

required where Federal roads only are involved);

(2) A copy of the field report.

(d) *Approval of application.* The Federal Highway Administrator's finding of eligibility under 23 U.S.C. 125 shall constitute approval of the application.

(Information collection requirements approved by the Office of Management and Budget under Control No. 2125-0525.)

#### § 668.113 Program and project procedures.

(a) Immediately after approval of an application, the FHWA Division Administrator will notify the applicant to proceed with preparation of a program consistent with requirements of 23 CFR Part 630. The program should be submitted to the FHWA Division Administrator within 3 months of receipt of this notification. The FHWA field office will assist the applicant and other affected agencies in preparation of the program. This work may involve joint site inspections to view damage and reach tentative agreement on type of permanent corrective work to be undertaken. Program data should be kept to a minimum, but should be sufficient to identify the approved disaster or catastrophe and to permit a determination of the eligibility and propriety of proposed work. If the field report is determined by the FHWA Division Administrator to be of sufficient detail to meet these criteria, additional program support data need not be submitted.

(b) Project procedures:

(1) Projects shall be processed in accordance with regular Federal-aid procedures except as modified herein or with approved Certification Acceptance procedures where applicable.

(2) Simplified procedures, including abbreviated plans should be used where appropriate.

(3) The FHWA may approve a waiver of the advertising requirement if:

(i) Such procedures are authorized by State or local law; and,

(ii) Bids are solicited from a reasonable number of contractors or material supply companies.

(4) Program items for emergency repairs and PE will be reviewed promptly and funds obligated to cover the approved items.

[FR Doc. 85-22249 Filed 9-16-85; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 570]

#### Northern Neck Viticultural Area

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

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located in the tidewater area of Virginia to be known as the Northern Neck. The proposed viticultural area is a five county peninsula or neck located to the east of Fredericksburg. This proposal is the result of a petition submitted by Mr. Carl F. Flemer, Jr., President of the Ingleside Plantation vineyards located in Oak Grove, Westmoreland County, Virginia. The petitioner proposed the name George Washington Birthplace for the viticultural area. However, the petition contains insufficient evidence to support that name. Rather, ATF believes the evidence more strongly supports another name, Northern Neck, and that is the name proposed in this notice.

The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable consumers to better identify the wines they may purchase.

**DATE:** Written comments must be received by November 1, 1985.

**ADDRESSES:** Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385.

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 4406, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ed Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, Telephone (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, 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, the boundaries of which have been delineated in Subpart C of Part 9.

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 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 area from the 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 proposing an American viticultural area to be known as George Washington Birthplace. The petitioner, Carl F. Flemer, Jr., is the owner of Ingleside Plantation Vineyards, a bonded winery located in Oak Grove, Westmoreland County, Virginia. This is the only bounded winery found within the boundary of the proposed viticultural area. The proposed 922 square mile viticultural area includes all the land in an area known locally and historically as the Northern Neck. The five counties in the area are Westmoreland, King George, Richmond, Northumberland and Lancaster. There are 16 established vineyards with a total of 92.5 acres planted in *vitis Vinifera* and French-

American hybrid grapes located within the boundary of the proposed viticultural area. According to the petitioner, there is considerable interest in establishing other vineyards in the proposed viticultural area. Another bonded winery is proposed for King George County. Also, newspaper articles indicate that there is local interest in grape growing in the proposed viticultural area.

ATF has reservations about the validity of the petitioned name George Washington Birthplace applying to the peninsula. Although the petitioner has provided some evidence for the name George Washington Birthplace, the evidence more strongly supports another name. The land area as proposed by the petitioner, encompassing the entire neck or peninsula separated by the Rappahannock and Potomac Rivers and the Chesapeake Bay, is supported by evidence indicating that a more appropriate name would be the Northern Neck.

#### **Evidence That the Name George Washington Birthplace Is Locally or Nationally Known as Referring to the Area Specified in the Petition**

The petitioner stated that the name George Washington Birthplace is the one name nationally associated with the Northern Neck. Although the petitioner acknowledges that the petitioned area is locally known as the Northern Neck, he claims that the name Northern Neck is not very well known throughout the rest of the State of Virginia and is almost unknown regionally or nationally. The petitioner said that in order to utilize fully the advantages in having a viticultural area established, the name, if appropriate and fitting, should be one that is recognizable to the general public not only in the State but also in the region and the nation.

George Washington was born in Westmoreland County at the Pope's Creek Plantation (later called Wakefield Plantation) home of his father Augustine, on February 22, 1732. George Washington's Birthplace National Monument, now encompassing a portion (538 acres) of the original Pope's Creek farm, as well as the birthplace site, has been since 1932 open to the public as a national landmark and maintained by the U.S. National Park Service under the supervision of the U.S. Department of the Interior. Today, a memorial house stands near the site of the original plantation home which accidentally burned down in the winter of 1779/1780. A U.S. Postal Station is located here, using the official postmark designation "Washington Birthplace, Virginia 22575." According to the petitioner, this

land of the Northern Neck, as epitomized by this national monument, is widely and properly known and recognized as "The Birthplace of George Washington."

H. Ragland Eubank in his 1934 *Guidebook of the Northern Neck*, states that the Historic Northern Neck of Virginia is the Land of George Washington. Further, he states that Mary Ball, the mother of Washington, was closely identified and associated with each of the five Northern Neck Counties, having been born in Lancaster, having lived in Northumberland, Westmoreland and King George, and having owned property in Richmond County. The Mary Ball Washington Museum and Library located at Lancaster, Lancaster County, contains mementos relating to the Washington family.

The Westmoreland Association, Inc., formed in the 1920's, states that the Northern Neck is the Land of George Washington and Robert E. Lee and that "From its four corners came the blood that flowed in their veins."

The Northern Neck Historical Society was established in 1950 to collect and preserve data peculiar to the region and to publish a magazine called *Northern Neck Historical Magazine* to disseminate such information. Its organizational meeting is held each year at the County Seat of Westmoreland, the Birthplace of George Washington.

According to the petitioner, the *Northern Neck News*, published in Warsaw, Richmond County, is probably the most widely distributed and most widely read of all weekly newspapers of the Northern Neck. This publication claims to serve the "Heart of Historyland—In the land of Lee and Washington."

According to newspaper articles submitted by the petitioner, the Virginia Division of Tourism has appropriated funds and has been promoting tours of the Virginia wineries and nearby historical areas. One of these promotions features the Fredericksburg and Northern Neck areas, including the National Park Service facilities at the site of George Washington's Birthplace (Wakefield), the Ingleside Plantation Winery located within a few miles of the National Park Service site, Stratford Hall (the ancestral home of the Lee family) and other places of interest on the Northern Neck.

The petitioner summarized his arguments supporting the name George Washington Birthplace viticultural area by saying the following: George Washington's family, both father and mother, for three generations before his

birth were either residents, land owners, or intimately connected in some way with each of the five Northern Neck counties of the proposed viticultural area. The petitioner felt that the name George Washington Birthplace was appropriate for this area of land, based on the previous information submitted by the petitioner.

#### **Evidence That the Name Northern Neck is Locally or Nationally Known as Referring to the Area Specified in the Petition**

There are many references to the name Northern Neck as indicated in the foregoing paragraphs. These references and the following evidence support ATF's position that the name Northern Neck is more appropriate than that of George Washington Birthplace proposed by the petitioner.

According to information gathered by the petitioner from various written references, no more history attaches to any small geographical area in the United States than to that of the peninsula between the Rappahannock and Potomac Rivers known as the Northern Neck of Virginia. According to U.S. Senator Robert O. Norris, Jr., who wrote the foreword in the *Northern Neck Historical Magazine* in December 1951, "It may truthfully be said that this section was the birthplace of the nation."

In the book titled *The Stronghold (A Story of the Historic Northern Neck of Virginia and Its People)* written by Miriam Haynie (1959), there is included a map which depicts the five county petitioned area of land. The map specifically identifies that land area as the Northern Neck of Virginia. The book states that on the western shore of the Chesapeake Bay there are three peninsulas or necks carved out of Virginia's shoreline by the tidal rivers. The third and northernmost of the peninsulas, the Northern Neck, lies between the Rappahannock and the Potomac Rivers. According to the author, the name Northern Neck appeared in print as early as 1677 on an official document reading "Ye Northern Neck."

In the book titled *Land Grants of Virginia 1607-1699* by W. Stitt Robinson, Jr., it is said that separate provisions for the Northern Neck land area went back as far as the days of King Charles II in 1649. At that time parts of tidewater Virginia were given as payment in the form of land grants to faithful followers of the King of England (Charles II).

The book entitled *George Washington's Country* written by Marietta M. Andrews, says that the

Northern Neck is remarkable for having been the birthplace of many of the principal characters who distinguished themselves in American History.

The Northern Neck Planning District Commission is located at Callao, Northumberland County. This commission encourages tourism to the various attractions on the Northern Neck.

#### **Historical and Current Evidence That the Boundaries of the Proposed Viticultural Area Are as Specified in the Petition**

The Northern Neck is an elongated land area bounded on the north by the Potomac River and Potomac Creek, on the east by the Chesapeake Bay, on the south by the Rappahannock River and on the west by the King George County/Stafford County line. The land in the proposed viticultural area includes all of the counties of Westmoreland, King George, Richmond, Northumberland and Lancaster. The total area of the proposed Northern Neck viticultural area is 922 square miles or 590,080 acres.

#### **Evidence Relating to the Geographical Characteristics Which Distinguish the Proposed Northern Neck Viticultural Area From the Surrounding Areas**

##### *General Geographical Evidence*

The Northern Neck extends approximately 100 miles from the Chesapeake Bay westward to within a few miles of the city of Fredericksburg, Virginia. The distance on land from north to south between the Potomac and Rappahannock Rivers varies from 10 to 20 miles, making the area a long narrow neck or peninsula between the two tidal rivers. The climate begins to change throughout the proposed viticultural area, from the gentle influence of the Chesapeake Bay and the Potomac and Rappahannock Rivers to the more harsh influences of Piedmont Virginia.

The Northern Neck is entirely within the Northern Coastal Plain with topography running into two general agricultural types called neckland and upland. Neckland, located along the river flats, is nearly level with a gently sloping plateau along the center of the Northern Neck with elevations beginning at 50 feet above sea level and reaching 190 feet above sea level in the western areas of Westmoreland and King George Counties.

All of the parent material that has given rise to the soils of the Northern Neck is transported material that has been moved by marine and stream action. The soils have a wide range in age. Those of the upland ridges are older

and well developed while soils of the necklands are considered younger soils.

According to the petitioner, a ridge with elevations up to 190 feet extends generally through the center of King George County and eastward through Westmoreland County with sandy clay and well drained soil types. Other excellent agricultural soils are found along each of the rivers in what is generally called the river flats with excellent air drainage and a moderating climate influenced by the huge bodies of surrounding water.

Historical evidence of growing conditions conducive to grape growing found within the proposed viticultural area is documented in references presented by the petitioner.

In addition, since 1960 wine grape production has increased steadily throughout the proposed viticultural area with approximately 16 vineyards now in production. Today, general agriculture predominates the farming communities in the proposed viticultural area with small grains, corn and soybeans being the leading cash crops. French-American hybrids and vitis Vinifera grapes are being used for wine production in the proposed viticultural area.

According to the petitioner, in recent years national awards have been won by the Ingleside Plantation Vineyards for their wines. In 1983, Ingleside won medals at the Eastern Wineries Association and the Governor's Cup of Virginia. Awards were also earned in 1984 at the 3rd Annual Virginia Wine Competition in Washington, DC, and at the San Francisco Fair and Exposition. 1984 Virginia State Department of Agriculture records indicate that Ingleside Plantation Vineyards is Virginia's largest Farm Winery with a finished production of over 23,000 wine gallons in 1983.

"With proper management grape growing has economic potential for the Northern Neck," said Westmoreland County Agricultural Extension Agent Sam Johnson in a recent newspaper article. According to the petitioner, this is good news for local farmers and business people who seek grape growing as an additional income in the proposed viticultural area.

##### *Elevation*

The petitioner claims that there is a significant difference in topography and elevation, ranging from flat, near sea level land found in the proposed Northern Neck viticultural area, to that of mountainous elevations of Louisa County located to the west. Part of these mountainous lands are within the Piedmont Plateau.

##### *Climate and Rainfall*

According to the following climate and rainfall statistics, based on climatic summaries of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, three different locations are compared during some specific years:

The periods 1941-1970 at Louisa, Virginia, 1946-1970 at Orange, Virginia (Piedmont Research Station) and 1941-1971 at Warsaw, Virginia (located within the boundaries of the proposed viticultural area) are compared as follows:

At the Virginia Research Station at Warsaw (located in the proposed viticultural area) in central Richmond County, some distinct evidence is found. This research station lies in the Coastal Plain. The topography within the area is low and relatively flat. Elevations range from near sea level to about 170 feet above sea level. The mountains to the west, the Chesapeake Bay to the east with its tidal tributaries, and the Atlantic Ocean, also to the east, are major factors controlling the climate of the proposed viticultural area, in addition to the latitude and location of the proposed viticultural area on the North American Continent. The mountains to the west produce various steering, blocking, and modifying effects on storms and air masses. The large open bodies of water nearby and to the east, which are slow in reacting to atmospheric changes, contribute to the humid summers and mild winters.

The growing season, defined as the period between the average date of the last freezing temperature in spring (April 15) and the average date of the first freezing temperature in fall (October 26), is 194 days at the Warsaw Research Station. Precipitation at Warsaw averages about 15 inches a year.

The Virginia Research Station at Louisa located to the west of the proposed viticultural area is in the central part of Louisa County in the Central Piedmont Plateau. The topography within the area is generally rolling with elevations ranging from 200 to 500 feet above sea level. The growing season is April 24 through October 14, averaging 173 days. Precipitation there averages 20 inches annually.

The Virginia (Piedmont) Research Station at Orange, to the west of the proposed viticultural area, is located in the central part of the Piedmont Plateau. The topography at this location is generally rolling but becomes steep at the mountains.

Elevations range from 200 to 500 feet above sea level. The growing season

averages 189 days, from April 17 to October 23. Precipitation averages 22 inches a year.

The following information was obtained from U.S. Department of Agriculture's Soil Survey of Westmoreland County, 1981:

The climate of the proposed Northern Neck viticultural area is greatly influenced by the waters of the Chesapeake Bay and the Potomac and Rappahannock Rivers. The moderating effect of the surrounding waters places most of the proposed viticultural area in zone 8 of the U.S. Department of Agriculture hardiness zone map.

From temperatures recorded at Colonial Beach (located in the western part of the proposed viticultural area) during the periods 1963 to 1978, it is noted that the approximate average last frost date during the Spring occurs about April 22nd. The earliest average Fall frost date is approximately October 26th. This gives an average of over 210 days of frost free growing season. For the counties to the east, this growing season is extended by a few days due to the moderating effect of the Chesapeake Bay.

The petitioner states that climatic features are the most prominent and compelling characteristics which distinguish the five county Northern Neck as a separate viticultural area.

The climate of the proposed area is vastly influenced by the Chesapeake Bay, the Potomac and Rappahannock Rivers which, indeed, almost surround it. The moderating effect of these huge bodies of surrounding water is the chief reason native stands of longleaf pine (*pinus taeda*), southern bayberry (*myrica cerifera*) and other plants are found growing from King George County eastward to the Chesapeake Bay and these varieties of native stands are not found in any substantial degree to the west of King George County in Stafford County. By contrast, there are in Stafford County, native stands of hemlock (*tsuga canadensis*), which are not found anywhere in the Northern Neck counties.

To summarize the evidence submitted by the petitioner, the climate of the Northern Neck is milder, its native plants more southern, its snowfall less severe, its frost free days longer, its temperatures more even and moderate than the Piedmont Plateau Region located to the west, beginning at Stafford County and the city of Fredericksburg. In addition, the classification of the major agricultural soils of the Northern Neck by the U.S. Department of Agriculture as being prime farmland, combined with a mild climate, a short but freezing winter

season, a 15-inch average yearly rainfall, and a generally dry, sunny grape ripening and harvest time, make for ideal growing conditions for wine grape production, especially the vitis *Vinifera* varieties grafted on American rootstocks.

#### **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**

The appropriate maps for determining the boundaries of the proposed Northern Neck viticultural area are two Eastern United States U.S.G.S. maps titled Richmond, VA; MD. (1973), 1:250,000 minute series and Washington, DC; Maryland; Virginia (1957-Revised 1979), 1:250,000 minute series.

The proposed Northern Neck viticultural area is in tidewater Virginia and includes all the counties of King George, Westmoreland, Richmond, Lancaster and Northumberland. It encompasses a total of 922 square miles of land. The area is bounded on the north by the Potomac River, on the east by the Chesapeake Bay, on the south by the Rappahannock River and on the west by the King George County/Stafford County boundary line.

Copies of the appropriate U.S.G.S. maps with the boundary prominently marked on them were submitted by the petitioner. A comprehensive description of the boundary marked on the appropriate maps, is found in the regulations section of this document in 27 CFR Part 9, Subpart C.

#### **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 will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens 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 notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

#### **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 geographic regions; or
- (c) A significant adverse affect 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.

#### **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 notice because no requirement to collect information is proposed.

#### **Public Participation-Issues on Which Comments Are Requested**

ATF requests comments from all interested persons concerning the proposed viticultural area. ATF especially requests comments concerning evidence of name and boundary. The petitioner requested the name George Washington Birthplace for the proposed viticultural area. Mr. Flemer said that petitioners should be allowed to use the most prominent names applicable to viticultural area identification. He said that names such as Shenandoah, Monticello and George Washington Birthplace are excellent choices for names of American viticultural areas. The petitioner claimed the reason why the name Northern Neck or Northern Neck of Virginia was not used as the name of this proposed viticultural area was because that over the years, that designation has not gained popular acceptance across Virginia or the United States.

ATF believes, based upon a review of the petition, that the evidence supports the name Northern Neck rather than George Washington Birthplace. Although it is a fact that one of the prominent historic sites on the Northern Neck is George Washington's birthplace at Wakefield (538 acres), the petitioned area of land (590,080 acres) is historically recognized by maps, books, local landmarks, etc. as the Northern Neck. ATF believes that the name George Washington Birthplace only describes the land now designated as the National Park Service Landmark

memorial site at the Wakefield Farm on Pope's Creek in Westmoreland County. In addition, the Northern Neck was also the birthplace of two other U.S. Presidents as well as other prominent famous Americans. ATF seeks comments on any other name or boundary description that may be appropriate in identifying the proposed viticultural area.

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 comment as confidential. Comments may be disclosed to the public. Any material which the respondent 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 written request 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 Edward A. Reisman, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 9

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

#### Authority and Issuance

#### PART 9—[AMENDED]

27 CFR Part 9—American Viticultural Areas is amended as follows:

**Paragraph 1.** The authority citation for Part 9 continues to read as follows:

**Authority:** August 29, 1935, Chapter 814, Sec. 5, 49 Stat. 981, as amended 27 U.S.C. 205, unless otherwise noted.

**Par. 2.** The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.109 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*  
9.109 Northern Neck.

**Par. 3.** Subpart C, is amended by adding § 9.109 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*  
§ 9.109 Northern Neck.

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

(b) *Approved maps.* The approved maps for determining the boundary of the Northern Neck viticultural area are 2 U.S.G.S. 1:250,000 scale maps. They are entitled:

(1) Washington, D.C.; Maryland; Virginia 1957 (Revised 1979) and  
(2) Richmond, VA; MD. 1973

(c) *Boundary.* The proposed Northern Neck viticultural area takes in a land area locally and nationally known as the Northern Neck of Virginia. It consists of all of the land in the Counties of Westmoreland, King George, Northumberland, Lancaster and Richmond. The boundary is as follows:

Beginning on the Washington, D.C.; Maryland; Virginia U.S.G.S. map at a point on Potomac Creek where the King George County western boundary line at its northernmost point intersects Potomac Creek, thence easterly along the Potomac Creek shoreline approximately 3 miles to the Potomac River, thence easterly and southeasterly on the Richmond, VA; MD. U.S.G.S. map, along the Virginia shoreline of the Potomac River for approximately 66 air miles to Smith Point on the Chesapeake Bay, thence southerly along the shoreline of the Chesapeake Bay for approximately 20 air miles to Windmill Point at the mouth of the Rappahannock River, thence northwesterly approximately 72 air miles to Muddy Creek at the point where the western boundary line of King George County at its southernmost point begins, thence northward along the King George County-Stafford County line approximately 7 air miles to the point of the beginning.

Signed: September 3, 1985.

W.T. Drake,

Acting Director.

[FR Doc. 85-22155 Filed 9-16-85; 8:45 am]

BILLING CODE 4810-31-M

#### 27 CFR Part 9

[Notice No. 569]

#### Ozark Mountain Viticultural Area

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

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Arkansas, Missouri, and Oklahoma to be known as "Ozark Mountain." This proposal is the result of a petition submitted by Mr. Al

Wiederkehr, a grape grower and winery proprietor in the proposed area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising enables winemakers to label wines more precisely and helps consumers to better identify the wines they purchase.

**DATE:** Written comments must be received by November 1, 1985.

**ADDRESSES:** Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 569).

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 4406, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

ATF regulations in 27 CFR Part 4 provide 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.

Part 9 of 27 CFR provides 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 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 features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;