contents in subpart C is amended to add the title of § 9.136 to read as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

\* \* \* \* \*  
9.136 Texas Hill Country.

**Par. 3.** Subpart C is amended by adding § 9.136 to read as follows:

**Subpart C—Approved American Viticultural Areas****§ 9.136 Texas Hill Country.**

(a) *Name.* The name of the viticultural area described in this section is "Texas Hill Country."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the "Texas Hill Country" viticultural area are 7 U.S.G.S. (scale 1:250,000) maps. They are titled:

- (1) Brownwood, Texas, 1954 (revised 1974);
- (2) Sonora, Texas, 1954 (revised 1978);
- (3) Llano, Texas, 1954 (revised 1975);
- (4) Austin, Texas, 1954 (revised 1974);
- (5) Del Rio, Texas, 1958 (revised 1969);
- (6) San Antonio, Texas, 1954 (revised 1980);
- (7) Seguin, Texas, 1953 (revised 1975).

(c) *Boundary.* The Texas Hill Country viticultural area is located in portions of McCulloch, San Saba, Lampasas, Burnet, Travis, Williamson, Llano, Mason, Menard, Kimble, Gillespie, Blanco, Hays, Kendall, Kerr, Edwards, Real, Bandera, Bexar, Comal, Guadalupe, Medina, and Uvalde counties, in the State of Texas. The boundary is as follows:

(1) The beginning point is the intersection of U.S. Highway 183 and a highway with no route designation (subsequently designated Loop 360, according to the official highway travel map published by the Texas State Department of Highways and Transportation) to the north of the city of Austin, on the Austin, Texas, U.S.G.S. map;

(2) From the beginning point, the boundary follows U.S. Highway 183 in a northwesterly direction to the top of the Austin map and across the northeast corner of the Llano, Texas, U.S.G.S. map, to the intersection with State Highway 190 in Lometa, on the Brownwood, Texas, U.S.G.S. map;

(3) The boundary then follows State Highway 190 in a southwesterly direction through San Saba and Brady on the Brownwood map, to the intersection of U.S. Highway 83 at Menard, on the Llano, Texas, U.S.G.S. map;

(4) The boundary follows U.S. Highway 83 in a southerly direction to the town of Junction, where it meets U.S. Highway 377 (Llano map);

(5) The boundary then follows U.S. Highway 377 southwest to the town of Rocksprings, on the Sonora, Texas, U.S.G.S. map, where it meets State Highway 55;

(6) The boundary then follows State Highway 55 in a southeasterly direction across the southeast portion of the Del Rio, Texas, U.S.G.S. map, and continues to the town of Uvalde, on the San Antonio, Texas, U.S.G.S. map, where it meets U.S. Highway 83;

(7) The boundary then follows U.S. Highway 83 south for approximately 2 miles, until it meets U.S. Highway 90;

(8) The boundary then follows U.S. Highway 90 east across the San Antonio map to its intersection with Loop 410 in the city of San Antonio;

(9) The boundary then follows Loop 410 to the west of San Antonio, until it meets Interstate Highway 35;

(10) The boundary then follows Interstate Highway 35 in a northeasterly direction across the San Antonio map and then across the northwest corner of the Seguin, Texas, U.S.G.S. map until it meets State Highway 71 on the Austin, Texas, U.S.G.S. map;

(11) The boundary then follows State Highway 71 in a northwesterly direction approximately 3 miles, until a highway with no route designation (but designated as Loop 360 in the official highway travel map published by the Texas State Department of Highways and Transportation) diverges in a northwesterly direction from State Highway 71;

(12) The boundary follows the undesignated highway until it ends, then continues in an approximately semicircular path until it meets the continuation of that undesignated highway to the north. (The two sections of undesignated highway were connected and the entire stretch of highway was designated as Loop 360 after the 1974 revision of the Austin U.S.G.S. map, according to the official highway travel map published by the Texas State Department of Highways and Transportation. The boundary actually follows Loop 360.) The boundary follows this highway northeast, back to the beginning point at the intersection with U.S. Highway 183 north of Austin, on the Austin, Texas, U.S.G.S. map.

