

**Drafting Information**

The author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

**Authority**

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 include § 9.61 as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

*	*	*	*	*
9.61	El Dorado.			
*	*	*	*	*

**Subpart C—Approved American Viticultural Areas**

**Paragraph 2.** Subpart C is amended by adding § 9.61 to read as follows:

**§ 9.61 El Dorado.**

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

(b) *Approved maps.* The approved U.S.G.S. topographic maps (7.5 series; quadrangles) showing the boundaries of the El Dorado viticultural area, including quadrangles showing the area within the boundaries, are as follows:

- (1) "Pilot Hill, California," 1954 (photorevised 1973);
- (2) "Auburn, California," 1953 (photorevised 1973);
- (3) "Greenwood, California," 1949 (photorevised 1973);
- (4) "Georgetown, California," 1949 (photorevised 1973);
- (5) "Foresthill, California," 1949 (photorevised 1973);
- (6) "Michigan Bluff, California," 1952 (photorevised 1973);
- (7) "Tunnel Hill, California," 1950 (photorevised 1973);
- (8) "Slate Mountain, California," 1950 (photorevised 1973);
- (9) "Pollock Pines, California," 1950 (photorevised 1973);
- (10) "Stump Spring, California," 1951 (photorevised 1973);
- (11) "Caldor, California," 1951 (photorevised 1973);
- (12) "Omo Ranch, California," 1952 (photorevised 1973);
- (13) "Aukum, California," 1952 (photorevised 1973);
- (14) "Fiddletown, California," 1949;

- (15) "Latrobe, California," 1949 (photorevised 1973);
- (16) "Shingle Springs, California," 1949;
- (17) "Coloma, California," 1949 (photorevised 1973);
- (18) "Garden Valley, California," 1949 (photorevised 1973);
- (19) "Placerville, California," 1949 (photorevised 1973);
- (20) "Camino, California," 1952 (photorevised 1973);
- (21) "Sly Park, California," 1952 (photorevised 1973);

(c) *Boundaries.* The boundaries of the El Dorado viticultural area which is located in El Dorado County, California, are as follows:

(1) The beginning point of the boundaries is the intersection of the North Fork of the American River (also the boundary line between El Dorado and Placer Counties) and the township line "T. 11 N./T. 12 N." ("Pilot Hill" Quadrangle);

(2) Thence northeast along the North Fork of the American River to its divergence with the Middle Fork of the American River, continuing then, following the Middle Fork of the American River to its intersection with the Rubicon River which continues as the boundary line between El Dorado and Placer Counties ("Auburn," "Greenwood," "Georgetown," "Foresthill," and "Michigan Bluff" Quadrangles);

(3) Thence southeast along the Rubicon River to its intersection with the range line "R. 11 E./R. 12 E." ("Tunnel Hill" Quadrangle);

(4) Thence south along the range line through T. 13 N. and T. 12 N., to its intersection with the township line "T. 12 N./T. 11 N." ("Tunnel Hill" and "Slate Mountain" Quadrangles);

(5) Thence east along the range line to its intersection with the range line "R. 12 E./R. 13 E." ("Slate Mountains" and "Pollock Pines" Quadrangles);

(6) Thence south along the range line to its intersection with the township line "T. 11 N./T. 10 N." ("Pollock Pines" Quadrangle);

(7) Thence east along the township line to its intersection with the range line "R. 13 E./R. 14 E." ("Pollock Pines" and "Stump Spring" Quadrangles);

(8) Thence south along the range line through T. 10 N., T. 9 N., and T. 8 N. to its intersection with the South Fork of the Cosumnes River (also the boundary line between El Dorado and Amador Counties) ("Stump Spring" and "Caldor" Quadrangles);

(9) Thence west and northwest along the South Fork of the Cosumnes River to its intersection with range line "R. 11 E./R. 10 E." ("Caldor," "Omo Ranch,"

"Aukum," and "Fiddletown" Quadrangles);

(10) Thence north along the range line to its intersection with the township line "T. 8 N./T. 9 N." ("Fiddletown" Quadrangle);

(11) Thence west along the township line to its intersection with range line "R. 10 E./R. 9 E." ("Fiddletown" and "Latrobe" Quadrangles);

(12) Thence north along the range line to its intersection with the township line "T. 10 N./T. 11 N." ("Latrobe," "Shingle Springs," and "Coloma" Quadrangles);

(13) Thence east along the township line approximately 4,000 feet to its intersection with the range line "R. 9 E./R. 10 E." ("Coloma" Quadrangle);

(14) Thence north on the range line to its intersection with the township line "T. 11 N./T. 12 N." ("Coloma" Quadrangle); and

(15) Thence west along the township line to the point of beginning ("Coloma" and "Pilot Hill" Quadrangles).

Signed: September 13, 1983.

W. T. Drake,

Acting Director.

Approved: October 4, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-27879 Filed 10-12-83; 8:45 am]

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**27 CFR Part 9**

[T.D. ATF-151; Ref: Notice No. 452]

**Potter 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 "Potter Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "Potter Valley" as a viticultural area and 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 wine they may purchase.

**EFFECTIVE DATE:** November 14, 1983.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (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 in wine advertising.

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.

The California Wine Company in Mendocino County, California, petitioned ATF to establish a viticultural area to be known as "Potter Valley." The boundaries of the Potter Valley viticultural area were developed after a meeting of a majority of the growers who own or operate vineyards in the area. The petitioner stated that the 12 growers in or near Potter Valley were contacted and no group or individual was found to be in opposition to the boundaries. There are approximately 11,000 acres of vineyards found in all parts of the Potter Valley viticultural area.

In response to this petition ATF published a notice of proposed rulemaking, Notice No. 452, in the Federal Register on February 9, 1983 (48 FR 5955), proposing the establishment of Potter Valley as a viticultural area. No comments were received on the Potter Valley viticultural area.

**Geographical Features**

Potter Valley is located in the east central part of Mendocino County and consists of approximately 27,500 acres of valley floor surrounded by mountains on all sides. The floor of Potter Valley ranges in elevation from about 920' to 1020' with the surrounding mountains ranging to over 600' above the valley floor. The petitioner stated that the boundaries range into the mountainous areas surrounding the valley floor so as not to exclude small areas of tillable land. Within the Potter Valley is a transitional climate dominated at times by the coastal influence of the Pacific Ocean or by interior continental air masses. Potter Valley is classified as a Region III grape-growing area. The petitioner submitted soil maps showing the soils of Potter Valley to be primarily Cole, San Ysidro, Rotella and Pinole

series while the nearby "Redwood Valley" is predominately Noyo and Newton soils.

**Evidence of the Name**

The petition stated that the name "Potter Valley" is well-known in the local area and has been used on wine labels distributed on a national basis. The petitioner also stated that the Pacific Gas and Electric Company has maintained a facility in the area known as the "Potter Valley Powerhouse." Maps published by the U.S. Department of the Interior identify the Potter Valley region, and a School District and Fire District are named Potter Valley.

**Miscellaneous**

ATF does not wish to give the impression by approving Potter Valley as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being 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 the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Potter 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 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 the final rule will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12291**

In compliance with Executive Order 12291, ATF has determined that this final rule 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.

**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.

**Disclosure**

A copy of the petition is available for inspection during normal business hours at the following location: ATF Reading Room, Rm 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Ave., NW., Washington, DC.

**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, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

**Authority**

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 § 9.82 as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.	*	*	*	*	*
9.82	Potter Valley.				

Par. 2. Subpart C is amended by adding § 9.82 to read as follows:

**Subpart C—Approved American Viticultural Areas**

*	*	*	*	*
§ 9.82	Potter Valley.			

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

(b) *Approved map.* The approved maps for the Potter Valley viticultural area are the U.S.G.S. maps entitled "Potter Valley Quadrangle, California," 1960, and "Ukiah Quadrangle, California," 1958, 15 minute series (topographic).

(c) *Boundaries.* The Potter Valley viticultural area is located in Mendocino

County, California. The boundaries are as follows:

(1) From the beginning point at the southeast corner of quadrant 36 and southwest corner of quadrant 32 (a point where Mendocino and Lake Counties border on the T. 17 N.—T. 18 N. township line), the boundary runs northwest to the northeastern corner of quadrant 4, on the T. 18 N.—T. 17 N. township line;

(2) Then west to the northwest corner of quadrant 1;

(3) Then south to the southwest corner of quadrant 36;

(4) Then east to R. 12 W.—R. 11 W. range line at the southeast corner of quadrant 36;

(5) Then south to Highway 20;

(6) Then southeast on Highway 20 to where Highway 20 passes from quadrant 20 to quadrant 21; and

(7) Thence northeast, returning to the point of beginning.

Signed: September 13, 1983.

W. T. Drake,

Acting Director.

Approved: October 4, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-27877 Filed 10-12-83; 8:46 am]

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## 27 CFR Part 9

[T.D. ATF-154; Ref: Notice No. 455]

### Catoctin 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 Washington Counties in western Maryland to be known as "Catoctin." This final rule is the result of a petition submitted by Mr. W. Bret Byrd, proprietor of a bonded winery (Byrd Vineyards) 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 Catoctin 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:** November 14, 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 37872, 54824) 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 labels 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.

An American viticultural area is defined in §§ 4.25a(e)(1) and 9.11 as a delimited grape-growing region distinguishable by geographical features. Any interested person may petition ATF to establish a grape-growing region as an American viticultural area. Under the procedures for proposing a viticultural area outlined in §§ 4.25a(e)(2) and 9.3(b), a petition must contain evidence, historical or current, that the proposed area is—

(a) Locally and/or nationally known by the name specified;

(b) Encompassed by appropriate boundaries; and,

(c) Possesses geographical features (climate, soil, elevation, physical features, etc.) which distinguish its viticultural features from surrounding areas.

ATF was petitioned by Mr. W. Bret Byrd, proprietor of a bonded winery known as Byrd Vineyards, to establish a viticultural area in western Maryland to be known as "Catoctin." In response to the petition, ATF published in the *Federal Register* on February 9, 1983, a notice of proposed rulemaking (Notice No. 455, 48 FR 5958) concerning the establishment of the Catoctin viticultural area and solicited written comments from the public.

#### General Description

The viticultural area lies west of the town of Frederick in western Maryland. It encompasses an area of 265 square miles (170,000 acres), in parts of Frederick and Washington Counties. The area consists of a large intermountain valley and upland areas immediately surrounding the valley. The eastern and western boundaries are distinguished by Catoctin Mountain and South Mountain, respectively. The northern and southern boundaries are

the Maryland-Pennsylvania State line and the Potomac River, respectively.

There are approximately 84.5 acres planted to grapes for commercial purposes. The acreage devoted to grape-growing is widely dispersed. In 1980, approximately 31.5% of the total commercial grape acreage in Maryland was planted in the viticultural area. In addition, scattered throughout, are many small vineyards, generally under an acre, which are used by the owners for private purposes. There is one bonded winery, operated by the petitioner, with a 30 acre vineyard and six (6) commercial vineyard operations.

#### Evidence of the Name

The name of the viticultural area was documented by the petitioner. The name "Catoctin" is derived from a word in the Algonquin Indian language and means "speckled rock." This type of rock abounds in the area. Since the 1700's, the name has been applied to many natural and man-made features in the area, such as Catoctin National Park, Catoctin Creek, Catoctin Mountain, and Catoctin Valley (a.k.a. Middletown Valley). After evaluating the petition, ATF believes "Catoctin" is the most appropriate name for the viticultural area.

#### Boundaries and Geographical Features

The boundaries of the Catoctin viticultural area roughly approximate the boundaries of that portion of Land Resource Area No. 130 which is in Maryland. Land Resource Areas are geographic areas of land determined by the U.S. Soil Conservation Service to be associated on the basis of particular patterns of soil, climate, water resources, land use, elevation, and topography.

Average annual rainfall for the Catoctin viticultural area is 36-42 inches; to the north and east, average yearly rainfall is 40-42 inches; south of the Catoctin viticultural area average annual rainfall is 38-40 inches, and to the west of the viticultural area average annual rainfall is 38-46 inches.

Soils in the Catoctin viticultural area are characteristic of those found on mountains, elevated intermountain areas, or in intermountain valleys. The soil in the intermountain valley area is almost entirely of the Myersville-Fauquier-Catoctin association. The surrounding uplands are primarily composed of the Dekalb, Clymer, Edgemont, Chandler, Talladega, Highfield, and Fauquier soil series in various associations. Soils outside the viticultural area to the east are mostly shallow soils of red shale sandstone and