

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 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 4407, Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC.

#### Drafting Information

The author of this document is Jim Whitley, Specialist; Regulations and Procedures Division; Bureau of Alcohol, Tobacco and Firemans.

#### 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 § 9.63, reading as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.  
\* \* \* \* \*  
9.63 Linganore.

**Paragraph 2.** Subpart C is amended by adding § 9.63., reading as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*  
§ 9.63 Linganore.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of

the Linganor viticultural area are five U.S.G.S topographic maps. They are—

(1) "Walkersville Quadrangle, Maryland—Frederick Co.," 7.5 minute series, 1953 (Photorevised 1979);

(2) "Libertytown Quadrangle, Maryland," 7.5 minute series, 1944 (Photorevised 1971);

(3) "Damascus Quadrangle, Maryland," 7.5 minute series, 1944 (Photorevised 1979);

(4) "Winfield Quadrangle, Maryland," 7.5 minute series, 1950 (Photorevised 1979); and

(5) "Union Bridge Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971).

(c) *Boundaries.* The Linganore viticultural area is located in north central Maryland and encompasses parts of Frederick and Carroll Counties. From the beginning point lying at the confluence of Linganore Creek and the Monocacy River, on the Walkersville Quadrangle map, the boundary runs—

(1) South-southeasterly 5,000 feet in a straight line to the point lying approximately 1,000 feet south of Interstate Highway 70 at the intersection of two unnamed light duty roads in the town of Bartonsville;

(2) Then east-southeasterly 15,500 feet in a straight line to the point lying at the intersection of Mussetter Road and latitude line 39 degrees 22 minutes 30 seconds;

(3) Then east-northeasterly 8,125 feet in a straight line to the point lying at the intersection of Mill Road and State Highway 144;

(4) Then easterly along State Highway 144 on the Walkersville Quadrangle, Libertytown Quadrangle, and Damascus Quadrangle maps to the point of intersection with State Highway 27, approximately midway between the towns of Ridgeville and Parrsville, on the Damascus Quadrangle map;

(5) Then northeasterly along State Highway 27 on the Damascus Quadrangle, Libertytown Quadrangle, and Winfield Quadrangle maps to the point of intersection with State Highway 26 in the town of Taylorsville on the Winfield Quadrangle map;

(6) Then northerly 2,750 feet in a straight line to the point on a hill identified as having an elevation of 850 feet;

(7) Then northwesterly 21,000 feet in a straight line to the point lying at the intersection of State Highway 31 and latitude line 39 degrees 30 minutes on the Libertytown Quadrangle and Union Bridge Quadrangle maps;

(8) Then westerly 15,625 feet along latitude line 39 degrees 30 minutes to the point of intersection with Copper Mine Road;

(9) Then northwesterly along Copper Mine Road on the Union Bridge Quadrangle map to the point of intersection with longitude line 77 degrees 15 minutes;

(10) Then southerly 5,250 feet along longitude line 77 degrees 15 minutes to the point of intersection with latitude line 39 degrees 30 minutes on the Union Bridge Quadrangle and Walkersville Quadrangle maps;

(11) Then southwesterly 46,750 feet in a straight line on the Walkersville Quadrangle map to the point of beginning.

Signed: August 1, 1983.

Stephen E. Higgins,  
Director.

Approved: August 9, 1983.

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

[FR Doc. 83-22585 Filed 8-17-83; 8:45 am]

BILLING CODE 4810-31-M

### 27 CFR Part 9

[T.D. ATF-141; Ref: Notice No. 446]

#### Willow Creek Viticultural Area

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

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

**SUMMARY:** This final rule establishes a viticultural area in portions of Humboldt and Trinity Counties, California, to be known as "Willow Creek." This action results from a petition submitted by the Willow Creek Viticulture Area Committee under the signature of Mr. Dean Williams of Willow Creek Winery and the resulting notice of proposed rulemaking.

AFT believes the establishment of American viticultural areas and their subsequent use as appellations of origin allows wineries to better designate the specific grape-growing areas where their wines come from and allows consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** September 19, 1983.

**FOR FURTHER INFORMATION CONTACT:** Roger L. Bowling, FAA, Wine and Beer 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 the wine regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural

areas, and allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertising.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) adding a new Part 9 to 27 CFR for the listing of approved American viticultural areas.

27 CFR 9.11 defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. 27 CFR 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed area is locally and/or nationally known as referring to the area specified in the petition.

(b) Historical or current evidence that the boundaries of the proposed area are as delineated in the petition.

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from the surrounding areas.

(d) A description of the proposed boundaries of the proposed viticultural area, based on features found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale.

(e) A copy of the appropriate U.S.G.S. maps with the proposed boundaries prominently marked.

#### General Information

In 1974, the first commercial vineyard was planted. Today, there are five such vineyards comprising a total of approximately 30 acres in grapes. The predominant varieties grown are Cabernet, Riesling, Gewurztraminer, Chardonnay, Zinfandel, and Merlot. Prior to 1976, there was one winery in Humboldt County. Due to the availability of locally grown grapes, there are now four wineries. Two of these four wineries, Fieldbrook Winery and Willow Creek Vineyards, use the term "Willow Creek" in conjunction with the varietal designation on labels of wines produced from this area. Further, all of the growers in the area are members of the petition committee. Although the other two wineries did not sign the petition submitted for the establishment of this area, the petitioner stated that they are not opposed to the petition.

#### Rulemaking Process for Willow Creek

ATF is issuing this Treasury decision establishing the Willow Creek

viticultural area even though no comments were received in response to the notice proposing Willow Creek. Under the Administrative Procedure Act, ATF must consider any comments received. However, there is no provision which prohibits action if no comments are received.

ATF has evaluated the evidence submitted with the petition and has concluded that sufficient evidence is at hand to establish a viticultural area. There is evidence supporting the name of the area. Further evidence supports the area as a grape-growing area which is a small natural valley geographically distinguishable from the surrounding mountainous areas in all directions. However, ATF is amending the boundaries to remove mountainous area originally included within the area.

#### Evidence Relating to the Name

"Willow Creek" was first named in 1851 by miners and pack train drivers traveling from towns along the coast to the interior valleys. The name was given to this area because of the heavy growth of willows at the confluence of the creek, now named Willow Creek, and the Trinity River. Other miners in 1852 named the area "China Flat" because of the heavy Chinese influence in the area. The name "China Flat" remained until 1912 when it was discovered that another area was called China Flat in the mother lode area. The name then reverted to "Willow Creek" in honor of the miners and pack train drivers.

Presently, there is a town named "Willow Creek" located within the boundaries of the viticultural area. Further, the U.S.G.S. map on which the boundaries are marked is entitled "Willow Creek Quadrangle."

ATF believes this evidence establishes "Willow Creek" as the name of the viticultural area. Therefore, the proposed name is adopted.

#### Geographical Characteristics

The Willow Creek viticultural area is influenced primarily by two major climatic forces; the proximity to the Pacific Ocean, 31 miles to the west, and the warmer climate of the Sacramento Valley approximately 100 miles eastward. These influences create easterly winds keeping the Willow Creek area fairly cool in the summer, while only infrequent freezes occur in the winter. The average high and low temperatures are moderate at 82.85 degrees and 47.04 degrees during the growing months of April through October. These figures are based on data collected during the past five growing seasons. The area to the east of Willow Creek experiences colder

temperatures in winter, but hotter temperatures in summer. To the west of the Willow Creek area the winters are milder, but the summer temperatures are cooler due to Pacific Ocean maritime influence.

The heat degree days of the area average 3005.62, based on climatic data gathered during the last three years. These heat units correspond to the top range of an Area II and the bottom range of an Area III. Rainfall, based on data gathered during the last 38 years, averages 39.9 inches per year. Although the average rainfall in the areas east and west of the Willow Creek area are comparable, the area to the west does receive slightly less rain. Further, this area receives its rainfall in the summer months, whereas the Willow Creek area receives most of its rainfall in the winter months.

The soil composition of the Willow Creek viticultural area is primarily Quarternary terrace gravels, which provide excellent drainage for the vineyards.

Generally, the area is situated in and around the confluence of the Trinity River and the South Fork of the Trinity River, approximately 31 miles inland from the Pacific Ocean. The area surrounding the Willow Creek viticultural area is mountainous, at times rising sharply to high elevations. The area encompasses approximately 6,000 acres.

ATF has evaluated this evidence and has concluded that the natural valley comprising the Willow Creek viticultural area is geographically distinguishable from the surrounding mountainous areas based on the climatic differences in temperatures and the seasonal fluctuations in rainfall.

#### Boundaries

The boundaries of the Willow Creek viticultural area are found on a 15 minute series U.S.G.S. map entitled "Willow Creek Quadrangle." However, to better define a distinguishable grape-growing area, ATF is amending the boundaries as originally proposed. The boundaries, as amended by ATF, were concurred with by the Willow Creek Viticultural Area Committee. ATF believes that the amended boundaries more closely identify the natural valley and remove mountainous areas originally included within the proposed area. The amended boundaries are based primarily on the 1,000-foot contour line. The 1,000-foot contour line more closely identifies the natural valley floor of the Willow Creek area.

**Disclosure**

Copies of the petition, the map, the notice of proposed rulemaking, and this Treasury decision are available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

**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) Major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) 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 an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule since it will not have a significant economic impact on a substantial number of small entities. The final regulations are not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

It was certified under the provisions of 5 U.S.C. 604(b) of the Regulatory Flexibility Act that notice of proposed rulemaking leading to this final rule would not have a significant economic impact on a substantial number of small entities.

**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.

**Drafting Information**

The principal author of this document is Roger L. Bowling, FAA, Wine and Beer Branch.

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

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

**Authority and Issuance**

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**

**Par. 1.** The table of sections for Subpart C is amended to add § 9.85 to read as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

\* \* \* \* \*  
9.85 Willow Creek.

**Par. 2.** Subpart C is amended to add a new section, § 9.85 to read as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

**§ 9.85 Willow Creek.**

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

(b) *Approved map.* The map showing the boundary of the Willow Creek viticultural area is: "Willow Creek Quadrangle," California, U.S.G.S. 15 minute series (1952).

(c) *Boundaries.* The Willow Creek viticultural area is located within portions of Humboldt and Trinity Counties, California. From the point of beginning where the 1,000-foot contour line intersects Kirkham Creek (directly north of section 19, T.7 N./R.5E.), beginning in a southerly direction, the boundary line the 1,000-foot contour line to;

(1) The point of intersection between the 1,000-foot contour line and the north section line of section 27, T.6N./R.5E.;

(2) Then in a straight, north easterly line to the point of intersection between the 1,000-foot contour line and the east section line of section 13, T.6N./R.5E.;

(3) Then in a straight, northwesterly line to the point of intersection between the 1,000-foot contour line and the north section line of section 11, T.6N./R.5E.;

(4) Then in a straight, south-southwesterly line to the point of intersection between the 1,000-foot contour line and the east section line of section 15, T.6N./R.5E.;

(5) Then following the 1,000-foot contour line, beginning in a westerly

direction, to the point of intersection between the 1,000-foot contour line and Coons Creek;

(6) Then in a straight, westerly line to the point of beginning.

Signed: August 3, 1983.

**Stephen E. Higgins,**  
*Director.*

Approved: August 9, 1983.

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

[FR Doc. 83-22584 Filed 8-17-83; 8:45 am]

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**DEPARTMENT OF JUSTICE****28 CFR Part 60**

[Order No. 1026-83]

**Authorization of Federal Law Enforcement Officers To Request the Issuance of a Search Warrant**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** Rule 41(h) of the Federal Rules of Criminal Procedure authorizes the Attorney General to designate categories of federal law enforcement officers who may request issuance of search warrants. Previous authorizations were made by Order No. 510-73 (38 FR 7244, March 19, 1973) as amended by Order No. 521-73 (38 FR 18389, July 10, 1973), Order No. 826-79 (44 FR 21785, April 12, 1979), Order No. 844-79 (44 FR 46459, August 8, 1979), and Order No. 960-81 (46 FR 52360, October 27, 1981). This Order amends 28 CFR Part 60 by adding military agents of the Department of Defense authorized to enforce the Uniform Code of Military Justice to the list of federal law enforcement officers who are authorized to request the issuance of search warrants under Rule 41, Federal Rules of Criminal Procedure. The Order requires military agents to obtain the concurrence of the appropriate United States Attorney's Office in all cases, including emergent cases, before requesting issuance of a search warrant under this provision.

**EFFECTIVE DATE:** August 6, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mark M. Richard, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C. 20530 (202-633-2333).

**SUPPLEMENTARY INFORMATION:** This Order revises Section 60.1 of 28 CFR Part 60 and adds a new § 60.2(h). Because the material contained herein is a matter of Department of Justice