

standard wine by placing limitations on this practice. The Bureau seeks comment on whether it is "good commercial practice" to restore the volume of water lost in the processing of low alcohol wine by thin-film evaporation of standard wine under reduced pressure. Further, the Bureau seeks comment on the extent to which this practice would be consistent with good commercial practice, if at all. For example, should the addition of water be limited to the volume of water lost in the processing.

The Bureau also proposes to amend 27 CFR 4.21 to provide a standard of identity for reconstituted wine and possible disclosure of the addition of water to such wine and seeks comment on whether the practice of reconstituting the processed wine, if found to be acceptable, should be disclosed on the label of the low alcohol wine. Advice regarding the manner of label disclosure is invited from those persons who feel that label disclosure should be made.

Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this notice of proposed rulemaking, if promulgated as a final rule, will not be a major rule since it will not result in:

(a) An annual effect on the economy of \$100,000,000 or more;

(a) 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, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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 notice of proposed rulemaking since it is not expected to have a significant economic impact on a substantial number of small entities. This notice of proposed rulemaking, if promulgated as a final rule, is not expected to have: Significant or secondary 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 of a substantial number of small entities.

Disclosure

Copies of this notice of proposed rulemaking and all written comments will be available for public inspection

during normal business hours at: Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, DC.

Comments

The Bureau will not recognize any material or comment as confidential and will disclose the information. Any material that 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 comments is not exempt from disclosure. Any comment received after the closing date and too late for consideration will be treated as a possible suggestion for future ATF action.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Acting Director within the 60 day comment period. The Acting Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Michael J. Breen, Specialist, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel in the Bureau participated in the preparation of the document, both in matters of substance and style.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine, Vinegar.

Authority

This notice of proposed rulemaking is issued under the authority contained in section 5382 of the Internal Revenue Code of 1954 (26 U.S.C. 5382) and Section 205(e) of the Federal Alcohol Administration Act (27 U.S.C. 205).

Signed: May 17, 1982.

Stephen E. Higgins,
Acting Director.

Approved: July 1, 1982.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20221 Filed 7-20-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 415]

North Fork of the Roanoke 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 parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of the Roanoke." This proposal is the result of a petition submitted by MJC Vineyard. ATF believes that the establishment of viticultural area names and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by August 26, 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 (Notice No. 415).

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 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. These regulations provide for the establishment of definite American viticultural areas and allow for their use as appellations of origin on wine labels and in wine advertisements. The American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(1), 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 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 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 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

ATF has received a petition from MJC Vineyard proposing a viticultural area in parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of the Roanoke." MJC Winery is the only bonded winery located in the proposed viticultural area and it has about 23 acres of grapes. There are four other vineyards in the proposed area with a total of about 26 acres of grapes. The nearest vineyard outside the proposed viticultural area is at least 40 miles.

The name specifically applies to the 22 mile valley of the North Fork of the Roanoke River, including the surrounding hills, ridges, and mountains of the watershed. The viticultural area is well defined geographically because the North Fork of the Roanoke River flows southwesterly for $\frac{1}{2}$ its length, then reverses its direction around Pearis Mountain and flows northeasterly an additional 10 miles to form the main body of the Roanoke River. It is bounded on the west by the Alleghany Mountain ridges of the Eastern Continental Divide, on the south by the Pedlar Hills, and on the north and east by the Pearis and Ft. Lewis Mountains. The North Fork of the Roanoke has been a major center for grape hybridization and propagation. No fewer than five nationally significant varieties of grapes have been developed in this area by Virginia Tech fruit breeders in the past 30 years. The name North Fork of the

Roanoke is well established today as a recreation area on the Eastern Continental Divide with portions of the Appalachian Trail and the Jefferson National Forest bordering the area. The North Fork of the Roanoke appears on State, regional, and U.S. geological maps. The North Fork of the Roanoke is also known widely for its unique geologic formations.

The North Fork of the Roanoke has had a continuity in grape and wine production. The Indians and the early European settlers first harvested the local fox grape that was native to the area. Wine production in this area was nationally recognized as early as the 1840 national census. By 1889, the principal wine grapes of the area included Concord, Virginia Norton, and Martha. Every plantation produced grapes and about half of all grapes were pressed into wine. Grape production increased in this area until 1925, after which time there was a major reduction in vine and wine production throughout Virginia. Today Virginia Tech continues to operate an experimental vineyard in the valley of the North Fork of the Roanoke including varietal trials of breeding lines from other States. Virginia Tech, with MJC Vineyard and Nurseries as an instructional station, also has become a center for wine and viticulture education, offering regular academic and extension courses and consultation in enology and viticulture. Other farm vineyards are reappearing on the North Fork with wine producing grapes.

