

paragraphs (c)(6) through (c)(44) as (c)(9) through (c)(47), and adding new paragraphs (c)(6) through (c)(8) to read as follows:

### Subpart C—Approved American Viticultural Areas

#### § 9.53 Alexander Valley.

\* \* \* \* \*

(c) Boundary.

\* \* \* \* \*

(5) Then straight south along the eastern boundary line of Section 25, to its intersection with Kelly Road, a medium-duty road, T. 11 N., R. 11 W.;

(6) Then southwest along Kelly Road to its intersection with the northern boundary line of Section 36, T. 11 N., R. 11 W.;

(7) Then straight south to its intersection with 38° 45' N. latitude along the southern border of the Cloverdale Quadrangle map, T. 10 N., R. 11 W. and R. 10 W.;

(8) Then straight east to its intersection with 123° 00' E. longitude at the southeastern corner of the Cloverdale Quadrangle map, T. 10 N., R. 10 W.;

\* \* \* \* \*

Signed: March 1, 2007.

**John J. Manfreda,**

*Administrator.*

Approved: November 16, 2007.

**Timothy E. Skud,**

*Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).*

[FR Doc. E8-4789 Filed 3-10-08; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

[T.D. TTB-67; Re: Notice No. 70]

**RIN 1513-AB21**

### Expansion of the San Francisco Bay Viticultural Area (2005R-413P)

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

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

**SUMMARY:** This Treasury decision expands the San Francisco Bay viticultural area in northern California. The expansion adds 88 square miles to the viticultural area to its north in Solano County, California. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

**DATES:** *Effective Date:* April 10, 2008.

**FOR FURTHER INFORMATION CONTACT:** N.A. Sutton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 925 Lakeville St., No. 158, Petaluma, California 94952; telephone 415-271-1254.

#### SUPPLEMENTARY INFORMATION:

#### Background on Viticultural Areas

##### TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

##### Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographical origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

##### Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Petitioners may use the same procedure to request changes involving existing

viticultural areas. Section 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;
- Evidence relating to the geographical features, such as climate, soils, elevation, and physical features, that distinguish the proposed viticultural area from surrounding areas;
- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and
- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

### San Francisco Bay and Central Coast Expansion Petition

Hestan Vineyards, LLC, of Vallejo, California, represented by Holland and Knight LLP of San Francisco, California, submitted a petition for an 88-square-mile boundary expansion that includes portions of Solano County to the north of the Carquinez Strait, and would apply to both the established San Francisco Bay viticultural area (27 CFR 9.157) and the established Central Coast viticultural area (27 CFR 9.75). After reviewing the petition, TTB determined that the evidence submitted in support of the proposed expansion of the San Francisco Bay viticultural area merited rulemaking action. TTB also determined that there was insufficient documentation to proceed with rulemaking for the proposed expansion of the Central Coast viticultural area. Accordingly, TTB notified the petitioner of these determinations, and the petitioner agreed to proceed only with the portion of the petition for the expansion of the San Francisco Bay viticultural area.

#### San Francisco Bay Expansion Petition Evidence

The petitioner submitted the following information in support of the expansion of the San Francisco Bay viticultural area.

The petition states that the San Francisco Bay area is a loosely bound region that includes other bodies of water, including San Pablo Bay, the Carquinez Strait, and Suisun Bay. USGS maps of the region show that San Francisco Bay joins San Pablo Bay to its north. Also, the Carquinez Strait

connects San Pablo Bay on the west with Suisun Bay on the east.

The petition states that the area covered by the proposed expansion, which is located adjacent to the north shores of San Pablo Bay and the Carquinez Strait, is an area historically, economically, and socially considered to be a part of the San Francisco Bay region. With the exception of the 4,480 acres, or 7 square miles, of the Carquinez Strait waterway, the petition explains, the entire proposed expansion area is on land in western Solano County.

#### *Name Evidence*

As documented in the petition, a number of Government agencies and interest groups provide services to the nine counties in the recognized San Francisco Bay area, including the proposed expansion area in Solano County. The Bay Area Council's Web site as of April 12, 2005, lists its nine counties, which include Solano, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Napa, Sonoma, and Marin. Other government agencies and interest groups using the same nine-county San Francisco Bay area parameter include the Association of Bay Area Governments, Bay Area Water Transit Authority, Bay Area Marketing Partnership, and Bay Area Economic Forum.

The petition documents that the City of Vallejo, in southwest Solano County and within the proposed San Francisco Bay expansion area, serves as a key ferry transportation hub into the City of San Francisco. The Vallejo ferry system, as explained on the Bay Area Water Transit Authority Web site, carries thousands of passengers each week from Solano County to the City of San Francisco and back.

In 1987, the State of California legislature passed a bill establishing the "San Francisco Bay Trail," as noted on page 160 of *San Francisco Bay: Portrait of an Estuary*, by John Hart, and published by the University of California Press in 2003. Mr. Hart states that this trail system includes the Vallejo area of Solano County, which the petition notes is a part of the proposed San Francisco Bay viticultural expansion area.

#### *Boundary Evidence*

The proposed San Francisco Bay viticultural area expansion area comprises an 88-square-mile area that lies northeast of the City of San Francisco and San Francisco Bay, the petition explains. The proposed boundary line of the expansion area includes portions of San Pablo Bay's

shoreline, the Solano and Napa Counties boundary line, a railroad track, and an interstate highway.

The proposed expansion area's northern boundary line follows the dividing line between Napa and Solano Counties and the Southern Pacific railroad track between Creston and Cordelia, as found on the USGS Cuttings Wharf and Cordelia maps. TTB notes that the proposed expansion area boundary line coincides with various portions of the established boundaries for the North Coast (27 CFR 9.30), Napa Valley (27 CFR 9.23), and Solano County Green Valley (27 CFR 9.44) viticultural areas.

#### *Distinguishing Features*

David G. Howell, Ph.D., Geologist at Stanford University in Palo Alto, California, Deborah Harden, Ph.D., Geologist at San Jose State University, San Jose, California, and Robert Bornstein, Ph.D., Meteorologist at San Jose State University, San Jose, California, combined efforts to provide petition evidence and documentation substantiating the proposed northerly expansion of the San Francisco Bay viticultural area. The petition addresses the commonality of distinguishing features shared by the established San Francisco Bay viticultural area and the proposed northern expansion area.

#### *Geology*

The petition explains the similarity of geology between the northern portion of the San Francisco Bay viticultural area and the proposed viticultural area expansion into Solano County. According to the petition, the Franklin Ridge landform of Contra Costa County, located in the northern most portion of the established San Francisco Bay viticultural area, continues northward into the proposed expansion area in Solano County. Franklin Ridge becomes known as Sulphur Mountain Ridge in Solano County, with the two ridges joining beneath the Carquinez Strait.

According to the petition, the north-south linkage between the established San Francisco Bay viticultural area and the proposed expansion area is based on the continuity of the underlying geology. The bedrock formations, earthquake faults, landforms, and soils of the northern San Francisco Bay viticultural area continue north into the proposed expansion area.

The petition identifies the geological bedrock core of the proposed expansion area as Cretaceous sandstone and shale. This body of rock, the petition explains, extends northward from the Mount Diablo region in Contra Costa County

into the proposed expansion in Solano County.

#### *Soil*

The two general categories of soils in the proposed expansion area are those formed in salt marshes and those formed in sandstone over shale bedrock on uplands, as described in the Soil Survey of Solano County, California, issued by the U.S. Department of Agriculture in 1977.

The Solano County general soil map documents that soils in salt marshes dominate in areas at a low elevation south of Vallejo. Also, the map shows that some of the soils in the predominant Joice, Reyes, Suisun, and Tamba soil series are mucks or peaty mucks.

The soils on uplands in Solano County are common to other parts of the San Francisco Bay viticultural area, including areas of Alameda and Santa Clara Counties, the petition explains. The most prevalent soils on uplands are in the Dibble and Los Osos series, and are moderately deep soils formed in weathered sandstone and shale under climatic conditions of seasonal soil moisture. The Altamont, Gaviota, and Millsholm series are also on uplands, according to the petitioner; the Rincon series are on alluvial fans.

#### *Climate*

The eastward and inland movement of marine air through the Golden Gate Gap, the petition explains, dominates the climate of the land areas adjacent to San Francisco Bay and San Pablo Bay and within the established viticultural area boundaries. The Carquinez Strait joins San Pablo Bay at the bay's southeast corner, according to USGS maps, and receives the same marine air that cools the San Francisco and San Pablo Bays.

According to the petition, the Carquinez Strait funnels the marine air to both the north and south sides of its shoreline, according to the petition. (TTB notes that the current San Francisco Bay viticultural area's northern boundary line extends along the south shoreline of the Carquinez Strait, following the Contra Costa County northern boundary line to BM 15 on the Honker Bay USGS map.) The proposed expansion area extends northward to include all the Carquinez Strait and portions of Solano County, according to the written boundary description and maps provided with the petition.

The current expansion petition provides evidence and documentation that the marine air flow, with its cooling effect, travels north and east from the

Golden Gate, into San Francisco Bay, San Pablo Bay, the Carquinez Strait, and to the proposed expansion area. Although the proposed expansion area was not included in the original San Francisco Bay AVA petition, since the filing of the original petition, additional observation sites have become available that provide a more detailed analysis of the air flow patterns in and around the Carquinez Strait. Figures obtained from a new observation site that show the typical summer afternoon flow pattern on both the north and south sides of the Carquinez Strait clearly show that the Carquinez Strait is not the northern boundary of the influence of the marine air that has entered through the Golden Gate Gap.

The California Air Resources Board maps, submitted with the petition, show that the marine influence extends both north and south of the Carquinez Strait. A San Francisco Bay Air Quality Management District map shows air flow through the Carquinez Strait on July 31, 2000, a typical summer day. The air flow pattern through the Carquinez Strait brings the marine influence to the north, east, and south of the waterway, according to the map. Another computerized map of the air flow, also documented on July 31, 2000, shows the marine air entering San Francisco Bay through the Golden Gate Gap, then traveling through San Pablo Bay, and continuing east through the Carquinez Strait, north into Suisun Bay, and south into Livermore Valley.

The information submitted with the petition concludes that the Carquinez Strait should not be considered the northernmost boundary of the San Francisco Bay viticultural area. Marine air, which is a significant distinguishing climatic characteristic of the San Francisco Bay viticultural area and region, is also significant in the proposed expansion area, according to the petition.

#### *Notice of Proposed Rulemaking and Comments Received*

TTB published Notice No. 70 regarding the proposed expansion to the San Francisco Bay viticultural area in the **Federal Register** (71 FR 70472) on December 5, 2006. We received one comment in response to that notice. That comment supported the expansion of the San Francisco Bay viticultural area.

#### **TTB Finding**

After careful review of the petition and the comment received, TTB finds that the evidence submitted supports the expansion of the San Francisco Bay viticultural area as requested in the

petition. Therefore, under the authority of the Federal Alcohol Administration Act and part 4 of our regulations, we amend our regulations to expand the San Francisco Bay viticultural area in northern California, effective 30 days from the publication date of this document.

#### *Boundary Description*

See the modified narrative boundary description reflecting the expanded viticultural area in the regulatory text amendment published at the end of this document.

#### *Maps*

The petitioner provided the required maps pertaining to the expansion, and we list them below in the amended regulatory text.

#### **Impact on Current Wine Labels**

The expansion of the San Francisco Bay viticultural area does not affect any currently approved wine labels. The approval of this expansion may allow additional vintners to use "San Francisco Bay" as an appellation of origin on their wine labels. Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with a viticultural area name or with a brand name that includes a viticultural area name or other term identified as viticulturally significant in part 9 of the TTB regulations, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or other term, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). Different rules apply if a wine has a brand name containing a viticultural area name or other viticulturally significant term that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

#### **Regulatory Flexibility Act**

We certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name is the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

#### **Executive Order 12866**

This rule is not a significant regulatory action as defined by

Executive Order 12866, 58 FR 51735. Therefore, it requires no regulatory assessment.

#### **Drafting Information**

N. A. Sutton of the Regulations and Rulings Division drafted this notice.

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

Wine.

#### **The Regulatory Amendment**

■ For the reasons discussed in the preamble, we amend 27 CFR, chapter I, part 9, as follows:

#### **PART 9—AMERICAN VITICULTURAL AREAS**

■ 1. The authority citation for part 9 continues to read as follows:

*Authority:* 27 U.S.C. 205.

#### **Subpart C—Approved American Viticultural Areas**

■ 2. Section 9.157 is amended by revising the introductory text of paragraph (b), removing the word "and" at the end of paragraph (b)(42), replacing the period with a semicolon at the end of paragraph (b)(43), adding new paragraphs (b)(44) through (b)(47), revising the introductory text of paragraph (c), revising paragraph (c)(24), redesignating paragraphs (c)(25) through (c)(38) as (c)(31) through (c)(44), and adding new paragraphs (c)(25) through (c)(30), to read as follows:

#### **§ 9.157 San Francisco Bay.**

\* \* \* \* \*

(b) *Approved Maps.* The appropriate maps for determining the boundary of the San Francisco Bay viticultural area are 47 1:24,000 Scale USGS topographic maps. They are titled:

\* \* \* \* \*

(44) Cuttings Wharf, Calif.; 1949; Photorevised 1981;

(45) Sears Point, Calif.; 1951; Photorevised 1968;

(46) Cordelia, Calif.; 1951;

Photorevised 1980; and

(47) Fairfield South, Calif.; 1949; Photorevised 1980.

(c) *Boundary.* The San Francisco Bay viticultural area is located mainly within five counties, San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa, which border the San Francisco Bay. The area also includes portions of three other counties, Solano, Santa Cruz, and San Benito, which are in the general vicinity of the greater San Francisco Bay metropolitan area. The boundary of the San Francisco Bay viticultural area is as described below.

