

offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations

For the reasons stated, it is proposed to amend § 301.7701-2 of the Regulations on Procedure and Administration (26 CFR Part 301) by adding a new subparagraph (5) at the end of paragraph (a) and by adding two new sentences at the end of paragraph (c) (4). These added provisions read as follows:

§ 301.7701-2 Associations.

(a) *Characteristics of corporations.*

(5) All references in this section to the Uniform Limited Partnership Act shall be deemed to refer both to the original Uniform Limited Partnership Act (adopted in 1916) and to the revised Uniform Limited Partnership Act (adopted by the National Conference of Commissioners on Uniform State Laws in 1976).

(c) *Centralization of management.*

(4) Furthermore, if all or a specified group of the limited partners may remove a general partner, all the facts and circumstances must be taken into account in determining whether the partnership possesses centralized management. A substantially restricted right of the limited partners to remove the general partner (e.g., in the event of the general partner's gross negligence, self-dealing, or embezzlement) will not itself cause the partnership to possess centralized management.

Jerome Kurtz,

Commissioner of Internal Revenue.

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Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 353]

The Fennville 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 the first viticultural area in the State of Michigan, to be known as "Fennville."

This proposal is the result of a petition submitted by an industry member.

DATES: Written comments must be received by December 26, 1980.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

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 4407, 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, DC (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 the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, 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. map with the boundaries prominently marked.

Petition

ATF has received the first petition to establish a viticultural area within the State of Michigan to be known as "Fennville." The proposed area is primarily located in Allegan County with a small portion located in Van Buren County. This general area of Michigan is known as the "fruit belt" and is located in the southwestern portion of Michigan. This proposed area consists of approximately 75,000 acres.

The petitioner claims that the proposed viticultural area is historically known as a fruit growing area and more recently known for the distinctive French hybrids and vinifera grapes grown for the locally produced wine. In addition, the area is distinguished from the surrounding area by natural geographical boundaries and features. The petitioner bases these claims on:

(a) Fennville is the name of a small community of approximately 850 people which has been associated with the growing and processing of fruits since the late 1880's. In 1888 the Fruit Shippers Association was established, in 1897 the Fennville Fruit Company co-operative was organized. The community of Fennville has continued to be a major crossroad and trading center within the proposed appellation.

(b) The proposed area generally consists of sandy loam soil and rolling terrain which is well drained and ideal for growing peaches, apples, cherries, plums, pears, and grapes. The climate within the proposed area is distinguished from the surrounding area by a more moderate high and low temperature range which is attributed to its proximity to Lake Michigan and the protecting sand dunes. The majority of the proposed area consists of rolling terrain within a 650 to 700 foot elevation. The Lake Michigan shore has an elevation of 618 feet which rises to 650 feet and forms a natural barrier.

(c) The boundaries of the proposed area are distinguished on three sides by natural features; the Kalamazoo River on the north, the Black River and Middle Fork of the Black River on the south, and Lake Michigan's eastern shore on the west.

The boundaries of the proposed viticultural area, using landmarks and points of reference are as follows: starting at the most southwestern point, the intersection of the Black River as it empties into Lake Michigan at the City of South Haven; northward along the eastern shore of Lake Michigan approximately 20 miles to the

intersection of the Kalamazoo River; easterly along the course of the Kalamazoo River for approximately 11.25 miles (seven miles due east) to 86°5' west longitude which is 1.25 miles east of the community of New Richmond; south along 86°5' west longitude for 13.5 miles to the intersection of the Middle Fork of the Black River; westerly along the course of the twisting Middle Fork of the Black River until it joins the Black River, continuing west for a total of 12.5 miles (10 miles due west) to the starting point. The entire viticultural area comprises approximately 75,000 acres.

The exact boundaries of the proposed area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the proposed regulations.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this document proposes possible boundaries for Fennville viticultural area, suggestions concerning other alternative boundaries will be given consideration prior to any final decision.

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 and 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 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 submit his or her request, in writing to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in the 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

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.33. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.
* * * * *
9.33 Fennville.

Par. 2. Subpart C is amended by adding § 9.33. As amended, Subpart C reads as follows:

§ 9.33 Fennville.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Fennville viticultural area are three U.S.G.S. maps. They are entitled:

- (1) "Fennville Quadrangle, Michigan-Allegan County," 15 minute series;
- (2) "Bangor Quadrangle, Michigan," 15 minute series; and
- (3) "South Haven Quadrangle, Michigan," 15 minute series.

(c) *Boundaries.* The Fennville viticultural area is primarily located in the southwestern portion of Allegan County, Michigan, with a small finger extending into the northwest corner of Van Buren County, Michigan.

(1) The western boundary is the eastern shore of Lake Michigan, extending from the Black River, at the City of South Haven, north to the Kalamazoo River.

(2) The northern boundary is the Kalamazoo River, extending easterly from Lake Michigan to 86°5' west longitude.

(3) The eastern boundary is the 86°5' west longitude meridian, extending south from the Kalamazoo River to the intersection with the Middle Fork of the Black River.

(4) The southern boundary is the Middle Fork of the Black River extending westerly from 86°5' west longitude until it joins the Black River, continuing west along the Black River to the eastern shore of Lake Michigan.

Signed: September 25, 1980.

G. R. Dickerson,
Director.

Approved: October 14, 1980.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations).

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27 CFR Part 9

[Notice No. 350]

Guenoc Valley Viticultural Area; Wine Labeling

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 California to be known as "Guenoc Valley." This proposal is the result of a petition submitted by an interested person.

DATES: Written comments must be received by December 26, 1980.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

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 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (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 the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an application of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas to be used as appellations of origin.

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 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