

(9) "Funkstown Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971);

(10) "Keedysville Quadrangle, Maryland-West Virginia," 7.5 minute series, 1978;

(11) "Harpers Ferry Quadrangle, Virginia-Maryland-West Virginia," 7.5 minute series, 1969; and

(12) "Charles Town Quadrangle, West Virginia-Virginia-Maryland," 7.5 minute series, 1978;

(c) *Boundaries.* The Catoctin viticultural area is located in western north-central Maryland and encompasses parts of Frederick and Washington Counties. From the beginning point at the point where U.S. Highway 15 crosses the Potomac River and enters the land mass of Maryland on the "Point of Rocks Quadrangle" map, the boundary runs—

(1) Northerly 1,100 feet in a straight line to the point of intersection with a 500-foot contour line;

(2) Then northeasterly along the meanders of the 500-foot contour line on the "Point of Rocks Quadrangle," "Buckeystown Quadrangle," "Frederick Quadrangle," "Catoctin Furnace Quadrangle," "Blue Ridge Summit Quadrangle," and "Emmitsburg Quadrangle" maps to the point of intersection with the Maryland-Pennsylvania State line on the "Emmitsburg Quadrangle" map;

(3) Then west along the Maryland-Pennsylvania State line on the "Emmitsburg Quadrangle," "Blue Ridge Summit Quadrangle," and "Smithsburg Quadrangle" maps to the point of intersection with the first 800-foot contour line lying west of South Mountain on the "Smithsburg Quadrangle" map;

(4) Then southwesterly along the meanders of the 800-foot contour line on the "Smithsburg Quadrangle," "Myersville Quadrangle," "Funkstown Quadrangle," and "Keedysville Quadrangle" maps to the point of intersection with an unnamed light duty road (known locally as Clevelandville Road) north of the town of Clevelandville on the "Keedysville Quadrangle" map;

(5) Then southerly along the unnamed light duty road to the point of intersection with Reno Monument Road;

(6) Then southwesterly 13,500 feet in a straight line to the point lying at the intersection of Highway 67 and Millbrook Road;

(7) Then westerly along Millbrook Road to the point of intersection with Mount Briar Road;

(8) Then northerly along Mount Briar Road to the point of intersection with a 500-foot contour line;

(9) Then northerly along the 500-foot contour line to the point of intersection with Red Hill Road;

(10) Then southerly along the 500-foot contour line to the point of intersection with Porterstown Road;

(11) Then south-southwesterly 29,000 feet in a straight line to the most eastern point on the Chesapeake and Ohio Canal National Historical Park boundary line lying north of the town of Dargan;

(12) Then southwesterly 7,500 feet in a straight line to the point lying at the confluence of an unnamed stream and the Potomac River approximately 600 feet northwest of Manidokan Camp on the "Harpers Ferry Quadrangle" map; and

(13) Then easterly along the meanders of the Potomac River on the "Harpers Ferry Quadrangle," "Charles Town Quadrangle," and "Point of Rocks Quadrangle" maps to the point of beginning.

Signed: January 7, 1983.

Stephen E. Higgins,
Acting Director.

Approved: January 26, 1983.

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

[FR Doc. 83-3536 Filed 2-9-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 454]

Establishment of Knights 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 northeastern Sonoma County, California, to be known as "Knights Valley." This proposal is the result of a petition submitted by the Knights Valley Wine-Growers Committee, a local grape/wine industry member group. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will permit wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by March 11, 1983.

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and

Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 454).

Copies of the petition, the proposed regulations, maps with the boundaries of the proposed viticultural area marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. The revised regulations permit the establishment of definite viticultural areas and 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 amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

Section 4.25(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 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 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 area in northeastern Sonoma County, California, as a viticultural area. The proposed viticultural area is to be known as "Knights Valley." The petition was submitted by the Knights Valley Wine-Growers Committee, a local organization representing the interests of most grape/wine industry members in the area, and was signed by 16 persons.

The proposed viticultural area is located entirely within Sonoma County between Napa Valley and Alexander Valley. It extends to the west of the eastern Sonoma County line from just north of Pine Mountain to just north of the Petrified Forest area. Common boundaries are shared with the proposed "Alexander Valley" and "Chalk Hill (Russian River Valley)" viticultural areas on the west and southwest, respectively, and with the "Napa Valley" viticultural area on the east.

Note.—The "Chalk Hill (Russian River Valley)" designation denotes that the proposed "Chalk Hill" and "Russian River Valley" viticultural areas overlap each other and share a common boundary with the proposed viticultural area.

The area encompassed by the proposed boundaries consists of a valley area and upland areas. The valley area is comprised of a central valley area known as "Knights Valley" and a branch valley or sub-valley area known as "Franz Valley." According to evidence submitted by the petitioner, the branch valley area is generally considered to be a non-valley within the central valley and the name "Franz Valley" a misnomer since no clear separation exists between the areas. The central valley area is approximately 5.3 miles long and 1.8 miles wide at the widest point. The areas immediately surrounding and to the north of the valley area form the upland areas. The proposed viticultural area encompasses approximately 36,240 acres or 56.625 square miles.

There are currently over 1,000 acres devoted to viticulture in the proposed viticultural area. This acreage is situated primarily in the valley area. However, some acreage in the upland areas, which is being developed into producing vineyards, is included in this figure. There are currently no operating wineries in the proposed viticultural area. However, the petitioner

anticipates that a winery will open in the near future.

The boundaries of the viticultural area may be found on four (4) U.S.G.S. quadrangle (Topographic) maps, 7.5 minute series, scale 1:24,000—Mount St. Helena, Jintown, Mark West Springs, and Detert Reservoir. The specific boundaries proposed for the viticultural area are detailed in the regulation portion of this document at § 9.76(c).

Viticultural/Geographical Features

The petitioner claims the proposed viticultural area is distinguishable from the surrounding area on the basis of elevation, soil, climate, and other physiographical features. The petitioner bases this claim on the following.

(a) *Elevation.* The proposed viticultural area ranges in elevation from 360 feet to slightly over 4,300 feet. The valley area encompassed ranges in elevation from 360 feet to 600 feet. The upland areas contain fairly rugged peaks that are over 3,500 feet in elevation, e.g., Pine Mountain—3,614 feet, Red Hill—3,527 feet, Mount St. Helena—4,343 feet. The areas currently used for grape production are consistently higher in elevation than the grape-growing areas in the adjacent Alexander Valley, Chalk Hill (Russian River Valley) and Napa Valley areas. This disparity in elevation should significantly increase when the many hill "islands" and peninsulas in the upper elevations capable of quality grape production are fully developed into producing vineyards.

(b) *Geological Features and Soils.* The soils in the valley and mountainous upland areas of the proposed viticultural area are distinct from each other. This is due to the different parent material, i.e., alluvial in the valley and indurated rock in the uplands, from which the soils were formed. The valley soils were derived from parent material of a relatively young geologic age, while the upland soils were derived from older parent material. The upland soils in the areas north and south of the valley area were derived from different types of parent material. The soils in the northern area were derived from "Franciscan Formation" parent material laid down in the Jura-Cretaceous period, while the soils in the southern area were derived from parent material known as "Sonoma Volcanics" laid down in the late Pliocene to early Pleistocene epoch. The contrast in soils derived from these parent materials allows for an easy distinction between the valley area and the northern/southern upland areas.

Adacent areas are also characterized by soils derived from alluvial material and indurated rock. However, there were differences in the parent materials

from which the soils were formed. The Napa Valley area to the southeast is primarily surrounded by uplands with soils derived from "Pleistocene Volcanic" formations. Whereas the Alexander and Dry Creek areas to the northwest are surrounded by uplands with soils derived from both "Franciscan Formation" and "Dry Creek Conglomerate" parent materials. These parent material differences are the origins of differences in basic soil complexity between the proposed viticultural area and surrounding areas.

The valley soils in the proposed viticultural area are primarily of the Yolo-Cortina-Pleasanton association. The soil in the northern and southern upland areas are primarily of the Yorkville-Suther and Goulding-Toomes-Guenoc associations, respectively. However, the eastern portion of these areas, along the Sonoma county line, are characterized by soils of the Kidd-Forward-Cohasset association. Much of the Dry Creek and Alexander Valley areas are characterized by the same type of soil associations; however, the soils adjacent to the Russian River in the Alexander Valley area are deep, fertile soils not generally represented in the proposed viticultural area. The Sonoma Valley, which lies to the south along the eastern Sonoma County line, and the Napa Valley viticultural areas are also characterized by highly fertile soils. However the soils used for grape production in the proposed viticultural area are generally characterized by low fertility; many are rocky and gravelly; and, others exhibit a low pH.

(c) *Climate.* The climate in the proposed viticultural area is typically Mediterranean, i.e., characterized by warm, dry summers and mild, cool, moist winters. The climate is moderated by the proximity of the viticultural area to the Pacific Ocean, isolation from large valleys and low mountain elevation.

The valley area has an average annual rainfall of 44 inches, temperature of 58–60 degrees F., and a frostfree season of 220–270 days. The upland areas are generally wetter, cooler, and have shorter frostfree seasons than the valley area. Rainfall in the valley area is similar, but slightly higher than the Alexander Valley area. The Sonoma Valley area and portions of the Napa Valley area receive significantly less rainfall.

The proposed viticultural area exemplifies the general temperature trend of Sonoma County, i.e., rising from south to north. Temperatures in the valley area are similar to those in the lower portion of the Alexander Valley area, but average slightly less due to the

higher elevation. The growing season is usually shorter than the growing season in adjacent viticultural areas.

Under the climatic region concept developed by Amerine and Winkler, the proposed viticultural area is classified as Region 3. That is, the sum of the mean daily temperature above 50 degrees F., expressed in temperature-time values of degree days, for each day in the period April-October of any given year is generally 3,001-3,500 for the proposed viticultural area. The northern portions of the Napa Valley and Alexander Valley areas are also classified as Region 3, while the Chalk Hill (Russia River Valley) area is classified as Region 2, i.e., 2,501-3,000 degree days.

To summarize, the petitioner states the climatic conditions in the proposed viticultural area are unique and distinguishable from those of any other viticultural area in the general vicinity.

Evidence Relating to Name and Boundaries

The petitioner claims the proposed viticultural area is locally/nationally known by the name "Knights Valley" and the boundaries are as specified in the petition. The petitioner submitted historical or current evidence consisting of the following to support these claims.

(a) A detailed study prepared by Mr. William F. Heintz which analyzes the viticultural, wine-making history of the proposed viticultural area. Through the use of quotes from numerous articles which appeared during the 1800's in the St. Helena Star, a local newspaper, the study documents that the name "Knights Valley" has been applied to the area since 1853. These articles refer by name to "Knights Valley" and describe the area. Similarly, viticultural activity in the area is documented. Grapes have been grown and wine produced in "Knights Valley" almost continuously since the 1870's. However, there are currently no operating wineries in the proposed viticultural area.

The study also contains numerous excerpts and quotes from 19th century books, journals, and reports pertaining to the viticultural activity and history of the proposed viticultural area. The propriety of the proposed boundaries is documented by a copy of a map excerpted from the "Historical Atlas of Sonoma County" published in 1877. This map depicts an area designated as "Knights Valley" which closely corresponds to the proposed viticultural area.

(b) Letters from wine authorities and clippings of articles from local and national newspapers, magazines, and other wine oriented publications, that attest to the quality of wine produced

from grapes grown in the proposed viticultural area.

(c) Excerpts from various books which describe the proposed viticultural area; extoll the quality of wines produced from grapes grown in the viticultural area; or, recognize and discuss differences between wines produced from grapes grown in the viticultural area and those produced from grapes grown in other locations.

Discussion

ATF feels the evidence submitted by the petitioner indicates establishment of "Knights Valley" as a viticultural area may be warranted. Accordingly, the establishment of this grape-growing region as a viticultural area is proposed in this document.

The petitioner states the primary factor considered in the selection of boundaries to delineate the viticulture area was watershed since " * * * it is not an incongruous definer of a 'valley' and is, in fact, commonly understood." While watershed may be the geographical basis for a viticulture area, we are not entirely convinced the proposed boundaries are the most appropriate. Since a relatively high proportion of the acreage encompassed is either viticulturally unsuitable or currently used for purposes other than viticulture, we feel boundaries based primarily on watershed criteria may be inappropriate for portions of the viticultural area, e.g., the northern upland area. Although this may be partially due to the dispersed nature of the many small areas suitable for viticulture, we feel the proportion of acreage devoted to grape growing may be significantly increased if boundaries in these areas are drawn on the basis of criteria other than watershed. Therefore, any suggestions concerning other possible boundaries for this viticultural area will be given consideration.

Public Participation

All interested persons are invited to participate in this proposed rulemaking by submitting written comments. Comments should be specific, pertain to the issues in this proposed rulemaking, and provide the factual basis supporting the data, views, or recommendations presented. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

We are particularly interested in receiving comments which provide historical or current evidence as to

whether the viticultural area boundaries are as specified in the petition. In addition, comments are invited on alternative boundaries. These comments should include data on the geographical and viticultural characteristics which distinguish the area encompassed from the surrounding area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the 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. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director, within the comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

ATF reserves the option to determine, on the basis of written comments, our own research, and in the light of any other circumstances, whether this viticultural area should be established. In addition, ATF may modify, through the rulemaking process, the viticultural area which may be established as a result of this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

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 Knights 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 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 Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel of other offices of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections for Subpart C is amended by adding the title of § 9.76 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.76 Knights Valley.

Par. 2. Subpart C is amended by adding § 9.76 follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.76 Knights Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Knights Valley viticultural area are four U.S.G.S. maps. They are—

- (1) "Mount St. Helena Quadrangle, California," 7.5 minute series, 1959 (Photoinsppected 1973);

- (2) "Jimtown Quadrangle, California," 7.5 minute series, 1955 (Photorevised 1975);

- (3) "Mark West Springs Quadrangle, California," 7.5 minute series, 1958; and

- (4) "Detert Reservoir Quadrangle, California," 7.5 minute series, 1958 (Photorevised 1980).

(c) *Boundaries.* The Knights Valley viticultural area is located in northeastern Sonoma County, California. From the beginning point lying at the intersection of the Sonoma/Lake County line and the north line of Section 11, Township 10 north (T. 10 N.), Range 8 West (R. 8 W.) on the "Mount St. Helena Quadrangle" map, the boundary runs—

- (1) Westerly along the north line of Sections 11, 10, and 9, T. 10 N., R. 8 W. to the northwest corner of Section 9 on the "Jimtown Quadrangle" map;

- (2) Then southerly along the west line of Sections 9, 16, 21, 28, and 33, T. 10 N., R. 8 W., continuing along the west line of Section 4, T. 9 N., R. 8 W. to the southwest corner thereof;

- (3) Then easterly along the south line of Section 4 to the southeast corner thereof on the "Mount St. Helena Quadrangle" map;

- (4) Then southerly along the west line of Sections 10, 15, and 22, T. 9 N., R. 8 W. to the point of intersection with Franz Creek in Section 22 on the "Mark West Springs Quadrangle" map;

- (5) Then easterly along Franz Creek approximately 14,000 feet to the centerline of Franz Valley Road;

- (6) Then southerly along the centerline of Franz Valley Road to the point of intersection with the west line of Section 6, T. 8 N., R. 7 W.;

- (7) Then southerly along the west line of Section 6 to the southwest corner thereof;

- (8) Then easterly along the south line of Sections 6, 5, and 4, T. 8 N., R. 7 W. to the southeast corner of Section 4;

- (9) Then northerly along the east line of Section 4 to the point of intersection with the Sonoma/Napa County line;

- (10) Then northerly along the meanders of the Sonoma/Napa County line on the "Mark West Springs Quadrangle," "Detert Reservoir Quadrangle," and "Mount St. Helena Quadrangle" maps to the point of intersection with the Lake County line on the "Mount St. Helena Quadrangle" map;

- (11) Then northerly along the meanders of the Sonoma/Lake County line on the "Mount St. Helena Quadrangle" and "Detert Reservoir Quadrangle" maps 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. 83-3537 Filed 2-8-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 927****Surface Mining and Reclamation Operations Under a Federal Program for Nebraska**

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of promulgation process for a Federal program for Nebraska.

SUMMARY: The Office of Surface Mining (OSM) is announcing the withdrawal of the proposed Federal program to regulate surface coal mining and reclamation operations for Nebraska because there are no known coal reserves on non-Federal and non-Indian lands in that State.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: On December 22, 1982, the Office of Surface Mining proposed a Federal program for Nebraska in the *Federal Register* to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in that state. 47 FR 57236. During the comment period, OSM was informed by the State Geologist of Nebraska that all known coal deposits in Nebraska are too deep for commercial recovery at this time.

The Surface Mining Control and Reclamation Act in Sections 503 and 504, 30 U.S.C. Sections 1253 and 1254, and OSM's regulations, 30 CFR 736.11, require that there be an approved State of Federal regulatory program in States having coal on non-Federal or non-Indian lands and in which there is a likelihood of either coal exploration or development before June 1985. Since Nebraska has no known coal reserves on either non-Federal or non-Indian lands, a regulatory program is not required. Therefore, promulgation of the