

that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### IV. Request for Comments

Interested persons may, on or before January 5, 1998, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 1240

Communicable diseases, Public health, Travel restrictions, Water supply.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 1240 be amended as follows:

#### PART 1240—CONTROL OF COMMUNICABLE DISEASES

1. The authority citation for 21 CFR part 1240 continues to read as follows:

**Authority:** 42 U.S.C. 216, 243, 264, 271.

#### § 1240.70 [Removed]

2. Section 1240.70 *Lather brushes* is removed.

Dated: October 10, 1997.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 97-27694 Filed 10-17-97; 8:45 am]

**BILLING CODE 4160-01-F**

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### 24 CFR Parts 1000, 1003, and 1005

[Docket No. FR-4170-N-14]

#### Native American Housing Assistance and Self-Determination Negotiated Rulemaking Committee; Meetings

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Negotiated Rulemaking Committee meetings.

**SUMMARY:** This notice announces the final implementation meetings

sponsored by HUD to develop the regulations necessary to carry out the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Pub. L. 104-330, approved October 30, 1996).

**DATES:** The meetings will be held on October 27, 28 and 29, 1997. The October 27 and 28, 1997 meetings will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m., local time. The October 29, 1997 meeting will begin at approximately 8:30 a.m. and end at approximately noon, local time.

**ADDRESS:** The meetings will be held at the Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, SW, Washington, DC 20024; telephone 1-800-635-5065 or (202) 484-1000; FAX (202) 863-4497 (With the exception of the "800" telephone number, these are not toll-free numbers).

**FOR FURTHER INFORMATION CONTACT:** Karen Garner-Wing, Acting Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO; telephone (303) 675-1600 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Secretary of HUD established the Native American Housing Assistance & Self-Determination Negotiated Rulemaking Committee (Committee) to negotiate and develop a proposed rule implementing NAHASDA. The proposed rule was published on July 2, 1997 (62 FR 35718) and provided for a 45-day public comment period. The public comment deadline was August 18, 1997.

The Committee met from August 22-29, 1997 in Denver, Colorado and from September 21-26, 1997 in Arlington, Virginia to consider the public comments submitted on the proposed rule. The Committee is meeting for a final time to discuss issues left unresolved and to reach consensus on the Committee's final report to the Secretary of HUD.

*The meeting dates are:* October 27, 28, and 29 1997. The agenda planned for the meetings includes: (1) discussion of the draft Committee report; (2) discussion of issues left unresolved; and (3) approval of a final Committee report for submission to the Secretary of HUD.

The meetings will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meetings, to the extent time permits,

and file written statements with the Committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this notice. Summaries of Committee meetings will be available for public inspection and copying at the address in the same section.

Dated: October 14, 1997.

**Kevin Emanuel Marchman,**

*Acting Assistant Secretary for Public and Indian Housing.*

[FR Doc. 97-27674 Filed 10-17-97; 8:45 am]

**BILLING CODE 4210-33-P**

#### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

RIN 1512-AA07

[Notice No. 856]

#### Establishment of the San Francisco Bay Viticultural Area and the Realignment of the Boundary of the Central Coast Viticultural Area (97-242)

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing the establishment of a viticultural area in the State of California to be known as San Francisco Bay. The proposed area is located mainly within five counties which border the San Francisco Bay and partly within two other counties. These counties are: San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and partly in Santa Cruz and San Benito Counties. The proposed San Francisco Bay viticultural area encompasses approximately 3,087 square miles total containing nearly 6,000 acres planted to grapes and over 70 wineries. In conjunction with the petition, ATF received a proposal to amend the boundaries of the current Central Coast viticultural area to include the proposed San Francisco Bay viticultural area. As the current boundaries already encompass part of the proposed San Francisco Bay viticultural area, approximately 1,278 square miles would be added to Central Coast with an additional 3,027 acres planted to grapes and 21 more wineries.

**DATES:** Written comments must be received by January 20, 1997.

**ADDRESSES:** Send written comments to: Chief, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol,

Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 856). Copies of the petitions, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at the ATF Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC., 20226.

**FOR FURTHER INFORMATION CONTACT:**

David Brokaw, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC., 20226 (202) 927-8230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) 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

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

**Petition for the Proposed San Francisco Bay Viticultural Area**

ATF has received a petition from Mr. Philip Wentz, Vice President of Wentz Bros., proposing to establish a new viticultural area in Northern California to be known as San Francisco Bay. The proposed San Francisco Bay viticultural area is located mainly within five counties which border the San Francisco Bay and partly within two other counties. These counties are: San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa and partly in Santa Cruz and San Benito Counties. The petitioner claims that Santa Cruz County, although it has no Bay shoreline, has traditionally been associated with the place name San Francisco Bay. The portion of the Santa Clara Valley located in San Benito County has been included. The proposed viticultural area encompasses approximately 3,087 square miles total containing nearly 6000 acres planted to grapes and over 70 wineries.

The petitioner claims that the proposed San Francisco Bay viticultural area is a distinctive grape growing region. According to the petitioner, the area is distinguished by a unique marine climate which is heavily influenced by the proximity of the San Francisco Bay and the Pacific Ocean. Specifically, the San Francisco Bay and the local geographical features surrounding it permit the cooling influence of the Pacific Ocean to reach farther into the interior of California in the Bay Area than elsewhere along the California coast.

In proposing boundaries for the San Francisco Bay viticultural area, the petitioner has purposely included the waters of the San Francisco Bay as well as urban areas, particularly the City of San Francisco. The petitioner feels that the San Francisco Bay is the "heart and soul of this appellation, its namesake and unifying force, the source of its weather, the focal point of its history." As such, the petitioner believes that it should not be cut out of the center of the appellation. Although it is not a feasible vineyard site, the city has long been a wine industry hub.

The evidence submitted by the petitioner is discussed in detail below. Given the scope of the proposals and the wide range of interests that are likely to be affected by the establishment of a San Francisco Bay viticultural area, ATF wishes to solicit public comment particularly with respect to the

following questions raised by the petition:

(1) Is there sufficient evidence that the name, "San Francisco Bay," can be associated with regions south and east of the bay such as Santa Clara Valley and Livermore? Do these regions have climatic or geographic differences with other regions of the proposed area to such a degree that they cannot be considered as one viticultural area?

(2) Does the evidence support exclusion from the proposed viticultural area of the regions north of the Bay, *i.e.*, Marin, Napa, Solano, and Sonoma Counties?

(3) Can the regions where grapes cannot be grown in the proposed viticultural area, such as the dense urban settings and the Bay itself, be easily segregated from the rest of the proposed area? Does it undermine the notion of a viticultural area to keep them included?

**Evidence That the Name of the Area is Locally or Nationally Known**

According to the petitioner, San Francisco Bay is a locally, nationally and internationally recognized place name. Therefore, the petitioner believes that San Francisco Bay is the appropriate name for the proposed area, since even people who do not know the names of any California counties have an idea where the San Francisco Bay is. The petitioner claims that to people all over the world, San Francisco Bay calls to mind the well-known body of water by that name and, by inference, the land areas that surround it.

The counties of San Francisco, Contra Costa, Alameda, Santa Clara and San Mateo—within which the proposed area is located—border the San Francisco Bay. According to the petitioner, Santa Cruz County, although it has no Bay shoreline, has traditionally been associated with the place name San Francisco Bay. The petitioner also included the portion of the Santa Clara Valley located in San Benito County.

According to the petitioner, the names "San Francisco Bay area" or "San Francisco Bay region" sometimes refer to an area that is different than the area discussed in this petition. The petitioner claims that although sources differ in how broadly they define the San Francisco Bay region, the various definitions—without exception—include the counties mentioned above. The following sources, are cited by the petitioner as being representative of the consensus among experts that the petitioned area is widely known by the name San Francisco Bay.

According to the petitioner, the name San Francisco Bay is more frequently

and more strongly associated with the counties lying south and east of the San Francisco Bay than with nearby counties to the north. For example, the petitioner cites the 1967 Time Life book entitled "The Pacific States," which describes the San Francisco Bay Area as a megalopolis with the city [of San Francisco] as the center, stretching 40 miles south to San Jose and from the Pacific to Oakland and beyond.

The petitioner also cites weather expert Harold Gilliam, in his book *Weather of the San Francisco Bay Region*, as discussing an area including San Francisco, San Mateo, Alameda, Contra Costa, and Santa Cruz Counties. The petitioner points out that James E. Vance, Jr., Professor of Geography at the University of California, Berkeley, studied the same area in his book entitled *Geography and Urban Evolution in the San Francisco Bay Area*. Also, according to the petitioner, climatologist Clyde Patton studied the same region in his definitive work *Climatology of Summer Fogs in the San Francisco Bay Area*. Mr. Vance's and Mr. Patton's maps of "Bay Area Place Names" are included with the petition.

A final source cited by the petitioner is Lawrence Kinnaird, University of California Professor of History, who wrote a *History of the Greater San Francisco Bay Region*. According to the petitioner, Mr. Kinnaird's book also covers the counties of San Francisco, Santa Clara, Alameda, Contra Costa, San Mateo, and Santa Cruz.

#### **Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition**

According to the petitioner, within the grape growing and winemaking community, the name San Francisco Bay has always been identified with the area proposed in the petition. In support of this claim, the petitioner cited several references to reflect the industry's perception of this place name.

For example, wine writer Hugh Johnson, in his book *The World Atlas of Wine*, devotes a separate section ("South of the Bay") to the winegrowing areas of the San Francisco Bay and Central Coast. According to the petitioner, Mr. Johnson describes the traditional centers of wine-growing in this area as concentrated in the Livermore Valley east of the Bay; the western foot-hills of the Diablo range; the towns south of the Bay, and along the slopes of the Santa Cruz mountains down to a cluster of family wineries round the Hecker Pass. The petitioner claims that Mr. Johnson repeatedly distinguishes the winegrowing region south and east of the Bay from areas to

the north of the Bay. In support of this claim, the petitioner refers to a statement from Mr. Johnson's book pointing out that the area just south and east of San Francisco Bay is wine country as old as the Napa Valley.

Another writer cited by the petitioner is Robert Lawrence Balzer who devotes a chapter to "Vineyards and Wineries: Bay Area and Central Coast Counties" in his book *Wines of California*. According to the petitioner, this chapter and the accompanying map include wineries and vineyards in Alameda, Contra Costa, San Mateo, Santa Clara, and Santa Cruz Counties. The petitioner claims that throughout his book, Mr. Balzer makes it clear that he differentiates the San Francisco Bay area grape growing areas from those north of San Francisco Bay and south of Monterey Bay. In support of this claim, the petitioner cites several quotes from the book. For example, Mr. Balzer states that, "Logic, as well as geography, dictates our division into these unofficial groups of counties: North Coast, Bay Area and Central Coast, South Central Coast, Central Valley, and Southern California. The vineyard domain south of San Francisco is as rich and colorful in its vintage history as the more celebrated regions north of the Bay Area." According to the petitioner, it is clear that this author does not consider Napa and Sonoma Counties as part of the Bay Area. As evidence of this, the petitioner cites the following statement, "Alameda County does not have the scenic charm of \* \* \* Napa and Sonoma \* \* \*." The petitioner points out that the same book contains a photograph showing the Golden Gate Bridge and San Francisco Bay with the caption, "San Francisco Bay divides the North Coast from the other wine areas of California."

According to the petitioner, in his book *Vineyards and Wineries of America*, Patrick W. Fegan distinguishes the winegrowing region of the San Francisco Bay Area from Monterey, noting that when urban development around the Bay Area began to threaten vineyard areas, University of California professors proposed planting vineyards in Monterey County.

Another source cited by the petitioner in support of the proposed boundaries is Grape Intelligence, a reporting service for California winegrape industry statistics. According to the petitioner, Grape Intelligence issues a yearly report for grape varieties in the San Francisco Bay Area. Reports for this region cover San Francisco, San Mateo, Santa Cruz, Alameda and Contra Costa counties.

The petitioner also cited historic evidence. According to the petitioner,

the San Francisco Viticultural District, defined by the State Viticultural Commissioners at the end of the last century, comprised the counties of San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey—but no areas north of the Bay.

The petitioner claims that the California Department of Food and Agriculture currently considers the proposed area as a single unit. The petitioner states that the Grape Pricing Districts established by the State of California reflect the joined perception of the six San Francisco Bay counties, by grouping San Francisco, San Mateo, Santa Cruz, Santa Clara, Alameda, and Contra Costa together in District 6.

The petitioner provided a list of "Largest Bay Area Wineries" from a chart which appeared in the San Francisco Business Times of November 21, 1988. The list includes 21 wineries in Alameda, Contra Costa, San Francisco, and San Mateo Counties. No wineries from the North Coast counties of Sonoma, Napa, Mendocino, or Lake are included.

#### **Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas**

##### *Climate*

According to the petitioner, the unifying and distinguishing feature of the coastal climate of the proposed area is the influence of both the Pacific Ocean and the San Francisco Bay. The petitioner claims that coastal areas north of the proposed area are influenced by the Pacific Ocean and by the San Pablo and Richardson Bays, while areas south of the proposed area are influenced by the Pacific Ocean and by Monterey Bay. In addition, the ocean influence enters each region through different routes—through the Estero Gap in the North Coast, through the Golden Gate in the San Francisco Bay region, and through Monterey Bay in the southerly portion of Central Coast.

According to the petitioner, west to east flowing winds named the westerlies, which bring weather systems in California onshore from the ocean, prevail in the proposed area. Directly affecting the weather in the San Francisco Bay area is the Pacific high pressure system, centered a thousand miles off the Pacific Coast. The petitioner claims that during winter months, its location south of San Francisco allows the passage of

westward moving, rain producing, low pressure storms through the area.

According to the petitioner, during the summer months the high is located closer to the latitude of San Francisco. It then deflects rain producing storms to the north, producing a dry summer climate in San Francisco area. The petitioner claims that the winds from the high (which flow onshore from the northwest to the southeast) produce a cold southward flowing surface water current (called the California Current) off the California coast by a process called upwelling, in which cold deep water is brought to the surface. When moist marine air from the Pacific High flows onshore over this cold water, it cools, producing fog and/or stratus cloud areas which are transported inland by wind.

#### *Climatic Affect and Proposed Boundaries*

The petitioner states that from a meteorological perspective, the northwesterly windflow through the Estero Gap (near Petaluma in Sonoma County) into the Petaluma Valley, provides the major source of marine influence for areas north of the Golden Gate. Airflow inland from San Pablo Bay also affects the climate of southern Napa and Sonoma Counties. According to the petitioner, San Francisco Bay has little impact on the weather in the region to its north. The onshore prevailing northwesterly flow direction, in combination with the coastal range topographic features of counties north of the Bay and the pressure differential of the Central Valley, minimize a northward influence from the air that enters the Golden Gate. According to the petitioner, the higher humidity, lower temperatures and wind flow that enter the Golden Gate gap do not flow north of the San Francisco Bay.

The petitioner states that, as a result of the different air mass sources, grape growing sites immediately north of the Bay are cooler than corresponding sites in the Bay Area. As an example, the petitioner cites *General Viticulture* which lists Napa with 2,880 degree days, while Martinez (directly south of Napa on the Carquinez Strait) has 3,500 degree days. Calistoga is listed as 3,150 degree days, while Livermore (approximately equidistant from the Carquinez Strait, but to the south) has 3,400. According to the petitioner, the degree day concept was developed by UC Davis Professors Amerine and Winkler as a measure of climate support for vine growth and grape ripening; large degree day values indicate warmer climates.

According to the petitioner, the proposed San Francisco Bay viticultural area is also distinguished from the counties north of the San Francisco Bay by annual rainfall amounts. The petitioner states that most winter storms that hit the Central California coast originate in the Gulf of Alaska. Thus, locations in the North Coast viticultural area generally receive more rain than sites in the proposed viticultural area.

According to the petitioner, this effect is illustrated by Hamilton Air Force Base on the northwest shore of the San Pablo Bay in Marin County. The base gets 25% more rain in a season than does San Mateo, which has a corresponding bayshore location 34 miles to the south. The petitioner points out that San Francisco gets an average of 21 inches of rain annually, but nine miles north of the Golden Gate, Kentfield gets 46 inches—more than double the amount of rain. According to the petitioner, average rainfall over the entire south bay wine producing area is only 18 inches, while the City of Napa averages 25 inches, Sonoma County (average of 5 sites) averages 35 inches, and Mendocino County averages 40 inches.

According to the petitioner, it should be noted that the California North Coast Grape Growers supported the petitioner's position. In a letter to the Bureau of Alcohol, Tobacco and Firearms dated September 14, 1979, they asked that the term North Coast Counties be applied only to Napa, Sonoma and Mendocino counties. The petitioner claims that part of their reasoning was the observations of Professor Crowley of the Geography Department at Sonoma State University who said that the counties north of the San Francisco Bay have different climates from the counties south of the bay.

Thus, the petitioner maintains that the main determinants of the northern boundary of the proposed viticultural area include the: (1) Natural geographic/topographic barriers, (2) lack of direct San Francisco Bay influence in areas to its north, and (3) different predominant coastal influences in the northern area. The petitioner feels that these factors lead to significant wind flow, temperature, and precipitation differences between the areas north and south of San Francisco Bay. Thus, the petitioner claims that it is logical to draw the northern boundary of the proposed area at the point where the Golden Gate Bridge and San Francisco Bay separate the northern counties, i.e., Marin, Napa, Solano, and Sonoma of the North Coast viticultural area from the

counties of San Francisco and Contra Costa.

According to the petitioner, the eastern boundary of the proposed San Francisco Bay Viticultural Area matches the existing boundary of the Central Coast Viticultural area and is located at the inland boundary of significant coastal influence, i.e., along the hills and mountains of the Diablo Range that form a topographical barrier to the intrusion of marine air.

According to the petitioner, east of the Diablo Range lies the Central Valley, distinguished from the proposed area by its higher temperature, lower humidity, and decreased rainfall. The petitioner states that, the Central Valley has a completely continental climate, i.e., much hotter in summer and cooler in winter. Amerine & Winkler categorize the grape growing areas in the Central Valley (Modesto, Oakdale, Stockton, Fresno) as Region V (over 4,000 degree days), while sites in the proposed area range from Region I to III. This is illustrated on a "Degree Day Map" provided by the petitioner.

According to the petitioner, north of Altamont, the proposed boundary continues to follow the inland boundary of coastal influence. (This portion of the boundary matches the concurrently submitted proposed boundary extension for the Central Coast Viticultural area.) Like the existing eastern boundary of the Central Coast, this extension excludes the innermost range of coastal mountains. The eastern boundary includes Martinez and Concord, but excludes Antioch, and the eastern portion of Contra Costa County.

The petitioner claims that the average precipitation in the Central Valley is lower than in the proposed San Francisco Bay viticultural area. The following are thirty year average rainfall statistics in inches for locations in the Central Valley: Modesto 10.75, Fresno 10.32, Los Banos 7.98, Lodi 12.74, Antioch 12.97.

Thus, according to the petitioner, the main determinants of the proposed eastern boundary of the proposed viticultural area include the (1) historic existing eastern boundary of the Central Coast viticultural area, (2) natural geographic/topographic climatic barrier created by the Diablo Range, and (3) the inland boundary of the coastal marine influence. The petitioner feels that these factors lead to significant temperature, humidity and precipitation differences between the areas east and west of the proposed eastern boundary.

According to the petitioner, the southern boundary matches those of the Santa Cruz and Santa Clara viticultural areas. As discussed in the section on

climate, the San Francisco Bay influence is diminished and the Monterey Bay influence is felt south of the proposed area. According to the petitioner, the regional northwestern prevailing wind flow direction generally prevents the Monterey Bay influence from affecting the climate in the proposed area.

According to the petitioner, Monterey Bay has a very broad mouth with high mountain ranges to both the north and south. The petitioner claims that fog and ocean air traveling along the Pajaro River do on rare occasions reach the south end of the Santa Clara Valley to the north, but most of the Monterey Bay influence travels to the east and south (borne by the prevailing northwest wind) into the Salinas Valley and up against the eastern coastal hills.

According to the petitioner, Central Coast climate thus gradually warms with increased distance from the San Francisco Bay, as air traveling over land areas south of the bay accumulates heat and dries out. The petitioner claims that the warming trend reverses, however, at the point where the south end of the Santa Clara Valley meets the Pajaro River. Here wind and fog from the Monterey Bay, flowing westward through the Pajaro River gap, begins to assert a cooling influence.

According to the petitioner, the decrease of San Francisco Bay influence, and the concurrent increase of Monterey Bay influence, is demonstrated by the difference in heat summation between Gilroy and Hollister. The petitioner claims that Central Coast sites warm with increasing distance from the San Francisco Bay, but this pattern reverses at the southern boundary of the Santa Clara Valley viticultural area, between Gilroy and Hollister, as the influence of the Monterey Bay becomes dominant. According to the petitioner, this produces significantly cooler temperatures in Hollister than in Gilroy, even though Hollister is farther from San Francisco Bay.

Petition Table 2 "Decrease in San Francisco Bay Influence," indicates a gradual warming trend as one travels southward from the San Francisco Bay. According to the petitioner, past Gilroy to Hollister, however, a new cooling trend is observed due to the influence of the Monterey Bay.

According to the petitioner, Hollister is significantly cooler than Gilroy even though its location is sheltered by hills from the full influence of Monterey Bay. The weather station near coastal Monterey shows the strongest cooling from the Monterey Bay. The petitioner claims that continuing south in the

Salinas Valley, the climate again grows warmer with increasing distance from Monterey Bay.

In summary, according to the petitioner, the southern boundary of the proposed area has been defined to match the southern boundary of the Santa Clara Valley and Santa Cruz viticultural areas because this is the location of the transition from a climate dominated by flow from the San Francisco Bay to one dominated by flow from Monterey Bay.

According to the petitioner, the west boundary of the proposed San Francisco Bay Viticultural Area follows the Pacific coastline from San Francisco south to just north of the City of Santa Cruz. This area is greatly influenced by Pacific Ocean breezes and fog. According to the petitioner, the western hills of the Santa Cruz Mountains are exposed to the strong prevailing northwest winds. The climate of the eastern portion of these hills is affected by the moderating influences of the San Francisco Bay.

