

(7) Then east following Underwood Road to its intersection with the Posa de los Ositos Land Grant.

(8) Then north following the boundary of the Posa de los Ositos Land Grant to the west bank of the Salinas River.

(9) Then northwest following the west bank of the Salinas River to the southern boundary of Section 17, T. 18 S., R. 7 E.

(10) Then due west for approximately 2.0 miles following the southern boundary of Section 17, and continuing to U.S. Highway 101.

(11) Then following U.S. Highway 101 in a northwesterly direction to its intersection with Paraiso Road.

(12) Then south following Paraiso Road to the intersection with Clark Road.

(13) Then south in a straight line for approximately 1.8 miles to the northeast corner of Section 5, T. 19 S., R. 6 E.

(14) Then due south following the eastern boundaries of Sections 5, 8, and 17, to Arroyo Seco Road.

(15) Then southwest in a straight line for approximately 1.0 mile to Bench Mark 673.

(16) Then west in a straight line for approximately 1.8 miles to Bench Mark 649.

(17) Then northwest in a straight line for approximately 0.2 mile to the northeast corner of Section 23, T. 19 S., R. 5 E.

(18) Then west following the northern boundaries of Section 23 and 22 to the northwest corner of Section 22, T. 19 S., R. 5 E.

(19) Then south in a straight line for approximately 1.0 mile 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. 83-10112 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

[T.D. ATF-130; Reference Notice No. 400]

### Cole Ranch Viticultural Area

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

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

**SUMMARY:** This final rule establishes a viticultural area in Mendocino County, California, named "Cole Ranch." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes that the establishment of "Cole Ranch" 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, and help consumers to better identify, the wines from this distinctive grape-growing area.

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

**FOR FURTHER INFORMATION CONTACT:** Steve Simon at (202) 566-7626.

**SUPPLEMENTARY INFORMATION:**

#### Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas and the use of an approved viticultural area as an appellation of origin on wine labels and in wine advertisements. In 27 CFR 4.25a(e)(1) and 9.11, the term "viticultural area" is defined as a delimited, grape-growing region distinguishable by geographical features. In 27 CFR 4.25a(e)(2), procedures for proposing an American viticultural area are outlined. Those procedures allow any interested person to submit a petition for establishment of an American viticultural area.

In response to a petition from the proprietor of Cole Ranch in Ukiah, California, ATF published a notice of proposed rulemaking, Notice No. 400, in the *Federal Register* on December 4, 1981 (46 FR 59273), which proposed the "Cole Ranch" viticultural area in Mendocino County, California. ATF solicited public comment concerning the proposed area.

Only one comment was received in response to this notice: Fetzer Vineyards, Redwood Valley, California, which supported the proposal to establish "Cole Ranch" as a viticultural area. Fetzer Vineyards and several other wineries purchase grapes from this viticultural area. Both Fetzer Vineyards and Chateau St. Jean label their wines produced from these grapes with a "Cole Ranch" appellation. Other wineries which purchase grapes from the Cole Ranch vineyard are Parson's Creek Winery, Souverain Cellars, Navarro Winery, Husch Vineyards, Frei Brothers Winery and Dolan Vineyard. The information furnished by the petitioner and the supporting comment were sufficient for ATF to make a final decision concerning the establishment of "Cole Ranch" as a viticultural area.

#### Evidence of Name

The "Cole Ranch" viticultural area is located in a small, narrow mountain valley most of which is on the 500-acre ranch owned by the Cole family. The valley is approximately one mile in length and a half mile across at its

widest point. It contains approximately .150 acres of land. Small areas of this valley are owned by neighboring property owners whose statements, supporting the petition, were submitted to ATF by the petitioner. At least one of those other owners has enough land for potential commercial vineyard development. The only grape grower at present, however, is the Cole family. Vines were planted in 1973, and grapes were first harvested in 1975. Now there are 61 acres planted with Cabernet Sauvignon, Johannisberg Riesling, and Chardonnay grapes.

The small valley comprising this viticultural area has no name on a map. In viticultural circles, however, the area has become well-known by the name of "Cole Ranch," after the name of the property in which it primarily lies. As mentioned, several nationally marketed wines have had the designation "Cole Ranch" appear prominently on their labels. Various publications on wine production also refer to the area as "Cole Ranch" or "Cole Vineyard" and have given the name national exposure.

ATF has reservations about approving a viticultural area named after someone's private ranch or vineyard. Normally, it would not be best to designate (or appear to designate) a ranch or vineyard as a viticultural area, even if shown to be different from the surrounding area, as long as there is any other name by which the viticultural area is known. In the case of "Cole Ranch," however, there is no such other name. "Cole Ranch" meets the regulatory criteria for a viticultural area, and no one objected to the proposed name during the comment period.

#### Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area must also possess geographical features which distinguish the viticultural features of the area from those of surrounding areas.

Evidence submitted by the petitioner shows that "Cole Ranch" is isolated by topography from other grape-growing areas and is extremely limited in size by both topography and soils. The area is a tiny valley surrounded by the steep mountains of the Coastal Ranges. The nearest other vineyard is 1½ miles away and 800 feet lower in elevation. The soils of the "Cole Ranch" viticultural area range from deep, gravelly clay loam to shallow, gravelly silty clay, and are distinguishable from the mountain soils of the immediately surrounding area.

AFT believes that the valley floor elevation of "Cole Ranch" at 1400 feet and its geographical location in a

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