

calendar quarter of 1991. The deposit of tax imposed under section 4681 on post-1990 ODCs (as defined in § 52.4681-1T(c)(9)) for the first four semimonthly periods of the first calendar quarter of 1991 is due on or before April 1, 1991.

Fred T. Goldberg,
Commissioner of Internal Revenue.

Approved: December 19, 1990.

Kenneth W. Gideon,
Assistant Secretary of the Treasury.
[FR Doc. 90-30364 Filed 12-31-90; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-309 RE; Notice No. 706]

RIN 1512-AA07

Establishment of Virginia's Eastern Shore Viticultural Area (88F180P)

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

ACTION: Treasury decision; final rule.

SUMMARY: This final rule establishes a viticultural area on the Virginia portion of the Delmarva Peninsula to be known as "Virginia's Eastern Shore." This final rule is based on a notice of proposed rulemaking published in the *Federal Register* on August 28, 1990, at 55 FR 35152, Notice No. 706. ATF believes the establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area in which the grapes used in their wines were grown and will enable consumers to better identify wines they purchase.

EFFECTIVE DATE: February 1, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Dundas, Wine and Beer Branch, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added to title 27 a new part 9 for the listing of approved American viticultural areas. Section 4.25a(e)(1) of 27 CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographic 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 shall 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 proposed 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. map(s) with the proposed boundaries prominently marked.

Petition

ATF received a petition proposing a viticultural area on the Virginia portion of the Delmarva Peninsula to be known as Virginia's Eastern Shore. The proposal was submitted by Mr. James D. Keyes, owner of the only bonded winery in the viticultural area, Accomack Vineyards, which was established in 1987. The viticultural area is located in two Virginia counties, Accomack and Northampton, with a land area of approximately 682 square miles or 436,480 acres. There are three vineyards in the viticultural area with approximately 33 acres of wine grapes.

Evidence of Name

The name Eastern Shore is used in referring to the Delmarva Peninsula, the large peninsula located along the coasts of Delaware, Maryland and Virginia. The narrow, 75-mile-long end of the peninsula which is in Virginia is bordered on the west by the Chesapeake Bay and on the east by the Atlantic Ocean. The two United States Department of Agriculture (U.S.D.A.) reports, dated 1920 and 1987, which the petitioner submitted both refer to the area as the Eastern Shore, and some of the weather data for the area was gathered at the Eastern Shore Agricultural Experiment Station, in Painter, Virginia. The area is referred to as "Virginia's Eastern Shore" in travel books, such as *Adventuring in the Chesapeake Bay Area*, by John Bowen, and *Bay & River Public Access Guide*, produced by the Public Access Task Force Committee. The *Virginia Wineries*

1990-1991 Festival & Tour Guide refers to Accomack Vineyards as "Virginia's only Eastern Shore Winery."

Boundary

The boundary follows the coastline of the southern portion of the Delmarva Peninsula, but excludes the marshy coastal areas and the coastal islands. The petitioner quoted a U.S.D.A. report which says "the mainland" (as opposed to the coastal islands and the salt marshes) "contains practically all of the cultivable, productive soils of the region."

Distinguishing Features

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

Climate

The main factor which influences the climate of the viticultural area is the presence of large bodies of water on both sides of the 6-to-8-mile wide peninsula. The Atlantic Ocean to the east and Chesapeake Bay to the west provide a moderating influence on temperature within the viticultural area which is not shared by the remainder of Virginia or by the wider portion of the peninsula in Maryland and Delaware to the north. The maximum range of temperature at Wachapreague, within the viticultural area, is 95 degrees F. This may be contrasted with the maximum range of 100 degrees F. at Norfolk, VA, to the southwest of the area, and 105 degrees F. at Pocomoke City, MD, to the north of the area. The latest spring frost recorded within the viticultural area was on April 11, at Eastville, and the earliest autumn frost was recorded on October 28, in Wachapreague. Just outside the area, Norfolk, VA, has had frosts as late as April 26 in the spring and as early as October 15 in the fall, and Pocomoke City, MD, had its latest spring frost on May 25 and its earliest autumn frost on September 23. The maritime influence is also responsible for breezes which provide air circulation "desirable to minimize fungus problems with the fruit" in the humid summer. The mean annual rainfall in the area, 39.2 inches at Eastville and 37.89 inches at Wachapreague, is similar to that at Pocomoke City to the north (39.59 inches), but substantially less than at Norfolk (49.54 inches). The petitioner stated that the months of heaviest rain are July and August.

Topography

Much of the area lies between 25 and 45 feet above sea level. No point is higher than 50 feet, and the terrain is flat or gently sloping. Despite this, the area is fairly well drained by numerous creeks and streamlets, and by the porous material which underlies the soils. By contrast, the Virginia shoreline on the western side of the Chesapeake Bay rises above 50 feet rapidly, and the terrain is more irregular.

Notice of Proposed Rulemaking

On August 28, 1990, Notice No. 706 was published in the *Federal Register* with a 45-day comment period. In that notice, ATF requested comments regarding the proposal to establish Virginia's Eastern Shore as an American viticultural area. During the comment period, no comments were received. However, two comments which were received after the comment period both supported the establishment of Virginia's Eastern Shore as a viticultural area.

Miscellaneous

ATF does not wish to give the impression by approving "Virginia's Eastern Shore" as a viticultural area that it is approving or endorsing the quality of the wine derived from the area. ATF is approving this area as being distinct and not better than other areas. By approving this area, ATF will allow wine producers to claim a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "Virginia's Eastern Shore."

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 final rule is not expected (1) to have secondary, or incidental effects on a substantial number of small entities, or (2) to impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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 United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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 final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is 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, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Par 2. The Table of Sections in subpart C is amended to add the title of § 9.135 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

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§ 9.135 Virginia's Eastern Shore

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Par 3. Subpart C is amended by adding § 9.135 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.135 Virginia's Eastern Shore.

(a) *Name.* The name of the viticultural area described in this section is "Virginia's Eastern Shore."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the "Virginia's Eastern Shore" viticultural area are 3 U.S.G.S. Quadrangle (1:250,000 Series) maps. They are titled:

(1) Eastville, VA.; N.C.; MD., 1946 (revised 1969).

(2) Salisbury, MD.; DEL.; N.J.; VA., 1946 (revised 1969).

(3) Richmond VA.; MD., 1973.

(c) *Boundary.* The Virginia's Eastern Shore viticultural area is located in Accomack and Northampton counties, Virginia. The boundary is as follows:

(1) The beginning point is the intersection of the Virginia/Maryland border and Chincoteague Bay, near Greenbackville on the Salisbury, MD., U.S.G.S. map;

(2) From the beginning point, the boundary follows the coastline in a southwesterly direction. Where there are marshes indicated on the U.S.G.S. maps, the boundary is the inland side of these marshes;

(3) When the boundary reaches the southernmost point of the peninsula, on the Eastville, VA., U.S.G.S. map, the boundary turns and proceeds in a northwesterly direction, again following the coastline around Cherrystone Inlet on the Richmond, VA., U.S.G.S. map;

(4) The boundary continues to follow the coastline and the inland side of any marshes indicated on the U.S.G.S. maps in a northeasterly direction, until it reaches the Virginia/Maryland border on the Eastville, VA., U.S.G.S. map;

(5) The boundary then follows the Virginia/Maryland border back to the beginning point at Chincoteague Bay on the Salisbury, MD., U.S.G.S. map.

Signed: December 10, 1990.

Stephen E. Higgins,
Director.

Approved: December 17, 1990.

Dennis M. O'Connell,
Acting, Deputy Assistant Secretary
(Regulatory, Tariff and Trade Enforcement).
[FR Doc. 90-30548 Filed 12-31-90; 8:45 am]
BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 260

[FRL-3895-1]

Underground Storage Tanks; Technical Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today publishing an interim final rule amending the technical requirements for underground storage tanks (USTs) promulgated in the *Federal Register* on September 23, 1988 (53 FR 37082). Specifically, EPA is extending for 270 days (or until September 22, 1991)