

(2) Chittenden, Calif., 1955 (photorevised 1980);

(3) San Felipe, Calif., 1955 (photorevised 1971);

(4) Gilroy Hot Springs, Calif., 1955 (photorevised 1971, photoinspected 1978.)

(c) *Boundary.* The San Ysidro District viticultural area is located in a portion of Santa Clara County in the State of California. The boundary is as follows:

(1) The beginning point is the intersection of California State Highway 152 and Ferguson Road with an unnamed wash, or intermittent stream, on the Gilroy, Calif., U.S.G.S. map;

(2) From the beginning point, the boundary follows the wash northeast as it runs co-incident with the old Grant boundary for approximately 3,800 feet;

(3) The boundary then follows the wash when it diverges from the old Grant boundary and continues approximately 2,300 feet in a northeasterly direction, crosses and recrosses Crews Road, then follows the wash southeast until the wash turns northeast in section 35, T.10S., R.4E., on the Gilroy Hot Springs, Calif., map;

(4) The boundary then diverges from the wash, continuing in a straight line in a southeasterly direction, across an unimproved road, until it intersects with the 600 foot contour line;

(5) The boundary then proceeds in a straight line at about the 600 foot elevation in a southeasterly direction until it meets the minor northerly drainage of the San Ysidro Creek;

(6) The boundary then follows the minor northerly drainage of San Ysidro Creek southeast for approximately 2,000 feet to the seasonal pond adjacent to Canada Road;

(7) From the seasonal pond, the boundary follows the southerly drainage of San Ysidro Creek for about 1,300 feet until it reaches the southwest corner of section 36, T.10S., R.4E.;

(8) The boundary then continues in a straight line in a southerly direction across Canada Road for approximately 900 feet until it intersects with the 600 foot contour line;

(9) The boundary follows the 600 foot contour line for approximately 6,000 feet in a generally southeasterly direction, diverges from the contour line and continues southeast another 1,200 feet until it meets an unimproved road near the north end of a seasonal pond on the San Felipe, Calif., U.S.G.S. map;

(10) The boundary follows the unimproved road to Bench Mark 160 at Highway 152.

(11) The boundary then follows Highway 152 in a northwesterly direction across the northeast corner of the Chittenden, Calif., U.S.G.S. map, and

back to the beginning point at the junction of Ferguson Road and Highway 152.

Approved: June 22, 1990.

Daniel R. Black,
Acting Director.

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BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 704]

RIN 1512-AA07

The Rogue Valley Viticultural Area (89F-458P); Proposed Establishment

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 the state of Oregon, to be known as "Rogue Valley". This proposal is the result of a petition from Mr. David R. Beaudry, a grape grower in the Jackson County area of southwest Oregon. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make their wines were grown and enables consumers to better identify wines they purchase.

DATES: Written comments must be received by August 20, 1990.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 704). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4412, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer 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. These regulations allow the establishment of definite viticultural

areas. The regulations 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, for the listing of approved American viticultural areas.

Section 4.25(a)(e)(1), title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25(a)(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 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. map with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. David R. Beaudry, a grape grower in Jackson County, Oregon, proposing an area in the Oregon counties of Jackson and Josephine as a viticultural area to be known as "Rogue Valley". This proposed viticultural area is located in southwest Oregon. There are seven wineries and 49 vineyards located within the Rogue Valley area, with approximately 400 acres of wine grapes. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

General Information

The beginning of viticulture in the Rogue Valley can be traced to Peter Britt, who secured cuttings from the mission grapevines of California and by 1858 was making the first wine in the Oregon Territory. He eventually experimented with more than 200

varieties of grapes, ranging for advice as far as the German Wine Growers Association on the Rhine. By 1880 his 15-acre vineyard was producing up to 3,000 gallons a year. Records show that he made a very popular claret, along with muscatel, schiller, zinfandel and port. (Photographer of a Frontier, the Photographs of Peter Britt by Alan Clark Miller). Mr. Miller reports that Britt's vineyard was located near Jacksonville west of Medford. The winery operation was called Valley View Vineyards. Today the name Valley View Vineyards is used by the Rogue Valley's first post-Prohibition winery, which is located near the town of Ruch south of Jacksonville.

Farmers at Ashland in southwestern Oregon grew vinifera table grapes and were shipping Flame Tokays to market before the Tokay industry developed at Lodi in California. In 1880, when the special national census of winegrowing was taken, Jackson County was listed as producing 15,000 gallons of wine. (The Wines of America by Leon D. Adams).

