

- (3) "Greenwood, California," 1949 (photorevised 1973);
- (4) "Georgetown, California," 1949 (photorevised 1973);
- (5) "Foresthill, California," 1949 (photorevised 1973);
- (6) "Michigan Bluff, California," 1952 (photorevised 1973);
- (7) "Tunnel Hill, California," 1950 (photorevised 1973);
- (8) "Slate Mountain, California," 1950 (photorevised 1973);
- (9) "Pollock Pine, California," 1950 (photorevised 1973);
- (10) "Stump Spring, California," 1951 (photorevised 1973);
- (11) "Caldor, California," 1951 (photorevised 1973);
- (12) "Omo Ranch, California," 1952 (photorevised 1973);
- (13) "Aukum, California," 1952 (photorevised 1973);
- (14) "Fiddletown, California," 1949;
- (15) "Latrobe, California," 1949 (photorevised 1973);
- (16) "Shingle Springs, California," 1949;
- (17) "Coloma, California," 1949 (photorevised 1973);
- (18) "Garden Valley, California," 1949 (photorevised 1973);
- (19) "Placerville, California," 1949 (photorevised 1973);
- (20) "Camino, California," 1952 (photorevised 1973);
- (21) "Sly Park, California," 1952 (photorevised 1973);
- (c) *Boundaries.* The boundaries of the El Dorado viticultural area which is located in El Dorado County, California, are as follows:
- (1) The beginning point of the boundaries is the intersection of North Fork of the American River (also the boundary line between El Dorado and Placer Counties) and the township line "T. 11 N./12 N." ("Pilot Hill" Quadrangle);
- (2) Thence northeast along the North Fork of the American River to its divergence with the Middle Fork of the American River, continuing then, following the Middle Fork of the American River to its intersection with the Rubicon River which continues as the boundary line between El Dorado and Placer Counties ("Auburn," "Greenwood," "Georgetown," "Foresthill," and "Michigan Bluff" Quadrangles);
- (3) Thence southeast along the Rubicon River to its intersection with the range line "R. 11 E./R. 12 E." ("Tunnel Hill" Quadrangle);
- (4) Thence south along the range line through T. 13 N. and T. 12 N., to its intersection with the township line "T. 12 N./T. 11 N." ("Tunnel Hill" and "Slate Mountain" Quadrangles);

(5) Thence east along the range line to its intersection with the range line "R. 12 E./R. 13 E." ("Slate Mountains" and "Pollock Pines" Quadrangles);

(6) Thence south along the range line to its intersection with the township line "T. 11 N./T. 10 N." ("Pollock Pine" Quadrangle);

(7) Thence east along the township line to its intersection with the range line "R. 13 E./R. 14 E." ("Pollock Pines" and "Stump Spring" Quadrangles);

(8) Thence south along the range line through T. 10 N., T. 9 N., and T. 8 N. to its intersection with the South Fork of the Cosumnes River (also the boundary line between El Dorado and Amador Counties) ("Stump Spring" and "Caldor" Quadrangles);

(9) Thence west and northwest along the South Fork of the Cosumnes River to its intersection with range line "R. 11 E./R. 10 E." ("Caldor," "Omo Ranch," "Aukum", and "Fiddletown" Quadrangles);

(10) Thence north along the range line to its intersection with the township line "T. 8 N./9 N." ("Fiddletown" Quadrangle);

(11) Thence west along the township line to its intersection with range line "R. 10 E./R. 9 E." ("Fiddletown" and "Latrobe" Quadrangles);

(12) Thence north along the range line to its intersection with the township line "T. 10 N./T. 11 N." ("Latrobe," "Shingle Springs," and "Coloma" Quadrangles);

(13) Thence east along the township line approximately 4,000 feet to its intersection with the range line "R. 9 E./R. 10 E." ("Coloma" Quadrangle);

(14) Thence north on the range line to its intersection with the township line "T. 11 N./T. 12 N." ("Coloma" Quadrangle);

(15) Thence west along the township line to the point of beginning ("Coloma" and "Pilot Hill" Quadrangles).

