

"Produced at Gilroy, California, and bottled at San Mateo, California, by XYZ Winery, BW-CA-10001.", \* \* \*

(d) *Trade or operating names.* The trade or operating name of any person appearing upon any label should be identical with the name and address appearing on the basic permit or notice. In addition, after December 31, 1984, \* \* \*

\* \* \* \* \*

Par. 3. Section 4.39 is amended to extend the mandatory compliance date of paragraph (i). As amended, § 4.39 reads as follows:

§ 4.39 **Prohibited practices.**

(i) Geographical brand names (not mandatory before January 1, 1985). \* \* \*

Signed: September 14, 1982.

W. T. Drake,  
Acting Director.

Approved: October 25, 1982.

J. M. Walker, Jr.,  
Assistant Secretary, Enforcement and Operations.

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**27 CFR Part 9**

[Notice No. 432]

**Sonoma County Green Valley Viticultural Area**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Sonoma County, California, with the proposed name of "Green Valley" qualified by the words "Sonoma County." This proposal is the result of a petition from the Iron Horse Ranch and Vineyard. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

**DATE:** Written comments must be received by December 15, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Attn: Notice No. 432).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available

for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 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. These regulations allow the establishment of definite viticultural areas. The 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.

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 American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested persons 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 viticultural 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 viticultural area are as specified in the petition;

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

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

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

**Petition**

ATF has received a petition from Ms. Audrey M. Sterling, one of the partners of the Iron Horse Ranch and Vineyard, proposing an area in Sonoma County, California, as a viticultural area to be known as "Green Valley." The proposed

area lies west of the Santa Rosa plain and is located within Anady township. As delineated in the petition, Green Valley covers an area of approximately 7.7 miles by 7.4 miles and includes approximately 36,467 acres within the proposed boundaries.

**Geographical/Viticultural Features**

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by its cool climate, predominant soil type, and unique geographical characteristics. The petitioner bases these claims on the following:

(a) The climate of this area, especially the northern end of it, is far different from that of the coast. The range of mountains lying along its western border breaks the fury of the ocean blast which sweeps up from the sea.

(b) Because of its sheltered position, Green Valley has always been an extremely rich and productive belt of country and has always produced much fine fruit.

(c) The Green Valley area has been established as a region 1 growing area as classified by the University of California at Davis system of heat summation by degree-days.

(d) Green Valley lies within the "coastal cool" area climate in contrast to the Alexander Valley area to the north which lies within the "coastal warm" area climate. The area is known to provide appropriate growing conditions for grapes which are best grown in cool climates, including Chardonnay and Pinot Noir.

(e) The longer growing season resulting from the cool nights and early morning fog are believed by many winemakers to make the wines from this area fruitier and lighter in body. This condition also permits picking at lower sugar levels and the maintenance of higher acid levels.

(f) The distinctive soil of the Green Valley area is mostly Goldridge fine sandy loam. The predominantly Goldridge soil and the generally hilly terrain provides good drainage.

(g) The availability of water from Green Valley Creek and other neighboring creeks in the proposed Green Valley viticultural area provides the source for frost protection which is essential for successful viticultural activities in a region 1 zone.

**Historical Background**

According to information provided by the petitioner, Green Valley is on a creek of the same name which flows north into the Russian River and lies west of the Santa Rosa plain. As

documented in various 19th and early 20th Century atlases and histories of Sonoma County, fruit has been grown in Green Valley since the area was settled during the latter half of the 19th Century. In the 1911 *History of Sonoma County*, the author notes the existence of wineries in Green Valley at Forestville, Graton, and Sebastopol. Most of the vineyards were removed during the Prohibition era. In the late 1960's continuing through the 1970's and the beginning of the 1980's, substantial new planting and replanting of vineyards have taken place. Currently, there are approximately 1,200 acres of vines under cultivation.

#### Name

The petitioner initially requested that the name "Green Valley" be used to designate this proposed viticultural area in Sonoma County, California. However, another petitioner from Solano County, California, had previously requested that the name "Green Valley" be used to designate a proposed viticultural area in Solano County. (See 47 FR 1149, January 11, 1982). Both petitioners submitted documentation to show that their respective areas have been historically known as "Green Valley."

In a letter dated July 8, 1982, the petitioner from Sonoma County—Ms. Audrey M. Sterling—requested that her application for the proposed Green Valley viticultural area be redesignated as an application for the establishment of a viticultural area to be known as "Sonoma—Green Valley." After careful consideration of this request, we feel that a viticultural area named "Sonoma—Green Valley" could be confusing to wine consumers because ATF has previously approved a viticultural area in Sonoma County named "Sonoma Valley." We feel that the name "Sonoma—Green Valley" might lead some wine consumers to think that Green Valley is located within the Sonoma Valley viticultural area. To resolve this problem we propose to name the area "Green Valley" provided that the words "Sonoma County" appear in direct conjunction with the "Green Valley" name on the wine label. To allow for flexibility in label design, the words "Sonoma County" could be reduced in type size to the minimum allowed in 27 CFR 4.38(b). ATF requests written comments concerning this proposal from all interested persons. Furthermore, while this document proposes a possible name for this viticultural area, comments concerning other possible names will be given consideration.

#### Proposed Boundaries

The boundaries of the proposed Green Valley viticultural area may be found on two U.S.G.S. 7.5 minute series quadrangle maps ("Sebastopol Quadrangle, California—Sonoma Co." and "Camp Meeker Quadrangle, California—Sonoma Co."). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

The proposed Green Valley viticultural area is completely encompassed by the boundaries of each of three other proposed viticultural areas which are currently being processed by ATF. The proposed names of these other viticultural areas are Russian River Valley, Northern Sonoma, and North Coast.

ATF has reservations about establishing viticultural areas which totally or partially overlap with other proposed or approved viticultural areas. ATF believes the significance of viticultural areas as delimited grape-growing regions distinguishable by geographical features may be eroded by the indiscriminate establishment of overlapping viticultural areas. However, ATF recognizes that a rigid policy of disapproving a proposed viticultural area solely on the grounds that it overlaps with other proposed or approved viticultural areas would be inequitable since, in some cases, it may be justifiable. Therefore, ATF will judge each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas on a case-by-case basis. ATF will be guided in this judgment by evidence presented in the petition and by comments received from the public during the comment period.

For this reason, each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas must fulfill the requirements of regulations relating to the establishment of viticultural areas and contain evidence to substantiate that the area of overlap should be included in the proposed viticultural area. In the case where one proposed area is totally encompassed by one or more larger proposed or approved viticultural areas, evidence must be submitted to show that the smaller viticultural area is viticulturally distinguishable from the surrounding areas.

ATF is interested in receiving information, data, or opinions from the public regarding this particular overlap issue. ATF is particularly interested in receiving comments containing

historical or current evidence which substantiates:

(1) Inclusion of the proposed Green Valley viticultural area within the proposed Russian River Valley, Northern Sonoma, and North Coast viticultural areas;

(2) Exclusion of the proposed Green Valley viticultural area from the proposed Russian River Valley, Northern Sonoma, and North Coast viticultural areas;

(3) Rejection of the proposed Green Valley viticultural area but the inclusion of this area within the proposed Russian River Valley, Northern Sonoma, and/or North Coast viticultural areas.

#### Executive Order 12291

It has been determined that this proposal 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 provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. At the present time ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area since the benefits to be derived from using a new viticultural area appellation of origin are intangible. However, from the information we currently have available on the proposed Green Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

#### Public participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Green Valley viticultural area, comments concerning other possible boundaries for this

viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 30-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

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

Administrative practices and procedure, Consumer protection, Viticultural areas, Wine

#### Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.57. As amended the table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

See

\* \* \* \* \*

9.57 Sonoma County Green Valley.

Par. 2. Subpart C is amended by adding § 9.57. As amended, Subpart C reads as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.57 Sonoma County Green Valley.

(a) *Name.* The name of the viticultural areas described in this section is "Green Valley" qualified by the words "Sonoma County" in direct conjunction with the name "Green Valley." On a label the words "Sonoma County" may be reduced in type size to the minimum allowed in 27 CFR 4.38(b).

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Green Valley viticultural area are two U.S.G.S. maps. They are titled:

(1) "Sebastopol Quadrangle, California—Sonoma Co.", 7.5 minute series (1980); and

(2) "Camp Meeker Quadrangle, California—Sonoma Co.", 7.5 minute series (1971).

(c) *Boundaries.* The Green Valley viticultural area is located in Sonoma County, California. The beginning point is approximately .5 miles west of Trenton where Trenton Road and an unnamed hard surface road intersect at Mark West Creek, which becomes Laguna de Santa Rosa, located in the northwest portion of U.S.G.S. map "Sebastopol Quadrangle" in Township 7 North (T.7N.), Range 9 West (R.9W.).

(1) From the beginning point, the boundary runs southerly along the west bank of Laguna de Santa Rosa until it intersects State Highway 12, east of the town of Sebastopol;

(2) Thence in a southwesterly direction on State Highway 12 through the town of Sebastopol;

(3) Thence continuing southwesterly on State Highway 12, which becomes Bodega Road, until Bodega Road intersects with Jonive Road in Township 6 North (T.6N.), Range 9 West (R.9W.) located in the southeast portion of U.S.G.S. map "Camp Meeker Quadrangle."

(4) Thence proceeding in a northwesterly direction on Jonive Road until it intersects Occidental Road;

(5) Thence proceeding on Occidental Road in a northwesterly direction until Occidental Road intersects the west border of Section 35;

(6) Thence proceeding due north along the west border of Sections 35, 26, 23 and 14 to the northwest corner of Section 14;

(7) Thence in an easterly direction along the north border of Section 14 to the northeast corner of Section 14;

(8) Thence north along the west border of Sections 12 and 1 to the point near the northwest corner of Section 1

where the section line intersects the power transmission line;

(9) Thence in an easterly direction along the power transmission line until that line intersects an unnamed light-duty road directly south of Mirabel Park in Section 31;

(10) Thence in an easterly direction along this unnamed light-duty road until it intersects River Road;

(11) Thence continuing in an easterly direction along River Road to the point of beginning.

Signed: October 5, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: October 25, 1982.

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 150

[CGD 82-100a]

#### Compatibility of Cargoes; Consolidation of Requirements

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** 46 CFR Part 150 consolidates requirements for compatible storage of bulk liquid hazardous materials on tank vessels. This NPRM updates the Compatibility of Cargoes Table found in Part 150 by adding all additional cargoes approved for carriage since the final rule was published on October 23, 1980 (45 FR 70282).

**DATE:** Comments on the proposed rule must be received on or before December 30, 1982.

**ADDRESSES:** Comments should be mailed to Commandant (G-CMC/44) (CGD 80-100a), U.S. Coast Guard, Washington, D.C. 20593. The comments will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays at the Marine Safety Council (G-CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand delivered to this office.

**FOR FURTHER INFORMATION CONTACT:** Joseph J. Jakabcin, G-MTH-3, Room 1208, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-6262.

**SUPPLEMENTARY INFORMATION:** The public is invited to participate in this proposed rulemaking by submitting