

is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by Reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. Section 39.13 is amended by removing Amendment 39–16129; (75 FR 3615, January 22, 2010), and by adding a new airworthiness directive (AD), Amendment 39–16816, to read as follows:

2011–20–06 Agusta S.p.A.: Amendment 39–16816. Docket No. FAA–2011–1034; Directorate Identifier 2011–SW–014–AD. Supersedes AD 2009–19–51, Amendment 39–16129; Docket No. FAA–2009–1125, Directorate Identifier 2009–SW–50–AD.

Applicability: Model AB139 and AW139 helicopters, with a tail assembly, part number (P/N) 3G5350A00132, 3G5350A00133, 3G5350A00134, or 3G5350A00135, except those with tailboom reinforcement structural retro-modification (MOD), P/N 3G5309P01812, installed, certificated in any category.

Compliance: Required as indicated.

To detect damage to the tailboom to prevent failure of a tailboom and subsequent loss of control of a helicopter, do the following:

(a) For all affected helicopters, before further flight, visually check all tailboom panels on both sides of the tailboom for skin bulging or deformation. Pay particular attention to the previously repaired areas. This visual check may be performed by an owner/operator (pilot) holding at least a private pilot certificate and must be entered into the helicopter records showing compliance with paragraph (a) of this AD in accordance with 14 CFR 43.9(a)(1)–(4) and 91.417(a)(2)(v).

(b) If there is bulging or deformation of a tailboom panel skin, before further flight, using an aluminum hammer (GF–06–00), P/N 109–3101–58–2 (aluminum hammer), tap inspect the area around the bulge or deformity for debonding. Mark the boundaries of the debond area and measure the size of the marked area.

(c) For helicopters with a tailboom assembly, P/N 3G5350A00132, 3G5350A00133, or 3G5350A00134, and a serial number (S/N) with a prefix of “A” up to and including S/N 7/109 for the short nose configuration and a S/N with a prefix of “A” up to and including S/N 7/063 for the long-nose configuration, within 25 hours time-in-service (TIS) from the last inspection or within 7 days, whichever occurs first, unless done previously, and thereafter at intervals not to exceed 25 hours TIS, tap inspect each tailboom panel on both sides of the tailboom in AREAs 3 and 5 for debonding, using an aluminum hammer as depicted in Figure 2 of Agusta Alert Bollettino Tecnico No. 139–195, Revision B, dated February 2, 2010 (ABT). First, inspect AREA 5 then AREA 3. You do not need to tap inspect the longeron area contained in AREA 3. Pay particular attention to previously repaired areas.

(d) For all affected helicopters, except those with tailboom assembly part numbers and serial numbers described in paragraph (c) of this AD, within 50 hours TIS, unless done previously, and thereafter at intervals not to exceed 50 hours TIS, tap inspect each tailboom panel on both sides of the tailboom for debonding using an aluminum hammer. Pay particular attention to the previously repaired areas.

(e) If there is any debonding, mark the debond area and measure the size of the marked area.

(f) Before further flight, install tailboom structural reinforcement per MOD, P/N 3G5309P01812; if:

(1) The mathematical area of a single debond is equal to or greater than 320 mm² and is wholly within AREA 3 as depicted in Figure 2 of the ABT;

(2) The mathematical area of a single debond is equal to or exceeds 150 mm² if the debond occurs in area 1, 2, 4, or 5 as depicted in Figure 2 of the ABT; or

(3) The distance between the edges of any two debonded areas is less than 3 times the largest debond dimension of the two debonded areas measured on a line between the centers of the two debonded areas; or

(4) A debond is within 3 mm from any bond joint edge.

(g) If none of the criteria of paragraphs (f)(1) through (f)(4) of this AD are met, before further flight, repair the debonded area of the tailboom using FAA engineering approved data and procedures or replace the tailboom with an airworthy tailboom.

(h) Modifying the tailboom per MOD, P/N 3G5309P01812, is terminating action for the requirements of this AD.

