

Approach Procedure (SIAP) based on the Global Positioning System (GPS) at Pocono Mountains Municipal Airport (KMPO), Mount Pocono, PA. Sufficient controlled airspace is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at the airport. The area would be depicted on aeronautical charts for pilot reference.

**EFFECTIVE DATE:** 0901 UTC November 28, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

**SUPPLEMENTARY INFORMATION:**

**History**

On July 17, 2002, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Pocono Mountains Municipal Airport, Mount Pocono, PA, was published in the **Federal Register** (67 FR 46939). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. This rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from the surface are published in paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001 and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 ft above the surface for aircraft conducting IFR operations at Pocono Mountains Municipal Airport, Mount Pocono, PA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 ft above the surface of the earth.*

\* \* \* \* \*

**AEA PA E5 Mount Pocono, PA (Revised)**

Pocono Mountains Municipal Airport (lat. 41°08'15"N., long. 75°22'44"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Pocono Mountains Municipal Airport and within 4 miles each side of the 295° bearing from the airport extending from the 6.4-mile radius to 8.6 miles northwest of the airport.

\* \* \* \* \*

Issued in Jamaica, New York on August 20, 2002.

**John G. McCartney,**

*Acting Assistant Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 02-22499 Filed 9-3-02; 8:45 am]

**BILLING CODE 4910-3-M**

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 4**

[T.D. ATF-481; Ref. Notice No. 934]

RIN 1512-AC50

**Addition of Tannat as a Grape Variety Name for American Wines (2001R-207P)**

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

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

**SUMMARY:** The Bureau of Alcohol, Tobacco, and Firearms (ATF) is adding the name "Tannat" to the list of prime grape variety names approved for use in designating American wines.

**EFFECTIVE DATE:** Effective November 4, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Berry, Bureau of Alcohol, Tobacco and Firearms, Regulations Division, 111 W. Huron Street, Room 219, Buffalo, NY, 14202-2301; telephone (716) 434-8039.

**SUPPLEMENTARY INFORMATION:**

**Background**

Under the Federal Alcohol Administration Act (FAA Act) (27 U.S.C. 201 *et seq.*), wine labels must provide the consumer "with adequate information as to the identity and quality" of the product. The FAA Act also requires that the information appearing on wine labels not mislead the consumer.

To help carry out these statutory requirements, ATF has issued regulations, including those that designate grape varieties. Under 27 CFR 4.23(b) and (c), a wine bottler may use a grape variety name as the designation of a wine if not less than 75 percent of the wine (51 percent in the case of wine made from *Vitis labrusca* grapes) is derived from that grape variety. Under § 4.23(d), a bottler may use two or more grape variety names as the designation of a wine if all of the grapes used to make the wine are of the labeled varieties, and if the percentage of the wine derived from each grape variety is shown on the label.

In Treasury Decision ATF-370 (61 FR 522), issued on January 8, 1996, ATF adopted a list of grape variety names determined to be appropriate for use in designating American wines. The list of prime grape names and their synonyms appears at § 4.91, while alternative grape names temporarily authorized for use are listed at § 4.92. We believe the

listing of approved grape variety names for American wines will help standardize wine label terminology, provide important information about the wine, and prevent consumer confusion.

#### How May New Varieties Be Added to the List of Prime Grape Names?

Under 27 CFR 4.93, any interested person may petition ATF to include additional grape varieties in the list of prime grape names. The petitioner should provide evidence of the following:

- Acceptance of the grape variety;
- The validity of the name for identifying the grape variety;
- That the variety is used or will be used in winemaking; and
- That the variety is grown and used in the United States.

Documentation submitted with the petition may include:

- A reference to the publication of the name of the variety in a scientific or professional journal of horticulture or a published report by a professional, scientific, or winegrowers' organization;
- A reference to a plant patent, if patented; and
- Information about the commercial potential of the variety, such as the acreage planted or market studies.

Section 4.93 also places certain eligibility restrictions on the approval of grape variety names. We will not approve a name:

- If it has previously been used for a different grape variety;
- If it contains a term or name found to be misleading under § 4.39; or
- If a name of a new grape variety contains the term "Riesling."

The Director will not approve the name of a new grape variety developed in the United States if the name contains words of geographical significance, place names, or foreign words that are misleading under § 4.39.

#### Tannat Petition

Tablas Creek Vineyard in Paso Robles, California, petitioned ATF to add the name "Tannat" to the list of prime grape variety names approved for the designation of American wines. Tannat is a red varietal with origins in southwestern France and the Pyrenees Mountains.

The petitioner submitted the following published references to Tannat to establish its acceptance as a grape and the validity of its name:

- "Cépages et Vignobles de France, Volume II," by Pierre Galet, 1990, p. 313.
- "Catalogue of Selected Wine Grape Varieties and Clones Cultivated in France," published by the French

Ministry of Agriculture, Fisheries and Food, 1997, p.151.

- "Traité General de Viticulture Ampelographie, Volume II," by P. Viala and V. Vermoral, 1991, pp. 80–82.
- "Guide to Wine Grapes," Oxford University Press, 1996, by Jancis Robinson, p. 182.

The first three references are scientific articles that discuss the grape's origin, cultivation, and ampelography (the study and classification of grapevines). The "Guide to Wine Grapes," intended for the general reader, contains a general description of the grape and its uses.

According to these references, the Tannat grape produces a deeply colored and tannic wine, which is thought to account for its name. They also note its use as a major component of the French wine Madiran.

Tablas Creek Vineyard imported the Tannat plant into the USDA station in Geneva, New York, in 1992. The plant was declared virus free and shipped bare-root to Tablas Creek Vineyard in Paso Robles, California, in February 1993. In 1996, the winery multiplied, grafted, and started planting Tannat vines.

The petitioner stated that the Tannat grape is currently grown and used in the United States in winemaking. Tablas Creek Vineyard reports that in 2000 and 2001, it shipped several orders for Tannat plants to vineyards in California, Arizona, and Virginia. Tannat has also long been grown in the vine collections of the University of California. At the request of the petitioner, Richard Hoenisch, Vineyard Manager, Viticulture and Enology Department, University of California at Davis, contacted ATF with information about the history of the Tannat vines in the university's collection.

According to Mr. Hoenisch, Tannat was part of the vine collection begun in the 1890s at the University of California at Berkeley by Professor Eugene Hilgard. Founder of the Department of Fruit Science, Hilgard established several experimental vineyards in California, with sites in Berkeley, Cupertino, Paso Robles, and Jackson. Mr. Hoenisch stated that the vines in the Jackson collection, including Tannat, were rediscovered in 1965 by Dr. Austin Goheen and Carl Luhn and repropagated at UC Davis. The university currently blends its Tannat wine into Cabernet Sauvignon to increase tannins, acidity, and color.

Tablas Creek states that Tannat is easy to graft and relatively vigorous, and has great commercial potential in California. It is well adapted to most California regions, ripening fairly late in the growing season, after Grenache but

before Mourvèdre and Cabernet Sauvignon. The petitioner reports that it has had two highly successful crops off its 0.5 acre planting. Its 1999 harvest had a brix of 28 and a pH of 3.18, while the 2000 harvest had a brix of 25 with a pH of 3.45. The petitioner states that the wine is rich, with good color, and excellent aromatics and spice. Tablas Creek further reports that the wine has done well in tastings, resulting in additional orders for Tannat plants from other vineyards and nurseries.

#### Notice No. 934

Based on the evidence submitted by the petitioners, ATF published Notice 934 on January 23, 2002, (67 FR 3135) proposing to add the name "Tannat" to the list of approved grape names in § 4.91. ATF received five comments in response to the notice. Four of the comments were from wineries, with the fifth from the State Enologist for Virginia, Dr. Bruce Zoecklein of Virginia Tech University. All of the commenters supported the proposed addition of the Tannat grape to the list of approved names.

After reviewing the evidence and comments, ATF determined that the petitioner provided sufficient evidence to satisfy the requirements of § 4.93. We are therefore amending the list of prime grape names in 27 CFR 4.91 to include the name "Tannat."

#### Regulatory Analyses and Notices

##### *Does the Paperwork Reduction Act Apply to This Final Rule?*

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule. This rule does not require winemakers to collect or report any additional information.

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

We certify that this final regulation will not have a significant economic impact on a substantial number of small entities. This regulation will permit the use of a new grape varietal name. We do not expect any negative impact on small entities. We are not imposing new requirements. Accordingly, the Act does not require a regulatory flexibility analysis.

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

This is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

**Drafting Information**

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

**List of Subjects in 27 CFR Part 4**

Advertising, Customs duties and inspection, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Trade practices, Wine.

**Authority and Issuance**

Accordingly, 27 CFR part 4, Labeling and Advertising of Wine, is amended as follows:

**PART 4—LABELING AND ADVERTISING OF WINE**

**Paragraph 1.** The authority citation for part 4 continues to read as follows:

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

**Par. 2.** Section 4.91 is amended by adding the name “Tannat”, in alphabetical order, to the list of prime grape names, to read as follows:

**§ 4.91 List of approved prime names.**

*	*	*	*	*
Tannat				
*	*	*	*	*

Signed: July 12, 2002.

**Bradley A. Buckles,**  
*Director.*

Approved: August 9, 2002.

**Timothy E. Skud,**

*Deputy Assistant Secretary, (Regulatory, Tariff, and Trade Enforcement).*

[FR Doc. 02–22382 Filed 9–3–02; 8:45 am]

**BILLING CODE 4810–13–P**

**DEPARTMENT OF THE TREASURY****Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

**RIN 1512–AC92**

**[T.D. ATF–482; Re: Notice No. 891]**

**Expansion of Lodi Viticultural Area (2000R–436P)**

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

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

**SUMMARY:** This Treasury decision expands the existing Lodi viticultural area located in Sacramento and San Joaquin counties in California. This decision changes the southern and western boundaries of the Lodi viticultural area, expanding it 17

percent in size. The Bureau of Alcohol, Tobacco and Firearms believes the use of viticultural area names as appellations of origin in wine labeling and advertising helps consumers identify the wines they may purchase. It also allows wineries to better designate the specific grape-growing area in which their wine grapes were grown.

**EFFECTIVE DATE:** Effective November 4, 2002.

**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 94105; telephone (415) 947–5192.

**SUPPLEMENTARY INFORMATION:****Background on Viticultural Areas***What is ATF's Authority to Establish a Viticultural Area?*

The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity and prohibits the use of deceptive information on such labels. The FAA Act also authorizes the Bureau of Alcohol, Tobacco and Firearms (ATF) to issue regulations to carry out the Act's provisions.

Regulations in 27 CFR part 4, Labeling and Advertising of Wine, 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. A list of approved viticultural areas is contained in 27 CFR part 9, American Viticultural Areas.

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

An American viticultural area is a delimited grape-growing region distinguishable by geographic features such as soil, climate, elevation, topography, etc., which 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 must 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.) which distinguish the viticultural features of the proposed area from surrounding areas;

- A description of the specific boundaries of the 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

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

**Lodi Expansion Petition**

ATF received a petition in 1998 from Christopher Lee, an attorney representing nine San Joaquin County grape growers, proposing to expand the Lodi viticultural area, 27 CFR 9.107. ATF published a Notice of Proposed Rulemaking on February 7, 2000, describing the petition and requesting comments (Notice No. 891; 65 FR 5828). Evaluation of the comments, consideration of alternate boundaries, and the need for additional documentation delayed our publication of this final rule.

The Lodi viticultural area is located approximately 70 miles inland from the Pacific coast between Sacramento and Stockton in northern California. The originally approved Lodi viticultural area encompasses approximately 458,000 acres. The expansion areas are to the south and west of the original viticultural area. The expansion areas include 93,500 acres with approximately 10,840 acres of planted wine grapes. The southern addition totals 66,000 acres, with 5,600 vineyard acres. The Calaveras River, the San Joaquin-Stanislaus County line, State Route 4, and Interstate 5 form the southern expansion's boundaries. The western addition includes 27,500 acres, with 5,240 acres planted to vines. Eightmile Road west of Interstate 5, Bishop Cut, a line drawn through a series of landmarks through the sloughs and islands, and the meandering Mokelumne River to its intersection with the original western boundary at the Sacramento County line form the western expansion area's boundaries.

The Clarksburg viticultural area borders the expanded Lodi viticultural area on the northwest, while the large Sierra Foothills viticultural area lies to east of the Lodi viticultural area. The Lodi expansion neither creates overlaps with other viticultural areas nor encompasses any smaller viticultural area.