Signed: November 15, 1982.

W. T. Drake,

Acting Director.

Approved: November 29, 1982.

David Q. Bates.

Deputy Assistant Secretary (Operations).

[FR Doc. 82-33945 Filed 12-13-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 440]

Hermann Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of Missouri to be known as "Hermann." This proposal is the result of a petition submitted by Mr. Jim Held, President, Stone Hill Wine Company and Mr. Him Bias, President, Bias Vineyards and Winery. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin will help wineries better designate the specific grape-growing areas where their wines come from and will help wine consumers better identify the wine they purchase.

DATE: Written comments must be received by January 28, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Attn: Notice No. 440.

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 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

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 for 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. maps with the boundaries prominently marked.

Petition

ATF has received a petition to establish a viticultural area in Central Missouri, along the Missouri River, to be known as "Hermann." The proposed viticultural area is located in the northern portion of Gasconade and Franklin Counties, south of the Missouri River. The proposed area consists of approximately 80 square miles with 102 acres of wine grapes and three bonded wineries.

Evidence Relating to the Name

The petition contained, numerous local, State and national reference material which establishes the history of grape-growing and wine production in the area of the town of Hermann, Missouri, as far back as 1843. In 1866 Missouri surpassed Ohio as the second largest wine producing state. In 1904 the Hermann, Missouri, area furnished 97 percent (2.9 million gallons) of the wine produced in Missouri. Wines from Hermann, Missouri, won eight gold medals at worlds' fair from 1873 to 1904. Grape-growing in this area increased to the extent it surpassed the local wineries' ability to absorb the grapes for wine production. Subsequently, prohibition began in 1920, closing all the local wineries and temporarily stopping commercial grape-growing. Further, one of the maps submitted with the petition is entitled "Hermann."

Grape-growing and wine production in the Hermann area was dormant until 1965 when Stone Hill Winery, initially established in 1847, was reopened. Subsequently, the Hermann Winery, founded 1852, was reopened, followed by the Bias Vineyards and Winery in 1980. These wineries have their own vineyards which contain 97 acres of native American and French hybrid grapes consisting of Cuyuga, Delaware, Catawba, Niagara, Norton, Vidal,

Chancellor, Ravat, Villard Noir, Missouri Riesling, Sevyal, and Villard Blanc. Another commercial vineyard containing five acres of grapes is located in the Hermann area. One of the petitioners, Mr. Jim Held, states that his vineyard still contains plantings of Norton grapes from 1867.

Boundaries and Geographical Evidence

The petition contained geographical and climatic information which distinguish the proposed boundaries from surrounding areas, based on the fact that:

(a) The northern boundary, the Missouri Pacific Railroad immediately to the south of the Missouri River and its flood plain, identifies the bluff line which separates the hills where grapes have grown for over 130 years, from the bottom land along the river. The bottom land along the Missouri River is ideally suited to other agricultural products, but is of no value for grape-growing because of topography and the lack of frost protection.

(b) The western boundary, the Gasconade River and the First Creek, and the eastern boundary, the Big Berger Creek, provide natural boundaries which afford ideal air drainage patterns created by the difference in elevation.

(c) These northern, western and eastern boundaries identify an elevated area from the surrounding area, consisting of loessal soil deposits. This elevated area can produce temperature variances of as much as 25 degrees F. from the lower elevation in early spring and winter. Experimental vineyards were planted immediately to the west of the proposed area. These vineyards have been abandoned because of continued spring frost and severe winter temperatures.

(d) The southern boundary, the Township Line 44N and 45N between First Creek and Big Berger Creek, identifies a definite soil structure change, which the petitioners claim gives grapes a noticeably different character.

(e) The dominant soils within the proposed viticultural area are Menfro, Crider and Minnith series. These soils are well-drained, have a high water capacity and are deep enough to provide good root development. The Menfro series is found within one to two miles of the Missouri River. The Crider and Minnith soils, while dominant within the proposed viticultural area become minor to the south where soils of the Union, Marian and Bucklick series became dominant. The latter soil series are moderate to poorly drained which restrain root development of grapes.