(i) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, FAA Attn: Sharon Miles, ASW–111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Guidance Group, 2601 Meacham Blvd, Fort Worth, Texas 76137, telephone (817) 222–5122, fax (817) 222–5961, for information about previously approved alternative methods of compliance.

(j) The Joint Aircraft System/Component (JASC) Code is 5302: Rotorcraft Tailboom.

(k) The inspections shall be done on both sides of the tailboom by following the

specified portions of Agusta Alert Bollettino Tecnico No. 139–195, Revision B, dated February 2, 2010. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Agusta, Via Giovanni Agusta, 520 21017 Cascina Costa di Samarate (VA), Italy, telephone 39 0331–229111, fax 39 0331–229605/222595, or at http://customersupport.agusta.com/technical_advice.php. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas, 76137, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(l) This amendment becomes effective on November 14, 2011.

Note: The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011–0019, dated February 3, 2011

Issued in Fort Worth, Texas, on September 13, 2011.

Lance T. Gant,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2011–27690 Filed 10–26–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 4

[Docket No. TTB–2011–0002; T.D. TTB–95; Re: Notice No. 116]

RIN 1513–AA42

Approval of Grape Variety Names for American Wines

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

ACTION: Final rule; Treasury decision.

SUMMARY: This document adopts, as a final rule, a proposal to amend the Alcohol and Tobacco Tax and Trade Bureau regulations by adding a number of new names to the list of grape variety names approved for use in designating American wines, and to include in the list several separate entries for synonyms of existing entries so that readers can more readily find them. These amendments will allow bottlers of wine to use more grape variety names on wine labels and in wine advertisements.

DATES: *Effective Date:* This final rule is effective November 28, 2011.

FOR FURTHER INFORMATION CONTACT: Jennifer Berry, Alcohol and Tobacco

Tax and Trade Bureau, Regulations and Rulings Division, P.O. Box 18152, Roanoke, VA 24014; telephone 202-453-1039, ext. 275.

SUPPLEMENTARY INFORMATION:

Background

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 requires that these regulations, 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.

Use of Grape Variety Names on Wine Labels

Part 4 of the TTB regulations (27 CFR part 4) sets forth the standards promulgated under the FAA Act for the labeling and advertising of wine. Section 4.23 of the TTB regulations (27 CFR 4.23) sets forth rules for varietal (grape type) labeling. Paragraph (a) of that section sets forth the general rule that the names of one or more grape varieties may be used as the type designation of a grape wine only if the wine is labeled with an appellation of origin as defined in § 4.25 (27 CFR 4.25). Under paragraphs (b) and (c), a wine bottler may use the name of a single grape variety on a label as the type designation of a wine if not less than 75 percent of the wine (or 51 percent in certain limited circumstances) is derived from grapes of that variety grown in the labeled appellation of origin area. Under paragraph (d), a bottler may use two or more grape variety names as the type designation of a wine if all 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 (and with additional rules in the case of multicounty and multistate appellations of origin). Paragraph (e) of § 4.23 provides that only a grape variety name approved by the TTB Administrator may be used as a type designation for an American wine and states that a list of approved grape variety names appears in subpart J of part 4.

Within subpart J of part 4, the list of prime grape variety names and their synonyms approved for use as type designations for American wines

appears in § 4.91 (27 CFR 4.91). Alternative grape variety names temporarily authorized for use are listed in § 4.92 (27 CFR 4.92). Finally, § 4.93 (27 CFR 4.93) sets forth rules for the approval of grape variety names.

Approval of Grape Variety Names

Section 4.93 provides that any interested person may petition the Administrator for the approval of a grape variety name and that the petition should provide evidence of the following:

- That the new grape variety is accepted;
- That the name for identifying the grape variety is valid;
- That the variety is used or will be used in winemaking; and
- That the variety is grown and used in the United States.

Section 4.93 further provides that 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 pertaining to the commercial potential of the variety, such as the acreage planted and its location or market studies.

Section 4.93 also places certain eligibility restrictions on the approval of grape variety names. TTB 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 (27 CFR 4.39); or
- If it contains the term "Riesling."

