

disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should make a request, in writing, to the Acting Director within the 30 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Acting Director, however, reserves the right to determine whether a public hearing will be held.

#### Drafting Information

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

#### Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), 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 cost or prices for consumers, individuals 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

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 North Fork of the Roanoke 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.

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

Administrative practice and procedure, Viticultural areas, Consumer protection and 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

**Par. 1.** The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.65 as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*  
9.65 North Fork of the Roanoke

#### Subpart C—Approved American Viticultural Areas

**Par. 2.** Subpart C is amended by adding § 9.65 to read as follows:

#### § 9.65 North Fork of the Roanoke.

(a) *Name.* The name of the viticultural area described in this section is "North Fork of the Roanoke."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of the Roanoke viticultural area are 1965 U.S.G.S., 7.5 minute series maps titled: Looney Quadrangle, McDonalds Mill Quadrangle, Glenbar Quadrangle, Elliston Quadrangle, Ironto Quadrangle, Blacksburg Quadrangle, Newport Quadrangle and Craig Springs Quadrangle.

(c) *Boundaries.* The North Fork of the Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia.

(1) The point of beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County. The line follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624. The viticultural area line turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business). The line follows U.S. 460 (business) south through the town of Blacksburg. The line then continues on U.S. 460 (bypass to the intersection of U.S. 460-east where it turns east for approximately 1 mile to the intersection of U.S. Interstate Highway 81 at Interchange 37. The line continues northeast on Interstate 81 along the ridge of the Pedlar Hills to Interchange 38 at State Route 603. At this point, the line goes west on State Route 603 approximately 1 mile to the intersection of State Route 629, then follows State Route 629 (which later becomes State Route 622 north of Bradshaw Creek)

about 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way. The line then turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersection of State Routes 785 and 697 and then follows State Route 784 back to the starting point.

Signed: June 3, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: July 1, 1982.

John M. Walker, Jr.,  
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20220 Filed 7-26-82; 8:45 am]

BILLING CODE 4810-31-M

#### 27 CFR Part 9

[Notice No. 416]

#### Temecula, Murrieta, and Rancho California Viticultural Areas

**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 viticultural areas in Riverside County, California, to be known as "Temecula," "Murrieta," and "Rancho California." This proposal is the result of petitions submitted by the Rancho California/Temecula Winegrowers Association (hereinafter referred to as "the Association") and Callaway Vineyard and Winery, Temecula, California. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better identify wines they purchase. The use of viticultural areas as appellations of origin will also help winemakers distinguish their products from wines made in other areas.

**DATE:** Written comments must be received by September 10, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Attn: Notice No. 416).

Copies of the petitions, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure,

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

**FOR FURTHER INFORMATION CONTACT:**

John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 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 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 features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounded areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the 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.

**Petitions**

I. *The Association's petition.* ATF has received a petition from the Rancho California/Temecula Winegrowers Association, proposing an area in southwestern Riverside County, California, as a viticultural area to be

known as "Temecula." The Association's "Temecula" viticultural area consists of approximately 48,000 acres of the Santa Rosa Plateau and 51,000 acres of the Temecula Basin, east of the Plateau.

II. *Callaway's petition.* A second petition submitted by Callaway Vineyards and Winery, Temecula, California, requests the establishment of three viticultural areas in southwestern Riverside County, California, to be known by the names "Temecula," "Murrieta," and "Rancho California."

A. The "Temecula" viticultural area consists of approximately 33,000 acres in the Temecula Basin.

B. The "Murrieta" viticultural area consists of approximately 2,500 acres extending from Murrieta Creek to the Santa Rosa Plateau, west and north of the town of Murrieta, California.

C. The "Rancho California" viticultural area consists of approximately 90,000 acres with nearly the same eastern, southern, and western boundary as the Association's "Temecula" viticultural area, but a different northern boundary.

*Current viticultural use.* In the Temecula Basin, there are 7 wineries which have all been established since 1974.

