

PART 374—[AMENDED]

§ 374.3 [Amended]

2. In § 374.3, paragraph (c)(1)(ii) is amended by adding the words “, a Finnish Import Certificate, an Irish End-Use Import Certificate” between the words “a Singapore Import and Delivery Verification Certificate” and “or an Indian Import License” in the second sentence.

PART 375—[AMENDED]

§ 375.1 [Amended]

3. The table in § 375.1 is amended by adding “Finland,” between “Federal Republic of Germany,” and “France,” and by adding “Ireland, Republic of,” between “Hong Kong,” and “Italy,” under the column titled “and the country of destination is:”.

4. In § 375.3, paragraphs (b) and (c)(1) are revised to read as follows:

§375.3 International import certificate and delivery verification certificate.

* * * * *

(b) *Destinations.* The following country destinations are subject to the International Import Certificate/Delivery Verification Certificate System requirements.¹

- Austria
- Belgium
- Denmark
- Finland
- France
- Germany, Federal Republic of (including West Berlin)
- Greece
- Hong Kong (see § 375.3(c)(3) of this section)
- Ireland, Republic of
- Italy
- Japan
- Luxembourg
- Netherlands
- Norway
- Portugal
- Singapore
- Spain
- Turkey
- United Kingdom.

(See Supplement No. 1 to this Part 375 for the list of addresses in the above country destinations where foreign importers may obtain International Import Certificates.) The provisions of this § 375.3 do not apply to any overseas territories of the above destinations unless specifically listed.

(c) *Documentation provisions—(1) Terms used.* As used in this § 375.3, the

terms “International Import Certificate,” “Delivery Verification Certificate,” “Entrance Verification Certificate,” “Hong Kong Import License,” “Irish End-Use Import Certificate,” “Landing Certificate,” and “Singapore Import and Delivery Verification Certificate,” refer to the documents issued by governments of the countries listed in § 375.3(b) above to importers in such countries and are equivalent documents for Form ITA-645P/ATF-4522/DSP-53, International Import Certificate, and Form ITA-647P, U.S. Delivery Verification Certificate issued to U.S. importers (see §§ 368.2 and 368.3).

* * * * *

Supplement No. 1—[Amended]

5. Supplement No. 1 to Part 375 is amended by inserting the following information in alphabetical order by country:

A. Under the column heading “Country”, insert “Finland” and “Ireland, Republic of”;

B. Under the column heading “IC/DV Authorities”, insert “Helsingin Piiritullikamari, Kanavakatu 6 (or P.O. Box 168) 00161 Helsinki” opposite “Finland” and “Department of Industry, Trade, Commerce and Tourism, Frederick House, South Frederick Street, Dublin 2” opposite “Ireland”.

C. Under the column heading “System administered”, insert “IC/DV” for both Finland and Ireland.

Dated: November 13, 1987.

Vincent F. DeCain,
Deputy Assistant Secretary for Export Administration.
[FR Doc. 87-26569 Filed 11-17-87;8:45am]
BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-261; Notice No. 632]

Sierra Foothills Viticultural Area

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

ACTION: Treasury decision, final rule.

SUMMARY: This final rule establishes in the foothills of the Sierra Nevadas in north-central California an American viticultural area known by the appellation “Sierra Foothills.”

The use of the name of an approved viticultural area as an appellation of origin in the labeling and advertising of wine allows the proprietor of a winery

to designate the area as the locale in which grapes used in the production of a wine are grown and enables the consumer to identify and to differentiate between that wine and other wines offered at retail.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT:

Michael J. Breen, Coordinator, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, Room 6237, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, Part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added to Title 27 a new Part 9 providing for the listing of approved American viticultural areas.

Section 4.25a(e)(1) of Title 27, Code of Federal Regulations, Part 4, 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 person may petition ATF to establish a grape-growing region as a viticultural area. The petition shall 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 boundary of the proposed viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and,

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundary prominently marked.

¹ See §375.4 for Swiss Blue Import Certificate requirements, § 375.5 for Yugoslav End-Use Certificate requirements, § 375.6 for People's Republic of China End-Use Certificate requirements, and § 375.7 for Indian Import License requirements.

Petition

By letter dated July 8, 1985, the Sierra Foothills Winery Association of Somerset, California, filed a petition for the establishment of a "Sierra Foothills" viticultural area in portions of the counties of Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne and Mariposa.

The petition covered portions of seven of the twelve California counties which lie in the foothills "belt" of the Sierra Nevadas, an interior range that extends about 360 miles in a northwest to southeast orientation from Mt. Lassen to Walker Pass near Bakersfield. The petitioned area is approximately 160 miles long and lies 40 miles to the east of Sacramento.

Notice of Proposed Rulemaking

After reviewing the petition and additional data requested from the petitioner, ATF proposed in Notice No. 632, published in the *Federal Register* of May 26, 1987 (52 FR 19531), that the northern leg of the boundary for the petitioned area be extended to include the foothills in Yuba County, thereby increasing the length of the viticultural area to 170 miles. In the "Public Participation" section of the preamble to Notice No. 632, ATF sought comment regarding this revision of the boundary as well as additional documentation to support the inclusion of Mariposa County, the southernmost county of the eight counties listed in the proposal.

Public Comment

During a 60-day comment period which closed on July 27, 1987, ATF received four comments to Notice No. 632. Three commenters supported the proposal; one commenter opposed the inclusion of the foothills of Yuba County within the boundary of the proposed viticultural area.

Comment No. 1: George P. Radanovich, proprietor of Radanovich Vineyards and Winery, presently the only bonded winery in Mariposa County, expressed support for the inclusion of the portion of Mariposa County as proposed in the notice and stated that wine grapes were first planted in this county in 1982.

Comment No. 2: Mr. James R. Bryant, an officer of Renaissance Vineyard & Winery, Incorporated, and the petitioner for the North Yuba viticultural area which ATF established in 1985 in the middle and upper foothills of Yuba County, California, opposed ATF's proposal to include the foothills land in Yuba County. Mr. Bryant expressed the concern that the establishment of "one catch-all viticultural area * * * would

only serve to diminish the value of the designation of specific areas." Mr. Bryant based his objection on the beliefs that Yuba County lacks recognition as being a part of the "Sierra Foothills" appellation and has physical features which are distinct from the other seven counties.

Comment No. 3: The third comment was filed by Michael F. McCartney of Fremont, California, "a consumer and amateur winemaker who has followed the Sierra Foothills as a wine growing area since the middle 1960's." Writing in support of the proposal, Mr. McCartney notes that "the appellation is long overdue for an area with a distinct viticultural history, climate, geology and soils, which produces wines quite distinct from the Central Valley." This commenter supports the proposed boundary and, specifically, "ATF's northern extension to include the North Yuba area." Mr. McCartney notes that "the Sierra Foothills appellation should be more of an inclusive 'umbrella,' similar to North Coast or Central Coast."

Comment No. 4: The fourth comment was filed by Alan L. Ghirardelli, of Linden, California. Mr. Ghirardelli's family has owned and operated a winegrape vineyard in Calaveras County for nearly 90 years. Mr. Ghirardelli expressed full support for the proposal and hoped that "consideration would be given to designating more localized appellations within the Sierra Foothills area."

Consideration of Comments

North Leg of Boundary

With regard to the proposal to include the foothills in Yuba County in the Sierra Foothills viticultural area, ATF notes that although none of the groupings by the various entities cited in the petition and in the comment by Mr. Bryant includes Yuba County in the appellation "Sierra Foothills", no two can agree as to which grouping of counties represents the "Sierra Foothills" region. For example, Mr. Bryant cited a tour guide which placed Modoc County under this appellation in spite of the fact that Modoc County lies 55 miles north of Mt. Lassen which is considered to be the northern terminus of the Sierra Nevadas.

ATF attributes the omission of the foothills in Yuba County from the petition to the fact that the reestablishment of viticulture in the foothills of Yuba County is a relatively recent event. Although wine grapes were planted in the foothills of Yuba County in the 1850's and 1,000 acres were dedicated to wine grapes by 1930,

as a consequence of National Prohibition, the vineyards were replaced by orchards of peaches and prunes. After repeal in the mid-1930's, wine grape growing resurged in the valley lowlands. The viticulture in Yuba County has been associated with the Sacramento Valley because from the mid-1930's to the early 1980's wine grapes were not being cultivated in the foothills of Yuba County.

Mr. Bryant's objections to the inclusion of the foothills of Yuba County within the boundary of the proposed Sierra Foothills viticultural area are based upon the belief that the foothills in Yuba County lack recognition as being a part of the Sierra Foothills and have physical features which are distinct from those of the seven other Sierra Foothills counties. ATF, in applying the criteria prescribed in § 4.25a(e)(2), finds that the foothills of Yuba County are known as being part of the same Sierra Foothills which are contained in the seven other counties in the proposed area. Further, ATF finds that the foothills in Yuba County share the same history with the seven other counties and that the physical features of the Sierra Foothills, i.e., soils, climate, topography, etc., clearly show the extension of the Sierra Foothills as far north as Yuba County.

The "Sierra Foothills" petition covers land as low in elevation as 500 feet above sea level, e.g., Jackson Valley and Auburn Ravine, and land as high in elevation as 3,500 feet above sea level in Mariposa County. In comparison with the North Yuba viticultural area which ranges in elevation from 1,000 to 2,000 feet above sea level, the Sierra Foothills viticultural area fully encompasses the range in elevation for the North Yuba viticultural area.

