

49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on August 8, 1983.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-22624 Filed 8-17-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AWA-10]

Alteration of VOR Federal Airways; Minneapolis, MN, Area

Correction

In FR Doc. 83-20407 beginning on page 34249 in the issue of Thursday, July 28, 1983, make the following correction: On page 34249, third column, seventh line from the bottom of the page, "V-418 [Amended]" should read "V-418 [Revoked]".

BILLING CODE 1505-01-M

14 CFR Part 71

[Airspace Docket No. 83-AWA-12]

Alteration of VOR Federal Airways; Albuquerque, NM, Area

Correction

In FR Doc. 83-20405 beginning on page 34248 in the issue of Thursday, July 28, 1983, make the following correction: On page 34249, second column, twelfth line from the top of the page, "V-389 [Amended]" should read "V-389 [New]".

BILLING CODE 1505-01-M

14 CFR Part 71

[Airspace Docket No. 83-ANM-3]

Establishment of Transition Area; Fort Morgan, Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a 700' transition area to provide controlled

airspace for aircraft executing new NDB Instrument Approach Procedures to Fort Morgan Municipal Airport, Fort Morgan, Colorado. The intended effect of this action is to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT:

Ted Melland, Airspace & Procedures Specialist, ANM-533, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The telephone number is (206) 431-2533.

SUPPLEMENTARY INFORMATION: The floor of controlled airspace in this area will be lowered to 700' above the ground. Development of new Instrument Approach Procedures requires that the FAA lower the floor of controlled airspace to ensure that the procedures will be contained within controlled airspace. The area will be shown on aeronautical charts which enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule conditions.

History

On page 20728 of the Federal Register dated May 9, 1983, the FAA proposed to amend Section 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a new 700' controlled airspace transition area near Fort Morgan, Colorado. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The U.S. Air Force expressed concern regarding the possibility of delays on Military Training Route IR-416. However, air traffic control procedures have already been established which will accommodate both training activities and approach procedures. No other comments were received.

List of Subjects in 14 CFR Part 71

Transition areas—aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.M.T., September 29, 1983, as follows:

Fort Morgan, Colorado (New)

That airspace extending upward from 700 feet above the surface within a 10.5 mile radius of the Fort Morgan Municipal Airport (Latitude 40°20'00"N, Longitude 103°48'16"W); and 9.5 miles southwest to 5.5 miles northeast

of the 333 true bearing (322 magnetic bearing) extending 18 miles northwest of the airport; and 9.5 miles southwest to 5.5 miles northeast of the 151 true bearing (140 magnetic bearing) extending 19 miles southeast of the airport. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); (Sec. 11.65 of the Federal Aviation Regulations and 14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (14 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on August 8, 1983.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-22619 Filed 8-17-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-142; Re: Notices 360 and 412]

Establishment of Los Carneros 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 Napa and Sonoma Counties, California, named "Los Carneros." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes that the establishment of this viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate, and help consumers to better identify, the wines from this distinctive grape-growing area.

EFFECTIVE DATE: September 19, 1983.

FOR FURTHER INFORMATION CONTACT:

Steve Simon, FAA, Wine and Beer Branch, P.O. Box 385, Washington, D.C. 20044-0385; telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:**Background**

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas and the use of an approved viticultural area name as an appellation of origin on wine labels and in wine advertisements. In 27 CFR 4.25a(e)(1) and 9.11, the term "viticultural area" is defined as a delimited, grape-growing region distinguishable by geographical features. In 27 CFR 4.25a(e)(2), procedures for proposing an American viticultural area are outlined. Those procedures allow any interested person to submit a petition for the establishment of an American viticultural area.

In response to a petition from Beaulieu Vineyard, ATF published a notice of proposed rulemaking, Notice No. 360, in the *Federal Register* on December 15, 1980 (45 FR 82470). Notice No. 360 proposed a "Los Carneros" viticultural area with boundaries entirely within Napa County, California. ATF solicited public comment concerning the proposed area, and on January 14, 1981, a public hearing was held in Santa Rosa, California.

Based on written comments submitted and oral testimony from the hearing, ATF determined that the boundaries of Los Carneros should extend into Sonoma County. Consequently, a second notice of proposed rulemaking, Notice No. 412, was published in the *Federal Register* on June 4, 1982 (47 FR 24344). Numerous additional comments were submitted in response to that notice. All such comments were given careful consideration in the preparation of this final rule.

