

(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. Ficaretta, 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 AFT-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

requirement to collect information is imposed.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 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

In compliance with Executive Order 12291, the Bureau has determined that this regulation is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### 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, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, D.C.

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

Administrative Practice and Procedure, Consumer Protection, Viticultural Areas, Wine.

#### Drafting Information

The principal author of this document is James P. Ficareta, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

### PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.71 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

• • • • •  
9.71 Hermann.

Par. 2. Subpart C is amended by adding § 9.71 to read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.71 Hermann.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Hermann viticultural area are six U.S.G.S. Missouri Quadrangle maps, 7.5 minute series. They are entitled:

- (1) Hermann (1974).
- (2) Berger (1974).
- (3) Gasconade (1974).
- (4) Pershing (1974).
- (5) Swiss (1973).
- (6) Dissen (1973).

(c) *Boundaries.* The Hermann viticultural area includes approximately 51,200 acres, located in central Missouri along and south of the Missouri River, in the northern portions of Gasconade and Franklin Counties. The boundaries of the Hermann viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows:

Starting at the intersection of the Gasconade River with the Missouri River; east and northeast approximately 16.5 miles along the Missouri Pacific Railroad, as it parallels the Missouri River, to the Gasconade/Franklin County line; continuing along the Missouri Pacific Railroad southeast approximately 8.5 miles to the intersection of Big Berger Creek; southwest along the winding course of Big Berger Creek for approximately 20 miles (eight miles due southwest) to Township line T.44/45N.; west along the T.44/45N. line approximately 15.5 miles to the intersection of First Creek; north and northwest along the course of First Creek approximately 13.7 miles (6.5 miles straight northwest) to the intersection of the Gasconade River; northeast along the course of the Gasconade River approximately 3.8 miles to the beginning point.

Signed: July 20, 1983.

Stephen E. Higgins,

Director.

Approved: August 9, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-22387 Filed 8-17-83; 8:45 am]

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### 27 CFR Part 9

[T.D. ATF-140; Ref: Notice No. 430]

#### Linganore 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 parts of Frederick and Carroll Counties in north central Maryland to be known as "Linganore." This final rule is the result of a petition submitted by Mr. John (Jack) T. Aellen, Jr., proprietor of a bonded winery known as Berrywine Plantations, Inc., located in the viticultural area. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of this viticultural area and the subsequent use of the name Linganore as an appellation of origin on labels and in advertisements will allow wineries to better designate the derivation of their wines and will enable consumers to better identify and differentiate the wines they may purchase.

**EFFECTIVE DATE:** September 19, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ed Reisman, Specialist; Regulations and Procedures Division; 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 37872, 54624) revising regulations in Part 4, Title 27, CFR. These regulations provide for the establishment of definite viticultural areas. They also allow the name of an approved viticultural area to be used as an appellation of origin on wine label and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all American viticultural areas approved for use as appellations of origin.

An American viticultural area is defined in §§ 4.25a(e)(1) and 9.11 as a delimited grape-growing region distinguishable by geographical features. Any interested person may petition ATF to establish a grape-growing region as an American viticultural area. Under the procedures for proposing a viticultural area outlined in §§ 4.25a(e)(2) and 9.3(b), a petition must contain evidence that the proposed area is—

(a) Locally and/or nationally known by the name specified;

(b) Encompassed by boundaries supported by historical or current evidence and

(c) Possesses geographical features (climate, soil, elevation, physical features, etc.) which distinguish its viticultural features from surrounding areas.

ATF was petitioned by Mr. John (Jack) T. Aellen, Jr., proprietor of a bonded winery known as Berrywine Plantations, Inc., to establish a viticultural area in north central Maryland to be known as "Linganore." In response to the petition, ATF published in the Federal Register on November 3, 1982, a notice of proposed rulemaking (Notice No. 430, 47 FR 49863) concerning the establishing of the Linganore viticultural area and solicited written comments from the public.

#### Comments

No comments were received during the comment period. ATF has received no information from any source indicating opposition to the establishment of the Linganore viticultural area.

