

legal or other representation relating to claims for such funds.

(5) Not more than two percent (2%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized by the BIA to reimburse the BIA for administrative expenses incurred in determining ownership of the funds.

(e) *Appeals.* (1) Any potential beneficiary or claimant may appeal any decision made or action taken by a Superintendent under this section. Such appeal shall be made in writing and submitted as provided in 25 CFR Part 2.

(2) As provided in Part 2, the appeal must be received within 30 days after receipt of the written notice advising the potential beneficiary of his/her share of the IMPL Escrow account or advising the claimant that no share has been determined for him/her. No appeals will be accepted under this section after September 30, 1985.

(f) *Distribution of residual funds.* (1) After final administrative determination of ownership, including final determination of all appeals, and the completion of all appropriate fund transfers, but not later than October 1, 1985, any funds remaining in an agency IMPL escrow account may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the governing body(s) of the tribe(s) at the location(s) where such agency IMPL escrow account is maintained. This authority to expend the escrow account funds ends September 30, 1987.

(2) The unobligated balances of all IMPL escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the U.S. Treasury.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-20671 Filed 10-20-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-155; Ref: Notice No. 411]

Chalk Hill Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury (ATF).

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, approximately eight miles

north of Santa Rosa, to be known as "Chalk Hill." This final rule results from a petition originally submitted by seven wine/grape industry members in the area for the name "Sonoma Chalk Hill." ATF believes that the establishment of this viticultural area and the subsequent use of the name "Chalk Hill" as an appellation of origin in wine labeling and advertising will allow wineries to designate more precisely the area in which the grapes used in the production of wines were grown and will enable consumers to identify more clearly wines offered at retail.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Specialist, FAA, 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 Part 4 of Title 27, Code of Federal Regulations. These regulations provide recognition of definite viticultural areas within the United States and also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 6692) which amended Title 27, Code of Federal Regulations, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1) of Title 27, Code of Federal Regulations, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. In accordance with the procedure prescribed in 27 CFR 4.25a(e)(2) for proposing a viticultural area, a petitioner must submit:

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the application.

(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) The specific boundaries of the viticultural area, based on features which can be found on U.S.G.S. maps of the largest applicable scale; and,

(e) Copies of the appropriate maps with the boundaries prominently marked.

After evaluation of the petition, ATF published in the *Federal Register* of May 12, 1982, a notice of proposed rulemaking (Notice No. 411, 47 FR 20321) concerning the establishment of this viticultural area and solicited written comments from the public.

Comments

ATF received four written comments in response to the notice of proposed rulemaking. One comment was generally supportive of designating "Chalk Hill" as a viticultural area. Three comments favored extension of the boundary of the proposed viticultural area. One of these three comments, a comment bearing the signatures of eight local wine/grape industry members, six of whom had been signatories to the original petition, was submitted as an "amended petition" to include the premises of two bonded wineries as well as additional acreage devoted to grape growing.

Sonoma-Cutrer Vineyards submitted the fourth comment which was a request for extension of the southwestern portion of the boundary to include 300 acres of vineyards. In conjunction with this request, ATF received a letter of agreement signed by seven of the eight signatories to the "amended petition."

The commenters were supportive of ATF's proposal to delete the county name "Sonoma" from the originally proposed appellation "Sonoma Chalk Hill." The comment submitted by six of the seven original petitioners stated that the primary purpose for including the name of the county in the viticultural area was to inform consumers that the Chalk Hill area is in Sonoma County. However, the commenters agreed with ATF that this information can be conveyed by placing "Sonoma County" elsewhere on the label.

Name

The area within the boundary of the proposed viticultural area is known locally as "Chalk Hill" and takes its name from the hill of the same name located within the proposed area. Cultivation of grapes in Sonoma County began in 1824. By 1855, grapes were being cultivated at Windsor, the principal town closest to the proposed area. By the mid-1890's there were a half dozen wineries located in the Windsor

area and 43 vineyards. Since 1978, the name "Chalk Hill" has appeared on the labels of wines produced by a winery in the Windsor area.

Boundary

ATF noted in the notice of proposed rulemaking that the originally proposed boundary line, depicted in § 9.52(c)(9) and (10) in the notice, overlapped into the proposed Alexander Valley viticultural area. In addition, the proposed Russian River Valley viticultural area encompasses all of the proposed Chalk Hill area except for that area which overlaps into the Alexander Valley viticultural area. In the notice of proposed rulemaking, ATF had requested specific comment. In light of the fact that no commenter addressed this question, ATF concludes that the overlapping of boundaries does not present an issue. In consideration of the comments received from wine/grape industry members, ATF has amended in this final rule the boundary proposed in the notice of proposed rulemaking to include the additional wineries and grape growing acreage.

The viticultural area comprises approximately 33 square miles and is located in Sonoma County eight miles north of Santa Rosa. There are approximately 1,600 acres of producing vineyards and four bonded wineries within the boundary of the area.

The boundary of the proposed Chalk Hill viticultural area may be found on two U.S.G.S. 7.5 minute series (topographic) maps, the Mark West Springs Quadrangle and the Healdsburg Quadrangle.

The boundary, as approved by ATF, is described in new section 9.52.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2) (iii), a viticultural area should possess geographical features which distinguish its viticultural features from the surrounding areas. ATF has determined that the proposed area is distinguished from the surrounding areas on the bases of climate, soil type, and other geographical features.

