

- (1) Date and time of test;
- (2) Bottling tank number;
- (3) Serial number of bottling record;
- (4) Bottling line designation;
- (5) Size of bottle;
- (6) Number of bottles tested;
- (7) Labeled alcohol content;
- (8) Alcohol content found by the test;
- (9) Percentage of variation from 100 percent fill; and
- (10) Corrective action taken, if any.

Sec. 201, Pub. L. 85-859, 72 Stat. 1395, as amended (26 U.S.C. 5555); Sec. 807(a), Pub. L. 96-39 (26 U.S.C. 5207).

Signed:

W.T. Drake,

Acting Director.

September 8, 1986.

Approved:

Francis A. Keating II,

Assistant Secretary (Enforcement).

September 28, 1986.

[FR Doc. 86-22969 Filed 10-9-86; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

[T.D. ATF-240 Re: Notice No. 585]

### North Fork of Long Island Viticultural Area

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

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area known as the North Fork of Long Island, located in Suffolk County in eastern Long Island, New York. The 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 winery owners located within the boundaries of the 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. It will also allow wineries to better designate the specific grape-growing area where their wines come from.

**EFFECTIVE DATE:** November 10, 1986.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Reisman, ATF Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-586-7828).

#### 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 also allow the name and location 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 58692) 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

ATF was petitioned for the North Fork of Long Island viticultural area by the Long Island Grape Growers Association located in Riverhead, New York. Just across the bay (south) from the North Fork of Long Island viticultural area is The Hamptons, Long Island viticultural area. The area includes all of the land in the (South Fork) Townships of Southampton and East Hampton.

The 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 of this viticultural area consists of 158.5 square miles or 101,440 acres of land. There are

5 bonded wineries operating within the viticultural area.

The basis for approval of this viticultural area was supported by the following evidence that was submitted by the petitioner:

#### Evidence of Name

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.

#### Evidence of Boundaries

The geographic area of the North Fork, although attached to a larger island, is 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 western boundary is the 6.5 mile long boundary, line separating Brookhaven and Riverhead Townships. The North Fork is 6 miles wide at its widest point and less than .5 mile wide at its narrowest point. The townships of Riverhead (78 square miles), Shelter Island (11.5 square miles) and Southold (69 square miles) make up the total area of the viticultural area. Shelter Island, although a separate land area from the mainland of Long Island, was included in the boundaries of the North Fork of Long Island viticultural area because of its immediate proximity to the mainland. Also, another reason for its inclusion in the viticultural area is because it is composed of soil associations and climate conditions similar to those on the North Fork of Long Island.

The boundaries of the "North Fork of Long Island" viticultural area may be found on five U.S.G.S. maps. Having verified the boundaries, ATF agrees that they meet the requirements for approval of the "North Fork of Long Island" as an American viticultural area.

#### Area History

The petitioner provided documentation that grape growing and limited wine production on the North Fork dates back to the settlement of the area. But more noteworthy, it was not until recent years that there have been commercial vineyards on the North Fork of Long Island, some of which are vinifera bearing. The total grape acreage on the North Fork is approximately 1000

acres, with more plantings scheduled for the future.

**Evidence of Geographical Characteristics**

*Climate*

The major distinct geographical characteristic of the North Fork when comparing it with the surrounding area is its climate. More specifically, it is the sea that surrounds the North Fork which makes it a distinct grape growing area. The surrounding waters render the viticultural area more temperate than many other places in the same latitude in the interior. The viticultural area is regularly fanned by a breeze coming off the surrounding waters. The air modulates the heat in the summer and the cold in the winter.

The climate classification of the North Fork is "humid continental." The North Fork climate is greatly influenced by the Atlantic Ocean. The ocean breezes over the viticultural area extend the period of freeze-free temperatures, reduce the range of daily and annual temperatures, and increase 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 of Long Island and the relationship of the two forks to the Atlantic Ocean and the Long Island Sound.

The single most important difference between the North Fork and South Fork is the number of days between the spring and fall frosts. In data taken from local weather stations, for the period 1973-1983, 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 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 climate on the rest of Long Island is also significantly different from the climate of the North Fork. The following data shows the differences in growing seasons that can occur from eastern Long Island to New York City.

*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

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 previous data for both Brookhaven and Patchogue. Brookhaven, located 10 miles west of the North Fork, can have as much as 50 days 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 the effect as well, is due to the great amount of industrial warmth supplied from what is mostly an urban area.

*Soils*

The second distinctive characteristic of the North Fork is its soils. The North Fork has distinctly different soil types than the South Fork (The Hamptons). The difference in soil types begins north of the Peconic River and continues eastward toward Orient Point. The major soil types are found on the North Fork as follows:

1. *Carver-Plymouth-Riverhead Association.*
2. *Haven-Riverhead Association.*
3. *Montauk-Haven-Riverhead Association.*

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.*
2. *Bridgehampton-Haven Association.*
3. *Montauk-Montauk, Sandy Variant-Bridgehampton Association.*
4. *Montauk, Sandy Variant-Plymouth Association.*
5. *Montauk-Haven-Riverhead Association.*

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. At the Town of Brookhaven/Riverhead boundary line where the forks meet, there is still some slight separation of the different soils associations. 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. 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 nonexistent in the townships west of Brookhaven.

In general, the soils of the North Fork contain a smaller percentage of silt and loam than the soils 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 they require less irrigation. The soils of the North Fork are also generally slightly higher in natural fertility than the soils of the South Fork.

Based on the previous evidence, ATF agrees that one of the major geographical features of the North Fork is its distinct soils, which are different from soils of the surrounding area.

**Discussion of Comments**

On March 21, 1986, Notice No. 585 was published in the Federal Register with a 45-day comment period. In that notice ATF invited comments from all interested parties regarding the proposal to establish "The North Fork of Long Island" viticultural area. No comments were received from the public during the comment period.

**Conclusion**

To summarize, it is important that the specific grape growing areas of Long Island be recognized and set apart from one another in order to maintain individuality and also to inform the consumer. The evidence presented in the petition and the notice of proposed rulemaking supports the fact that the North Fork of Long Island region has within its boundaries distinct and unique grape growing conditions which entitle it to be a separate American viticultural area.

On the basis of the evidence provided by the petitioner, ATF finds "The North Fork of Long Island" viticultural area to be a delimited grape growing region distinguishable by geographical features.

**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 final rule 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 this final rule, will not have a significant economic impact or impose compliance burdens on a substantial number of small entities.

#### Executive Order 12291

It has been determined that this final rule 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 35, and its implementing regulations, 5 CFR, Part 1320, do not apply to this final rule because no requirement to collect information is proposed.

#### Miscellaneous

ATF does not wish to give the impression by approving "The North Fork of Long Island" as a viticultural area that it is approving or endorsing the quality of the wine derived from this area. ATF is approving this area as being distinct and not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "The North Fork of Long Island."

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

Administrative practice and procedures, 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:

**Paragraph 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 1975.

(c) *Boundaries.* The boundaries of the proposed viticultural area are as follows: The North Fork of Long Island viticultural area is located entirely within eastern Suffolk County, Long Island, New York. The 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.

(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 line 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 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.

Signed: September 10, 1986.

Stephen E. Higgins,  
Director.

Approved: September 23, 1986.

Michael H. Lane,

Deputy Assistant Secretary, Regulatory,  
Trade and Tariff Enforcement.

[FR Doc. 86-22968 Filed 10-9-86; 8:45 am]

BILLING CODE 4810-31-M

#### 27 CFR Part 9

[T.D. ATF-238; Ref. Notice No. 593]

#### Bell Mountain Viticultural Area

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

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) has decided to establish a viticultural area in Texas to be known as "Bell Mountain." This decision is the result of a petition submitted by Mr. Robert P. Oberhelman, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising enables winemakers to label wines more precisely and helps consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** November 10, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue.