

### General Information on Hearing Procedures

The hearing will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3) and will be open to the public, subject to the limitations of space. In the event attendance exceeds available seating space, persons scheduled to present oral comments will be given preference in respect to admission. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. Commenters will not be permitted to trade their time to obtain a longer presentation period. However, the hearing officer may allow any person additional time after all other commenters have been heard. To the extent that time is available after presentation of oral comments by those who are scheduled to comment, others will be given an opportunity to be heard.

In order to insure that ATF will have the full benefit of their views even if time constraints limit an oral presentation, persons presenting oral comments are urged to supplement their oral statement with a more complete written statement. A written statement submitted to the hearing officer at the time of presentation of the oral statement will be considered part of the hearing record.

After making an oral presentation, a person should be prepared to answer questions from the hearing panel on not only the topics presented but also on matters relating to any written comments which he or she has submitted. Other persons will not be permitted to question a commenter. However, questions may be submitted, in writing, to the hearing officer who will evaluate their relevance. If the hearing officer determines that elicitation of further discussion would be beneficial, they may be presented to a commenter for a response.

Persons will be scheduled, if possible, according to the time preference mentioned in their letter notification to ATF. ATF will confirm by telephone the time a person is scheduled to present oral comments. A letter notification received by ATF prior to the cutoff date ensures that a person will be scheduled to comment. Letter notifications received after the cutoff date and up to one (1) working day preceding the hearing, will be honored to the extent practicable on a first-come-first-serve basis. Any scheduled commenter not present at the hearing when called will lose his or her place in the scheduled order, but will be recalled after all other scheduled commenters have been heard.

ATF will prepare an agenda listing the persons scheduled to comment and copies will be available at the hearing. In addition, copies of the petitions and all received written comments will be available at the hearing for public inspection.

### Comments

Any person participating in the hearing or submitting written comments may present such data, views, or arguments as they desire. Comments that provide the factual basis supporting the views or suggestions presented will be particularly helpful in developing a reasoned regulatory decision on this matter. However, comments consisting of mere allegations or denials are counterproductive to the rulemaking process.

ATF specifically requests that commenters consider making comments on the following questions:

1. What are the historical and current boundaries (north, south, east, west) of the area known as "Stags Leap District?"

2. Why, and how, should the boundaries as proposed in Notice No. 620 be modified?

3. What geographical features, particularly in the north, support the boundaries as proposed in Notice No. 620; as suggested by Mr. Anderson, or any other boundaries?

4. Is there evidence that the name of the proposed viticultural area is locally or nationally known as including the area north to the Yountville Cross Road, or even beyond?

5. What do wineries outside of the proposed area consider to be the "Stags Leap District" grape growing area?

6. What name other than "Stags Leap District" has been applied to the area as proposed in Notice No. 620, or to the extended area to the Yountville Cross Road?

7. To what extent have wineries in the area proposed in Notice No. 620, as well as those in the area north to the Yountville Cross Road, identified themselves as being in "Stags Leap District?"

8. To what extent have grapes grown in the proposed area, or the extended area north of the boundaries proposed in Notice No. 620, been or not been marketed as "Stags Leap District" grapes?

### Drafting Information

The author of this document is James Ficaretta, Coordinator, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

### List of Subjects in 27 CFR Part 9

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

### Authority

This notice of hearing is issued under the authority of 27 U.S.C. 205.

Approved: September 23, 1987.

Philip C. McGuire,

Acting Director.

[FR Doc. 87-22309 Filed 9-28-87; 8:45 am]

BILLING CODE 4810-31-M

### 27 CFR Part 9

[Notice No. 642]

### Warren Hills Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, 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 northwestern New Jersey, to be known as "Warren Hills." This proposal is the result of a petition submitted by a group of wineries and grape growers located in the proposed area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable winemakers to label wines more precisely and will help consumers to better identify the wines they purchase.

Comment date: Written comments must be received by November 13, 1987.

**ADDRESSES:** 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. 642). 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 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226; (202) 566-7626.

### SUPPLEMENTARY INFORMATION:

#### Background

ATF regulations in 27 CFR Part 4 provide for 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.

Part 9 of 27 CFR provides 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. Section 4.25a(e)(2) outlines the procedures 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 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(s) with the boundaries prominently marked.