The Association's petition states that there are about 2500 acres of grapevines growing in its proposed "Temecula" area. Callaway's petition states that there are about 1700 acres of grapevines growing in its proposed "Temecula" area, and one vineyard of about 300 acres in the proposed "Murrieta" area. In addition, Callaway's petition contains a schematic drawing of the approximate sizes and locations of all vineyards in southwestern Riverside County, California. This drawing indicates that there are more than 2000 acres of grapevines growing in the proposed "Rancho California" area, including four small vineyards on the Santa Rosa Plateau which are not in the proposed "Murrieta" area. This drawing also indicates that the 300 acre vineyard in the proposed "Murrieta" area is partially outside the proposed "Rancho California" area.

*History.* There is little evidence in either petition that wine grapes have been grown commercially in southwestern Riverside County prior to the mid-1960's

The words "Temecula, California" have appeared on wine labels since 1974. Although wine production in southwestern Riverside County is a recent phenomenon, Callaway's petition contains evidence relating to the boundaries of the areas historically and currently known by the names

"Temecula," "Murrieta," and "Rancho California."

*Names.* The name "Temecula" was derived by Spanish missionaries from the Luiseno Indian word "Temeku", the name which the local Indians call themselves.

The Association's proposed "Temecula" viticultural area is located in the Santa Rosa, Temecula, Little Temecula, and Pauba land grants. The Association's petition states that the name "Temecula" should apply to the entire area in southwestern Riverside County in view of the geographical isolation of the general Temecula area from other viticultural areas, the common weather pattern of the area, and the area's history.

Callaway's proposed "Temecula" viticultural area is located in the Temecula, Little Temecula, and Pauba land grants. Callaway's petition states that the name "Temecula" also applies to the Pauba land grant for the following reasons:

(1) Temecula Creek runs through the Pauba land grant.

(2) The Mexican War battle which occurred in the Pauba land grant in 1847 is called the Temecula Massacre.

(3) The Temecula Union school district includes the Pauba land grant.

(4) Postal patrons in the Pauba land grant are served by the Temecula post office.

(5) The Temecula Valley Chamber of Commerce territory includes the Pauba land grant.

Callaway's petition disputes the Association's opinion that the name "Temecula" applies to the Santa Rosa land grant. Callaway's petition states that the Santa Rosa land grant is not in the Temecula Union School District, the Temecula Valley Chamber of Commerce territory, or the Temecula postal delivery area. Callaway's petition states that the name "Temecula" does not appear to have been associated with the Santa Rosa land grant.

Both petitions agree on the origin of the name "Murrieta." In 1884, J. Murrieta, owner of the Temecula land grant, sold 14,000 acres at the northern end of the land grant. The purchaser, a developer, built the town which was named Murrieta. Callaway's proposed "Murrieta" viticultural area is located within the Murrieta School District and the Murrieta postal delivery area. Callaway's petition states that the Murrieta area has a Chamber of Commerce, but its territory is not defined in the petition. Callaway's petition states that the name "Temecula" does not appear to have

been associated with the Murrieta area after 1884.

The name "Rancho California" applies to a planned community development project begun in 1964. Callaway's petition states that Kaiser Aluminum and partner corporations purchased major portions of the Santa Rosa, Temecula, Little Temecula, and Pauba land grants in 1964 and begin the subdivision and development of the property. Callaway's proposed "Rancho California" viticultural area is within (1) the Rancho California real estate development project, (2) the Rancho California Water District, and (3) the area perceived as Rancho California in a community opinion survey conducted in 1975 by the Riverside County Planning Department.

Callaway's proposed "Murrieta" area is partially within and partially outside of the proposed "Rancho California" area. The Santa Rosa land grant boundary (part of the "Rancho California" area boundary) runs through the "Murrieta" area, dividing it into two parts: an area which could qualify for both "Rancho California" and "Murrieta" appellations (if both were approved) and an area which is part of the "Murrieta" area but outside of the "Rancho California" area. This unusual circumstance is based on evidence in Callaway's petition (1) that the name "Rancho California" does not apply in the town of Murrieta, and (2) that the name "Murrieta" applies to the area west of the town of Murrieta. Since Callaway's proposed Murrieta area partially overlaps the proposed Rancho California area, ATF is particularly interested in receiving additional historical or current evidence that would substantiate the fact that the overlapping area has been historically or currently known by both proposed names. Also, Callaway's inclusion of the proposed "Temecula" area entirely within the proposed "Rancho California" area is similarly based on evidence relating to the boundaries of the names. ATF is particularly interested in receiving additional historical or current evidence that would substantiate the fact that the wholly-included area has been historically or currently known by both proposed names.

To summarize the discussion of names, the Association believes that the Santa Rosa, Temecula, Little Temecula, and Pauba land grants are collectively known by the name "Temecula."

Callaway's petition contains evidence supporting the following claims:

—The Santa Rosa, Little Temecula, and Pauba land grants and the southern

half of the Temecula land grant (*i.e.* south of the town of Murrieta) are collectively known by the name "Rancho California."

- The Association's proposed "Temecula" includes the town of Murrieta and the Santa Rosa land grant, areas not known by the name "Temecula."
- The name "Temecula" applies only to the town of Temecula and areas east and northeast of the town.
- Except for including the town of Murrieta, the Association's proposed "Temecula" should be called "Rancho California."
- The area known as "Rancho California" does not include the town of Murrieta. However, the name "Murrieta" applies to the part of Rancho California west of the town of Murrieta.

**Physiography.** The Association's petition states that its proposed Temecula viticultural area consists physiographically of a 48,000 acre plateau along the southern extension of the Elsinore Mountains and a 51,000 acre basin lying to the east of these mountains. The Santa Rosa Plateau is named after the Santa Rosa Land Grant in which it is located. Although the area is described physiographically as a plateau, it contains several mesas with elevations between 2,000 and 2,200 feet above sea level, with other areas where the elevation decreases to less than 1000 feet above sea level.

The Association's petition describes the Temecula Basin as roughly a triangle, bounded by the northwest to southeast line of the Elsinore Mountains, the northeast to southwest line of the Oak Mountain barrier, and along the northern edge by the rolling hills on the Perris Block. The Association's petition states that the Temecula Basin is alluviated plains with low relief mesas. The lowest elevation is less than 1000 feet above sea level, and the basin does not vary in elevation more than 500 feet throughout.

All of the drainage in the proposed area (except for one small portion at the western end of the Santa Rosa Plateau) passes to the ocean through Temecula Canyon.

**Soils.** The Santa Rosa Plateau contains the following three soil associations: Cajalco-Temescal-Las Posas association, Friant-Lodo-Escondido association, and Cineba-Rock land-Fallbrook association. The Temecula Basin contains the following two soil associations: Hanford-Tujunga-Greenfield association and Monserate-Arlington-Exeter association. The Association's petition states that not all

of the soils of the Santa Rosa Plateau are suitable for wine grapes, and that presently there are only 100 acres of grapes growing on the plateau.

The Association's petition states that in a typical profile, the basin soils consist of a surface layer of sandy loam which formed in granitic alluvium washed from the uplands. The subsoil is well-drained and moderately deep.

Callaway's petition states that granitic composition of soils in the Temecula Basin makes these soils unique in California, and especially suited to growing certain varieties of wine grapes.

**Climate.** The Association's petition states that the climate of the proposed area is its most distinguishable feature. The area is cooled in the summer and warmed in the winter by afternoon ocean breezes which enter through passes in the Santa Rosa Mountains. The Association's petition states that this accounts for a comparatively cool micro-climate, especially in comparison to the latitude of the area.

However, the petitions do not agree on which parts of southwestern Riverside County are actually the coolest.

The Association's petition states that the western side of the Santa Rosa Plateau is the coolest place in the proposed areas because of its direct exposure to cool coastal air. Callaway's petition acknowledges that the Santa Rosa Mountains are the coolest areas, but attributes this to the elevation. Callaway argues that the cooling effect of the wind favors areas east of Temecula Canyon and Rainbow Gap, over areas west of these two features.

Using the *Amerine-Winkler* method utilizing heat summation to segregate climatic regions, the proposed areas would be located in Regions II and III and the coolest range of Region IV. This is significantly cooler than areas surrounding the proposed areas, which are Regions IV and V.

The following data was submitted by the Association:

Weather station	Elevation	1971	1972	1973	3-Year average
P-2.....	1,375	3,528	3,452	4,101	3,694 (Region IV).
P-6.....	1,446	3,447	3,390	3,442	3,426 (Region III).
SR-11.....	1,230	2,686	2,517	3,148	2,783 (Region II).