#### Linganore Viticultural Area

**General description.** The viticultural area lies east of the town of Frederick in north central Maryland. It encompasses an area in parts of Frederick and Carroll Counties of approximately 90 square miles or 57,600 acres. There are approximately 52 acres planted to grapes for commercial purposes. The acreage devoted to grape-growing is widely dispersed. In 1980, approximately 19.5% of the total commercial grape acreage of Maryland was planted in the viticultural area. In addition, scattered throughout are many small vineyards, generally under an acre, which are used by the owners for private purposes. There is one bonded winery, operated by the petitioner, with a 38 acre vineyard. The following evidence supports the establishment of the Linganore viticultural area based on the regulatory criteria.

(a) **Name.** The name of the viticultural area was well documented by the

petitioner. Since the 1700's the name Linganore, which is of Indian origin, has been applied to many natural features and man-made structures in the area, e.g., Linganore Creek, Lake Linganore, Linganore High School, the Village of Linganore, Linganore-Manor Soil, etc. This was documented by excerpts from various publications. After evaluating the petition, ATF believes "Linganore" is the name generally associated with the unique historical identity of the area and the most appropriate name for the viticultural area.

(b) **Boundaries.** The boundaries proposed by the petitioner, which closely correspond to the watershed of the area as recognized by the United States Soil Conservation Service, are adopted. ATF believes the boundaries of the viticultural area delineate a grape-growing region distinguishable by geographical features.

(c) **Geographical Features.** This viticultural area is distinguished from the surrounding areas by various specific geographical features. It is located on a piedmont plateau area, i.e., a plateau area lying along or near the foot of a mountain range. The area is enclosed by a ridge line to the east, north and west. Outside the western boundary the land slopes gently and does not have the sharply rolling character of the terrain contained inside the viticultural area. Outside the eastern boundary near Parris Ridge, the terrain is described as coastal plain. There is a break in the western ridge allowing the major waterway known as Linganore Creek and its tributaries to flow through and drain into the viticultural area and surrounding lowlands. This waterway and drainage area closely corresponds to the watershed of the area as recognized by the U.S. Soil Conservation Service. The Linganore Basin is also recognized by the Frederick County Engineer's Office as a unique drainage area.

Another geographical difference between Linganore and the surrounding areas is evidenced by soil types. The soil found here in this piedmont plateau area is predominately of the Manor series with a large portion of it being associations of Manor-Linganore-Urbana, Manor-Gleneleg and Manor-Linganore-Montalto. Manor soil is 2 to 8 feet deep excessively drained gravelly loam containing much silt and small specks of mica. The topsoil is underlain with shale bedrock which tends to have a high water table. These soil associations are found nowhere else in Frederick County, except for small outcroppings that stretch across ridge lines. The areas outside of the viticultural area are composed of a

variety of soil types. These soils vary from shallow red shale and sandstone of the Penn-Readington-Croton association to limestone of the Duffield-Hagerstown association to soils of Mt. Airy-Gleneleg association. They are well drained medium textured soils.

The viticultural area possesses distinct growing conditions. It is generally warmer, wetter and has a longer growing season than the area to the west. It is slightly cooler, dryer and has a shorter growing season than the area to the east.

After evaluating the petition, ATF believes these geographic features, singly and in combination, serve to distinguish the viticultural area from surrounding areas.

#### Miscellaneous

ATF is approving this area as being distinct from surrounding areas. By approving the area, wine producers are allowed to claim a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Linganore 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.

#### Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment,

productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### 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 appropriate maps with the boundaries of the viticultural area marked are available for public inspection during normal business hours at the following location: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC.

#### Drafting Information

The author of this document is Jim Whitley, Specialist; Regulations and Procedures Division; Bureau of Alcohol, Tobacco and Firemans.