ATF, therefore, finds that in applying the criteria prescribed in § 4.25a(e)(2), the foothills of Yuba County should be included within the boundary of the new Sierra Foothills viticultural area.

South Leg of Boundary

The data furnished by the petitioner supports the inclusion of some portion of Mariposa County in the Sierra Foothills viticultural area. Due to its topography, specifically, a more rapid transition in elevation from the lowlands of the Sacramento Valley to the uplands in Sierra National Forest and discontinuous "poolings" of foothills soils, the foothills "belt" in Mariposa County is more compressed and lacks the continuity of soils common to the foothills of the other seven counties.

During the comment period, ATF sought additional data to support the

inclusion of the portion of Mariposa County proposed in Notice No. 632 within the Sierra Foothills boundary.

Based upon a review of the entire record, ATF finds that in applying the criteria prescribed in § 4.25a(e)(2), the foothills of Mariposa County should also be included in the proposed viticultural area and that the southern extension of the foothills of Mariposa County adequately defines the southernmost leg of the boundary of the Sierra Foothills viticultural area. Although there is a break in the continuity of foothills soils within Mariposa County, ATF finds that the foothills in Mariposa County have physical features, including soils, which are generally similar to those of the seven other more northerly counties proposed in the notice. These findings are also based on the fact that the foothills in Mariposa County, as discussed in the notice, are a southerly extension of the same Sierra Foothills contained in the seven other counties in the proposed area and that all eight counties share a common history.

Final Rule

The boundary of the Sierra Foothills viticultural area, as proposed by ATF in Notice No. 632 and retained in this final rule, encompasses the foothills "belt" of the Sierra Nevadas in the eight counties of Yuba, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne and Mariposa in the State of California. The viticultural area includes the lower, middle and upper foothills in the foothills "belt", a region that narrows to the northwest in Yuba County and to the southeast in Mariposa County.

The boundary of the viticultural area encompasses approximately 4,200 square miles of 2.6 million acres. The length is approximately 170 miles from Yuba County to Mariposa County.

Within the area there are approximately 150 vineyards totaling 3,000 acres planted in wind grapes, 35 premises registered for the production of wine and the approved American viticultural areas of "North Yuba", "El Dorado", "California Shenandoah Valley" and "Fiddletown."

Distinguishing Characteristics

The characteristics which distinguish the Sierra Foothills viticultural area from surrounding areas are discussed at length in the preamble of Notice No. 632 but are summarized as follows:

- (1) Name (viticulture found geographically in the foothills "belt" of the Sierra Nevadas);
- (2) History (origins dating to the Gold Rush of 1849);
- (3) Geology, topography, elevation and soils (the region is part of the Sierra

Nevada geomorphic province, with different geology and soils than the Great Valley province and the High Sierras); and,

(4) Climate, rainfall and temperature (the region has warm summer days and cool nights, with lower temperatures and higher rainfall than the Central Valley and higher temperatures and lower rainfall than the mountainous uplands of the Sierra Nevadas).

Boundary

The boundary of the Sierra Foothills viticultural area may be found on four United States Geological Survey maps scale 1:250,000. The boundary is described in § 9.120.

Miscellaneous

With the publication of this final rule, ATF recognizes the Sierra Foothills viticultural area as being distinct from neighboring and other areas. However, this action is not an endorsement of the quality of wines produced from grapes grown in this area and any commercial advantage gained by wine producers comes only through consumer acceptance of such wines in the marketplace.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 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 and 604) are not applicable since this final rule will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The 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.

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 author of this document is Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The Table of Contents in Subpart C is amended to add the title of § 9.120 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.120 Sierra Foothills.

Par. 3. Subpart C is amended by adding § 9.120. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.120 Sierra Foothills.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Sierra Foothills viticultural area are four U.S.G.S. topographical maps of the 1:250,000 scale:

- (1) "Chico" (NJ 10-3), edition of 1958, revised 1970.
- (2) "Sacramento" (NJ 10-6), edition of 1957 revised 1970.
- (3) "San Jose" (NJ 10-9), edition of 1962, revised 1969.

(4) "Mariposa" (NJ 11-7), edition of 1957, revised 1970.

(c) *Boundary.* The Sierra Foothills viticultural area is located in portions of the counties of Yuba, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne and Mariposa, in the State of California. The boundary is as follows:

(1) Beginning on the "Chico" map at the point of intersection of the north border of T(ownship) 18 N(orth), R(ange) 6 E(ast), with S. Honcut Creek the boundary proceeds approximately 3.5 miles, in a generally south and southwesterly direction, along the eastern bank of S. Honcut Creek to the point where S. Honcut Creek meets the western border of T. 18 N., R. 6 E.;

(2) Then south, approximately 15 miles, along the western borders of T. 18 N., T. 17 N., and T. 16 N. in R. 6 E., to the point where the western border of T. 16 N., R. 6 E. meets the northernmost perimeter of Beale Air Force Base in the southwestern corner of T. 16 N., R. 6 E.;

(3) Then east, south and west along the perimeter of Beale Air Force Base to the point where the perimeter of Beale Air Force Base intersects the western border of R. 7 E. in T. 14 N.;

(4) Then south, approximately 24 miles, along the western borders of T. 14 N., T. 13 N., T. 12 N., and T. 11 N. in R. 7 E., to the southwestern corner of T. 11 N., R. 7 E. (see "Sacramento" map);

(5) Then east, approximately six miles, along the south border of T. 11 N., R. 7 E., to the southeastern corner of T. 11 N., R. 7 E.;

(6) Then in a south southeasterly direction, in a straight line, approximately three miles, to the northeasternmost corner of Sacramento County in T. 10 N., R. 8 E.;

(7) Then continuing in a south southeasterly direction, in a straight line, along the Sacramento County—El Dorado County line, approximately 15 miles, to the point where the county line meets the Cosumnes River in the southwestern corner of T. 8 N., R. 9 E.;

(8) Then south, in a straight line, approximately 14.1 miles, along the Sacramento County—Amador County line, to the point where the county line meets Dry Creek in the northwestern corner of T. 5 N., R. 9 E.;

(9) Then in a south southeasterly direction, in a straight line, approximately 5.4 miles, along the San Joaquin County—Amador County line, to the point where the Mokelumne River forms the Amador County—Calaveras County line in T. 4 N., R. 9 E.;

(10) Then continuing in a south southeasterly direction, in a straight line, approximately 10.4 miles, along the San Joaquin County—Calaveras County line, to the point where the power line

meets the western border of T. 3 N., R. 10 E.;

(11) Then in a southeasterly direction, in a straight line, approximately 22.4 miles, along the Calaveras County—Stanislaus County line to the point where the county line meets the Stanislaus River in T. 1 S., R. 12 E. (see "San Jose" map);

(12) Then in a southeasterly direction, in a straight line, approximately 20 miles, along the Tuolumne County—Stanislaus County line to the point where the county lines of Tuolumne, Mariposa, Stanislaus and Merced counties meet in the southeast corner of T. 3 S., R. 14 E.;

(13) Then continuing along the Mariposa County—Merced County line in a generally southeasterly direction, approximately 37 miles, to the point where the county lines of Mariposa, Merced and Madera counties meet in the northwestern corner of T. 9 S., R. 18 E.;

(14) Then northeasterly in a straight line, approximately 23 miles, along the Mariposa County—Merced County line to the point, approximately one mile west of Miami Mountain, where the Mariposa County—Merced County line meets the western border of the boundary of the Sierra National Forest in T. 6S, R. 20 E. (see "Mariposa" map);

(15) Then in a generally northerly and westerly direction, along the western borders of the Sierra and Stanislaus National Forests in Mariposa County (see "San Jose" map);

(16) Then in a generally northerly and westerly direction, along the western border of the Stanislaus National Forest in Tuolumne County (see "Sacramento" map);

(17) Then in a generally northerly and westerly direction, along the western border of the Stanislaus National Forest in Calaveras and Amador counties;

(18) Then in a generally northerly and westerly direction, along the western border of the El Dorado National Forest in Amador, El Dorado and Placer counties (see "Chico" map);

(19) Then in a generally northerly and westerly direction, along the western border of the Tahoe National Forest in Placer, Nevada and Yuba counties to the point south of Ruef Hill where the western border of the Tahoe National Forest intersects the northeast corner of T. 18 N., R. 6 E.;

(20) Then west, approximately five miles, along the north border of T. 18 N., R. 6 E., to the point of beginning.

Signed: October 2, 1987.

W. T. Drake,
Acting Director.

Approved: October 30, 1987.

John P. Simpson,
Deputy Assistant Secretary (Regulatory,
Trade and Tariff Enforcement).
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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-87-18]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Carolina

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: At the request of the South Carolina Department of Highways and Public Transportation, the Coast Guard is modifying regulations governing the Lady's Island drawbridge at Beaufort by permitting the number of openings to be limited during certain periods. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, telephone (305) 536-4103.

SUPPLEMENTARY INFORMATION: On July 27, 1987, the Coast Guard published proposed rule (52 FR 28018) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated August 10, 1987. In each notice, interested persons were given until September 10, 1987, to submit comments.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments

Seventeen comments were received. All supported some version of the original proposal of the highway department to close the bridge to navigation from 7 a.m. to 9 a.m. and 4