

narrow coastal mountain valley 25 miles from the Pacific Ocean give the area a climate distinguishable from surrounding areas. "Cole Ranch" viticultural area is generally cooler than nearby grape-growing areas to the east, and warmer than those to the west. However, at the beginning and end of the growing season, "Cole Ranch" is cooler than surrounding areas both to the east and to the west. Thus the temperature pattern of "Cole Ranch" is unique. In addition, "Cole Ranch" receives on an average more rainfall (normally 40-45 inches) than the neighboring Ukiah area (normally 32 inches).

#### Boundaries

ATF is approving the "Cole Ranch" viticultural area boundaries as proposed by the petitioner. Based on features which can be found on a United States geological survey map, the boundaries follow the contour line at an elevation of 1,480 feet, the north line of section 19 and the local Boonville-Ukiah Cutoff Road.

#### Miscellaneous

ATF does not wish to give the impression that, by approving "Cole Ranch" 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 viticulturally distinct from surrounding areas, not better than other viticultural areas. By approving "Cole Ranch," wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. ATF will not allow statements or claims that these wines are better because they originated from an approved viticultural area. Any commercial advantage gained can only be substantiated by consumer acceptance of "Cole Ranch."

#### 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, 46 FR 13193 (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.

#### Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under 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. The requirements in 5 U.S.C. 603 and 604 for a final regulatory flexibility analysis, therefore, do not apply to this final rule.

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

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

#### Drafting Information

The principal authors of this final rule are Joan Deerwester, Armida N. Stickney, and Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Other personnel in offices of ATF and the Department of the Treasury participated in the development of this final rule, both as to matters of substance and style.

#### Authority and Issuance

This Treasury decision (final rule) is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended).

Accordingly, 27 CFR Part 9 is amended by adopting, subject to minor editorial changes, the amendatory language proposed in Notice No. 400 in the *Federal Register* on December 4, 1981, (46 FR 59273) which reads as follows.

#### PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9 Subpart C, is amended by adding § 9.42 to read as follows:

##### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

9.42 Cole Ranch.

\* \* \* \* \*

2. Subpart C is amended by adding § 9.42 to read as follows:

##### § 9.42 Cole Ranch.

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

(b) *Approved map*. The approved map for the Cole Ranch viticultural area is the U.S.G.S. map entitled "Elledge Peak Quadrangle California—Mendocino County," 7.5 minute series (topographic), 1958.

(c) *Boundaries*. The boundaries of the Cole Ranch viticultural area are located

in Mendocino County California and are as follows:

(1) The point of beginning is the intersection of the 1480-foot-elevation contour line with the Boonville-Ukiah Cutoff Road near the southeast corner of section 13;

(2) The Boundary follows the 1480-foot-elevation contour line southerly, then easterly, within section 24, then easterly and northwesterly within section 19 to its first intersection with this section line. The boundary proceeds due west on the north section line of section 19 until it intersects with the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road northwesterly to the point of beginning.

Signed: March 21, 1983.

Stephen E. Higgins,  
*Acting Director*.

Approved: March 31, 1983.

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

[FR Doc. 83-10111 Filed 4-14-83; 8:45 am]

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#### 27 CFR Part 9

[T.D. ATF-129; Reference Notice 415]

#### North Fork of Roanoke Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area in parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of Roanoke." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of North Fork of Roanoke as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

**EFFECTIVE DATE:** May 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 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 allowing 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 in wine labeling and advertising. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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.

MJC Vineyard in Blacksburg, Virginia, petitioned ATF to establish a viticultural area to be named "North Fork of Roanoke."

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 415, in the Federal Register on July 27, 1982 (47 FR 32448), proposing the establishment of the North Fork of Roanoke viticultural area.

#### Historical and Current Evidence of the Name

The name of the area, North Fork of the Roanoke, is taken from the river which runs through the viticultural area. The petitioner submitted evidence to show the name has its origin back to the early settlers and that the name North Fork of Roanoke is established today as a recreation area. The petitioner and other commenters requested the name be shortened to North Fork of Roanoke.

#### Geographical Features

The petitioner established that the viticultural area is well defined geographically because the North Fork of the Roanoke River flows southwesterly for  $\frac{1}{2}$  its length, then reverses its direction around Pearis Mountain and flows northeasterly an additional 10 miles to form the main body of the Roanoke River. The viticultural area is bounded on the west by the Alleghany Mountain ridges of the Eastern Continental Divide, on the south by the Pedler Hills, and on the north and east by the Pearis and Ft. Lewis Mountains.

The petitioner submitted data to distinguish the features of the viticultural area from surrounding areas as follows:

(a) *Elevation*—The valley floor of the North Fork begins in Roanoke County at an elevation of 1800 feet. As the river flows through Montgomery County it

falls 600 feet before reentering Roanoke County to form the main body of the Roanoke River. Both the Pearis and Ft. Lewis Mountains overlook the North Fork. These rise to elevations of 3100 feet. The viticulturally significant part however, is an uneven but frost free area between 1700 and 2100 feet of elevation on the southeast facing slopes of the Continental Divide and lower fringe of the north facing slopes of Pearis Mountain.

