

expeditiously to enable timely responses to this Notice.

By direction of the Commission.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 02-1614 Filed 1-22-02; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Parts 141 and 142

##### RIN 1515-AC91

#### Single Entry for Split Shipments

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** Customs is reopening the period of time within which comments may be submitted in response to the proposed rule providing for a single entry for split shipments, which was published in the **Federal Register** (66 FR 57688) on November 16, 2001. Specifically, the proposed rule would amend the Customs Regulations to allow an importer of record, under certain conditions, to submit a single entry to cover multiple portions of a single shipment which was split by the carrier, and which arrives in the United States separately. The proposed amendments would implement statutory changes made to the merchandise entry laws by the Tariff Suspension and Trade Act of 2000.

**DATES:** Comments must be received on or before February 14, 2002.

**ADDRESSES:** Written comments may be addressed to and inspected at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** Russell Berger, Regulations Branch, (202-927-1605).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 1460 of Public Law 106-476, popularly known as the Tariff Suspension and Trade Act of 2000, amended section 1484 of the Tariff Act of 1930 (19 U.S.C. 1484), in pertinent part, by adding a new paragraph (j)(2) in order to provide for a single entry in the case of a shipment which is split at the initiative of the carrier and which arrives in the United States separately.

To implement section 1484(j)(2), by a document published in the **Federal Register** (66 57688) on November 16,

2001, Customs proposed to amend the Customs Regulations to allow an importer of record, under certain conditions, to submit a single entry to cover multiple portions of a single shipment which is divided by the carrier into different parts which arrive in the United States at different times, often days apart.

Comments on the proposed rulemaking were to have been received on or before January 15, 2002. Customs has, however, received a request from a Customs broker to extend this period, the broker basically stating that it needed additional time in order to formulate its concerns and make appropriate comments. Customs believes, under the circumstances, that this request has merit. Accordingly, the period of time for the submission of comments is being reopened until February 14, 2002, as indicated above. It should be noted that no further extension of the comment period beyond this additional period will be granted.

Dated: January 15, 2002.

**Douglas M. Browning,**

*Acting Assistant Commissioner, Office of Regulations and Rulings.*

[FR Doc. 02-1602 Filed 1-22-02; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 4

##### [Notice No. 934]

##### RIN 1512-AC50

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

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

**ACTION:** Notice of proposed rulemaking.

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

**DATES:** Written comments must be received by March 25, 2002.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 934).

**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 not less than 75 percent of the wine (51 percent in the case of wine made from *Vitis labrusca* grapes) is derived from that grape variety. Under § 4.23(d), a bottler may use two or more grape variety names as the designation of a wine if all of the grapes used to make the wine are of the labeled varieties, and if the percentage of the wine derived from each grape variety is shown on the label.

Treasury Decision ATF-370 (61 FR 522), January 8, 1996, adopted a list of grape variety names that ATF has determined to be appropriate for use in designating American wines. The list of prime grape names and their synonyms appears at § 4.91, while additional alternative grape names temporarily authorized for use are listed at § 4.92. ATF believes the listing of approved grape variety names for American wines will help standardize wine label terminology, provide important information about the wine, and prevent consumer confusion.

ATF has received a petition proposing that new grape variety names be listed in § 4.91. Under § 4.93 any interested person may petition ATF to include additional grape varieties in the list of prime grape names. Information with a petition should provide evidence of the following:

- Acceptance of the new 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.

For the approval of names of new grape varieties, the petition may include:

- A reference to the publication of the name of the variety in a scientific or professional journal of horticulture or a

published report by a professional, scientific or winegrowers' organization;

- A reference to a plant patent, if patented; and
- Information about the commercial potential of the variety, such as the acreage planted and its location or market studies.

Section 4.93 also places certain eligibility restrictions on the approval of grape variety names. A name will not be approved:

- 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 reserves the authority to disapprove 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.

#### **Tannat Petition**

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

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

- *Cépages et Vignobles de France*, Volume II, by Pierre Galet, 1990, p. 313.
- *Catalogue of Selected Wine Grape Varieties and Clones Cultivated in France*, published by the French Ministry of Agriculture, Fisheries and Food, 1997, p.151.
- *Traité General de Viticulture Ampelographie*, Volume II, by P. Viala and V. Vermoral, 1991, pp. 80–82.
- *Guide to Wine Grapes*, Oxford University Press, 1996, by Jancis Robinson, p. 182.

The first three references are scientific articles that discuss the grape's origin, cultivation, and ampelography (the study and classification of grapevines). "The Guide to Wine Grapes," intended for the general reader, contains a general description of the grape and its uses. According to these references, the Tannat grape produces a wine that is deeply colored and tannic, which is thought to account for its name. They also note its use as a major component of the French wine Madiran.

Tablas Creek Vineyard states that it imported the Tannat plant into the USDA station in Geneva, New York, in 1992. The plant was declared virus free

in 1993 and shipped bare-root to Tablas Creek Vineyard in Paso Robles, California, in February 1993. In 1996, the winery multiplied, grafted and started planting Tannat.

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

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

Tablas Creek states that Tannat has great commercial potential in California. The variety is easy to graft and relatively vigorous. It is well adapted to most California regions, ripening fairly late in the cycle, after Grenache but before Mourvèdre and Cabernet Sauvignon. The petitioner reports that it has had two highly successful crops off its 0.5 acre planting. Its 1999 harvest had a brix of 28 and a pH of 3.18, while the 2000 harvest had a brix of 25 with a pH of 3.45. The petitioner states that the wine is rich, with good color and excellent aromatics and spice. Tablas Creek further reports that the wine has done well in tastings, resulting in additional orders for Tannat plants from other vineyards and nurseries.

#### **Public Participation**

##### *Who May Comment on This Notice?*

ATF requests comments from all interested parties. We will carefully consider all comments we receive on or before the closing date. We will also carefully consider comments we receive after that date if it is practical to do so, but we cannot assure consideration for late comments. ATF specifically requests comments on the clarity of this

proposed rule and how it may be made easier to understand.

##### *Can I Review Comments Received?*

Copies of the petition and written comments in response to this notice of proposed rulemaking will be available for public inspection during normal business hours at: ATF Reference Library, Office of Liaison and Public Information, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226.

##### *Will ATF Keep My Comments Confidential?*

ATF cannot recognize any material in comments as confidential. All comments and materials may be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comments. We may also disclose the name of any person who submits a comment. A copy of this notice and all comments will be available for public inspection during normal business hours at: ATF Reference Library, Office of Liaison and Public Information, Room 6300, 650 Massachusetts Avenue, NW., Washington, DC 20226.

##### *How Do I Send Facsimile Comments?*

You may submit comments of not more than three pages by facsimile transmission to (202) 927–8525.

Facsimile comments must:

- Be legible.
- Reference this notice number.
- Be 8½" × 11" in size.
- Contain a legible written signature.
- Be not more than three pages.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

##### *How Do I Send Electronic Mail (E-mail) Comments?*

You may submit comments by e-mail by sending the comments to [nprm@atfhq.atf.treas.gov](mailto:nprm@atfhq.atf.treas.gov). You must follow these instructions. E-mail comments must:

- Contain your name, mailing address, and e-mail address.
- Reference this notice number.
- Be legible when printed on not more than three pages 8½" × 11" in size.

We will not acknowledge receipt of e-mail. We will treat e-mail as originals.

##### *How do I Send Comments to the ATF Internet Web Site?*

You may also submit comments using the comment form provided with the online copy of the proposed rule on the ATF Internet web site at <http://www.atf.treas.gov/alcohol/rules/index.htm>.

**Regulatory Analyses and Notices***Does the Paperwork Reduction Act Apply to This Proposed 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 notice because no requirement to collect information is proposed.

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

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. This regulation will permit the use of a new grape varietal name. No negative impact on small entities is expected. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

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

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

**Drafting Information**

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

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

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

**Authority and Issuance**

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

**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 name "Tannat", in alphabetical order, to the list of prime grape names, to read as follows:

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

\* \* \* \* \*

Tannat

\* \* \* \* \*

Signed: September 21, 2001.

**Bradley A. Buckles,**  
Director.

Approved: December 12, 2001.

**Timothy E. Skud,**  
Acting Deputy Assistant Secretary,  
(Regulatory, Tariff & Trade Enforcement)  
[FR Doc. 02-1661 Filed 1-22-02; 8:45 am]  
**BILLING CODE 4810-13-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 61 and 63**

[FRL-7126-2]

**Approval of the Clean Air Act, Section 112(l), Delegation of Authority to the Idaho Department of Environmental Quality**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency, Region 10 (EPA) proposes to approve the Idaho Department of Environmental Quality's (IDEQ) request for program approval and delegation of authority to implement and enforce specific National Emission Standards for Hazardous Air Pollutants (NESHAPs) as they apply to major sources in Idaho required to obtain an operating permit under Title V of the federal Clean Air Act (CAA or Act). Pursuant to the authority of the section 112(l) of the Act, this proposal is based on EPA's finding that Idaho State Law, regulations, and resources meet the requirements for program approval and delegation of authority specified in regulations pertaining to the criteria for straight delegations common to all approval options, and in applicable EPA guidance.

If approved, this delegation will acknowledge IDEQ's ability to implement a NESHAP program and will transfer primary implementation and enforcement responsibility for certain NESHAPs from EPA to IDEQ for major sources. Although EPA would look to IDEQ as the lead for implementing delegated NESHAPs at major sources in Idaho, EPA would retain authority under 112(l)(7) to enforce any applicable emission standard or requirement for major sources. EPA would also retain authority to implement and enforce these standards for non-major sources. If approved, IDEQ may choose to request delegation of new and updated standards, or request broader applicability of their delegation to include non-Title V

sources (major sources), by-way-of a streamlined process.

If approved, sources subject to delegated NESHAPs will send required notifications and reports to IDEQ for their action, and send a copy to EPA. Sources will continue to send notifications, reports, and requests required by authorities that are not delegated to IDEQ, to EPA, with a copy to IDEQ.

Concurrent with this proposed rule, EPA is publishing a direct final approval of Idaho's NESHAP delegation in the **Federal Register**. This is being published without prior proposal because the Agency views this delegation as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval as well as tables listing the specific NESHAPs delegated are set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments on the direct final rule, it will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received in writing by February 22, 2002.

**ADDRESSES:** Written comments should be addressed to Tracy Oliver, Office of Air Quality, at the EPA Regional Office listed below.

Copies of the state submittal are available at the following address for inspection during normal business hours. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day.

Environmental Protection Agency,  
Region 10, Office of Air Quality, 1200  
6th Avenue, Seattle, WA 98101

**FOR FURTHER INFORMATION CONTACT:**  
Tracy Oliver, Office of Air Quality  
(OAQ-107), EPA, 1200 6th Avenue,  
Seattle, WA 98101, (206) 553-1172.

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final rule which is located in the Rules Section of this **Federal Register**.

Dated: December 13, 2001.

**L. John Iari,**  
Regional Administrator, Region 10.  
[FR Doc. 02-1120 Filed 1-22-02; 8:45 am]  
**BILLING CODE 6560-50-P**