

(iv) "Commercial use request" refers to a request from or on behalf of a requester who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person on whose behalf the request is made.

(v) "Educational institution" refers to a school, an institution of higher education, an institution of professional education or an institution of vocational education, which operates a program or programs of scholarly research.

(vi) "Non-commercial scientific" institution refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(vii) "Representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(2) *General rules.* (i) Persons requesting records of the FDIC shall be charged for the direct costs of search, duplication and review as set forth in § 309.5(b)(3), unless such costs are less than \$25.00.

(ii) Requesters will be charged for search and review costs even if responsive documents are not located and, if located, are determined to be exempt from disclosure.

(iii) Multiple requests seeking similar or related information from the same requester will be aggregated for the purposes of this section.

(iv) If the FDIC determines that the estimated costs of search, duplication or review of requested records will exceed the dollar amount specified in the request or if no dollar amount is specified, the FDIC will advise the requester of the estimated costs (if greater than \$25.00). The requester must agree in writing to pay the costs of search, duplication and review.

(v) If FDIC estimates that its search, duplication and review costs will exceed \$250.00, the requester must pay in advance an amount equal to 20 percent of the estimated costs.

(vi) Any requester who has previously failed to pay the charges under this section within 30 days of receipt of the invoice therefor must pay in advance the total estimated costs of search, duplication and review.

(vii) The time limit for FDIC to respond to a request will not begin to run until the FDIC has received the requester's written agreement under (iv) or advance payment under (v) or (vi).

(viii) As part of the initial request, a requester may ask that the FDIC waive

or reduce fees if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Determinations as to a waiver or reduction of fees will be made by the Executive Secretary (or designee) and the requester will be notified in writing of his/her determination.

(3) *Chargeable fees by category of requester.* (i) Commercial use requesters shall be charged search, duplication and review costs.

(ii) Educational institutions, non-commercial scientific institutions and news media representatives shall be charged duplication costs, except for the first 100 pages.

(iii) Requesters not within scope of § 309.5(b)(3)(i) or (ii) shall be charged search and duplication costs, except for the first two hours of search time and first 100 pages of duplication.

(4) *Fee schedule.* The following fees apply:

Supervisory or professional staff.....	\$14.50/hour.
Clerical Staff.....	7.50/hour.
Duplication.....	0.10/page.
Computer Generated Documents	
Computer central processing unit (CPU).....	0.021/CPU second.
Core (Main storage).....	0.000023/1000 bytes/second.
Magnetic tape drive.....	0.17/1000 tape input/output operation.
Disk storage device.....	0.153/1000 disk input/output operation.
Computer paper printout.....	0.16/1000 lines.
Photocopy printed output.....	0.76/1000 lines.
Output on computer magnetic tape reel.....	75.00.
Address labels.....	6.00/1000 labels.

(c) \* \* \*

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such

disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

\* \* \* \* \*

By order of the Board of Directors.

Dated at Washington, DC, this 18th day of April, 1987.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 87-9435 Filed 4-24-87; 8:45 am]

BILLING CODE 6714-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 629]

#### Proposed Establishment of Ben Lomond Mountain Viticultural Area

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

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Santa Cruz County, California, to be known as "Ben Lomond Mountain." This proposal is the result of a petition from Mr. Michael R. Holland. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

**DATE:** Written comments must be received by June 11, 1987.

**ADDRESS:** Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 629).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at:

ATF Reading Room, Office of Public Affairs and Disclosure, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert L. White, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue

NW., Washington, DC 20226 (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37673, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite 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.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features.

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 features (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 the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) Copies of the appropriate U.S.G.S. maps with the boundaries prominently marked.

##### Petition

ATF has received a petition from Mr. Michael R. Holland proposing an area in Santa Cruz County, California, as a viticultural area to be known as "Ben Lomond Mountain." This proposed viticultural area is located entirely in Santa Cruz County, California in the central part of the State near the coast. The viticultural area consists of approximately 38,400 acres. There are nine separate vineyard operations established in the area totaling approximately 69.5 acres of grapes. In addition, two other vineyards are in the

development stages with a proposed planting of 330 acres. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

##### Viticultural Area Name

The name "Ben Lomond Mountain" can be found on all current U.S.G.S. maps of the mountain area northwest of the city of Santa Cruz, California (Santa Cruz and Davenport Quadrangles).

