

units are desired in a given account, appropriate designations may be selected, preferably from the lists in other accounts.

(3) If type symbol designations are used as descriptive of the character and size of items, complete and detail description of what comprises each type shall be prepared, shall be filed with and be subject to the approval of the Commission.

(4) In the following list of units, the phrases shown in the parentheses after each item are indicative of the descriptive information required and the subdivision by classes for each item.

(5) All fixed property must be reported by definite location. Where necessary to supplement descriptions, reference to available plans and specifications should be shown on Completion Report.

(6) Materials salvaged from property retired when reused shall be designated as "second hand." Parts of a structure left in place and reused in connection with property retired and replaced shall be designated as "reused."

(c) *List of units by account numbers.*

Account 1. Engineering (No units are required for this account.)

Account 2. Land for Transportation Purposes

Account 3. Grading

See accounts 6 and 26.

Account 5. Tunnels and Subways

Account 6. Bridges, Trestles, and Culverts

Account 7. Elevated Structures

See account 6.

Account 8. Ties

Account 9. Rails

Account 10. Other Track Material

Account 11. Ballast

Account 12. Tracklaying and Surfacing

Account 13. Fences, Snowsheds, and Signs

Account 16. Station and Office Buildings

Account 17. Roadway Buildings

Account 18. Water Stations

Account 19. Fuel Stations

Account 20. Shops and Engine Houses

Account 21. Grain Elevators

Account 22. Storage Warehouses

Account 23. Wharves and Docks

Account 24. Coal and Ore Wharves

Account 26. Communications Systems

Account 27. Signals and Interlockers

Account 29. Power Plants

Account 31. Power-Transmission Systems

Account 35. Miscellaneous Structures

Account 37. Roadway Machines

Account 38. Roadway Small Tools

Account 39. Public Improvements;

Construction

Account 40. Revenues and Operating Expense; During Construction

Account 42. Reconstruction of Road Property Acquired

Account 43. Other Expenditures; Road

Account 44. Shop Machinery

Account 45. Power-Plant Machinery

Equipment Accounts

Account 51. Steam Locomotives

Account 52. Other Locomotives

Account 53. Freight-Train Cars  
Account 54. Passenger-Train Cars  
Account 56. Floating Equipment  
Account 57. Work Equipment  
Account 58. Miscellaneous Equipment  
Accounts 71, 72, 73, 74, 75, 76, 77.

**Note.**—Under these accounts there shall be recorded descriptive details which shall clearly set forth the character and the nature of the items and in such particulars as to distinguish as between payments for service, for supplies consumed, and for inventoriable property. With respect to items falling within the last-named class appropriate unit designations shall be selected from the items shown under other accounts.

When items of general expenditures have been included in any road or equipment accounts as part of the cost of any specific property, such items shall be separately stated and the nature appropriately described.

§ 362.300 **List of forms.**

Exhibit A—Authority for Expenditure.

Exhibit A-1—Detailed Estimate.

Exhibit B—Register of Authorities for Expenditure.

Exhibit C—Roadway Completion Report.

Exhibit C-1—Roadway Completion Report.

Exhibit D—Completion Report of Changes made in equipment for six months.

Exhibit E—Record of Property Changes.

B. V. Form No. 586—Report of roadway completion reports covering changes for six months.

B. V. Form No. 587—List of equipment completion reports covering changes for six months.

B. V. Form 588, Subschedule B (revised)—Equipment changes.

B. V. Form 588, Subschedule L (revised)—Statement showing changes in lands owned or used for the purpose of a common carrier.

B. V. Form 588, Subschedule M (revised)—Statement showing changes in physical property of owning company held for purposes other than those of a common carrier.

