

initially proposed, ATF believes public comment should be solicited.

Executive Order 12291

It has been determined that this proposed regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 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 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.

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 proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The 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 the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comment from all interested persons concerning the amended proposed boundaries. Furthermore, while this notice proposes alternative boundaries for the Finger Lakes viticultural area, suggestions for other possible boundaries will be given consideration before a final decision is made.

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 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.

Since this notice pertains specifically to amending the boundaries and evidence on this and other aspects of the Finger Lakes viticultural area was gathered at the hearing, no further hearings are scheduled or are expected to be scheduled concerning this viticultural area.

Drafting Information

The principal author of this document is Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, the Director is issuing this notice of proposed rulemaking under the authority contained in Section 5 of the Federal Alcohol Administration Act.

(49 Stat 981, as amended; 27 U.S.C. 205)

Signed: July 29, 1981.

G. R. Dickerson,
Director.

Approved: September 1, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29039 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 387; Ref: Notice No. 352]

Lime Kiln Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: At a public hearing held on the proposed viticultural area, testimony was given which indicated that the boundaries originally proposed do not accurately reflect a distinct grape-growing area. One of the necessary elements in establishing a viticultural area is evidence relating to its geographical features, e.g. climate, which distinguish the features of the proposed area from surrounding areas. In our view, the disparity in the average rainfall in the proposed area and its likely effect on the grapes grown in the region fails to adequately distinguish the proposed area from surrounding areas. Moreover, this climatic feature does not delimit a distinct viticultural area.

Therefore, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice of proposed rulemaking to amend the boundaries to reflect such a distinctive area.

DATES: Written comments must be received by December 7, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. (Notice No. 387).

Copies of the petition, the proposed regulations in Notice No. 352 and this notice, the appropriate maps, the written comments, and a copy of the hearing proceedings are available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

A copy of the hearing proceedings is available for public inspection during normal business hours at: The Office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

ATF was petitioned by Enz Vineyards of Hollister, California, to establish a viticultural area in San Benito County to be named "Lime Kiln Valley." The petitioner, in describing the climatic characteristics of the proposed area, stated that the western end of the proposed area, which is mountainous, received an average of 40 inches of rainfall per year, while the eastern end, being the valley floor, received an average of 16 inches a year.

Subsequently, ATF issued Notice No. 352, published in the Federal Register on October 27, 1980 (45 FR 70913), proposing the establishment of Lime Kiln Valley as a viticultural area. The boundaries of the proposed area were described by summits of peaks and generally followed the area's watershed boundary.

Public Hearing

A public hearing concerning the establishment of Lime Kiln Valley was held in Hollister, California, on January 21, 1981. The testimony at the hearing supported the establishment of a viticultural area, but a problem arose

concerning the amount of rainfall within the proposed boundaries.

The petitioner stated that the variation in the rainfall would affect the grapes grown in the mountainous area differently than the grapes grown on the valley floor. After evaluating the entire record concerning the climate of the area, ATF believes the boundaries of the proposed Lime Kiln Valley should be amended to exclude the mountainous areas. This change would limit the proposed viticultural area to one which exhibits uniform climatic characteristics. To accomplish this, ATF is proposing an amended boundary based primarily on the 1,400-foot contour line and Cienega Road. With the amended boundary, Lime Kiln Valley appears to qualify as a distinct grape-growing region.

Since the amended boundary significantly reduces the area from the 9,500 acres originally proposed, ATF believes comments should be solicited on the amended boundary.

Public Participation

ATF requests comments from all interested persons concerning the amended boundaries. Furthermore, while this notice proposes possible boundary amendments for the Lime Kiln Valley viticultural area, suggestions for other possible boundaries will be given consideration before a final decision is made.

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 comments is not exempt from disclosure.

Since this notice pertains only to amending the area's boundaries, no further hearings are now scheduled nor are any expected to be scheduled concerning this viticultural area.

Executive Order 12291

It has been determined that this proposed regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 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 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 the 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 proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The 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 the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

(1) The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.27. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.
* * * * *
9.27 Lime Kiln Valley.

(2) Subpart C is amended by adding § 9.27.

As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.27 Lime Kiln Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Lime Kiln Valley viticultural area are two U.S.G.S. maps entitled:

- (1) "Mount Harlan Quadrangle, California," 7.5 minute series; and
- (2) "Paicines Quadrangle, California," 7.5 minute series.

(c) *Boundaries.* The Lime Kiln Valley viticultural area is located in San Benito County, California. From the beginning point at the intersection of Thompson Creek and Cienega Road, the boundary proceeds, in a straight line to the summit of an unnamed peak (1,288 feet) in the northwest quarter of Section 28, T.14S./R.6E.;

(1) Thence in a straight line from the summit of the unnamed peak (1,288 feet) to a point where it intersects the 1,400-foot contour line, by the elevation marker, in the southwest quarter of T.14 S./R.6 E., Section 28;

(2) Thence following the 1,400-foot contour line through the following sections: Sections 28, 29, and 30, T.14 S./R.6 E.; Section 25, T.14 S./R.5 E.; Sections 30, 19, 20, and returning to 19, T.14 S./R.6 E., to a point where the 1,400-foot contour line intersects with the section line between Sections 19 and 18, T.14 S./R.6 E.;

(3) Thence in a straight line to the Cienega School Building along Cienega Road;

(4) Thence along Cienega Road to the point of beginning.

Signed: August 24, 1981.

G. R. Dickerson,
Director.

Approved: September 15, 1981.

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

[FR Doc. 81-29091 Filed 10-6-81; 8:45 am]
BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 386; Re: Notice No. 338]

Pinnacles Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice reopens the record for Notice No. 338 which