#### Petition

ATF has received a petition, prepared by Mr. Rudolf Marchesi of Alba Vineyard and submitted on behalf of a group of wineries and grape growers from Warren County, New Jersey. The group consists of Alba Vineyard, Marble Mountain Vineyards, Four Sisters Winery, Tamuzza Vineyards, and Mr. Daniel Campanelli (an individual grower). The petition proposes establishment of a viticultural area to be known as "Warren Hills." The proposed area would be located entirely within Warren County. The area contains approximately 226 square miles, within which there are approximately 77 acres planted to winegrapes. Three wineries are operating within the area. The proposed area is located a little to the north of the approved "Central Delaware Valley" viticultural area.

#### Geography of the Area

Geographically, the proposed area consists of a series of narrow, parallel valleys, formed by tributaries of the

Delaware River. The petitioner submitted evidence that the area is distinguished from surrounding areas by soil, topography, and climatic conditions.

According to the petitioner, the "Warren Hills" soils are less acidic than those of some surrounding areas, "due to the nature of the bedrock." He explained that "The vineyard soils of the Warren Hills region are formed from Dolomitic Limestone which has a high concentration of calcium and magnesium," but that the soils of surrounding areas "are formed from shale and other sources." The relative pH values of vineyard soils within and to the north of the area are contrasted as follows:

"Warren Hills" soils	Soils to the north
Hazen Loam 5.6-7.8.....	Bath soils 4.5-6.5.
Annandale Gravelly Loam 5.1-6.5.	Nassau soils 4.5-5.5.
Washington Loam 5.6-6.3.....	Swartswood soils 3.6-5.5.

The higher pH values of the "Warren Hills" soils indicate less acidity. Those values show that "Warren Hills" vineyard soils range from moderately acidic to slightly alkaline. Soils to the north and to the south are more acidic. Typical vineyard soils in the Central Delaware Valley viticultural area (south of the "Warren Hills") have been described, in soil surveys published by the U.S. Department of Agriculture, as: "Natural reaction is strongly acid," and "Natural reaction ranges from medium acid to strongly acid."

The soils to the northeast of the proposed viticultural area are also distinguishable. The northeastern boundary of the area corresponds generally to the terminal moraine of a glacial advance known as the "Wisconsin." According to the petitioner, there was once a large glacier, which covered the land to the northeast of the proposed area but did not extend into the area itself. When the glacier receded, it left behind some glacial deposits, which became mixed with the native soil, rendering it less suitable for viticulture. By contrast, the "Warren Hills" soil generally does not contain such glacial deposits. Westward, across the Delaware River, limestone soils like those of the "Warren Hills" reappear. However, the petitioner has indicated that they are less prominent there, and further, that the topography of that region is significantly different, so that the Delaware River does form a proper boundary, despite the similarity of soils. The farmland across the Delaware River lies mostly in a single broad valley (the Lehigh Valley); whereas the "Warren Hills"

area contains about five narrower valleys. Those valleys run southwest to northeast; consequently, in the "Warren Hills" there are numerous south-facing or southeast-facing slopesides, which make the best vineyard sites. More direct exposure to sunlight creates microclimates with warmer than average temperatures, especially in winter. Further, the valleys of the "Warren Hills" create a desirable air drainage situation, in which cool air drains downward, away from the hillside vineyards. This feature is important in the spring and fall, when there may be a danger of untimely frost.

Another way in which the topography of the proposed area affects its viticulture is by channeling the prevailing southwest winds. Since the area's valleys parallel the wind direction, they form channels through which the winds may travel with minimal obstruction. The winds cool the vines on hot summer afternoons and reduce relative humidity. These effects, together with the favorable air drainage already mentioned, "assist in the control of mold and mildew on the vines," according to the petitioner. Topography also forms a basis for the northwestern boundary of the "Warren Hills," for that boundary marks the beginning of a more mountainous area: Kittatinny Mountain, a member of the Pocono chain. Similarly, the southeastern border of the proposed area reflects a topographical distinction that marks the boundary of two geological regions of New Jersey: The "Upland Valley" region (in which the "Warren Hills" lie) and the "Piedmont" region. The Piedmont's rolling hills contrast with the straight, narrow valleys of the "Warren Hills." (This distinction was previously cited by ATF in the rulemaking for the "Central Delaware Valley" viticultural area.) The petitioner also contrasted his proposed area with surrounding areas on the basis of climate. In particular, he noted that the eastern boundary of the area lies where the growing season drops off to less than 150 days. Inside the proposed area, the growing season "averages 175 frost-free days, but is often longer on selected sites," says the petitioner. This difference is significant for viticulture, because it means that certain late-ripening varieties, such as vidal blanc, seyval blanc, and cabernet sauvignon, could not be grown in the area to the east. Some of the climatic features that affect viticulture during the growing season are directly caused by the area's unique topography. The combination of southward-facing vineyard slopes and the funneling effect of the long, narrow valleys on the prevailing winds result in

"warm days and cool nights," which benefit the grapes, according to the petitioner.

#### Name of the Area

The petitioner submitted evidence that the area is locally known by the name "Warren Hills." Evidence included a page from the local telephone directory, listing the "Warren Hills Family Health Center." The petitioner also stated that there is a "Warren Hills High School" and a "Warren Hills Junior High School" in the area.

The Warren Hills High School draws students from most parts of the proposed viticultural area, according to the petitioner. The northern part of Warren County, outside the proposed area, is served by a different high school, named the "North Warren Regional High School." The Warren Hills Junior High is near the Warren Hills High School, and the two schools draw students from approximately the same area, the petitioner said.

The name "Warren Hills" derives from Warren County and from the proposed area's topography. The county was named in the early nineteenth century after a Revolutionary War patriot from the area who died in the Battle of Bunker Hill.

#### Boundaries of the Area

The proposed area is bounded by the Delaware River, the Musconetcong River, the Warren County/Sussex County line, and Paulins Kill (a stream). The boundaries may be found on 13 U.S.G.S. maps of the 7.5 minute series; namely, the Riegelsville, Easton, Bangor, Bloomsbury, Belvidere, Portland, High Bridge, Washington, Blairstown, Hackettstown, Tranquility, Flatbrookville, and Newton West Quadrangles. The boundaries would be as described in the proposed § 9.121.

#### 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 proposal, because the Notice of Proposed Rulemaking, if promulgated as a final rule, will not have a significant economic impact 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. Further, 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.

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.

#### Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of \$100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) 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.

#### 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. Further, while this document proposes possible boundaries for the "Warren Hills" viticultural area, comments concerning other possible boundaries for this 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 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 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 the circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

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

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

#### 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 revised to add the title of § 9.121, to read as follows:

\* \* \* \* \*

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

#### § 9.121 Warren Hills.

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**Par. 3.** Subpart C of 27 CFR Part 9 is amended by adding § 9.121, which reads as follows:

#### § 9.121 Warren Hills.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Warren Hills viticultural area are thirteen U.S.G.S. maps of the 7.5 minute series. They are titled:

(1) Riegelsville Quadrangle, Pennsylvania—New Jersey, 1956 (photorevised 1968 and 1973).

(2) Bloomsbury Quadrangle, New Jersey, 1955 (photorevised 1970).

(3) High Bridge Quadrangle, New Jersey, 1954 (photorevised 1970).

(4) Washington Quadrangle, New Jersey, 1954 (photorevised 1971).

(5) Hackettstown Quadrangle, New Jersey, 1953 (photorevised 1971, photoinspected 1976).

(6) Tranquility Quadrangle, New Jersey, 1954 (photorevised 1971).

(7) Newton West Quadrangle, New Jersey, 1954 (photorevised 1971).

(8) Flatbrookville Quadrangle, New Jersey—Pennsylvania, 1954 (photorevised 1971).

(9) Blairstown Quadrangle, New Jersey—Warren Co., 1954 (photorevised 1971).

(10) Portland Quadrangle, Pennsylvania—New Jersey, 1955 (photorevised 1984).

(11) Belvidere Quadrangle, New Jersey—Pennsylvania, 1955 (photorevised 1984).

(12) Bangor Quadrangle, Pennsylvania—New Jersey, 1956 (photorevised 1968 and 1973).

(13) Easton Quadrangle, New Jersey—Pennsylvania, 1956 (photorevised 1968 and 1973).

(c) *Boundary*—(1) *General*. The Warren Hills viticultural area is located in Warren County, New Jersey. The beginning point of the following boundary description is the junction of the Delaware River and the Musconetcong River, at the southern tip of Warren County (on the Riegelsville map).

(2) *Boundary Description*. (i) From the beginning point, the boundary goes northeastward along the Musconetcong River for about 32 miles (on the Riegelsville, Bloomsbury, High Bridge, Washington, Hackettstown, and Tranquility maps) to the point where it intersects the Warren County/Sussex County line;

(ii) Then northwestward along that county line for about 10 miles (on the Tranquility, Newton West, and Flatbrookville maps) to Paulins Kill;

(iii) Then generally southwestward along Paulins Kill (on the Flatbrookville, Blairstown and Portland maps) to the Delaware River;

(iv) Then generally south-southwestward along the Delaware River (on the Portland, Belvidere, Bangor, Easton, and Riegelsville maps) to the starting point.

Approved: September 17, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-22308 Filed 9-28-87; 8:45 am]

BILLING CODE 4810-31-M

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would revise the timeframes for protection of proprietary geological and geophysical data and information collected in the Outer Continental Shelf (OCS). This revision would provide additional assurance that the party that incurred the cost to produce the data and information would have a reasonable opportunity for exclusive use of them during subsequent lease sales in the general area. Two different approaches are presented for the text of the rule, and comments are solicited concerning which approach should form the basis for the final rule.

**DATE:** Comments must be received or postmarked no later than October 29, 1987.

**ADDRESS:** Comments should be mailed or hand-delivered to the Department of the Interior; Minerals Management Service; 12203 Sunrise Valley Drive; Mail Stop 646, Room 6A110; Reston, Virginia 22091; Attention: Gerald D. Rhodes.

**FOR FURTHER INFORMATION CONTACT:** Gerald D. Rhodes, telephone: (703) 648-7816.

**SUPPLEMENTARY INFORMATION:** Section 26(c) of the OCS Lands Act requires that—

The Secretary shall prescribe regulations to (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained, and (2) set forth the time periods and conditions which shall be applicable to the release of such information \* \* \*.

Current regulations of §251.14 provide a 10-year period of time during which G&G data and information collected under a permit are not available to the public without the consent of the permittee.

The MMS has issued two proposed rules which address this situation. One was published in the *Federal Register* on June 30, 1983 (48 FR 30147), and the second on February 20, 1986 (51 FR 6133).

Following the publication of these notices and analysis of the comments received in response to the notices, MMS determined that to develop the best possible rule in the area of protection of geophysical data and information collected under a permit, MMS should issue another proposed rule prior to issuing a final rule. This determination was in part due to the fact that MMS is considering two approaches as to how a final rule should be structured and believes that the public should be provided with an opportunity to comment on the

approaches. To provide MMS with the opportunity to revise the rules governing the period of protection of prelease geophysical data and information without releasing such proprietary geophysical data and information in the interim, a temporary rule which suspended the release of prelease proprietary geophysical data and information for a period of 1 year was published in the *Federal Register* on June 22, 1987 (52 FR 23440).

The MMS is now addressing comments which have been received in response to the two previous *Federal Register* Notices to the extent that those comments pertain to the subject of this proposed rule.

The notice which was published on June 30, 1983, proposed to extend the period of protection for G&G data and information collected either on a lease or under a permit. Timely comments were received in response to this publication from 20 interested parties—16 oil production/exploration companies, 1 trade/technical association, 2 States, and 1 support/service contractor.

The majority of the commenters (15 out of 20) favored the proposed change. The primary reason given for favoring the change was that the company developing costly data and information should be entitled to exclusive use of the data and information for at least one lease sale. Fewer commenters (5 out of 20) opposed the proposed change. The primary reason given for opposing the change was that it restricted the free flow of G&G data and information which are needed by the public for the development of offshore oil production and by the States to determine the impact of such development.

In developing this proposed rule change, MMS has considered both the needs of the public and the States for these data and information and the need to provide certain minimum protection for the party incurring the cost of obtaining the data.

Many commenters raised specific points concerning the proposed change in the regulations. Each of these comments was considered and is discussed below.

Several commenters questioned the use of a planning area as the criteria used to determine when a lease issuance or offering would allow release of geophysical information. Some commenters felt that this was too broad an area for the information to be relevant while other commenters felt that a planning area was not well enough defined. One commenter questioned what would be done for a

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 251**

**Geological and Geophysical Explorations of the Outer Continental Shelf**

**AGENCY:** Minerals Management Service, Interior.