According to the petitioner, just north of the City of Santa Cruz, the western boundary turns east excluding a small portion of Santa Cruz County from the proposed area, as it was from the Santa Cruz Mountains viticultural area. The petitioner claims that the area around Santa Cruz and Watsonville is close to sea level, and is sheltered from the prevailing northwesterly Pacific Ocean winds by the Santa Cruz mountains. Therefore, fog and bay breezes from Monterey Bay impact the area, while the San Francisco Bay does not influence the area.

Thus, according to the petitioner, the main determinant of the western boundary of the proposed viticultural area include the (1) natural geography of the coastline, (2) Pacific Ocean and San Francisco Bay influence, and (3) historical identity as part of the San Francisco Bay Area.

#### *Topography*

According to the petitioner, the weather in the bay region is a product of the modification of the onshore marine air masses described above by the topography of the coast ranges, a double chain of mountains running north-northwest to south-southeast. Each chain divides into two or more smaller chains, creating a patchwork of valleys.

According to the petitioner, as the elevation of the western chain of the coastal ridge is generally higher than the altitude of the inversion base, the inversion acts as a lid to prevent the cool onshore flowing marine air and fog from rising over the mountains and flowing inland. Because of this,

successive inland valleys generally have less of a damp, seacoast climate and more of a dry, continental climate.

According to the petitioner, this pattern is modified by a few gaps and passes in the mountain ranges that allow marine influences to spread farther inland without obstruction. The petitioner claims that these inland areas are, however, somewhat protected from the Pacific fogs, which are evaporated as the flow is warmed by passage over the warmer land surfaces.

The three largest sea level gaps in the central California coastal range mountainous barrier are (north to south): Estero Lowland in Sonoma, Golden Gate into San Francisco Bay, and Monterey Bay. According to the petitioner, several smaller mountain pass gaps (San Bruno and Crystal Springs) sometimes also allow for the inland spread of coastal climate in the Bay Area when the elevated inversion base is high enough.

According to the petitioner, the Bay Area climate is greatly modified by San Francisco Bay, whose influence is similar to that of the ocean, *i.e.*, it cools summer high temperatures and warms winter low temperatures. The petitioner states that the narrowness of the Golden Gate limits the exchange of bay and ocean waters, and thus bay waters are not quite as cold as the coastal ocean currents during the summer.

According to the petitioner, marine air exits the San Francisco Bay (without having experienced the normal drying and heating effects associated with overland travel) in several directions. The predominant outflow is carried by the onshore northwesterly winds toward the south through the Santa Clara Valley to Morgan Hill and to the east via the Hayward Pass and Niles Canyon.

According to the petitioner, temperatures at given locations in the Bay Area are thus dependent on streamline distance (actual distance traveled) from the ocean, rather than its "as the crow flies" distance from the ocean. The petitioner claims that Livermore Valley temperatures show this phenomenon. Ocean air flows across San Francisco Bay, through the Hayward Pass and Niles Canyon, and into the Livermore Valley, causing a cooling effect in summer and a warming effect in winter.

In summary, because of the interaction of topography with the prevailing winds in the Bay Area, the Pacific Ocean and San Francisco Bay are the major climatic influences in the proposed viticultural area. According to the petitioner, this interaction has two principal effects: (1) To allow the coastal influence of the Pacific Ocean to

extend farther east than otherwise possible, and (2) to modify that coastal influence because of the moderating effects of Bay waters on surrounding weather.

#### **Proposal To Amend the Boundaries of the Central Coast Viticultural Area**

In conjunction with the petition to establish the San Francisco Bay viticultural area, Mr. Philip Wente, Vice President of Wente Bros., proposes to amend the boundaries of the Central Coast viticultural area to encompass the proposed San Francisco Bay viticultural area.

According to the petitioner, an examination of the three large viticultural areas on the California coast reveals a gap between Monterey and Marin, where many acres of existing and potential vineyards are not represented by any viticultural area. In petitioning for the revision of the Central Coast viticultural area, the petitioner claims to be continuing the logical pattern already established in the organization of viticultural areas on the California coast. According to the petitioner, the proposed revised Central Coast viticultural area is a larger area that ties together several smaller sub-appellations (Santa Clara Valley, Santa Cruz Mountains, Ben Lomond Mountain, Livermore Valley, San Ysidro District, Pacheco Pass, San Benito, Cienega Valley, Mount Harlan, Paicines, Lime Kiln Valley, Monterey, Carmel Valley, Chalona, Arroyo Seco, Paso Robles, York Mountain, Edna Valley, Arroyo Grande Valley, Santa Maria Valley, Santa Ynez Valley, and the proposed San Francisco Bay viticultural area), all of which are dominated by the same geographic and general marine influences that create their climate.

According to the petitioner, the evidence presented in the petition establishes that the well-known Central Coast name and the general marine climate extend north and northwest beyond the current Central Coast boundaries.

#### *The Name, Central Coast as Referring to Santa Cruz and the Counties Surrounding San Francisco Bay*

According to the petitioner, the name Central Coast, as used by wine writers and the state legislature, extends north and west into Santa Cruz County and five counties that surround the San Francisco Bay, beyond the area currently recognized as the Central Coast viticultural area. In support of this claim, the petitioner cited several references.

Patrick W. Fegan's book *Vineyards and Wineries of America*, contains a

map of "Central Coastal Counties" designating Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, San Benito, San Luis Obispo and Santa Barbara.

Another example cited by the petitioner is *Central Coast Wine Tour*, published by Vintage Image in 1977 and 1980, which covers the area from San Francisco to Santa Barbara and specifically describes past and present wineries in San Francisco, Alameda, Contra Costa, Santa Clara, San Mateo and Santa Cruz Counties.

According to the petitioner, The Connoisseurs' Handbook of California Wines defines "Central Coast" in the section entitled "Wine Geography" as: "The territory lying south of San Francisco and north of the city of Santa Barbara—San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, and Santa Barbara counties."

According to the petitioner, Bob Thompson and Hugh Johnson, in their book *The California Wine Book*, describe the "Central Coast" as an indeterminate area between San Francisco and Santa Barbara, including San Francisco, Contra Costa, Alameda, Monterey, Santa Clara and Santa Cruz Counties.

According to the petitioner, in *Wines of California*, by Robert Balzer, the wine producing areas on the California coast are categorized into three groups: North Coast counties, Bay Area and Central Coast counties, and South Central Coast counties. The section on "Bay Area and Central Coast" features a map, included with the petition, illustrating the counties surrounding San Francisco Bay and the Santa Cruz Mountains. The petitioner points out that listed among the San Francisco Bay and Central Coast wineries in the book are seven of the vintners who signed the petition to establish the Santa Cruz Mountains Viticultural Area (David Bruce Winery, Felton-Empire Vineyards, Mount Eden Vineyards, Martin Ray Vineyards, Ridge Vineyards, Roudon-Smith Vineyards and Woodside Vineyards). Finally, the petitioner provided a vineyard and winery map published by Sally Taylor and Friends in the 1980's which includes Santa Cruz County on the map entitled "North Central Coast."

According to the petitioner, in addition to the numerous viticultural writings, government and scholarly studies on the climate and geography of the California Central Coast also include the counties around the San Francisco Bay in the proposed area.

According to the petitioner, the historic San Francisco Viticultural District in 1880 grouped the counties of San Francisco, San Mateo, Alameda,

Santa Clara, Santa Cruz and Contra Costa together. The 1930 University of California monograph "Summer Sea Fogs of the Central California Coast" by Horace R. Byers focuses on an area "from Point Sur to the entrance of Tomales Bay, including San Francisco and Monterey Bays: Santa Clara, San Ramon, Livermore, San Benito, and Salinas valleys \* \* \*" These valleys are located in Santa Clara, Contra Costa, Alameda, San Benito and Monterey Counties, respectively.

