

20. What factors should be considered in identifying the impact on manufactured home purchasers and occupants if there is no Federal Standard and how can these be quantified?

21. Should a label warning of the possible danger of exposure to formaldehyde gas be required for all manufactured homes by this or any other Agency?

{Sec. 625 of the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5403}

Issued at Washington, D.C. August 20, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 381]

Lancaster Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is proposing the establishment of an American viticultural area in the State of Pennsylvania known as "Lancaster Valley." The proposal is based on a petition from a bonded winery, and would allow the "Lancaster Valley" viticultural area designation to be used for labeling and advertising of certain wines.

DATE: Written comments must be received by November 27, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Attention: Notice No. 381.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Telephone: 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. 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.

Section 9.11, Title 27, CFR, defines an American Viticultural area as a delimited grape growing region distinguishable by geographic 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 area specified in the petition;

(b) Historic 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 are 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 has received the first petition to establish a viticultural area within the State of Pennsylvania. The proposed area, located in southeastern Pennsylvania, would be known as "Lancaster Valley" and is primarily located within Lancaster County with a small portion extending into Chester County. Lancaster Valley is approximately 31 miles long and 12 miles wide and contains about 225,000 acres.

The petitioner, Conestoga Vineyards, is a bonded winery located in the city of Lancaster. The petitioner states that the criteria used to differentiate the Lancaster Valley from surrounding areas are topography, soils, and geology.

The petitioner bases the petition on the following information:

(a) Lancaster County is located in the Piedmont Province physiographic division, which is further subdivided

within the county into the Piedmont Upland, Northern Piedmont Lowland, and the Lancaster-Frederick Lowland. Lancaster Valley is located in the Lancaster-Frederick Lowland.

The topography of the Lancaster Valley is nearly level. It is a gently rolling plain averaging 400 feet in elevation. At its eastern edge, the valley raises to an average of 500 feet and over a distance of 30 miles the valley descends 200 feet to an altitude of 300 feet at its western edge along the Susquehanna River. The valley has areas of higher elevation and increasing slope at its boundaries.

The Lancaster Valley is generally bounded by areas of higher elevation ranging from 100 to 600 feet above the valley floor. These include the Welsh Mountain (1,000 feet), and the Baron Hills (800 feet) on the eastern boundary. The Gap Hill (800 feet), Mine Ridge (800 feet), Bunker Hill (540 feet), the Piedmont Upland (500 feet), and Turkey Hill (600 feet) are higher elevations along the southern boundary. Along the western boundary are the Manor Hills (600 feet), Chestnut Ridge (600 feet), Chestnut Hill (660 feet), and Chickies Ridge (620 feet). Higher elevations on the northern boundary include the Northern Piedmont Lowland (500 feet), Sporting Hill (500 feet), Kissel Hill (500 feet), Ephrata Mountain (800 feet), and Turkey Hill (840 feet).

(b) The soils found in the Lancaster Valley are typical of those derived from limestone. They are deep, well drained, highly productive soils with a high moisture holding capacity. Only two major soil associations are found in the Lancaster Valley: The Duffield-Hagerstown association and the Conestoga-Hollinger association. The soils bordering the Lancaster Valley are generally of other associations that are not as productive, deep, or well drained.

(c) The topography and soils of the Lancaster Valley result from the geology of the area. The valley is a limestone bed that has been weathered to a gently rolling plain. The limestones found in the valley include Conestoga, Beekmantown, Conococheague and Elbrook limestones, with Ledger and Vintage dolomites.

The hills and upland areas surrounding the Lancaster Valley are composed of harder rocks (quartzite, schist, gneiss, etc.) that are more resistant to erosion and weathering than the softer and more soluble limestones of the valley. The deep, fertile soils of the valley were formed from the insoluble and weathered products left from the decay of the parent limestones. The formation of the Lancaster Valley

resulted from the presence of a large unbroken expanse of limestone.

(d) Lancaster County has a long history of grapegrowing. In "Climatic Factors and the Potential for Wine-Grape Production in Several Areas of Pennsylvania,"¹ Carl W. Haeseler notes that early colonists planted wine grapes in several areas of southeastern Pennsylvania, including Middletown and York. By 1826, he states there were 150 acres of grapes, primarily Alexander, centered around York, with additional acreages in Adams, Chester, Lancaster and Westmoreland Counties. Haeseler further notes that although the grape industry in the area eventually succumbed to disease, "York and Lancaster Counties are considered among the starting places of American viticulture."