In 1884, A.G. Walling published his History of Southern Oregon, in which he refers to sixty or seventy acres of vineyards, located mainly near Jacksonville, which produced several thousand gallons of wine annually. The Rogue River Courier newspaper, in 1905, reported the visit of Mr. A.H. Carson, the largest grape grower in Oregon, to Grants Pass. The newspaper reported that Mr. Carson's 31 acres of vineyards produced Tokay, Emperor and Black Ferrera grapes. His vineyard was located on the Applegate River in the Missouri Flat district of Josephine County.

Viticultural Area Name

The name "Rogue Valley" is the name used in both academic and consumer-oriented wine and viticultural books to refer to the sections of Jackson and Josephine Counties where grapes are grown. The Wines of America by Leon Adams, The History of Southern Oregon by A.G. Walling, and Touring the Wine Country of Oregon by Ronald and Glenda Holden all make considerable mention of viticulture in the Rogue Valley. The Rogue Valley in 1976 became one of three appellations or origin which were approved for use on Oregon wines by the Oregon Liquor Control Commission. Locally in southwestern Oregon, the names "Rogue Valley" and "Rogue River Valley" are used synonymously to describe the lands drained by the Rouge River and its many tributaries. These lands are entirely within southwestern Oregon and make up portions of Jackson, Josephine and northern Curry Counties.

The proposed viticultural area has been narrowed, however, to include only portions of Jackson and Josephine Counties and to exclude Curry County altogether. The basis for this limitation is the philosophy that the Rogue Valley viticultural area should include only those areas which have a current or past history of winegrape production. The principal cities within the Rogue Valley of Oregon are Ashland, Medford, and Grants Pass. The name "Rogue Valley" is frequently used in the names of commercial, governmental, and charitable organizations in the region.

At the national level, the name "Rogue Valley" is widely identified with the sport fishing industry on the Rogue River and with the pear orchards and pear packing companies of the region. The Rogue Valley has been identified as the third largest pear growing area in the nation by Clifford B. Cordy in his History of the Rogue Valley Fruit Industry.

Historical/Current Evidence of Boundaries

According to the petitioner, all the past and present commercial winegrowing areas of the region are located on the low elevation land along the watercourses of the Rogue River and its tributaries. Today, viable commercial vineyards are found at or near the communities of Ashland, Talent, Medford, White City, Eagle Point, Central Point, Ruch, Rogue River, Grants Pass, Applegate, Murphy, Selma, Cave Junction, and Holland, all of which are located along the Rogue River and its tributaries.

The Rogue Valley is completely surrounded by three mountain ranges. At the northern and western boundaries of the Rogue Valley, the Siskiyou and Oregon Coast Ranges form a barrier. These ranges also form an effective dividing line geographically from the Umpqua Valley viticultural area to the north in Douglas County. To the south, the Siskiyou Mountains separate the Rogue Valley from the Klamath River Valley in northern California. In the east, the Cascade Mountains serve as a partition between the Rogue Valley and the Klamath River Basin in Klamath County, Oregon.

The main tributaries of the Rogue River are: (1) Bear Creek which drains Medford, Ashland, and surrounding smaller communities, (2) the Applegate River which drains the south central part of the Valley, Jacksonville and the south Grants Pass area, (3) Evans Creek which drains Rogue River City, Wimer and the north central part of the Valley, and (4) the Illinois River which drains Holland, Cave Junction, Selma and the

southwestern portion of the Valley, and which merges with the Rogue River at the town of Agness in Curry County. There are also many more small creeks and water systems which feed the Rogue River and its main tributaries.

Geographical Features

The Rogue Valley is unique in Oregon viticulture in two respects: (1) The climate is warmer than anywhere else in the State and (2) the elevation is higher. For instance, the only zone II grape-growing area in Oregon listed in General Viticulture by Winkler, Cook, Kliewer and Lider is Grants Pass in the Rogue Valley. Here the "Heat summation" is listed at 2680 degrees. This compares with the zone I figures of 2220 degrees for Roseburg, Oregon in the Umpqua Valley viticultural area and 2030 degrees for Salem, Oregon in the Willamette Valley viticultural area. The heat summation for Medford in the Rogue Valley is 2650 degree days. (Compiled from Climatography of the United States No. 84, Daily Normals of Temperature, Heating and Cooling Degree Days and Precipitation, N.O.A.A., 1983).

The greater warmth of the Rogue Valley allows certain grape varieties to achieve a level of success not found in the surrounding areas of western Oregon. In western Oregon, except for the Rogue Valley, the grape variety Merlot fails to set fruit reliably. Wines made from Rogue Valley Cabernet Sauvignon grapes are widely regarded as among the finest in Oregon. Ted Jordan Meredith, in his Northwest Wine Companion, states that Oregon's Willamette Valley is too cool for the best Cabernet Sauvignon, while further south, the Umpqua Valley and particularly the Rogue Valley, are capable of producing fine Cabernets. Mr. Meredith describes the Applegate Valley (within the proposed Rogue Valley viticultural area) as one of the warmest grape-growing areas in western Oregon, and the Illinois Valley (also within the Rogue Valley viticultural area) as being only slightly cooler than the nearby Applegate Valley. Mr. Meredith also states that warmer climate grapes like Cabernet Sauvignon and Semillon are well-suited to the Illinois Valley.