<sup>1</sup>Figures represent degree-days of heat summation.

Weather Station P2 is located at the intersection of Rancho California Road and Anza Road.

Weather Station P-6 is located on De Portola Road approximately 1 mile

northeast of the intersection with Monte De Oro Road.

Weather Station SR-11 is located on Murrieta Ridge north of Tenaja Road.

Callaway's petition contains the following data:

Location	Dates	Heat summation
Average of 6 weather stations northeast of town of Temecula.	Early 1970's .....	3,598 (Region IV).
Town of Murrieta.....	1954-57 .....	3,771 (Region IV).
Santa Rosa Springs and an unidentified location on Santa Rosa Plateau.	Early 1970's .....	2,665 (Region II). 3,106 (Region III).

Callaway's petition argues that the *Amerine-Winkler* method is not helpful in the Rancho California area because it uses the mean of the daytime high and low temperatures. This method is misleading if the high or low temperature is only maintained for a brief time. Callaway's petition states that moisture and wind chill factors differ significantly between the Temecula Basin and the Santa Rosa Plateau. However, these weather phenomena have not been measured cumulatively by local observers.

Callaway's petition quotes a viticultural consultant and three local residents who all observe that Temecula is cooler than Murrieta in summer.

Callaway's petition argues that thermograph recordings of hourly temperatures would provide a more accurate measure of heat summation. Therefore, ATF is requesting each interested party who uses thermographs in the Rancho California area to submit the following information: name and address of the interested party, location(s) of the thermograph(s), and a description of the heat summation from April 1 through October 31. Please submit this data for as many years as possible, with each year identified. Please submit the data to the address identified at the beginning of this document for submission of public comments. This data will help ATF evaluate the scope of climatic differences in the proposed areas.

#### Area Proposed by ATF

Based on data contained on both petitions, ATF believes that the Santa Rosa Plateau and the Temecula Basin are too diverse to be included in one approved viticultural area. The Santa Rosa Plateau rises in elevation approximately 600 to 800 feet within one mile southwest of Murrieta Creek. Traveling easterly into Temecula Basin,

this increase of 600 to 800 feet is attained about seven miles from Murrieta Creek. This dramatic difference in change of elevation affects the wind patterns.

Both petitioners believe that wind patterns are critically important in keeping the area cooler than surrounding areas. A study of wind patterns in southern California conducted by the U.S. Weather Bureau in 1965 shows that wind patterns on the Santa Rosa Plateau and in Temecula Basin are markedly different. Murrieta Creek is the natural boundary between two different wind patterns.

The Association's petition states that not all soils on the Santa Rosa Plateau are suitable for growing grapes. The following discussion of soils is taken from Soil Survey of Western Riverside Area, California, issued in 1971 by the U.S. Department of Agriculture, Soil Conservation Service. Some of the soils which are not suitable for viticulture are:

Cienega rocky sandy loam, 15-50% slope, eroded  
Fallbrook rocky sandy loam, 15-50% slope, eroded  
Las Posas rocky loam, 15-50% slope, severely eroded  
Lodo rocky loam, 25-50% slope, eroded

These soils are not suited to cultivation because of the slope, shallow depth, and high hazard of erosion. They are used mostly for range, for watershed, and as wildlife habitat. Seeding or fertilizing is not economically feasible on these soils.

These soils are found scattered throughout the Santa Rosa Plateau, but they dominate the area south of 33° 30' N latitude parallel.

Therefore, ATF is proposing an alternative viticultural area bounded approximately by 33° 30' N latitude parallel, Murrieta Creek and the Cleveland National Forest boundary. The connection between the Cleveland National Forest boundary and Murrieta Creek would be a straight line from the point where Orange Street in Wildomar, California crosses Murrieta Creek to the easternmost point of the Cleveland National Forest boundary (the northernmost point of the Santa Rosa Land Grant). This area consists of approximately 30,000 acres with viticultural features distinguished from the surrounding area by the following geographical features:

- different wind patterns to the east and northeast,
- unsuitable soils to the south, and
- the Cleveland National Forest, where a special use permit is necessary for

agricultural land use, to the west and northwest.

According to information in both petitions, this proposed area would include all of the existing vineyards (approximately 400 acres) on the Santa Rosa Plateau.