The petitioner states that today there are approximately 41.5 acres of wine grapes within the Lancaster Valley viticulture area and that there are two bonded wineries within this area. These wineries grow grapes within the proposed viticultural area and purchase additional grapes from within and outside of the area.

(e) The climate is not a factor in differentiating the Lancaster Valley from the surrounding area. Because of the lack of high mountains to block weather patterns, the climate throughout Lancaster County is relatively uniform.

The county lies in an area of prevailing westerly winds which originate in the interior of North America. The Atlantic Ocean to the east (130 miles) represents a modifying factor and source of moisture. These conditions give a "Humid Continental" type of climate. The average annual temperature is 52.1° Fahrenheit with the coldest month being January (30.4° Fahrenheit) and the warmest month July (74.0° Fahrenheit). Precipitation occurs fairly evenly throughout the year with an average of 41 inches.

(f) The name Lancaster Valley is utilized by the Pennsylvania and United States Geologic Surveys to describe the region proposed in this viticultural area. The valley is located almost entirely within Lancaster County, Pennsylvania and Lancaster is the name of the largest city within the county and proposed viticultural area. The city of Lancaster was founded in 1718 and Lancaster County was established in 1729.

¹Progress Report 303, January 1970, the Pennsylvania State University, College of Agriculture, Agricultural Experiment Station, University Park, Pennsylvania; Carl W. Haeseler.

Proposed Boundaries

The proposed viticultural area would occupy the middle third of Lancaster County, Pennsylvania. The valley would consist of that area delineated on the east by the 500 foot contour line and the Welsh Mountains. The southern boundary is delineated by the 500 foot contour line extending along Mine Ridge to the 76° 07'30" line of longitude. From there the boundary passes in approximately a straight line south of the town of Strasburg and south of Willow Street to the confluence of Stehman Run and Conestoga River. The boundary continues along Indian Run and Wisslers Run to the 300 foot contour line. The western boundary would be delineated by the 300 foot contour line above the Susquehanna River, Pennsylvania Highway 441 between Marietta and Bainbridge, and would exclude the Manor Hills, Chestnut Hills, Chestnut Ridge, and the Chuckles Ridge. The northern boundary would be delineated by an irregular line extending from Bainbridge to Rheems, which then passes north of Mount Joy and south of Manheim, Lititz, Akron, Ephrata and Terre Hill to the intersection with Berks County at Pennsylvania Highway 23.

The exact boundaries of the proposed area and the appropriate U.S.G.S. Maps used to determine the boundaries are listed in the proposed regulation.

Public Participation

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this notice proposes possible boundaries for the Lancaster Valley viticultural area, suggestions concerning alternative boundaries will be given consideration prior to any final decision. ATF especially solicits comments on ways in which to simplify the proposed boundaries of this viticultural area.

All 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 in comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt for disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit his or her request, in writing, to the Director within

the 90-day comment period. The Director reserves the right to determine whether a public hearing should be held.

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 this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have a 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.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 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 geographic regions; and it will not have a 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.

Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended to add § 9.41. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.41 Lancaster Valley.
* * * * *

Par. 2. Subpart C is amended by adding § 9.41. As added, § 9.41 reads as follows:

§ 9.41 Lancaster Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Lancaster Valley viticultural area are two U.S.G.S. maps. They are entitled:

(1) "Lancaster County, Pennsylvania", scaled 1:50,000; and

(2) "Honey Brook Quadrangle", 7.5 minute series.

(c) *Boundaries.* The Lancaster Valley viticultural area is primarily located in Lancaster County, Pennsylvania with a small portion extending into western Chester County, Pennsylvania. The beginning point is where Pennsylvania Highway 23 crosses the Lancaster and Berks County line.

(1) Thence in a southeasterly direction following the Lancaster County boundary for approximately 0.9 miles to the 500 foot contour line immediately south of the Conestoga River.

(2) Thence following the 500 foot contour in a southwesterly direction to the Caernarvon-East Earl Township boundary.

(3) Thence south approximately 0.1 mile following the Caernarvon-East Earl Township boundary to U.S. Highway 322.

(4) Thence west following U.S. Highway 322 for approximately 1.7 miles to the electric transmission line between Fetterville and Cedar Grove School.

(5) Thence southwest in a straight line for approximately 5.2 miles to the intersection of Earl, Upper Leacock, and Leacock Townships at the Mill Creek.

(6) Thence southeast following the boundary between Earl Township and Leacock Township to the point where Earl, East Earl, Salisbury, and Leacock Townships intersect.

(7) Thence east in a straight line for approximately 4.9 miles to the point where the 500 foot contour line intersects Pequa Creek northwest of Mt. Pleasant School.

(8) Thence following the 500 foot contour line past Cole Hill through the town of Gap and along Mine Ridge to the 76°07'30" west longitude line in Paradise Township.

(9) Thence southwest in a straight line for approximately 7.2 miles to the Boehm Church south of Willow Street.

(10) Thence northwest in a straight line for approximately 1.2 miles to the township school in West Willow.

(11) Thence west in a straight line for 4.2 miles to the confluence of Stehman Run and the Conestoga River.

(12) Thence northwest in a straight line for approximately 0.5 mile to the confluence of Indian Run and Little Conestoga Creek.

(13) Thence west following Indian Run for approximately 3.6 miles to the source of the more northerly branch.

(14) Thence northwest in a straight line for approximately 0.25 mile to the source of Wisslers Run.

(15) Thence west following Wisslers Run downstream for approximately 0.7 mile to the 300 foot contour line.

(16) Thence north following the 300 foot contour line to its intersection with Pennsylvania Highway 999 in Washington Boro.

(17) Thence east following Pennsylvania Highway 999 to the school in Central Manor.

(18) Thence northeast in a straight line for approximately 2.7 miles to the point where the West Branch of the Little Conestoga Creek intersects with Pennsylvania Highway 462.

(19) Thence west following Pennsylvania Highway 462 for approximately 1.5 miles to Stickler Run.

(20) Thence following Stickler Run southwest to the Columbia municipal boundary.

(21) Thence north following the eastern boundary of Columbia to Shawnee Run.

(22) Thence northeast in a straight line for approximately 5.8 miles to the intersection of Pennsylvania Highway 23 and Running Pump Road [unnamed on map] at elevation check point 436 near Centerville.

(23) Thence east following Pennsylvania Highway 23 for approximately 0.5 mile to the 400 foot contour line.

(24) Thence following the 400 foot contour line north around Chestnut Ridge, past Millers Run and continuing until the 400 foot contour line intersects an unnamed stream.

(25) Thence due south in a straight line for approximately 0.2 mile to the East Hempfield-West Hempfield Township boundary.

(26) Thence southeast following the East Hempfield-West Hempfield Township boundary for approximately 0.8 mile to Pennsylvania Highway 23 at Oyster Point.

(27) Thence west following Pennsylvania Highway 23 to the

intersection with Pennsylvania Highway 441 at Marretta.

(28) Thence west following Pennsylvania Highway 441 to Pennsylvania Highway 241 near Bambrdge.

(29) Thence northwest in a straight line for approximately 5.5 miles to the point where the Consolidated Railroad Corporation [formerly the Pennsylvania Railroad main line] crosses the West Donegal-Mount Joy Township boundary in Rheems.

(30) Thence east in a straight line for approximately 3.3 miles to the Mt. Pleasant Church.

(31) Thence southeast in a straight line for approximately 2.6 miles to the intersection of Pennsylvania Highways 283 and 141.

(32) Thence northeast following Pennsylvania Highway 141 to the crossroads in Sporting Hill.

(33) Thence east in a straight line for approximately 2.0 miles to the point where the 400 foot contour lines crosses Pennsylvania Highway 72 south of Valley View.

(34) Thence following the 500 foot contour line east to Pennsylvania Highway 501.

(35) Thence east in a straight line for approximately 2.9 miles to the Union Meetinghouse.

(36) Thence southeast in a straight line for approximately 1.2 miles to the point where Pennsylvania Highway 272 crosses Cocalico Creek (which forms the boundary between West Earl and Warwick Townships).

(37) Thence northwest following the West Earl Township boundary to its intersection with U.S. Highway 322 southeast of Ephrata.

(38) Thence east in a straight line for approximately 3.4 miles to the Lincoln Independence School.

(39) Thence southeast in a straight line for approximately 1.7 miles to the West Terre Hill School.

(40) Thence east in a straight line for approximately 8.5 miles to the beginning point.

Signed: July 21, 1981.

G. R. Dickerson,
Director.

Approved: August 10, 1981.

John M. Walker, Jr.,

Assistant Secretary, Enforcement and Operations.

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