The other great geological difference between the Rogue Valley and surrounding areas is the high elevation of the land. The highest elevation vineyards in Oregon are all located in the Rogue Valley. The highest elevation vineyard in the Umpqua Valley viticultural area is lower in elevation than the lowest elevation Rogue Valley vineyard. Hillcrest Vineyard in the

Umpqua Valley is at 850 feet above sea level, while the Rogue Valley's lowest elevation vineyard is Rancho Vista Vineyard in Grants Pass at 1,100 feet. The remaining Rogue Valley vineyards are at even higher elevations. Due to the higher elevations, the Rogue Valley experiences large drops in evening temperatures. The average range between high and low daily temperatures in July in the Medford area is 37 degrees Fahrenheit, which is higher than any other location in Oregon. The average Medford July high is more than 86 degrees F. and the average nighttime low is 50 degrees F. (Atlas of Oregon, University of Oregon). The low evening temperatures have a beneficial effect on wine grapes. The retention of grape acids is much better when the fruit is ripened in a cool environment. Also, cool nights aid significantly in the coloration of ripening grapes. These characteristics of high elevation viticulture lead to improved wine quality. (General viticulture, Winkler, Cook, Kliewer and Lider). The average length of the growing season in the Rogue Valley is 180 days, and the average annual rainfall is 28 inches. The Rogue River drainage area (Rogue Valley) is characterized by steep, rugged mountains and narrow river valleys. The Klamath, Siskiyou, and western Cascades are the principal mountain ranges in this area. These mountains are composed of volcanic, altered volcanic and sedimentary, and intrusive igneous rocks. The valleys consist of flood plains, terraces, alluvial fans, and hills. The topography, parent material, and climate combine and interact to create soil properties unique to the area. Six of the ten soil orders (Vertisols, Ultisols, Mollisols, Alfisols, Inceptisols, and Entisols) occurring in the world are in the Rogue Valley area. (Rogue Borine, Area Soil Scientist, U.S.D.A.). The agricultural soils of Jackson and Josephine Counties are located in the 900 to 2000 foot elevation range. In Jackson County, soil pH ranges from 5.8 to about 6.6. Josephine County soils have a pH range of 5.7 to about 6.4. Jackson County has some soil series that are of clay texture, principally Carney, Coker, and Phoenix clays. These clay series are not found in Josephine County. There are at least ten soils series that are common to both counties. They are Barron, Camas, Central Point, Cove, Debenger, Evans, Kerby, Newberg, Pollard and Ruch. The soils of Jackson and Josephine Counties are much more closely related to each other than to those of the Willamette Valley, coastal, or eastern Oregon areas. Soils of the Willamette Valley formed

under at least 40 inches of annual precipitation and they are considerably more acid than those of the Rogue Valley, having pH ranges of 5.4 to 6.0. (John A. Yunger, Professor of Agronomy, Oregon State University, Medford, Oregon).

Proposed Boundaries

The boundaries of the proposed Rogue Valley viticultural area may be found on one U.S.G.S. map, "Medford," 1:250,000 scale (1955, revised 1976). The proposed Rogue Valley viticultural area is located entirely within Jackson and Josephine Counties in southwestern Oregon. The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations which immediately follow the preamble in this notice of proposed rulemaking.

Executive Order 12291

It has been determined that this proposed regulation is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects 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.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paper Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

Public Participation

ATF requests comments concerning this proposed viticultural area from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. 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. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director 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 Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Par. 2. The Table of Sections in subpart C is amended to add the title of § 9.132 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
§ 9.132 Rogue Valley.

Par. 3. Subpart C is amended by adding § 9.132 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.132 Rogue Valley.

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

(b) *Approved maps.* The appropriate map for determining the boundaries of the Rogue Valley viticultural area is one U.S.G.S. map. It is titled "Medford." scale 1:250,000 (1955, revised 1976).

(c) *Boundaries.* The Rogue Valley viticultural area is located entirely within Jackson and Josephine Counties in southern Oregon. The boundaries are as follows:

(1) Beginning at the point of intersection of Interstate 5 and the Josephine County/Douglas County line approximately 20 miles north of Grants Pass, the boundary proceeds southerly and southwesterly along U.S. Interstate 5 to and including the town of Wolf Creek;

(2) Then westerly and southerly out of the town of Wolf Creek along the Southern Pacific Railway Line to and including the town of Hugo;

(3) Then southwesterly along the secondary, hard surface road known as Hugo Road to the point where the Hugo Road crosses Jumpoff Joe Creek;

(4) Then westerly and down stream along Jumpoff Joe Creek to the intersection of Jumpoff Joe Creek and the Rogue River;

(5) Then northwesterly and down stream along the Rogue River to the first point where the Wild and Scenic Rogue River designated area touches the easterly boundary of the Siskiyou National Forest just south of Galice;

(6) Then in a generally southwesterly direction (with many diversions) along the easterly border of the Siskiyou National Forest to the 42 degree 0 minute latitude line;

(7) Then easterly along the 42 degree 0 minute latitude line to the point where the Siskiyou National Forest again crosses into Oregon approximately 1 mile east of U.S. Highway 199;

(8) Then in a generally northeasterly direction and then a southeasterly direction (with many diversions) along the northern boundary of the Siskiyou National Forest to the point where the Siskiyou National Forest touches the Rogue River National Forest at Big Sugarloaf Peak;

(9) Then in a generally easterly direction (with many diversions) along the northern border of the Rogue River National Forest to the point where the Rogue River National Forest intersects with Slide Creek approximately 6 miles southeast of Ashland;

(10) Then southeasterly and northeasterly along Slide Creek to the point where it intersects State Highway 273;

(11) Then northwesterly along State Highway 273 to the point where it intersects State Highway 66;

(12) Then in an easterly direction approximately 5 miles along State Highway 66 to the east line of Township 39 South, Range 2 East (T39S, R2E);

(13) Then following the east line of T39S, R2E, in a northerly direction to the northeast corner of T39S, R2E;

(14) Then westerly approximately 5 miles along the north line of T39S, R2E, to the 2,600 foot contour line;

(15) Then in a northerly direction following the 2,600 foot contour line across Walker Creek and then in a southwesterly direction to the point where the 2,600 foot contour line touches the east line of T38S, R1E;

(16) Then northerly along the east line of T38S, R1E, to the northeast corner of T38S, R1E;

(17) Then westerly along the north line of T38S, R1E, to the northwest corner of T38S, R1E;

(18) Then northerly along the west line of T37S, R1E, to the northwest corner of T37S, R1E;

(19) Then easterly along the north lines of T37S, R1E, and T37S, R2E, to the southeast corner of T36S, R2E;

(20) Then northerly along the east line of T36S, R2E, to the northeast corner of T36S, R2E;

(21) Then westerly along the north line of T36S, R2E, to the northwest corner of T36S, R2E;

(22) Then northerly along the east line of T35S, R1E, to the northeast corner of T35S, R1E;

(23) Then westerly along the north line of T35S, R1E, to the northwest corner of T35S, R1E;

(24) Then northerly along the east line of T34S, R1W, to the northeast corner of T34S, R1W;

(25) Then westerly along the north lines of T34S, R1E, T34S, R2W, T34S, R3W, T34S, R4W, and T34S, R5W, to the northwest corner of T34S, R5W;

(26) Then northerly along the west line of T33S, R5W, to the Josephine County/Douglas County line;

(27) Then westerly along the Josephine County/Douglas County line to U.S. Interstate 5, the point of beginning.

Approved: June 22, 1990.

Daniel R. Black,

Acting Director.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[FRL-3805-8]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve rule 10 CSR 10-5.330 as a revision to the Air Pollution Control State Implementation Plan (SIP) of the state of Missouri. This rule, required by the Clean Air Act, controls emissions of volatile organic compounds (VOC) from industrial surface coating operations in the St. Louis area. VOCs react in the atmosphere to form ozone. A reduction in VOC emissions is necessary for the St. Louis area to meet the National Ambient Air Quality Standards for ozone. EPA's approval will make the rule requirements federally enforceable. EPA is also proposing to approve amendments to rule 10 CSR 10-6.020, which defines terminology used in the state's air pollution control rules.

DATES: Comments must be received by August 6, 1990.

ADDRESSES: Comments should be sent to Larry A. Hacker, Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. The state-submitted information and the EPA-prepared technical support document are available for public review at the above address and at the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at Commercial/FTS: (913) 551-7020 or FTS 2000: 276-7020.

SUPPLEMENTARY INFORMATION: Part D of the CAA, as amended, requires that a state revise its SIP for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). On May 26, 1988, EPA informed the Governor of Missouri that the SIP for the St. Louis area was substantially inadequate to attain the NAAQS for ozone and carbon monoxide.

In response to the SIP call, the state submitted a SIP revision on January 11, 1990. The state submittal constituted a revision of the St. Louis industrial surface coating rule, 10 CSR 10-5.330; the existing rule was rescinded and a