The proposed area is distinguished by a micro-climate with a marine influence. Based on the University of California's heat summation scale, temperatures range from Region I, less than 2,500 degree days, to Region II, 2,501 to 3,000 degree days. Most of the area's vineyards lie within a zone comprised of thermal belts which provide protection from damaging spring frosts.

The climate of the proposed area is influenced by the location of Mount St. Helena in relation to the mouth of the Russian River and San Pablo Bay. The

atmospheric conditions created by the relationship of these physical features results in a "September" vineyard area. This means that the harvests are usually completed by the end of September even for late-ripening grape varieties which are not normally harvested until October in surrounding areas. The proposed area is warmer than the greater Russian River Valley and cooler than Alexander Valley and Dry Creek Valley.

The average annual rainfall in the proposed area is approximately 36 inches, almost all of which occurs between November 1 and March 31.

The proposed Chalk Hill area is different from the surrounding areas of Alexander Valley, Dry Creek Valley and the Russian River Valley. The vineyards of the Chalk Hill area are planted on lands which are gently rolling to steep and can be described as bench-lands, table-lands and hills. Many vineyards planted on the steeper slopes are contoured and terraced.

The proposed area is distinguished by "white" soil, i.e., volcanic ash. The soils range from sandy to silt loam, clay and quartzite and are high in volcanic ash deposited as a result of the volcanic activity of Mount St. Helena. The vineyards in the area are planted in soils which are deep but lower in fertility than the soils in surrounding areas. This "white" soil contributes to the high quality of the fruit produced by those vineyards.

The elevation of over 90% of the land in the proposed area ranges from 200 feet to about 1,330 feet compared with elevations on the floor of the Russian River Valley of only 100 feet. The predominant vineyard plantings in the area, however, are at elevations ranging from 200 feet to 800 feet.

Miscellaneous

ATF does not wish to give the impression by approving the Chalk Hill viticultural area that it is approving or endorsing the quality of the wine produced in this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. ATF's approval of the area will allow wine producers to claim a distinction on labels and advertisements as to the origin of grapes used in the production of wine. Any commercial advantage gained can only come from consumer acceptance of Chalk Hill wines.

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

final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small wineries. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

The Bureau has determined that this final rule is not 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 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.

Paperwork Reduction Act

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

Drafting Information

The principal author of this document is Michael J. Breen, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director is amending Title 27, Code of Federal Regulations, Part 9, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in Subpart C is amended by adding the heading of § 9.52 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.52 Chalk Hill

Par. 2. Subpart C is amended by adding § 9.52 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.52 Chalk Hill.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Chalk Hill viticultural area are the U.S.G.S. topographic maps titled:

"Mark West Springs Quadrangle, California", 7.5 minute series, 1958; and, "Healdsburg Quadrangle, California", 7.5 minute series, 1955 (Photorevised 1980).

(c) *Boundary.* The Chalk Hill viticultural area is located near the town of Windsor in Sonoma County, California. From the beginning point on the south line of Section 2, Township 8 North (T. 8 N.), Range 9 West (R. 9 W.) at the intersection of Arata Lane and Redwood Highway (a.k.a. Old Highway 101), on the "Healdsburg Quadrangle" map, the boundary proceeds—

(1) Southeasterly along Redwood Highway through Section 11, T. 8 N., R. 9 W., to the point of intersection with Windsor River Road;

(2) Then westerly along Windsor River Road on the south boundary of Section 11, T. 8 N., R. 9 W., to the point of intersection with Starr Road;

(3) Then southerly along Starr Road to the point of intersection with the south line of Section 14, T. 8 N., R. 9 W.;

(4) Then easterly along the south line of Sections 14 and 13, T. 8 N., R. 9 W. and Section 18, T. 8 N., R. 8 W., to the point of intersection with the Redwood Highway;

(5) Then southeasterly along the Redwood Highway to the intersection with an unnamed road that intersects the Redwood Highway at a right angle from the northeast near the southwest corner of Section 28 near Mark West Creek, T. 8 N., R. 8 W.;

(6) Then northeast approximately 500 feet along the unnamed road to its intersection with the Pacific Gas and Electric power transmission line;

(7) Then northeast approximately 1,000 feet along the power transmission line (paralleling the unnamed road) to the point where the power transmission line turns in a northerly direction;

(8) Then in a northerly direction along the power transmission line to the point

of its intersection with the south line of Section 17, T. 8 N., R. 8 W.;

(9) Then east along the south line of Sections 17, 16 and 15, T. 8 N., R. 8 W. to the point of intersection with Mark West Road on the "Mark West Quadrangle Map";

(10) Then northerly for approximately 1.3 miles along Mark West Road (which becomes Porter Creek Road), then northeasterly for approximately 1.7 miles on Porter Creek Road to its intersection with the unnamed medium duty road that parallels Porter Creek in Section 12, T. 8 N., R. 8 W.; then northeasterly on the Franz Valley Road over the Tarwater Grade and continuing along the Franz Valley Road for approximately 3 miles to its intersection with Franz Creek (approximately 2,000 feet west of the range line common to R. 7 W. and R. 8 W. in T. 9 N. and approximately 1,150 feet north of the north line of Section 25, T. 9 N., R. 8 W.);

(11) Then westerly along Franz Creek to its point of intersection with the east line of Section 21, T. 9 N., R. 8 W.;

(12) Then southerly along the east line of section 21 to the southeast corner thereof;

(13) Then westerly along the south line of Section 21 to the point of intersection with longitude line 122 degrees 45 minutes, near Bell Mountain;

(14) Then southwesterly in a straight line on the "Healdsburg Quadrangle" map to the point at the center of a hill identified as "Chalk Hill";

(15) Then west-northwesterly in a straight line to the confluence of Brooks Creek and the Russian River;

(16) Then westerly along the Russian River to the point of intersection with the range line common to R. 8 W. and R. 9 W. in T. 9 N.;

(17) Then southwesterly in a straight line to the point of a hill identified as having an elevation of 737 feet;

(18) Then south-southwesterly in a straight line to the point at the easterly terminus of Reiman Road;

(19) Then southwesterly in a straight line to the point at the intersection of the township line common to T. 8 N. and T. 9 N. in R. 9 W. and the frontage road (a.k.a. Los Amigos Road) for U.S. Highway 101;

(20) Then west approximately 3,000 feet along the township line common to T. 8 N. and T. 9 N. in R. 9 W.;

(21) Then southerly for approximately 2,000 feet in a straight line to the point of intersection with an unnamed stream drainage;

(22) Then east in a straight line to the point of intersection with Eastside Road;

(23) Then northeasterly along Eastside Road to the point of intersection with Redwood Highway;

(24) Then southeasterly along Redwood Highway to the point of beginning.

Signed: September 23, 1983.
Stephen E. Higgins,
Director.

Approved: October 13, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations)

(FR Doc. 83-26768 Filed 10-20-83; 8:45 am)

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-159; Re: Notice No. 450]

Russian River Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, to be known as the "Russian River Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "Russian River Valley" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisement will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 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 allowing the establishment of definite American viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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.

ATF received a petition from "The Appellation Committee" proposing a large area of approximately 150 square miles located in Sonoma County, California, as a viticultural area to be known as "Russian River Valley." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 450, in the Federal Register on February 4, 1983 (48 FR 5280), on the establishment of Russian River Valley as a viticultural area. Only one comment was received and it favored the Russian River viticultural area.

Historical and Current Evidence of the Name

In a "History of Sonoma County, California," published in 1880, mention is made of the four "great valleys" comprising Sonoma, Petaluma, Santa Rosa, and the Russian River. The use of the name "Russian River Valley" on wine labels began in 1970 and is now used by four wineries in the viticultural area.

Geographical Features

The Russian River viticultural area includes those areas through which flow the Russian River or some of its tributaries and where there is a significant climate effect from coastal fogs. The specific growing climate is the principal distinctive characteristic of the Russian River Valley viticultural area. The area designated is a cool growing coastal area because of fog intruding up the Russian River and its tributaries during the early morning hours. The results of these coastal fog intrusions give growing temperatures that are normally Region I or cooler. This area therefore is distinguished from the warmer neighboring valleys such as Dry Creek Valley, Alexander Valley and Sonoma Valley.

The petitioner submitted detailed information on how the climate in the Russian River Valley viticultural area is different from surrounding areas. The data was mostly compiled by the Office of the Sonoma County Farm Adviser. The neighboring Alexander Valley is termed "coastal warm" with a range of accumulated heat units between 2800 and 3500 as calculated according to the Winkler and Amerine formula for degree days. The Russian River Valley viticultural area is termed "coastal cool" with a range of 2000 and 2800 accumulated heat units.

Change in the Boundary

F. Korbel and Bros, a winery in Guerneville, California, requested an extension in the Russian River Valley viticultural area boundary to the west of Guerneville to include their 105 acre

vineyard inadvertently excluded from the original petition. Korbel stated the geographical features described for the Russian River Valley are the same for their 105 acre vineyard. ATF has accepted this minor extension requested by F. Korbel and Bros. and the boundary description in 27 CFR 9.66 reflects this change.

Miscellaneous

ATF does not wish to give the impression by approving Russian River Valley as a viticultural area that it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Russian River Valley wines.

Executive Order 12291

In compliance with Executive Order 12291, 46 FR 13193 (1981), ATF has determined that this final rule is not a "major rule" since 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, 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 the 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 a final regulatory flexibility analysis (5 U.S.C. 604) are not expected to apply to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no

requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Rm. 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Ave, NW, Washington, DC.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.66 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.66 Russian River Valley.

Par. 2. Subpart C is amended by adding § 9.66 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.66 Russian River Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Russian River Valley viticultural area are the 1954 U.S.G.S. 7.5 minute series maps titled:

"Healdsburg Quadrangle, California"
 "Guerneville Quadrangle, California"
 "Cazadero Quadrangle, California"
 "Duncans Mills Quadrangle, California"
 "Camp Meeker Quadrangle, California"
 "Valley Ford Quadrangle, California"
 "Sebastopol Quadrangle, California"
 "Santa Rosa Quadrangle, California"
 "Mark West Springs Quadrangle, California"
 "Jimtown Quadrangle, California"

(c) *Boundaries.* The Russian River Valley viticultural area is located in Sonoma County, California.

(1) *Starting point Healdsburg map—* Healdsburg Avenue Bridge over the Russian River at Healdsburg. Proceed south along Russian River to where Foreman Lane meets the river at mouth of Dry Creek.

(2) Proceed west along Foreman Lane to where it crosses Westside Road and becomes Felta School Road.

(3) Proceed west on Felta School Road to the point where it crosses Felta Creek.

(4) Proceed 18000' up Felta Creek to its headwaters as shown on the *Guerneville, map* as "Springs."

(5) Proceed southwest in a straight line 58 degrees W 27000' to an intersection with Hulbert Creek on the *Cazadero map*.

(6) Proceed south and southeast along Hulbert Creek to the point where it intersects California Hwy 116 on the *Duncan Mills map*.