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

Administrative practice and procedure, Consumer protection, Viticultural areas, 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 by adding the title of § 9.63, reading as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

9.63 Linganore.

Paragraph 2. Subpart C is amended by adding § 9.63, reading as follows:

#### Subpart C—Approved American Viticultural Areas

#### § 9.63 Linganore.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of

the Linganore viticultural area are five U.S.G.S topographic maps. They are—

(1) "Walkersville Quadrangle, Maryland—Frederick Co.", 7.5 minute series, 1953 (Photorevised 1979);

(2) "Libertytown Quadrangle, Maryland", 7.5 minute series, 1944 (Photorevised 1971);

(3) "Damascus Quadrangle, Maryland", 7.5 minute series, 1944 (Photorevised 1979);

(4) "Winfield Quadrangle, Maryland", 7.5 minute series, 1950 (Photorevised 1979); and

(5) "Union Bridge Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971).

(c) *Boundaries.* The Linganore viticultural area is located in north central Maryland and encompasses parts of Frederick and Carroll Counties. From the beginning point lying at the confluence of Linganore Creek and the Monocacy River, on the Walkersville Quadrangle map, the boundary runs—

(1) South-southeasterly 5,000 feet in a straight line to the point lying approximately 1,000 feet south of Interstate Highway 70 at the intersection of two unnamed light duty roads in the town of Bartonsville;

(2) Then east-southeasterly 15,500 feet in a straight line to the point lying at the intersection of Mussetter Road and latitude line 39 degrees 22 minutes 30 seconds;

(3) Then east-northeasterly 8,125 feet in a straight line to the point lying at the intersection of Mill Road and State Highway 144;

(4) Then easterly along State Highway 144 on the Walkersville Quadrangle, Libertytown Quadrangle, and Damascus Quadrangle maps to the point of intersection with State Highway 27, approximately midway between the towns of Ridgeville and Parrsville, on the Damascus Quadrangle map;

(5) Then northeasterly along State Highway 27 on the Damascus Quadrangle, Libertytown Quadrangle, and Winfield Quadrangle maps to the point of intersection with State Highway 26 in the town of Taylorsville on the Winfield Quadrangle map;

(6) Then northerly 2,750 feet in a straight line to the point on a hill identified as having an elevation of 850 feet;

(7) Then northwesterly 21,000 feet in a straight line to the point lying at the intersection of State Highway 31 and latitude line 39 degrees 30 minutes on the Libertytown Quadrangle and Union Bridge Quadrangle maps;

(8) Then westerly 15,625 feet along latitude line 39 degrees 30 minutes to the point of intersection with Copper Mine Road;

(9) Then northwesterly along Copper Mine Road on the Union Bridge Quadrangle map to the point of intersection with longitude line 77 degrees 15 minutes;

(10) Then southerly 5,250 feet along longitude line 77 degrees 15 minutes to the point of intersection with latitude line 39 degrees 30 minutes on the Union Bridge Quadrangle and Walkersville Quadrangle maps;

(11) Then southwesterly 46,750 feet in a straight line on the Walkersville Quadrangle map to the point of beginning.

Signed: August 1, 1983.

Stephen E. Higgins,  
Director.

Approved: August 9, 1983.

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

[FR Doc. 83-22565 Filed 8-17-83; 8:45 am]

BILLING CODE 4810-31-M

#### 27 CFR Part 9

[T.D. ATF-141; Ref: Notice No. 446]

#### Willow Creek Viticultural Area

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

**ACTION:** Treasury decision, final rule.

**SUMMARY:** This final rule establishes a viticultural area in portions of Humboldt and Trinity Counties, California, to be known as "Willow Creek." This action results from a petition submitted by the Willow Creek Viticulture Area Committee under the signature of Mr. Dean Williams of Willow Creek Winery and the resulting notice of proposed rulemaking.

AFT believes the establishment of American viticultural areas and their subsequent use as appellations of origin allows wineries to better designate the specific grape-growing areas where their wines come from and allows consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** September 19, 1983.

**FOR FURTHER INFORMATION CONTACT:** Roger L. Bowling, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202) 566-7628.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising the wine regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural