

§ 220.10 Certificate by Secretary to Commissioner or Designation by Secretary.

(a) *Urban renewal area.* No mortgage may be insured in an area described in § 220.5 (a), (b) or (c) until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Secretary for Housing and Urban Development, and the Secretary has certified to the Commissioner that:

(1) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(2) There exists the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(3) There exists an urban renewal plan as required for projects assisted under section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exists the necessary authority and financial capacity to insure completion of such urban renewal plan.

(b) *Area with concentrated activities.* No mortgage may be insured in an area described in § 220.5(e) until the Secretary has designated the area as meeting the requirements of that section.

4. Section 220.20 is revised to read as follows:

§ 220.20 Dwelling units on property.

At the time the mortgage is insured, there shall be located on the mortgaged property a dwelling designed principally for residential use by not more than 11 families. Such dwellings may be connected with other dwellings by a party wall or otherwise. Any such dwelling located in an area described in § 220.5 (a), (b) or (c) shall be constructed or rehabilitated in accordance with an urban renewal plan approved by the Secretary.

5. In § 220.502, paragraph (d) is amended by removing the period at the end of the text and by adding in its place a semicolon and the word "or" and a new paragraph (e) is added to read as follows:

§ 220.502 Location of property.

(e) An area in which concentrated housing, physical development, and public service activities are being or will be carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvement,

conservation or preservation. The locally developed strategy shall:

(1) Provide for a combination of physical improvements, necessary public facilities and services, housing programs, private investment and citizen self-help activities appropriate to the needs of the area;

(2) Coordinate public and private development efforts;

(3) Provide sufficient resources to produce substantial long-term improvements in the area within a reasonable period of time, taking into account the severity of the area's problems.

6. Section 220.503 is amended to read as follows:

§ 220.503 Certificate by Secretary to Commissioner or Designation by Secretary.

(a) *Urban renewal area.* No mortgage may be insured in an area described in § 220.502 (a), (b) or (c) until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Secretary of Housing and Urban Development, and the Secretary has certified to the Commissioner that:

(1) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(2) There exists the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(3) There exists an urban renewal plan as required for projects assisted under section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exists the necessary authority and financial capacity to insure completion of such urban renewal plan.

(b) *Area with concentrated activities.* No mortgage may be insured in an area described in § 220.502(e) until the Secretary has designated the area as meeting the requirements of that section.

§ 220.506 [Amended]

7. In § 220.506, paragraph (d) is amended to read as follows:

(d) *Property Facilities.* The project shall be predominantly residential. It may include such nondwelling facilities as the Commissioner determines will contribute to the economic feasibility of the project and will be desirable and consistent with the urban renewal plan or, where appropriate, with the locally

developed strategy for neighborhood improvement, conservation, or preservation. In approving such facilities, the Commissioner shall give due consideration to the possible effect of the project on other business enterprises in the community.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Section 220 of the National Housing Act (12 U.S.C. 1715k), as amended by Section 311 of the Housing and Community Development Act of 1980.

Dated: July 8, 1983.

Philip Abrams,
Assistant Secretary for Housing—Federal Housing Commissioner.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-137; Ref: Notice No. 445]

Dry Creek Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, to be known as "Dry Creek Valley." This final rule is the result of a petition submitted by the Dry Creek Valley Association, Inc., an organization of grape/wine industry members 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 Dry Creek Valley 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 6, 1983

FOR FURTHER INFORMATION CONTACT: Ed Reisman, Specialist; 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 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 a viticultural area. Under the procedures for proposing a viticultural area outlined in §§ 4.25a(e)(2) and 9.3(b), a petition must contain historical or current evidence that the proposed area is—

- (a) Locally and/or nationally known by the name specified;
- (b) Encompassed by appropriate boundaries; and
- (c) Distinguishable by geographical features (climate, soil, elevation, physical features, etc.) which distinguish its viticultural features from surrounding areas.

ATF was petitioned by an organization of grape/wine industry members, the Dry Creek Valley Association, Inc., to establish a viticultural area in north central Sonoma County, California, to be known as "Dry Creek Valley." In response to the petition, ATF published in the *Federal Register* on January 12, 1983, a notice of proposed rulemaking (Notice No. 445, 48 FR 1315) concerning the establishment of the Dry Creek Valley viticultural area and solicited written comments from the public.