(7) Proceed west along California Hwy 116 to Monte Rio where it intersects the Bohemian Hwy.

(8) Proceed south along the Bohemian Hwy onto the *Camp Meeker map* and then the *Valley Ford map* to the town of Freestone where it intersects the Bodega Road.

(9) Proceed east along the Bodega Road onto the *Sebastopol map* to the city of Sebastopol where it becomes California Hwy 12 then along California Hwy 12 to its intersection with Wright Road.

(10) Proceed north along Wright Road to where it becomes Fulton Road and into the town of Fulton to where it intersects River Road.

(11) Proceed east along River Road to its intersection with Mark West Springs Road.

(12) Proceed north east along Mark West Springs Road through the *Santa Rosa map* and onto the *Mark West map* to where it becomes Porter Creek Road and onto its intersection with Franz Valley Road.

(13) Proceed north along Franz Valley Road to the northerly most crossing of Franz Creek.

(14) Proceed west along Franz Creek until it intersects the line separating Section 21 and Section 22.

(15) Proceed south on this line separating Section 21 and 22 to the corner common to Section 21 and 22 and Section 27 and 28.

(16) Proceed west from the common corner of Section 21 and 22 and 27 and 28 and in a straight line to the peak of Chalk Hill on the *Healdsburg map*.

(17) Proceed west from the peak of Chalk Hill in a straight line to the point

where Brooks Creek joins the Russian River.

(18) Proceed north west in a straight line 8000' to a peak marked 772' elv. on the *Jintown map*.

(19) Proceed north west in a straight line from hill top 772' elv. to hill top 596' elv.

(20) Proceed north west in a straight line from hill top 596' elv. to hill top 516' elv.

(21) Proceed north west in a straight line from hill top 516' elv. to hill top 530' elv.

(22) Proceed west in a straight line from hill top 530' elv. to hill top 447' elv.

(23) Proceed west in a straight line from hill top 447' elv. to the point where Alexander Valley Road meets Healdsburg Avenue.

(24) Proceed south along Healdsburg Avenue through the city of Healdsburg on the *Healdsburg map* to the point where it crosses the Russian River at the point of beginning.

Signed: September 23, 1983.

Stephen E. Higgins,

Director.

Approved: October 13, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-20795 Filed 10-20-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T. D. ATF-158; Ref: Notice No. 454]

Knights Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in northeastern Sonoma County, California, to be known as "Knights Valley." This final rule is the result of a petition submitted by the Knights Valley Wine-Growers Committee, an organization of grape-wine industry members in the viticultural area. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes that the establishment of this viticultural area and the subsequent use of the name "Knights Valley" as an appellation of origin will allow wineries to designate precisely the area in which the grapes are grown and will enable consumers to identify more clearly and to differentiate between wines offered commercially.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue,

NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Part 4 of Title 27, Code of Federal Regulations. These regulations provide recognition of definite viticultural areas within the United States and also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56992) which amended Title 27, Code of Federal Regulations, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1) of Title 27, Code of Federal Regulations, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. In accordance with the procedure prescribed in 27 CFR 4.25a(e)(2) for proposing a viticultural area, a petitioner must submit:

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the application;

(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) The specific boundaries of the viticultural area, based on features which can be found on U.S.G.S. maps of the largest applicable scale; and,

(e) Copies of the appropriate maps with the boundaries prominently marked.

The Knights Valley Wine-Growers Committee, an organization of grape/wine industry members, filed a petition, signed by 16 persons, to establish a viticultural area in northeastern Sonoma County, California, under the name "Knights Valley." In response to the petition, ATF published in the Federal Register of February 9, 1983, a notice of proposed rulemaking (Notice No. 454, 48 FR 5961) concerning the establishment

of this viticultural area and solicited written comments from the public.

Comments

In response to the notice of proposed rulemaking, Johnson Turnbull Vineyards, a bonded winery in Oakville, California, submitted a comment supporting the establishment of the viticultural area as proposed in the notice.

ATF received no other comment and no information from any source indicating opposition to the establishment of the "Knights Valley" viticultural area as proposed in the notice.

Name

The land area encompassed by the boundary of the "Knights Valley" viticultural area consists of a valley known and identified on maps as Knights Valley.

Boundary

The viticultural area is located entirely within Sonoma County, California, between the Alexander Valley and the Napa Valley. The northernmost section of the boundary line runs slightly to the north of Pine Mountain; the southernmost section of the boundary line borders the petrified forest area immediately to the north of Porter Creek. The Sonoma County line bordering Lake County and Napa County forms the eastern section of the boundary of the viticultural area. The westernmost section of the boundary line abuts the proposed boundaries for the "Alexander Valley" and "Chalk Hill" viticultural areas. The land area encompassed by the boundary of the "Knights Valley" viticultural area consists of a valley known as Knights Valley and an area known as Franz Valley and the hillsides immediately surrounding and to the north of these areas. According to evidence submitted by the petitioners, the area called Franz Valley is not a valley, the name being a misnomer, since no clear separation exists between this area and the Knights Valley. The central valley area is approximately 5.3 miles long and 1.8 miles wide at the widest point. The areas immediately surrounding and to the north of the valley area form the upland areas. The viticultural area encompasses approximately 36,240 acres or 57 square miles.

There are currently over 1,000 acres devoted to viticulture in the proposed viticultural area. This acreage is situated primarily in the valley area with some acreage in the upland areas being developed into producing vineyards. Presently, there are no wineries

established in the viticultural area although there were at least five wineries in operation in Knights Valley prior to the era of National Prohibition.

The boundary of the viticultural area may be found on four (4) U.S.G.S. quadrangle maps, 7.5 minute series (topographic), scale 1:24,000—Mount St. Helena, Jimtown, Mark West Springs, and Detert Reservoir. The boundary of the viticultural area is specified in the regulation portion of this document at § 9.76(c).

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2)(iii), a viticultural area should possess geographical features which distinguish its viticultural features from surrounding areas. ATF has determined that the proposed area is distinguished from the surrounding areas on the bases of elevation, soil, climate, and other geographical features.

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

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

distinction between the valley area and the northern and southern upland areas.

Adjacent areas are also characterized by soils derived from alluvial material and indurated rock. However, there are differences in the parent materials from which the soils were formed. The Napa Valley area to the southeast is primarily surrounded by uplands with soils derived from "Pleistocene Volcanic" formations whereas the Alexander and Dry Creek areas to the northwest are surrounded by uplands with soils derived from both "Franciscan Formation" and "Dry Creek Conglomerate" parent materials.

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

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

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

The proposed viticultural area exemplifies the general temperature trend of Sonoma County, i.e., rising from south to north. Temperatures in the valley area are similar to those in the

lower portion of the Alexander Valley area, but average slightly less due to the higher elevation. The growing season is usually shorter than the growing season in adjacent viticultural areas.

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

In the notice of proposed rulemaking, ATF has questioned whether the proposed boundaries are the most appropriate. Since a relatively high percentage of the acreage proposed for the viticultural area is either unsuitable for planting or currently used for purposes other than viticulture, ATF expressed the concern that a boundary based primarily on watershed criteria may be inappropriate for portions of the viticultural area, e.g., the northern upland area. Since no comments were received regarding this issue, ATF has established the boundary line as proposed by the petitioners.

Miscellaneous

ATF does not wish to give the impression by approving the Knights Valley viticultural area that it is approving or endorsing the quality of the wines produced in this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. ATF's approval of the area will allow wine producers to claim a distinction on labels and in advertisements as to the origin of the grapes used in the production of wine. Any commercial advantage gained can only come from consumer acceptance of Knights Valley wines.

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 final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant

secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

The Bureau has determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect of 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, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementary regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Michael J. Breen, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director is amending Title 27, Code of Federal Regulations, Part 9, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Subpart C—Approved American Viticultural Areas

Sec.	* * * * *
9.76	Knights Valley.

Par. 2. Subpart C is amended by adding § 9.76. As added, § 9.76 reads as follows:

Subpart C—Approved American Viticultural Areas

§ 9.76 Knights Valley.

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

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

- (1) "Mount St. Helena Quadrangle, California," 7.5 minute series, 1959 (Photoinspired 1973);
- (2) "Jintown Quadrangle, California," 7.5 minute series, 1955 (Photorevised 1975);
- (3) "Mark West Springs Quadrangle, California," 7.5 minute series, 1958; and
- (4) "Detert Reservoir Quadrangle, California," 7.5 minute series, 1958 (Photorevised 1980).

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

- (1) Westerly along the north line of Sections 11, 10, and 9, T. 10 N., R. 8 W. to the northwest corner of Section 9 on the "Jintown Quadrangle" map;
- (2) Then southerly along the west line of Sections 9, 18, 21, 28, and 33, T. 10 N., R. 8 W., continuing along the west line of Section 4, T. 9 N., R. 8 W. to the southwest corner thereof;
- (3) Then easterly along the south line of Section 4 to the southeast corner thereof on the "Mount St. Helena Quadrangle" map;
- (4) Then southerly along the west line of Sections 10, 15, and 22, T. 9 N., R. 8 W. to the point of intersection with Franz Creek in Section 22 on the "Mark West Springs Quadrangle" map;
- (5) Then easterly along Franz Creek approximately 14,000 feet to the centerline of Franz Valley Road;
- (6) Then southerly along the centerline of Franz Valley Road to the point of intersection with the west line of Section 6, T. 8 N., R. 7 W.;
- (7) Then southerly along the west line of Section 6 to the southwest corner thereof;
- (8) Then easterly along the south line of Sections 6, 5, and 4, T. 8 N., R. 7 W. to the southeast corner of Section 4;
- (9) Then northerly along the east line of Section 4 to the point of intersection with the Sonoma/Napa County line;
- (10) Then northerly along the meanders of the Sonoma/Napa County

line on the "Mark West Springs Quadrangle," "Detert Reservoir Quadrangle," and "Mount St. Helena Quadrangle" maps to the point of intersection with the Lake County line on the "Mount St. Helena Quadrangle" map;

(11) Then northerly along the meanders of the Sonoma/Lake County line on the "Mount St. Helena Quadrangle" and "Detert Reservoir Quadrangle" maps to the point of beginning.

Signed: October 3, 1983.

W. T. Drake,

Acting Director.

Approved: October 13, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-28704 Filed 10-20-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-156; Ref: Notice No. 460]

Lake Erie Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in the States of New York, Pennsylvania, and Ohio to be known as "Lake Erie." The Bureau of Alcohol, Tobacco and Firearms, (ATF) believes the establishment of Lake Erie as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate where their wines come from and will enable consumers to better identify the wines from this area.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7531).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury decision ATF-53 (43 FR 37672, 54824) 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, for the listing of approved American viticultural areas.

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.