B. V. Form 588, Subschedule N (revised)—Statement showing changes in leases.

B. V. Form 588-R—Statement showing property changes for a certain period.

B. V. Form No. 589—Annual statement of charges and credits to the investment account for property brought into or retired from operation in a State.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[TD ATF-79; Re: Notice No. 337]

Napa Valley Viticultural Area

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

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

**SUMMARY:** This rule establishes a viticultural area in Napa County, California, named "Napa Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) feels that the establishment of the Napa Valley viticultural area and the subsequent use of its name as an appellation of origin in wine labeling and advertising will help consumers of wine to better identify wines from Napa Valley.

**EFFECTIVE DATE:** February 27, 1981.

**FOR FURTHER INFORMATION CONTACT:** Thomas Minton, 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 37671, 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.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. Approved American viticultural areas are listed in 27 CFR Part 9.

In response to a petition, ATF published a notice of proposed rulemaking in the Federal Register (45 FR 17026) proposing a delimited grape-growing area in Napa County, California, as an American viticultural area. The proposed area consisted of most of the Napa River watershed within Napa County. ATF solicited public comment concerning the proposed area and held a public hearing to discuss the proposal on April 28-29, 1980, in Napa, California.

## Comments

ATF received 100 written comments concerning the notice proposing the Napa Valley viticultural area. Thirty-seven persons testified at the public hearing. All the commenters agreed that a Napa Valley viticultural area should be established. They felt that the appellation "Napa Valley" clearly identified a wine with distinctive characteristics. They felt that wines currently labeled "Napa Valley" came from an area which was viticulturally distinctive from surrounding areas. Nevertheless, several commenters in both written comments and oral testimony disagreed over the proposed boundaries of the Napa Valley viticultural area. In all, ATF received comments concerning five boundary proposals. The proposals were as follows—

- (1) Limit the viticultural area to the watershed of the Napa River (the original proposal);
- (2) Limit the viticultural area to the watershed of the Napa River but allow landowners whose property is divided by the watershed line to declare whether their property, in its entirety, is inside the viticultural area or outside of it;
- (3) Limit the viticultural area to those areas within the watershed of the Napa River below the 400-foot elevation line;
- (4) Extend the proposed viticultural area to include the grape-growing areas in the smaller valleys east of the Napa River watershed and within Napa County; and
- (5) Extend the watershed proposal to include the area in Napa County south of Suscol Ridge.

## Historical And Current Evidence

Several commenters presented evidence that the watershed area originally proposed by ATF does not include the entire area known to wine producers, grape growers, and consumers as "Napa Valley." They stated that while the proposed boundaries may delimit the Napa River Valley, they excluded other areas historically and currently identified as being part of the Napa Valley grape-growing and wine-producing area. They claim that to restrict the Napa Valley viticultural area to a smaller area than that traditionally known as Napa Valley would be unfair since other areas have equal claim to the name "Napa Valley."

At the public hearing several grape and wine producers indicated that grapes grown in regions outside the watershed area but within Napa County were of the same general quality and possessed the same general

characteristics as grapes grown within the watershed area. The record shows that grapes grown in eastern valleys such as Pope Valley and Wooden Valley have been used to produce "Napa Valley" wines since the early 1900's.

Regulations concerning the establishment of viticultural areas (27 CFR 9.3(b)(1)) require that the name of a viticultural area be known as referring to the proposed area. Further, 27 CFR 9.3(b)(2) requires that proposed viticultural area boundaries be supported by historical or current evidence that the boundaries encompass the area known by the proposed name. Based on the evidence presented, ATF has determined that the name "Napa Valley" has traditionally been applied to an area larger than the watershed of the Napa River when used in grape-growing and wine-producing references.

## Geographical Features

In accordance with 27 CFR 9.3(b)(3), a viticultural should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

One commenter stated that the Napa Valley viticultural area should be restricted to the area within the watershed of the Napa River below the 400-foot elevation line because differences in elevation caused differences in the growing conditions for grapes. Other commenters stated that the areas outside the Napa River watershed differed in soil and climate from the areas within the watershed. Still other commenters disagreed by pointing out similarities among the grape-growing regions throughout most of Napa County.

From the comments received, ATF has determined that while certain areas below the 400-foot elevation line and certain areas within the Napa River watershed may vary in soil or temperature from their respective surrounding areas, the entire area delimited by the 400-foot elevation line and the entire area delimited by the Napa River Watershed line do not contain a unifying viticultural characteristic which distinguishes these areas from certain areas east of the watershed or south of Suscol Ridge. Instead, the evidence shows that both the watershed area and the 400-foot elevation area possess a range of viticulture characteristics shared by areas east of the Napa River watershed and the area south of Suscol Ridge.

Soil series, such as the Bressa-Dibble-Sobrante and Bale-Cole-Yolo, found in the grape-growing regions within the Napa River watershed and the 400-foot elevation area are also found in grape-

growing regions east of the watershed yet within Napa County. Other soil types found within the watershed and 400-foot elevation areas, such as the Haire-Coombs and Reyes-Clear Lake Types, are also found in the area south of Suscol Ridge.

Heat summation measurements in the grape-growing regions east of the watershed area do not vary significantly from heat summation measurements within the watershed and 400-foot elevation areas. Furthermore, from the standpoint of average temperature measurements, the vineyard regions within the Napa Valley viticultural area described in the new § 9.23 differ from the surrounding area. The vineyard regions of the Napa Valley viticultural area are warmer than the vineyard regions west of the viticultural area and cooler than the grape-growing regions east of the viticultural area.

## Boundaries

Based on the historical, current, and geographical evidence, ATF has decided to extend the viticultural area beyond the original proposal to include the grape-growing areas in Napa County east of the Napa River watershed and south of Suscol Ridge. The specific boundaries of the viticultural area are described in the new § 9.23. Basically, the viticultural area includes all of Napa County except for that portion of the county northeast of Putah Creek and Lake Berryessa. ATF believes that the new boundaries encompass an area which meets the requirements for a viticultural area by including all the areas traditionally known as "Napa Valley" which possess generally similar viticultural characteristics different from those of the surrounding areas.

## Miscellaneous Comments

(1) *Use of the term "valley."* Some commenters felt that the Napa Valley viticultural area had to be restricted to some portion of the Napa River Valley because the inclusion of other areas would not fit the dictionary description of a "valley." ATF has not attempted to delimit the geological formation known as "Napa Valley," but has identified a grape-growing region which takes its name from a recognizable geographical feature in the grape-growing area. The areas outside the Napa River Valley proper which have been included in the viticultural area possess viticultural characteristics similar to those found within the Napa River Valley. Also as noted before, when used in a winemaking context, the name "Napa Valley" has traditionally and historically been applied to an area larger than the Napa River Valley.

(2) *No option for property owners.* At the public hearing a commenter suggested that the Napa Valley viticultural area should be extended to include a part of Sonoma County. Later, in a written comment, this commenter stated that area in Sonoma County should not be included, but that the final regulations should allow property owners whose property is divided by the viticultural area boundary to choose whether their property, in its entirety, is in or out of the viticultural area.

ATF believes that although there may be some viticultural similarities between an area in Sonoma County and an area in the Napa Valley viticultural area, the area in Sonoma County does not meet the requirements of 27 CFR 9.3(b)(1) since the area has not been known as "Napa Valley."

Also, property located outside the boundaries of a viticultural area may not be included in that viticultural area even if it is part of a larger parcel of property divided by the viticultural area boundary. ATF believes that to hold otherwise would make the regulations meaningless and possibly mislead consumers of wines labeled with a viticultural area appellation of origin.

(3) *Inaccurate maps.* Finally, a commenter states that the Napa County-Sonoma County line on the United States Geological Survey (U.S.G.S.) maps is inaccurate and is different from the actual county line as drawn by the tax assessors of both Napa County and Sonoma County. ATF is using the actual Napa County-Sonoma County line as the western boundary of the Napa Valley viticultural area regardless of where the U.S.G.S. maps place it. ATF normally uses U.S.G.S. maps because they are generally available throughout the United States. However, in this case, ATF is using the Napa County tax assessor's maps as the approved maps defining the Napa County-Sonoma County line.

#### Effective Date

These regulations are effective February 27, 1981. However, since 27 CFR 4.25a, which allows the name of an approved American viticultural area to be used as an appellation of origin, is not mandatory before January 1, 1983, and the name "Napa Valley" is currently used as an appellation on wine labels, ATF has determined that § 9.23 establishing specific boundaries for the Napa Valley viticultural area will not be mandatory before January 1, 1983.

#### Summary of Changes in Regulations

(1) A parenthetical statement of the mandatory compliance date has been added to the title of § 9.23.

(2) The list of maps in paragraph 9.23(b) has been completed to include the appropriate maps showing the boundaries of the Napa Valley viticultural area.

(3) The regulatory boundary description in paragraph 9.23(c) has been changed to include all of Napa County except that portion of the county northeast of Putah Creek and Lake Berryessa.

#### Drafting Information

The principal author of this document is Thomas L. Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

#### Authority and Issuance

This Treasury decision is issued under the authority of 27 U.S.C. 205.

#### Regulations

On the basis of the foregoing, 27 CFR Part 9 is amended by the addition of § 9.23 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.23. As amended the table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

##### Sec.

9.23 Napa Valley (not mandatory before January 1, 1983).

2. Subpart C, 27 CFR Part 9, is amended by adding § 9.23. As amended, Subpart C reads as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

§ 9.23 Napa Valley (not mandatory before January 1, 1983).

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

(b) *Approved Maps.* The maps showing the boundaries of the Napa Valley viticultural area are the—

(1) "Mt. St. Helena" U.S.G.S. 7.5 minute quadrangle;

(2) "Detert Reservoir" U.S.G.S. 7.5 minute quadrangle;

(3) "St. Helena" U.S.G.S. 15 minute quadrangle;

(4) "Jericho Valley" U.S.G.S. 7.5 minute quadrangle;

(5) "Lake Berryessa" U.S.G.S. 15 minute quadrangle;

(6) "Mt. Vaca" U.S.G.S. 15 minute quadrangle;

(7) "Cordelia" U.S.G.S. 7.5 minute quadrangle;

(8) "Cuttings Wharf" U.S.G.S. 7.5 minute quadrangle; and

(9) Appropriate Napa County tax assessor's maps showing the Napa County-Sonoma County line.

(c) *Boundaries.* The Napa Valley viticultural area is located within Napa County, California. From the beginning point at the conjunction of the Napa County-Sonoma County line and the Napa County-Lake County line, the boundary runs along—

(1) The Napa County-Lake County line;

(2) Putah Creek and the western and southern shores of Lake Berryessa;

(3) The Napa County-Solano County line; and

(4) The Napa County-Sonoma County line to the beginning point.

Signed: November 12, 1980.

G.R. Dickerson,  
Director.

Approved: January 14, 1981.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

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#### DEPARTMENT OF JUSTICE

#### 28 CFR Part 16

[AAG/ A No. 61-81]

#### Exemption of Records Systems Under the Privacy Act; Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** As explained in the Notice Section of the January 23, 1981, Federal Register (46 FR 7507), the Federal Bureau of Investigation (FBI) proposed to modify its Identification Division Records System, JUSTICE/FBI-009. Coincidentally, by publication of this rule, the FBI also proposes to amend 28 CFR 16.96 to revoke the exemption of this system from subsection (m) of the Privacy Act. To accomplish this it will be necessary to amend 28 CFR 16.96 by revising introductory paragraph (e) and by removing paragraph (f)(8). Since revocation of this exemption would be in the public interest, it has been determined that it is impracticable and unnecessary to provide opportunity for public comment and that it is contrary to the public interest to delay the effective date of this rule. This determination is made in accordance with 5 U.S.C. § 553(b)(B).

DATE: January 28, 1981.