By the direction of the Commission. Commissioner Sousa dissented.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. The authority citation for Part 2 is added to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive order 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 551–557 (1982); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717–717z (1982); Federal Power Act, 16 U.S.C. 791a–828c (1982); Natural Gas Policy Act, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976), unless otherwise noted.

§ 2.67a [Removed]

2. Section 2.67a is removed.

[FR Doc. 85–4842 Filed 2–27–85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 559]

Proposed Establishment of Cumberland 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 proposes to establish in portions of the States of Maryland and Pennsylvania an American viticultural area to be known by the appellation "Cumberland Valley." This proposal is based on a petition filed jointly by Charles M. Webster, a grower of wine grapes in Sharpsburg, Maryland, and Robert W. Ziem, the proprietor of a vineyard and bonded winery in Downsville, Maryland.

The use of the name of an approved viticultural area as an appellation of origin in the labeling and advertising of wine allows the proprietor of a winery to designate the area as the locale in which grapes used in the production of a wine are grown and enables the consumer to identify and to differentiate between that wine and other wines offered at retail.

DATE: Written comments must be received by April 29, 1985.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385 (Ref: Notice No. 559) Washington, DC 20044–0385.

Copies of the petition, of the proposed regulations, of the appropriate maps, and of the written comments are available for public inspection during normal business hours at: ATF Reading Room, New Post Office Building, Room 4407, 1200 Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Coordinator, FAA, Wine and Beer Branch, Room 6237, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: (202) 566–7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, Part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added to Title 27 a new Part 9 providing for the listing of approved American viticultural areas.

Section 4.25a(e)(1) 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 shall 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 features of the proposed area from surrounding areas;

(d) A description of the specific boundary of the proposed 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 (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundary prominently marked.

Petition

In December 1982, ATF received the petition submitted by Mr. Webster and Mr. Ziem for the establishment of a viticultural area in Washington County, Maryland, to be known as "Cumberland Valley, Maryland." ATF's initial examination of the U.S.G.S. maps and the Washington County, Maryland, soil survey submitted with the petition indicated that the area for which the petition was submitted is more commonly known as the Hagerstown Valley, a portion of the larger Cumberland Valley which extends north above the Mason-Dixon Line, the geopolitical boundary between the States of Maryland and Pennsylvania. In light of this determination, the petitioners agreed to amend the petition to include the portions of the Cumberland Valley which are located in Franklin and Cumberland counties in Pennsylvania and to petition for the name "Cumberland Valley."

The Cumberland Valley is an 80-mile long valley which bends in a northeasterly direction from the Potomac River in Washington County, Maryland, to the Susquehanna River in Cumberland County, Pennsylvania. The valley is bordered on the southeast by South Mountain, which is the northernmost extension of the Blue Ridge Mountains, and on the northwest by the Allegheny Mountain complex. The principal streams that drain the valley are Conococheague Creek and Antietam Creek, tributaries of the Potomac River, and Conodoguinet Creek and Yellow Breeches Creek, tributaries of the Susquehanna River. The land drained by these streams shares similar geological history, topographical features, soils, and climatic conditions.

The boundary of the proposed viticultural area encompasses approximately 1,200 sequare miles of 765,000 acres. The petitioners state that within the Cumberland Valley there are approximately 60 acres devoted to the cultivation of wine grapes and there are three bonded wineries. Due to the effects of soil, drainage, rainfall, frost and winter kill, the areas of this valley which are devoted to viticulture consist primarily of high terraces along the north bank of the Potomac River, hills and ridges in the basin of the valley, and upland areas along the slopes of South Mountain.

Name

The petitioners state that the proposed viticultural area is known locally and nationally by the name "Cumberland Valley" and that the use

of this name is well documented. The name was given to the valley in 1736 by the earliest settlers who came from Cumberland County, England. In 1751 the name was formally adopted when the northeast part of the valley was named Cumberland County and the City of Carlisle (PA) was named for its counterpart in Cumberland County, England. Today, numerous references to the name of the valley are made in industrial, business and organizational names.

Geography

The proposed Cumberland Valley viticultural area consists of a large elongated intermountain valley and the immediately surrounding upland areas. Mountains of the Allegheny Mountain complex form the western and northern portions of the boundary of the proposed viticultural area and South Mountain, the northernmost extension of the Blue Ridge Mountain complex, forms the southern and eastern portions of the boundary. The southwestern and northeastern portions of the boundary are, respectively, the northeast bank of the Potomac River in Maryland and the southwest bank of the Susquehanna River in Pennsylvania. The valley is approximately 80 miles long from river to river. Its width is approximately 20 miles along the Potomac River (MD), approximately 24 miles at the Mercersburg–Waynesboro (PA) corridor, approximately 12 miles near Shippensburg (PA), and narrows to approximately 8 miles at Harrisburg (PA) along the Susquehanna River.

Distinguishing Characteristics

The petitioners claim that the proposed viticultural area is distinguished geographically from surrounding areas by its topography, geology and soils, and to a lesser extent by climatological characteristics.

Topography

The topography of the basin of the Cumberland Valley is nearly level. The basin of the valley is a gently rolling plain which at its western edge along the Potomac River is approximately 300 feet above sea level and which over a distance of approximately 80 miles gradually ascends to an average elevation of 600 feet above sea level and then descends to an altitude of 300 feet above sea level along the Susquehanna River. The valley floor has some areas of higher elevation, i.e., lowlying hills and ridges.

While the elevation of the arable land averages 600 feet above sea level, the portions of the boundary to the northwest, north and southeast are higher due to the slopes of the mountains. The ridges and peaks of these mountains range from 1000 feet to 2100 feet above sea level. The areas of higher elevation range from 700 feet to 1600 feet above the valley floor and include South Mountain (2145 feet) to the south and east of the valley floor, the Bear Pond Mountains (2062 feet), Cove Mountain (1582 feet), and Kittatinny Mountain (2056 feet) to the west and Blue Mountain to the north (2000 feet). Most of the land above 1,000 feet in elevation is stoney and unsuitable for agriculture, and consequently, remains forested.

Geology

The Cumberland Valley is an example of a mountain landscape that has been formed by erosion during a long interval of geologic time and that has reached a condition of dynamic equilibrium in which the adjustment between the landforms and the rocks beneath is nearly complete.

The Cumberland Valley is a segment of the Great (Limestone) Valley, a long and fertile lowland trough, underlain by Cambrian and Ordovician limestone and shale, that extends along the axis of the Appalachian Highlands from the State of Alabama north into Canada. It is geologically well defined by South Mountain to the south and east and by the Allegheny Mountains to the west and north. The segment of the Great Valley lying to the northeast of the Cumberland Valley is known as the Lebanon Valley and the segment lying to the southwest is known as the Shenandoah Valley.

Soil Characteristics

The topography and soils of the Cumberland Valley result from the geology of the area. The valley is a limestone bed that has been weathered to a gently rolling plain. The valley lies at approximately 600 feet above sea level between low mountains that rise to an elevation of about 2,000 feet above sea level and belong to the easternmost fringes of the Appalachian Mountains. The mountains to the west, north and south of the valley are formed of sedimentary, metamorphic sedimentary, and igneous rocks while the valley is composed almost entirely of limestone.

The soils found in the Cumberland Valley are typical of those derived from limestone. The Shenandoah and Lebanon valleys, respectively to the southwest and northeast, are contiguous segments of the Great (Limestone) Valley and bear soil characteristics similar to those of the Cumberland Valley. The soils in these valleys are deep, well drained, generally alkaline, and highly productive with a high moisture holding capacity whereas the mountains which border the Cumberland Valley to the west, north and south, have soils generally of associations which are not a productive, deep, or well drained and which are acidic.

The General Soil Map of Pennsylvania, prepared by the Pennsylvania State University in collaboration with the Soil Conservation Service of the U.S. Department of Agriculture, and General Soil Map of Maryland, prepared by the University of Maryland in collaboration with the Soil Conservation Service of the U.S. Department of Agriculture, show that the soils suitable for agriculture in the valley can, in fact, be used to delineate the basin of the valley from the surrounding highlands.

Data from the soil surveys for Washington County in Maryland and the counties of Franklin and Cumberland in Pennsylvania strongly support carrying the Cumberland Valley appellation all the way from the Potomac River to the Susquehanna River.

The major soil association found in the three counties which make up the Cumberland Valley and Berks, Hagerstown and Murrill and are distributed within the total land area of each county as follows:

Name of county	Soil associations (in acres)			Total acres
	Berks	Hagers-town	Murrill	
Washing-ton (MD)..	15,000	136,000	19,000	295,680
Franklin (PA)	15,000	154,000	43,500	482,680
Cumber-land (PA)	61,000	58,000	12,700	335,000
Totals ..	226,000	348,000	75,200	1,113,360

Washington County, Maryland. Soils of the Waynesboro association are found almost entirely on the high terraces along the Potomac River. The Waynesboro soils consist of very old, acid alluvium, mostly gravelly, which has been eroded from highland areas and deposited in rather thick beds above the Potomac River. These soils are well-drained, deep and medium-textured, but require liming in order to be productive for grapegrowing.

Soils of the Berks association have differences in capability depending upon underlying rock formations which can be either limestone (alkaline) or other than limestone (acidic). Berks soils require periodic liming in order to be productive. Berks soils found on slopes hold less moisture than Berks soils

found along the beds of creeks which drain the basin of the valley. However, the Berks soil along creek beds is not used for the cultivation of fruit.

Soils of the Murrill association are underlain by limestone and are influenced by limestone materials. These soils are used generally for farming with emphasis on dairying and other livestock enterprises. There are orchards and vineyards on the somewhat higher intermediate slopes where air drainage is better. These soils occur on the lowest western slopes of South Mountain, from the Pennsylvania line southward almost to Rohrersville, Maryland. These soils are also on the lowest western slopes of Elk Ridge from near Porterstown southward to the Potomac River; in a small isolated area just north of Antietam; and in a large area on the lowest eastern slopes of Fairview Mountain, from the Pennsylvania line southward beyond Clear Spring and southeastward to the Potomac in the vicinity of Two Locks.

Soils of the Hagerstown-Duffield-Frankstown association occupy most of the main basis of the Great (Limestone) Valley that crosses Washington County between South Mountain and Fairview Mountain. These are the dominant soils which make up more than 90 percent of soils in the valley in Washington County and are the most important in its agricultural economy which lies chiefly in corn, small grains, hay crops, dairying, breeding of livestock, and fruit crops.

Franklin County, Pennsylvania. Like Washington County, Maryland, Franklin County, Pennsylvania, is located primarily in the Great Limestone Valley.

The principal soil associations in Franklin County are: Hagerstown-Duffield, Murrill-Laidig and Weikert-Berks-Bedington.

The deep and well drained Hagerstown-Duffield soils make up about 32 percent of the land in the county and are found in the limestone valleys which are dedicated to crops, fruit, hay, and pasture.

The Murrill-Laidig association consists of deep, well-drained, gently sloping to moderately steep soils formed in colluvium on the foot slopes and benchlike areas on mountainsides. Nearly all of the soils of this association have been cleared and are used for crops, hay, pasture and fruit. They are among the best in Franklin County for farming.

The Weikert-Berks-Bedington association soils are shallow to deep, well-drained, soils formed in materials weathered from shale and interbedded shale, siltstone and sandstone and are found in the falleys where crops are planted.

Cumberland County, Pennsylvania. Although the soils in Cumberland County have been surveyed, the report of the survey is presently being drafted and will not be published for at least another year. Mr. Charles Pannebaker of the Soil Conservation Service in Carlisle, Pennsylvania, furnished field data and a preliminary map which shows continuation into Cumberland County of the major soil types found in Washington and Franklin counties. The Hagerstown type soil (limestone) continues all the way to the floodplain of the Susquehanna River and the Murrill colluvial fans (sandstone over limestone) continue along the slopes of South Mountain.

Climatological Characteristics

With exceptions of the Shenandoah Valley and the Lebanon Valley, which lie respectively to the southwest and northeast and which have similar climatological characteristics, climate is a feature which differentiates the Cumberland Valley from other surrounding areas. Because of the location of the Allegheny Mountain complex to the west and north and the Blue Ridge Mountain complex to the south, as well as the movement of warm, moist air northward from the Gulf of Mexico within the basin of the Great (Limestone) Valley, the climate, including average temperature and precipitation, is relatively uniform throughout the Cumberland Valley.

The valley lies in an area of prevailing westerly winds which originate in the interior of North America. Warm, moist air from the Gulf of Mexico flows northward along the basin of the Great (Limestone) Valley into and beyond the Cumberland Valley. In addition, the Atlantic Ocean to the east is a modifying factor and an occasional source of warmth and moisture. These conditions give a "Humid Continental" type of climate, typical of the Middle Atlantic States. Most weather systems that affect this area originate in Canada or on the Central Plains of the United States, are caught up in the prevailing westerly flow aloft, gradually acquire some of the characteristics of the underlying land as their air masses move eastward over the Appalachian Mountains, and lose their moisture in the form of precipitation over the basin of the valley.

By the time an air mass has passed over the Appalachian chain, it is considerably modified in both temperature and moisture. After cooling and losing moisture while traversing the mountains, an air mass tends to warm and at least partly replenish its moisture supply over the valley. Orographic uplift along the windward side of South Mountain, which forms the eastern portion of the border of the proposed viticultural area, results in increased cloudiness and the greatest precipitation along this eastern ridge. Annual temperatures generally average near 53 ° F over the Cumberland Valley but at higher elevations along the western and eastern borders they average two to three degrees colder. Precipitation also follows topographical features; the annual average is 40 inches in the western mountain and valley region and approximately 45 inches in the South Mountain region. The Lower totals along the western border are due to the drying of the air mass over the mountains farther west and the lack of a moisture source.

Average temperature and precipitation are relatively consistent throughout the valley. In addition to the data obtained by the petitioners from weather stations within and outside the proposed boundary of the petitioned area, ATF has found evidence presented in the notices and Treasury decisions for the Catoctin, Lancaster Valley, and Shenandoah Valley viticultural areas that documents the climatological differences between the Cumberland Valley and surrounding areas.

The climate of the Catoctin viticultural area (see Notice No. 455 and T.D. ATF-154) which lies to the south of the Cumberland Valley has an average annual rainfall of 36-42 inches, temperatures of 50-55 degrees F., and a frost-free season of 160-170 days. The Lancaster Valley viticultural area (see Notice No. 381 and T.D. ATF-102) to the southeast of the Cumberland viticultural area has an average annual rainfall of 40-42 inches, temperatures of 55-60 degrees F., and a frost-free season of 170-180 days. The Shenandoah Valley viticultural area (see Notice No. 419 and T.D. ATF-120) to the southwest of the Cumberland Valley has an average annual rainfall of 34-38 inches, temperatures of 54-56 degrees F., and a frost-free season of 150-160 days.

The petitioner cites data from three weather stations of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, specifically the stations at Chewsville (elev. 640 feet) located near Hagerstown (MD) at the southern end of the valley, Chambersburg (PA) located centrally (elev. 570 feet), and Carlisle (PA) located in the northeastern end of the valley (elev. 465 feet). These stations show average temperatures ranging from 51.6 °F to 53.4 °F, total precipitation

from 34.9" to 39.8", and degree growing days of 3050 at Chewsville, 2890 at Chambersburg, and 3150 at Carlisle. The average annual temperature is 52 °Fahrenheit with the coldest month being january (32 °Fahrenheit) and the warmest month being July (75 °Fahrenheit). Based upon data recorded at Chambersburg, annual precipitation averaging 38.25 inches occurred fairly evenly throughout the 30 years, from 1931 to 1960.

In summer, several periods of hot and humid weather are observed, however, and valley temperatures reach into the nineties about 30 times during summer. On the average, daytime highs reach the mid to upper eighties and nighttime lows are near 60°. Temperatures in the mountains are somewhat cooler.

Freezing temperatures have not been experienced during summer in the valley. Clud cover is at a minimum in summer; the valley receives more than 60 percent of the available sunshine, and nights are generally clear.

The prevailing wind is southwest and averages 8 miles per hour. Rainfall is generally adequate, but dry periods of 2 to 3 weeks are sometimes experienced. Summer rainfall is usually in the form of afternoon and evening thundershowers, which occur on an average of 24 days during the period June through August.

The length of the growing season is fairly consistent over the valley and averages 160 to 170 days. Frost occurs as late as mid-May and as early as mid-September. A somewhat shorter growing season exists in the mountains. About 57 percent of the annual precipitation falls during spring and summer.

The climatological characteristics of the Cumberland Valley and surrounding areas may be summarized by the following averages:

Name of area	Temperature	Rainfall	Frost-free days
Mountains (west)	48° to 50 °F	40"	Less than 160.
Mountains (north)	48° to 50 °F	40"	Less than 160.
South Mountain	49° to 52 °F	45"	Less than 160.
Catoctin	50° to 55 °F	36" to 42"	160 to 170.
Cumberland Valley	51° to 54 °F	34" to 40"	160 to 170.
Shenandoah Valley	54° to 56 °F	34" to 38"	150 to 160.
Lancaster Valley	55° to 60 °F	40" to 42"	170 to 180

Proposed Boundary

The petitioners claim that the boundary of the proposed viticultural area is as specified in the amended petition.

The boundary of the proposed Cumberland Valley viticultural area may be found on 32 United States Geological Survey Maps of the 7.5 minute series, scale 1:24,000. The boundary, as amended by ATF with the consent of the petitioners, is described in proposed § 9.105.

Viticulture in Proposed Area

The following statistics were developed from information (not necessarily in the petition) available to ATF:

(1) Total acreage in the proposed area—approximately 765,000 acres.

(2) Commercial vineyards (winegrapes)—approximately 20 acres in Maryland and approximately 40 acres in Pennsylvania.

(3) Commercial wineries—oen in the Maryland portion of the proposed area and two in the Pennsylvania portion.

Grapes grown commercially for winemaking are mainly Labrusca and Labrusca/vinifera crosses (French hybrids). Only a few vinifera grapes are grown commercially in the proposed area.

Compliance With Executive Order 12291

It has been determined that this proposed regulation 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 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.

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 will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens 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.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) 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.

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.

Public Participation

ATF requests comments from all interested parties. 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 is specifically interested in whether all portions of the area as proposed in this notice are known by the name "Cumberland Valley" and whether the name "Cumberland Valley" has national recognition.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a 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.

The Director reserves the right to determine, in light of all circumstances, whether a public hearing will be necessary.

Drafting Information

The principal author of this document is Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended), ATF proposes to amend Title 27, Code of Federal Regulations, Part 9, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of Sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.105 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.105 Cumberland Valley.

Par. 2. Subpart C is amended by adding § 9.105 as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.105 Cumberland Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Cumberland Valley viticultural area are the following 32 U.S.G.S. topographical maps of the 7.5 minute series:

(1) "Williamsport Quadrangle", edition of 1969.

(2) "Shepherdstown Quadrangle", edition of 1978.

(3) "Keedysville Quadrangle", edition of 1978.

(4) "Middletown Quadrangle", edition of 1953, photo-revised 1979.

(5) "Myersville Quadrangle", edition of 1953, photo-revised 1971.

(6) "Smithsburg Quadrangle", edition of 1953, photo-revised 1971.

(7) "Waynesboro Quadrangle", edition of 1944, photo-revised 1968 and 1973.

(8) "Iron Springs Quadrangle", edition of 1953, photo-revised 1968 and 1973.

(9) "Scotland Quadrangle", edition of 1944, photo-revised 1968 and 1973.

(10) "Caledonia Park Quadrangle", edition of 1944, photo-revised 1968 and 1973.

(11) "Walnut Bottom Quadrangle", edition of 1952, photo-revised 1969 and 1977.

(12) "Dickinson Quadrangle", edition of 1952, photo-revised 1969 and 1977.