ATF does not know what name should apply to this proposed area. The name Santa Rosa is associated by most wine consumers with the city of Santa Rosa in Sonoma County, California. Therefore, Santa Rosa Plateau might be misleading to consumers. ATF believes that either Murrieta or Rancho California could apply as a name for the proposed area. For the purposes of this notice, ATF is calling this proposed area "Murrieta (as proposed by ATF)."

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

ATF is not able to assign a realistic economic value to using appellations of origin. An appellation of origin is primarily an advertising intangible. Moreover, changes in the values of grapes or wines may be caused by a myriad of factors unrelated to this proposal.

These proposed viticultural areas encompass all of the vineyards in southwestern Riverside County, California. There are no vineyards remotely near the proposed viticultural areas which could qualify for use of any of the three proposed names. If one or more viticultural areas are approved as a result of this notice, any value derived from using a viticultural area appellation of origin would apply equally to all vineyards in the approved area.

Therefore, ATF believes that this notice of proposed rulemaking, if promulgated as a 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 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.

#### Public Participation—Written Comments

ATF requests comments concerning these proposed viticultural areas from all interested persons. Although this document proposes possible boundaries for the Temecula, Murrieta and Rancho California viticultural areas, ATF requests comments proposing other possible boundaries for these viticultural areas.

ATF is especially interested in comments on the following questions:

What are the boundaries of the areas known by the names "Temecula," "Murrieta," and "Rancho California"?

Is there sufficient evidence to support the overlapping of these proposed areas?

How should the boundaries of the proposed viticultural areas be modified to eliminate overlapping in the absence of sufficient historical or current evidence?

Should the boundaries be modified to exclude areas where grapes are not grown?

Are any parts of the Santa Rosa land grant commonly known by other names?

Are the Santa Rosa Plateau and the Temecula Basin geographically similar enough to be included in one approved viticultural area?

Although both petitions contain evidence that the name "Temecula" has appeared on wine labels, is there any historical or current evidence associating the names "Murrieta" or "Rancho California" with winemaking?

Are there any significant geographic features in southwestern Riverside County, California which have not been given adequate consideration in this notice of proposed rulemaking?

What name should be given to the viticultural area proposed by ATF?

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments 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.

Any 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 Director within the 45-day 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 light of all circumstances, whether a public hearing will be held.

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

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

#### Drafting Information

The principal author of this document is John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

#### 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

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the titles of §§ 9.50, 9.55 and 9.56. As amended, the additions to the table of sections read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.	
* * *	
9.50	Temecula.
* * *	
9.55	Murrieta.
9.56	Rancho California.

Par. 2. Subpart C is amended by adding § 9.50 Temecula, § 9.55 Murrieta, and § 9.56 Rancho California. The two proposals for the boundary of Temecula viticultural area are set out as § 9.50a and § 9.50b. Callaway's proposed Murrieta viticultural area is set out as § 9.55a, and ATF's proposed Murrieta viticultural area is set out as § 9.55b. As amended, the additions to Subpart C read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.50a Temecula (as proposed by the Rancho California/Temecula Winegrower's Association).

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

(b) *Approved maps.* The approved maps for determining the boundary of Temecula viticultural area are seven U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

- (1) Wildomar, California;
- (2) Fallbrook, California;
- (3) Murrieta, California;
- (4) Temecula, California;
- (5) Bachelor Mountain, California;
- (6) Pechanga, California;
- (7) Sage, California;

(c) *Boundary.* The Temecula viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost boundary of the Cleveland National Forest.

(2) The boundary follows the Cleveland National Forest boundary southwesterly to the point where it converges with the Riverside County-San Diego County line.

(3) The boundary follows the Riverside County-San Diego County line southwesterly, then southeasterly, to the point where the Riverside County-San Diego County line diverges southward and the Santa Rosa Land Grant boundary continues straight southeasterly.

(4) The boundary follows the Santa Rosa Land Grant boundary southeasterly, then northeasterly, to its intersection with the Temecula Land Grant boundary.

(5) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to its intersection with the Little Temecula Land Grant boundary.

(6) The boundary follows the Little Temecula Land Grant boundary southeasterly to its intersection with the Pechanga Indian Reservation boundary.

(7) The boundary follows the Pechanga Indian Reservation boundary southeasterly, then northeasterly (including the Pechanga Indian Reservation in the proposed viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(8) The boundary follows the Little Temecula Land Grant boundary

northeasterly to its intersection with the Pauba Land Grant boundary.

(9) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the east-west section line dividing Section 13 from Section 24 in Township 8 South, Range 2 West.

(10) The boundary follows this section line east to the range line dividing Range 2 West from Range 1 West.

(11) The boundary follows this range line north, across California State Highway 71/79, to the 1,400-foot contour line of Oak Mountain.

(12) The boundary follows the 1,400-foot contour line around Oak Mountain to its intersection with the 117°00' West longitude meridian.

(13) The boundary follows the 117°00' West longitude meridian north to its intersection with the Pauba Land Grant boundary.

(14) The boundary follows the Pauba Land Grant boundary westerly, then northeasterly, then west, then south, then west to Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(15) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13, in Township 7 South, Range 2 West).

(16) The boundary follows this road west to the north-south section line dividing Section 13 from Section 14 in Township 7 South, Range 2 West.

(17) The boundary follows this section line south to its intersection with Buck Road (which coincides with east-west section line on the southern edge of Section 14 in Township 7 South, Range 2 West).

(18) The boundary follows Buck Road west to the point where it diverges northwesterly from the section line on the southern edge of Section 14 in Township 7 South, Range 2 West.

(19) The boundary follows this section line west, along the southern edges of Sections 14, 15, 16, 17 and 18 in Township 7 South, Range 2 West, including a place where the section line coincides with an unnamed, unimproved road, continuing west of the range line dividing Range 2 West from Range 3 West, to the point where this section line intersects the Temecula Land Grant boundary.

(20) The boundary follows the Temecula Land Grant boundary northwesterly, then southwesterly to its intersection with the Santa Rosa Land Grant boundary.

(21) The boundary follows the Santa Rosa Land Grant boundary northwesterly to the beginning point.

**§ 9.50b Temecula (as proposed by Callaway Vineyard and Winery).**

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

(b) *Approved maps.* The approved maps for determining the boundary of Temecula viticultural area are four U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

- (1) Murrieta, California;
- (2) Temecula, California;
- (3) Pechanga, California;
- (4) Bachelor Mountain, California.

(c) *Boundary.* The Temecula viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northern intersection of the Temecula Land Grant boundary and the range line dividing Range 2 West from Range 3 West, near Winchester Road and Tocalota Creek.

(2) The boundary follows this range line south to the point at which it intersects the Temecula Land Grant boundary again, south of the town of Temecula.

(3) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to its intersection with the Little Temecula Land Grant boundary.

(4) The boundary follows the Little Temecula Land Grant boundary southeasterly to its intersection with the Pechanga Indian Reservation boundary.

(5) The boundary follows the Pechanga Indian Reservation boundary southeasterly, then northeasterly (including the Pechanga Indian Reservation in the proposed viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(6) The boundary follows the Little Temecula Land Grant boundary northeasterly to its intersection with the Pauba Land Grant boundary.

(7) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the east-west section line dividing Section 13 from Section 24 in Township 8 South, Range 2 West.

(8) The boundary follows this section line east to the range line dividing Range 2 West from Range 1 West.

(9) The boundary follows this range line north to the 1400-foot contour line of Oak Mountain.

(10) The boundary follows the 1400-foot contour line around Oak Mountain to its intersection with the 117°00' West longitude meridian.

(11) The boundary follows the 117°00' West longitude meridian north to the Pauba Land Grant boundary.

(12) The boundary follows the Pauba Land Grant boundary westerly, then

northeasterly to its intersection with the north-south section line dividing Section 32 from Section 33 in Township 7 South, Range 1 West.

(13) From that point the boundary proceeds in a straight line to the intersection of East Benton Road and the north-south section line dividing Section 8 from Section 9 in Township 7 South, Range 1 West.

(14) The boundary follows East Benton Road westerly, then southwesterly to Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(15) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13, in Township 7 South, Range 2 West).

(16) The boundary follows this road west to the north-south section line dividing Section 14 from Section 15 in Township 7 South, Range 2 West.

(17) The boundary follows this section line south to its intersection with the Pauba Land Grant boundary at the southwest corner of Section 14 in Township 7 South, Range 2 West.

(18) The boundary follows the Pauba Land Grant south, then west, then south, then west (where it coincides with the east-west section line on the southern edge of Section 21 in Township 7 South, Range 2 West) to the point at which it diverges southerly from the east-west section line.

(19) The boundary follows this section line west to the southeast corner of Section 20 in Township 7 South, Range 2 West.

(20) The boundary proceeds north, west and south around the perimeter of Section 20 in Township 7 South, Range 2 West.

(21) From the southwest corner of this section, the boundary follows the east-west section line west to its intersection with the Temecula Land Grant boundary.

(22) The boundary follows the Temecula Land Grant boundary northwest to the beginning point.

**§ 9.55a Murrieta (as proposed by Callaway Vineyard and Winery).**

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

(b) *Approved maps.* The approved maps for determining the boundary of Murrieta viticultural area are two U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

- (1) Murrieta, California;
- (2) Wildomar, California.

(c) *Boundary.* The Murrieta viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the intersection of Ivy Street and Murrieta Creek.

(2) The boundary proceeds in a southwesterly extension of Ivy Street to the 1520 foot contour line of Miller Canyon.

(3) The boundary follows the 1520 foot contour line northwesterly, around and through Miller Canyon, Cole Canyon and Slaughterhouse Canyon, westerly toward a prospecting site, and northeasterly to the point of the 1520 foot contour line which is closest to a peak with recorded elevation of 1496 feet.

(4) From that point, the boundary proceeds straight northeast to Murrieta Creek.

(5) The boundary follows the westernmost branches of Murrieta Creek southeasterly to the beginning point.

**§ 9.55b Murrieta (as proposed by ATF).**

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

(b) *Approved maps.* The approved maps for determining the boundary of "Murrieta" viticultural area are two U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Wildomar, California;

(2) Murrieta, California.

(c) *Boundary.* The "Murrieta" viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost boundary of the Cleveland National Forest.

(2) The boundary follows the Cleveland National Forest boundary southwesterly to the 33° 30' North latitude parallel.

(3) The boundary proceeds east along the 33° 30' North latitude parallel to Murrieta Creek.

(4) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to Orange Street in Wildomar, California.

(5) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

**§ 9.56 Rancho California.**

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

(b) *Approved maps.* The approved maps for determining the boundary of Rancho California viticultural area are seven U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Wildomar, California;

(2) Fallbrook, California;

(3) Murrieta, California;

(4) Temecula, California;

(5) Bachelor Mountain, California;

(6) Pechanga, California;

(7) Sage, California.

(c) *Boundary.* The Rancho California viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost boundary of the Cleveland National Forest.

(2) The boundary follows the Cleveland National Forest boundary southwesterly to the point where it converges with the Riverside County-San Diego County line.

(3) The boundary follows the Riverside County-San Diego County line southwesterly, then southeasterly, to the point the Riverside County-San Diego County line diverges southward and the Santa Rosa Land Grant boundary continues straight southeasterly.

(4) The boundary follows the Santa Rosa Land Grant boundary southeasterly, then northeasterly, to its intersection with the Temecula Land Grant boundary.

(5) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to its intersection with the Little Temecular Land Grant boundary.

(6) The boundary follows the Little Temecular Land Grant boundary southeasterly to its intersection with the Pechanga Indian Reservation boundary.

(7) The boundary follows the Pechanga Indian Reservation boundary southeasterly, then northeasterly (including the Pechanga Indian Reservation in the proposed viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(8) The boundary follows the Little Temecular Land Grant boundary northeasterly to its intersection with the Pauba Land Grant boundary.

(9) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the east-west section line dividing Section 13 from Section 24 in Township 8 South, Range 2 West.

(10) The boundary follows this section line east to the range line dividing Range 2 West from Range 1 West.

(11) The boundary follows this range line north to the 1400-foot contour line of Oak Mountain.

(12) The boundary follows the 1,400-foot contour line around Oak Mountain to its intersection with the 117° 00' West longitude meridian.

(13) The boundary follows the 117° 00' West longitude meridian north to its intersection with the Pauba Land Grant boundary.

(14) The boundary follows the Pauba Land Grant boundary westerly, then northeasterly to East Benton Road.

(15) The boundary follows East Benton Road northerly, then westerly, then southwesterly to its intersection with Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(16) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13, in Township 7 South, Range 2 West).

(17) The boundary follows this road west to the north-south section line dividing Section 14 from Section 15 in Township 7 South, Range 2 West.

(18) The boundary follows this section line south to its intersection with the Pauba Land Grant boundary in the southwest corner of Section 14 in Township 7 South, Range 2 West.

(19) The boundary follows the Pauba Land Grant boundary south, then west, then south, then west (where it coincides with the east-west section line on the southern edge of Section 21 in Township 7 South, Range 2 West) to the point at which it diverges southerly from the east-west section line.

(20) The boundary follows this section line west to the southeast corner of Section 20 in Township 7 South, Range 2 West.

(21) The boundary proceeds north, west and south around the perimeter of Section 20 in Township 7 South, Range 2 West.

(22) From the southwest corner of this section, the boundary follows the east-west section line west to its intersection with the Temecula Land Grant boundary.

(23) The boundary follows the Temecula Land Grant boundary northwest to its intersection with Winchester Road.

(24) The boundary follows Winchester Road southerly to its northernmost intersection with Webster Avenue (which was renamed Murrieta Hot Springs Road after the map was printed).

(25) The boundary proceeds westerly along Webster Avenue to its

intersection with the northbound lane of Interstate Route 15 E.

(26) The boundary proceeds southeasterly along the northbound lane of Interstate Route 15 E to a point which is even with a northeastern extension of Cherry Street.

(27) From this point, the boundary proceeds in a southwesterly extension of Cherry Street to the boundary of the Santa Rosa Land Grant.

(28) The boundary follows the Santa Rosa Land Grant boundary northwesterly to the beginning point.

Signed May 27, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: July 1, 1982.

John M. Walker, Jr.,  
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20222 Filed 7-26-82; 8:45 am]  
BILLING CODE 4810-31-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 946

#### Public Comment and Opportunity for Public Hearing on Modified Portions of the Virginia Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; notice of receipt of permanent program modifications, public comment period and opportunity for public hearing.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment concerning reclamation bonding submitted by Virginia.

This notice sets forth the times and locations that the Virginia program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments, on the proposed program elements, and information pertinent to the public hearing.

**DATES:** Written comments and other relevant information relating to Virginia's modifications to its program not received on or before 4:00 p.m. on August 26, 1982, will not necessarily be considered in the Director's decision on

whether to approve the proposed amendment.

A public hearing on the proposed modification has been scheduled for 10:00 a.m. on August 19, 1982, at the address listed under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address and phone number listed below by August 11, 1982. If no person has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the *Federal Register*.

**ADDRESSES:** Written comments should be mailed or hand delivered to Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Route 3, Box 183-C-1, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

The public hearing will be held at Clinch Valley College, Science Lecture Hall, Science Building, Room S-100, Wise, Virginia 24273.

Copies of the Virginia program, the proposed modifications to the program a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240  
Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219  
Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266  
Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219

**FOR FURTHER INFORMATION CONTACT:** Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, Route 3, Box 183-C-1, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

**SUPPLEMENTARY INFORMATION:** On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977-70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a

subsequent review, the Secretary approved the program subject to the correction of nineteen minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 *Federal Register* (46 FR 61088-61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 *Federal Register* (46 FR 61089-61115).

On July 8, 1982, Virginia submitted to OSM a proposed program amendment consisting of a General Assembly bill passed on an emergency basis creating the Coal Surface Mining Reclamation Fund (Fund) and promulgated regulations to implement the legislation (Administrative Record No. VA 401). The proposed program amendment creates and implements an alternative reclamation bonding system in the Virginia program. Under the amendment, operators would have the option of participating in the Fund or fulfilling their reclamation bonding requirements pursuant to the Virginia permanent program provisions approved by the Secretary on December 15, 1981.

The Director now seeks public comment on the adequacy of this program amendment.

#### Additional Determinations

Pursuant to section 702(d) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all State program actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this rule is exempt from a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.