Typically, if TTB determines that the evidence submitted with a petition supports approval of the grape variety name, TTB will send a letter of approval to the petitioner advising the petitioner that TTB will propose to add the grape variety name to the list of approved grape variety names in § 4.91 at a later date. After one or more approvals have been issued, a notice of proposed rulemaking will be prepared for publication in the **Federal Register** proposing to add the name(s) to the § 4.91 list, with opportunity for public comment. In the event that one or more comments or other information demonstrate the inappropriateness of an approval action, TTB will determine not to add the grape variety name in question to the list and will advise the original petitioner that the name is no longer approved.

Notice of Proposed Rulemaking

On January 20, 2011, TTB published Notice No. 116 in the **Federal Register** (76 FR 3573) proposing to add a number of grape variety names to the list of approved names in § 4.91, either as a grape variety not already listed or as a synonym for an existing listed name. Most of the name proposals were based on petitions that TTB had received and approved, and the evidence that had been submitted in support of each petitioned for name is summarized in the preamble to Notice No. 116. These names, on which TTB solicited comments, are as follows:

Auxerrois
 Biancolella
 Black Monukka
 Blaufränkisch
 Brianna
 Cabernet Diane
 Cabernet Doré
 Canaiolo
 Carignan
 Corot noir
 Crimson Cabernet
 Erbaluce
 Favorite
 Forastera
 Freedom
 Frontenac
 Frontenac gris
 Garnacha
 Garnacha blanca
 Geneva Red 7
 Graciano
 Grenache blanc
 Grenache noir
 Grüner Veltliner
 Interlaken
 La Crescent
 Lagrein
 Louise Swenson
 Lucie Kuhlmann
 Mammolo
 Marquette
 Monastrell
 Montepulciano
 Negrara
 Negro Amaro
 Nero d'Avola
 Noiret
 Peloursin
 Petit Bouschet
 Petit Manseng
 Piquepoul blanc (Picpoul)
 Prairie Star
 Reliance
 Rondinella
 Sabrevois
 Sagrantino
 St. Pepin
 St. Vincent
 Sauvignon gris
 Valiant
 Valvin Muscat
 Vergennes

Vermantino
Wine King
Zinthiana
Zweigelt

TTB also invited comments on three petitioned-for grape names that TTB did not approve by letter—Canaiole Nero, Moscato Greco, and Princess. In addition, TTB requested comments on a petition requesting that two grape variety names currently listed in § 4.91 as separate varieties—Petite Sirah and Durif—be recognized as synonyms. The petitions for these grape names are also summarized in the preamble to Notice No. 116.

TTB also proposed to reformat the § 4.91 grape list to include separate entries for synonyms of existing entries so that readers can more readily find a particular name. When Notice No. 116 was published, the list was structured as an alphabetical list of prime grape names, with any synonym appearing only in parenthesis after the prime grape name. For example, the name “Black Malvoisie” was only listed in § 4.91 as a synonym after the prime name, “Cinsaut.” A reader trying to determine if “Black Malvoisie” is an approved grape variety name might not see it in an alphabetical list that set forth “Cinsaut” at the beginning of the line where the “Black Malvoisie” synonym appears.

TTB also believes the current format suggests that synonyms are in some way not as valid as grape names as prime names when, in fact, every name in § 4.91, whether a prime name or a synonym, is equally acceptable for use as a type designation for an American wine. TTB therefore proposed in Notice No. 116 to eliminate the word “prime” from the heading of § 4.91, as well as from the second sentence of the introductory text of that section, and to list each synonym in the same way as a prime name. As a result, § 4.91 would simply set forth a list of grape names that have been approved as type designations for American wines, followed, in parentheses, by any approved synonyms for that name.

Finally, TTB proposed to correct a technical error in § 4.91, that is, the misspelling of the grape name “Agawam” as “Akwam.” In addition to correcting this error, TTB proposed to allow the use of the misspelling “Akwam” for a period of one year after publication of the final rule so that anyone holding a COLA with the misspelling has sufficient time to obtain new labels.

