

List of Subjects in 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CR 5.10), it is proposed that Part 184 be amended by adding new § 184.1444, to read as follows:

§ 184.1444 Maltodextrin.

(a) Maltodextrin $((C_6H_{10}O_5)_n)$ CAS Reg. No. 9050-36-6) is a nonsweet nutritive saccharide polymer that consists of D-glucose units linked primarily by α -1-4 bonds and that has a dextrose equivalent (D.E.) of less than 20. It is prepared as a white powder or concentrated solution by partial hydrolysis of corn starch with safe and suitable acids and enzymes.

(b) FDA is developing food-grade specifications for maltodextrin in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

The agency is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before October 19, 1982, submit to the Dockets Management Branch (address above), written comments regarding this

proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 4, 1982.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-22466 Filed 8-19-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

[Notice No. 419]

Establishment of Shenandoah Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Virginia and West Virginia, to be known as "Shenandoah Valley." This proposal is the result of a petition submitted by Shenandoah Vineyards, Edinburg, Virginia. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising 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.

DATES: Written comments must be received by October 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. 419).

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, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, 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 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.

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 characteristics (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 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 in the counties of Frederick, Clarke, Warren, Shenandoah, Page, Rockingham, Augusta, Rockbridge, Botetourt, and Amherst in Virginia, and the counties of Berkeley and Jefferson in West Virginia, as a viticultural area to be known as "Shenandoah Valley." The area consists of approximately 2.4 million acres. The area varies in altitude

from about 275 feet to 4200 feet. The average altitude is 1340 feet.

Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition.

The petitioner claims that the proposed viticultural area is known locally and nationally by the name "Shenandoah Valley." The petitioner submitted an extensive bibliography with the petition. The bibliography, exhibits 1 and 3 of the petition, is available for public inspection as noted in the "ADDRESSES" paragraph of this notice. Generally, the entries in this bibliography are selected articles appearing in 33 publications, such as newspapers, during an 18 month period, in the United States and Canada, in which the subject had been this Shenandoah Valley with the circulation totaling over seven million. Additionally, there is a general bibliography of 30 writings concerning this Shenandoah Valley. The petitioner further bases this claim on (a) 178 listings under the name "Shenandoah" and 217 listings under the name "Shenandoah Valley" in the card catalog of the Virginia State Library, (b) 15 different issues of the National Geographic magazine from 1926-1970 mentioning the Virginia Shenandoah Valley, (c) articles about this Shenandoah Valley appearing in four encyclopedias, and (d) four dictionary references about this Shenandoah Valley.

Evidence relating to the geographical characteristics which distinguish the viticultural features of the proposed area from surrounding areas.

The petitioner claims that the proposed viticultural area is distinguished from the surrounding areas geographically. The petitioner bases this claim on the following:

(a) The surficial deposits consist of residual deposits, colluvium, and alluvium. The residual deposits and colluvium are closely related in origin to the rocks on which they rest. The alluvial deposits are distributed close to or downstream from the rocks that are their source. It is not unusual for residuum to occur in thicknesses of as much as 100 feet and more on carbonate rocks.

In the mountain areas, covers of thicker residuum are found only on the granitic rocks of the Blue Ridge when protected from erosion by a thin mantle of fresh core stones. On the other side of the Shenandoah Valley, shales interbedded with thin sandstones have a cover of residuum protected by a blanket of sandstone flags. Other areas

are characterized by many cliffy slopes and thin rocky soils.

The petitioner asserts that the surficial deposits in the valley are, therefore, consistent and have a marked delineation from surrounding areas.

(b) Exclusive of alluvial areas, comprising only about 15 percent of the whole valley, which are relatively flat, the land slopes toward a stream, either steeply or gently. The overall shape or form of the landscape is determined by the network of stream channels, each channel being concave to the sky. The local relief is determined by ridges which rise to a more or less even height above the streams.

