

included in the comment. The name of the person submitting a comment 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 90-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 Candace E. Moberly, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority

Under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C is amended by adding an entry for § 9.42 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.42 Cole Ranch.  
\* \* \* \* \*

2. Subpart C is amended by the addition of § 9.42 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.42 Cole Ranch.

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

(b) *Approved map.* The approved map for the Cole Ranch viticultural area is a U.S.G.S. map. It is titled Elledge Peak Quadrangle California-Mendocino County 7.5 Minute Series (Topographic).

(c) *Boundaries.* The boundaries of the Cole Ranch viticultural area are located in the state of California and are as follows:

(1) The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W;

(2) The boundary follows contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north section line of Section 19. The boundary proceeds due west on the north section line of section 19 until it

intersects the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road westerly to the point of beginning.

Signed: September 3, 1981.

G. R. Dickerson,  
*Director.*

Approved: October 30, 1981.

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

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BILLING CODE 4810-31-M

#### 27 CFR Part 9

##### [Notice No. 399]

#### Monticello Viticultural Area, Virginia

**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 Charlottesville, Virginia, area to be known as "Monticello". This proposal is based upon a petition submitted by six industry members in the area. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where the wines come from and will enable the consumer to better identify the wines from this area.

**DATES:** Written comments must be received by March 4, 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 [Notice No. 399].

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 the ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

Joan Deerwester, 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 distinguished 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 proposing an area surrounding Charlottesville, Virginia, in Albemarle County with a tip of the area extending northeast into Orange County, as a viticultural area to be known as "Monticello". There are currently three operational bonded wineries and one applicant with permit pending in the proposed area. The proposed area covers approximately 303,360 acres. There are many vineyards in the area with an estimated 114 acres planted or proposed. Both hybrid and vinifera grapes are grown.

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by historical references, geographical features, climate and soil type. The petitioner bases his claims on the following:

a. Census reports have recorded the cultivation of grapevines. The 1900 census reported 240,864 grapevines.

b. There are historical references to the Monticello Wine Company in Charlottesville, whose wines had won medals in Europe between the years

1873 and 1920. Historical references have been made to Charlottesville as the "Capital of the Virginia Wine Belt".

c. References to planting vines on Monticello Mountain, Thomas Jefferson's home, and at Ash Lawn, home of James Monroe, which is two to three miles from Jefferson's home, were made in letters of Jefferson's in 1811 and 1816.

d. The proposed viticultural area takes its name from its central recognizable geographical feature, Monticello Mountain. This mountain is the distinguishing promontory feature in the Southwest Mountain Ridge, which runs through the area.

e. The Monticello viticultural area is enclosed by four major rivers, the James, the Rockfish, the Mechums, and the South Fork of the Rivanna. Movement away from this defined area is characterized by contrast in topography, soil type and climate.

f. Geographical features surrounding the proposed viticultural area have been traditional boundaries since the time of Thomas Jefferson. On the East is the Piedmont Plateau with climate and soils related to the Carolina Slate Belt. To the West is the Blue Ridge Mountain chain, on the South is the James River system and on the North is the Rivanna River system.

g. The prevailing climate is favorable to growing grapes. The growing season, defined as the period between the average date of the last freezing temperature in Spring (April 9) and the average date of the first freezing temperature in Fall (November 6), is 211 days. Charts from the Office of State Climatologist for Spring 1980, show that the heating degree days, the cooling degree days and the days of probability of a freeze are the same for the entire area of the proposed Monticello viticultural area.

h. The core of the Monticello viticultural area is a belt running from the southwest to the northwest and centered on the Southwestern Mountain chain, including Monticello Mountain, known as the Davidson Starr Soil Association. This soil association is described as deep and well drained, gently sloping to steep soils on dissected Piedmont uplands.

The boundaries of the proposed Monticello viticultural area may be found on two U.S.G.S. 1:250,000 minute quadrangle maps (Charlottesville Quadrangle Virginia and Roanoke Quadrangle Virginia).

The boundaries, as proposed by the petitioner, are described in proposed § 9.48.

#### 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 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million dollars or more; it will not result in a major increase in cost 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, because the value of the proposed viticultural area designation is intangible and subject to influence by other unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Public Participation—Written Comments

ATF requests interested persons to submit comments regarding this proposed viticultural area. ATF is particularly interested in comments regarding the soil types throughout the proposed area, the topographical differences between the proposed area and the surrounding area, and the size of the proposed area. Although this notice proposes possible boundaries for the Monticello viticultural area, comments concerning other possible boundaries for this viticultural area will be considered as well.

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 Director within the 90 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine whether a public hearing will be held.

#### Drafting Information

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

#### Authority

Accordingly, under the authority in 27 U.S.C. 205, ATF 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 E, is amended to add the title of § 9.48 as follows:

##### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*  
9.48 Monticello  
\* \* \* \* \*

Par. 2. Subpart C is amended by adding § 9.48 to read as follows:

##### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

##### § 9.48 Monticello.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Monticello viticultural area are two U.S.G.S. maps title: Charlottesville Quadrangle Virginia, 1:250,000 minutes series; and Roanoke Quadrangle Virginia, 1:250,000 minute series.

(c) *Boundaries.* The Monticello viticultural area is located in Albemarle and Orange Counties, Virginia. The boundaries are as follows:

(1) Beginning at North Garden, Virginia, proceeding northwest on a direct line to the point of intersection of the Mechums River and the C&O Railway;

(2) Thence northeast along the Mechums River to its confluence with the South Fork of the Rivanna;

(3) Thence southeast along the South Fork and past the Rivanna Reservoir to the point at which the South Fork intersects the Southern Railway;

(4) Thence northeast along the railway to the corporate limits of the town of Orange;

(5) Thence southeast following the corporate limit line to its intersection with U.S. Rt. 15;

(6) Thence southwest on U.S. Rt. 15 to its intersection with Virginia Rt. 231 in the town of Gordonsville; continuing southwest on Virginia Rt. 231 to its intersection with the Albemarle County boundary; thence southwest along the Albemarle County line to its point of intersection with the James River; thence southwest along the James River to its confluence with the Rockfish River;

(7) Thence northwest along the Rockfish to its point of divergence with the Albemarle County boundary; thence northwest along the Albemarle County line to the point of intersection with the Southern Railway;

(8) Thence continuing northeast along the Southern Railway to the point of beginning.

Signed: November 6, 1981.

G. R. Dickerson,  
Director.

Approved: November 18, 1981.

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

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## 27 CFR Part 9

[Notice No. 398]

### Central Delaware Valley Viticultural Area, Pennsylvania and New Jersey

**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 Pennsylvania and New Jersey (along the Delaware River) to be known as "Central Delaware Valley." This proposal is the result of a petition from Mr. James R. Williams, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers better identify wines they purchase.

**DATE:** Written comments must be received by March 4, 1982.

**ADDRESSES:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Notice No. 398).

Copies of the petition, 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, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Steve Simon, 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, 54824) 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, providing for the listing of approved American viticultural areas, the names of which may be used as appellations or 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 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 proposing an area along the boundary of Pennsylvania and New Jersey as a viticultural area to be known as "Central Delaware Valley." The area extends along both sides of the Delaware River, from Washington Crossing State Park (near Trenton) on the south to Musconetcong Mountain (near Easton) on the north.

There are about 30 acres of grape plantation on five vineyards in the proposed area. The Delaware grape variety was first propagated there from cuttings taken from Paul Prevost of Frenchtown during the mid 1800's.

There is one winery now operating in the proposed area, but several more are planned.

The petitioner claims that the proposed viticultural area is known by the name of "Central Delaware Valley" for the following reasons:

(a) Several businesses in the area use "Delaware Valley" as part of their name.

(b) A local newspaper is named "Delaware Valley News."

The petitioner claims that the proposed viticultural area is distinguished from the surrounding area for the following reasons:

(1) The moderating climatological effects of the Delaware River extend for no more than about three miles from the river, or to the rim of the valley where ridges are pronounced. (For example, morning fog covers were observed to reach approximately that distance.)

(2) The "Central" part of the Delaware Valley is separated from the upper and lower parts by mountains (the Musconetcong to the north and the Baldpate to the south). Soil types are homogeneous within the "Central" part and differ from those to the north and south. Geologically, the "Central" part of the valley of the Delaware River falls in the Piedmont Province, while the lower part of the valley is in the Coastal Plain and the upper part lies in the Readington Prong of the New England Province and the Great Valley portion of the Valley and Ridge Province. Climate also differs in that the farther north one goes the colder the winters and the shorter the growing season.

The boundaries of the proposed viticultural area may be found on seven U.S.G.S. topographical maps in the scale of 1:24,000 series: Riegelsville Quadrangle, Frenchtown Quadrangle, Lumberville Quadrangle, Stockton