Comments Received

TTB received 35 comments in response to Notice No. 116, most of

them generally supportive of the proposed amendments. Of these, 28 specifically support the proposal to recognize Petite Sirah and Durif as synonyms. Many of the latter are identical letters that cite the DNA research, summarized in Notice No. 116, of Dr. Carole Meredith at the University of California at Davis (UC Davis) into the identity of the Petite Sirah grape variety. They also cite as additional evidence two publications that recognize the names “Petite Sirah” and “Durif” as synonyms. One commenter expresses concern about new clones being required to be marketed as “Durif,” a name he notes has little market presence. In response to the last comment, TTB notes that the proposal to recognize the names as synonymous will not require that clones be marketed as “Durif”; in fact, the reverse is true: The proposal will allow growers and vintners to use the names interchangeably.

TTB received two comments specifically in favor of the proposal to recognize Blaufränkisch as a synonym for Lemberger/Limberger, both commenters stating that they are growers of the variety.

TTB received a comment from Cornell University objecting to the proposed name for the new listing of the grape variety Geneva Red 7, which was bred at Cornell. The commenter, a Cornell plant varieties and germplasm licensing associate, states that Cornell does not approve of the name “Geneva Red 7,” but does approve of the name “Geneva Red.” TTB notes, however, that the name evidence in the petition for Geneva Red 7 included bulletins published by Cornell and a page from UC Davis’s National Grape Registry. Both of these publications use the names “Geneva Red 7” and “GR 7”; neither uses the name “Geneva Red.” Further, TTB did not propose the name “GR 7” because it did not believe consumers would recognize that name as a grape variety name. Although TTB understands the interest of Cornell in the determination of what name should be used for a grape variety developed under its auspices, § 4.93 requires some evidence to establish the validity of the name. Of course, TTB would be willing to reconsider this matter following receipt of a petition under § 4.93 with appropriate evidence supporting use of the name “Geneva Red.”

One comment objects to including in the list grape varieties that are not cultivated widely enough for their names to be meaningful to consumers. The commenter states that varieties such as Sauvignon gris, Valvin Muscat, and Cabernet Diane are recent, only

marginally planted hybrid varieties that have been given names which will lead the public into believing they are *Vitis vinifera* varieties. This commenter does, however, express approval of the listing of *Vitis vinifera* variety names such as Auxerrois or Grüner Veltliner, grapes that the commenter describes as widely accepted internationally.

TTB does not agree with the suggestion that a grape variety must be widely cultivated to merit inclusion in the list of approved grape names in § 4.91. Section 4.93 merely provides in this regard that the variety must be “grown and used in the United States” without specifying the extent which such growth and use must exist. With regard to hybrid varieties, TTB notes that they have a place in the U.S. wine industry, are popular in areas of the country where the climate makes the cultivation of *Vitis vinifera* varieties challenging, and are not per se outside the scope of approval under § 4.93. TTB therefore sees no reason to exclude from § 4.91 hybrid grape variety names that otherwise meet the standard for approval under § 4.93.

Additionally, TTB does not agree that the names Sauvignon gris, Valvin Muscat, and Cabernet Diane are misleading. Sauvignon gris, a pink-skinned mutation of the Sauvignon blanc variety is, in fact, a *Vitis vinifera* grape. Moreover, TTB notes that Valvin Muscat was developed from a crossing of Muscat Ottonel and Muscat du Moulin, while Cabernet Diane was bred from a cross of Cabernet Sauvignon and Norton. Because these latter grapes were developed from *Vitis vinifera* varieties and share both part of the name and some of the varietal characteristics of those grapes, TTB finds that they are not misleading.

Another commenter opined that some of the proposed names seem either “self-indulgent or outright silly for a wine varietal,” citing the name “Princess” as an example. TTB notes that § 4.93 does not provide for disapproval of a name because it appears to be self-indulgent or silly. So long as the name is a valid identifier of the grape variety, TTB believes that the decision whether to include it on a wine label or in a wine advertisement is a subjective matter that is best left to the wine industry.

Finally, one commenter favored recognizing Primitivo as a synonym for Zinfandel. Another commenter objected to the varietal (grape type) labeling regulations contained in § 4.23, which allow a varietal designation on a label if 75 percent (or 51 percent in the case of wine made from *Vitis labrusca* varieties) of the wine is derived from the

labeled grape variety; this commenter believes these percentages are too low and are misleading to consumers. Because neither of these issues was raised in Notice No. 116 for public comment, TTB believes that it would be inappropriate to include the suggested changes in this final rule document.

TTB Finding

After careful review of the comments discussed above, TTB has determined that it is appropriate to adopt the proposed regulatory changes contained in Notice No. 116. In addition, TTB notes that with the removal of the word “prime” from § 4.91, it would also be appropriate to remove the word “prime” from § 4.92, the list of alternative grape variety names temporarily authorized for use. Accordingly, this document removes the word “prime” wherever it appears in § 4.92.

Regulatory Flexibility Act

TTB certifies under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities. The decision of a grape grower to petition for a grape variety name approval, or the decision of a wine bottler to use an approved name on a label or in an advertisement, is entirely at the discretion of the grower or bottler. This regulation does not impose any new reporting, recordkeeping, or other administrative requirements. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

This final rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, it requires no regulatory assessment.

Drafting Information

Jennifer Berry of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, drafted this document.

List of Subjects in 27 CFR Part 4

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

Amendments to the Regulations

For the reasons discussed in the preamble, TTB amends 27 CFR part 4 as set forth below:

PART 4—LABELING AND ADVERTISING OF WINE

■ 1. The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205, unless otherwise noted.

■ 2. Section 4.91 is amended:

■ a. By removing the word “prime” from the section heading and from the second sentence of the introductory text;

■ b. By adding the word “variety” to the second sentence of the introductory text after the second use of “grape”; and

■ c. In the list of grape variety names following the introductory text, by removing the entries for “Agwam”, “Carignane”, “Durif”, “Grenache”, “Limberger (Lemberger)”, “Malvasia bianca”, and “Petite Sirah” and by adding new entries in alphabetical order to read as follows:

§ 4.91 List of approved names.

* * *
Agawam
* * *
Auxerrois
* * *
Biancolella
* * *
Black Malvoisie (Cinsaut)
Black Monukka
Black Muscat (Muscat Hamburg)
* * *
Blaufränkisch (Lemberger, Limberger)
* * *
Brianna
* * *
Cabernet Diane
Cabernet Doré
* * *
Canaiole (Canaiole Nero)
Canaiole Nero (Canaiole)
* * *
Carignan (Carignane)
Carignane (Carignan)
* * *
Corot noir
* * *
Crimson Cabernet
* * *
Durif (Petite Sirah)
* * *
Erbaluce
Favorite
* * *
Forastera
* * *
Freedom
* * *
French Colombard (Colombard)
Frontenac
Frontenac gris
* * *

Fumé blanc (Sauvignon blanc)
* * *
Garnacha (Grenache, Grenache noir)
Garnacha blanca (Grenache blanc)
* * *
Geneva Red 7
* * *
Graciano
* * *
Grenache (Garnacha, Grenache noir)
Grenache blanc (Garnacha blanca)
Grenache noir (Garnacha, Grenache)
* * *
Grüner Veltliner
* * *
Interlaken
* * *
Island Belle (Campbell Early)
* * *
La Crescent
* * *
Lagrein
* * *
Lemberger (Blaufränkisch, Limberger)
* * *
Limberger (Blaufränkisch, Lemberger)
Louise Swenson
Lucie Kuhlmann
* * *
Malvasia bianca (Moscato greco)
Mammolo
* * *
Marquette
* * *
Mataro (Monastrell, Mourvèdre)
* * *
Melon (Melon de Bourgogne)
* * *
Monastrell (Mataro, Mourvèdre)
* * *
Montepulciano
* * *
Moscato greco (Malvasia bianca)
Mourvèdre (Mataro, Monastrell)
* * *
Muscat Canelli (Muscat blanc)
* * *
Negrara
* * *
Negro Amaro
Nero d'Avola
* * *
Noiret
* * *
Peloursin
Petit Bouschet
Petit Manseng
* * *
Petite Sirah (Durif)
* * *
Picpoul (Piquepoul blanc)
* * *
Pinot Grigio (Pinot gris)
* * *

Pinot Meunier (Meunier)
 * * * * *
 Piquepoul blanc (Picpoul)
 Prairie Star
 * * * * *
 Princess
 * * * * *
 Refosco (Mondeuse)
 * * * * *
 Reliance
 * * * * *
 Rkatsiteli (Rkatziteli)
 * * * * *
 Rondinella
 * * * * *
 Sabrevois
 * * * * *
 Sagrantino
 * * * * *
 St. Pepin
 St. Vincent
 * * * * *
 Sauvignon gris
 * * * * *
 Seyval blanc (Seyval)
 Shiraz (Syrah)
 * * * * *
 Trebbiano (Ugni blanc)
 * * * * *
 Valdepeñas (Tempranillo)
 * * * * *
 Valiant
 Valvin Muscat
 * * * * *
 Vergennes
 Vermentino
 * * * * *
 Vignoles (Ravat 51)
 * * * * *
 White Riesling (Riesling)
 Wine King
 * * * * *
 Zinthiana
 Zweigelt

■ 3. Section 4.92 is amended by removing the word “prime” or “Prime” wherever it appears, and by adding new paragraph (d) to read as follows:

§ 4.92 Alternative names permitted for temporary use.

* * * * *

(d) *Wines bottled prior to October 29, 2012.*

*Alternative Name/Name
 Agwam—Agawam*

Signed: August 22, 2011.

John J. Manfreda,
Administrator.

Approved: September 6, 2011.

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

[FR Doc. 2011–27812 Filed 10–26–11; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

**Alcohol and Tobacco Tax and Trade
 Bureau**

27 CFR Part 9

[Docket No. TTB–2010–0003; T.D. TTB–96;
 Notice Nos. 105, 107, and 112]

RIN 1513–AB41

**Establishment of the Pine Mountain-
 Cloverdale Peak Viticultural Area**

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

ACTION: Final rule; Treasury Decision.

SUMMARY: This document establishes the 4,570-acre “Pine Mountain-Cloverdale Peak” viticultural area in portions of Mendocino and Sonoma Counties, California. The Alcohol and Tobacco Tax and Trade Bureau designates 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:* November 28, 2011.

FOR FURTHER INFORMATION CONTACT:
 Elisabeth C. Kann, Regulations and
 Rulings Division, Alcohol and Tobacco
 Tax and Trade Bureau, 1310 G St., NW.,
 Room 200E, Washington, DC 20220;
 phone 202–453–1039, ext. 002.

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) provides for 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) sets forth standards for the preparation, submission, and approval of petitions for the establishment or modification of American viticultural areas and lists the approved American 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 having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established 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 geographic 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. Section 9.12 of the TTB regulations prescribes standards for petitions for the establishment or modification of American viticultural areas. Such petitions must include the following:

- Evidence that the area within the viticultural area boundary is nationally or locally known by the viticultural area name specified in the petition;
- An explanation of the basis for defining the boundary of the viticultural area;
- A narrative description of the features of the viticultural area that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make it distinctive and distinguish it from adjacent areas outside the viticultural area boundary;
- A copy of the appropriate United States Geological Survey (USGS) map(s) showing the location of the viticultural area, with the boundary of the viticultural area clearly drawn thereon; and
- A detailed narrative description of the viticultural area boundary based on USGS map markings.

Pine Mountain-Mayacmas Petition

Sara Schorske of Compliance Service of America prepared and submitted a petition on her own behalf and on behalf of local wine industry members to establish the 4,600-acre Pine Mountain-Mayacmas American viticultural area in northern California.