

done at present. This new system will eliminate the problems currently experienced with after-the-fact changes to the individual commitments by issuers.

In order to implement this new system, it is necessary to revise the current regulations governing the age of a mortgage eligible for pooling. Currently, the age of a mortgage is measured from the date of GNMA's commitment to guarantee the issue of securities. Since under the new "commitment line system" the date of GNMA's commitment is no longer a critical date, the rule proposes to measure the age of a mortgage from the issue date of the securities. Under this proposed rule a mortgage must have a date for the first scheduled monthly payment of principal and interest that is no more than 24 months before the issue date of the securities. This period is comparable to the period under the current regulations, which is no more than 12 months before the date on which GNMA commits to guarantee the issue of securities. Since the GNMA commitment itself is effective for a period of 12 months, the combined period for the pooling of newly-originated mortgages is currently 24 months.

#### Other Matters

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; or (3) have a significant adverse effect 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.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned certifies that this rule does not have a

significant economic impact on a substantial number of small entities. The change to be effected by this rule is a technical revision. It is intended to help implement an automated tracking system; it should have little or no economic impact on any entities participating in the affected program.

The rule was listed as item 933 in the Department's Semiannual Agenda of Regulations published on October 29, 1985 (50 FR 44166, 44205), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Accordingly, GNMA proposes to amend 24 CFR Part 390 as follows:

#### PART 390—GUARANTY OF MORTGAGE-BACKED SECURITIES

1. The authority citations for Part 390, Subparts A, B, C, D, and E would be removed, and the authority citation for Part 390 would be revised to read as follows:

**Authority:** Secs. 306(g) and 309(a) of the National Housing Act, 12 U.S.C. 1721(g) and 1723a(a); sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

2. In § 390.7 paragraph (b) would be revised to read as follows:

##### § 390.7 Mortgages.

\* \* \* \* \*

(b) Have a date for the first scheduled monthly payment of principal and interest, or a date of purchase from an Association-approved auction, that is no more than 24 months before the issue date of the securities.

\* \* \* \* \*

3. In § 390.27, paragraph (b) would be revised to read as follows:

##### § 390.27 Mortgages.

\* \* \* \* \*

(b) Have a date for the first scheduled monthly payment of principal and interest that is no more than 24 months before the issue date of the securities.

\* \* \* \* \*

4. In § 390.43, paragraph (c) would be revised to read as follows:

##### § 390.43 Mortgages.

\* \* \* \* \*

(c) Have a date for the first scheduled monthly payment of principal (which may be negative) and interest, or a date of purchase from an Association-approved auction, that is no more than 24 months before the issue date of the securities.

\* \* \* \* \*

Dated: March 12, 1986.

Glenn R. Wilson, Jr.,  
President, Government National Mortgage Association.

[FR Doc. 86-6226 Filed 3-20-86; 8:45 am]

BILLING CODE 4210-01-M

#### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 585]

#### North Fork of Long Island Viticultural Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located in Suffolk County on the North Fork of eastern Long Island, New York. The proposed viticultural area includes all of the land areas in the Townships of Riverhead, Shelter Island, and Southold. The petition was submitted by a group of Long Island grape growers and bonded viticultural area. ATF feels 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 may purchase.

**DATES:** Written comments must be received by May 5, 1986.

**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 (Notice No. 585).

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Reisman, 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 37672, 54624) revising regulations in 27 CFR,

Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name and boundaries 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 appellations 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. maps with the boundaries prominently marked.

#### Petition for "North Fork of Long Island"

AFT has received a petition proposing a viticultural area on the North Fork of eastern Long Island, New York. The proposed viticultural area is to be known as the "North Fork of Long Island." The petition was submitted by the Long Island Grape Growers Association based in Riverhead, New York. The petition was compiled by Richard T. Olsen-Harbich, Winemaker of the Bridgehampton Winery, Bridgehampton, New York and President of the Long Island Grape Growers Association.

Mr. Harbich also prepared a petition on behalf of the Bridgehampton Winery for "The Hamptons, Long Island" viticultural area. "The Hamptons, Long Island" was approved as an American

viticultural area on June 17, 1985 (50 FR 20409). It includes all of the land areas in the (South Fork) Townships of Southampton and East Hampton. This viticultural area is located just across the bay from the proposed viticultural area.

