

comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before September 23, 1983, a written notice of participation and request for hearing, and (2) on or before October 24, 1983, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. August 24, 1983.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: August 17, 1983.

James C. Morrison,
Assistant Director for Regulatory Affairs.

[FR Doc. 83-23205 Filed 8-23-83; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. TF-143; Ref: Notice No. 451]

Establishment of York Mountain Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in San Luis Obispo County, California, to be known as "York Mountain." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "York Mountain" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (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 allowing 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.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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.

York Mountain Winery in San Luis Obispo County, California, petitioned ATF to establish a viticultural area to be known as "York Mountain." In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 451, in the *Federal Register* on February 9, 1983 (48 FR 5956), proposing the

establishment of York Mountain as a viticultural area. The petitioner's comment in favor of the viticultural area and their request to make a minor change in the boundary line was the only comment received.

Historical Evidence of the Name

The petitioner stated that the name "York Mountain" is well known in the area because of the mountain named York. The winery is located at the base of York Mountain. The winery and vineyards were established in 1882 by the York family who owned the property until 1970. The U.S.G.S. map submitted by the petitioner is entitled "York Mountain Quadrangle."

Geographical Features

York Mountain viticultural area is distinguished from surrounding areas suitable for growing grapes by:

(1) Being closer to the Pacific Ocean (7 miles) therefore receiving more of a cooling fog influence;

(2) The elevation being higher (up to 1500 feet on the slopes of the Santa Lucia Mountain Range);

(3) The rainfall averages 45 inches per year which is about double the amount of surrounding areas; and

(4) A classification of Region I as compared to Regions III and IV for nearby areas.

Change in the Boundary

The petitioner requested the viticultural area be reduced by about 640 acres on the eastern boundary. It was found that this 640 acres more closely approximates the Region III classification of the proposed Paso Robles viticultural area. The York Mountain viticultural area is considered a cool climate Region I grape-growing area. By putting the 640 acres in the proposed Paso Robles viticultural area, the boundary between the two viticultural areas is more geographically distinguishable than before. This final rule accepts the request to reduce the York Mountain viticultural area size and the description of the boundaries in 27 CFR 9.80 reflect the change.

Miscellaneous

ATF does not wish to give the impression by approving York Mountain as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other 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 come from consumer acceptance of York Mountain wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Enforcement Act (5 U.S.C. 605(b)), that this final rule will not 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 final rule 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 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.

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 final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Rm. 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW., Washington, DC.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, Wine.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 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 include the title of § 9.80 as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec. * * * * *

9.80 York Mountain.

Par. 2. Subpart C is amended by adding § 9.80 to read as follows:

§ 9.80 York Mountain.

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

(b) *Approved map.* The approved map for the York Mountain viticultural area is the U.S.G.S. map entitled "York Mountain Quadrangle," 7.5 minute series (topographic), 1979.

(c) *Boundaries.* The York Mountain viticultural area is located in San Luis Obispo County, California. The boundaries are as follows:

- (1) From the beginning point at the northwest corner of the York Mountain Quadrangle map where the Dover Canyon Jeep Trail and Dover Canyon Road intersect, proceed east along Dover Canyon Road 1.5 miles to the western boundary line of Rancho Paso de Robles;
- (2) Follow the western boundary line of Rancho Paso de Robles southwest 6.0 miles to where the boundary joins Santa Rita Creek;
- (3) Turn right at Santa Rita Creek and follow the creek 5 miles to where the waters of Dover Canyon and Santa Rita Creek meet; and
- (4) Then proceed north along Dover Canyon Creek across State Highway 46 back to the point of beginning.

Signed: August 3, 1983.

Stephen E. Higgins,
Director.

Approved: August 8, 1983.

David Q. Bates,
Deputy Assistant Secretary, Operations.

[FR Doc. 83-23255 Filed 8-23-83; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Abandoned Mine Land Reclamation Program Amendment

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

ACTION: Final rule.

SUMMARY: On December 8, 1982, the State of Kentucky submitted to OSM a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan. After opportunity for public comment and review of the amendment, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Kentucky amendment meets the requirements of the Surface Mining Control and Reclamation Act (SMCRA) and the Secretary's regulations (30 CFR Chapter VII, Subchapter R. 47 FR 28574-28604, June 30, 1982). Accordingly, the Assistant Secretary has approved the Kentucky amendment.

EFFECTIVE DATE: The rule is effective September 23, 1983.

ADDRESSES: Copies of the full text of the proposed amendment are available for review during regular business hours at the following locations:

- Kentucky Department of Natural Resources and Environmental Protection, Frankfort, Kentucky 40601
- Office of Surface Mining, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504
- Office of Surface Mining Reclamation and Enforcement, Administrative Record Rm. 5315, 1100 L Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles V. Smith, Program Manager, Division of Abandoned Mine Lands, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343-7921.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that