

indicates that such a wine is consistent with good commercial practice.

For these reasons, we propose to lower the minimum Brix from 22 degrees to 13 degrees in 27 CFR 24.203, Honey wine. We also propose to amend this section to make it clear that sugar may be added only after fermentation for the purpose of sweetening. This restriction will ensure that the alcohol in honey wine is derived from honey and not added sugar.

We are not proposing the creation of a separate category for low-alcohol honey wines, as suggested by Redstone Meadery. No separate category exists for grape or fruit wines that are, for example, 7 percent alcohol by volume. We, therefore, see no need to have one for agricultural wines.

Also, the terms proposed by Mr. Myers, "light honey wine" and "honey wine varietal," have other connotations when used in labeling wine that could cause consumer confusion. Title 27 CFR 4.21(a)(2) currently allows use of the term "light" on labels of grape wines that are less than 14 percent alcohol by volume. This authorization encompasses wines that are not usually considered low-alcohol. Creating a different meaning for "light" honey wines could confuse consumers.

In addition, we feel that the consumer associates the word "varietal" with grape varieties, not with agricultural products. We will, however, reconsider the creation of a separate category if we receive sufficient comments that favor such a change over the lowering of the minimum Brix.

As noted earlier, we were unable to determine the original reason for the regulatory limits on alcohol content and starting Brix. However, the intent may have been to restrict the quantity of sugar and water additions that would result in alcohol through fermentation. In other words, the regulation writers intended that the alcohol result primarily from the sugar in the agricultural winemaking material, rather than from both sugar and water. This intent would be consistent with the same restriction on natural wines from grapes and from berries. Accordingly, we are particularly interested in comments on whether this increased allowance for sugar and water additions to dried fruit and honey wines is consistent with good commercial practice.

What Technical Error Is TTB Correcting?

While reviewing the regulations relating to agricultural wines, we noted a technical error in § 4.21(f)(1)(i), which states that ameliorated agricultural

wines may not have an alcohol content derived from fermentation of more than 13 percent by volume. This 13 percent limit is inconsistent with the IRC's treatment of other types of ameliorated wines. While the IRC does not contain a limit on alcohol content for ameliorated agricultural wines, it gives a 14 percent limit for ameliorated fruit and berry wines. Until corrected by T.D. ATF-458, § 4.21(d)(1)(i) and (e)(1)(i), the standards of identity for citrus and fruit wines, respectively, also contained an incorrect limit of 13 percent. In order to establish consistency for all classes of wine, we propose to amend § 4.21(f)(1)(i) to raise the alcohol content limit on ameliorated agricultural wines to 14 percent. Note that § 4.21(f)(1)(i) addresses only *ameliorated* agricultural wines and does not prohibit the production of nonameliorated agricultural wines that are greater than 14 percent alcohol by volume.

Public Participation

We request comments on these two proposals. We specifically request comments from producers and consumers of dried fruit and honey wines on whether these two proposals conflict with current standards of good commercial practice, and of what constitutes a raisin wine or honey wine. We also request comments regarding the increases of sugar in dried fruit wines and water in honey wines that will be allowed as a result of these revisions.

All comments must include your name and mailing address, reference this notice number, and be legible and written in language generally acceptable for public disclosure.

Although we do not acknowledge receipt, we will consider your comments if we receive them on or before the closing date. We will consider comments received after the closing date if we can. We regard all comments as originals.

What Is a Comment?

To be considered a comment, your submission must relate specifically to this proposed rule. For example, you might be for or against all or part of this proposed rule, or you might express neutrality. We find comments that use reasoning, logic, and, if applicable, good science to explain your position most persuasive in the formation of a final rule.

How Should I Submit Comments?

You may submit comments in any of four ways.

- *By mail:* You may send written comments to TTB at the address listed

in the **ADDRESSES** section. We require a legible, written signature.

- *By facsimile:* You may submit comments by facsimile transmission to 202-927-8525. Faxed comments must—

- (1) Be on 8.5- by 11-inch paper;
- (2) Contain a legible, written signature; and

- (3) Be five or less pages long. This limitation assures electronic access to our equipment. We will not accept faxed comments that exceed five pages.

- *By e-mail:* You may e-mail comments to nprm@ttb.gov. Comments transmitted by electronic-mail must—

- (1) Contain your e-mail address; and
- (2) Be legible when printed on 8.5- by 11-inch paper.

- *By online form:* We provide a comment form with the online copy of this proposed rule on our Web site at <http://www.ttb.gov/alcohol/rules/index.htm>. At this site, select "Send comments via e-mail" under this notice number.

You may also write to the Administrator to ask for a public hearing. The Administrator reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

What Information Will TTB Disclose About This Notice?

You may see copies of the proposed regulations, related information, and any comments on this notice by appointment at the ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226. You may also get copies at 20 cents per page. Telephone the ATF librarian at (202) 927-7890 if you want to schedule an appointment or request copies of comments.

For your convenience, we will post comments received in response to this notice on the TTB Web site. All comments posted on our Web site will show the names of commenters but not street addresses, telephone numbers, or e-mail addresses. We may also omit voluminous attachments or material that we consider unsuitable for posting. In all cases, the full comment will be available in the ATF Reference Library. To access online copies of the comments on this rulemaking, visit <http://www.ttb.gov/alcohol/rules/index.htm> and select "View Comments" under this notice number.

Will TTB Keep My Comments Confidential?

We cannot recognize any material in comments as confidential. We will disclose all information on comments and commenters. In addition, we will summarize and discuss pertinent