

paragraphs (b)(2)(ii)(C) and (G) of Item 10 as follows:

In FR Doc. 87-12707 appearing in the **Federal Register** of Friday, June 5, 1987 (52 FR 21252) the amendatory language for number 6 on page 21262 column 1 should be corrected as follows:

"6. Paragraph (a)(4) of § 230.482 is revised to read as follows:"

Jonathan G. Katz,
Secretary.

Dated: March 21, 1988.

[FR Doc. 88-6539 Filed 3-24-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-269; Ref: Notice No. 641]

Cayuga Lake Viticultural Area, NY

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in New York State, within the counties of Seneca, Tompkins, and Cayuga, to be known as "Cayuga Lake." 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 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.

EFFECTIVE DATE: April 25, 1988.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow 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.

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

of which may be used as an appellation of origin.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Knapp Farms, Inc. and Plane's Cayuga Vineyard, Inc. petitioned ATF for the establishment of a viticultural area in west central New York State, to be known as "Cayuga Lake."

In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 641) in the **Federal Register** on September 16, 1987 (52 FR 34927), proposing the establishment of the Cayuga Lake viticultural area.

General Description

The Cayuga Lake viticultural area is located in New York State, within the counties of Seneca, Tompkins, and Cayuga. It surrounds and is adjacent to Cayuga Lake, between Seneca Lake and Owasco Lake, and is situated within the approved Finger Lakes viticultural area. It includes eight bonded wineries and 18 vineyards, with approximately 460 acres of grapes.

Historical and current evidence regarding the name as well as the boundaries of the viticultural area includes:

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

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

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

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

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

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

(a) Bedrock of different kinds is the main source of soil material in New York State. Within the Cayuga Lake viticultural area, the bedrock is predominantly shale. To the north of the viticultural area, it is alternating

limestone and slate formations, and to the south, it is interbedded sandstone and shale.

(b) The maximum elevation within the viticultural area is no more than 800 feet above the surface of Cayuga Lake. The elevation of the areas to the east, west and south of the viticultural area, however, is 1,000-2,000 feet.

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

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

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

Boundaries of the Area

The boundaries of the Cayuga Lake viticultural area may be found on one United States Geological Survey (U.S.G.S.) map (Elmira, New York; Pennsylvania).

The boundaries, as proposed by the petitioners, are described in § 9.127

Public Comment

In response to Notice No. 641, 23 comments were received, all in support of the proposed viticultural area.

Miscellaneous

ATF does not want to give the impression that, by approving "Cayuga Lake" as a viticultural area, it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct, but not better than other areas. By approving this area, ATF will allow wine producers to claim

a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage can only come from consumer acceptance of "Cayuga Lake" wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects 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 on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this regulation 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, 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 final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4412, Office of Public Affairs and Disclosure, 1200 Pennsylvania Avenue, NW Washington, DC.

Drafting Information

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

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for 27 CFR Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.127 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.127 Cayuga Lake.

Par. 3. Subpart C is amended by adding § 9.127 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.127 Cayuga Lake.

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

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

(c) *Boundaries.* The Cayuga Lake viticultural area is located within the counties of Seneca, Tompkins, and Cayuga, in the State of New York, within the Finger Lakes viticultural area. The boundaries are as follows:

- (1) Commencing at the intersection of State Route 90 with State Route 5 in Cayuga County, north of Cayuga Lake.
- (2) Then south along State Route 90 to a point approximately one mile past the intersection of State Route 90 with State Route 326.
- (3) Then south along the primary, all-weather, hard surface road, approximately $\frac{3}{4}$ mile, until it becomes State Route 90 again at Union Springs.
- (4) Then south/southeast along State Route 90 until it intersects the light-duty, all-weather, hard or improved surface road, approximately 1.5 miles west of King Ferry.
- (5) Then south along another light-duty, all-weather, hard or improved

surface road, approximately 4 miles, until it intersects State Route 34B, just south of Lake Ridge.

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

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

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

(9) Then west along State Route 79, approximately $\frac{1}{2}$ mile, until it intersects State Route 96.

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

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

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

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

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

Signed: February 26, 1988.

Stephen E. Higgins,
Director.

Approved: March 7 1988.

John P. Simpson,
Deputy Assistant Secretary (Regulatory,
Trade and Tariff Enforcement).

[FR Doc. 88-6515 Filed 3-24-88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 11

Natural Resource Damage Assessments

AGENCY: Department of the Interior.

ACTION: Final rule; correction.

SUMMARY: On March 20, 1987 (52 FR 9042), the Department of the Interior (the Department) published a final "type A natural resource damage assessment rule, codified at 43 CFR Part 11. The type A rule established simplified procedures for assessing damages to natural resources in coastal and marine environments where those damages result from a discharge of oil or a release of a hazardous substance and