

(3) "Pismo Beach Quadrangle, California—San Luis Obispo Co.," minute series; and

(4) "Arroyo Grande NE Quadrangle, California—San Luis Obispo Co.," 7.5 minute series.

(c) *Boundaries.* The Edna Valley viticultural area is located in San Luis Obispo County, California. The beginning point is Cuesta Canyon County Park, located on U.S.G.S. map "San Luis Obispo Quadrangle" at the north end of Section 25, Township 30 South, Range 12 East.

(1) From the beginning point, the boundary runs southwesterly along San Luis Obispo Creek to a point .7 mile southerly of the confluence with Davenport Creek;

(2) Thence due east to the intersection with the 400-foot contour line of the northeastern flank of the San Luis Range;

(3) Thence in a generally easterly and then a southeasterly direction along this 400-foot contour line of the northeastern flank of the San Luis Range, which forms the southwestern rim of Edna Valley, to the township line identified as "T31S/T32S" on the U.S.G.S. map;

(4) Thence east along township line "T31S/T32S", across Price Canyon to Tiber;

(5) Thence in a generally easterly direction along the 400-foot contour line of Tiber Canyon and the southern rim of Canada Verde, crossing Corbit Canyon Road and continuing along the 400-foot contour line to longitude line 120°32'30";

(6) Thence north along longitude line 120°32'30" to the 600-foot contour line of the southwestern flank of the Santa Lucia Mountain Range;

(7) Thence in a generally northwesterly direction along the 600-foot contour line of the southwestern flank of the Santa Lucia Range to Cuesta Canyon County Park, the beginning point.

Signed: March 25, 1982.

G. R. Dickerson,

Director.

Approved: April 12, 1982.

John M. Walker, Jr.,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 82-12802 Filed 5-11-82; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

[T.D. ATF-102; Ref: Notice No. 381]

### Lancaster Valley Viticultural Area

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

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

**SUMMARY:** This rule establishes a

viticultural area in Lancaster and Chester Counties, Pennsylvania, to be named "Lancaster Valley." This final rule is the result of a petition submitted by Mr. R. Martin Keen, proprietor of Conestoga Vineyards in Lancaster, Pennsylvania. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of Lancaster Valley as a viticultural area and its subsequent use as an appellation of origin in wine labeling and advertising will allow local wineries to better designate their specific grape-growing area and will enable consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** June 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone: 202-566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

ATF regulations in 27 CFR Part 4 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 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Under § 4.25a(e)(2), any interested person may petition ATF to establish a grape growing region as an American viticultural area.

ATF was petitioned to establish a viticultural area in eastern Pennsylvania to be named "Lancaster Valley." In response to this petition, ATF published a Notice of Proposed Rulemaking, No. 381, in the Federal Register on August 28, 1981, (46 FR 43468), proposing the establishment of the "Lancaster Valley" viticultural area.

##### Comments

Only one comment was received in response to the notice of proposed rulemaking. The petitioner, R. Martin Keen of Conestoga Vineyards, submitted a comment in support of the notice of proposed rulemaking. The petitioner also suggested minor clarifications in the boundaries of the proposed viticultural area.

##### Historical and Current Evidence of the Name

The name Lancaster Valley was documented in the petition as being long associated with the proposed area in eastern Pennsylvania. The viticultural area is located almost entirely within Lancaster County, and Lancaster is the

largest and most important city within the area. Lancaster Valley is the name used by the Pennsylvania and United States Geologic Surveys to describe the region in the viticultural area.

Although Lancaster County was one area in which wine grapes were cultivated in the early part of the 19th Century, the area has not been known as a wine producing area until quite recently. Since the early 1970s, two wineries have been bonded within the Lancaster Valley and there are now approximately 41.5 acres of wine grapes in cultivation. ATF, therefore, believes that the historical and current evidence supports the viticultural area as a distinct grape-growing area.

##### Geographic Evidence

The petition established the Lancaster Valley viticultural area as a distinctive grape-growing region distinguished from surrounding areas on the basis of soil, topography and geology.

Lancaster Valley is located in the Lancaster-Frederic Lowland. Its topography is a nearly level valley, averaging 400 feet in elevation and decreasing in elevation from an average of 500 feet at its eastern edge to 300 feet at its western edge along the Susquehanna River. The valley is over 30 miles long, 12 miles wide and encompasses approximately 225,000 acres. Lancaster Valley is bounded on the north, east and south by areas of higher elevation ranging from 100 to 600 feet above the valley floor, and on the west by the Susquehanna River.

Soils found within the Lancaster Valley are typical of those derived from limestone, and include Conestoga, Beekmantown, Conococheague and Elbrook Limestones, and Ledger and Vintage dolomites. These soils are deep, well drained, hold moisture well, and are highly productive. They contrast sharply with soils found in the hills and upland areas surrounding the Lancaster Valley. Generally, the surrounding soils are composed of harder rocks (quartzite, schist, gneiss, etc.) which are more resistant to erosion and less fertile than the limestone soils found within the Lancaster Valley. The deep fertile soils of the valley were formed from the insoluble and weathered products left from the decay of the parent limestones.

Climate is not a factor in differentiating the Lancaster Valley viticultural area from surrounding areas.

Based on the information contained in the petition pertaining to the geographical features, ATF has determined that this area is distinguishable from the surrounding area.

**Boundaries**

The boundaries, as proposed, consist of a combination of natural and man-made features. As proposed, the Lancaster Valley would consist of that area delineated on the east by the 500 foot contour line and the Welsh Mountains. The southern boundary includes the 500 foot contour line extending along Mine Ridge to the 76° 07' 30" line of longitude. From there the boundary passes in approximately a straight line south of Strasburg and Willow Street to the confluence of Stehman Run and the Conestoga River. The boundary continues along Indian Run and Wisslers Run to the 300 foot contour line. The western boundary consists of the 300 foot contour line above the Susquehanna River, Pennsylvania Highway 441 between Marietta and Bainbridge, but excludes the Manor Hills, Chestnut Hills, Chestnut Ridge, and the Chickies Ridge. The northern boundary is an irregular line extending from Bainbridge to Rheems, which then passes north of Mount Joy and south of Manheim, Lititz, Akron, Ephrata and Terre Hill to the intersection with Berks County at Pennsylvania Highway 23.

The petitioner supported the proposed boundaries but suggested minor clarifications in two of them. The petitioner suggested that proposed §§ 9.41(c) (25) and (26) be combined in one paragraph to read "then due south in a straight line for approximately 0.8 mile to Pennsylvania Highway 23." This language appears as § 9.41(c)(25). The second suggestion was to combine proposed §§ 9.41(c) (31), (32), and (33) into two paragraphs to read "then east in a straight line for approximately 3.8 miles to the Erismans Church," and "then east in a straight line for approximately 3.3 miles to the point where the 400 foot contour line crosses Pennsylvania Highway 72 south of Valley View." Combining these paragraphs also allows deletion of the reference in proposed §§ 9.41(c) (31) and (32) to the intersection of Pennsylvania Highways 283 and 141. Highway 141 does not extend east of Mt. Joy to intersect with Highway 283. Therefore, the petitioner's recommended changes are adopted since the two new paragraphs, §§ 9.41(c) (30) and (31) are clearer and more accurate. Neither of these changes materially affects the boundaries of the viticultural area.

**Miscellaneous**

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 Lancaster Valley wines.

**Regulatory Flexibility Act**

The notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of 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. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 603, 604) for a final regulatory flexibility analysis does not apply to this final rule.

**Compliance With 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.

**Drafting Information**

The principal author of this final rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

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

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

**Authority and Issuance**

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 is amended to add § 9.41. As amended, the table of sections reads as follows:

\* \* \* \* \*

**Subpart C—Approved American Viticultural areas**

Sec.				
* * * * *				
9.41	Lancaster Valley.			
* * * * *				

Paragraph 2. Subpart C is amended by adding § 9.41. As added, § 9.41 reads as follows:

**§ 9.41 Lancaster Valley.**

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Lancaster Valley viticultural area are two U.S.G.S. maps. They are entitled:

- (1) "Lancaster County, Pennsylvania", scaled 1:50,000, edition of 1977; and
- (2) "Honey Brook Quadrangle", 7.5 minute series, edition of 1955, photorevised 1969 and 1974.

(c) *Boundaries.* The Lancaster Valley viticultural area is located in Lancaster County and Chester County, Pennsylvania. The beginning point is where Pennsylvania Highway 23 crosses the Lancaster and Berks County boundary.

- (1) Then in a southeasterly direction following the Lancaster County boundary for approximately 0.9 mile to the 500 foot contour line immediately south of the Conestoga River.
- (2) Then following the 500 foot contour in a southwesterly direction to the Caernarvon-East Earl Township boundary.
- (3) Then south approximately 0.1 mile following the Caernarvon-East Earl Township boundary to U.S. Highway 322.
- (4) Then west following U.S. Highway 322 for approximately 1.7 miles to the electric transmission line between Fetterville and Cedar Grove School.
- (5) Then southwest in a straight line for approximately 5.2 miles to the intersection of Earl, Upper Leacock, and Leacock Townships at the Mill Creek.
- (6) Then southeast following the boundary between Earl Township and Leacock Township to the point where Earl, East Earl, Salisbury, and Leacock Townships intersect.
- (7) Then east in a straight line for approximately 4.8 miles to the point where the 500 foot contour line intersects Pequea Creek northwest of Mt. Pleasant School.
- (8) Then following the 500 foot contour line past Cole Hill through the town of Gap and along Mine Ridge to the 76° 07' 30" west longitude line in Paradise Township.
- (9) Then southwest in a straight line for approximately 7.7 miles to the Boehm Church south of Willow Street.

(10) The northwest in a straight line for approximately 1.2 miles to the township school in West Willow.

(11) Then west in a straight line for 4.2 miles to the confluence of Stehman Run and the Conestoga River.

(12) Then northwest in a straight line for approximately 0.5 mile to the confluence of Indian Run and Little Conestoga Creek.

(13) Then west following Indian Run for approximately 3.6 miles to the source of the more northerly branch.

(14) Then northwest in a straight line for approximately 0.25 mile to the source of Wisslers Run.

(15) Then west following Wisslers Run downstream for approximately 0.7 mile to the 300 foot contour line.

(16) Then north following the 300 foot contour line to its intersection with Pennsylvania Highway 999 in Washington Boro.

(17) Then east following Pennsylvania Highway 999 to the school in Central Manor.

(18) Then northeast in a straight line for approximately 2.7 miles to the point where the West Branch of the Little Conestoga Creek intersects with Pennsylvania Highway 462.

(19) Then west following Pennsylvania Highway 462 for approximately 1.5 miles to Strickler Run.

(20) Then following Strickler Run southwest to the Columbia municipal boundary.

(21) Then north following the eastern boundary of Columbia to Shawnee Run.

(22) Then northeast in a straight line for approximately 5.8 miles to the intersection of Pennsylvania Highway 23 and Running Pump Road [unnamed on map] at elevation check point 436 near Centerville.

(23) Then east following Pennsylvania Highway 23 for approximately 0.5 mile to the 400 foot contour line.

(24) Then following the 400 foot contour line north around Chestnut Ridge, past Millers Run and continuing until the 400 foot contour line intersects an unnamed stream.

(25) Then due south in a straight line for approximately 0.8 mile to Pennsylvania Highway 23.

(26) Then west following Pennsylvania Highway 23 to the intersection with Pennsylvania Highway 441 at Marietta.

(27) Then west following Pennsylvania Highway 441 to Pennsylvania Highway 241 near Bainbridge.

(28) Then northwest in a straight line for approximately 5.5 miles to the point where the Consolidated Railroad Corporation crosses the West Donegal-

Mount Joy Township boundary in Rheems.

(29) Then east in a straight line for approximately 3.3 miles to the Mt. Pleasant Church.

(30) Then east in a straight line for approximately 3.8 miles to the Erismans Church.

(31) Then east in a straight line for approximately 3.3 miles to the point where the 400 foot contour line crosses Pennsylvania Highway 72 south of Valley View.

(32) Then following the 400 foot contour line east to Pennsylvania Highway 501.

(33) Then east in a straight line for approximately 2.9 miles to the Union Meetinghouse.

(34) Then southeast in a straight line for approximately 1.0 miles to the point where Pennsylvania Highway 272 (indicated as U.S. Highway 222 on the map) crosses Cocalico Creek (which forms the boundary between West Earl and Warwick Townships).

(35) Then northwest following the West Earl Township boundary to its intersection with U.S. Highway 322 southeast of Ephrata.

(36) Then east in a straight line for approximately 3.4 miles to the Lincoln Independence School.

(37) Then southeast in a straight line for approximately 1.7 miles to the West Terre Hill School.

(38) Then east in a straight line for approximately 8.5 miles to the beginning point.

Signed: April 1, 1982.

G. R. Dickerson,  
*Director.*

Approved: April 21, 1982.

John M. Walker, Jr.,  
*Assistant Secretary, Enforcement and Operations.*

[FR Doc. 82-12803 Filed 5-11-82; 8:45 am]  
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## 27 CFR Parts 240 and 252

[T.D. ATF-100 re: T.D. ATF-88]

### Transfer of Wine, Without Payment of Tax, to Customs Bonded Warehouses for Embassy Removals and Other Purposes

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

**ACTION:** Final rule (Treasury decision).

**SUMMARY:** The Treasury Department is adopting as a final rule, a temporary rule which established a procedure whereby wine may be transferred to customs bonded warehouses without payment of tax for the purpose of withdrawal by

foreign embassies, legations, etc., as authorized by law. The temporary rule was published on August 5, 1981. No adverse comments were received, therefore this Treasury decision adopts without change, the temporary rule as a final (permanent) rule.

**EFFECTIVE DATE:** June 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Steven C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385; (202) 566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

Treasury Decision ATF-88, published on August 5, 1981, (46 FR 39812) promulgated temporary regulations to implement section 2 of Pub. L. 96-601 (Tax Administrative Provisions Revisions). The regulations established a procedure whereby wine may be transferred to customs bonded warehouses without payment of tax for the purpose of withdrawal by foreign embassies, legations, etc., as authorized by law. Concurrently with publication of the temporary rule, public comment was solicited by Notice No. 377 (46 FR 39853, Aug. 5, 1981).

##### Public Comments

Two public comments were received pertaining to the temporary rule. One of them advocated that foreign governments make it easier for American wine to be sold in their countries. The other was a general statement of support for and approval of the temporary rule.

##### Executive Order 12291

It has been determined that these regulations are not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because they will not have an annual effect on the economy of \$100 million or more; they 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 they 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 provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this rule because the regulations will not have a