Mr. William A. Gulvin, Secretary of the Ad Hoc Committee for the Lake Erie viticultural area, petitioned ATF to establish a viticultural area in the States of New York, Pennsylvania, and Ohio to be known as "Lake Erie." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 460, in the Federal Register on April 4, 1983 (48 FR 14390), proposing the establishment of the Lake Erie viticultural area.

Comments

Three comments were received during the comment period. One was from the Governor of the State of Ohio. The other two comments were from the Director of the Ohio Department of Natural Resources and the Director of the Ohio Department of Development. All three commenters stated that they fully support the Lake Erie viticultural area petition. ATF has received no information from any source indicating opposition to the petition.

General Information

The Lake Erie viticultural area has a 150 year history of grape growing and winemaking according to Leon D. Adams in his book *The Wines of America* (1978). Trial and error over the years has proven viticulture, in areas bordering the Lake Erie area, to be generally uneconomical.

The petition and attached documents show that the Lake Erie area is a distinct and contiguous viticultural district. Current orchard and vineyard surveys conducted by the States of New York (1976), Pennsylvania (1978), and Ohio (1978) report that, except where interrupted by urban development, there are approximately 40,000 acres of commercial vineyards scattered throughout the Lake Erie area. Very little or no commercial viticulture is indicated in surrounding inland counties.

Likewise, there are more than 30 commercial wineries, some dating from well before the turn of the century, distributed rather evenly throughout the Lake Erie area. None of these wineries are located more than ten miles inland from the Lake.

The petition and attached documents also show that the boundaries of the Lake Erie area reflect the extent of the area that contains sites which can

justifiably be said to be suitable for viticulture within the beneficial climatic influence of Lake Erie.

Evidence of the Name

The name of the area, Lake Erie, was well documented by the petitioner. Lake Erie is the geographical feature that defines this viticultural area. Its name dates from the earliest written history of this continent, and Lake Erie is universally known as such. After evaluating the petition and the comments received, ATF believes that the Lake Erie viticultural area has a unique historical identity and that the name "Lake Erie" is the most appropriate name for the area.

Geographical Features

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas. The petition and attached documents show that the Lake Erie viticultural area is distinguished from surrounding areas by its proximity to Lake Erie which exerts a moderating influence on the area. This proximity to Lake Erie and the influence that Lake Erie exerts on the local climate is the fundamental factor that permits viticulture in this area. Soils, elevations, and other physiographic features within the area are diverse and, through most of the area, do not directly form the basis of the Lake Erie area's viticultural distinction.

Authorities agree that temperature, in terms of length of frost-free growing season, freeze hazard at a given site (F. G. Haskins, "A Study of Fruit Sites in Northeastern Ohio from Standpoint of Frost Damage," 1950), and especially winter minimums, is the determining consideration with regard to the viability of a vineyard in the northeast. T. D. Jordan et al. in their bulletin on "Cultural Practices for Commercial Vineyards" (1981) state that: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature requirements must be satisfied for a site to be considered." They go on to note that for commercial viticulture in this region a growing season of 165 days is considered minimal and 180 plus days is preferable, and that winter minimum temperature should infrequently fall below minus 10 degrees Fahrenheit and almost never below minus 15 degrees Fahrenheit.

Stephen S. Visher, in his book *Climatic Atlas of the United States*

(1954), well summarizes the general climatic effect of the Great Lakes on their surroundings.

Although the effect of a lake is chiefly to the leeward, in the Great lakes region winds are so varied in direction that effects are evident on all sides. On the average, the (Great) Lakes raise the January average temperature of their surroundings about 5 degrees, the absolute minimum temperatures about 10 degrees, and the annual minima about 15 degrees. . . . They increase the average length of the frost-free season about 30 to 40 days on their eastern and southern sides. They have a slight negative total influence upon precipitation, decreasing it appreciably in summer, largely by reducing convective thunderstorms. . . . The Lakes produce an average decrease of about five thunderstorms per year, and decrease the violence of many of those which do occur. . . . The south shore of Lake Erie, with only five dense-fog days a year, has less fog than any other coastal area except southern Florida.

Visher's comments concerning Lake Erie's effect on the summer moisture regime are very significant. The area surrounding Lake Erie usually gets significantly greater isolation in the summer months than areas further away from the Lake. The reduced summer rainfall and few fog days (which typically occur only in late winter and early spring), combined with almost continuous lake breezes, distinguish the Lake Erie area from surrounding areas. Also, the Lake Erie area is sheltered to some degree from the potential devastation of hail due to the inhibiting influence that Lake Erie has on thunderstorm vigor and activity.

Most important, though are the temperature effects of Lake Erie. The Lake Erie area enjoys what has been termed a "lacustrine climate" lacking the temperature extremes otherwise inherent in a continental location according to Richard E. Dahlberg in an article in *Economic Geography* (1961) entitled "The Concord Grape Industry of the Chautauqua-Erie Area." The region benefits generally by being lower in latitude than and downwind from the other Great Lakes. The great stretches of Lakes Superior and Huron to the northwest considerably moderate arctic air masses moving across these lakes to the Lake Erie area. This effect is then locally enhanced by Lake Erie, thereby producing a climate adjacent to the Lake that has a lower mean daily range of temperatures. This results both in less growth-stimulating high temperatures and tissue-freezing low temperatures. These temperature effects are then diluted and gradually diminish as one proceeds inland from the Lake.

Lake Erie has by far the largest surface to volume ratio of any of the

Great Lakes, with an average depth of only 58 feet and one-thirtieth of the volume of Lake Superior against a surface area of nearly 10,000 square miles. As a result, Lake Erie experiences by far the greatest annual temperature variation of any of the Great Lakes. It ranges from an average surface temperature of 72 degrees Fahrenheit in the late summer to 90 percent or more ice cover in the late winter—far more ice than typically develops on any other of the Great Lakes.