\* \* \* \* \*

(24) Then proceed west-southwest along the south shoreline of the Suisun Bay and the Carquinez Strait to its intersection with Interstate 680 at the Benicia-Martinez Bridge and BM 66, T3N/R2W, on the Vine Hill Quadrangle.

(25) Then proceed generally north following Interstate 680, crossing over and back on the Benicia Quadrangle map and continuing over the Fairfield South Quadrangle map, to its intersection with the Southern Pacific railroad track at Cordelia, Section 12, T4N/R3W, on the Cordelia Quadrangle map.

(26) Then proceed generally west along the Southern Pacific railroad track to its intersection with the Napa and Solano Counties boundary line in Jameson Canyon at Creston, Section 9, T4N/R3W, on the Cordelia Quadrangle map.

(27) Then proceed generally south-southeast, followed by straight west along the Napa and Solano Counties boundary line; continue straight west, crossing over the Cuttings Wharf Quadrangle map, to its intersection with the east shoreline of Sonoma Creek slough, which coincides with the Highway 37 bridge on the Solano County side of the creek, T4N/R5W, on the Sears Point Quadrangle.

(28) Then proceed generally southeast along the north and east shorelines of San Pablo Bay, also known as the San Pablo Bay National Wildlife Refuge, crossing over the Cuttings Wharf Quadrangle map, to its intersection with the Breakwater line, located within the Vallejo City boundary and 0.7 mile west-southwest of the beacon, T3N/R4W, on the Mare Island Quadrangle.

(29) Then proceed straight south-southwest 1.2 miles to its intersection with the San Pablo Bay shoreline at BM 14, west of Davis Point, T3N/R4W, on the Mare Island Quadrangle.

(30) Then proceed generally south along the contiguous eastern shorelines of San Pablo Bay and San Francisco Bay, crossing over the Richmond and San Quentin Quadrangle maps, to its intersection with the San Francisco/Oakland Bay Bridge on the Oakland West Quadrangle.

\* \* \* \* \*

Signed: March 16, 2007.

**John J. Manfreda,**  
*Administrator.*

Approved: November 16, 2007.

**Timothy E. Skud,**  
*Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).*

**Editorial Note:** This document was received at the Office of the Federal Register on March 6, 2008.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2007-0111]

RIN 1625-AA08

#### Final Rule: Special Local Regulations Concerning Fireworks Displays in Norwich and Middletown, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** By this final rule, the Coast Guard is amending the coordinates given for two previously established special local regulations. The listed coordinates for the Taste of Italy Fireworks in Norwich, CT; and for the Middletown Fireworks on the Connecticut River in Middletown Harbor, Middletown, CT are being amended to properly reflect the geographic location where the events have been held in the past and will be held in the future.

**DATES:** This rule is effective April 10, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2007-0111 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: The Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Waterways Management Division, Coast Guard Sector Long Island Sound, 120 Woodward Ave., New Haven, CT 06512, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call LT

Doug Miller at (203) 468-4596 or write him at the Waterways Management Division, U.S. Coast Guard Sector Long Island Sound, 120 Woodward Ave., New Haven, CT 06512-3628. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The Coast Guard has determined that a notice and comment period is unnecessary as the change consists only of a correction to reflect the true location of the events. A notice of proposed rulemaking (64 FR 18587) was published on April 15, 1999 prior to the creation of these special local regulations which clearly noted the geographic location of these events. Additionally, these two special local regulations have been in effect for each of the past eight years and the Coast Guard has not received any public comments regarding the provisions of these regulations. Therefore, it is unnecessary to publish an NPRM.

##### Background and Purpose

###### *Taste of Italy Fireworks*

The Taste of Italy Fireworks display takes place annually on a night during the weekend following Labor Day from 8 p.m. to 10 p.m. A permanent special local regulation around the fireworks launch location was created in 33 CFR 100.114 on June 28, 1999. The final rule establishing the regulation was preceded by a Notice of Proposed Rulemaking (64 FR 18587) published on April 15, 1999. The NPRM listed the location of the fireworks as Norwich Harbor but did not give geographic coordinates. No comments or requests for public hearings were received. The special local regulation was published as a final rule in 64 FR 34544 on June 28, 1999, and geographic coordinates were included; however, the geographic coordinates published in the regulation were incorrect. Historically, this event has occurred at the approximate position 41°31'20.9" N, 072°04'45.9" W in Norwich Harbor and the Coast Guard is amending 33 CFR 100.114(a)(9.5) to reflect the location where it has been held in the past and where it will continue to be held in the future. The currently published position of 41°31'20" N, 073°04'83" W is being changed because the longitude position of 073°04'83" W is incorrect. The