The petitioner cites section 25236 of the 1955 California Alcoholic Beverage Control Act which allows the use of the description "central coastal counties dry wine" on wine originating in several counties including Santa Clara, Santa Cruz, Alameda, Contra Costa, Monterey, San Luis Obispo counties. The petitioner recognizes that "central coastal counties" is not a legal appellation under the Federal Alcohol Administration Act. The petitioner stated that this law is mentioned solely to support the fact that the counties surrounding San Francisco Bay are well-accepted in California as belonging within the place name "Central Coast."

According to the petitioner, the California Division of Forestry's "Sea Breeze Effects on Forest Fire Behavior in Central Coastal California" summarizes the results of several fireclimate surveys conducted in the 1960's in several counties surrounding San Francisco Bay. Currently, the petitioner points out that the National Oceanic and Atmospheric Administration/National Climatic Data Center publishes monthly summaries of climatological data grouped into geographical divisions. The "Central Coast Drainage" division includes locations in San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Santa Cruz, Monterey and San Luis Obispo counties.

The petitioner believes that the sources discussed above demonstrate that the counties included in the proposed revised Central Coast boundaries are commonly and historically known as being within the place-name "Central Coast."

#### **Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish the Viticultural Features of the Proposed Area From Surrounding Areas**

##### *Coastal Climate and Marine Influence*

According to the petitioner, the coastal climate of the Central Coast viticultural area is the principal feature which unifies the area and distinguishes it from surrounding areas. As an

indication of the "coastal climate" effect on the area, the petitioner cites the difference between July and September temperatures. According to the petitioner, September (fall) is usually warmer than July (summer) in coastal areas, while the reverse is true in continental areas. The petitioner states that this unique coastal characteristic results from two factors: fogs and air flows. Fogs keep summer coastal temperatures low while the interior regions absorb all of the sun's summer energy. These fogs diminish in strength and frequency in the fall allowing more coastal solar gain and the resultant temperature rise, while interior temperatures begin their relative decline. According to the petitioner, this seasonal fluctuation comes about when, (1) the pressure differential between the Pacific high and the Central Valley is reduced which eliminates the inversion cap over the coast ranges and, (2) the temperature of the Pacific Ocean reaches its highest level in the fall which reduces the cooling of onshore air flows. According to the petitioner, these air flows from the Pacific Ocean invade the land mass through gaps in the coast range. Thus, the petitioner claims that a location's climate is dictated primarily by its position relative to the windstream distance from the Pacific—the greater the windstream distance the greater the July/October temperature differential and the greater the degree day accumulation as the windstream will be increasingly warmed by the ground it passes over.

Table I in the petition lists California cities in windstream groups from the most coastal (initiation) to the most continental (terminus). This table lists the difference (in degrees) between the average July and September temperatures in each city, which constitutes the measure of "coastal" character. Continental cities (Antioch to Madera), which are outside the current and proposed boundaries of the Central Coast, exhibit the highest July temperatures and the greatest difference in temperature from July to September. Also, included are accumulated Degree Days for April through October following Winkler's system. According to the petitioner, this chart demonstrates that within the coastal region—north and south—there is a continuum of coastal influence and the ensuing heat gradient during the growing season (Degree Days).

According to the petitioner, within the proposed extension, the climate acts in an identical manner to the area in the existing Central Coast viticultural area. To support this claim, the petitioner cites petition Table I demonstrating that

locations within the proposed revision to the Central Coast viticultural area (San Francisco, Richmond, Oakland, Berkeley, Half Moon Bay, Martinez, San Jose, Ben Lomond, Palo Alto) share the same coastal character (*i.e.*, (1) higher September temperatures and, (2) an airstream continuum of Degree Day temperatures correlated with the airstream distance from the Pacific Ocean) as found at the current Central Coast cities (Monterey, Salinas, Hollister, King City, Livermore, Gilroy). A Coastal Character Map showing this data is attached to the petition. Accordingly, the petitioner believes that the data presented above establishes that the Central Coast boundary should be revised to accurately reflect the extent of the central coast climate.

According to the petitioner, the proposed San Francisco Bay viticultural area and the Central Coast viticultural area lie within the same botanic zone. The petitioner cites the *Sunset Western Garden Book* published for 55 years by the editors of *Sunset Magazine*. The petitioner states that this comprehensive western plant encyclopedia has become a leading authority regarding gardening in the western United States. The *Western Garden Book* divides the region from the Pacific Coast to the eastern slope of the Rocky Mountains into twenty-four climate zones. The Central Coast viticultural area lies within Zones 7, 14, 15, 16, 17.

The petitioner believes that the climate zones established by *Sunset Magazine* demonstrate that the main distinguishing feature of Central Coast—the coastal climate—extends west to the Santa Cruz coastline and north to the Golden Gate. The proposed revision to the Central Coast viticultural area also lies within these zones.

According to the petitioner, the characteristic cool Mediterranean climate of the Central Coast viticultural area extends north and west of the current boundaries. This coastal Mediterranean climate is cool in the summer and the marine fog which penetrates inland makes the coast very oceanic, with little difference in temperature between mild winters and cool summers. The Mediterranean climate classification is so called because the lands of the Mediterranean Basin exhibit the archetypical temperature and rainfall regimes that define the class. In support of the Mediterranean climate claim, the petitioner cited *The Climatic Regions Map* from *Atlas of California*. This map is based on the Koeppen classification, which divides the world into climate regions based on temperature, the seasonal variation of drought, and the

relationship of rainfall to potential evaporation. The Koeppen system uses letters based on German words having no direct English equivalents. The Climatic Regions Map depicts the extent of cool Mediterranean climate both north and west of the current Central Coast boundary and within it.

The map shows that Alameda, Contra Costa, Santa Clara, San Mateo and Santa Cruz counties in the proposed revision to the Central Coast viticultural area, like Monterey, San Benito, San Luis Obispo and Santa Barbara counties in the current Central Coast viticultural area, are mostly classified as Csb Mediterranean climates (average of warmest month is less than 22 °C), with partial Csbn climate (more than thirty days of fog) along the coast.

The petitioner states that it is due to this coastal climate (mainly fog and wind), that the degree of marine influence in the proposed revision to the Central Coast viticultural area is similar to the degree of marine influence found at other places inside the current Central Coast viticultural area. A map of central California, submitted with the petition, shows the extent of marine fog in the area. This map shows that the fog pattern in the proposed area is similar to other areas included in Central Coast. The fog extends inland to approximately the same extent throughout the proposed revised viticultural area. According to the petitioner, the "Retreat of Fog" map submitted with the petition also shows the similarity in the duration of fog in the current and proposed Central Coast viticultural area. The petitioner points out that the similar fog pattern is most evident along the coastal areas of Big Sur, Monterey Bay and San Francisco.

