

(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 AFT-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.

AFT 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 Husch, 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 climatical 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. 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