The exact boundaries of the proposed viticultural area are described in the regulations portion of this document.

Other

On June 20, 1980, ATF published Treasury Decision ATF-72, (45 FR 41632) establishing the first approved American viticultural area, "Augusta" (Missouri). During the public hearing held on November 1, 1979, for the Augusta petition, testimony was presented indicating that areas along the entire Missouri River exhibited generally similar features which made it difficult to distinguish one area from surrounding areas. However, information presented in the Augusta petition and the Hermann petition and over 130 years of grape-growing history along the Missouri River would indicate that micro-climatic and geographical areas do exist. ATF could envision additional viticultural areas along the Missouri River or the possibility of a larger viticultural area encompassing various viticultural areas. The larger area could exhibit generally uniform viticultural features, as opposed to more specifically uniform viticultural features within micro-viticultural areas.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal 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 geographical 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial regulatory flexibility analysis (5 U.S.C. 603) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This rule, if adopted, will allow the petitioners and other persons to use an appellation of origin, "Hermann," on wine labels and in wine advertising. ATF has determined that this rule neither imposes new requirements on the public nor removes privileges available to the public. This proposal is not expected to have significant secondary or 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 on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 27 CFR Part 9

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

Public Participation—Written Comments

AFT requests comments from all interested persons concerning this proposed viticultural area. ATF particularly requests comments and/or information concerning: (a) The relatively small number of acres of grapes, 102 acres, in comparison to the total size of the proposed area; (b) possible alternative boundaries which more closely define the current grape growing area; and (c) additional viticultural and geographical evidence which distinguishes the proposed area from surrounding areas.

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 or 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 a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit a 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 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

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.71. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.71 Hermann.

Par. 2. Subpart C is amended by adding § 9.71 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.71 Hermann.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Hermann viticultural area are six U.S.G.S. Missouri Quadrangle maps, 7.5 minute series. They are entitled (1) Hermann (1974), (2) Berger (1974), (3) Gasconade (1974), (4) Pershing (1974), (5) Swiss (1973), and (6) Disson (1973).

(c) *Boundaries.* The Hermann viticultural area includes approximately 80 square miles, located in Central Missouri along and south of the Missouri River, in the northern portions of Gasconade and Franklin Counties. The boundaries of the Hermann viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows: starting at the intersection of the Gasconade River with the Missouri River; east and northeast approximately 16.5 miles along the Missouri Pacific Railroad, as it parallels the Missouri River, to the Gasconade/Franklin County line; continuing along the Missouri Pacific Railroad southeast approximately 8.5 miles to the intersection of Big Berger Creek; southwest along the winding course of Big Berger Creek for approximately 20 miles (eight miles due southwest) to Township line T.44/45N.; west along the T.44/45N. line approximately 15.5 miles to the intersection of First Creek; north and northwest along the course of First Creek approximately 13.7 miles (6.5 miles straight northwest) to the intersection of the Gasconade River; northeast along the course of the Gasconade River approximately 3.8 miles to the beginning point.

Signed: November 19, 1982.

Stephen E. Higgins,

Acting Director.

Approved: November 30, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-33946 Filed 12-13-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 441]

Lake Michigan Shore Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the southwestern corner of the State of Michigan to be known as "Lake Michigan Shore." This proposal is the result of a petition submitted by Mr. Charles W. Catherman, Jr., Vice President and Winemaker of the St. Julian Wine Company, Inc., and Mr. Michael E. Byrne, Winemaker of Warner Vineyards, Inc. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin will allow wineries to better designate the specific grape-growing areas where their wines came from and will enable wine consumers to better identify the wine they purchase.

DATE: Written comments must be received by January 28, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Attn: Notice No. 441.

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 4405, Federal Building 12th & Pennsylvania Avenue, NW, Washington, DC.

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 for the