

LARRY COMBEST
19TH DISTRICT, TEXAS

COMMITTEE ON AGRICULTURE

COMMITTEE ON THE
DISTRICT OF COLUMBIA

COMMITTEE ON SMALL BUSINESS

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

Congress of the United States
House of Representatives

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November 16, 1992

United States Department of the Treasury
Bureau of Alcohol, Tobacco, and Firearms
Chief, Wine and Beer Branch
P.O. Box 50221
Washington, D.C. 20091-0221

Attn: Notice No. 757

Dear Sir:

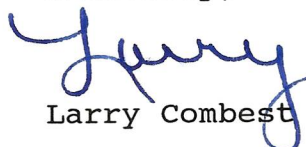
I am writing to express my support for the establishment of the "Texas High Plains" viticultural area which was proposed in the September 30, 1992 edition of the Federal Register. I encourage you to adopt this proposed rule for the benefit of grape producers and wine marketers on the Texas High Plains.

While the wine industry on the high plains is relatively young, it has experienced tremendous success during its first few years of development and has a promising future. This area has been primarily known for the production of cotton, grain sorghum, and other traditional row crops. Grape production has proven to be a profitable crop which has benefitted the high plains agricultural industry by allowing producers to diversify their operations when prices are lower for other crops. The rate at which acreage of grape production has increased during recent years is a testament to the appropriate soil and climatic conditions on the high plains for producing grapes.

Wines produced on the Texas high plains have established a reputation for exceptional quality which is evidenced by the numerous awards and recognition they have received. This reputation should be acknowledged by the establishment of the "Texas High Plains" viticultural area in order to allow consumers to more easily identify these high quality wines which are sought after in the retail marketplace.

Thank you for your consideration and I look forward to the publication of your final rule.

Sincerely,


Larry Combest

DON McBEATH
COUNTY JUDGE
LUBBOCK COUNTY



LUBBOCK COUNTY COURTHOUSE
P.O. Box 10536
LUBBOCK, TEXAS 79408
(806) 767-1086

November 5, 1992

Chief, Wine and Beer Branch
Bureau of Alcohol, Tobacco, and Firearms
P.O. Box 50221
Washington, D.C. 20091-0221

ATTN: Notice No. 757

Dear Sirs:

This is to voice my support of the petition filed with your agency for the establishment of the Texas High Plains Viticultural Area. This is a very positive step for consumers and for the growing high plains wine industry. To establish the area would clearly be good public policy.

Please contact me should you have any questions. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McBeath".

Don McBeath
Lubbock County Judge

DM/dl

THE WILKES COMPANY

Morris E. Wilkes
1903 TEXAS AVENUE
LUBBOCK, TEXAS 79405-1116
(806) 765-5298
(806) 765-8550 (FAX)

November 9, 1992

Chief
Wine and Beer Branch
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 50221
Washington, D.C. 20091-0221

RE: Notice Number 757

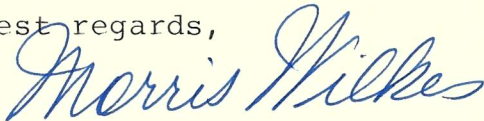
Dear Sirs:

This letter is my formal comments regarding your recent published notice number 757 regarding the establishment of the Texas High Plains Viticultural Area.

I am in full support of this proposal and would encourage you to establish the Texas High Plains Viticultural Area as soon as possible. This recognition will enhance to grape production and wine industry in this region.

If you need any additional information, please feel free to contact me.

Best regards,

A handwritten signature in blue ink that reads "Morris Wilkes". The signature is written in a cursive, flowing style.

MORRIS WILKES



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF CHIEF COUNSEL FOR ADVOCACY

NOV 12 1992

Mr. Thomas Busey
Chief, Wine and Beer Branch
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 50221
Washington, DC 20091-0221

Re: Notice No. 757

Dear Mr. Busey:

On September 30, 1992, the Bureau of Alcohol, Tobacco and Firearms (ATF) published a proposed rule, "Texas High Plains Viticultural Area." 57 Fed. Reg. 45,009. In accordance with section 612 of the Regulatory Flexibility Act (RFA or the Act), which requires the Chief Counsel for Advocacy to monitor agency compliance with the Act, the notice of final rule has been reviewed by the Office of Advocacy. The review finding in this case is that ATF has not complied with the Regulatory Flexibility Act.

According to section 605(b) of the Act, an agency's certification decision must be accompanied by "a succinct statement explaining the reasons for such certification." The Bureau of Alcohol, Tobacco and Firearms has chosen to certify this rule for Regulatory Flexibility Act purposes, yet has failed to provide an appropriate succinct explanation.

The statements which frequently accompany ATF Regulatory Flexibility Act certifications appear to constitute boilerplate language which neither addresses the specific elements of the proposed rule, nor provides a clear understanding of the reason the rule in question will not have a significant economic impact on a substantial number of small entities.

The statements that the rule "is not expected to have significant secondary or incidental effects on a substantial number of small entities," and that it will not "impose...a significant increase in the reporting, record-keeping, or other compliance burdens on a substantial number of small entities," are not relevant to the requirements for certification. The object is to identify the "significant economic impact," not incidental effects. Also, while reporting and record-keeping requirements are important, they may not be the most crucial elements of a given rule's impact upon small companies. Please publish a final rule in which the reason for the certification is adequately outlined, or a final regulatory flexibility analysis is supplied.

If you have any questions concerning compliance with the RFA, please do not hesitate to contact Marja Maddrie at (202) 205-6532.

Sincerely,

A handwritten signature in cursive script that reads "Thomas P. Kerester". The signature is written in black ink and is positioned above the typed name.

Thomas P. Kerester
Chief Counsel for Advocacy



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TEXAS DEPARTMENT OF AGRICULTURE

RICK PERRY
Commissioner

November 12, 1992

Mr. Thomas Busey
Chief, Wine and Beer Branch
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 50221
Washington, D.C. 20091-0221
ATTN: Marjorie D. Ruhf (Notice No. 757)

Dear Mr. Busey:

In Volume 57, Number 190 (Wednesday, September 30, 1992; pages 45009-45012), of the Federal Register, you published notice of a proposed rulemaking and requested written comments regarding the proposed rule. The proposal in question concerns the establishment of a viticultural area located in Northwest Texas to be known as "Texas High Plains." You are particularly requesting comments concerning the name and boundaries of the proposed viticultural area.

Specifically, you are concerned about evidence showing that the name "High Plains" applies to a much larger area than is included in the proposed viticultural area. The question is whether use of the name "Texas High Plains" for a viticultural area which is smaller than the geographical area commonly called by that name will tend to confuse consumers. Actually, the potential for such confusion is virtually nonexistent. Although the geographical term "High Plains" applies to an area extending beyond the borders of the State of Texas to the west and south and extending further south within the State, the name "Texas High Plains" unambiguously communicates to consumers that the viticultural area is located in that area of the "High Plains" solely within the borders of Texas.


Similarly, even though that portion of the "High Plains" geographical area located within the borders of Texas extends southward beyond the area encompassed by the twenty-four Texas counties included in the proposed "Texas High Plains" viticultural area, there exists no potential for confusion. This proposed viticultural area includes the total area suitable for viticulture within the larger geographical area known as the "Texas High Plains"; thus, there are no other areas suitable for viticulture within the larger geographical area known as "Texas High Plains" which would be excluded from the proposed viticultural area. In short, there is no possibility that the proposed "Texas High Plains" viticultural area will impinge upon either the identity or the geographical boundaries of any other viticultural area.

Chief, Wine and Beer Branch
November 12, 1992
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Furthermore, the use of the name "Texas High Plains" to describe the proposed viticultural area is completely warranted in that its political boundaries coincide with the natural boundaries created by the differentiated growing conditions of the area. The proposed area encompasses a unique topography, soil, and climate which distinguish it from surrounding areas within Northwest Texas. The growing conditions resulting from these unique features differentiate the proposed area and distinguish it as a unique geographical area particularly suited for viticulture.

In light of these geographical and agricultural features of the area in question, I urge full acceptance of the proposed rulemaking concerning the establishment of a viticultural area located in Northwest Texas to be known as "Texas High Plains." The establishment of this viticultural area under the name of "Texas High Plains" will indeed enable accurate designation of the specific area where the grapes used to make a wine were grown and will thus enable consumers to better identify the wines they purchase.

Sincerely,


Rick Perry
Texas Agriculture Commissioner

RP/MMS/jml