This wide and rapid seasonal fluctuation of the lake water temperature, and this fluctuation's lag with respect to seasonal air temperature variation, serves a very beneficial climatologic effect throughout the year. In the early spring, the accumulated ice and the very cold water of the Lake serve to cool the climate of the adjacent land against early spring warm spells. In mid to late April, the Lake commences to warm rapidly and then buffers the area against late spring frost. In the summer, the water temperature is warmer than in any other of the Great Lakes. The summer's high temperature is then carried over into fall, warming the air adjacent to the Lake and keeping fall frosts at bay within the Lake Erie viticultural area for a month or more longer than surrounding areas. This results in an average frost-free period of approximately 170 to 175 days with a 200 day frost-free period to be found in some portions of the Lake Erie area, the longest frost-free period in the Great Lakes region. Likewise, proximity to the Lake in winter affords considerable protection against extreme minimum temperatures, with winter minimum temperatures of less than minus ten degrees Fahrenheit being uncommon across most of the Lake Erie viticultural area while inland areas often experience temperatures 10 to 15 degrees lower.

In many portions of the Lake Erie viticultural area, the air drainage of a given site greatly affects its microclimate with respect to freeze and low temperature damage. In this regard, the sloping areas found further inland within the Lake Erie viticultural area have rather an advantage over the more level areas often found closer to the Lake, and Lake Erie, by being at the lowest elevation, serves as a vast sink for cold air to drain into.

The only portion of the Lake Erie viticultural area in which elevation and physical features play an important role in distinguishing this area from surrounding areas is in Chautauqua County, New York, and Erie County, Pennsylvania. In these areas, the high-elevation Allegheny Plateau with its too

short frost-free period and too long winter temperatures clearly limits the "lake effect" to a width of as little as three miles inland.

Evidence of the Boundaries

The following outlines the considerations employed in selecting the specific boundaries for the Lake Erie area:

(1) Cazenovia Creek has been chosen as the northeastern boundary of the viticultural area. The area beyond the northeastern boundary is generally flat and consequently has poor drainage of air.

(2) A line 12 miles inland from Lake Erie running from Cazenovia Creek near Colden, New York, to the 1,300-foot contour line near Dayton, New York, marks the general limit of the "lake effect" in Erie County, New York. The "lake effect" does not extend further inland because of the highlands of the "Boston Hills."

(3) From near Dayton, New York, to Godard, Pennsylvania, the 1300-foot contour line has been chosen as the boundary. This contour is the highest contiguous line that follows the crest of the escarpment of the Allegheny Plateau in this section. The area above this elevation is generally cooler.

(4) From Godard, Pennsylvania, west to the intersection of Ohio Route 45 and Interstate 90, a line six miles inland from Lake Erie is used as the boundary. Areas further inland in this section are generally too high and too level to enjoy good air or water drainage.

(5) The boundary then proceeds south along Ohio Route 45 to a point about a mile north of Rock Creek, Ohio, 14 miles inland from Lake Erie, and then west along a line 14 miles inland from the Lake to the Ohio-Michigan border. In this area, the "lake effect" extends further inland first, in northeastern Ohio through Cleveland, due to the broken topography. Then from Cleveland to the west, the climatic moderation of Lake Erie extends further inland across the flat lowlands of north central and northwestern Ohio.

(6) The boundary of the viticultural area then follows the Ohio-Michigan border to the shoreline of Lake Erie. Thence in a generally southeasterly direction along the shoreline of Lake Erie to Port Clinton. Then due north in a straight line to the United States-Canada border. Then in a southeasterly and then an easterly direction along the United States-Canada border until a point is reached which is due north of the easternmost point of Kelleys Island. The boundary then proceeds due south until it reaches the shoreline of Lake

Erie. The boundary was drawn in this way to encompass several islands in Lake Erie, including the Lake Erie (or Bass) Islands, upon which the climatic influence of Lake Erie is self-evident.

(7) The boundary of the viticultural area then follows the lakeshore in a generally northeasterly direction back to the starting point.

Boundaries

The boundaries of the Lake Erie viticultural area as proposed in Notice No. 460 are adopted with some minor modifications. The Lake Erie viticultural area as described in the notice included approximately 775 square miles of water (Lake Erie). In this final rule, the boundaries have been changed to eliminate approximately 580 square miles of water. Consequently, the Lake Erie viticultural area, as delineated in this final rule, consists of approximately 3,300 square miles of land area and approximately 195 square miles (statute) of Lake Erie for a total of 3,495 square miles. ATF believes that these boundaries delineate an area with distinguishable physical and climatic features.

Currently, there is one approved viticultural area located within the boundaries of the Lake Erie viticultural area. This viticultural area is named the Isle St. George (North Bass Island) viticultural area and is located in Ottawa County, Ohio, about 16 nautical miles north-northwest of Sandusky.

Miscellaneous

ATF does not wish to give the impression by approving the Lake Erie viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Lake Erie wines.

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 final rule because the final rule will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant

secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13183 (February 17, 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 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.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

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

Disclosure

A copy of the petition and comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The principal author of this document is Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to

add the title of § 9.83. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.83 Lake Erie.

Par. 2. Subpart C is amended by adding § 9.83. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

§ 9.83 Lake Erie.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Lake Erie viticultural area are four U.S.C.S. maps. They are titled:

- (1) "Toledo," scale 1:250,000 (1956, revised 1978);
- (2) "Cleveland," scale 1:250,000 (1956, revised 1972);
- (3) "Erie," scale 1:250,000 (1959, revised 1972); and
- (4) "Buffalo," scale 1:250,000 (1962).

(c) *Boundaries.* The Lake Erie viticultural area is located along the shore and on the islands of Lake Erie across the States of New York, Pennsylvania, and Ohio. The beginning point is where Buffalo Creek empties into Lake Erie at Buffalo Harbor.

(1) From the beginning point the boundary proceeds up Buffalo Creek to the confluence of Cazenovia Creek.

(2) The boundary proceeds up Cazenovia Creek and thence up the west branch of Cazenovia Creek to a point approximately one mile north of Colden, New York, exactly 12 statute miles inland from any point on the shore of Lake Erie.

(3) The boundary proceeds southwestward and along a line exactly 12 statute miles inland from any point on the shore of Lake Erie to a point approximately one mile north of Dayton, New York, where it intersects the 1,300-foot contour line.

(4) The boundary proceeds generally southwestward along the 1,300-foot contour line to a point almost two miles north-northwest of Godard, Pennsylvania, exactly six statute miles inland from any point on the shore of Lake Erie.

(5) The boundary proceeds southwestward along a line exactly six statute miles inland from any point on the shore of Lake Erie to the point where it intersects Ohio Route 45 near the intersection with Interstate 90.

(6) The boundary proceeds southward along Ohio Route 45 to a point exactly 14 statute miles inland from any point on the shore of Lake Erie approximately one mile north of Rock Creek, Ohio.

(7) The boundary proceeds southwestward, then westward, then northwestward along a line 14 statute miles inland from any point on the shore of Lake Erie to the point where it intersects the Ohio-Michigan boundary just north of Centennial, Ohio.

(8) The boundary then follows the Ohio-Michigan border in an easterly direction to the shoreline of Lake Erie. Thence in a generally southeasterly direction along the shoreline of Lake Erie to the mouth of the Portage River just north of Port Clinton. Thence due north in a straight line to the United States-Canada border. Thence in a southeasterly and then an easterly direction along the United States-Canada border until a point is reached which is due north of the easternmost point of Kelleys Island.

(9) The boundary then proceeds due south until it reaches the shoreline of Lake Erie. Thence the boundary follows the lakeshore in a generally northeasterly direction to the beginning point at the mouth of Buffalo Creek.

Signed: October 1, 1983.

W. T. Drake,

Acting Director.

Approved: October 13, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-20787 Filed 10-20-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-157; Re: Notice No. 462]

Establishment of the Grand River Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Ohio known as "Grand River Valley." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT:

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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 name 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.

Mr. Anthony P. Debevec, President of Chalet Debonne Vineyards, Inc., a winery located in Madison, Ohio, petitioned ATF for the establishment of a viticultural area in northeastern Ohio to be known as "Grand River Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 462) in the *Federal Register* on April 4, 1983 (48 FR 14396) proposing the establishment of the Grand River Valley viticultural area.

Notice of Proposed Rulemaking

Notice No. 462 proposed two alternative boundaries for the Grand River Valley viticultural area. The petitioner's boundary encompassed an area of approximately 125,000 acres and consisted of all of the land within 2 statute miles, in any direction, of the Grand River from its origin to the point at which it flows into Lake Erie.

Based on data contained in the petition for the establishment of the Lake Erie viticultural area, ATF proposed an alternative to the petitioner's boundary. About one-third of the entire valley of the Grand River is inside the Lake Erie viticultural area, established in a final rule published in today's *Federal Register*. ATF believes that the lake's effect on climate is the overriding geographical feature affecting

viticulture in northeastern Ohio. Therefore, ATF proposed, as an alternative to the petitioner's boundary, that the Grand River Valley viticultural area be confined to that portion of the valley located within the Lake Erie viticultural area.

Evidence of Name

The name "Grand River" was assigned by early explorers and settlers to the river called "Sheauga" or "Geauga" by the natives. This Indian word actually means "raccoon" but was so widely misinterpreted that the name "Grand River" has applied to the river since the early nineteenth century.

Evidence of Geographical Features Which Affect Viticultural Features

The petition states, "With Lake Erie helping to provide an overall longer growing season (circa 175 days) the Grand River Valley itself contributes in fulfilling the air drainage requirements for prime viticultural lands." ATF agrees that the moderating effect of Lake Erie distinguishes part of the proposed area from its surroundings. Further, the air drainage provided by the Grand River Valley distinguishes the area from the Lake Erie viticultural area which surrounds it. However, the natural boundary of the lake's effect on climate divides the Grand River Valley into a climate area which is strongly influenced by the lake and a climate area which is weakly influenced or not influenced by the lake.

Lake Erie's moderating influence on the climate affects viticulture within a short distance inland from the shore. The lake freezes in the winter and the late spring thaw prevents unseasonal warm spells in late winter and early spring. Otherwise, premature bud development during these unseasonal warm spells would leave the grapevines vulnerable to damage during a freeze in late spring. In autumn, the warm water of the lake delays the first freeze a month or longer in comparison to areas farther inland from the lake shore. The lake's protection against spring frost damage and the delay of the first autumn frost result in a growing season between 170 and 185 days, depending on the distance inland from the lake shore.

In *Cultural Practices for Commercial Vineyards*, Miscellaneous Bulletin 111, published by the New York State College of Agriculture and Life Sciences, in January 1980, the authors state: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature