

Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than October 16, 1981.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New York's recommendation is adopted.

Kenneth A. Williams,  
Director, Office of Pipeline and Producer Regulation.

#### PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (73) to read as follows:

##### § 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographic extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM 79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(55) through (72) [Reserved]

(73) *Medina Group in New York.* *Rm 79-76 (New York-1)—(i) Delineation of formation.* The Medina Group is found in Cattaraugus and Chautauqua Counties, New York, and is bounded by Pennsylvania to the south and west and by Lake Erie to the northwest. The Medina Group is defined as the interval contacted above with the Thorold formation and contacted below with the upper Queenston Shale formation, and consists of the Grimsby Sandstone, the Power Glen shale, and the Whirlpool Sandstone.

(ii) *Depth.* The average depth to the top of the Medina Group is 4,000 feet.

The Medina Group averages a net pay thickness of approximately 55 feet.

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BILLING CODE 4717-02-90

#### DEPARTMENT OF THE TREASURY

##### Customs Service

##### 19 CFR Parts 10, 18, 114, and 143

##### Proposed Amendments to the Customs Regulations Relating to Carnets; Correction

AGENCY: Customs Service, Treasury.  
ACTION: Proposed rule; correction.

**SUMMARY:** This document corrects a typographical error in a proposed rule relating to carnets which appeared at page 48235 in the Federal Register of Thursday, October 1, 1981 (46 FR 48235).

**FOR FURTHER INFORMATION CONTACT:** Jerold O. Worley, Office of Commercial Operations, U.S. Customs Service (202-566-8607).

The following correction is made to the document:

On page 48236, left-hand column, the telephone number in parenthesis under the caption "FOR FURTHER INFORMATION CONTACT:" is corrected to read "202-566-8607."

Dated: October 14, 1981.

Steven Finter,  
Acting Director, Regulations Control and Disclosure Law Division.

[FR Doc. 81-30579 Filed 10-20-81; 8:45 am]

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#### Bureau of Alcohol, Tobacco and Firearms

##### 27 CFR Part 9

[Notice No. 385]

##### The Hudson River Region 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 in New York State to be known as "Hudson River Region." This proposal is the result of a petition submitted by Allen W. MacKinnon, proprietor of Cottage Vineyards, located in Marlboro-on-the-Hudson, New York. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better

identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

**DATE:** Written comments must be received by January 19, 1982.

**ADDRESSES:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044, (Attn: Notice No. 388).

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 4405, Federal Building, 12th and Pennsylvania Avenue NW, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW, Washington, D.C. 20226 (202) 566-7602.

##### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as 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 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 areas specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of

the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

#### Petition

ATF has received a petition proposing an area in southeastern New York State as a viticultural area to be known as "Hudson River Region." The area consists of approximately 3,500 square miles encompassing all of Columbia, Dutchess, and Putnam Counties, the eastern portions of Ulster and Sullivan Counties, nearly all of Orange County and the northern portions of Rockland and Westchester Counties.

There are nearly 1000 acres of grape plantation in the proposed area, with more than 90% of this located in Columbia and Ulster Counties.

There are 13 wineries in the proposed area, including 9 wineries which were established after a 1976 New York State law liberalized the qualification procedures for small wineries.

The following information is taken from *The Wines of America* by Leon Adams. Wine has been made continuously in the Hudson River Region for over 300 years, since French Huguenots first settled at New Paltz, NY in 1677. The first commercial winery was established in 1827 on Croton Point in Westchester County. The oldest active winery in the United States was established in 1839 at Washingtonville, NY.

The petitioner claims that the proposed viticultural area is known as a wine producing area by the name of "Hudson River Region" for the following reasons:

(a) On January 8, 1974, one winery in the area received permission from ATF to use the words "Hudson River Region" on its labels. Since then, most wineries in the area have been using that designation.

(b) The region has been recognized as a significant wine producing region in several articles in *The New York Times*, *The New York Daily News*, and *The Long Island Newsday*.

(c) Leon Adams in *The Wines of America* refers to the area as the "oldest wine growing district in the United States."

(d) In *Grapes of New York*, considered by the petitioner to be "the definitive tome on the subject of viticulture in the State of New York," written by U. P.

Hedrick as the report of the New York Agricultural Experiment Station for the Year 1907, the Hudson River District is defined as one of the four commercial grape districts in the State.

The petitioner claims that the proposed viticultural area is distinguished from the surrounding area for the following reasons:

(1) The Hudson River Region has been referred to as one of the most complex geological regions in the world. The grape lands in the area are in a geological division known as the Taconic Province. Glacial deposits of shale, slate, schist and limestone form the soil throughout the region.

(2) Climatography publications of New York and the United States show that the mean annual precipitation is approximately 44 inches. The mean date of the last freeze in Spring is May 10, and the mean date of the first freeze in Autumn is October 10. The mean growing season is approximately 153 days.

The boundaries of the proposed viticultural area may be found on four U.S.G.S. topographical maps in the scale of 1:250,000 series: Albany (NK 18-6), Hartford (NK 18-9), Scranton (NK 18-8), and Binghamton (NK 18-5). The boundaries are described in the proposed § 9.47.

#### 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, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

ATF is not able to assign a realistic economic value to using "Hudson River Region" as an appellation of origin. An appellation of origin is primarily an advertising intangible. Moreover, changes in the values of wines may be caused by a myriad of factors unrelated to this proposal.

All 13 wineries in the general area are within the proposed boundary. Therefore, any value derived from using the "Hudson River Region" appellation of origin would apply equally to all 13 wineries.

Nearby wineries located in the State of Connecticut are not in an area

historically considered to be part of the Hudson River Region.

Therefore, ATF believes 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.

#### Compliance With E.O. 12291

In Compliance with Executive Order 12291 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 geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Hudson River Region viticultural area, 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 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 90-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol,

Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

**Authority**

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

**PART 9—AMERICAN VITICULTURAL AREAS**

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.47. As amended, the table of sections reads as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.  
\* \* \* \* \*

§ 9.47- Hudson River Region.

Par. 2 Subpart C is amended by adding § 9.47. As amended, Subpart C reads as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

§ 9.47- Hudson River region.

(a) *Name.* The name of the viticultural area described in this section is "Hudson River Region."

(b) *Approved maps.* The approved maps for determining the boundaries of Hudson River Region viticultural area are four U.S.G.S. maps. They are titled:

- (1) Albany (NK 18-6), scale of 1:250,000 series;
- (2) Hartford (NK 18-9), scale of 1:250,000 series;
- (3) Scranton (NK 18-8), scale of 1:250,000 series;
- (4) Binghamton (NK 18-5), scale of 1:250,000 series;

(c) *Boundary.* The Hudson River Region viticultural area is located in New York State. The boundary is as follows:

(1) The beginning point is the point where N.Y. Route 15 (Merritt Parkway) crosses the New York-Connecticut state line.

(2) The boundary proceeds northerly along the New York-Connecticut state line and the New York-Massachusetts state line to the northeast corner of Columbia County New York.

(3) The boundary proceeds westerly along the Columbia County-Rensselaer County line to the Columbia County-Greene County line in the Hudson River.

(4) The boundary proceeds southerly along the Columbia County-Greene County line in the Hudson River to northeast corner of Ulster County.

(5) The boundary proceeds westerly along the Ulster County-Greene County line to N.Y. Route 214.

(6) The boundary proceeds southerly along the eastern side of N.Y. Route 214 to the junction with N.Y. Route 28 in Phoenicia.

(7) The boundary proceeds southerly along the eastern side of N.Y. 28 to the junction with N.Y. Route 28A.

(8) The boundary proceeds southerly along the eastern side of N.Y. Route 28A to the intersection with the secondary, all-weather, hard surface, southbound road leading toward Samsonville.

(9) The boundary proceeds southerly along the eastern side of this southbound road through Samsonville, Tabasco, Mombaccus, Fantinekill, and Pataukunk to the junction with U.S. Route 209.

(10) The boundary proceeds southerly along the eastern side of U.S. Route 209 to the New York-Pennsylvania state line in the Delaware River.

(11) The boundary proceeds easterly along the Delaware River to the New York-New Jersey state line.

(12) The boundary proceeds easterly along the New York-New Jersey state line to N.Y. Route 17.

(13) The boundary proceeds northerly along the western side of N.Y. Route 17 to the junction with Interstate Route 287.

(14) The boundary proceeds easterly along the northern side of Interstate Route 287 to the junction with N.Y. Route 15.

(15) The boundary proceeds easterly along the northern side of N.Y. Route 15 to the beginning point.

Signed: September 22, 1981.

G. R. Dickerson,  
*Director.*

Approved: October 2, 1981.

John M. Walker, Jr.,  
*Assistant Secretary, (Enforcement and Operations).*

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**FEDERAL MEDIATION AND CONCILIATION SERVICE**

**29 CFR Ch. XII**

**Semiannual Agenda of Regulatory Activity Affecting Small Businesses**

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Semiannual agenda required by the Regulatory Flexibility Act of 1980.

**SUMMARY:** The Federal Mediation and Conciliation Service does not anticipate promulgating any regulations subject to the Regulatory Flexibility Act during the

six-month period from October 1981 to April 1982.

**FOR FURTHER INFORMATION CONTACT:** Nancy B. Broff, Acting General Counsel, 2100 K Street, NW., Washington, D.C. 20427 202/653-5305.

Kennath E. Moffett,  
*Acting Director.*

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**DEPARTMENT OF EDUCATION**

**Office of Postsecondary Education**

**34 CFR Part 642**

**Training Program for Special Programs Staff and Leadership Personnel**

**AGENCY:** Department of Education.

**ACTION:** Notice of a public meeting and request for comments.

**SUMMARY:** The Secretary announces a meeting to receive oral and written comments and suggestions on the 1982-83 priorities for training under the Training Program for Special Programs Staff and Leadership Personnel. The meeting will provide consultation with regional and State professional associations as required by the Higher Education Act of 1965 as amended.

**DATES:** The public meeting will be held in Washington, D.C., on October 30, 1981.

**ADDRESSES:** The meeting will be conducted from 9:00 a.m. to 12 noon at the following location: General Services Administration Building (ROB-3), Room 1041 (Auditorium), 7th and D Streets, SW., Washington, D.C. 20202. Interested persons may either deposit their statements at the meeting or they may mail them to the contact person, at the address below.

**FOR FURTHER INFORMATION CONTACT:** John L. Hunt, U.S. Department of Education, Division of Student Services, (ROB-3, Room 3514), 400 Maryland Avenue, SW., Washington, D.C. 20202-3314. Telephone (202) 245-2511.

**SUPPLEMENTARY INFORMATION:** In establishing priorities under this program, the Department of Education is obligated by statute to consult with regional and State professional associations having special knowledge with respect to the needs and problems of this program. This notice of a public meeting is being published to increase the number of participants involved in the setting of priorities for the 1982-83 academic year for the program by extending an invitation to all interested parties.