Evidence of Name

"Los Carneros" was the name given for the area in the original Beaulieu petition. Evidence submitted at the hearing and in written comments shows clearly that, although the area has in the past been known by other names, this name is the one by which it is best known today.

It has come to ATF's attention that the area is often simply referred to as "Carneros." In fact, "Carneros" and "Los Carneros" are generally used interchangeably. ATF has approved many labels, over a period of more than ten years, that simply use "Carneros," and wineries are concerned about the possible adverse effects of having to alter the designation by which their wines have achieved consumer acceptance. In view of these facts, and considering that the Spanish word "los" simply means "the," ATF has determined that "Carneros" and "Los

Carneros" are not different names, but are equivalent forms of the same name. Consequently, either form may be used on labels and in advertising to refer to this area.

Geographic Evidence

Los Carneros is distinguished geographically from the surrounding areas on the basis of soil and climate. The soil types generally associated with Los Carneros are the Haire-Coombs/Diablo soils. Although these soils predominate in the Carneros area, they are rarely found elsewhere in the surrounding areas of either Napa Valley or Sonoma Valley.

The climatic factors distinguishing Los Carneros from the surrounding areas are perhaps more significant than the soil differences. Los Carneros is an area of low hills and flatlands located at the northern end of San Pablo Bay; consequently, the climate of the area is profoundly affected by intrusion of cool, marine air from that body of water. The Beaulieu petition describes the climate as follows:

When compared to other parts of Napa Valley, Carneros has a long cool growing season. In general, the region * * * follows the San Pablo Bay. The close proximity of this water mass, greatly influences the daily temperatures, and generally results in a more moderate climate. Daytime highs are slightly lower than other parts of Napa Valley, and the Carneros region cools off in the afternoon faster than other parts of the Napa Valley because of daily sea breezes. These cool ocean breezes rapidly drop the air temperature and vine temperature so that the vine does not experience high afternoon temperatures during the Summer.

Consequently this makes for a cool growing season and also lengthens the growing season slightly. Because of the cool growing conditions in Carneros we have found bud break, and bloom, to be approximately 7-14 days behind our other Napa Valley vineyards. It has also been our experience that the Carneros region is too cool to adequately mature/ripen Cabernet Sauvignon grapes.

Other evidence establishes that the area is suited to early-ripening grape varieties such as Pinot Noir and Chardonnay. The *Cannaisseur's Guide Handbook of California Wines* states (p. 18): "Carneros Chardonnay hangs on the vines longer [than Chardonnay grown on the Napa Valley floor] and thus is capable of developing sugars in incremental steps while retaining high acid levels."

Boundaries

All commenters agreed that a Carneros viticultural area should be established, but there was some disagreement as to what its boundaries

should be. The only boundary on which there was unanimity is the eastern boundary. No suggestion was made that the eastern boundary should be anything other than the Napa River.

The southern boundary. The original Beaulieu petition proposed the Napa County-Solano County line as the southern boundary of the Carneros viticultural area. The reason for this, as brought out at the hearing, was to coincide with the southern boundary of Napa Valley. Beaulieu took the position that Los Carneros should be exclusively associated with Napa Valley; therefore, the proposed Carneros boundaries were drawn up so as to coincide whenever possible with the Napa Valley boundaries. However, in Notice No. 412, ATF rejected the contention that Los Carneros is exclusively associated with Napa Valley. Therefore, it is not necessary for the boundaries of the two areas to coincide, if there are geographical reasons why they should not coincide.

The Beaulieu petition admitted that the area of "mud flats and heavily saline soils along the [proposed] southern boundary" is viticulturally distinguishable from the Carneros grape-growing area. A significant number of comments submitted in response to Notice No. 412 urged the exclusion of those mud flats.

Examination of the soil surveys of Napa and Sonoma Counties disclosed that the line formed by the Southern Pacific Railroad tracks, the township line T.4N./T.5N., and the Northwestern Pacific Railroad tracks coincides almost exactly with the change from Haire-Coombs/Diablo soils to Clear Lake-Reyes soils. The primary difference between these two soil associations is that the former is moderately well drained or well drained, while the latter (found south of the tracks) is poorly drained. Soil drainage is feature "which distinguish[es] the viticultural features of the proposed area from surrounding areas" (27 CFR 4.25a). Therefore, this Treasury decision establishes the southern boundary of Los Carneros as the Southern Pacific Railroad tracks, the township line T.4N./T.5N., and the Northwestern Pacific Railroad tracks.

The western boundary. At the hearing and in written comments, most growers in the Napa County portion of Los Carneros raised no serious objections to the extension of Los Carneros into Sonoma County. But they left the task of determining the limits of such an extension largely to the Sonoma County growers. For this purpose, those growers formed the Southern Sonoma Valley Ad Hoc Committee, with Mr. Jim Carter of

Sebastiani Vineyards as chairman. This committee rejected the western boundary proposed in Notice No. 412 (Sonoma Creek), and instead proposed that the western boundary be extended as far as the western boundary of the Sonoma Valley viticultural area. This western boundary includes part of a mountainous area that differs in topography and elevation from the rest of Los Carneros. Nevertheless, there are pockets of land there with relatively level topography—as in the rest of Los Carneros—and the climate is influenced by the proximity of the very cool Petaluma Valley to the west. According to evidence submitted by a vineyardist in the mountainous area, it has the cool climate that is characteristic of Los Carneros, despite the slightly higher elevation, due to cool breezes from Petaluma Valley that penetrate gaps in the mountains. Therefore, this Treasury decision establishes the western boundary of Los Carneros to coincide with the western boundary of Sonoma Valley.

The northwestern boundary. The northwestern boundary proposed by the Southern Sonoma Valley Ad Hoc Committee is located along Lewis Creek, Felder Creek, Leveroni Road, and Napa Road. This was determined by the committee to be the northern limit of the strong climatic influence of San Pablo Bay. This boundary had the persuasive support of many commenters from Sonoma County, including some, such as Gundlach-Bundschu Winery, with vineyards located just on the outside of the proposed boundary. Since there are few hills in this area to block penetration of sea breezes, it is evident that decreasing maritime influence must occur gradually. Nevertheless, ATF must establish a precise boundary. Napa Road, Leveroni Road, Lewis Creek, and Felder Creek form an easily recognizable boundary, and evidence shows that harvest dates north of this boundary are noticeably earlier than harvest dates for the same varieties south of it. In view of the widespread support for the boundary proposed by the Southern Sonoma Valley Ad Hoc Committee, the evidence supporting it, and the absence of significant evidence opposing it, this Treasury decision adopts the northwestern boundary so proposed.

The northeastern boundary. The northeastern boundary proposed by the Beaulieu petition was the township line T.6N./T.5N, Browns Valley Creek, and Napa Creek. At the hearing, this boundary was not the subject of as much discussion as some of the other boundaries, but there was a general

consensus among most of those who mentioned it that this boundary was too far north.

The petitioner explained that in the 1880's there was a subdivision of the Napa Winegrowers Association that subsequently became associated with the area known as Los Carneros. The northern boundary of this subdivision was Browns Valley Creek.

Since Browns Valley Creek generally runs on the south side of Browns Valley, the petitioner's explanation is consistent with ATF's conclusion that Browns Valley is not in Los Carneros, but that Congress Valley to the south of it is within the area. Although there was some evidence that Congress Valley should be excluded, there was also evidence for its inclusion. ATF's conclusion is that it should be included.

The line of hills separating Browns Valley and Congress Valley undoubtedly diminish the maritime influence in Browns Valley. Therefore, this Treasury decision utilizes that line of hills to form part of the boundary of Los Carneros.

The boundary established by this Treasury decision also excludes a highly urbanized portion of downtown Napa city. According to the evidence, Los Carneros lies "south" of the city of Napa. This indicates that the urban part of the city itself has historically not been considered part of Los Carneros.

The highly mountainous extension of the Mayacamas Range west of Napa city is also excluded, because (1) it is topographically distinguishable from Los Carneros (2) it has different soils, and (3) it has a different microclimate. The Lovall Valley is the only major area in that mountainous extension where the topography and soil are comparable to Los Carneros, but other evidence indicates that temperatures in Lovall Valley are markedly higher than in Los Carneros and are more like the temperatures in central or northern Napa Valley. This is undoubtedly due to the elevation of the Lovall Valley and to the effectiveness of its surrounding mountains in blocking penetration of cool air from San Pablo Bay.

On the other hand, the evidence establishes that most of Carneros Valley should be included within the boundaries established by this Treasury decision. A Napa County Agriculture Department employee told ATF that the valley is cooled by fog and wind blowing in from San Pablo Bay, and is similar in other viticultural features to the rest of Los Carneros. The 400-ft. contour line generally marks the boundary between Carneros Valley and the Mayacamas Mountains.

Accordingly, this Treasury decision provides that the boundary of Los Carneros in the vicinity of Carneros Valley shall be the 400-ft. contour line.

Overlapping Viticultural Areas—Labeling Issues

A number of grape growers from the Napa Valley side of the Carneros area expressed concern over the possibility that wineries might not be permitted to use both "Napa Valley" and "Los Carneros" on their labels if the Carneros area were held to extend into Sonoma Valley. This is a concern because some wineries have been using labels with these two names in conjunction for as long as 10 years. As one commenter said, "We cannot support an interpretation that would divorce us from Napa Valley."

Many of these Napa Valley commenters proposed as a solution that two separate Carneros viticultural areas be approved: one in Napa Valley and one in Sonoma Valley. ATF does not believe that there should be two separate Carneros viticultural areas. Strong evidence points to a single Carneros area—not to two separate Carneros areas. Although there are undoubtedly some differences from place to place within the Carneros area, ATF does not believe that these are significant enough to warrant establishment of two Carneros areas. The existence of these differences was implicitly recognized in the establishment of Napa Valley and Sonoma Valley as separate areas. Now the establishment of a single Carneros area will recognize the underlying similarity that exists at the southern end of both Napa and Sonoma Valleys, due to the proximity of San Pablo Bay, and to other factors.

The issue of multiple viticultural area names on a wine label is being addressed in a separate notice of proposed rulemaking which will be published in the near future. Until that rulemaking process is completed, ATF will permit combinations of viticultural area names currently in use (such as Napa Valley and Los Carneros), to continue in use, if at least 85% of the volume of the wine is derived from grapes grown in an area where the named viticultural areas overlap.

Miscellaneous

ATF does not wish to give the impression that, by approving "Los Carneros" as a viticultural area, it is approving the quality of the wine from that area or endorsing the wine. ATF is merely approving the area as being distinct from surrounding areas. By

approving "Los Carneros," wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. ATF will not allow statements or claims that these wines are better because they originated from an approved viticultural area. Any commercial advantage gained can only be substantiated by the consumer acceptance of "Los Carneros."

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.

Compliance With Executive Order 12291

It has been 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.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that, if promulgated as a final rule, it would not have a significant impact on a substantial number of small entities. The requirements in 5 U.S.C. 603 and 604 for a final regulatory flexibility analysis, therefore, do not apply to this final rule.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this final rule is Steve Simon, FAA Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This Treasury decision (final rule) is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended).

PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, 27 CFR Part 9 is amended as follows:

1. The table of sections in 27 CFR Part 9, Subpart C, is amended by adding the title of § 9.32 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.32 Los Carneros.

Subpart C—Approved American Viticultural Areas

2. Subpart C is amended by adding § 9.32 to read as follow:

§ 9.32 Los Carneros.

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

(b) *Approved maps.* The approved maps for the Carneros viticultural area are the following U.S.G.S. maps:

(1) "Sonoma Quadrangle, California," 7.5 minute series (topographic), 1951 (photorevised 1968).

(2) "Napa Quadrangle, California—Napa Co.," 7.5 minute series (topographic), 1951 (photorevised 1968 and 1973).

(3) "Cuttings Wharf Quadrangle, California," 7.5 minute series (topographic), 1949 (photorevised 1968; photoinspected 1973).

(4) "Sears Point Quadrangle, California," 7.5 minute series (topographic), 1951 (photorevised 1968).

(5) "Petaluma River Quadrangle, California—Sonoma Co.," 7.5 minute series (topographic), 1954 (photorevised 1980).

(6) "Glen Ellen Quadrangle, California—Sonoma Co.," 7.5 minute series (topographic), 1954 (photorevised 1980).

(c) *Boundaries.* The boundaries of the Carneros viticultural area are located in Napa and Sonoma Counties, California, and are as follows:

(1) The point of beginning is the intersection of highway 12/121 and the Napa County-Sonoma County line, near the extreme southeast corner of the Sonoma Quadrangle map.

(2) From there, following the Napa County-Sonoma County line generally northwestward for about 1.6 miles to the summit of an unnamed hill with a marked elevation of 685 ft.

(3) From there in a straight line northeastward to the summit of Milliken Peak (743 ft.), located on the Napa Quadrangle map.

(4) From there due eastward to the 400 ft. contour line.

(5) Then following that contour line generally northwestward to Carneros Creek.