The proposed North Fork of Long Island viticultural area consists of the Townships of Riverhead, Shelter Island, and Southold (including all mainland and island areas). The total area encompassed by the proposed boundaries consists of 158.5 square miles of 101,440 acres of land. There are 5 bonded wineries operating within the proposed viticultural area. The petitioner bases this petition on the following information:

#### Evidence of Name

According to the petitioner, the origin of the name North Fork was based on the way Long Island "forks" at its eastern end at Riverhead into the North and South Fork. The Long Island Railroad uses the term North Line and South Line to describe the rail routes that travel through those parts of Long Island. Those rail route names also point out the division between the North Shore (the area bounded by the Long Island Sound) and South Shore (the area bounded by the Atlantic Ocean) of Long Island. Today, the references North Shore and South Shore are commonly used by Long Islanders to identify the dual maritime coasts of Long Island out to the east end, where the North Fork and South Fork are formed. The two eastern Long Island forks are described as the North and South Forks. The South Fork is also commonly known as The Hamptons.

According to the petitioner, the name "North Fork" is locally used to describe the land area on the North Shore of Long Island beginning at Riverhead Township and extending east for approximately 40 miles to Orient Point. This description is supported by many publications, businesses, and landmarks which use the name North Fork to distinguish this region from the rest of Long Island. According to local phone directories there are at least 45 Long Island businesses which use the term "North Fork" as part of their name.

#### Evidence of Boundaries

The actual geographic area of the North Fork, although attached to a larger island, may be referred to as a peninsula. This is due to the fact that three of its boundaries are surrounded by water: The Long Island Sound to the north, the Peconic Bay to the south and the Atlantic Ocean to the east.

The proposed North Fork of Long Island viticultural area lies entirely in Suffolk County. The western boundary of the proposed North Fork appellation is the 6.5 mile long boundary line separating Brookhaven and Riverhead Townships. The boundary starts at the mouth of the Wading River and follows it in a southeasterly direction. It then heads south in a straight line cutting through Peconic River Park to meet the beginning of the Peconic River. The boundary travels east along the river until it empties into the Peconic Bay. It is at this point that the boundary line becomes three bodies of water. The Peconic Bay accounts for the rest of the southern boundary, meeting the Atlantic Ocean at Orient Point. The entire length of the North Fork from its start at the Brookhaven/Riverhead Town line, east to Orient Point, is approximately 40 miles. The North Fork is 6 miles wide at its widest point and less than .5 mile wide at its narrowest point. The townships making up the area—Riverhead (78 square miles), Shelter Island (11.5 square miles) and Southold (69 square miles)—cover a combined total of 101,440 acres of land or 158.5 square miles. Shelter Island, although a separate land area from the mainland of Long Island was included in the boundaries of the proposed North Fork viticultural area because of its immediate proximity to the area. Also, another reason for its inclusion in the proposed viticultural area is because it is composed of similar soil associations as those making up the remainder of the North Fork.

According to the petitioner, it is the sea that surrounds Long Island (and more specifically the North Fork) which makes it a unique agricultural area. According to information gathered from the book titled *History of Long Island, New York*, by Benjamin F. Thompson (1839), the sea renders it more temperate than many other places in the same latitude in the interior. Information gathered from that book states that the area is almost regularly fanned by a breeze from the ocean. It states that the air from the sea also has a powerful effect on the climate. It modulates the heat in the summer and the cold in the winter. The petitioner claims that it is this moderating effect of the water on the North Fork which makes it an area suitable for fine wine grapes.

The petitioner referred to the following statement in the book on Long Island history by Thompson: "When Long Island was discovered by Henry Hudson in 1609, he found an island covered with forests, trees loaded with fruit and grapevines of many kinds."

According to the same book, the North Fork was the home of several tribes of Indians prior to its settlement by the English. The primary tribes were Corchougs. It is from these Indians that the English settlers purchased the area known as Southold (the Indians called it Yennecock). This area is roughly equivalent to the boundaries of the proposed viticultural area; the western boundaries of Wading and Peconic Rivers to the eastern boundary of Orient Point.

According to information gathered by the petitioner from Edna Yeager, a historian of the North Fork, "The first settlers found that grapes were just waiting for the winemaker."

The petitioner claims that during Colonial times the major industry of the proposed viticultural area was agriculture. Over the years the conservatism of the farmers helped maintain the area. Today agriculture still is the major industry of the area.

#### *Viticultural History*

According to a conversation held between the petitioner and John Wickham (a fruit farmer and pioneer Long Island grape grower whose family dates back some 300 years on the North Fork), the settlers trained the native grapes onto arbors behind their homes. According to Wickham, many of the older homes still have grape arbors. European wine grapes were not used on Long Island until the Prince Nurseries started in the late 1700's. Prince Nurseries located in the Borough of Queens (New York City), sent European vinifera vines to purchasers all over Long Island, including the North Fork. The backyard arbors were pretty much the extent of grape-growing on the North Fork for the period from 1830 to 1963. There were a few attempts at commercial grape-growing on the North Fork but these failed (most notably by a Moses Fournier who in the late 1800's planted quite a large vinifera vineyard near Mattituck).

According to the petitioner, the beginning of the successful commercial vineyards on the North Fork was in 1963. In that year John Wickham planted a selection of table grapes from Cornell University. So successful was one of the varieties that it was named "Suffolk Red," for the county where it thrived. Mr. Wickham has grown grapes on the North Fork for over 20 years. Prior to his success, vinifera grapes did not survive because of a combination of diseases.

It is the petitioner's opinion that the success of John Wickham has led others to the North Fork. The petitioner stated that the interest in grape growing on the North Fork started slowly, but has

continued at an accelerated pace in recent years. Professor John Tomkins of Cornell University held conferences in the North Fork area in 1968 and 1971. In the Suffolk County Agricultural News, Volume LV, No. 5, (1971), Tomkins wrote, "There are many good sites for grapes on Long Island. Some apple and dairy farmers are taking a real careful look at the opportunities in grape-growing."

The petitioner said that it was Professor Tomkins who steered Alex Hargrave to the North Fork. Hargrave Vineyard was planted in 1973. It was the first commercial vinifera vineyard on the North Fork in the 20th Century. The book *North Fork and Shelter Island Guidebook*, edited by James I. Masters, (1981), quoted Alex Hargrave in the following text: "The Sound and the Great Peconic Bay act as a natural thermostat in the spring and the fall, giving it a longer frost-free season than southern Virginia. The North Fork is a sliver of land almost completely surrounded by water. Compare this with the famous regions of Bordeaux which are on the leeward side of a river a couple of kilometers wide. Long Island is much more at the bord d'eau (at the waters edge) than Bordeaux. The growing season is 45 days longer than upstate. There are over 3,000 hours of sunlight (Cutchogue is the sunniest village in the state). Because there is virtually no fog on the North Fork, crops ripen three weeks earlier than the South Fork and danger from humidity is minimized. The constant offshore breezes control mildew as the leaf blades of the vine are dried within hours of rain. The North Fork is almost 100% photosynthetically efficient."

#### *Present and Future Viticultural Situation*

The total grape acreage on the North Fork is approximately 1,000 acres. The petitioner stated that by the end of 1985 it is estimated that there will be over 1,200 acres of grapes on the North Fork. He claims that Long Island's North Fork has been and is today one of the more prominent agricultural areas in New York. The petitioner states that the North Fork is known for a distinction being primarily agricultural with a substantially different character and culture than the South Fork.

According to the petitioner, the North Fork is just beginning to break out of its infancy as a viticultural region. To support this statement, he said that the North Fork has supported vinifera grapes successfully for over a decade. The petitioner said that as the second decade of North Fork grape-growing approaches, much more acreage is

expected to produce a full crop as well as new plantings.

Currently, there are 5 wineries in operation on the North Fork of Long Island: Hargrave, Lenz, Jamesport, Pindar and Peconic Bay Vineyards. The petitioner claims that there are 3 other wineries scheduled for opening in 1986 at Riverhead, Laurel, and Cutchogue. The petitioner states that it is very possible that as many as 25-50 wineries could eventually be in operation on the North Fork by the end of this century.

According to the petitioner, the North Fork of Long Island and its potential for producing quality grapes and wine, represents opportunity for the prospective vintner. He said the soil and climate are suited to vinifera grape production like no other area in the Eastern United States. According to the petitioner the early results from grape plantings on the North Fork hold promise for red vinifera varieties such as Cabernet Sauvignon and Merlot.

#### **Appropriate Maps With Boundaries Marked**

The petitioner submitted 5 U.S.G.S. maps with the boundaries prominently marked on them. The boundaries of the proposed "The North Fork of Long Island" viticultural area may be found on the following maps: Riverhead, N.Y., 1956, 7.5 minute series, scaled at 1:24,000; Wading River, N.Y. edition of 1956, 7.5 minute series, scaled at 1:24,000; New York, N.Y.; N.J.; Conn., U.S. 1:250,000 series, scaled at 1:250,000, edition of 1960, revised 1979; Hartford, Conn.; N.Y.; N.J.; Mass., U.S. 1:250,000 series, scaled at 1:250,000, edition of 1962, revised 1975; and Providence, R.I.; Mass.; Conn., U.S. 1:250,000 series, scaled at 1:250,000, edition of 1947, revised 1969.

#### **Geographical Evidence Which Distinguishes the Proposed Area From Surrounding Areas**

##### *Soils*

The grape growing region of the North Fork when compared to the South Fork (The Hamptons), has distinctly different soil types. The difference in soil types begins north of the Peconic River and continues eastward toward Orient Point. According to the United States Soil Conservation Service, the major soil types which are found on the North Fork are as follows:

1. *Carver-Plymouth-Riverhead Association*. These soils are excessively well-drained and are very sandy, which may limit its farmability. They are located primarily on the perimeter of the North Fork and are usually rolling or

sloping. The natural fertility of these soils is low and the rapid permeability of water through these soils makes irrigation a desirable option for vineyards in these areas. They are found mainly along the North Shore adjoining the Long Island Sound.

Fishers and Plum Islands, although separate islands located east of the mainland of the North Fork, are composed of this same soil association.

2. *Haven-Riverhead Association*. These soils are characteristically deep and somewhat level and are located further inland on the North Fork. They are well-drained and have a medium texture. Most of these soils have a moderate to high water holding capacity and crops respond well to lime and fertilizer when grown on these soils. Due to these factors, this soil association (which is the predominant one of the North Fork) is considered one of the best farming areas in Suffolk County.

3. *Montauk-Haven-Riverhead Associations*. These soils are deep, nearly level to strongly sloping in character. They are well drained to moderately well drained soils. They tend to be moderately coarse in texture. They are the associations found on the North Fork areas of Robins and Shelter Island, located just south of the mainland.

The soils of the South Fork (The Hamptons), on the other hand, are somewhat different, and many more associations are present:

1. *Plymouth-Carver Association*. These soils are rolling, hilly, deep and excessively drained. Characteristically, scrub oak and other minor trees are found as cover. Permeability is rapid and natural fertility is low.

2. *Bridgehampton-Haven Association*. These soils are deep and excessively drained and have a medium texture.

3. *Montauk-Montauk, Sandy Variant—Bridgehampton Association*. These soils are deep and usually very sloping. Presently, most of this area is either idle or wooded.

4. *Montauk, Sandy Variant—Plymouth Association*. These soils are excessively drained and coarse textured. This loamy-sand is droughty but contains a black surface layer which is high in organic matter content.

5. *Montauk-Haven-Riverhead Association*. These soils are fairly well-drained and are sparsely found on the northern side of the South Fork along the Peconic Bay at Cow Neck, Noyack, North Haven, and outlying Gardiners Island. The surface layer is a silt loam, with a fine sandy loam found at deeper levels. These soils are very deep and well-suited to cultivation.

The remainder of the soils on the South Fork consist of the *Dune-Land-Tidal Marsh-Beach Association*, which make up the beach and marshland areas.

Westward from here and into New York City, the soil associations become even more foreign to those found on the eastern end of Long Island. It must also be pointed out that while various soil types found in western Long Island may be similar to those found on the North Fork, the encroachment of suburban development and industry on Long Island has made commercial agriculture and land available for it, almost non-existent in the townships west of Brookhaven.

As one can see, the soils of the North Fork and the South Fork (The Hamptons) are quite different, each giving the grapes that are grown there, a distinct and unique character. At the Town of Brookhaven/Riverhead boundary line where the forks meet, there is still some slight separation of the different soil associations. West of this area, however, the soil associations of Long Island tend to become less restricted to a distinct geographic area and much more intermingling and blending of soil series can be found. Also, there are the soils making up the "spine" of Long Island, namely "The Pine Barrens." The soils of the "Pine Barrens" can support just that; short scrubby pine forests are the only vegetation in the light, extremely sandy and unfertile soils of this area.

Land Classes are sub-divisions determined by the U.S. Soil Conservation Service to rate the capabilities of various soil series. Most of the soils on the North and South Forks fall into the Land Class members I and II, which state that "the soils contain few or moderate limitations that restrict their use." There are, however, a greater percentage of soil series on the South Fork which are listed under Land Class III, which states: "These soils have limitations that reduce the choice of plants, require special conservation practices, or both."

In general, the soils of the North Fork contain a smaller percentage of silt and loam than the soil series found on the South Fork (The Hamptons). This accounts for the fact that South Fork soils have a greater water-holding capacity than North Fork soils and require less irrigation. The soils for the North Fork are also generally slightly higher in natural fertility than the soils of the South Fork.

#### Climate

According to the petitioner, the climate classification for the North Fork

is "humid-continental." However, this is greatly modified by the Atlantic Ocean. The maritime influence on the North Fork is significant. The surrounding water extends the period of freeze-free temperatures, reduces the range of diurnal and annual temperatures, and increases the amount of winter precipitation relative to summer.

Although the North and South Forks of Long Island are relatively close together, there are many climatic differences which exist between these two areas. These differences are due to the unique topography of the Eastern End and the relationship of the two forks to the Atlantic Ocean.

Most of the climatic data for the Eastern End of Long Island is recorded from three stations; the Cornell University Experimental Station in northeast Riverhead Township (located on the North Fork), The Greenport weather station (located on the North Fork), and the U.S. weather station in Bridgehampton (located on the South Fork). The Cornell University station has been recording weather data since the 1950's, while the Bridgehampton station has been operating for almost half a century.

According to this data there are definite climatic differences which exist between the two forks. For example, the average winter temperature on the North Fork is usually lower than that of the South Fork. This is true even though there are often much lower winter minimum temperatures recorded on the South Fork for certain cold days of the year. The reason for this is that the North Fork is further away from the Atlantic Ocean and hence does not receive as great an effect from the warmed southwest winds which come in from the Atlantic Ocean. In the winter, the prevailing winds come from the southwest and are warmed slightly by the Atlantic Ocean. In the winter, the sound, bay, and ocean have buffering effects due to their accumulation of heat from the summer and fall months. This wind will therefore buffer the temperatures of the South Fork, as it passes over, however, by the time the wind passes over the colder land and Peconic Bay and reaches the North Fork, it has lost some of its warmth and has less of a buffering effect on the temperatures of the North Fork. These breezes, along with those coming off the Long Island Sound, will almost always keep winter minimum temperatures high enough to prevent commercial vine damage.

By the time spring arrives, the ocean has cooled somewhat from the low winter temperatures. Breezes coming

from the south at this time of year will therefore become cooled by the ocean, and as they pass over the warming land, a fog will often be produced. This fog will often become trapped on the South Fork and can reduce the accumulation of sunlight and warmth for vine growth. Therefore, in the springtime, the North Fork will usually have more sunshine earlier and also have a higher average temperature.

During the summer months the southern breezes coming off the South Fork and bay will keep the average temperatures of the North Fork slightly higher. As the winds pass over the South Fork, they travel over the Peconic Bay, which is a smaller body of water and hence warmer. During the summer, the North Fork of the Island also receives a greater number of thunder storms. These storms usually arrive from the west, and are pushed over towards the North Fork by the prevailing southwest winds.

During the fall, the North Fork of Long Island can also expect slightly warmer temperatures than the South Fork. Otherwise, both forks have the benefit of enjoying a fall season consisting of a lot of sunshine and normal amounts of precipitation. The ocean effect, which alters the climate of both the North and South Fork, is considerably reduced west of Riverhead, where the island widens. The petitioner claims it is this reason along with the increased blending of soil series, which keeps either Fork from being considered part of a large Long Island appellation.

The petitioner believes that although the amount of sunshine and rainfall can have an effect on the length of the growing season, the single most important factor is the number of days between the spring and fall frosts. In data taken from the Riverhead station on the North Fork and from the Bridgehampton station on the South Fork, the petitioner states that there are differences in the frost dates for both forks. During the 11-year period from 1973-1983, the number of days between frosts, or the length of the growing season averages 195 days at Riverhead (North Fork), 201 days at Greenport (North Fork) and 188 days at Bridgehampton (South Fork).

In 7 out of the 11 years recorded, there was anywhere from 1 to over 3 weeks longer growing season on the North Fork as compared to the South Fork.

The use of heat summation of "Growing-Degree Days" is also another standard for determining climatic differences in the grape-growing areas. Heat-summation is a standard developed by the University of California at Davis, and is the measurement of the mean monthly

temperatures of a single area, above 50 degrees F. The importance of heat-summation above 50 degrees F (10 degrees C) as a factor in grape quality has been indicated by Koblet and Zwicky (1965) and also by Amerine and Winkler (1944). The University of California at Davis broke down various areas into 5 climatic regions. They are as follows:

- Region I—Less than 2,500 degree days
- Region II—2,501-3,000 degree days
- Region III—3,001-3,500 degree days
- Region IV—3,501-4,000 degree days
- Region V—4,001 or more degree days

The average number of degree days for 1941 through 1970 at Riverhead (North Fork) and Bridgehampton (South Fork) are as follows:

- Riverhead (North Fork)—2,932
- Bridgehampton (South Fork)—2,531

From the period of 1941 and through 1970, the average number of heat summation days for the Riverhead Station (North Fork) placed them between the Regions II and III. During this same period, Bridgehampton (South Fork) was placed between the Region I and II. The Growing Degree Days average for the periods of 1973-1979 averages as follows:

- Riverhead (North Fork)—2,987
- Bridgehampton (South Fork)—2,572

Once again, it may be observed that during the period of 1973 through 1982, the area of the Riverhead Station (North Fork) varied between Regions II and III while Bridgehampton (South Fork) area varied between Regions I and II.

As the previous data has shown there are quite a few differences between the climate of the North Fork and that of the South Fork. From the following data, one will be able to see that the climate on the rest of Long Island is also significantly different from the climate found in the North Fork:

*Days of Growing Season 1973-1982 Averages*

Riverhead (North Fork).....	194
Bridgehampton (South Fork).....	184
Brookhaven Lab (10 miles west of North Fork).....	152
Patchogue (20 miles southwest of North Fork).....	177
Mineola (50 miles west of North Fork).....	206
Central Park NYC (60 miles west of North Fork).....	222

According to the petitioner, the previous data shows the differences in growing seasons that can occur from eastern to western Long Island. The Long Island Sound, Atlantic Ocean, and

bay areas are the main reasons for the North Fork's buffered climate. As the forks merge into the main body of Long Island, the effect of these waters is greatly diminished especially with southwest winds prevailing. This is evident in the data shown for both Brookhaven and Patchogue. Brookhaven, located 10 miles west of the North Fork, can have as much as 50 days (almost 2 months) less growing season than Riverhead. Patchogue (located on the south shore about 20 miles from the North Fork) can also be seen to be as much as 45 days less, with most seasons being around 1-2 weeks less than Riverhead. The data given for Mineola (a large suburban area in Nassau County about 50 miles west) and Central Park-New York City (located 60 miles west), show the increasing effect of the buffering ocean winds as the western end of the island begins to narrow once again. A great deal of this effect as well, is most likely due to the great amount of industrial warmth supplied from what is largely an urban area.

The petitioner stated that the amount of heat summation or "growing degree days" accumulated in areas west of the North Fork also differs considerably. The following data is taken from the Brookhaven National Laboratory for the periods 1973 through 1979:

*Growing Degree Days Averages*

Riverhead (North Fork).....	2,987
Brookhaven Nat. Lab. (10 miles west) ..	2,403

Over the period of 1973-1979, Brookhaven averaged 584 growing days less than Riverhead. This significant difference in heat summation correlates with the shorter growing season found there, as shown previously.

The main reason the climate differs west of the North Fork is due to the lesser effect of the ocean and bay on buffering temperatures. The following data shows further, the decreasing buffering effect of the winds of the North Fork:

*Minimum Temperatures 1973-1982*

	Average
Riverhead (North Fork).....	+4
Patchogue (20 miles west—South Shore).....	-1.7
Westbury (40 miles west—Central L.I.).....	-1
Wantagh (45 miles west—South Shore).....	+5

From the previous data the area of Patchogue averaged 5.7 degrees (F) colder than Riverhead; the limited data on Wantagh also shows a 3.5 degree average lower temperature for the area. The North Fork is a much narrower strip of land than the main body of Long Island, and therefore the temperature of this area is buffered to a much greater degree than the wider area west of Riverhead.

Based on the evidence provided in this notice, it is the opinion of the petitioner, that the proposed boundary for the North Fork of Long Island appellation defines an area with unique climatic and soil conditions, different from the rest of Long Island.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an 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; or (2) to impose, or 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 the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact nor compliance burdens on a substantial number of small entities.

#### Compliance With 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 geographical 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 provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 34, 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 from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the "North Fork of Long Island" viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration.

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 possible suggestions for future ATF action.

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 comments. 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 requests, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

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

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

#### Drafting Information

The principal author of this document is Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

#### PART 9—[AMENDED]

27 CFR Part 9—American Viticultural areas is amended as follows:

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

Authority: 27 U.S.C. 205.

**Par. 2.** The table of contents in 27 CFR Part 9, Subpart C, is amended to add the title of 9.113 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.  
9.113 North Fork of Long Island

**Par. 3.** Subpart C is amended by adding 9.113 to read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.113 North Fork of Long Island.

(a) *Name.* The name of the viticultural area described in this section is "North Fork of Long Island."

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the "North Fork of Long Island" viticultural area are 5 U.S.G.S. maps. They are entitled:

(1) Wading River, N.Y. 7.5 minute series, scaled at 1:24,000, edition of 1967.

(2) Riverhead, N.Y. 7.5 minute series, scaled at 1:24,000, edition of 1956.

(3) New York, N.Y.; N.J.; Conn., U.S. 1:250,000 series, scaled at 1:250,000, edition of 1960, revised 1979.

(4) Providence, R.I.; Mass.; Conn.; N.Y., U.S., 1:250,000 series, scaled at 1:250,000, edition of 1947, revised 1969.

(5) Hartford, Conn.; N.Y.; N.J.; Mass., U.S. 1:250,000 series, scaled at 1:250,000, edition of 1962, revised 1972.

(c) *Boundaries.* The boundaries of the proposed viticultural area are as follows:

The proposed North Fork of Long Island viticultural area is located entirely within eastern Suffolk County, Long Island, New York. The proposed viticultural area boundaries consist of all of the land areas of the North Fork of Long Island, New York, including all of the mainland, shorelines and islands in the Townships of Riverhead, Shelter Island and Southold, New York.

(1) The point of beginning is on the Wading River, N.Y., 7.5 minute series U.S.G.S. map at the northern boundary of the Brookhaven/Riverhead Township lines on the Long Island Sound approximately 500 feet east of the mouth of the Wading River;

(2) The boundary goes south on the Brookhaven/Riverhead Town line for approximately 6.5 miles until it meets the Peconic River approximately 1 mile east of U.S. Reservation Brookhaven National Laboratory;

(3) Then the boundary travels east on the Peconic River (Brookhaven/Riverhead Town line) for 2.7 miles until it meets the Riverhead/Southampton Township line on the Riverhead, N.Y. U.S.G.S. map;

(4) It then goes east on the (Riverhead/Southampton Township line) for 4.2 miles until it reaches an area where the Peconic River widens north of Flanders;

(5) Then the boundary proceeds east to Orient Point then west along the shoreline, beaches, islands and mainland areas of the North Fork of Long Island described on the "New York," "Providence," and "Hartford"

U.S.G.S. maps until it reaches the Brookhaven/Riverhead Township line at the point of beginning. These boundaries consist of all of the land (and isolated islands including, without limitation, Wicopesset Island, Robins Island, Fishers Island, Great Gull Island, Plum Island, and Shelter Island) in the Townships of Riverhead, Shelter Island, and Southold.

Approved: March 10, 1986.

W.T. Drake,

Acting Director.

[FR Doc. 86-6195 Filed 3-20-86; 8:45 am]

BILLING CODE 4810-31-M

## POSTAL SERVICE

### 39 CFR Parts 310 and 320

#### Restrictions on Private Carriage of Letters; Withdrawal of Proposed Rule; Advance Notice of Proposed Rulemaking and Request for Information

**AGENCY:** Postal Service.

**ACTION:** Withdrawal of proposed rule; advance notice of proposed rulemaking and request for information.

**SUMMARY:** On October 10, 1985, the Postal Service published in the *Federal Register* (50 FR 41462) a proposed modification and clarification of the regulations on the Private Express Statutes, with minor and procedural revisions on October 22, 1985 (50 FR 42729) and November 8, 1985 (50 FR 46464). The proposed rule, which is hereby being withdrawn, dealt for the most part with the carriage of international letters by private firms who re-mail them outside the United States.

The Postal Service received a significant number of comments on the proposed rule. Following review of the comments, the Chairman of the Board of Governors of the Postal Service issued a statement, which is reproduced below. The Chairman noted, among other things, that the re-mail issue has generated considerable controversy about the proper scope of the Private Express Statutes and implementing regulations. Accordingly, the Chairman announced that a new rulemaking proceeding will be initiated as soon as a factual record is fully developed. The Postal Service has sent a letter to each commenter, a sample of which is reproduced below, requesting information for that record. The principal purpose of this notice is to request the same information from other members of the public.

**DATE:** Withdrawal of the proposed rule is effective March 20, 1986. Comments and information needed to develop a full and factual record must be received on or before April 30, 1986.

**ADDRESS:** Written comments and information should be addressed to the General Counsel, Law Department, United States Postal Service, Washington, DC 20260-1113. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 5128, 955 L'Enfant Plaza, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Charles D. Hawley, (202) 268-2970.

**SUPPLEMENTARY INFORMATION:** As noted above, the Postal Service is undertaking to develop a factual record in preparation for a new rulemaking proceeding and has sent a letter to each commenter soliciting information for that record. The Postal Service requests the same information from other members of the public. Accordingly, a sample of the letter is reproduced here, along with the Statement of the Chairman of the Board.

#### List of Subjects in 39 CFR Parts 310 and 320

Postal Service, Computer technology, Advertising.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.  
March 14, 1986.

Dear \_\_\_\_\_: For the reasons more fully discussed in the enclosed statement by John McKean, Chairman of the Board of Governors, the Postal Service is undertaking to gather information and develop a factual record in preparation for the initiation of a new rulemaking proceeding relating to the practice of international re-mailing. We are writing to you, as a person who submitted comments in response to our earlier notice of proposed rulemaking on this subject, to solicit information for that record.

The particular focus of our inquiry is the appropriate scope of a new suspension of the Private Express Statutes which may be necessary to serve the interests of our customers. We solicit information from you as to the kind or kinds of private services which in your experience have met, or in your estimation would meet, your needs or the needs of the public, with respect to letters being sent to addressees in foreign countries, more satisfactorily than those provided by the postal Service. Of greatest value to us in this respect would be information that addresses such points as the following:

- The nature of the correspondence;

- The degree of urgency and the type of harm that would be caused by delay;

- Any differential in promptness of service between letters that are "remailed" and those sent through the Postal Service;

- Whether the correspondence is eligible for private carriage under the current loss-of-value test of the suspension for extremely urgent letters (see 39 CFR 320.6 (b), copy attached);

- The extent to which the correspondence is intra-company;

- The extent to which letters privately carried to foreign countries are "remailed" or are delivered to the addressees by private means;

- Any estimate of the volume of letters "remailed" over the past year;

- Any differential in cost between letters privately carried and letters sent through the Postal Service;

- The extent to which considerations of cost rather than speed of delivery determine the choice of carrier for letters sent overseas; and

- The extent to which a suspension for re-mailing would preserve the benefits of desirable competition between the Postal Service and private companies.

This is by no means an exhaustive list of points that may be material to the development of the full factual record that we need as a basis for proposing a new suspension of the Statutes. We welcome any additional information and urge that it be as factual and specific as possible. We also solicit your views as to the scope of a suspension which will best serve the relevant interests, and we invite you to suggest specific language for an implementing regulation.

We anticipate proceeding in accordance with the following schedule:

April 30, 1986—Responses due to solicitation of information for factual record.

May 22-23, 1986—Meeting with interested persons to discuss responses and parameters of proposed suspension.

June 16, 1986—Publish notice of proposed rulemaking in *Federal Register*.

July 16, 1986—Comments due on proposed rule.

August 29, 1986—Publish notice of final rule.

We ask that you send your response so as to reach me not later than Wednesday, April 30, 1986.

We are withdrawing the earlier proposal in order to avoid uncertainty over its status while this new proceeding is pending. To the extent that the earlier proposal dealt with the suspension for extremely urgent letters on matters other than international