Comments

No comments were received during the comment period. ATF has received no information from any source indicating opposition to the establishment of the Dry Creek Valley viticultural area.

Dry Creek Valley Viticultural Area

(a) *General description.* The viticultural area is located in north central Sonoma County, California, northwest of the town of Healdsburg, in an arm of the Russian River Valley. This valley arm is 16 miles long and 2 miles wide at the widest point. It extends from the Dry Creek/Russian River confluence south of Healdsburg to the Warm Springs Creek/Dry Creek confluence east of the Warm Springs Dam. Approximately 20,500 acres (32 square miles) of the 80,000 acres (125 square

miles) encompassed consists of the valley area. The remaining area consists of uplands immediately surrounding and to the west of the valley area.

(b) *Grape-growing.* There are approximately 5,000 acres planted to grapes. This acreage is situated primarily in the valley area. However, several vineyards recently developed in the upland areas are included in this figure. Grapes, primarily of the Zinfandel variety, have been grown in the area since the 1800's. Currently, there are 21 bonded wineries in this viticultural area.

(c) *Name.* The name Dry Creek Valley was documented by the petitioner as long being associated, both locally and nationally, with the area specified in the petition. The name is taken from Dry Creek, a tributary of the Russian River, the primary waterway in the viticultural area. Historically, the valley traversed by Dry Creek and the surrounding upland area have been referred to by the name Dry Creek Valley. This is substantiated by excerpts of articles from local and national publications written by 19th Century and contemporary authors. After evaluating the evidence, ATF believes the name Dry Creek Valley is the most appropriate name for the viticultural area.

(d) *Geographical features.* The viticultural area is distinguishable from surrounding areas on the basis of geographical features. It is generally wetter, warmer, and has a longer growing season than the main Russian River Valley to the south. As a result of the moderating effect of fog on temperature, it is generally cooler than the area to the north. The valley area encompassed is distinguished on three sides by contact between the geologically younger alluvial material of the valley with the older indurated rock of the surrounding uplands. The uplands to the west of the valley extend to the watershed limits of the Dry Creek drainage area. Although the adjacent Alexander Valley to the east is viticulturally similar to Dry Creek Valley, these valleys are separated by uplands. The uplands are composed of a geologically unique, gravelly material known as Dry Creek Conglomerate which is found no where else in Sonoma County. After evaluating the evidence, ATF believes the above discussed geographical features, singly and in combination, serve to distinguish the Dry Creek Valley viticultural area from surrounding areas.

(e) *Boundaries.* The boundaries proposed by the petitioner are adopted. They differ slightly from those boundaries stated in the notice of

proposed rulemaking because the petition was amended. ATF believes these boundaries delineate a grape-growing region distinguishable by geographical features that is known locally and nationally by the name Dry Creek Valley.

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 in advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Dry Creek Valley wines.

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 an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This 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. This 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

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 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 appropriate maps with the boundaries of the viticultural area marked are available for public inspection during normal business hours at the following location:

ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, D.C.

Drafting Information

The author of this document is Ed Reisman, Specialist; FAA, Wine and Beer 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

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 by adding the title of § 9.64, reading as follows:

Subpart C—Approved American Viticultural Areas

Sec.	*	*	*	*
9.64				Dry Creek Valley.

Paragraph 2. Subpart C is amended by adding § 9.64, reading as follows:

Subpart C—Approved American Viticultural Areas

*	*	*	*	*
§ 9.64				Dry Creek Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Dry Creek Valley viticultural area are six U.S.G.S. topographic maps. They are—

(1) "Geyserville Quadrangle, California—Sonoma County," 7.5 minute series, 1955 (Photorevised 1975);

(2) "Jimtown Quadrangle, California—Sonoma County," 7.5 minute series, 1955 (Photorevised 1975);

(3) "Healdsburg Quadrangle, California—Sonoma County," 7.5 minute series, 1955 (Photorevised 1980);

(4) "Guerneville Quadrangle, California—Sonoma County," 7.5 minute series, 1955;

(5) "Cazadero Quadrangle, California—Sonoma County," 7.5 minute series, 1978; and

(6) "Warm Springs Dam Quadrangle (formerly 'Skaggs Springs Quadrangle'), California—Sonoma County," 7.5 minute series, 1978.

(c) *Boundaries.* The Dry Creek Valley viticultural area is located in north central Sonoma County, California. From the beginning point lying at the intersection of latitude line 38 degrees 45 minutes and the east line of Section 4, Township 10 North (T. 10 N.), Range 10 West (R. 10 W.) on the "Geyserville Quadrangle" map, the boundary runs—

(1) Southeasterly in a straight line to the northeast corner of Section 9, T. 10 N., R. 10 W.;

(2) Then southerly along the east line of Section 9 to the southeast corner thereof;

(3) Then S. 74 degrees, E. 2,800 feet in a straight line to the northeasterly tip of a small unnamed lake;

(4) Then N. 57 degrees, E. 2,300 feet in a straight line to the southeast corner of Section 10, T. 10 N., R. 10 W.;

(5) Then S. 16 degrees, E. 1,800 feet in a straight line to the point on a peak identified as having an elevation of 664 feet;

(6) Then S. 55 degrees, E. 7,900 feet in a straight line to the most northerly point on the northeasterly line of "Olive Hill" cemetery lying on the easterly side of Canyon Road;

(7) Then southeasterly along the northeasterly line of "Olive Hill" cemetery to the most easterly point thereon;

(8) Then S. 2 degrees, E. 3,100 feet in a straight line to the point in the westerly fork of Wood Creek lying at the westerly terminus of a dirt road;

(9) Then southerly 3,000 feet along the west fork of Wood Creek to the point lying 400 feet north of the point on a peak identified as having an elevation of 781 feet;

(10) Then southerly 400 feet in a straight line to the point on a peak identified as having an elevation of 781 feet;

(11) Then S. 50½ degrees, E. 15,500 feet in a straight line to the point lying at the intersection of Lytton Creek and the township line common to T. 9 N. and T. 10 N. in R. 9 W.;

(12) Then southerly along the meanders of Lytton Creek to the point of intersection with Lytton Springs Road in T. 9 N., R. 9 W.;

(13) Then easterly along Lytton Springs Road to the point of intersection with U.S. Highway 101 (a.k.a. Redwood Highway) on the "Jimtown Quadrangle" map;

(14) Then southerly along U.S. Highway 101 to the point of intersection with an unnamed light duty road (known locally as Chiquita Road) on the "Geyserville Quadrangle" map;

(15) Then easterly along the unnamed light duty road to the point of intersection with an unnamed heavy duty road (known locally as Healdsburg Avenue) on the "Jimtown Quadrangle" map;

(16) Then southerly along the unnamed heavy duty road through the town of Healdsburg to the point of intersection with the Russian River on the "Healdsburg Quadrangle" map;

(17) Then southerly along the meanders of the Russian River to the confluence of Dry Creek;

(18) Then west-southwesterly 1,300 feet in a straight line to an unnamed light duty road (known locally as Foreman Lane);

(19) Then westerly along the unnamed light duty road, crossing West Dry Creek Road and passing Felta School, to the point of intersection with Felta Creek on the "Guerneville Quadrangle" map;

(20) Then southwestwesterly 18,000 feet along the meanders of Felta Creek to the point lying at the intersection of three springs in T. 8 N., R. 10 W., approximately 300 feet east from the word "Springs";

(21) Then S. 58 degrees, W. 15,000 feet in a straight line to the southwest corner of Section 9, T. 8 N., R. 10 W.;

(22) Then northerly along the west line of Sections 9 and 4, T. 8 N., R. 10 W., continuing along the west line of Section 33, T. 9 N., R. 10 W. to the northwest corner thereof;

(23) Then westerly along the south line of Sections 29 and 30, T. 9 N., R. 10 W. to the southwest corner of Section 30 on the "Cazadero Quadrangle" map;

(24) Then northerly along the west line of Sections 30 and 19, T. 9 N., R. 10 W. to the northwest corner of Section 19;

(25) Then westerly along the south line of Section 13, T. 9 N., R. 11 W. to the southwest corner thereof;

(26) Then southwestwesterly 14,200 feet in a straight line to the northeast corner of Section 20, T. 9 N., R. 11 W.;

(27) Then westerly along the north line of Section 20 to the northwest corner thereof;

(28) Then northerly along the east line of Sections 18, 7, and 6, T. 9 N., R. 11 W., continuing along the east line of Sections 31, 30, 19, 18, 7, and 6, T. 10 N., R. 11 W. to the point of intersection with

latitude line 38 degrees 45 minutes on the "Warm Springs Dam Quadrangle" map; and

(29) Then easterly along latitude line 38 degrees 45 minutes to the point of beginning on the "Geyserville Quadrangle" map.

Signed: July 27, 1983.

Stephen E. Higgins,
Director.

Approved: July 18, 1983.

David Z. Bates,
Deputy Assistant Secretary (Operations).

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27 CFR Part 178

[T.D. ATF-138]

Designation of the Director With Certain Authorities in 27 CFR Part 178

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

ACTION: Treasury decision, final rule.

SUMMARY: This rule revises two sections of 27 CFR Part 178—Commerce in Firearms and Ammunition to replace the designation of the Regional regulatory administrator with the designation of the Director as the official with authority to make determinations as to whether a firearm is a curio or relic and to authorize the transfer of destructive devices, machine guns, and certain other firearms in interstate and foreign commerce.

EFFECTIVE DATE: These amendments become effective August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Robert G. Hardt, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7602).

SUPPLEMENTARY INFORMATION:

Background

The regulations contained in Part 178 of Title 27 relate to commerce in firearms and ammunition, including the procedural and substantive requirements relative to the interstate and foreign commerce in firearms and ammunition and the conduct of business or activity by licensees.

27 CFR 178.26 provides that a licensed collector may obtain a determination as to whether a particular firearm or ammunition is a curio or relic by submitting a written request for a ruling to the Regional regulatory administrator. Requests must be accompanied by a complete and accurate description of the firearm or ammunition, and such photographs, diagrams, or drawings

necessary to enable a determination to be made; the submission of the firearm or ammunition for examination may also be required. Because of the technical nature of those determinations, and to ensure the uniformity of the responses, requests submitted to the Regional regulatory administrator for curio and relic determination are forwarded to Bureau Headquarters for examination by technical specialists and are approved by the Director or his delegate.

27 CFR 178.28 provides that the Regional regulatory administrator may authorize a person to transport in interstate or foreign commerce any destructive device, machine gun, or short-barreled rifle or shotgun if such transportation is reasonably necessary and is consistent with public safety and applicable State and local law. These requests are also routinely forwarded by the Regional regulatory administrators to Bureau Headquarters. Again, this assures that requests are responded to in a uniform manner and enables technical specialists to determine if a threat to public safety or a disabling State or local law exists.

Revising §§ 178.28 and 178.28 to designate the Director as the official with the authorities cited above will eliminate unnecessary steps in responding to requests submitted to the regional offices and will bring the sections into conformity with other similar provisions of the regulations.

Accordingly, 27 CFR 178.26 and 178.28 are revised to remove all references to the "Regional regulatory administrator," and to insert in place the title of "Director."

Administrative Procedure Act

Because the changes incorporated by this final rule are merely rules of agency organization, procedure, or practice and do not affect the rights of the public, it is hereby found to be unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 533(d).

Executive Order 12291

It has been determined that this final rule is not classified as 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 the 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 document, because it was not required to be preceded by a notice of proposed rulemaking under 5 U.S.C. 553. These regulations will not have a significant economic impact or compliance burden on a substantial number of small entities.

Drafting Information

The principal author of this Treasury decision is Robert G. Hardt of the Procedures Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation.

Authority and Issuance

Accordingly, under the authority contained in 18 U.S.C. 926 (82 Stat. 1214), the Director amends 27 CFR Part 178 as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Subpart C—Administrative and Miscellaneous Provisions

Paragraph 1. Section 178.26 is amended to remove the title "Regional regulatory administrator" wherever found and to insert in its place the title of "Director." As revised, § 178.26 reads as follows:

§178.26 Curio and relic determination.

A licensed collector who desires to obtain a determination whether a particular firearm or ammunition is a curio or relic shall submit a written request, in duplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and shall contain a complete and accurate description of the firearm or ammunition, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, or to an officer designated by him, of the