(6) Then following the same contour line generally southeastward to the range line R. 5 W./R. 4 W.

(7) Then continuing to follow the same contour line generally northward for about one mile, till reaching a point due west of the summit of an unnamed hill having a marked elevation of 446 ft. (That hill is about .8 mile southwest of Browns Valley School.)

(8) From that point due eastward to the summit of that hill.

(9) From there in a straight line northeastward across Buhman Avenue to the summit of an unnamed hill having a marked elevation of 343 ft.

(10) From there due eastward to the Napa-Entre Napa land grant boundary.

(11) Then northeastward along that land grant boundary to Browns Valley Road.

(12) Then eastward along Browns Valley Road to Highway 29.

(13) Then southward along Highway 29 to Imola Avenue.

(14) Then eastward along Imola Avenue to the Napa River.

(15) Then generally southward along the west bank of the Napa River to the Southern Pacific Railroad tracks

(16) Then generally westward and northwestward along the Southern Pacific Railroad tracks to their intersection with the township line T. 5 N./T. 4 N. (on the Sears Point Quadrangle map).

(17) From there due westward to the Northwestern Pacific Railroad tracks.

(18) Then generally southward along the Northwestern Pacific Railroad tracks to Highway 37.

(19) The westward along Highway 37 to its intersection with Highway 121.

(20) From there northwestward in a straight line to the summit of Wildcat Mountain (682 ft.).

(21) From there northwestward, following a straight line toward the summit of Sonoma Mountain (2295 ft.—on the Glenn Ellen Quadrangle map) till reaching a point due west of the intersection of Lewis Creek with the 400-ft. contour line. (That point is about 4½ miles southeast of Sonoma Mountain.)

(22) From that point due eastward to Lewis Creek.

(23) Then generally southeastward along Lewis Creek to Felder Creek.

(24) Then generally eastward along Felder Creek to Leveroni Road (on the Sonoma Quadrangle map).

(25) Then generally eastward along Leveroni Road to Napa Road.

(26) Then eastward and southeastward along Napa Road to Highway 12/121.

(27) Then eastward along Highway 12/121 to the starting point.

Signed: July 14, 1983.

Stephen E. Higgins,
Director.

Approved: August 8, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-22615 Filed 8-17-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-139; Ref: Notice No. 461]

Anderson 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 Mendocino County, California, to be known as "Anderson Valley." This final rule is the result of a petition from the Anderson Valley Appellation Committee which is made up of various industry members in the area. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

EFFECTIVE DATE: September 19, 1983.

FOR FURTHER INFORMATION CONTACT:

Ed Reisman, 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 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations allow the name of an approved viticultural area to be used as 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.

ATF was petitioned by the Anderson Valley Appellation Committee, to establish a viticultural area in Mendocino County, California, to be known as "Anderson Valley." This viticultural area is a valley located in the western part of the county lying generally along the watershed of the Navarro River. The total area of this viticultural area is 57,600 acres with 600 acres of vineyards widely dispersed within its boundaries.

In response to this petition, ATF published in the *Federal Register* on April 4, 1983, a notice of proposed rulemaking (Notice No. 461, 48 FR 14394) proposing the establishment of the Anderson Valley viticultural area and solicited written comments from the public.

No Comments Received

The notice of proposed rulemaking, Notice No. 461, contained a 30 day comment period. No comments were received during this comment period. Based on the information contained in the petition, the Anderson Valley viticultural area is established as proposed.

The exact boundaries of the Anderson Valley viticultural area are described in the regulatory text of § 9.86, and are unchanged from those proposed by the petitioner. However, the notice of proposed rulemaking (Notice No. 461, 48 FR 14394) that was published in the *Federal Register* on April 4, 1983, incorrectly stated the boundary information found in § 9.86(c)(1). That information has been corrected and appears in this final rule.

Supporting Evidence

Viticultural Area Name. This viticultural area has been known as Anderson Valley since shortly after it was first settled in 1852 by Walter Anderson. This area includes only the territory historically known as Anderson Valley and the surrounding slopes.

Geographical/Viticultural 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 were supported by the following evidence:

(a) The climate of the Anderson Valley viticultural area has been described as "Coastal" by the Mendocino County Farm Advisor's Office, in their booklet, *The Climate of Mendocino County*. In comparison, the climate in much of the other areas of Mendocino County is classified as "Transitional" due to the fact that either the coastal or the interior climates can dominate the Mendocino County climate for either short or long periods of time.

(b) The climate of the Anderson Valley viticultural area includes both Region I and Region II as classified by the University of California at Davis' system of heat summation by degree-days. A table of cumulative degree-days, published by the University of California Agricultural Extension Service Office in Lake, Mendocino, and Sonoma Counties, shows that the area around Philo is relatively cool and consequently is classified as Region I, whereas the area around Boonville is warmer and consequently is classified as Region II. In comparison the Ukiah area, which lies approximately 15 miles to the northeast of Anderson Valley, is warmer and consequently is classified as a Region II and Region III area, depending on the particular location of the reporting station.

(c) In a publication entitled *Connoisseur's Guide to California Wine*, Alameda, California, 1978, Volume three, Issue six, page 109, the author states that "one of the most important of these (Mendocino County microclimates) will be Anderson Valley. This area is tucked into the mountains between Ukiah and the coast. The environment varies from a maritime climate, unsuitable for grape growing to a cool Region II climate on the University of California at Davis I-V heat accumulation scale. The portion of the valley shared by Edmeades and Hush, near Philo, is one of the coolest grape growing areas in California. The Boonville area, six miles up Anderson Valley, edges into Region II heat accumulation."

(d) The average rainfall of the Anderson Valley viticultural area, as recorded by the Boonville Department of Highway Maintenance and published in *The Climate of Mendocino County*, a booklet compiled by the Mendocino Farm Advisor's Office, is 40.68 inches annually.

Most of the rainfall comes in the period from November through March. In comparison, the average rainfall per year for the Ukiah area to the northeast and the Hopland (U.C.) area to the southeast is 35.94 inches and 37.00 inches respectively.

(e) According to Reberto A. de Grassi, Agricultural Commissioner for Mendocino County, Anderson Valley was surveyed and studied some years ago by grape-growing specialists from the University of California at Davis. These specialists found that Anderson Valley had an excellent environment and potential for growing premium quality varietal wine grapes by virtue of its coastal climatic condition in addition to the favorable grape soil types. Since this initial survey and finding, extensive vineyards have been, and are being, planted in this region. Mr. de Grassi further states that the budding local wineries in Anderson Valley are producing a distinctive characteristic wine typical of Region I and II, thereby substantiating the validity of the evaluation made by early researchers.

Historical Background. Anderson Valley lies generally along the watershed area of the Navarro River, in the western part of Mendocino County. Cultivation of the soil began with the first settlement in 1852. Grapes were planted in the area shortly afterward. There is documentation that some of the oldest, continuously producing vineyards date from 1922. Along Greenwood Ridge, numerous small vineyards dotted the area. One of these historic entities remains today, the DuPratt Vineyard.

Boundaries. The boundaries proposed by the petitioner are adopted. ATF believes that these boundaries delineate an area with distinguishable physical and climatic features.

General Information. Today, wines from Anderson Valley are often favorably mentioned in many respected wine publications. The four major varieties of grapes being grown in this area are Chardonnay (151 acres), Gewurztraminer (103 acres), Riesling (111 acres), and Pinot Noir (47 acres). This acreage information was obtained from the publication, *1981 Mendocino County Grape Acreage*, published by the Mendocino County Farm Advisor's Office.

Currently, there are approximately 600 acres of grapes located within the viticultural area with major concentrations around the Boonville, Philo, and Navarro areas. Although the number of acres of grapes under cultivation is small compared to the total size of the viticultural area, the scattered location of the grapes makes it necessary to include the whole area. Also, according to Mr. Bruce E. Bearden, Farm Advisor for Mendocino County, the grape acreage within the Anderson Valley viticultural area is expanding and will likely double within the next few years and the number of wineries

will likely increase from six to eight or nine.

After evaluating the petition and receiving no comments, ATF has determined that due to the topographic and climatic features of Anderson Valley, it is distinguishable from the surrounding areas.

Miscellaneous

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

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.

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. This rule will allow the petitioner and other persons to use an appellation of origin, "Anderson Valley," on wine labels and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of 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.

Disclosure

A copy of the petition and appropriate maps with boundaries marked are available for inspection during normal business at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

Drafting Information

The principal author of this document is Ed Reisman, 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, and Wine.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 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 9.86. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.86 Anderson Valley.

Par. 2. Subpart C is amended by adding § 9.86 to read as follows:

Subpart C—Approved American Viticultural areas

§ 9.86 Anderson Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Anderson Valley viticultural area are three U.S.G.S. maps. They are titled:

(1) "Navarro Quadrangle, California—Mendocino Co.," 15 minute series (1961);

(2) "Boonville Quadrangle, California—Mendocino Co.," 15 minute series (1959); and

(3) "Ornbaun Valley Quadrangle, California," 15 minute series (1960).

(c) *Boundaries.* The Anderson Valley viticultural area is located in the western part of Mendocino County, California. The beginning point is at the junction of Bailey Gulch and the South Branch North Fork Navarro River in Section 8, Township 15 North (T.15N.), Range 15 West (R.15W.), located in the northeast portion of U.S.G.S. map "Navarro Quadrangle."

(1) From the beginning point, the boundary runs southeasterly in a straight line to an unnamed hilltop (elevation 2015 feet) in the northeast corner of Section 9, T.13N., R.13W., located in the southeast portion of U.S.G.S. map "Boonville Quadrangle";

(2) Then southwesterly in a straight line to Benchmark (BM) 680 in Section 30, T.13N., R.13W., located in the northeast portion of U.S.G.S. map "Ornbaun Valley Quadrangle";

(3) Then northwesterly in a straight line to the intersection of an unnamed creek and the south section line of Section 14, T.14N., R.15W., located in the southwest portion of U.S.G.S. map "Boonville Quadrangle";

(4) Then in a westerly direction along the south section lines of Sections 14, 15, and 16, T.14N., R.15W., to the intersection of the south section line of Section 16 with Greenwood Creek, approximately .2 miles west of Cold Springs Road which is located in the southeast portion of U.S.G.S. map "Navarro Quadrangle";

(5) Then in a southwesterly and then a northwesterly direction along Greenwood Creek to a point in Section 33 directly south (approximately 1.4 miles) of Benchmark (BM) 1057 in Section 28, T.15N., R.16W.;

(6) Then directly north in a straight line to Benchmark (BM) 1057 in Section 28, T.15N., R.16W.;

(7) Then in a northeasterly direction in a straight line to the beginning point.

Signed: August 3, 1983.

Stephen E. Higgins,
Director

Approved: August 9, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 83-22586 Filed 8-17-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-136; Ref: Notice No. 440]

Establishment of the Hermann 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 central Missouri known as "Hermann." 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: September 19, 1983.

FOR FURTHER INFORMATION CONTACT: James P. Ficareta, 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 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. Jim Held, President of Stone Hill Wine Company and Mr. Jim Bias, President of Bias Vineyards and Winery, Inc. petitioned ATF for the establishment of a viticultural area in central Missouri, along the Missouri River, to be known as "Hermann." In response to this petition, ATF published a notice of proposed rulemaking (Notice

No. 440) in the Federal Register on December 14, 1982 (47 FR 55957), proposing the establishment of the Hermann viticultural area.

General Description

The Hermann viticultural area consists of approximately 51,200 acres with 102 acres of wine grapes, and three bonded wineries. Grape-growing and wine production around the Hermann area date back as far as 1843. In 1904, the Hermann area furnished 97 percent (2.9 million gallons) of the wine produced in Missouri. Mr. Jim Held, of Stone Hill Wine Company, states that his vineyard still contains plantings of Norton grapes from 1867.

Evidence of the Name

A U.S.G.S. topographical map in the 7.5 minute series, entitled "Hermann," was submitted by the petitioner.

The Hermann winery was founded in 1852 by George Husmann.

In addition, the city of "Hermann" is located within the viticultural area.

Boundaries and Geographical Evidence

The northern boundary, the Missouri Pacific Railroad, identifies the bluff line which separates the hills from the bottom land along the Missouri River.

The western boundary, the Basconade River and First Creek, and the eastern boundary, Big Berger Creek, provide natural boundaries which afford ideal air drainage patterns created by the difference in elevation. This results in temperature variances of as much as 25 degrees F. in early spring and winter outside of the Hermann viticultural area.

The southern boundary identifies a definite soil structure change, from Menfro, Crider and Minnith series (within the Hermann viticultural area), to Union, Marion and Bucklick series (outside the Hermann area). Menfro, Crider and Minnith soils are well-drained, have a high water capacity and are deep enough to provide good root development. Union, Marion and Bucklick soils are moderate to poorly drained which restrain root development.

Public Comment

In response to Notice No. 440, eleven comments were received, all in support of the proposed viticultural area.

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