(13) "Mount Holly Springs Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(14) "Carlisle Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(15) "Mechanicsburg Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(16) "LeMoyne Quadrangle", edition of 1963, photo-revised 1972.

(17) "Steelton Quadrangle", edition of 1963, photo-revised 1972.

(18) "Harrisburg West Quadrangle", edition of 1969, photo-revised 1974.

(19) "Wertzville Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(20) "Sherman's Dale Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(21) "Landisburg Quadrangle", edition of 1952, photo-revised 1969 and 1977.

(22) "Andersonburg Quadrangle", edition of 1952, photo-revised 1969 and 1977.

(23) "Newville Quadrangle", edition of 1952, photo-revised 1969 and 1975.

(24) "Newburg Quadrangle", edition of 1966, photo-revised 1973.

(25) "Doylesburg Quadrangle", edition of 1966, photo-revised 1973.

(26) "Roxbury Quadrangle", edition of 1966, photo-revised 1973.

(27) "Fannettsburg Quadrangle", edition of 1966, photo-revised 1973.

(28) "St. Thomas Quadrangle", edition of 1944, photo-revised 1968 and 1973.

(29) "McConnellsburg Quadrangle", edition of 1944, photo-revised 1968 and 1973.

(30) "Mercersburg Quadrangle", edition of 1943, photo-revised 1968 and 1973.

(31) "Clear Spring Quadrangle", edition of 1955, photo-revised 1971.

(32) "Hedgesville Quadrangle", edition of 1979.

(c) *Boundary.* The Cumberland Valley viticultural area is located in Washington County in west-central Maryland and in Franklin and Cumberland counties in south-central Pennsylvania. The boundary is as follows:

Starting immediately west of the Town of Williamsport in Washington County, Maryland, at Lock 45 of the Chesapeake & Ohio (C&O) Canal National Historical Park and confluence of the Potomac River and Conococheague Creek (see Williamsport Quadrangle), the boundary proceeds in a southeasterly direction along the perimeter of the park on the northeastern bank of the Potomac River to the confluence of Antietam Creek and the Potomac River;

Then southeast on Limekiln Road which runs along the perimeter of the park from Antietam Creek to the intersection of Limekiln Road and Harpers Ferry Road;

Then northeasterly in a straight line approximately two miles to the 952-foot summit of Hawk's Hill;

Then northerly on a straight line approximately 2.5 miles to the intersection of Red Hill Road and Porterstown Road;

Then southeasterly along Porterstown Road to its intersection with Mount Briar—Trego Road;

Then southerly along Mount Brian—Trego Road to its intersection with Millbrook Road;

Then east along Millbrook Road to its intersection with State Route 67, approximately 0.5 mile north of Rohersville, Maryland;

Then directly east approximately 1.25 miles in a straight line to the 1,000-foot contour line of South Mountain;

Then in a north northeastly direction along the 1,000-foot contour line of South Mountain in Washington County, Maryland, and Franklin and Cumberland counties in Pennsylvania to the point on South Mountain where the 1,000-foot contour line crosses State Hollow Road (Rt. 233);

Then north along Rt. 233 to the point where it crosses the 750-foot contour of South Mountain;

Then east along the 750-foot contour line of South Mountain to the point southwest of the Mount Holly Springs Reservoir where Cold Spring Run, a tributary of Yellow Breeches Creek, crosses the 750-foot contour line, approximately 3 miles southwest of the town of Mount Holly Springs, Pennsylvania;

Then east northeast in a straight line approximately seven miles to Center Point Knob, elev. 1050 feet, approximately two miles southeast of Boiling Springs, Pennsylvania (see Mechanicsburg Quadrangle);

Then continuing east northeast in a straight line approximately six miles to the point where U.S. Rt. 15 crosses Yellow Breeches Creek, approximately one mile east of Williams Grove, Pennsylvania;

Then east and northeast in a meandering line along the north bank of Yellow Breeches Creek to its confluence with the Susquehanna River;