##### Historical/Current Evidence of Boundaries

According to the petitioner, Ben Lomond Mountain was first pioneered by Scotsman John Burns who gave the area its name in the 1860's. Burns was also the first grape grower in the area and made wine with little commercial success until the 1880's, setting the example for several other families.

Commercial winegrowing began in the Ben Lomond Mountain region in 1883 with the foundation of the Ben Lomond Wine Company by F.W. Billings. The Ben Lomond Wine Company, under the management of Billings' son-in-law, J.F. Coope, brought the Ben Lomond Mountain Wines out of the obscurity of the remote mountain area to stand with other quality wines in the State.

In 1887, Coope wrote . . . "Ben Lomond (Mountain) as a wine district is yet in its infancy and is struggling to establish a name for itself in that industry. The wine yield of 1886 (for the Ben Lomond Wine Company) was 28,000 gallons, chiefly Riesling, part of which was grown (by the Ben Lomond Wine Company), while a part was purchased (from neighboring vineyards)." By 1891, approximately 400 acres of vineyards were devoted to wine production on Ben Lomond Mountain.

Frona Eunice Waite Colburn, in her treatise "Wines and Vines of California" (1889), proclaimed the Ben Lomond Mountain region as a "future Chablis district" . . . "here the Ben Lomond Company makes a wine of the (Chablis) type which is unrivaled by any other product in the State, and is the only wine in California which has the thin, delicate, flinty dryness of a true Chablis. . . . It is a superior table wine; not heady or earthy in flavor and has the fine bouquet and exquisite flavor of a high-type mountain wine. It is sold under the classical name of Ben Lomond."

The Ben Lomond Mountain wine industry declined after the turn of the century. By the end of World War II, only the 75 acre Locatelli Ranch vineyard and the 40 acre Quistorff

vineyard remained. Both had been abandoned by the mid-1960's.

During the 1970's Ben Lomond Mountain experienced a viticultural renaissance in and around the town of Bonny Doon. In 1972, the University of California Agricultural Extension Service released a study of climatologically prime growing areas for several commercial crops, including wine grapes. This study, entitled California's Central Coast: Its Terrain, Climate, and Agro-Climate Implications, established Ben Lomond Mountain as being a prime growing region for wine grape production. This report stirred the interest of several individuals in the region. Since then, nine separate vineyard operations have been established within the proposed Ben Lomond Mountain Viticultural Area.

##### Geographical/Climatological Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by differences in topography, soils, and climate. The petitioner bases these claims on the following:

(a) *Topography.* Ben Lomond Mountain rises directly from the California coastline to an altitude of 2,630 feet above sea level. This mountain region is bordered by the Pacific Ocean to the west, the San Lorenzo River Basin to the east, the city of Santa Cruz (and river mouth of the San Lorenzo) to the south, and Scott Creek and Jamison Creek on the northwest and northeast sides, respectively. The proposed Ben Lomond Mountain Viticultural Area is approximately 15 miles long and an average of four miles wide, defined by its borders which generally coincide with the 800-foot elevation level.

(b) *Soils.* The geophysical boundaries of the Ben Lomond Mountain region become apparent when examining the geologic stratigraphy of the area. Ben Lomond Mountain is comprised of a large geologic structure known as a pluton, composed primarily of granitic rocks (quartz diorite), with some intrusions of metamorphic rocks (quartzite and pelitic schists). This plutonic structure distinguishes Ben Lomond Mountain from surrounding areas and is unique within viticulturally viable growing areas in the Santa Cruz Mountains. The bedrock formations are covered at the lower elevations and isolated tablelands by depositions of sandstone, primarily Santa Margarita sandstone and to a lesser extent Santa Cruz Mudstone. The combination of the granitic quartz diorite and metasedimentary rock structures with

the sandstone deposits and forest detritus forms a variety of soil complexes which are generally described as slightly acidic, sandy loams. The resultant topsoil complexes are well-drained and deep, lending themselves readily to successful viticulture as demonstrated by past and present vineyards in the area.

(c) *Climate.* (1) The Ben Lomond Mountain area is particularly distinguishable by climatological evidence. Ben Lomond Mountain presents the first major obstruction to marine weather patterns. Winter storms lose much of their moisture on the western slope of coastal hills and mountains where the warm, moisture-laden marine air is lifted and cools, precipitating in fogs or rainfall. As a result, Ben Lomond Mountain draws much of the precipitation from marine air that moves onshore between the city of Santa Cruz and Ano Nuevo point. Consequently, Ben Lomond Mountain receives the highest average amount of precipitation in Santa Cruz County at 80 inches.

(2) During the summer, the mountain forms a barrier against the low-lying fogs that inundate the shore and coastal valleys. This fogbelt generally rests between the 400- and 800-foot elevations along the western slope of Ben Lomond Mountain. Above this level, the marine air climate tends to give way to a low mountain climate where abundant sunshine is characteristic of the summer months.

(3) The 1972 University of California climatological study of prime growing areas for commercial crops demonstrates the suitability of the climate afforded by Ben Lomond Mountain for wine grape production. Of special interest is the delineation of a "premium wine grape production thermal" existing along the ridgeline of the mountain above 1,500 feet.

#### Proposed Boundaries

The boundaries of the proposed Ben Lomond Mountain viticultural area may be found on four U.S.G.S. maps. The maps are 7.5 minute series with a scale of 1:24000. The four maps are titled Davenport Quadrangle (1955, photorevised 1968), Big Basin Quadrangle (1955, photorevised 1973), Felton Quadrangle (1955, photorevised 1980) and Santa Cruz Quadrangle (1954, photorevised 1981). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations which immediately

follow the preamble to this notice of proposed rulemaking.

#### Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects, on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 603, 604) are not applicable to this notice because the proposal, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 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.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as suggestions for future ATF action.

ATF will not recognize any material

or comments as confidential. 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 comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Robert L. White, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

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

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

#### Authority and Issuance

27 CFR Part 9, *American Viticultural Areas*, is amended to read as follows:

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.118 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

#### § 9.118 Ben Lomond Mountain.

Par. 3. Subpart C is amended by adding § 9.118 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.118 Ben Lomond Mountain.

(a) *Name.* The name of the viticultural area described in this section is "Ben Lomond Mountain."

(b) *Approved maps.* The appropriate maps for determining the boundaries of

the Ben Lomond Mountain viticultural area are four 7.5 minute series U.S.G.S. maps. They are titled:

(1) Davenport Quadrangle (1955, photorevised 1988);

(2) Big Basin Quadrangle (1955, photorevised 1973);

(3) Felton Quadrangle (1955, photorevised 1980); and

(4) Santa Cruz Quadrangle (1954, photorevised 1981).

(c) *Boundaries.* The Ben Lomond Mountain viticultural area is located entirely within Santa Cruz County, California, which is in the central part of the State near the coast. The beginning point is the intersection of Sections 25, 26, 35 and 36 (Davenport Quadrangle, T. 10S., R. 3W.) which coincides with the 800-foot contour line and is approximately .6 mile northwest of the top of Bald Mountain.

(1) From the beginning point, the boundary follows the 800-foot contour line in a meandering manner in a generally northerly direction across Section 26 into Section 27 (T. 10S., R. 3W.).

(2) Thence along the 800-foot contour line in an easterly and then generally a northwesterly direction through Section 27 and then back across the northwest corner of Section 26 and thence in a generally northwesterly direction along the 800-foot contour line across Sections 23, 22 and into Section 15.

(3) Thence along the 800-foot contour line in a northerly and then a southerly direction across Section 22 and eventually in a generally northwesterly direction into Section 20.

