

(6) The boundary proceeds southward along Ohio Route 45 to a point exactly 14 statute miles inland from any point on the shore of Lake Erie approximately one mile north of Rock Creek, Ohio.

(7) The boundary proceeds southwestward, then westward, then northwestward along a line 14 statute miles inland from any point on the shore of Lake Erie to the point where it intersects the Ohio-Michigan boundary just north of Centennial, Ohio.

(8) The boundary then follows the Ohio-Michigan border in an easterly direction to the shoreline of Lake Erie. Thence in a generally southeasterly direction along the shoreline of Lake Erie to the mouth of the Portage River just north of Port Clinton. Thence due north in a straight line to the United States-Canada border. Thence in a southeasterly and then an easterly direction along the United States-Canada border until a point is reached which is due north of the easternmost point of Kelleys Island.

(9) The boundary then proceeds due south until it reaches the shoreline of Lake Erie. Thence the boundary follows the lakeshore in a generally northeasterly direction to the beginning point at the mouth of Buffalo Creek.

Signed: October 1, 1983.

W. T. Drake,
Acting Director.

Approved: October 13, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 83-28787 Filed 10-20-83; 8:45 am]

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27 CFR Part 9

[T.D. ATF-157; Re: Notice No. 462]

Establishment of the Grand River Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Ohio known as "Grand River Valley." 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: November 21, 1983.

FOR FURTHER INFORMATION CONTACT:

John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7602).

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 name 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.

Mr. Anthony P. Debevec, President of Chalet Debonne Vineyards, Inc., a winery located in Madison, Ohio, petitioned ATF for the establishment of a viticultural area in northeastern Ohio to be known as "grand River Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 462) in the *Federal Register* on April 4, 1983 (48 FR 14396) proposing the establishment of the Grand River Valley viticultural area.

Notice of Proposed Rulemaking

Notice No. 462 proposed two alternative boundaries for the Grand River Valley viticultural area. The petitioner's boundary encompassed an area of approximately 125,000 acres and consisted of all of the land within 2 statute miles, in any direction, of the Grand River from its origin to the point at which it flows into Lake Erie.

Based on data contained in the petition for the establishment of the Lake Erie viticultural area, ATF proposed an alternative to the petitioner's boundary. About one-third of the entire valley of the Grand River is inside the Lake Erie viticultural area, established in a final rule published in today's *Federal Register*. ATF believes that the lake's effect on climate is the overriding geographical feature affecting

viticulture in northeastern Ohio. Therefore, ATF proposed, as an alternative to the petitioner's boundary, that the Grand River Valley viticultural area be confined to that portion of the valley located within the Lake Erie viticultural area.

Evidence of Name

The name "Grand River" was assigned by early explorers and settlers to the river called "Sheauga" or "Geauga" by the natives. This Indian word actually means "raccoon" but was so widely misinterpreted that the name "Grand River" has applied to the river since the early nineteenth century.

Evidence of Geographical Features Which Affect Viticultural Features

The petition states, "With Lake Erie helping to provide an overall longer growing season (circa 175 days) the Grand River Valley itself contributes in fulfilling the air drainage requirements for prime viticultural lands." ATF agrees that the moderating effect of Lake Erie distinguishes part of the proposed area from its surroundings. Further, the air drainage provided by the Grand River Valley distinguishes the area from the Lake Erie viticultural area which surrounds it. However, the natural boundary of the lake's effect on climate divides the Grand River Valley into a climate area which is strongly influenced by the lake and a climate area which is weakly influenced or not influenced by the lake.

Lake Erie's moderating influence on the climate affects viticulture within a short distance inland from the shore. The lake freezes in the winter and the late spring thaw prevents unseasonal warm spells in late winter and early spring. Otherwise, premature bud development during these unseasonal warm spells would leave the grapevines vulnerable to damage during a freeze in late spring. In autumn, the warm water of the lake delays the first freeze a month or longer in comparison to areas farther inland from the lake shore. The lake's protection against spring frost damage and the delay of the first autumn frost result in a growing season between 170 and 185 days, depending on the distance inland from the lake shore.

In *Cultural Practices for Commercial Vineyards*, Miscellaneous Bulletin 111, published by the New York State College of Agriculture and Life Sciences, in January 1980, the authors state: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature

requirements must be satisfied for a site to be considered." The authors also note that for commercial viticulture in this region, a growing season of 165 days is considered minimal and 180 days is preferable, and that the winter minimum temperature should infrequently fall below minus 10 degrees Fahrenheit and almost never below minus 15 degrees Fahrenheit.

Location of the Natural Inland Boundary of the Lake's Effect

In *The occurrence of Freezing Temperatures in late spring and early fall*, Special Circular 94, published by the Ohio Agricultural Experimental Station (now the Ohio Agricultural Research and Development Center, or O.A.R.D.C.), in October 1959, the isobar for the 180 day growing season passes lengthwise through the middle of Lake County. The isobar for the 170 day growing season passes through the intersection of the 3 county lines of Ashtabula, Lake and Geauga Counties (at a distance about 9 miles inland from the lake shore) and the intersection of the 3 county lines of Cuyahoga, Lake and Geauga Counties (at a distance about 7 miles inland from the lake shore). The isobar for the 160 day growing season is no closer than 20 miles from the lake shore anywhere in Geauga County, and much farther from the lake shore throughout Ashtabula County.

In *Extreme Monthly and Annual Temperatures in Ohio*, Research Bulletin 1041, published by O.A.R.D.C., in November 1970, the isobar for the annual low temperature of -5 to -10 degrees Fahrenheit corresponds closely with the isobar for the 170 day growing season previously discussed; the isobar for annual low temperature of -10 to -15 degrees Fahrenheit corresponds approximately with the isobar for the 160 day growing season previously discussed. The isobar for average annual lowest temperature of 0 to -5 degrees Fahrenheit is between 10 and 15 miles from the lake shore; the average annual lowest temperature of -5 to -10 degrees Fahrenheit covers most of the State of Ohio.

These data help identify the natural inland boundary of the lake's moderating effect on the climate. Based on these data, the Lake Erie viticultural area boundary in northeastern Ohio has been established as any point which is 6 miles inland from the shore east of Ohio Route 45, and 14 miles inland from the shore west of Ohio Route 45. This boundary is also established as the inland boundary of the Grand River Valley viticultural area, the approximate

point where the lake's effect is dissipated.

Air Drainage

Air drainage is a geographical feature affecting viticulture which is found in any river valley. It is manifested by the tendency of cool air to sink along the surrounding topography and drain to the surface of the water. This phenomenon draws warmer air closer to the ground and reduces the incidence of frost damage. Air drainage distinguishes the Grand River Valley viticultural area from the Lake Erie viticultural area which surrounds it on all sides except, as discussed above, at the inland boundary of the lake's climate influence. The boundary of the Grand River Valley viticultural area is established as any point which is two miles, in any direction, from the river, the approximate point where the air drainage feature is dissipated.

Public Comments

In response to Notice No. 462, ATF received three comments, all from officials of the state government. All of the comments were in favor of establishment of the Grand River Valley viticultural area. None of the comments discussed the boundary issue presented in the notice.

Alternative Boundary Adopted as Proposed

Based on the data discussed above, ATF is establishing the Grand River Valley viticultural area confined to the portion of the valley within the approved Lake Erie viticultural area.

The boundary proposed as an alternative by ATF (proposed § 9.87b) is established as the approved boundary, described in § 9.87.

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 final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule 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.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this final rule 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.

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.

List of Subjects in 27 CFR Part 9

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

Drafting Information

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

Authority

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended 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 heading of § 9.87. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.87 Grand River Valley.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.87 to read as follows:

§ 9.87 Grand River Valley.

- (a) *Name.* The name of the viticultural area described in this section is "Grand River Valley."
- (b) *Approved map.* The approved map for determining the boundary of the

Grand River Valley viticultural area is the U.S.G.S. topographic map in the scale of 1:250,000, entitled Cleveland, number NK 17-8, dated 1956, revised 1972.

(c) *Boundary.* The Grand River Valley viticultural area is located in the following Ohio counties: Lake, Geauga, and Ashtabula. The viticultural area consists of all of the land within the Lake Erie viticultural area, described in § 9.83, which is also within 2 statute miles, in any direction, of the Grand River. Specifically, the Grand River Valley viticultural area consists of all of the land west of Ohio Route 45 which is within 2 statute miles, in any direction, of the Grand River, and which is also within 14 statute miles inland from any point on the shore of Lake Erie.

Signed: September 22, 1983.

Stephen E. Higgins,

Director.

Approved: October 4, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-28766 Filed 10-20-83; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of Supplements to the Virginia State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice approves various supplements to the Virginia State plan for occupational safety and health. These supplements, representing completion of several of the State's developmental steps, concern: promulgation of safety and health standards identical to the Federal standards; adoption of the Federal standards for explosives; staffing of both the safety and health compliance programs; institution of a reporting system for cases contested under the State's judicial review system; revision of job specifications for both safety and health personnel; and development of health and safety inspection scheduling systems.

EFFECTIVE DATE: October 21, 1983.

FOR FURTHER INFORMATION CONTACT:

James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, U.S.

Department of Labor, Washington, D.C. 20210, (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. The Virginia plan was approved by the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary) as a developmental plan on September 23, 1976. On September 28, 1976, a notice was published in the Federal Register (41 FR 42655) containing the approval decision, description of the plan, and schedule of the State's major developmental commitments. By a letter dated March 23, 1977, from Edmond M. Boggs, Commissioner of the Virginia Department of Labor and Industry, by letters dated October 5 and November 2, 1977, August 11 and November 11, 1978, September 17, 1980, and May 27 and October 9, 1981, from Robert F. Beard, Jr., Commissioner of the Virginia Department of Labor and Industry, by letters dated September 7, 1977, and May 9, 1979, from Robert S. Jackson, Assistant Commissioner of the Virginia Department of Health, by letters dated December 11, 1980, and October 30, 1981, from Clayton P. Deane, Assistant Commissioner of the Virginia Department of Labor and Industry, and by a letter dated May 28, 1982, from Janice L. Thomas, Chief Administrator for Occupational Safety, Virginia Department of Labor and Industry, to David H. Rhone, Regional Administrator, the State of Virginia-submitted developmental plan change supplements addressing the completion of a number of the developmental steps set forth in the initial approval decision. Following regional review, the supplements were forwarded to the Assistant Secretary for determination as to whether they should be approved. The supplements are described below.

Description of the Supplements

1. *Standards Promulgation.* In accordance with the requirement of the developmental step set forth in 29 CFR 1953.373(a), the State was to have adopted occupational safety and health standards identical to the Federal standards by January 1, 1978. On March 23, 1977, the State submitted standards which were identical to 29 CFR Parts

1910 for General Industry and 1926 for Construction, as published in the Federal Register on December 21, 1976, including all additions, revisions, amendments and corrections thereto, with the exception of the State standard for ionizing radiation, which was determined to be at least as effective as the comparable Federal standard (29 CFR 1910.96). The State's submission was approved by the Regional Administrator in the Federal Register of March 17, 1978 (43 FR 11274). By a letter dated November 11, 1978, the State submitted standards identical to 29 CFR Part 1928 for Agriculture. The State's submission was approved by the Regional Administrator in the Federal Register of June 12, 1979 (44 FR 33751). By a letter dated September 17, 1980, the State reported that the Virginia Safety, and Health Codes Commission had revoked the State's ionizing radiation standard and adopted standards identical to 29 CFR 1910.96 and 1926.53 for exposure to ionizing radiation in general industry and construction, respectively, and were approved in the Federal Register of August 20, 1982 (47 FR 36485). In addition, Virginia occupational safety and health standards identical to the Federal standards have been promulgated, subsequently amended to reflect changes in and additions to Federal standards, and approved by the Regional Administrator in the Federal Register of July 15, 1980 (45 FR 47548) and August 18, 1981 (46 FR 41886).

2. *Explosives Standard.* In accordance with the requirement of the developmental step set forth in 29 CFR 1952.373(j), the State was to amend the State explosives code to contain only standards identical to the Federal standards. Included in the State's standards submission of March 23, 1977, were standards identical to the Federal standards for explosives and blasting agents in general industry and construction, respectively (29 CFR 1910.109, 29 CFR 1926.860 and 29 CFR Part 1926, Subpart U). The State's submission was approved by the Regional Administrator in the Federal Register of March 17, 1978 (43 FR 11274).

3. Compliance Staffing Requirements.

In accordance with the requirement of the developmental step set forth in 29 CFR 1952.373(e), both safety and health compliance programs were to be fully staffed by Fiscal Year 1979. At the time of plan approval, this developmental step contemplated a minimum compliance staff of 32 safety and health compliance officers. On August 11, 1978, the State submitted a grant application for Fiscal Year 1979 which included