Approved: March 29, 1991.

Stephen E. Higgins,  
Director.

[FR Doc. 91-10221 Filed 4-30-91; 8:45 am]  
BILLING CODE 4810-31-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 22

[CC Docket No. 91-121; FCC 91-121]

#### Air-ground Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Proposal to add location and channel for Laurel Run, PA, and channels for Pittsburgh, PA; and Seattle, WA; to remove channels from Newark, NJ; Pittsburgh, PA; Seattle, WA; and Washington, DC; and to relocate a channel from Grand Canyon, AZ to Williams, AZ, in order to eliminate actual and potential interference and provide service to previously unserved areas to insure improved air ground service to the public.

**DATES:** Comments must be filed by June 17, 1991. Reply comments are due by July 2, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrew L. Nachby, Mobile Services

Division, Common Carrier Bureau at (202) 632-6450.

#### SUPPLEMENTARY INFORMATION:

##### Summary of Notice of Proposed Rulemaking

In view of the apparent need for air-ground communications service the Commission proposes to amend 47 CFR 22.521(b) to assign working channel 9 to Laurel Run, Pennsylvania and working channel 10 to Pittsburgh, Pennsylvania; to delete working channel 10 from Washington, DC, working channel 12 from Pittsburgh, Pennsylvania, working channel 9 from Newark, New Jersey, and working channel 9 from Seattle, Washington; to relocate working channel 12 from Grand Canyon, Arizona to Williams, Arizona.

##### Procedures for Amendment of Air-Ground Table of Allotments

The Commission invites comments on this proposal. The procedures to be followed in submitting comments in this proceeding are similar to those followed in proceedings to amend the FM or Television Table of Assignments in § 1.420 of the Commission's rules. The procedures are discussed below.

##### Cut-off Procedures

The following procedures govern the consideration of filings in this proceeding:

(a) Counterproposals made in this proceeding will be considered if they are made in initial comments so that parties may comment on them in reply comments. Counterproposals will not be considered if made in reply comments (See § 1.420(d) of the Commission's rules).

(b) Petitions for Rulemaking which conflict with the proposal of this Notice will be considered as comments. Public notice of such treatment will be given so long as the petitions are filed before the date for filing initial comments. If they are filed after that date, they will not be considered in connection with the decision in this proceeding.

##### Dates and Service

Under the procedures set out in §§ 1.415 and 1.420 of the Commission's rules, interested parties may file comments on or before June 17, 1991 and reply comments on or before July 2, 1991. All submissions made by parties to this proceeding or in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. These comments and reply comments must be accompanied by a certificate of service (see § 1.420 (a)-(c) of the Commission's

rules). Reply comments must be served on the person(s) who filed comments.

##### Number of Copies

Under § 1.420 of the Commission's rules, an original and four copies of all comments, reply comments, pleadings, briefs or other documents must be submitted to the Commission.

##### Public Inspection of Filing

All findings made in this proceeding are available for inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC. Copies may be purchased from International Transcription Service, 2100 M Street, NW., First Floor, Washington, DC 20036, (202) 857-3800.

##### List of Subjects

###### 47 CFR Part 22

Table of air ground radiotelephone service, Communications common carriers, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-10230 Filed 4-30-91; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[MM Docket No. 91-127, RM-6577; RM-7346; RM-7375; RM-7537; RM-7445]

**Radio Broadcasting Services; Blackville, Branchville, Estill, Georgetown, Moncks Corner and Walterboro, SC, and Richmond Hill, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on five mutually exclusive or interrelated petitions for rule making for allotments in South Carolina and Georgia. Cedar Carolina Limited Partnership, licensee of Station WJYQ(FM), Moncks Corner, seeks the substitution of Channel 287C2 for Channel 288A at Moncks Corner, SC, and the modification of Station WJYQ(FM)'s license accordingly. Eutaw Broadcast Associates seeks the allotment of Channel 286A to Branchville, SC, as the community's first local FM service. Richmond Hill Broadcasting requests the substitution of Channel 287C3 for Channel 287A at Richmond Hill, Georgia, and the modification of Station WRHQ's construction permit to specify the higher