Then north along the west bank of the Susquehanna River, which forms the western portion of the corporate boundary line of the City of Harrisburg, Pennsylvania, to the point where the 300-foot contour line and the west bank of the Susquehanna River meet;

Then directly west to the 700-foot contour line of Blue Mountain overlooking the Susquehanna River;

Then along the 700-foot contour line of Blue Mountain as it meanders west and around McClures Gap,;

Then along the 700-foot contour line of Blue Mountain to the point were the 700-foot contour line crosses State Rt. 233;

Then northeast along Rt. 233 through Doubling Gap to the 1,000-foot contour line of Blue Mountain;

Then in a generally southwesterly direction along the 1,000-foot contour line of Blue Mountain into Franklin

County to the point where the 1,000-foot contour line meets the roadbed of the Pennsylvania Turnpike, Interstate 76;

Then along the roadbed of the Pennsylvania Turnpike to the east entrance of the Blue Mountain Tunnel;

Then in a straight line approximately 6.5 miles to the intersection of State Rt. 533 and the 1,000-foot contour line of Blue Mountain, approximately one mile west northwest of Upper Strasburg, Pennsylvania;

Then southwest along the 1,000-foot contour line of Blue Mountain to and along the 1,000-foot contour line of Broad Mountain;

Then along the 1,000-foot contour line as it meanders along and around Broad Mountain and Front Mountain to the point where the 1,000-foot contour line crosses Wilson Run near Franklin Furnace, Pennsylvania;

Then southwest in a straight line approximately 3.5 miles to Parnell Knob, elev. 2060 feet;

Then west northwest in a straight line approximately four miles to the point where the 1,000-foot contour line crosses Township Run near Cape Horn on Cove Mountain, approximately two miles north northwest of Fort Loudon, Pennsylvania;

Then southwest along the 1,000-foot contour line of Cove Mountain into and out of Cove Gap;

Then along the 1,000-foot contour line of Cove Mountain and Two Top Mountain in Franklin County, Pennsylvania, and Sword Mountain and Fairview Mountain in Washington County, Maryland, to the point on Fairview Mountain where the 1,000-foot contour line intersects the National Road (U.S. Rt. 40);

Then west along U.S. Rt. 40 approximately 0.5 mile to the intersection of U.S. Rt. 40 and Cove Road;

Then south in a straight line from the intersection of U.S. Rt. 40 and Cove Road approximately 1.25 miles to the intersection of McCoys Ferry Road and State Rt. 56;

Then south along McCoys Ferry Road to the perimeter of the C&O Canal National Historical Park along the Potomac River;

Then southeast along the perimeter of the C&O National Historical Park to the point of beginning.

Signed: February 22, 1985.

Stephen E. Higgins,

Director.

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BILLING CODE 4310-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

Permanent State Regulatory Program of Louisiana

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is proposing to modify the deadline for Louisiana to promulgate and submit rules governing the training, examination and certification of blasters. On January 22, 1985, Louisiana requested an extension of time to promulgate rules concerning blaster certification. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA of the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

DATE: Comments not received by April 1, 1985 at the address below, will not necessarily be considered.

ADDRESS: Written comments should be mailed or hand delivered to Mr. Robert Markey, Field Office Director, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markey, Field Office Director, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 745-7927.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Louisiana's program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On January 22, 1985, Louisiana requested an extension until May 31, 1986, to promulgate blaster certification rules.

The Louisiana Department of Natural Resources, Office of Conservation, the regulatory authority for Louisiana's program, advised OSM that the State would require the additional time in order to promulgate and submit proposed rules on blaster certification. The letter stated the first actual surface mining operations are not scheduled to begin until the third quarter of 1985. Further, as previously discussed with OSM, the State does not anticipate the need for blasting for surface mining operations in Louisiana. This is due to the physical nature of the unconsolidated overburden materials associated with coal and lignite in Louisiana. In the interim, Louisiana would recognize and accept as valid a current blasters certification legitimately obtained from any other State Regulatory Authority (or the Federal Government) having an approved blaster certification program pursuant to 30 CFR Part 850.

OSM is seeking comment on the State's request for additional time to promulgate rules concerning blaster certification. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements