2. Rulemaking Proceeding

Realignment of the Alexander Valley and Dry Creek Valley Viticultural Areas Petition

The Bureau of Alcohol, Tobacco and Firearms (ATF) received a petition from E. & J. Gallo Winery proposing the revision and realignment of a common boundary line between the Alexander Valley and the Dry Creek Valley viticultural areas, located in northern Sonoma County, California. This petition proposed realigning approximately 410 acres from the Dry Creek Valley area to the Alexander Valley area. The original petitions for these areas incorporated U.S.G.S. mapping section lines to define the boundary of this realignment area. To re-define the boundary line, the petitioner used geographic and climatic features.

The petitioner indicated that a small section of the boundary between the established Alexander Valley viticultural area, 27 CFR 9.53, and Dry Creek Valley viticultural area, 27 CFR 9.64, should be modified. The petition stated that the original boundary ignored distinctive geographic features, climatic differences and it now divides several vineyards. The original boundary line, in sections 4 and 5 of T.10 N., R.10 W. of the Geyersville Quadrange, California, Sonoma Co., 7.5 Minute Series (Topographic), 1955, U.S.G.S. map, was defined primarily by the mapping section lines. According to the petitioner, there were no vineyards along this boundary section at the times the boundary line was petitioned and approved, in 1983 for Dry Creek Valley and 1984 for Alexander Valley.

The petitioner provided a Geyersville Quadrange, California, Sonoma Co., 7.5 Minute Series (Topographic), 1955, U.S.G.S. map as evidence of a significant ridgeline along the proposed boundary line. This ridgeline defines the watershed dividing point between the Dry Creek Valley and Alexander Valley viticultural areas. With the original boundary line, both the Dutcher Creek and Gill Creek watersheds are in the Dry Creek Valley area but drain into different viticultural areas. The Gill Creek watershed, to the east of the ridgeline, drains east and crosses the boundary line into the Alexander Valley area. The Dutcher Creek Planning Watershed, to the west of the ridgeline, drains into Dry Creek, staying in the Dry Creek Valley area. The realignment will put the Gill Creek watershed into the Alexander Valley area, where it drains, and will keep the Dutcher Creek watershed within the Dry Creek Valley area.

### DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–468; Re: Notice No. 910]

RIN: 1512–AAO7

Realignment of the Alexander Valley and Dry Creek Valley Viticultural Areas (2000R–298P)

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

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

**SUMMARY:** This Treasury decision realigns a boundary line between the Alexander Valley and the Dry Creek Valley viticultural areas, located in northern Sonoma County, California. This realignment is a result of a petition submitted by E. & J. Gallo Winery.

**EFFECTIVE DATE:** Effective December 3, 2001.

**FOR FURTHER INFORMATION CONTACT:** Nancy Sutton, Specialist, Regulations Division (San Francisco, CA), Bureau of Alcohol, Tobacco and Firearms, 221 Main Street, 11th Floor, San Francisco, CA (415) 947–5192.

### SUPPLEMENTARY INFORMATION:

#### 1. Background on Viticultural Areas

**What Is ATF’s Authority To Establish a Viticultural Area?**

ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) on August 23, 1978. This decision revised the regulations in 27 CFR part 4, Labeling and Advertising of Wine, to allow the establishment of definitive viticultural areas. The regulations 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 27 CFR part 9, American Viticultural Areas, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

**What Is the Definition of an American Viticultural Area?**

An American viticultural area is a delimited grape-growing region distinguishable by geographic features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

**What Is Required To Establish a Viticultural Area?**

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) that distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features that can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- A copy (or copies) of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

#### 2. Realignment

**Realignment of the Alexander Valley and Dry Creek Valley Viticultural Areas Petition**

The Bureau of Alcohol, Tobacco and Firearms (ATF) received a petition from E. & J. Gallo Winery proposing the revision and realignment of a common boundary line between the Alexander Valley and the Dry Creek Valley viticultural areas, located in northern Sonoma County, California. This petition proposed realigning approximately 410 acres from the Dry Creek Valley area to the Alexander Valley area. The original petitions for these areas incorporated U.S.G.S. mapping section lines to define the boundary of this realignment area. To re-define the boundary line, the petitioner used geographic and climatic features.

The petitioner indicated that a small section of the boundary between the established Alexander Valley viticultural area, 27 CFR 9.53, and Dry Creek Valley viticultural area, 27 CFR 9.64, should be modified. The petition stated that the original boundary ignored distinctive geographic features, climatic differences and it now divides several vineyards. The original boundary line, in sections 4 and 5 of T.10 N., R.10 W. of the Geyersville Quadrange, California, Sonoma Co., 7.5 Minute Series (Topographic), 1955, U.S.G.S. map, was defined primarily by the mapping section lines. According to the petitioner, there were no vineyards along this boundary section at the times the boundary line was petitioned and approved, in 1983 for Dry Creek Valley and 1984 for Alexander Valley.

The petitioner provided a Geyersville Quadrange, California, Sonoma Co., 7.5 Minute Series (Topographic), 1955, U.S.G.S. map as evidence of a significant ridgeline along the proposed boundary line. This ridgeline defines the watershed dividing point between the Dry Creek Valley and Alexander Valley viticultural areas. With the original boundary line, both the Dutcher Creek and Gill Creek watersheds are in the Dry Creek Valley area but drain into different viticultural areas. The Gill Creek watershed, to the east of the ridgeline, drains east and crosses the boundary line into the Alexander Valley area. The Dutcher Creek Planning Watershed, to the west of the ridgeline, drains into Dry Creek, staying in the Dry Creek Valley area. The realignment will put the Gill Creek watershed into the Alexander Valley area, where it drains, and will keep the Dutcher Creek watershed within the Dry Creek Valley area.
The petitioner provided a chart of
growing degree days for five vineyards
in the Dry Creek Valley and Alexander
Valley viticultural areas. This chart
indicates that the Dry Creek Valley
viticultural area is generally cooler than
sites in the Alexander Valley
viticultural area. The climate of the
realigned area more closely reflects the
warmer Alexander Valley than the
cooler Dry Creek Valley.

3. Notice of Proposed Rulemaking

A Notice of Proposed Rulemaking,
Notice No. 910, was published in the
Federal Register on February 5, 2001
(66 FR 8925), requesting comments fromall interested persons concerning the
realignment of these viticultural areas
be received by April 6, 2001. ATF
received no comments concerning this
proposal.

4. Regulatory Analyses and Notices

Does the Paperwork Reduction Act
Apply to This Final Rule?

The provisions of the Paperwork
chapter 33, and its implementing
regulations, 5 CFR part 1320, do not
apply to this rule because no
requirement to collect information is
imposed.

How Does the Regulatory Flexibility Act
Apply to This Final Rule?

These regulations will not have a
significant economic impact on a
substantial number of small entities.
ATF does not wish to give the
impression that by approving the
realignment of a boundary line between
the Alexander Valley and Dry Creek
Valley viticultural areas it is endorsing
wine produced in the area. The
realignment of these two viticultural
areas merely allows the wineries in
these areas to more accurately describe
the origin of their wines to consumers,
and helps consumers identify the wines
they purchase. Thus, any benefit
derived from the use and reputation of
a viticultural area name is the result of
the proprietor’s own efforts and
consumer acceptance of wines from that
area.

The final rule is not expected (1)
to have significant secondary, or incidental
effects on a substantial number of small
entities, or (2) to impose, or otherwise
cause a significant increase in the
reporting, recordkeeping, or other
compliance burdens on a substantial
number of small entities. No new
requirements are imposed. Accordingly,
a regulatory flexibility analysis is not
required.

Is This a Significant Regulatory Action
as Defined by Executive Order 12866?

It has been determined that this
regulation is not a significant regulatory
action as defined by Executive Order
12866. Therefore, a regulatory
assessment is not required.

5. Drafting Information

The principal author of this document
is Nancy Sutton, Regulations Division,
Bureau of Alcohol, Tobacco, and
Firearms.

List of Subjects in 27 CFR Part 9

Wine.

Authority and Issuance

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).

Subpart C—Approved American
Viticultural Areas

Par. 2. Section 9.53 is amended by
revising paragraph (c)(6) and removing
and reviewing paragraph (c)(7) as
follows:

§9.53 Alexander Valley,
* * * * * * * * * * * *

(c) Boundaries. * * * * * *

(6) Then southeasterly in a straight
line approximately 11,000 feet (closely
following the ridge line) to the
northwest corner of Section 10, T. 10 N.,
R.10 W. on the Geyserville Quadrangle
map:

(7) [Reserved]
* * * * * * * * * *

Par. 3. Section 9.64 is amended by
revising paragraphs (c) introductory text
and (c)(1) to read as follows:

§9.64 Dry Creek Valley.
* * * * * * * * * * * *

(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 northwest corner of
Section 5, T. 10 N., R. 10 W. on the
‘‘Geyserville Quadrangle’’ map, the
boundary runs—

(1) Southeasterly in a straight line
approximately 11,000 feet (closely
following the ridge line) to the northeast
corner of Section 9, T. 10 N., R. 10 W.;
* * * * * * * * * * * *

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 160

[USCG—2001–10689]

RIN 2115–AG24

Temporary Requirements for
Notification of Arrival in U.S. Ports

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for
comments.

SUMMARY: To ensure public safety
and security and to ensure the uninterrupted
flow of commerce, the Coast Guard is
temporarily changing notification
requirements for vessels bound for or
departing from U.S. ports. This rule
temporarily lengthens the usual
notification period from 24 to 96 hours
prior to port entry, requires submission
of reports to a central national
clearinghouse, suspends exemptions for
vessels operating in compliance with
the Automated Mutual Assistance
Vessel Rescue System, for some vessels
operating on the Great Lakes, and
vessels on scheduled routes, and
requires information about persons
onboard these vessels. These changes
are necessary to ensure receipt of
comprehensive and timely information
on vessels entering U.S. ports. They will
help provide better security information
and minimize delays in collecting that
information.

DATES: This temporary final rule is
effective from October 4, 2001 to June
15, 2002. Comments and related
material must reach the Docket
Management Facility on or before
January 18, 2002.

ADDRESSES: To make sure your
comments and related material are not
entered more than once in the docket,
please submit them by only one of the
following means:

(1) By mail to the Docket Management
Facility (USCG–2001–10689), U.S.
Department of Transportation, room PL–
401, 400 Seventh Street, SW.,
Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the
Plaza level of the Nassif Building, 400