

(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]

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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. Ficaretta, 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. 83-22587 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 37672, 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.