

Treasury Decisions

Subpart A – ALCOHOL

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS—CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

Rockpile Viticultural Area

27 CFR Part 9

[T.D. ATF-473; Re: Notice No. 916]

RIN: 1512-AA07

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

ACTION: Treasury decision, final rule.

SUMMARY: This Treasury decision establishes the Rockpile viticultural area in northwestern Sonoma County, CA. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising help consumers identify the wines they may purchase. This also allows wineries to better designate the specific grape-growing area in which

the grapes used in their wine were grown.

EFFECTIVE DATE: Effective April 29, 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. 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.) 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 boundaries prominently marked.

Rulemaking Proceeding

Rockpile Petition

ATF received a petition from Jack Florence, chairman of the Rockpile Appellation Committee, proposing to establish the “Rockpile” viticultural area in northwestern Sonoma County, California. This viticultural area is located entirely within Sonoma County and the established North Coast viticultural area as described in 27 CFR 9.30. The Rockpile viticultural area encompasses 15,400 acres at or above the 800-foot contour line and includes eleven vineyards with approximately 160 acres of planted wine grapes. The area’s shape is an irregular east-to-west rectangle with Rockpile Road running through its length. The eastern portion of the area abuts the western edge of the Lake Sonoma Recreational Area and the Warm Springs Dam area. Continuing in a west-northwesterly direction, Rockpile Peak and Rockpile Ranch #3 anchor the viticultural area’s west side.

Approximately 2,500 acres of Rockpile’s eastern end overlaps the northwest corner of the established Dry Creek Valley viticultural area (27 CFR 9.64). This overlapping area, comprising 3% of the Dry Creek Valley viticultural area, 16% of the Rockpile viticultural area, and found on the U.S.G.S. Warm Springs Dam Quadrangle map, is flanked by Dry Creek to the north and Warm Springs Creek to the south.

Notice of Proposed Rulemaking

A Notice of Proposed Rulemaking, Notice No. 916, requesting comments by July 2, 2001, from all interested persons concerning the establishment of this viticultural area, was published in the *Federal Register* on May 1, 2001 (66 FR 21709). ATF received requests from three commenters.

Comments from Peter Beall of Tombs Creek Vineyards and Art Viramontes of Sonoma Royale Vineyard requested that several vineyards south of the proposed viticultural area be included within the Rockpile boundaries. After the close of the comment period, Mr. Beall determined that he had misread the written description of Rockpile's south boundary on the Tombs Creek U.S.G.S. map. He realized that including the Tombs Creek Vineyards and Sonoma Royale Vineyard would necessitate an extensive realignment of the proposed south boundary line, pushing it beyond what is commonly recognized as the Rockpile area. In a July 10, 2001, letter, Mr. Beall retracted his and Mr. Viramontes' comment letters, withdrew their requests for the boundary realignment, and offered support for the Rockpile petition and its original boundaries.

A comment from Gary Branham requested that his vineyard, Branham's Rockpile, located northwest of the proposed viticultural area, be included within the Rockpile boundaries. As shown on the U.S.G.S. Big Foot Mountain map, the 1,400-acre area in question is above the 800-foot contour line on Rockpile Road in Sonoma County and is considered a part of the original Rockpile Ranch. Its climate, soil and geography are similar to the proposed viticultural area. The Rockpile Appellation Committee concurred

with this 1,400-acre northwest expansion of their originally proposed boundaries. ATF agrees that the proposed Rockpile viticultural area's expansion is consistent with the original petition and meets regulatory criteria for an American viticultural area. This final rule has been modified accordingly.

Evidence that the Name of the Area is Locally or Nationally Known

The Rockpile name in Sonoma County dates to 1858 and the start of cattle-raising operations at the "Rock Pile Ranch. This name was used in a newspaper article (Sonoma Democrat, Santa Rosa, California) on October 28, 1882. According to the petitioner, and as researched by historian Cathy Parks, an investment partnership purchased about 21,000 acres of property in this area in 1911, naming it "La Roca Monte Rancho," Spanish for "the Rocky Peak Ranch." The property soon became known by its English name of Rockpile Ranch.

