

under Executive order 12291 or significant regulation under the regulatory policies and procedures of the Department of Transportation. Since the revision in this document is being issued for the purpose of literally complying with statutory language mandated by section 131 of the STURRA of 1987, public comment is impracticable and unnecessary. Therefore, the FHWA finds good cause to make the revisions final without notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action could result in the receipt of useful information since the revisions incorporated in the regulation require no interpretation and provide for no discretion. It is anticipated that the economic impact of this rulemaking, although mandated by the statutory provisions themselves, will be minimal. Therefore, a full regulatory evaluation is not required. For this reason and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA is amending Part 260, Subpart D of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Part 260

Grant programs—transportation, Highways and roads, Scholarships and fellowships.

Issued on: February 3, 1988.

R.D. Morgan,
Executive Director, Federal Highway Administration.

The Federal Highway Administration hereby amends Title 23, Code of Federal Regulations, Chapter I, Part 260, as set forth below.

PART 260—EDUCATION AND TRAINING PROGRAMS

1. The authority citation for Part 260 continues to read as follows:

Authority: 23 U.S.C. 315, 321 (b) and (c); 49 CFR 1.48(b).

Subpart D—State Education and Training Programs

2. Section 260.407 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 260.407 Implementation and reimbursement.

(a) After execution of the fiscal agreement, the State may make grants and contracts with public and private agencies, institutions, individuals, and the National Highway Institute to provide highway-related training and education. The principal recipients of this training shall be employees who are engaged or likely to be engaged, in Federal-aid highway work.

(c) As provided in 23 U.S.C. 321(c), education and training for subject areas that are identified by the FHWA as Federal program responsibilities, shall be provided at no cost to State and local governments.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-267; Re: Notice No. 635]

Western Connecticut Highlands Viticultural Area; CT

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

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Connecticut known as Western Connecticut Highlands. The viticultural area is made up of all of Litchfield County and parts of Fairfield, New Haven and Hartford Counties. This final rule is based on a notice of proposed rulemaking published in the Federal Register on August 11, 1987, at 52 FR 29705, Notice No. 635. 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: March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, 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 the establishment of definite viticultural areas.

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 distinguished 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 a 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 received a petition for a viticultural area encompassing the western highlands area of Connecticut which borders on New York and Massachusetts. The viticultural area is known as Western Connecticut Highlands. The petition was submitted by Mr. & Mrs. William Hopkins of Hopkins Vineyard, New Preston, Connecticut.

Within the Western Connecticut Highlands viticultural area there are four wineries, with others being

established. In addition, there are six grape growers. Overall the area covers approximately 1,570 square miles or 1,004,550 acres.

Evidence of Name

The name Western Connecticut Highlands is descriptive of the rolling hills and small mountains in the western part of Connecticut which are different from the surrounding area in Connecticut, southwestern Massachusetts and southeastern New York state.

The petitioner provided documentation from various sources to support only the name Western Highlands. The name Western Highlands has been used by the Connecticut Agricultural Experimental Station, and the U.S. Soil Conservation Service in the publication *Soils of Connecticut*, Bulletin #787, Dec. 1960, by Hill, Sauter and Gonick, to describe the area. The name Western Highlands is also commonly referred to on the General Soil Map of Connecticut. The petitioner also included excerpts from the book *Connecticut: A New Guide* by William Bixby (Scribner's, 1974). The excerpts gave a description of the Western Highlands region as well as other regions of Connecticut.

The petitioner acknowledges that the area is locally called Western Highlands. However, the petitioner chose the viticultural area name Western Connecticut Highlands because that name would distinguish the area from all other highland areas in the United States. ATF has no objection to the viticultural area name Western Connecticut Highlands since evidence of the name Western Highlands was well documented in the petition and the further qualification "Connecticut" accurately describes the geographic location of this grape-growing region.

Evidence of Boundaries

The boundaries of the viticultural area are based on distinguishing geographic features as well as established and proposed grape-growing in the area. One U.S.G.S. map was submitted by the petitioner with the boundaries prominently marked on it. The basis for recognition of these boundaries is supported by the unique name, geography and climate found only in this section of Connecticut.

Evidence of Geographic Features

(a) Physical Features

The State of Connecticut can be divided into four physiographic zones: (1) The Coastal Lowlands or Coastal Plain (Long Island Sound influence), (2)

the Central Lowlands or Central Valley (Connecticut River influence), (3) the Western Highlands and (4) the Eastern Highlands.

The Coastal Lowlands and Central Valley have elevations ranging from 0 to less than 500 feet above sea level. The long broad Central Valley actually begins far to the north in New Hampshire, Vermont and Massachusetts.

The Western and Eastern Highlands are somewhat similar in climate and other features but are geographically separated by the Central Valley. There are some bonded wineries and grape growers in the Eastern Highlands. There are no bonded wineries located in the Central Valley.

The Western Highlands are an extension of the Green Mountain and Taconic Ranges to the north in Massachusetts with the general elevation in the viticultural area varying from 200 to 1,500 feet above sea level. The Western Highlands are generally more rugged than the corresponding Eastern Highlands which have altitudes varying from 200 to 1,000 feet above sea level.

(b) Precipitation

Snowfall is heavier in the Western Connecticut Highlands than anywhere else in the state, and ranges from 35 to 100 inches annually. Long-term records indicate that there is considerable variation in seasonal amounts of snowfall in the viticultural area; in one location more than 130 inches fell in one year, during another year at the same location only 37 inches fell. Snowfall varies throughout the State; lighter along the Coastal Lowlands and heavier in the northwest portion of the viticultural area. The northwestern portion of the viticultural area receives about 100 inches of snow annually. At the Coastal Lowlands the average annual rainfall is lower than in the Western Highlands.