#### *Topography*

According to the petitioner, Santa Cruz and the other San Francisco Bay counties share the Central Coast's terrain. The petitioner pointed out that one of the major California coast range gaps which produces the climate within the current Central Coast boundaries lies within the proposed revision to the Central Coast. The petitioner claims that the three largest sea level gaps in the central California coastal range mountainous barrier are (north to south): Estero Lowland in Sonoma County, Golden Gate into San Francisco Bay, and Monterey Bay. According to the petitioner, the Golden Gate and Monterey Bay allow the ocean influence to enter into the current Central Coast viticultural area creating its coastal climate which is the unifying and distinguishing feature of the area. The main gap in the current Central Coast

viticultural area, the Monterey Bay allows marine air and fog from the Pacific Ocean to travel south and inland, into the Salinas Valley. The petitioner believes that this feature creates the ideal grape-growing climate that exists in the Salinas Valley, but from a meteorological perspective, it has comparatively little influence on the portion of Central Coast viticultural area lying north of it. The on-shore prevailing northwesterly flow direction, combined with the coastal range topographical features north of the Bay's mouth, minimize northward influence from the air that enters the Monterey Bay. According to the petitioner, the Golden Gate gap introduces a cooling marine influence and the San Francisco Bay allows marine air and fog to travel much further inland and south through the Santa Clara and Livermore Valleys and provides most of the coastal influence affecting the northern portion of the Central Coast viticultural area.

The petitioner states that although the Golden Gate and San Francisco Bay are primary influences on the current Central Coast climate, neither shoreline is included in the current Central Coast boundary. The petitioner believes that the proposed revision to the Central Coast viticultural area logically extends the current Central Coast boundaries to include the shores of the Golden Gate and San Francisco Bay.

#### *Boundaries*

The proposed extension of the Central Coast viticultural area would include the currently excluded portions of five counties which border the San Francisco Bay. These counties are San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and all of Santa Cruz County. The proposed San Francisco Bay appellation would add approximately 1,278 square miles to Central Coast. This area contains 3,027 acres planted to grapes and 21 wineries.

The proposed revision to the Central Coast boundary follows the Pacific coastlines of Santa Cruz, San Mateo and San Francisco Counties, crosses San Francisco Bay, follows the northern boundary of Contra Costa County to Concord, and then follows the inland boundary of coastal influence, according to the petitioner, along straight lines between landmarks in the Diablo Mountain Range to the current Central Coast boundary.

The southern boundary of the Central Coast viticultural area remains unchanged. The proposed changes to the western boundary, the California coastline, consists of extending the boundary north to the Golden Gate. The proposed eastern boundary is extended

to include the area northwest of Livermore up to the San Pablo Bay. From Altamont (just east of Livermore) south, the proposed eastern boundary follows the current boundary of the Central Coast viticultural area. North of Altamont, the proposed boundary extension excludes the easternmost range of coastal mountains. The proposed eastern boundary includes Martinez and Concord, but excludes Antioch, and the eastern portion of Contra Costa County.

#### **Public Participation—Written Comments**

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential and comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) Are legible; (2) are 8½" x 11" in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

After consideration of all comments and suggestions, ATF may issue a Treasury decision. The proposals discussed in this notice may be modified due to comments and suggestions received.

#### **Paperwork Reduction Act**

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 notice because no requirement to collect information is proposed.

#### **Regulatory Flexibility Act**

It is hereby certified that this proposed regulation will not have a significant impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries 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 of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that region.

No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

#### **Executive Order 12866**

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

#### **Drafting Information**

The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

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

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

#### **Authority and Issuance**

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be 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.

**Par. 2.** Section 9.75 is amended by revising paragraph (b) to add 23 U.S.G.S. Quadrangle 7.5 Minute Series (Topographic) maps (19) through (41), by revising paragraph (c) introductory text to add three counties, by removing paragraphs (c)(2) through (c)(12) and replacing them with new paragraphs



(c)(2) through (c)(9) and, renumbering existing paragraphs (c)(13) through (c)(40) as paragraphs (c)(10) through (c)(37).

### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.75 Central Coast

(a) Name. \* \* \*

(b) Approved maps. \* \* \*

\* \* \* \* \*

(19) Diablo, California, scale 1:24,000, dated 1953, Photorevised 1980

(20) Clayton, California, scale 1:24,000, dated 1953, Photorevised 1980

(21) Honker Bay, California, scale 1:24,000, dated 1953, Photorevised 1980

(22) Vine Hill, California, scale 1:24,000, dated 1959, Photorevised 1980

(23) Benicia, California, scale 1:24,000, dated 1959, Photorevised 1980

(24) Mare Island, California, scale 1:24,000, dated 1959, Photorevised 1980

(25) Richmond, California, scale 1:24,000, dated 1959, Photorevised 1980

(26) San Quentin, California, scale 1:24,000, dated 1959, Photorevised 1980

(27) Oakland West, California, scale 1:24,000, dated 1959, Photorevised 1980

(28) San Francisco North, California, scale 1:24,000, dated 1956, Photorevised 1968 and 1973

(29) San Francisco South, California, scale 1:24,000, dated 1956, Photorevised 1980

(30) Montara Mountain, California, scale 1:24,000, dated 1956, Photorevised 1980

(31) Half Moon Bay, California, scale 1:24,000, dated 1961, Photoinspected 1978, Photorevised 1968 and 1973

(32) San Gregorio, California, scale 1:24,000, dated 1961, Photoinspected 1978, Photorevised 1968

(33) Pigeon Point, California, scale 1:24,000, dated 1955, Photorevised 1968

(34) Franklin Point, California, scale 1:24,000, dated 1955, Photorevised 1968

(35) Año Nuevo, California, scale 1:24,000, dated 1955, Photorevised 1968

(36) Davenport, California, scale 1:24,000, dated 1955, Photorevised 1968

(37) Santa Cruz, California, scale 1:24,000, dated 1954, Photorevised 1981

(38) Felton, California, scale 1:24,000, dated 1955, Photorevised 1980

(39) Laurel, California, scale 1:24,000, dated 1955, Photoinspected 1978, Photorevised 1968

(40) Soquel, California, scale 1:24,000, dated 1954, Photorevised 1980

(41) Watsonville West, California, scale 1:24,000, dated 1954, Photorevised 1980.

(c) Boundary. The Central Coast viticultural area is located in the

following California counties: Monterey, Santa Cruz, Santa Clara, Alameda, San Benito, San Luis Obispo, Santa Barbara, San Francisco, San Mateo, and Contra Costa. \* \* \*

\* \* \* \* \*

(2) The boundary follows north along the shoreline of the Pacific Ocean (across the Watsonville West, Soquel, Santa Cruz, Davenport, Año Nuevo, Franklin Point, Pigeon Point, San Gregorio, Half Moon Bay, Montara Mountain and San Francisco South maps) to the San Francisco/Oakland Bay Bridge. (San Francisco North map)

(3) From this point, the boundary proceeds east on the San Francisco/Oakland Bay Bridge to the Alameda County shoreline. (Oakland West map)

(4) From this point, the boundary proceeds east along the shoreline of Alameda County and Contra Costa County across the Richmond, San Quentin, Mare Island, and Benicia maps to a point marked BM 15 on the shoreline of Contra Costa County. (Vine Hill map)

(5) From this point, the boundary proceeds in a southeasterly direction in a straight line across the Honker Bay map to Mulligan Hill elevation 1,438. (Clayton map)

(6) The boundary proceeds in southeasterly direction in a straight line to Mt. Diablo elevation 3,849. (Clayton map)

(7) The boundary proceeds in a southeasterly direction in a straight line across the Diablo and Tassajara maps to Brushy Peak elevation 1,702. (Byron Hot Springs map)

(8) The boundary proceeds due south, approximately 400 feet, to the northern boundaries of Section 13, Township 2 South, Range 2 East. (Byron Hot Springs map)

(9) The boundary proceeds due east along the northern boundaries of Section 13 and Section 18, Township 2 South, Range 3 East, to the northeast corner of Section 18. (Byron Hot Springs map)

**Par. 3.** The table of sections in subpart C is proposed to be amended by adding § 9.157 to read as follows:

\* \* \* \* \*  
9.157 San Francisco Bay

**Par. 4.** Subpart C is proposed to be amended by adding § 9.157 to read as follows:

### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.157 San Francisco Bay

(a) Name. The name of the viticultural area described in this section is "San Francisco Bay."

(b) Approved maps. The appropriate maps for determining the boundary of the San Francisco Bay viticultural area are forty-two U.S.G.S. Quadrangle 7.5 Minute Series (Topographic) maps and one U.S.G.S. Quadrangle 5 × 11 Minute (Topographic) map. They are titled:

(1) Pacheco Peak, California, scale 1:24,000, dated 1955, Photorevised 1971

(2) Gilroy Hot Springs, California, scale 1:24,000, dated 1955,

Photoinspected 1978, Photorevised 1971

(3) Mt. Sizer, California, scale 1:24,000, dated 1955, Photoinspected 1978, Photorevised 1971

(4) Morgan Hill, California, scale 1:24,000, dated 1955, Photorevised 1980

(5) Lick Observatory, California, scale 1:24,000, dated 1955, Photoinspected 1973, Photorevised 1968

(6) San Jose East, California, scale 1:24,000, dated 1961, Photorevised 1980

(7) Calaveras Reservoir, California, scale 1:24,000, dated 1961, Photorevised 1980

(8) La Costa Valley, California, scale 1:24,000, dated 1960, Photorevised 1968

(9) Mendenhall Springs, California, scale 1:24,000, dated 1956,

Photoinspected 1978, Photorevised 1971

(10) Altamont, California, scale 1:24,000, dated 1953, Photorevised 1981

(11) Byron Hot Springs, California, scale 1:24,000, dated 1953, Photorevised 1968

(12) Tassajara, California, scale 1:24,000, dated 1953, Photoinspected 1974, Photorevised 1968

(13) Diablo, California, scale 1:24,000, dated 1953, Photorevised 1980

(14) Clayton, California, scale 1:24,000, dated 1953, Photorevised 1980

(15) Honker Bay, California, scale 1:24,000, dated 1953, Photorevised 1980

(16) Vine Hill, California, scale 1:24,000, dated 1959, Photorevised 1980

(17) Benicia, California, scale 1:24,000, dated 1959, Photorevised 1980

(18) Mare Island, California, scale 1:24,000, dated 1959, Photorevised 1980

(19) Richmond, California, scale 1:24,000, dated 1959, Photorevised 1980

(20) San Quentin, California, scale 1:24,000, dated 1959, Photorevised 1980

(21) Oakland West, California, scale 1:24,000, dated 1959, Photorevised 1980

(22) San Francisco North, California, scale 1:24,000, dated 1956, Photorevised 1968 and 1973

(23) San Francisco South, California, scale 1:24,000, dated 1956, Photorevised 1980

(24) Montara Mountain, California, scale 1:24,000, dated 1956, Photorevised 1980

(25) Half Moon Bay, California, scale 1:24,000, dated 1961, Photoinspeted 1978, Photorevised 1968 and 1973

(26) San Gregorio, California, scale 1:24,000, dated 1961, Photoinspeted 1978, Photorevised 1968

(27) Pigeon Point, California, scale 1:24,000, dated 1955, Photorevised 1968

(28) Franklin Point, California, scale 1:24,000, dated 1955, Photorevised 1968

(29) Año Nuevo, California, scale 1:24,000, dated 1955, Photorevised 1968

(30) Davenport, California, scale 1:24,000, dated 1955, Photorevised 1968

(31) Santa Cruz, California, scale 1:24,000, dated 1954, Photorevised 1981

(32) Felton, California, scale 1:24,000, dated 1955, Photorevised 1980

(33) Laurel, California, scale 1:24,000, dated 1955, Photoinspeted 1978, Photorevised 1968

(34) Soquel, California, scale 1:24,000, dated 1954, Photorevised 1980

(35) Watsonville West, California, scale 1:24,000, dated 1954, Photorevised 1980

(36) Loma Prieta, California, scale 1:24,000, dated 1955, Photoinspeted 1978, Photorevised 1968

(37) Watsonville East, California, scale 1:24,000, dated 1955, Photorevised 1980

(38) Mt. Madonna, California, scale 1:24,000, dated 1955, Photorevised 1980

(39) Gilroy, California, scale 1:24,000, dated 1955, Photorevised 1981

(40) Chittenden, California, scale 1:24,000, dated 1955, Photorevised 1980

(41) San Felipe, California, scale 1:24,000, dated 1955, Photorevised 1971

(42) Three Sisters, California, scale 1:24,000, dated 1954, Photoinspeted 1978, Photorevised 1971

(c) Boundary. The San Francisco Bay viticultural area is located mainly within the five counties which border the San Francisco Bay and partly within two other counties in the State of California. These counties are: San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa and partly in Santa Cruz and San Benito Counties. The boundaries of the San Francisco Bay viticultural area, using landmarks and points of reference found on appropriate U.S.G.S. maps, are as follows:

(1) Beginning at the intersection of the 37 degree 00' North latitude parallel with State Route 152 on the Pacheco Peak Quadrangle.

(2) Then proceed in a northwesterly direction in a straight line to the intersection of Coyote Creek with the township line dividing Township 9 South from Township 10 South on the Gilroy Hot Springs Quadrangle.

(3) Then proceed in a northwesterly direction in a straight line to the intersection of the township line

dividing Township 8 South from Township 9 South with the range line dividing Range 3 East from Range 4 East on the Mt. Sizer Quadrangle.

(4) Then proceed in a northwesterly direction in a straight line (across the Morgan Hill Quadrangle) to the intersection of the township line dividing Township 7 South from Township 8 South with the range line dividing Range 2 East from Range 3 East on the Lick Observatory Quadrangle.

(5) Then proceed in a northwesterly direction in a straight line to the intersection of State Route 130 with the township line dividing Township 6 South from Township 7 South on the San Jose East Quadrangle.

(6) Then proceed in a northeasterly direction following State Route 130 to its intersection with the range line dividing Range 1 East from Range 2 East on the Calaveras Reservoir Quadrangle.

(7) Then proceed north following this range line to its intersection with the Hetch Hetchy Aqueduct on the La Costa Valley Quadrangle.

(8) Then proceed in a northeasterly direction in a straight line following the Hetch Hetchy Aqueduct to the western boundary of Section 14 in Township 4 South, Range 2 East on the Mendenhall Springs Quadrangle.

(9) Then proceed south along the western boundary of Section 14 in Township 4 South, Range 2 East to the southwest corner of Section 14 on the Mendenhall Springs Quadrangle.

(10) Then proceed east along the southern boundary of Section 14 in Township 4 South, Range 2 East to the southeast corner of Section 14 on the Mendenhall Springs Quadrangle.

(11) Then proceed south along the western boundary of Section 24 in Township 4 South, Range 2 East to the southwest corner of Section 24 on the Mendenhall Springs Quadrangle.

(12) Then proceed east along the southern boundary of Section 24 in Township 4 South, Range 2 East and Section 19 in Township 4 South, Range 3 East to the southeast corner of Section 19 on the Mendenhall Springs Quadrangle.

(13) Then proceed north along the western boundaries of Sections 20, 17, 8, and 5 on the Mendenhall Springs Quadrangle in Township 4 South, Range 3 East, north (across the Altamont Quadrangle) along the western boundaries of Sections 32, 29, 20, 17, 8, and 5 in Township 3 South, Range 3 East, and north along the eastern boundaries of Sections 31, 30, 19, and 18 in Township 2 South, Range 3 East to the northeast corner of Section 18 on the Byron Hot Springs Quadrangle.

(14) Then proceed due west along the northern boundaries of Section 18 and Section 13 (Township 2 South, Range 2 East) to a point approximately 400 feet due south of Brushy Peak on the Byron Hot Springs Quadrangle.

(15) Then proceed due north to Brushy Peak (elevation 1,702) on the Byron Hot Springs Quadrangle.

(16) Then proceed in a northwesterly direction in a straight line (across the Tassajara and Diablo Quadrangles) to Mt. Diablo (elevation 3,849) on the Clayton Quadrangle.

(17) Then proceed in a northwesterly direction in a straight line to Mulligan Hill (elevation 1,438) on the Clayton Quadrangle.

(18) Then proceed in a northwesterly direction in a straight line (across the Honker Bay Quadrangle) to a point marked BM 15 on the shoreline of Contra Costa County on the Vine Hill Quadrangle.

(19) Then proceed west along the shoreline of Contra Costa County and Alameda County (across the Quadrangles of Benicia, Mare Island, Richmond, and San Quentin) to the San Francisco/Oakland Bay Bridge on the Oakland West Quadrangle.

(20) Then proceed west on the San Francisco/Oakland Bay Bridge to the San Francisco County shoreline on the San Francisco North Quadrangle.

(21) Then proceed along the San Francisco, San Mateo, and Santa Cruz County shoreline (across the Quadrangles of San Francisco South, Montara Mountain, Half Moon Bay, San Gregorio, Pigeon Point, Franklin Point, Año Nuevo and Davenport) to the place where Majors Creek flows into the Pacific Ocean on the Santa Cruz Quadrangle.

(22) Then proceed northeasterly along Majors Creek to its intersection with the 400 foot contour line on the Felton Quadrangle.

(23) Then proceed along the 400 foot contour line in a generally easterly/northeasterly direction to its intersection with Bull Creek on the Felton Quadrangle.

(24) Then proceed along Bull Creek to its intersection with Highway 9 on the Felton Quadrangle.

(25) Then proceed along Highway 9 in a northerly direction to its intersection with Felton Empire Road.

(26) Then proceed along Felton Empire Road in a westerly direction to its intersection with the 400 foot contour line on the Felton Quadrangle.

(27) Then proceed along the 400 foot contour line (across the Laurel, Soquel, Watsonville West and Loma Prieta Quadrangles) to its intersection with

Highway 152 on the Watsonville East Quadrangle.

(28) Then proceed along Highway 152 in a northeasterly direction to its intersection with the 600 foot contour line just west of Bodfish Creek on the Watsonville East Quadrangle.

(29) Then proceed in a generally east/southeasterly direction along the 600 foot contour line (across the Mt. Madonna and Gilroy Quadrangles), approximately 7.3 miles, to the first intersection of the western section line of Section 30, Township 11 South, Range 4 East on the Chittenden Quadrangle.

(30) Then proceed south along the section line approximately 1.9 miles to the south township line at Section 31, Township 11 South, Range 4 East on the Chittenden Quadrangle.

(31) Then proceed in an easterly direction along the township line (across the San Felipe Quadrangle), approximately 12.4 miles to the intersection of Township 11 South and Township 12 South and Range 5 East and Range 6 East on the Three Sisters Quadrangle.

(32) Then proceed north along the Range 5 East and Range 6 East range line approximately 5.5 miles to Pacheco Creek on the Pacheco Creek Quadrangle.

(33) Then proceed northeast along Pacheco Creek approximately .5 mile to the beginning point.

Signed: October 1, 1997.

**John W. Magaw,**

*Director.*

[FR Doc. 97-27692 Filed 10-17-97; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 13

#### Glacier Bay National Park, Alaska; Commercial Fishing Regulations

**AGENCIES:** National Park Service, Interior.

**ACTION:** Proposed Rule; extension of the public comment period.

**SUMMARY:** The National Park Service (NPS) announces that the public comment period for the proposed Glacier Bay National Park Commercial Fishing Regulations, published in the *Federal Register* on April 16, 1997 (62 FR 18547), has been extended to May 15, 1998. The original comment period was through October 15, 1997. This extension will allow the NPS, in a forthcoming environmental assessment on commercial fishing within Glacier

Bay National Park, to fully describe and analyze the potential effects of a range of alternative actions under consideration.

The public review and comment period for the environmental assessment and the proposed rule coincide. The NPS will hold public meetings on the proposal and alternatives and publish a schedule of times, dates and locations in the *Federal Register*. No final decisions will be reached until all applicable legal requirements have been met, including environmental review requirements.

**DATES:** Comments on the proposed rule and environmental assessment will be accepted through May 15, 1998.

**ADDRESSES:** Comments should be addressed to: Superintendent, Proposed Regulations Comment, Glacier Bay National Park and Preserve, PO Box 140, Gustavus, Alaska 99826.

**FOR FURTHER INFORMATION CONTACT:** J. M. Brady, Superintendent, Glacier Bay National Park and Preserve, PO Box 140, Gustavus, Alaska 99826, Telephone: (907) 697-2230.

Dated: October 8, 1997.

**Robert D. Barbee,**

*Regional Director, Alaska Region.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL-5910-3]

#### Acid Rain Program: Public Workshop on an Emissions Trading Program for Oxides of Nitrogen (NO<sub>x</sub>)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Public workshops on a NO<sub>x</sub> emissions trading program.

**SUMMARY:** This fall, EPA will be issuing a Notice of Proposed Rulemaking to reduce regional transport of ozone. As part of this rulemaking, EPA is planning to develop a NO<sub>x</sub> emissions trading program for large combustion sources. States will be encouraged to participate in the trading program as a simple and cost-effective strategy for meeting the requirements of the upcoming regional transport rule.

EPA supported the Ozone Transport Assessment Group (OTAG), which fostered a collaborative process among States and stakeholders in developing analyses and proposing strategies to address the problem of ozone transport. The central conclusion from the OTAG

process was that regional reductions of NO<sub>x</sub> are needed to reduce the transport of ozone and its precursors. EPA considered OTAG's recommendations when crafting the transport rule, which will limit NO<sub>x</sub> emissions through implementation of state-wide NO<sub>x</sub> emissions budgets. OTAG also concluded that cost effective emission reductions from large stationary sources could be greatly facilitated through an emissions trading program.

As a way to increase flexibility, maximize cost savings, and promote workable solutions, EPA is offering to administer a multi-state cap and trade program for large stationary sources. States are encouraged to participate in the trading program as a simple and cost-effective strategy for meeting their state-wide emission budget requirements. In developing the framework for a cap and trade program, EPA will build upon the work produced by OTAG's Trading/Incentives Workgroup. The NO<sub>x</sub> Trading Rule Workshops will provide an opportunity for interested participants to contribute to the development of the model trading rule. It is anticipated that the model trading rule will be included in a supplemental notice of proposed rulemaking for the transport rule in early 1998 and will be finalized along with the transport rule in September 1998.

EPA would like to continue the cooperative, open process established by OTAG as we develop the trading program. Two workshops will be held, in early November and early December. The purpose of these workshops is to provide a forum for input on the framework of an emissions trading program that can be used to cost-effectively reduce emissions of NO<sub>x</sub>.

**DATES:** The first workshop will be held on November 5, from 9:00 a.m. to 5:00 p.m. A second workshop will be scheduled for early December and will be announced in a future document.

**ADDRESSES:** The November workshop will be held at the Washington Marriott located at 1221 22d Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Benkovic in EPA's Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460 at (202) 233-9142.

Dated: October 10, 1997.

**Brian J. McLean,**

*Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.*

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