

§ 33.4 Designation as a contract market for the trading of commodity options.

The Commission may designate any board of trade located in the United States as a contract market for the trading of options on contracts of sale for future delivery on any commodity regulated under the Act, or for options on physicals in any commodity regulated under the Act other than those commodities which are specifically enumerated in Section 2(a)(1)(A) of the Act, when the applicant complies with and carries out the requirements of the Act (as provided in § 33.2), these regulations, and the following conditions and requirements with respect to the commodity option for which the designation is sought:

(a) Such board of trade * * *

(6) For commodities not specifically enumerated in Section 2(a)(1)(A) of the Act, is not designated as a contract market for more than one other commodity option on a commodity not enumerated in Section 2(a)(1)(A) of the Act; and for those commodities which are specifically enumerated in Section 2(a)(1)(A) of the Act, is not designated for more than one other commodity option in a commodity which is specifically enumerated in Section 2(a)(1)(A) of the Act.

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Issued in Washington, D.C., by the Commission on January 17, 1984.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-1776 Filed 1-20-84; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-164; Ref: Notice No. 399 and No. 434]

Monticello Viticultural Area

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

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes a viticultural area in central Virginia to be known as "Monticello." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "Monticello" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to

better identify the wines they may purchase.

EFFECTIVE DATE: February 22, 1984.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 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 allowing 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 in wine labeling and advertising.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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.

Six wine grape growers in the Charlottesville area of Virginia petitioned ATF to establish a viticultural area to be known as "Monticello." In response to the petition ATF published a notice of proposed rulemaking, Notice No. 399 (46 FR 59274), on December 4, 1981, to establish a viticultural area in the Charlottesville, Virginia, area to be known as "Monticello."

The Jefferson Wine Grape Growers Society petitioned for an enlargement of the Monticello viticultural area boundary. ATF published an amended notice of proposed rulemaking, Notice No. 434 (47 FR 52209), on November 19, 1982. Seven comments were received which all strongly favored the enlarged boundary for the Monticello viticultural area.

Historical and Current Evidence of the Name

The petitioner stated that the name "Monticello" is known nationally and locally as the home of Thomas Jefferson. Located on a high mountain outside the city of Charlottesville, Virginia, Monticello is easily seen for several miles in all directions. Today, Monticello is a major tourist attraction in the central Virginia area and signs on all major roads direct visitors to this historical landmark.

The petitioner submitted evidence to show that the name "Monticello" has also been historically linked to wine production in the area. There are

numerous references of Thomas Jefferson planting wine grapes at Monticello. There are also historical references of a Monticello Wine Company in Charlottesville winning medals in Europe between the years 1873 and 1920.

A survey of rainfall data was taken from owners of 15 vineyards throughout the Monticello area. The average annual rainfall reported was 42.4 inches with a range of 39.5 to 44.0 inches. The Shenandoah Valley viticultural area to the north has a broader range of 38.6 to 48.6 inches of rainfall and the North Fork of Roanoke viticultural area to the west annually averages 3 inches of rainfall less than the Monticello viticultural area.

Boundaries

In the amended notice of proposed rulemaking extending the boundaries of the Monticello viticultural area from approximately 475 square miles to 1,250 square miles, ATF asked for further evidence to support the larger viticultural area. The evidence submitted by commenters showed that there are approximately 300 acres of grapes on 26 vineyards scattered throughout the Monticello viticultural area with another 150 acres planned in the near future. Reducing the size would leave out vineyards which are within the historical and geographical confines of the Monticello viticultural area.

After carefully considering the evidence submitted ATF is adopting the Monticello viticultural area boundaries stated in the amended notice of proposed rulemaking and found at 27 CFR 9.48 in this final rule.

Miscellaneous

ATF does not wish to give the impression by approving Monticello as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Monticello wines.

Executive Order 12291

In compliance with Executive Order 12291 (46 FR 13193 (1981)), ATF has determined that this final rule is not a "major rule" since 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 a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it 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.

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

Paperwork Reduction Act

The Provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Rm. 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Ave., NW., Washington, DC.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Amendment

PART 9—AMERICAN VITICULTURAL AREAS

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 amended as follows:

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended by revising the heading of § 9.48 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.48 Monticello.

Para. 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.* Approved maps for the Monticello viticultural area are two 1971 U.S.G.S. maps titled: Charlottesville, Quadrangle Virginia; 1:250,000 minute series; and Roanoke Quadrangle Virginia; 1:250,000 minute series.

(c) *Boundaries.* From Norwood, Virginia, following the Tye River west and northwest until it intersects with the eastern boundary of the George Washington National Forest; following this boundary northeast to Virginia Rt. 664, then west following Rt. 664 to its intersection with the Nelson County line; then northeast along the Nelson County line to its intersection with the Albemarle County line at Jarman Gap; from this point continuing northeast along the eastern boundary of the Shenandoah National Park to its intersection with the northern Albemarle County line; following the county line southeast to its intersection with the Orange County line; continuing north on the county line to its intersection with the Rapidan River, which continues as the Orange County line; following the river east and northeast to its confluence with the Mountain Run River; then following the Mountain Run River southwest to its intersection with Virginia Rt. 20; continuing southwest along Rt. 20 to the corporate limits of the town of Orange; following southwest the corporate limit line to its intersection with U.S. Rt. 15; continuing southwest on Rt. 15 to its intersection with Virginia Rt. 231 in the town of Gordonsville; then southwest along Rt. 231 to its intersection with the Albemarle County line; continuing southwest along the county line to its intersection with the James River; then following the James River to its confluence with the Tye River at Norwood, Virginia, the beginning point.

Signed: December 16, 1983.

Stephen E. Higgins,
Director.

Approved: January 12, 1984.

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

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27 CFR Part 9

[T.D. ATF-166; Ref: Notice No. 485]

Clarksburg Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in north central California, to be known as "Clarksburg." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: February 22, 1984.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37872, 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, providing for the listing of approved American viticultural areas, the names of which may 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 procedure for proposing an American viticultural area. Any interested person