The features which distinguish the proposed North Fork of the Roanoke from surrounding areas are:

(a) *Elevation*—The valley floor of the North Fork begins in Roanoke County at an elevation of 1,800 feet. As the river flows through Montgomery County it falls 600 feet before reentering Roanoke County to form the main body of the Roanoke River. Both the Pearis and Ft. Lewis Mountains overlook the North Fork. These rise to elevations of 3,100 feet. The viticulturally significant part of the North Fork of the Roanoke however, is an uneven but frost free area between 1,700 and 2,100 feet of elevation on the southeast facing slopes of the Continental Divide and lower fringe of the north facing slopes of Pearis Mountain.

(b) *Soil*—The viticulturally productive slopes are principally made up of Frederic and Poplimento soils with limestone characteristics of the southeast facing slopes and limestone/sandstone layers characteristic of the north facing slopes. The soil in the proposed viticultural area is significantly different than that found in

the surrounding hills and ridges. On the north and west are the Alleghany ridges and the Jefferson National Forest which are largely unsuited for agriculture.

(c) *Climate*—The micro climate for grape production in the North Fork of the Roanoke is excellent due largely to the protection the valley derives from its location between two high ranging, parallel and northwest facing mountain ridges. The mountains protect the valley and its southeast facing slopes from destructive storms and limit excessive rainfall in the growing season. The average rainfall in the North Fork is 39.5 inches as contrasted with 44 inches and more annually in the western mountains. Air and soil drainage on the slopes are good. Prevailing westerlies wash out potentially troubling pollutants and keep vine diseases to a minimum. An early morning fog from the North Fork characteristically cool the vines in the summer. Despite variations in elevation, the growing season in the North Fork is relatively constant averaging 170 days with a heat summation of about 2800 degree days between the 28 degrees F Spring and Fall frosts. Winters are mild with temperatures below -5 degrees F occurring only every 12 to 15 years with a 150 year record low of -16 degrees F in 1977. Summer highs rarely exceed 90 degrees F and the pattern of warm days and cool nights is conducive to wine grape quality.

(d) *Boundaries*—The proposed viticultural area is defined principally by State and Federal roadways. The map submitted by the petitioner consists of eight 7.5 minute series U.S. Geological Survey Maps. The boundaries as proposed by the petitioner are described in the proposed § 9.65.

Public Participation—Written Comments

ATF requests interested persons to submit comments regarding this proposed viticultural area. Although this notice proposes possible boundaries for the North Fork of the Roanoke viticultural area, comments concerning other possible boundaries for this viticultural area will be considered as well. The proposed viticultural area is a 22 mile long valley with only 49 acres of grapes; therefore, could the boundary be reduced in size to include just the five vineyards? ATF is also particularly interested in comments regarding the viticultural area name.

All pertinent comments will be considered prior to the proposal of final regulations. Comments are not considered confidential. 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 any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should make a request, in writing, to the Acting Director within the 30 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Acting Director, however, reserves the right to determine whether a public hearing will be held.

Drafting Information

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

Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), 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 cost or prices for consumers, individuals 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.

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 expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to 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 North Fork of the Roanoke viticultural 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.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), ATF proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.65 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.65 North Fork of the Roanoke

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.65 to read as follows:

§ 9.65 North Fork of the Roanoke.

(a) *Name.* The name of the viticultural area described in this section is "North Fork of the Roanoke."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of the Roanoke viticultural area are 1965 U.S.G.S., 7.5 minute series maps titled: Looney Quadrangle, McDonalds Mill Quadrangle, Glenbar Quadrangle, Elliston Quadrangle, Ironto Quadrangle, Blacksburg Quadrangle, Newport Quadrangle and Craig Springs Quadrangle.

(c) *Boundaries.* The North Fork of the Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia.

(1) The point of beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County. The line follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624. The viticultural area line turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business). The line follows U.S. 460 (business) south through the town of Blacksburg. The line then continues on U.S. 460 (bypass to the intersection of U.S. 460-east where it turns east for approximately 1 mile to the intersection of U.S. Interstate Highway 81 at Interchange 37. The line continues northeast on Interstate 81 along the ridge of the Pedlar Hills to Interchange 38 at State Route 603. At this point, the line goes west on State Route 603 approximately 1 mile to the intersection of State Route 629, then follows State Route 629 (which later becomes State Route 622 north of Bradshaw Creek)

about 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way. The line then turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersection of State Routes 785 and 697 and then follows State Route 784 back to the starting point.

Signed: June 3, 1982.

Stephen E. Higgins,
Acting Director.

Approved: July 1, 1982.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20220 Filed 7-26-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 416]

Temecula, Murrieta, and Rancho California Viticultural Areas

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 viticultural areas in Riverside County, California, to be known as "Temecula," "Murrieta," and "Rancho California." This proposal is the result of petitions submitted by the Rancho California/Temecula Winegrowers Association (hereinafter referred to as "the Association") and Callaway Vineyard and Winery, Temecula, California. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better identify wines they purchase. The use of viticultural areas as appellations of origin will also help winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by September 10, 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. 416).

Copies of the petitions, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure,