

the acreage description in the delineation of the formation as it appeared in FR Doc. 82-32506. The description of the recommendation appears on pages 57953 and 57954, and the acreage description in the delineation of the formation appears on page 57954, column 1. These descriptions should read as follows:

1. "II. Description of Recommendation

Texas recommends that the Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek (Penn) Fields in Crockett County, Texas, Railroad Commission District 7C, be designated as a tight formation. The recommended area consists of Sections 19, 20, S½ of 21, 29, 30, 31 and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S½ of 4, 5, 6, 7, 8, S½ of 9, 11, 12, 13 and 14, University Lands Survey, Block 32; Sections 29, 31, 50, 51, north 320 acres of 30, SE¼ of 53, S½ of 32, SW¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey; and Sections 12, 17, 18, 19 and 20, University Lands Survey, Block 33. The area recommended is west and northwest of the city of Ozona, Texas, and is an extension of the area of the Strawn-Detrital Formation designated as a tight formation by the Commission's Order No. 249."

2. "(A) Delineation of formation. The Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek Fields is located in Crockett County, Texas, Railroads Commission District 7C. The designated area consists of Sections 19, 20, S½ of 21, 29, 30, 31 and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S½ of 4, 5, 6, 7, 8, S½ of 9, 11, 12, 13 and 14, University Lands Survey, Block 32; Sections 29, 31, 50, 51, north 320 acres of 30, SE¼ of 53, S½ of 32, SW¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey; and Sections 12, 17, 18, 19 and 20, University Lands Survey, Block 33."

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-3409 Filed 2-8-83; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

(Notice No. 452)

#### Potter Valley 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 Mendocino County, California, to be known as "Potter Valley." This proposal is in response to a petition from The California Wine Company in Cloverdale, California. The establishment of the "Potter Valley" viticultural area will allow wineries to label and advertise wines as originating in this specific grape-growing area and will aid the public by identifying wines originating in this area.

**DATE:** Written comments must be received by March 11, 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, (Attention: Notice No. 452).

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 the ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt at (202) 566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) which allows the establishment of definite viticultural areas under 27 CFR Part 4—Labeling and Advertising of Wine. This final rule also allows 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 27 CFR Part 9—American Viticultural Areas—to provide for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1) of 27 CFR Part 4 defines a 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. Furthermore, § 4.25a(e)(2) requires any interested person to petition ATF for the establishment of a grape-growing region as a viticultural area and to provide the following information in support of the petitioned for viticultural area:

(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. maps with the boundaries prominently marked.

#### Petition

Under the terms of 27 CFR 4.25a, ATF has received a petition from The California Wine Company, proposing an area in Mendocino County, California, as a viticultural area to be known as "Potter Valley." The proposed area is located in the east central part of Mendocino County and consists of approximately 27,500 acres of valley floor surrounded by mountains on all sides. The floor of Potter Valley ranges in elevation from about 920' to 1020' with the surrounding mountains ranging to over 600' above the valley floor. Petitioner stated the boundaries range into the mountainous areas surrounding the valley floor so as not to exclude small areas of tillable land.

The petition was developed after a meeting of a majority of the growers who own or operate vineyards in the proposed area. The petitioner stated that nearly all other 12 growers in or near the proposed area were contacted and no group or individual was found to be in opposition to the proposed boundaries. There are approximately 11,000 acres of vineyards found in all parts of the proposed area.

The petitioner furnished information that (a) the name of the viticultural area is locally known, (b) the proposed boundaries of the viticultural area are correct, and (c) the geographical features of the area have growing conditions which distinguish the proposed area from surrounding areas. The petitioner bases these claims on the following:

(a) That the name "Potter Valley" is well known in the local area and has been used on wine labels distributed on a national basis. The petitioner states that the Pacific Gas and Electric Company has maintained a facility in the area known as the "Potter Valley

Powerhouse." Maps published by the U.S. Department of the Interior identify the Potter Valley region, and a School District and Fire District are named Potter Valley.

(b) That the boundaries of the proposed "Potter Valley" viticultural area may be found on U.S.G.S. 15 minute series quadrangle maps, "Potter Valley Quadrangle" and "Ukiah Quadrangle."

(c) That the area is a valley surrounded by mountains with a transitional climate dominated at times by the coastal influence of the Pacific Ocean or by interior continental air masses. Potter Valley is classified as a Region III grape-growing area. The soils of Potter Valley are primarily of Cole, San Ysidro, Botella and Pinole series while the nearby "Redwood Valley" is predominantly Noyo and Newton soils. The petitioner submitted soil maps and a publication on climate from the University of California Cooperative Extension Service.

(d) That the specific boundaries of the proposed viticultural area are based on U.S.G.S. maps (a copy of the U.S.G.S. maps with the boundaries prominently marked are on file with ATF).

#### 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. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Potter Valley viticultural area, ATF does not feel that the use of this appellation of origin will 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 major 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) 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.

#### Public Participation

ATF requests comments on this proposed viticultural area from all interested persons. Furthermore, while this document proposes certain boundaries for the Potter Valley viticultural area, comments concerning other possible boundaries for this proposed viticultural area will be considered.

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 are subject to disclosure to the public. Any material which a person considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is also not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on the proposed viticultural area should submit his or her request, in writing, to the Director within the 30 day comment period. The request should include reasons why the person feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Bureau of Alcohol, Tobacco and Firearms.

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

Administrative practice and procedure, Consumer protection, Wine.

#### Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Acting 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 to add § 9.82 as follows:

\* \* \* \* \*

#### Subpart C—Approved American Viticultural Areas

Sec. \* \* \* \* \*

9.82 Potter Valley.

2. Subpart C is amended by adding § 9.82 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

§ 9.82 Potter Valley.

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

(b) *Approved map.* The approved maps for the Potter Valley viticultural area are the U.S.G.S. maps entitled "Potter Valley Quadrangle, California", 1960, and "Ukiah Quadrangle, California", 1958, 15 minute series (topographic).

(c) *Boundaries.* The Potter Valley viticultural area is located in Mendocino County, California. The boundaries are as follows:

(1) From the beginning point at the southeast corner of quadrant 36 and southwest corner of quadrant 32 (a point where Mendocino and Lake Counties border on the T.17 N,—T.16 N, Mount Diablo Meridian line), the boundary runs northwest to the northeastern corner of quadrant 4, T. 18N—T.17N;

(2) Then west to the northwest corner of quadrant 1;

(3) Then south to the southwest corner of quadrant 36;

(4) Then east to R12 W R11 W at the southeast corner of quadrant 36;

(5) Then south to Highway 20;

(6) Then southeast on Highway 20 to where Highway 20 passes from quadrant 20 to quadrant 21; and

(7) Thence northeast, returning to the point of beginning.

Signed: January 13, 1983.

Stephen E. Higgins,

Acting Director.

Approved: January 28, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-3060 Filed 2-9-83; 8:45 am]

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#### 27 CFR Part 9

[Notice No. 451]

#### York Mountain 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 San Luis Obispo County, California, to be known as "York Mountain." This proposal is in