(b) *Soil*—The viticulturally productive slopes are principally made up of Frederick and Poplimento soils with limestone characteristics of the southeast facing slopes and limestone/sandstone layers characteristic of the north facing slopes. The soil in the viticultural area is significantly different than that found in the surrounding hills and ridges. On the north and west are the Alleghany ridges and the Jefferson National Forest which are largely unsuited for agriculture.

(c) *Climate*—The micro climate for grape production in the viticultural area is excellent due largely to the protection the valley derives from its location between two high ranging, parallel and northwest facing mountain ridges. The mountains protect the valley and its southeast facing slopes from destructive storms and limit excessive rainfall in the growing season. The average rainfall in the viticultural area is 39.5 inches as contrasted with 44 inches and more annually in the western mountains. Air and soil drainage on the slopes are good. Prevailing westerlies wash out potentially troubling pollutants and keep vine diseases to a minimum. An early morning fog from the North Fork characteristically cools the vines in the summer. Despite variations in elevation, the growing season in the North Fork is relatively constant averaging 170 days with a heat summation of about 2800 degree days between the 28 degrees F Spring and Fall frosts. Winters are mild with temperatures below -5 degrees F occurring only every 12 to 15 years with a 150 year record low of -16 degrees F in 1977. Summer highs rarely exceed 90 degrees F and the pattern of warm days and cool nights is conducive to wine grape quality.

#### Comments

The only comments received during the comment period were from the petitioner, a professor from Virginia Polytechnic Institute in Blacksburg, Virginia, and a vineyard owner in the petitioned for area. All three strongly supported establishing the North Fork of the Roanoke viticultural area described in the notice of proposed rulemaking

published in the Federal Register on July 27, 1982.

In the notice of proposed rulemaking the question of reducing the size of the proposed North Fork of the Roanoke viticultural area was raised since the area is 22 miles long with only 49 acres of grapes on five vineyards. The commenters opposed reducing the size of the viticultural area because potential sites for grape production are scattered throughout the 22 mile long valley and an estimated 1200 acres could be developed utilizing 15 to 20 acres vineyard sites. The commenters also pointed out that reducing the size of the valley would cause a problem in distinguishing a viticultural area from surrounding areas since the valley as a whole is clearly distinguishable.

The notice of proposed rulemaking also asked for more information regarding the viticultural area name. The commenters stated that the name "North Fork of Roanoke" would be preferred because it is simpler and shorter.

Because of comments, the petitioned-for boundaries are approved without change and the name of the viticultural area will be "North Fork of Roanoke."

#### Miscellaneous

ATF does not wish to give the impression by approving North Fork of Roanoke viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of North Fork of Roanoke 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 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 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, DC.

#### Drafting Information

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

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

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

#### Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 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 include the title of § 9.65 as follows:

#### SUBPART C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.65 North Fork of Roanoke.

**Paragraph 2.** Subpart C is amended by adding § 9.65 to read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.65 North Fork of Roanoke.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of Roanoke viticultural area are 7.5 minute series 1965 U.S.G.S. Virginia maps titled: Looney Quadrangle, McDonalds Mill Quadrangle, Glenbar Quadrangle, Elliston Quadrangle, Ironto Quadrangle, Blacksburg Quadrangle, Newport Quadrangle and Craig Springs Quadrangle.

(c) *Boundaries.* The North Fork of Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia. The point of beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County. The line follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624. The viticultural area line turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business). The line follows U.S. 460 (business) south through the town of Blacksburg. The line then continues on U.S. 460 (bypass) to the intersection of U.S. 460 east where it turns east for approximately 1 mile to the intersection of U.S. Interstate Highway 81 at Interchange 38 at State Route 629, then follows State Route 629 (which later becomes State Route 622 north of Bradshaw Creek) 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way. The line then turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersection of State Routes 785 and 697 and then follows State Route 784 back to the starting point.

Signed: March 18, 1983.

Stephen E. Higgins,  
*Acting Director.*

Approved: March 31, 1983.

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

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#### 27 CFR Part 9

[T.D. ATF-132; Reference Notice No. 435]

#### Santa Ynez Valley Viticultural Area

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

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

**SUMMARY:** This final rule establishes an American viticultural area in Santa Barbara County, California known as "Santa Ynez Valley." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines come from, and will help consumers to identify the wine they purchase.

**EFFECTIVE DATE:** May 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 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. Approved American viticultural areas are listed in 27 CFR Part 9.

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.

ATF was petitioned by the Firestone Vineyard, a bonded winery in Los Olivos, to establish a viticultural area in Santa Barbara County, California, to be known as "Santa Ynez Valley." This viticultural area is a valley contered around the Santa Ynez River, and contains a total of 285 square miles with 1,200 acres of vineyards. In response to this petition, ATF published a notice of proposed rulemaking, No. 435, in the *Federal Register* on November 24, 1982 [47 FR 53048] proposing the establishment of the Santa Ynez Valley viticultural area.

##### Supporting Evidence

The following evidence was presented in the petition to support the proposed viticultural area.