(c) The General Soil Map of Virginia prepared by the Soil Conservation Service of the U.S. Department of Agriculture shows that the soils suitable for agriculture in the valley can, in fact, be used to delineate the valley lowlands. Except for the Massanutten Mountain uplift, essentially all of the area is overlain by Frederick-Lodi-Rock outcrop. The petitioner states that this soil does not occur anywhere else in the State.

(d) The climate features, including average temperature and precipitation, are relatively consistent throughout the valley. The petitioner cites data from four weather stations of the U.S. Department of Commerce Weather Bureau, specifically the stations of Lexington and Staunton, Virginia in the southern end and Winchester and Woodstock, Virginia in the northern end of the valley. These stations show average temperatures ranging from 53.9° F to 55.7° F, precipitation from 33.8" to 37.7", heating degree days from 4344 to 4866 and cooling degree days from 851 to 1046. The petitioner states the four stations to the east of the valley show average temperatures ranging from 47.8° F to 57° F, precipitation from 38.6" to 48.6", heating degree days from 4026 to 6463 and cooling degree days from 0 to 1263. Further, the petitioner generally states to the west similar variations occur. (The petitioner made no statement concerning climatological distinction from the surrounding northern and southern areas.)

Historical or current evidence that the boundaries of the proposed viticultural area are as specified in the petition.

The petitioner claims that the boundaries of the proposed viticultural area are as specified in the petition. The petitioner bases this claim on the following information:

The Shenandoah Valley is geologically well defined by the Blue Ridge Mountains on the east and by the Allegheny Mountains on the west. On the north it is drained by the Potomac

River, into which the Shenandoah River drains. To the south, the Shenandoah Valley is generally known to extend somewhat beyond the headwaters of the Shenandoah River because of the similar topographic features, the same soils, and similar climatic conditions.

The petitioner refers to John T. Hack as one of the foremost geological authorities on the Shenandoah Valley and refers to his report on the "Geomorphology of the Shenandoah Valley" as the source of the following quotes and summarizations.

The Shenandoah Valley is an example of a mountain landscape that has been formed by erosion during a long interval of geologic time and that has reached a condition of dynamic equilibrium in which the adjustment between the landforms and the rocks beneath is nearly complete. It is an elongate area lying between the Blue Ridge Mountains on the Southeast and the North and Shenandoah Mountains (the beginning of the Allegheny complex) on the Northwest.

"The Valley" is a segment of a long and fertile lowland or trough, underlain by Cambrian and Ordovician limestone and shale, that extends along the axis of the Appalachian Highlands. It separates the Blue Ridge province from the main part of the Valley and Ridge province and has long been a main route of migration and travel to the west and southwest, as well as one of the country's rich agricultural areas.

On the east side of the Valley, the Blue Ridge Mountains are underlain by igneous rocks, the most resistant of which are metabasalts of the Catoclin Formation of Precambrian age. Highlands on the west side of the Valley are underlain by sandstones and quartzites of Silurian to Mississippian age. The main lowland areas of the Shenandoah Valley are underlain by a thick sequence of limestones, dolomites and shales of early Cambrian to late Ordovician age.

The petitioner further states (not from Hack) that although the literature is replete with references to the Shenandoah Valley lying between the Blue Ridge and the Allegheny Mountains and that it ends on the north with the Shenandoah River emptying into the Potomac, the southern boundary is not quite as completely and sharply defined. A valley, of course, is generally thought of as an area drained by a river and its tributaries. By this definition the Shenandoah Valley would end on the south with the beginning of the headwaters of the Shenandoah River near the southern boundary of Rockbridge County. In fact, the

geological purist would also end it there. The petitioner believes, however, that other conditions relevant to a viticultural area, such as soil and terrain, as well as the geographical features associated with the closing of the mountains and the cutting by the James River dictate that the boundary should be extended, for this purpose, the short distance to the James River. The petitioner states in local usage the valley extends beyond that point, since there is no geographical division discernable at the headwaters of the Shenandoah River.

The petitioner submitted the following references and quotes relating to the southern boundary of the proposed area:

"The Shenandoah Valley is a beautiful rolling area in northwest Virginia. It includes the seven counties drained by the Shenandoah River and much of the area drained by the James River west of the Blue Ridge mountains." 17 World Book Encyclopedia 321 (1980). "Shenandoah Valley, chiefly in Virginia * * * drained by the Shenandoah River, it embraces nine counties, Berkeley and Jefferson in West Virginia and Frederick, Clark, Shenandoah, Warren, Rockingham, Page and Augusta in Virginia. The valley is often considered to extend to the James River and to include Rockbridge County." IX Encyclopedia Britannica 132 (1981). The petitioner noted that the 1943 edition of Encyclopedia Britannica refers to the extension to the James River as popular usage.

Specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey maps.

The boundaries of the proposed Shenandoah Valley viticultural area may be found on four United States Geological Survey Maps. These U.S.G.S. maps are titled as follows:

- (1) "ROANOKE," Eastern United States, 1:250,000 scale;
- (2) "CHARLOTTESVILLE," Eastern United States, 1:250,000 scale;
- (3) "CUMBERLAND," Eastern United States, 1:250,000 scale; and
- (4) "BALTIMORE," Eastern United States, 1:250,000 scale.

The boundaries, as proposed by the petitioner, are described in proposed § 9.60.

Viticulture in The Proposed Area

The following statistics were developed from information (not necessarily in the petition) available to ATF:

- (1) Total acreage in the proposed area—approximately 2.4 million acres.
- (2) Total producing commercial winegrape acreage—approximately 116

acres (100 additional acres proposed for 1982) in the Virginia portion of the proposed area and approximately 13 acres (17 additional acres proposed for 1982) in the West Virginia portion.

(3) Commercial vineyards (winegrapes)—7 in the Virginia portion of the proposed area and 9 in the West Virginia portion.

(4) Commercial wineries—3 in the Virginia portion of the proposed area.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons.

Specific Questions

Note.—A viticultural area is defined as a delimited grape growing region distinguishable by geographical features. The petition is viewed within that viticultural area context. Commenters are, of course, free to submit any opinion, data, or conclusion that they feel will be helpful in this rulemaking.

Name

1. The petitioner requests that the name "Shenandoah Valley" be used to designate the proposed viticultural area in Virginia and West Virginia. Because the proposed viticultural area is over 150 miles in length and in two States, should the proposed viticultural area name include the applicable word "Virginia" or "West Virginia"?

2. Is the southern portion of the proposed area (proposed boundary extension in Question 4 following) known by the proposed name? Locally? Nationally? Explain.

Boundaries

3. Do the Shenandoah Valley boundaries proposed by the petitioner describe an area which is only historically known or does the boundary describe a grape growing region? We are not aware of any vineyards in Warren or Clark Counties nor are we aware of any vineyards in the portions of Amherst and Botetourt Counties which are included in the petitioner's boundary. Should these four counties be omitted from the Shenandoah Valley viticultural area if there are no vineyards located in these counties? Explain.

4. Is the southern proposed boundary, which was ". . . extended, for this purpose, the short distance to the James River . . ." accurate as submitted? Explain.

5. Do the proposed boundaries accurately delimit a grape growing region by identifiable geographical features? Explain.

Viticultural Features

6. Are the viticultural features of the proposed viticultural area distinguishable from surrounding areas? Explain.

Comments

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 in comments as confidential. Comments may be disclosed to the public. Any material which a commenter 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 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 Acting Director within the 45 day comment period. The Acting Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

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 expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to 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 Shenandoah 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 the Bureau 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) 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.

Drafting Information

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

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, (49 Stat. 981, as amended), 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 C, is amended to add the title of § 9.60. As amended, the Table of Sections reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.60 Shenandoah Valley.

Par. 2. Subpart C is amended by adding § 9.60 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.60 Shenandoah Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Shenandoah Valley viticultural area are four U.S.G.S. Eastern United States 1:250,000 scale maps. The maps are titled: Roanoke (1971), Charlottesville (1956, with a revision in 1965), Cumberland (1956, revised 1969) and Baltimore (1957, revised 1978).