The Rockpile name is noted on the current U.S.G.S. Warm Springs Dam, Cloverdale, and Big Foot Mountain Quadrangle maps, all parts of the petition. The most recent AAA Mendocino and Sonoma Coast Region map shows Rockpile Road within the proposed viticultural area.

Historical or Current Evidence that the Boundaries of the Viticultural Area are as Specified in the Petition

The viticultural area's boundaries are based on those of the historical Rockpile Ranch and on the area's higher elevation. The Rockpile Ranch, as noted above, stems from a 1911

investment partnership that purchased land in the petitioned area. Acquisitions included the 19th century Rock Pile Ranch, Rockpile Peak, and several surrounding areas. To manage this vast sheep-raising and hunting property, the area was eventually divided into Rockpile #1, Rockpile #2, and Rockpile #3 ranches. During the Great Depression some of the property was sold, but 18,000 acres of the Rockpile Ranch #3 were preserved as a working sheep ranch. By the 1930's the area became locally known as Rockpile, and the winding road to the ranch headquarters was named Rockpile Road. U.S.G.S. and AAA maps identify the area and road as Rockpile.

Rockpile's predominant geographic feature is the 800 foot and above elevation of the entire petitioned area. This elevation makes it higher than other grape-growing areas in the surrounding region.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Proposed Area from Surrounding Areas

The petition noted several geographic factors that distinguish the Rockpile viticultural area from surrounding grape-growing regions. The elevation of the Rockpile area, as shown on the U.S.G.S. maps, ranges from 800 feet to approximately 1,900 feet. According to the petition, the 800-foot elevation line delineates the area's eastern and northern boundaries, while the southern and western boundary lines average close to 1,800 feet in elevation. The elevation of the area's established vineyards ranges from 800 feet to 1,800 feet, with approximately 95% of the planted area above the 1,000-foot ele-

vation. This higher elevation provides different climatic influences than found in nearby valleys.

Spring daytime temperatures in the Rockpile area run five to ten degrees cooler than the Healdsburg area, approximately ten miles southeast, according to the petition. In the absence of a marine inversion layer, or fog, the temperature decreases about six degrees Fahrenheit for each additional 1,000 feet of elevation. The cool, prevailing northwesterly spring breezes, which are not as prevalent at the lower elevations of the protected valley floors, increase the cooling effect. According to the petition, the viticultural effect of this cooling creates a delayed bud break and slower growth, resulting in delayed bloom and fruit set.

Summer weather in the Rockpile area, according to the petition, is slightly warmer than the nearby valleys due to less fog and more clear weather, resulting in increased sunshine and warmer temperatures. On days when the marine inversion is shallower than 1,000 feet, the Rockpile area is above the fog.

Fall night temperatures, as stated in the petition, are warmer than in the surrounding areas, with less fog at 800 feet and above than at lower elevations. The crucial grape ripening period of September and early October is generally warmer and drier in the Rockpile locality than in surrounding viticultural areas.

The Rockpile viticultural area's soils, according to the petition, differ from neighboring valley viticultural areas in the relative absence of silt and sand, the higher oxidized iron properties (red color), and the greater clay content of the subsoil. The topsoil, generally loam to clay loam with a red to brown color, is twelve to twenty-four inches in

depth in the better viticultural locations. There are areas of small rocks and gravel mixed in the topsoil, some with outcroppings of larger rock. The topsoil depth and amounts of clay, rock, and organic matter vary within the area. The topsoil is acidic to very acidic, and the subsoil is more clay-like in texture. However, areas of weathered shale and sandstone, in addition to the topography, contribute to well-drained vineyard conditions.

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 because no requirement to collect information is imposed.

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

This regulation will not have a significant economic impact on a substantial number of small entities or otherwise cause a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. No new requirements are imposed. ATF approval of a viticultural area is not an endorsement of the wine produced in the area. The approval of this viticultural area petition merely allows the wineries in the area 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 a proprietor's own efforts and consumer

acceptance of wines from that area. 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.

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. Subpart C is amended by adding § 9.173 to read as follows:

§ 9.173 Rockpile

(a) *Name.* The name of the viticultural area described in this section is “Rockpile”.

(b) *Approved Maps.* The appropriate maps for determining the boundary of the Rockpile viticultural area are four 1:24,000 Scale U.S.G.S. topographic maps. They are titled:

(1) Warm Springs Dam Quadrangle, CA – Sonoma Co. 1978;

(2) Cloverdale Quadrangle, CA 1975;

(3) Tombs Creek Quadrangle, CA – Sonoma Co. 1978; and

(4) Big Foot Mountain Quadrangle, CA 1991.

(c) *Boundary.* The Rockpile viticultural area is located in northwestern Sonoma County, California. The boundary encircles the Rockpile Ranch area, located west of Lake Sonoma. The point of beginning is the intersection of Rockpile Road and the Section 15 east boundary line, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(1) Then proceed straight north to the 800-foot contour line, Section 10, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(2) Then proceed west along the 800-foot contour line through Sections 10, 9, 4, 5, and 32 to the Section 31 east boundary line, T 11 N, R 11 W (Warm Springs Dam and Cloverdale Quadrangles);

(3) Then proceed west along the 800-foot contour line in Section 31, following the line as it reverses from the west to the east direction, returning to the east boundary of Section 31, T 11 N, R 11 W (Cloverdale and Big Foot Mountain Quadrangles);

(4) Then proceed along the 800-foot contour line east through Section 32 and northwest through Sections 33, 32, 29, 30, 25, 24, 23, 14, 15, 22, 21, and 20 to the east boundary line of Section 19, T 11 N, R 12 W (Cloverdale and Big Foot Mountain Quadrangles);

(5) Then proceed west, north, south and east along the meandering 800-foot contour line, in a loop, crossing the southwest and northwest headwaters of Galloway Creek, and returning to the east boundary line of Section 19, T 11 N, R 12 W (Big Foot Mountain Quadrangle);

(6) Then proceed straight north to the Mendocino-Sonoma county boundary line, then follow the county line straight west to the R 13 and 12 W line, and continue straight south to the 1,600-foot contour line in the Section 19 southwest corner, T 11 N, R 12 W (Big Foot Mountain Quadrangle);

(7) Then proceed southeast along the meandering 1,600-foot contour line to the Section 29 west boundary line, and continue straight south to the T 11 and 10 N boundary line, R 12 W (Big Foot Mountain Quadrangle);

(8) Then proceed east along the T 11 and 10 N boundary line to the Section 1 west boundary line, R 12 W (Big Foot Mountain Quadrangle);

(9) Then proceed south along the Section 1 west boundary line, turning east at the Section 1 south boundary and continue east to the northwest corner of Section 8, T 10 N, R 11 W (Big Foot Mountain, Tombs Creek and Warm Springs Dam Quadrangles);

(10) Then proceed south along the west boundary of Section 8, turning east at its southwest corner, and continue east to the 876-foot elevation marker, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(11) Then proceed straight south approximately 2,000 feet to the 800-foot contour line, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(12) Then follow the 800-foot contour line as it meanders west, south-east, southwest, and east to the Section 14 west boundary, and then straight north, returning to the point of beginning at Rockpile Road, T 10 N, R 11 W (Warm Springs Dam Quadrangle).

Signed: January 15, 2002.

Bradley A. Buckles,
Director.

Approved: January 31, 2002.

Timothy E. Skud,
*Acting Deputy Assistant Secretary
(Regulatory, Tariff & Trade
Enforcement).*

(Filed with the Office of the Federal Register on 2-27-02 at 8:45 a.m. as FR Doc. 02-4768; published in the *Federal Register* on 2-28-02 at 67 FR 9192.)

TITLE 27—ALCOHOL, TOBACCO
PRODUCTS AND FIREARMS—
CHAPTER I—BUREAU OF ALCO-
HOL, TOBACCO AND FIREARMS,
DEPARTMENT OF THE
TREASURY

**Addition of New Grape Variety
Names for American Wines**

27 CFR Part 4

[T.D. ATF-475; Ref. Notice No. 924]

RIN: 1512-AC29

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is adding four new names to the list of prime grape variety names for use in designating American wines: Albariño, Alvarinho, Black Corinth, and Fiano.

EFFECTIVE DATE: Effective May 17, 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 (27 U.S.C. 201 *et seq.*) (FAA Act), wine labels must provide the consumer with adequate information as to the identity 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 at least 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 the percentage of

the wine derived from each variety is shown on the label.

Treasury Decision ATF-370 (61 FR 522), January 8, 1996, adopted a list of grape variety names that ATF 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 and prevent consumer confusion.

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

Under § 4.93, any interested person may petition ATF to add additional grape varieties to 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 variety's name in a scientific or professional journal of horticulture or a published report by a professional, scientific or wine-growers' organization;
- A reference to a plant patent, if patented; and
- Information about the commercial potential of the variety, such as the acreage planted and its loca-

tion or market studies.

Section 4.93 also places certain eligibility restrictions on the approval of grape 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 which are misleading under § 4.39.

Notice 924

In Notice 924, published on July 19, 2001, ATF proposed to add the names Albariño, Alvarinho, Black Corinth, and Fiano to the list of approved grape variety names in § 4.91. We based the proposal on the petitions and evidence described below. We received no comments to the notice. Because the petitioners provided sufficient evidence to support the requirements of § 4.93, we are adding the new names to the approved list.

Petitions

Petition for Albariño/Alvarinho

Havens Wine Cellars of Napa, California, petitioned ATF to add "Albariño" to the list of prime grape names approved for the designation of American wines. Grown for centuries in Spain and Portugal, Albariño, a white

Vitis vinifera grape, is relatively new to the United States. In Portugal the grape is called "Alvarinho."

The petitioners stated that Albariño has long been recognized in Europe and in academic communities. As evidence of this, the petitioners submitted the following supporting documents provided by Professor Carole Meredith of the Viticulture and Enology Department at the University of California at Davis (UC Davis):

- European Union Regulation 3201/90: This regulation permits the use of the name "Albariño" on labels of Spanish wines, and the name "Alvarinho" on labels of Portuguese wines.
- Two scientific papers published in the American Journal of Enology and Viticulture: "Effects of Grapevine Leafroll-Associated Virus 3 on the Physiology and Must of *Vitis vinifera* L. cv. Albariño Following Contamination in the Field," (Vol. 50, 1999) which discusses a study conducted on Albariño grape vines, and "Contribution of *Saccharomyces* and Non-*Saccharomyces* Populations to the Production of Some Components of Albariño Wine Aroma," (Vol. 47, 1996) which describes a study conducted on Albariño musts.
- "The Genetic Resources of *Vitis*": This listing of international grape variety names and synonyms, published in 1988 by the German Federal Grape Breeding Institute, lists Alvarinho as the prime name for the grape varietal with Albariño as a synonym.
- An abstract of an article from the Journal of the American Society for Horticultural Science: "Molec-

ular marker analysis of *Vitis vinifera* 'Albariño' and some similar grapevine cultivars," published September 1998, describing a DNA analysis conducted on Albariño grapevines.

- The petitioner also submitted several wine literature articles from sources such as "Wine Spectator" and "Wine Today," which mention Albariño/Alvarinho wine.

ATF contacted Professor Meredith and asked her if the name "Alvarinho" should be added to the list as a synonym of Albariño. She replied that both names are well established in Europe and are equally valid names for the grape. She stated that because the grape is relatively new to the U.S., she didn't know which name is most commonly used by U.S. winemakers. She noted that UC Davis has an example of the grapevine in its collection and uses the name "Alvarinho", most likely because the plant originally came from Portugal.

Havens Wine Cellar reported that it has 2 ½ acres of Albariño in production, with the first crop picked in 1999. We also know of two other California wineries and a Virginia winery that are growing Albariño. Since the evidence submitted satisfies the requirements of § 4.93, we are adding Albariño and Alvarinho to the list of prime grape names in § 4.91.

Petition for Black Corinth

Hallcrest Vineyards of Felton, California, petitioned ATF to add the grape variety Black Corinth to the list of prime grape names approved for the designation of American wines. Black

Corinth grapes are widely grown in California, where the vast majority of them are dried into raisins and marketed under the name "Zante Currant."

As evidence of the grape's acceptance and use in California, Hallcrest Vineyards submitted the following statistical reports issued by the State of California:

- Final Grape Crush Report for the 1999 crop, issued by the California Department of Food and Agriculture.
- California Grape Acreage report for 1999, issued by the California Agricultural Statistics Service, in cooperation with the U.S. Department of Agriculture.

Both reports include statistical tables with the data broken down by grape varietal. Black Corinth is one of the listed varieties. The petitioner stated that this is clear evidence that the grape is grown in California and is recognized by the California Department of Food and Agriculture.

Other documentation included *The Oxford Companion to Wine* (Jancis Robinson, Oxford University Press, 1999), which states that Black Corinth is one of the most commonly used grape varieties in the world raisin industry, and is occasionally used in winemaking.

Hallcrest Vineyards stated it has made a fruity, blush dessert wine from the Black Corinth grape. We are aware of at least one other winery using the grape to produce a table wine. Because the evidence satisfies the requirements of § 4.93, we are adding Black Corinth to the list of prime grape names in

§ 4.91. Because we believe the name "Zante Currant" could mislead consumers into thinking the wine is made from currants and not grapes, we did not propose that name as a synonym.

Petition for Fiano

United Distillers and Vintners North America, Inc. (UDV) petitioned ATF to add the name "Fiano" to the list of prime grape names approved for the designation of American wines. UDV owns three wineries in California – Beaulieu Vineyards, Glenn Ellen Carneros Winery, and Blossom Hill.

Fiano is a white varietal, long grown in the Campania region of Italy where it is used to produce the *Denominazione di Origine Controllata* wine Fiano di Avellino. According to information submitted by the petitioner, Fiano is an old grape with a history dating back to the ancient Romans. Records show that Holy Roman Emperor Frederick II (1215-1250) placed an order for Fiano wine and that Charles d'Anjou (1227 – 1285) planted 16,000 Fiano vines. Modern reference sources referring to the Fiano grape include *The New Sotheby's Wine Encyclopedia* (Tom Stevenson, DK Publishing, Inc., 1997) and *The Oxford Companion to Wine* (Jancis Robinson, Oxford University Press, 1999).

As evidence of the grape's use in the United States, UDV submitted a price list from Herrick Grapevines in St. Helena, California, listing Fiano in its grapevine inventory. According to this inventory, the Fiano was planted in 1997 and was obtained from Duarte Nursery in Modesto, California. UDV further stated that Beaulieu Vineyard has produced two vintages of Fiano

wine, and submitted evidence that at least three other California vineyards and one New York vineyard are also growing Fiano. The petitioner submitted a letter from Monterey Pacific, one of the California growers, stating that they have five years of experience with Fiano and find it to be a grape with distinctive varietal character.

Based on the evidence presented in the petition, we are adding the Fiano grape to the list of approved prime names in § 4.91.

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 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 new grape varietal names. 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, the order does not require a regulatory assessment.

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, Consumer protection, Customs duties and inspections, Imports, Labeling, Packaging and containers, 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.

Para. 2. Section 4.91 is amended by adding the names "Albariño", "Alvarinho", "Black Corinth", and "Fiano" in alphabetical order, to the list of prime grape names, to read as follows:

§ 4.91 List of approved prime names.

- * * * * *
- Albariño (Alvarinho)*
- * * * * *
- Alvarinho (Albariño)*
- * * * * *

* * * * *

Black Corinth

* * * * *

Fiano

* * * * *

Signed: February 14, 2002.

Bradley A. Buckles,

Director.

Approved: February 24, 2002.

Timothy E. Skud,

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

(Filed with the Office of the Federal Register on 3-15-02 at 8:45 a.m. as FR Doc. 02-6238; published in the *Federal Register* on 3-18-02 at 67 FR 11917.)