

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports triazolam, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Triazolam must be manufactured, distributed and stored in accordance with §§ 1301.71-1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of triazolam must comply with the requirements of §§ 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of triazolam shall take inventories, pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of triazolam on hand.

5. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding triazolam.

6. *Prescriptions.* All prescriptions for products containing triazolam shall comply with §§ 1306.01-1306.06 and §§ 1306.21-1306.25 of Title 21 of the Code of Federal Regulations.

7. *Importation and Exportation.* All importation and exportation of triazolam shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. *Criminal Liability.* The Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to triazolam not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the placement of triazolam into Schedule IV of the Controlled Substances Act will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). This action involves the initial control of a substance not previously approved for marketing in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this placement of triazolam into Schedule IV of the CSA is a formal rulemaking "on the record after opportunity for a hearing." Such

proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193, Feb. 19, 1981).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

PART 1308—[AMENDED]

Under the authority vested in the Attorney General by Section 201(a) of the CSA (21 U.S.C. 811(á)) and delegated to the Acting Administrator of the Drug Enforcement Administration by the Department of Justice regulations (28 CFR 0.100), the Acting Administrator hereby orders that § 1308.14(c) of Title 21 of the Code of Federal Regulations be amended by adding (c)(24) to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(c) * * *

(24) Triazolam 2887

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Dated: December 20, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement
Administration.

[FR Doc. 82-34990 Filed 12-27-82; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-121; Ref: Notice No. 371]

California Shenandoah Valley Viticulural 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 portions of Amador and El Dorado Counties in California to be known as "Shenandoah Valley" qualified by the word "California." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes establishment of the California Shenandoah Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will

help consumers better identify the wines they may purchase.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT:

James A. Hunt, Research and Regulations 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 definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grapegrowing 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.

Petition

ATF received a petition from the Amador County Wine Grape Growers Association proposing an area in Amador County, California, as a viticultural area to be known as "Shenandoah Valley." The area consists of approximately 10,000 acres of which about 1,200 acres are vineyards. The petitioner asked for the Shenandoah Valley viticultural area to be situated to the north and west of Fiddletown, California, and to the north and east of Plymouth, California.

In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 371, in the Federal Register on April 13, 1981, (46 FR 21623) with a 60 day comment period. This comment period was then extended for an additional 30 days. Several requests were received for public hearings by interested persons in California and Virginia. Hearings were held in California on December 7 and 8, 1981, and in Virginia on January 12 and 13, 1982.

Evidence Relating To the Name

Testimony at the hearings established that the area derived its name from settlers from Virginia drawn to the area during the gold rush. The petition states and witnesses testified, among other things, that:

(a) In 1881, J. D. Mason, in his "History of Amador County," mentions choice grapes being grown in the Shenandoah Valley;

(b) A 1927 book, "Amador County History" refers to this area as Shenandoah Valley;

(c) Soil survey maps of Amador County, California, prepared by the U.S. Department of Agriculture Soil Conservation Service and dated Series 1961, identify the area as the Shenandoah Valley;

(d) U.S.G.S. 7.5 minute quadrangle map, (topographic) titled Fiddletown Quadrangle California and dated 1949, identifies the area as the Shenandoah Valley;

(e) An area school, cemetery and road has "Shenandoah" included in their names; and

(f) Numerous articles, books and other materials dealing with wine refer to the Shenandoah Valley in California as a specific grape-growing area.

The major issue in most of the 300 written comments and in the testimony of over 80 persons at two public hearings was use of the name "Shenandoah Valley" for a viticultural area. About half of the commenters said that the Shenandoah Valley name is historically and geographically best known for a valley in Virginia and West Virginia. They claim the use of Shenandoah Valley on California wine labels would be confusing for consumers and would allow the California wine industry use of a name which has significance for the Virginia wine industry. The other half of the commenters stated that the Shenandoah Valley name in California has existed for over 100 years as have commercial vineyards and wine production in this area. They contend use of Shenandoah Valley on these wine labels would not confuse the consumer because such wines are nationally well known and distinctly different from wine produced from grapes grown in the Shenandoah Valley of Virginia and West Virginia.

After a careful review of the name issue, ATF has decided that the evidence shows that the name of the proposed viticultural area, "Shenandoah Valley," is locally known as referring to a specific area in California and this area is nationally known as a specific grape growing area. However, two geographic areas share the same name, one in California and one in Virginia and West Virginia and both grow grapes used in wine production. The record established that the Shenandoah Valley in Virginia and West Virginia is nationally well known, whereas the Shenandoah Valley in California is less well known. ATF believes there would

be a potential for consumer confusion if the name "Shenandoah Valley" without qualification were displayed on a California wine label. Because the Shenandoah Valley in Virginia and West Virginia is so well known, ATF believes the consumer would consider a wine labeled with an unqualified Shenandoah Valley viticultural area as originating from grapes grown in this area. ATF further believes that the use of the name "Shenandoah Valley" in direct conjunction with the name of the State of California would eliminate the potential for consumer confusion and allows consumers to readily identify where the wine comes from. Therefore, this final rule allows the name Shenandoah Valley as a viticultural area in California provided that the name California appears in direct conjunction with the name Shenandoah Valley on the wine label.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish it from surrounding areas. The petition states and witnesses testified, among other things that the principal grape producing soil in the California Shenandoah Valley is the Sierra series. This series consists of well-drained deep and moderately deep soils formed of material from granitic rock. These soils are gently sloping to very steep. The surface soil primarily consists of various loams, particularly coarse sandy loam. The subsoil primarily consists of heavy loam or clay loam. The depth to weathered bedrock ranges from 20 inches to more than 60 inches. Witnesses stated that to the west of the area the soil is the Auburn-Exchaquer series which is rocky and shallow, to the east the soil is the Supan-Iron Mountain series which is a volcanic type rock, and to the south the soil is shallower range land.

Boundaries

Another issue with the proposed California Shenandoah Valley viticultural area was a petition from Twin Rivers Vineyards to extend the northern boundary of the Amador County Wine Grape Growers Association's petition to include 170 acres of grapes in El Dorado County. A number of commenters gave their opinion and belief that the Shenandoah Valley stopped at the Amador and El Dorado County line. However, there was evidence that while the proposed extension lay fallow for several years until recently, the early settlers living on the property were regarded as Shenandoah Valley residents. Other

commenters gave economic reasons for limiting the Shenandoah Valley viticultural area to Amador County.

A viticultural area is defined as a delimited grape growing region distinguishable by geographical features. The similarity of environmental factors influencing the grapes in a region is far more important than real or imagined boundary lines or economic factors. The one geographical feature which separates the two Counties is a 400 foot wide river canyon. However, grapes are not planted in this river canyon. The evidence shows that the topography, soil type and microclimate on both sides of the river canyon are similar. Further, testimony at the hearing showed that north of the proposed extension the land was no longer Sierra soil series, and was implantable, steep, treed and rocky.

Based on the evidence, ATF believes that the environmental factors influencing the grapes in the petitioned-for Shenandoah Valley viticultural area in Amador County are the same as for the adjacent 170 acre-vineyard located in El Dorado County. Further, based on the evidence, ATF believes the proposed area, as extended, is geographically distinguishable from the surrounding areas. Therefore, the northern boundary of the Amador County Wine Grape Growers Association's petition was extended to include Twin Rivers Vineyards.

Other than the addition of the Twin Rivers Vineyard's property, ATF is approving the boundaries of the California Shenandoah Valley as proposed. This decision is based on the petition, the testimony presented at the hearing, and comments received.

Miscellaneous

Subsequent to the notice of proposed rulemaking on the California Shenandoah Valley petition, ATF received a petition from Shenandoah Vineyards in Edinburg, Virginia, proposing a viticultural area in Virginia and West Virginia to be known as Shenandoah Valley. A notice of proposed rulemaking concerning that petition was published in the *Federal Register* and most of the 80 comments received favored establishing a Shenandoah Valley viticultural area in Virginia and West Virginia.

Approval of the California Shenandoah Valley as a viticultural area does not preclude establishment of a Shenandoah Valley in Virginia and West Virginia as a viticultural area. Regulations do not preclude the use of the same name for two viticultural areas if both areas meet the established

guidelines and it is clear to consumers where the areas are located.

ATF is approving this area as being viticulturally distinct from surrounding areas. By approving the area, 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 California Shenandoah Valley wines.

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.

Executive Order 12291

It has been determined that this final regulation 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.

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 document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance: Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration

Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.37 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.37 California Shenandoah Valley.

Par. 2. Subpart C is amended by adding § 9.37 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.37 California Shenandoah Valley.

(a) *Name.* The name of the viticultural area described in this section is "Shenandoah Valley" qualified by the word "California" in direct conjunction with the name "Shenandoah Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the California Shenandoah Valley viticultural area are two 1962 U.S.G.S. maps. The maps are titled: "Fiddletown Quadrangle California" 7.5 minute series and "Amador City Quadrangle California-Amador Co." 7.5 minute series.

(c) *Boundaries.* The Shenandoah Valley viticultural area is located in portions of Amador and El Dorado Counties of California. The boundaries are as follows:

The line starts at the point where the Consumnes River meets Big Indian Creek. The line then proceeds south, following Big Indian Creek, until Big Indian Creek meets the boundary between Sections 1 and 2 of Township 7 North Range 10 East. The line then follows this boundary south until it meets the Oleta (Fiddletown) Road. The line then follows the Oleta Road east until it meets the boundary between Sections 6 and 5 of Township 7 North Range 11 East. The line follows that boundary north into Township 8 North Range 11 East, and continues north on the boundary between Sections 31 and 32 until this boundary meets Big Indian Creek. The line then follows Big Indian Creek in a northeasterly direction until Big Indian Creek meets the boundary between Sections 28 and 27 of Township 8 North Range 11 East. The line then follows this boundary north until it reaches the southeast corner of Section 21 of Township 8 North Range 11 East. The line then proceeds east, then north, then west along the boundary of the western half of Section 22 of Township 8 North Range 11 East to the intersection of Sections 16, 15, 21, and 22. The line then proceeds north along the boundary between Sections 16 and 15 of Township 8 North Range 11 East and continues north along the boundary of

Sections 9 and 10 of Township 8 North Range 11 East to the intersection of Sections 9, 10, 3 and 4 of Township 8 North Range 11 East. The line then proceeds West along the boundary of Sections 9 and 4. The line then continues west along the boundary of Sections 5 and 8 of Township 8 North Range 11 East to the Consumnes River. The line then proceeds west along the Consumnes River to the point of beginning.

Signed: December 3, 1982.

Stephen E. Higgins,
Acting Director.

Approved: December 17, 1982.

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

[FR Doc. 82-35069 Filed 12-23-82; 8:45 am]

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27 CFR Part 9

[T.D. ATF—120; Ref: Notice No. 419]

Shenandoah Valley Viticultural Area in Virginia and West Virginia

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 Virginia and West Virginia to be known as "Shenandoah Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes establishment of the Shenandoah Valley in Virginia and West Virginia as a viticultural area and its subsequent use as an appellation of origin on wine labels and in time advertisements will help consumers better identify the wines they may purchase.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., 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. These 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.

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