(c) *Boundaries.* The Shenandoah Valley viticultural area is located in Frederick, Clarke, Warren, Shenandoah, Page, Rockingham, Augusta, Rockbridge, Botetourt, and Amherst Counties in Virginia, and Berkeley and Jefferson Counties in West Virginia. The boundaries are as follows:

The boundary line starts at the point of the intersection of the Potomac River and the

Virginia-West Virginia State line approximately eight miles east of Charlestown, West Virginia. The line then proceeds southwesterly approximately 14.8 miles along such State line, which essentially follows the crest of the Blue Ridge Mountains, to its intersection with the westerly border line of Clarke County, Virginia. The line continues approximately 13.8 miles southwesterly along such county line and the crest of the Blue Ridge to its intersection with the westerly boundary line of Warren County, Virginia. The line continues approximately 15 miles along such Warren County line to its intersection with the Skyline Drive. The line continues approximately 71 miles in a southwesterly direction along the Skyline Drive and the Blue Ridge to its intersection with the Blue Ridge Parkway. The line continues approximately 53 miles in a southwesterly direction along the Blue Ridge Parkway to its intersection with the James River. The line then proceeds approximately 44 miles along the James River in a west-northwesterly direction to its intersection with the northwest boundary line of the Jefferson National Forest near Eagle Rock. The line then proceeds approximately 10.5 miles in a northeasterly direction along the Jefferson National Forest line and along the crest of North Mountain to its intersection with the westerly boundary line of Rockbridge County. The line continues approximately 23 miles along such county line in the same northeasterly direction to its intersection with the Chesapeake and Ohio Railroad. The line continues approximately 23 miles along such railroad between the Great North Mountain and the Little North Mountain to its intersection with the southeastern boundary line of the George Washington National Forest at Buffalo Gap. The line continues approximately 81 miles northeasterly along the George Washington National Forest line to the Vertical Control Station, (elevation 1883), on the crest of Little North Mountain approximately 3 miles west of Van Buren Furnace. The line continues approximately 53 miles northeasterly along the crest of Little North Mountain to its intersection with the Potomac River in Fort Frederick State Park. The line then proceeds approximately 47.4 miles southeasterly along the Potomac River to the beginning point at that river's intersection with the boundary line between West Virginia and Virginia.

Signed: July 13, 1982.

Stephen E. Higgins,

Acting Director.

Approved: July 30, 1982.

J. M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-22801 Filed 8-19-82; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-049A]

Occupational Exposure to Lead; Respiratory Protection; Quantitative Fit Testing Provision; Reopening Record

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of limited reopening of record.

SUMMARY: On May 19, 1981, OSHA published a notice of proposed rulemaking (46 FR 27358) on the revision of the lead standard to include use of specified forms of qualitative fit testing as an option to the existing requirement for quantitative fit testing in 29 CFR 1910.1025(f)(3)(ii). A hearing was held on the issues of this proposal on September 22, 23, 1981. The record closed on December 18, 1981.

OSHA has just recently received and is placing into the record important new data from Los Alamos National Laboratory which is relevant to this proceeding. In addition, other relevant documents are being added to the record at this time. The record will remain open until September 20, 1982 to allow the public to review these data and to submit comments on the newly entered materials.

DATES: The record will remain open and public comment will be received until September 20, 1982.

ADDRESSES: Written submissions for the record should be sent to the Docket Officer, Docket No. H-049A, Room S-6212, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210; telephone 202-523-7894. All written submissions as well as the entire record will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Occupational Safety and Health Administration, Rm. N-3637, 200 Constitution Ave. NW., Washington D.C. 20210; telephone 202-523-8151.

Signed at Washington, D.C., this 17th day of August, 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82-22785 Filed 8-19-82; 8:45 am]

BILLING CODE 4510-26-M