(c) Temperature

The Eastern and Western Highlands have mean annual temperatures of 47 °F. and 46 °F., respectively. The mean annual temperature for the Coastal Lowlands is 50 °F. and the Central Valley is 49°. Because of their relatively low elevation the Coastal Lowlands and Central Valley have warmer climates than the viticultural area. The climate of the Coastal Lowlands and to some extent the climate of the Central Valley are also greatly influenced by the moderating effect of the Long Island Sound.

The winters in Connecticut are not as long, or as severe, as they are in the northern New England states. In the fall,

freezing temperatures throughout the Connecticut regions usually begin about the middle of November, and end by the last week in March along the Coastal Lowlands and early in April in the Western and Eastern Highlands.

The area to the west of the viticultural area is the Hudson River Region, a complex distinct geological region characterized by the Hudson River Valley and surrounding hills. This area has been a grape-growing region for over 300 years. In 1982, the Hudson River Region (encompassing approximately 3,500 square miles) was established as an American viticultural area.

Immediately north of the viticultural area is the Berkshire Mountain region of Massachusetts and further north is the Green Mountain Range. The Berkshire Mountain region is similar in broad physiography to the viticultural area.

However, it is further north than the Western Connecticut Highlands and has a slightly cooler climate. The elevation is higher in the Green Mountain Range which is further into the northern interior, resulting in a more rugged terrain, colder average temperatures, and a shorter growing season than the viticultural area and the Berkshire Mountain Range.

(d) Soils and Geography

The soils within the Western Connecticut Highlands viticultural area are predominantly formed in glacial till derived from gneiss, schist and granite. The Hollis-Charlton, Paxton-Woodbridge, Charlton-Hollis, and Stockbridge-Farmington-Amelia soils are the most commonly found soil series of the Western Connecticut Highlands. The Eastern Highlands also have the same soils except that the Stockbridge-Farmington-Amelia soils are only found in the Western Connecticut Highlands.

The north-south strip of lowland bisected by the Connecticut River comprises the Central Valley, which extends northerly from the Long Island Sound into Massachusetts. Although broken with occasional traprock ridges, most of the land is gently sloping with productive agricultural soils.

The Central Valley is dominated by soils formed in glacial till derived from sandstone, shale, conglomerate and basalt.

The Wethersfield-Holyoke-Broadbrook, Penwood-Manchester, Windsor-Ninigret-Merrimac, Elmwood-Buxton-Scantic, and Hadley-Winooski soils are the most commonly found soil series of the Central Valley. These soil series are not found in the Western or Eastern Highlands.

Connecticut's southern boundary is formed by 253 miles of irregular shoreline on the Long Island Sound. Along this shore stretches a narrow strip of fairly level land designated as the Coastal Lowlands. The coastline is characterized by alternating limited sections of sandy beach, rocky bluffs, and salt water marshes, indented with numerous small coves and inlets. This area is greatly influenced by the moderating temperatures of the Long Island Sound.

Notice of Proposed Rulemaking

On August 11, 1987, Notice No. 635 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 "Western Connecticut Highlands" as an American viticultural area. No comments were received from the public during the comment period.

Miscellaneous

ATF does not wish to give the impression by approving "Western Connecticut Highlands" 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 viticultural 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 "Western Connecticut Highlands."

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 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 on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule 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.

Drafting Information

The principal author of this document is Edward A. Reisman, 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

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

PART 9—[AMENDED]

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 9.122 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.
* * * * *
9.122 Western Connecticut Highlands.

Par. 3. Subpart C is amended by adding § 9.122 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.122 Western Connecticut Highlands.

(a) *Name.* The name of the viticultural area described in this section is "Western Connecticut Highlands."

(b) *Approved map.* The approved map for determining the boundaries of the "Western Connecticut Highlands" viticultural area is 1 U.S.G.S. 1:125,000 series map. It is titled State of Connecticut, Compiled in 1965, Edition of 1966.

(c) *Boundary description.* The boundaries of the proposed Western

Connecticut Highlands viticultural area are as follows:

(1) The beginning point is where Connecticut Route #15 (Merritt Parkway) meets the Connecticut-New York State line near Glenville, CT, in the Town of Greenwich.

(2) The boundary goes approximately 80 miles northerly along the Connecticut-New York State line to the northwest corner of Connecticut at the Town of Salisbury (Connecticut-New York-Massachusetts State line);

(3) The boundary proceeds approximately 32 miles east along the Connecticut-Massachusetts State line to the northeast border of the Town of Hartland;

(4) The boundary runs approximately 5 miles south along the eastern boundary of the Town of Hartland to the northeast corner of the Town of Barkhamstead (Litchfield-Hartford County line);

(5) The boundary then goes south approximately 25 miles along the Litchfield-Hartford County line to the southeast corner of the Town of Plymouth (Litchfield-Hartford-New Haven County line);

(6) The boundary then travels approximately 7 miles west along the Litchfield-New Haven County line to Connecticut Route #8 at Waterville in the Town of Waterbury;

(7) The boundary proceeds approximately 25 miles south along Connecticut Route #8 to the intersection of Connecticut Route 15 (Merritt Parkway) near Nichols in the Town of Trumbull;

(8) The boundary travels approximately 32 miles west along Connecticut Route 15 (Merritt Parkway) to the beginning point.

Signed: January 11, 1988.

Stephen E. Higgins,
Director.

Approved: January 19, 1988.

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

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Upper Delaware Scenic and Recreational River, Pennsylvania and New York; Fishing Regulations

AGENCY: National Park Service, Interior.