

summit of an unnamed hill having a marked elevation of 1,804 feet.

(3) Then northeasterly approximately .7 mile to the summit of an unnamed hill having a marked elevation of 1,824 feet;

(4) Then south-southeasterly approximately .6 mile to the summit of an unnamed hill having a marked elevation of 1,866 feet;

(5) Then south-southeasterly approximately .5 mile to the summit of an unnamed hill having a marked elevation of 2,062 feet;

(6) Then southerly approximately .7 mile to the summit of an unnamed hill having a marked elevation of 2,137 feet;

(7) Then south-southeasterly approximately .4 mile to the summit of an unnamed hill having a marked elevation of 1,894 feet;

(8) Then southerly approximately 2.3 miles to the midpoint of the section line boundary between sections 15 and 22, Township 5 North, Range 3 West, Mount Diablo Range and Meridian;

(9) Then southwesterly approximately 1.3 miles to the summit of an unnamed hill having a marked elevation of 1,593 feet;

(10) Then west-northwesterly approximately 1.2 miles to the summit of an unnamed hill, on the Napa/Solano County boundary, having a marked elevation of 1,886 feet;

(11) Then north-northeasterly approximately 1.5 miles to the summit of an unnamed hill having a marked elevation of 1,351 feet;

(12) Then north-northeasterly approximately 1.2 miles to the summit of an unnamed hill having a marked elevation of 1,480 feet; and

(13) Then north-northwesterly approximately 1.0 mile to the point of beginning.

Approved: August 31, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-21141 Filed 9-15-87; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 641]

Cayuga Lake Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in New York State, within the counties of Seneca, Tompkins, and Cayuga, to be known as

"Cayuga Lake." This proposal is the result of a petition submitted by Douglas and Susanna Knapp (Knapp Farms, Inc.) and Robert Plane (Plane's Cayuga Vineyard, Inc.), whose wineries are located within the proposed area. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they purchase.

DATE: Written comments must be received on or before October 16, 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. 641.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 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 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also 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, providing for the listing of approved American viticultural areas, the names of which may be used as an appellation of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical 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 of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing a viticultural area in New York State, surrounding and adjacent to Cayuga Lake, within the counties of Seneca, Tompkins, and Cayuga, to be known as "Cayuga Lake." The proposed area, located north of the city of Ithaca, between Seneca Lake and Owasco Lake, includes eight bonded wineries and 18 vineyards, with approximately 460 acres of grapes. Further, the proposed area is situated within the approved Finger Lakes viticultural area.

According to the petitioners, historical and current evidence regarding the name as well as the boundaries of the proposed area include the following:

(a) The body of water called Cayuga Lake received its name from the Cayuga Indians, who originally inhabited the region bordering the lake.

(b) The name figures prominently in identifying the area in the diaries of General Sullivan during his campaign to open land in upstate New York to settlers in the 1700's.

(c) Cayuga Lake is the name used by the first permanent settlers in Seneca County in 1789, and has remained the same to the present time.

(d) The large state park located in the northern section of the proposed viticultural area is named Cayuga Lake State Park.

(e) State Route 89, which runs the length of the proposed viticultural area, is also known as Cayuga Lake Boulevard.

Geographical features of the proposed Cayuga Lake viticultural area include the following:

(a) Bedrock of different kinds is the main source of soil material in New York State. Within the proposed Cayuga Lake viticultural area, the bedrock is predominantly shale. To the north of the proposed area, it is alternating limestone and slate formations, and to the south, it is interbedded sandstone and shale.

(b) The maximum elevation within the proposed area is no more than 800 feet above the surface of Cayuga Lake. The elevation of the areas to the east, west,

and south of the proposed area, however, is 1,000–2,000 feet.

(c) The Cayuga Lake basin is one of two major land formations in the Finger Lakes that resulted from glacial activity in the Pleistocene epoch. As consistently stated in O.D. von Engeln's *The Finger Lakes Region: Its Origin and Nature*, The Cayuga Lake basin is separated from the second major basin, Seneca Lake (west of Cayuga Lake), by both topography and soil type.

(d) The micro-climate of the proposed viticultural area is created by both Cayuga Lake and its adjacent hills. This is discussed in an article that appeared in the July 1986 issue of *Geographical Review*, entitled "Vines, Wines, and Regional Identity in the Finger Lakes Region." As mentioned in the article, due to the cold air drainage down the valley slopes in summer, and the release of heat stored in Cayuga Lake, the risk of an early frost is reduced. This results in an extended growing season on the slopes, from an average of 145 days for much of the Finger Lakes region, to between 165 and 170 days for the proposed viticultural area.

(e) The moderating effects of Cayuga Lake and its adjacent hills have resulted in the proposed viticultural area having an extended heat summation period, from 2,200–2,300 degree days for much of the Finger Lakes area, to 2,400–2,500 degree days for the proposed viticultural area.

Boundaries of the Area

The boundaries of the proposed Cayuga Lake viticultural area may be found on one United States Geological Survey (U.S.G.S.) map (Elmira, New York; Pennsylvania). The boundaries, as referred to in the petition, are described in § 9.123.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this notice of proposed rulemaking because the proposal is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities; nor (2) to impose, nor otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens 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 nor compliance burden

on a substantial number of small entities.

Executive Order 12291

It has been determined that this proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (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 the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provision 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

ATF requests comments from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the Cayuga Lake viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration.

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, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in 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 30-day comment period. 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 James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

Accordingly, the Director proposes the amendment of 27 CFR Part 9 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. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.123 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
§ 9.123 Cayuga Lake.

Par. 3. Subpart C of 27 CFR Part 9 is amended by adding § 9.123 to read as follows:

§ 9.123 Cayuga Lake.

(a) *Name.* The name of the viticultural area described in this section is "Cayuga Lake."

(b) *Approved map.* The appropriate map for determining the boundaries of the Cayuga Lake viticultural area is one U.S.G.S. map scaled 1:250,000, titled "Elmira, New York; Pennsylvania," 1962 (revised 1978).

(c) *Boundaries.* The proposed Cayuga Lake viticultural area is located within the counties of Seneca, Tompkins, and Cayuga, in the State of New York, within the Finger Lakes viticultural area. The exact boundaries of the proposed area, based on landmarks and points of reference on the approved map, are as follows:

(1) Commencing at the intersection of State Route 90 with State Route 5 in Cayuga County, north of Cayuga Lake.

(2) Then south along State Route 90 to a point approximately one mile past the intersection of State Route 90 with State Route 328.

(3) Then south along the primary, all-weather, hard surface road, approximately $\frac{3}{4}$ mile, until it becomes State Route 90 again at Union Springs.

(4) Then south/southeast along State Route 90 until it intersects the light-duty, all-weather, hard or improved surface

road, approximately 1.5 miles west of King Ferry.

(5) Then south along another light-duty, all-weather, hard or improved surface road, approximately 4 miles, until it intersects State Route 34B, just south of Lake Ridge.

(6) Then follow State Route 34B in a generally southeast direction until it intersects State Route 34, at South Lansing.

(7) Then south along State Route 34, until it meets State Route 13 in Ithaca.

(8) Then southwest along State Routes 34/13, approximately 1.5 miles, until it intersects with State Route 79, in Ithaca.

(9) Then west along State Route 79, approximately ½ mile, until it intersects State Route 96.

(10) Then along State Route 96, in a generally northwest direction, until it intersects State Routes 414 and 96A in Ovid.

(11) Then north along State Routes 96/414, until they divide, approximately 2.5 miles north of Ovid.

(12) Then along State Route 414, in a generally northeast direction, until it meets U.S. Route 20 in the town of Seneca Falls.

(13) Then along U.S. Route 20, in a northeast direction, until it intersects State Routes 318, 89, and 5.

(14) Then along U.S. Route 20/State Route 5, in a northeast direction, to the beginning point, at the intersection with State Route 90.

Approved: September 8, 1987.

Stephen E. Higgins,
Director.

[FR Doc. 87-21277 Filed 9-15-87; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Abandoned Mine Land Reclamation Program Amendment; Alabama

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: On June 15, 1987, the State of Alabama to OSMRE a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter referred to as the Alabama Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment pertains to minor adjustments in the Alabama policies and procedures regarding land

acquisition, management, and disposal; reclamation on private land (liens and appraisals); and right-of-entry.

This notice sets forth the times and locations that the Alabama Plan and proposed changes will be available for public inspection, the comment period during which interested persons may submit written comments, and the procedure that will be followed regarding a public hearing.

DATES: OSMRE will accept written comments on the proposed rule until 4:00 p.m. on October 16, 1987. If requested, a public hearing on the proposed amendment is scheduled for 7:00 p.m. on October 13, 1987. Requests to present oral or written testimony at the hearing must be received before the close of business on October 1, 1987.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed to: Robert A. Penn, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, Birmingham, Alabama 35209.

Copies of the Alabama Plan, the proposed changes to the plan, and the administrative record of the Alabama Plan are available for public review and copying at the OSMRE Offices and the State Abandoned Mine Lands Office listed below, during normal business hours Monday through Friday excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting the OSMRE Birmingham Field Office.

Alabama Department of Industrial Relations, Abandoned Mine Lands Program, 649 Monroe Street, Montgomery, Alabama 36130;
Telephone: (205) 731-0953

OSMRE's field office processing the amendment: Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209; Telephone (205) 731-0953
Office of Surface Mining Reclamation and Enforcement, Administrative Records Office, 1100 L Street NW., Room 5131, Washington, DC 20240.

If a public hearing is held, its location will be at the Birmingham Field Office listed above, on the date listed under "DATES."

FOR FURTHER INFORMATION CONTACT: Jean W. O'Dell, Acting AML Supervisor, Birmingham Field Office, (205) 731-0953.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program

Title IV of the SMCRA of 1977, Pub. L. 95-87, 30 U.S.C. 1202 *et seq.*, establishes an AMLR program for the purposes of

reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and waters eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1987, and for which there is no continuing reclamation responsibility under State or Federal law. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement the program.

The Secretary of the Interior approved the Alabama Plan on May 20, 1982. Information pertinent to the general background, revisions, and amendments to the initial plan submission, as well as the Secretary's findings and the disposition of comments can be found in the May 20, 1982 Federal Register (47 FR 22062).

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884). The regulations provide that a State may submit to the Director proposed amendments or revisions to the approved reclamation plan. If the amendments or revisions change the scope or major policies followed by the State in the conduct of its reclamation program, the Director must follow the procedures set out in 30 CFR 884.13 in approving or disapproving an amendment or revision.

II. Discussion of the Proposed Amendment

By letter dated June 15, 1987, Alabama submitted a reclamation plan amendment to OSMRE (Administrative Record No. AL-423). The proposed amendment consists of revised narratives to replace three sections of the approved Alabama Plan as provided for by 30 CFR 884.13. Minor editorial changes were made in the three sections to bring the Alabama Plan into line with OSMRE organizational changes. Specifically, the following areas of the plan are being revised.

1. *Land Acquisition, Management, and Disposal (30 CFR Part 879):* Alabama has submitted revised procedures and forms for conducting appraisals on lands to be acquired by the State under the AMLR Program. Other revised areas include tax encumbrances and final processing during release of mortgages, deeds, and judgments.

2. *Reclamation on private lands (30 CFR Part 882):* Alabama has submitted revised procedures and forms for