(4) Thence continuing along the 800-foot contour line in a generally northwesterly direction through Sections 20, 17, 16, 17, 16, 9, 8, 5, 8, 7 and 6 (T. 10S., R. 3W.).

(5) Thence continuing in a northerly direction across Sections 5 and 32 and thence in a southwesterly direction across Sections 31 and 6.

(6) Thence continuing in a generally northerly direction across Sections 1, 6, 31, 36, 31, 36 and 30 (T. 9S., R. 3W.) to the intersection of the 800-foot contour line and Scott Creek in section 19 (T. 9S., R. 3W.).

(7) Thence in a northeasterly direction along the south bank of Scott Creek through Sections 19, 20 and 17 to the intersection of Scott Creek with the 1,600-foot contour line in Section 16 (T. 9S., R. 3W.).

(8) Thence in a generally northwesterly and then southerly direction along the 1,600-foot contour line through Section 16 and then through the southeast and southwest corners of Sections 9 and 10 respectively to the

intersection of the 1,600-foot contour line with Jamison Creek in Section 16 (T. 9S., R. 3W.).

(9) Thence in an easterly direction along the south bank of Jamison Creek across Sections 15 and 14 (T. 9S., R. 3W.) to the intersection of Jamison Creek and the 800-foot contour line in the southeast corner of Section 14 (T. 9S., R. 3W.).

(10) Thence in a southeasterly direction in a meandering manner along the 800-foot contour line across Sections 14, 23, 24, 25 (T. 9S., R. 3W.), Sections 30 and 31 (T. 9S., R. 2W.), and Sections 32, 5, 8, 9, 16, 17 and 21 (T. 10S., R. 2W.).

(11) Thence in a southwesterly, then generally a southeasterly and then a northwesterly direction along the 800-foot contour line in a meandering manner to Section 31 and then continuing on through Sections 31 and 30 (T. 10S., R. 2W.).

(12) Thence continuing along the 800-foot contour line in a generally southerly and then a generally northwesterly direction through Sections 25, 36, 31 and 36 to the point of beginning at the intersection of Sections 25, 26, 35 and 36 (T. 10S., R. 3W.).

Approved: April 17, 1987.

Stephen E. Higgins,  
*Director.*

[FR Doc. 87-9438 Filed 4-24-87; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD7 87-06]

#### Drawbridge Operations Regulations; Sanibel Causeway, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of the Lee County Department of Transportation, the Coast Guard is considering a change to the regulations governing the Sanibel Causeway bridge at Punta Rassa, Florida, by extending weekday opening restrictions by 30 minutes and by adding opening restrictions on weekend and holiday afternoons. This proposal is being made because of complaints about vehicular traffic delays. This action should accommodate the needs of highway traffic and still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before June 11, 1987.

**ADDRESSES:** Comments should be mailed to Commander (oan), Seventh

Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130-1608. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW. 1st Avenue, Room 816, Miami, Florida. Normal office hours are from 7:30 a.m. to 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne D. Lee, Chief, Bridge Section, Seventh Coast Guard District, telephone (305) 536-4103.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

**Drafting Information:** The drafters of this notice are Mrs. Zonia C. Reyes, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

**Discussion of Proposed Regulations:** The Sanibel Causeway bridge currently opens on signal, except that from 3:45 p.m. to 4:45 p.m., Monday through Friday, except Federal holidays, the draw is required to open only 4:15 p.m. for the passage of vessels. Lee County has asked that the period of restricted opening be extended to 5:15 p.m., with an opening at 4:45 p.m., and that the restrictions apply seven days a week. Drawbridge operation records and traffic counts show that extending the weekday restrictions to 5:15 p.m. would have only minimal impacts on navigation and may improve the flow of vehicular traffic. Weekend and holiday highway traffic volume is smaller and the number of boats requiring bridge openings is greater. We believe that opening the bridge at 15-minute intervals on weekend and holiday afternoons would allow accumulated vehicular traffic to disperse between openings, while still providing for the reasonably prompt passage of vessels.

**Economic Assessment and Certification:** These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation